

April 25, 2026

PRESS STATEMENT

COURT OF APPEAL RULING ON ABORTION IS RELIGIOUSLY INCLINED

The Atheists in Kenya Society strongly condemns the recent Court of Appeal judgment that effectively equates abortion with murder and declares it unconstitutional. This ruling represents a dangerous regression in the protection of fundamental rights and a troubling intrusion of religious morality into constitutional interpretation.

We affirm that access to safe and legal abortion is a matter of personal autonomy, bodily integrity, and public health—not criminality. By framing abortion as murder, the Court disregards the complex medical, social, and economic realities that compel individuals to seek such services. This decision will not end abortion; it will only make it unsafe, pushing vulnerable women and girls toward clandestine procedures that risk their lives.

Kenya's Constitution, under Article 26(4), already provides clear and limited circumstances under which abortion is permissible, particularly when the life or health of the mother is in danger. Any interpretation that seeks to erase or undermine this provision is not only legally flawed but also inconsistent with the broader framework of rights, including dignity, privacy, and freedom from cruel and inhuman treatment.

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We are particularly concerned that this ruling appears to be influenced by religious dogma rather than grounded in secular constitutional principles. Courts in a democratic society must serve all citizens, regardless of their beliefs, and must not impose a singular moral viewpoint on a diverse population.

We stand firmly in support of reproductive rights and the principle of choice. Individuals must have the freedom to make decisions about their own bodies without fear of criminalization or state coercion.



Harrison Mumia
President, Atheists In Kenya Society

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