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MATRIC NUMBER: 15/LAW01/112

COURSE TITLE/CODE: HEALTH LAW/ LPB 514

ASSIGNMENT.

1a) What are the grounds for a lawful termination of pregnancy?

1b) Does the potential father have any legal rights in this decision?

1a) There is a lot of controversy which surrounds the termination of pregnancy, which is also called abortion. There is an argument on one hand that God is the one who gives life and such life begins at conception; therefore a deliberate destruction of the embryo or the foetus is equal to killing a human. While on the other hand, some people are of the belief that a foetus only has moral rights and claims as it develops in the womb. Abortion is therefore the removal of an embryo or foetus from the uterus, in order to put an end to a pregnancy.

The crux of the arguments for and against abortion relates to the understanding of the moral acceptability, restriction, justification under the law, and the viability of the procedure. Abortion in Nigeria is illegal and carries a heavy jail sentence--up to 14 years imprisonment--unless it is performed to save the life of the pregnant woman.  Abortion is governed by the Criminal Code in the southern states, and the Penal Code in the northern states.

In the Criminal Code Act, abortion laws are expressed within sections 228, 229, and 230. Section 228 states that any person providing a miscarriage to a woman is guilty of a felony and up to 14 years of imprisonment. Section 229 states that any woman obtaining a miscarriage is guilty of a felony and up to imprisonment for 7 years. Section 230 states that anyone supplying anything intended for a woman's miscarriage is also guilty of a felony and up to 3 years of imprisonment.

It is trite law that to every general rule, there is an exception; this applies also to the termination of pregnancy. In Nigeria, abortion becomes lawful in the following instances:

1. Where the birth of the foetus/ embryo will cause serious harm to the mother
2. Where upon the birth of the child, the child will be handicapped
3. Where the pregnancy is as a result of rape or incest(between family members)
4. Where the abortion is done by a certified medical practitioner.

However, for the points above to be applied, it must be shown that the pregnancy has not exceeded its 20th week. In Charity’s case, she has no justification for the termination of her pregnancy.

1b) One of the most important rights a woman has is the right to autonomy especially in relation to her body. The effect of this is that she can make decisions on her body without any external influence. In the case of a married woman, to terminate her pregnancy, she needs the consent of her husband, who is the potential husband. One reason for this may be because when a man and woman get married, they become one; another reason for this may be because the husband who is the potential father also owns the child. In this situation, Charity’s husband, who is the potential father has legal rights in this decision, because they make a joint decision.