BACKGROUND

The performance of abortions is generally illegal in Trinidad and Tobago under the Offences Against the Person Act of 3 April 1925, as amended. Any person who, with intent to procure the miscarriage of a woman, unlawfully administers to her any noxious thing or unlawfully uses any means is subject to four years’ imprisonment. A woman who undertakes the same act with respect to herself is subject to the same penalty. Any person who unlawfully supplies means to procure an abortion knowing that it is intended for that purpose is subject to two years’ imprisonment.

Nonetheless, under general criminal law principles of necessity, an abortion can be legally performed to save the life of a pregnant woman. Moreover, Trinidad and Tobago, like a number of Commonwealth countries, whose legal systems are based on the English common law, follows the holding of the 1938 English *Rex v. Bourne* decision in determining whether an abortion performed for health reasons is lawful. In the *Bourne* decision, a physician was acquitted of the offence of performing an abortion in the case of a woman who had been raped. The court ruled that the abortion was lawful because it had been performed to prevent the woman from becoming “physical and mental wreck” thus setting a precedent for future abortion cases performed on the grounds of preserving the pregnant woman’s physical and mental health.

Although statistics on abortion in Trinidad and Tobago are not accurate, the practice is believed to be widespread and abortion is a major cause of maternal mortality and hospital admissions.

The Government of Trinidad and Tobago considers the rates of fertility and population growth to be too high, and its population policy since the late 1960s has consisted primarily of a national family planning programme designed to lower fertility, reduce excessive pressure on natural resources and ease the resulting problems of housing, unemployment and unequal income distribution. The national family planning programme has focused on integrating maternal and child health and information and education programmes at the community level. Through the Health Sector Reform Programme, the national health system in Trinidad and Tobago has been further decentralized. As a result, well over 100 government health centres offer family planning as a part of their maternal and child health care programme.