

Malaysia

# Zika virus outbreak triggers questions on abortion laws

BY JERRY CHOONG  
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Pietro Rafael, who has microcephaly, reacts to stimulus during an evaluation session with a physiotherapist at the Altino Ventura rehabilitation center in Recife, Brazil. — Reuters pic

PETALING JAYA, Feb 2 — A dilemma is emerging on whether laws for abortion should be less stringent in view of the Zika viral outbreak, Malaysian Medical Association president Dr Ashok Philip said.

“As a society, we must seriously consider whether to liberalise abortion in Malaysia or provide more social support to women and their families if the foetus is found to be abnormal,” he said.

“It should be up to the woman.”

Health Minister Datuk Seri Dr S. Subramaniam said on Sunday doctors were bound by medical ethics to inform patients of the risks affecting pregnancies so that informed decisions could be made.

His comments came in the wake of the recent decision by a group of Brazilian lawyers, scientists and activists to submit a petition to the country’s Supreme Court by the end of March, requesting that women who contracted the virus be allowed to terminate their pregnancies if they chose to.

Dr Ashok said views on abortion tended to be influenced by factors such as religion.

“In the case of Brazil, abortion is largely prohibited because it is a predominantly Roman Catholic nation,” he said.

Article 128 of Brazil’s Criminal Code allows for abortion if the mother’s life is in danger or if the pregnancy is a result of rape.

Malaysia’s Penal Code Section 312 requires the procedure to be done by a doctor registered under the Medical Act 1971, and only under the circumstances where there is a risk of injury to the physical and/or mental health of the woman.

The United States Centre for Disease Control states that there have been reports of a serious birth defect of the brain called microcephaly besides other poor pregnancy outcomes in babies of mothers infected with the virus while pregnant.

Microcephaly is a when a baby’s head is smaller than expected when compared to babies of the same sex and age.

Individuals are generally expected to have lower life expectancy with poor brain function.

The virus is believed to have caused an increase of babies born with microcephaly in Brazil although there have been no definitive studies on the link.

There has been 270 confirmed cases and 3,448 more being investigated.

Dr Ashok said the neuro developmental disorder microcephaly can be detected during the pregnancy via ultrasound although the condition was rare in Malaysia.

“Malaysia is not ready to support families with infants who have microcephaly,” he said.

“The question is, will a doctor undertake the risk of performing a non-life threatening abortion and face prosecution from the authorities?”

Gynaecologist Dr H. Krishna Kumar said the law was clear on the subject of abortion.

“Even in permissible instances, if the woman happens to die during the procedure the doctor can be charged with manslaughter,” he said.

“What is important is informed consent, a cornerstone for all medical aspects. The patient must verbally affirm she understands all the factors involved. Even a signed document is of little use since she must be present to confirm it, which would be impossible for obvious reasons.”

Johor Empowerment of Intellectual Woman Association (Jeiwa) adviser Dr Sharifah Halimah Jaafar, in acknowledging the limited options women have for terminating pregnancies in the country, said doctors who detected birth defects in foetuses would normally recommend an abortion.



“Presently Zika and even microcephaly are largely mysteries, save for postulations based on what little is known. We do not even know the depth of its impact on intellectual deficiency or motor function,” the gynaecologist said.

“The earliest it can be determined is when the child is at least one to two years old, assuming it lives long enough.”

Dr Sharifah Halimah said non-governmental organisations like Jaiwa were constantly pushing to improve abortion-related laws.

“It should also be extended to non-life threatening unwanted pregnancies, since I do not hold it to be a moral or even religious consideration, but the fundamental reproductive right of Malaysian women,” she said.