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**Question**

A 30-years-old lawyer, Charity, is happily married and has a good income. She has just discovered she is pregnant. She does want children at some point but has also just been nominated for promotion at work. She knows she would not get the promotion if she told her boss she was pregnant.

She decides that, at this time in her life, the promotion is more important to her than having a baby. She consults her general practitioner (GP) a few weeks later, having finally decided that she would like to have an abortion. She asks the GP about whether she has a right to an abortion.

a. What are the grounds for a lawful termination of pregnancy?

b. Does the potential father have any legal rights in this decision?

**Answer**

1. Abortion can be defined as the artificially induced expulsion of an embryo or foetus and this consists of the expulsions of the immature product of conception.

The grounds for the lawful termination of pregnancy are in circumstances such as;

1. Where the pregnancy if continued would endanger the life of the woman which is provided under **Section 297 of the Criminal Code.** Therefore the termination of pregnancy would be necessary to prevent grave and permanent injury to the physical or mental health of the pregnant woman.
2. In situations where the child would be born seriously and harmfully handicapped, or when the child would suffer physical abnormalities when born.
3. In cases where the pregnancy is as a result of rape or incest.
4. In circumstances where the foetus or the unborn child is not capable of being born alive.

In Nigeria, abortion is illegal and carries a stiff jail sentence for up to 14 years. Abortion is governed by the criminal code and the Penal code in Nigeria. In the case of **R v Idiong and Umo** the accused were guilty of committing murder through abortion. Therefore Charity she does not have the right to an abortion as it is a crime by virtue of **Criminal Code Act S. 228, 229, 230**

1. The potential father does not have any legal right in this decision except in situations where the wife is unable to make informed decisions on her own then her husband would be required to give an advance directive on her behalf.