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

There is no law without exceptions. This means that there are exceptions to the law of abortion.

The following are grounds for lawful termination of pregnancy.

1. That the pregnancy has not exceeded its 20th week and the continuing of pregnancy would endanger the life of the pregnant woman *( section 297 Criminal Code Act)*
2. That the termination of pregnancy is necessary to prevent grave permanent injury to the pregnant woman
3. That the continuance of the pregnancy would involve risk to the life of the pregnant greater than if pregnancy were terminated
4. That there is a substantial risk that if the child were born it would suffer from physical or mental abnormalities as to be seriously handicapped
5. Where the pregnancy is a result of rape or incest.

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

From the legal exceptions listed above “NO” the potential father has no legal right in the decision. Why? This is because of firstly the “right to autonomy”. Procreative autonomy is a woman’s freedom to terminate a pregnancy.

The principle of autonomy is the right of a patient to make decision about their medical care without any influence. This principle therefore, applies to the pregnant woman to make any decision, which must be respected by the medical practitioners. The potential father may have a moral right because he is the father of the unborn child but he does not have a legal right because, he cannot bring any kind of action in court pertaining to the decision of the mother to terminate the pregnancy, more especially if the decision of the woman to terminate the pregnancy was formed from the basis of the exceptions listed above, which are legal grounds to the termination of pregnancy, the father has no say to it or legal right.