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* Question: A) what are the grounds for a lawful termination of pregnancy
* B) does the potential father have any legal rights in this decision.

Introduction

Firstly, what are reproductive rights ? Reproductive rights are the rights of individuals to decide whether to reproduce and have reproductive health. This may include an individual’s right to plan a family, terminate a pregnancy, use contraceptives, learn about sex education in public schools and gain access to reproductive health services. Additionally, in the U.k the supreme court has recognized it as son of the reproductive rights which include legal right to legal and safe abortions, the right to birth control and contraception;[[1]](#footnote-0) the rights to access good quality reproductive healthcare and the right to educate and access in order to make free and formed reproductive choices.

**What is Abortions?** Abortion is defined as the continuation of a pregnancy before attainment of viability. In[[2]](#footnote-1) other words, the termination of pregnancy before

The fetus is capable of independence existence On its sown (i.e.miscarriageorspontaneousabortion)orintentionally(i.e.induced abortion

1. What is the issue in the above question. The issue in question is that is a woman allowed to terminate/abort a pregnancy as a part of her reproductive right? Another issue could be if the woman, Mrs. Charity is up to age to abort because in some countries abortion which is legal depends on the age of the pregnant woman carrying it. In attending to this issue, a woman can and may be allowed to abort or terminate a pregnancy only if it is legal and accepted in such country. However, following from the above definition of reproductive rights of a woman which includes legal right to abort a pregancy does not apply in countries such as Nigeria by the criminal code and penal code, Philippines by the penal code of 1875 and malta. I will be focusing more I will be discussing about Nigeria as it is the law applicable here. Although Mrs. Charity who is 30years is up to age but still can’t abort as it is illegal in Nigeria which we are using as a case study to this question.

The law applicable here is the Nigerian law because the question in issue was raised in Nigeria and according to the law regarding abortion in Nigeria, abortion is illegal and this can be seen in the penal code applicable to the south and the criminal code applicable in the North.

The Criminal Code is currently enforced in southern states. The abortion laws of the Criminal Code are expressed within sections 228, [[3]](#footnote-2)229, and 230.[[4]](#footnote-3) 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[[5]](#footnote-4) 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. The Penal Code operates in northern states, with abortion laws contained in sections 232,[[6]](#footnote-5) 233[[7]](#footnote-6), and 234. [[8]](#footnote-7)The sections of the Penal Code parallel the Criminal Code, besides the exception for abortion with the purpose of saving the life of the mother. The Penal Code's punishments include imprisonment, fine, or both. The offenses of these codes are punishable regardless of whether the miscarriage was successful. No provisions have been made to the Criminal Code making exceptions for the preservations of the mother's life. However, the cases of Rex vs Edgar and Rex v Bourne have made it generally accepted that abortion performed to preserve the mother's life is not an appropriate transgression of the Criminal Code. 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.

Therefore, the only exception raised from the above provision is that if the child becomes life-threatening to the mother just like in the case of of R v . Bourne [[9]](#footnote-8) decided

under a similar provision, indicates that the preservation of the mother’s

life should include safeguarding her physical and mental health. In that case, a leading gynecologist, Dr. Aleck Bourne, tested the law by openly inviting the police to prosecute him for performing an abortion on a 14 year-old girl who had been raped. The Court acquitted him on the grounds that he acted in good faith to preserve the life of the woman who might otherwise have become a “physical and mental wreck”. In other words, the abortion of a pregnancy of a 14-year-old resulting from rape was to safeguard her physical and mental health and therefore, to preserve the life of the mother. From the above, we cab say that Mrs. Charity cannot abort her pregnancy as the only reason is because she was to be promoted and not because its life-threatening to her so if she go ahead she will be liable accordingly depending on which state she is in in Nigeria as abortion is illegal in Nigeria and also her own pregnancy is not a life-threatening one.

However, if she was in another country where abortion is legal like in Canada where a portion is legal in all states and in whatever stage of the pregnancy by the canda health act[[10]](#footnote-9) then she can go ahead to terminate the pregnancy do whatever reason. Similarly, in England, Scotland and Wales the abortion act 1967 permits women to have an abortion up to 23weeks of pregnancy therefore it is different from the Canada law as in Canada you can abort whatever stage.[[11]](#footnote-10) In the case of R v. Idiong and Umo,"[[12]](#footnote-11) the 2 defendants had been convicted of murder on the grounds that the 1st accused had obtained the services of the 2nd accused, a native doctor, to give native medicine to bring about an abortion. The abortion resulted in the woman's death. Therefore the 1st accused was party to the crime. The West African Court of Appeal found that the 2nd accused had acted innocently believing that the medicine would relieve pain that the dead woman suffered from a retained placenta. He gave an abortifacient for expulsion of the placenta. He was found "not guilty" of murder and manslaughter. The 1st accused was found criminally responsible for causing the abortion, but was found not guilty of murder. He was guilty of manslaughter.

1. Does the potential husband have rights in this decisions

Whether a male has a legal right to advance his personal interest, whether it be toward [abortion](https://en.wikipedia.org/wiki/Abortion" \o "Abortion), [fatherhood](https://en.wikipedia.org/wiki/Father" \o "Father), or [adoption](https://en.wikipedia.org/wiki/Adoption" \o "Adoption), over that of the female, differs by region.

In 2011, it was reported that [Indonesia](https://en.wikipedia.org/wiki/Indonesia" \o "Indonesia), [Malawi](https://en.wikipedia.org/wiki/Malawi" \o "Malawi), [Syria](https://en.wikipedia.org/wiki/Syria" \o "Syria), [United Arab Emirates](https://en.wikipedia.org/wiki/United_Arab_Emirates" \o "United Arab Emirates), [Equatorial Guinea](https://en.wikipedia.org/wiki/Equatorial_Guinea" \o "Equatorial Guinea), [Kuwait](https://en.wikipedia.org/wiki/Kuwait" \o "Kuwait), [Maldives](https://en.wikipedia.org/wiki/Maldives" \o "Maldives), [Morocco](https://en.wikipedia.org/wiki/Morocco" \o "Morocco), [South Korea](https://en.wikipedia.org/wiki/South_Korea" \o "South Korea), [Saudi Arabia](https://en.wikipedia.org/wiki/Saudi_Arabia" \o "Saudi Arabia), [Japan](https://en.wikipedia.org/wiki/Japan" \o "Japan), [Taiwan](https://en.wikipedia.org/wiki/Taiwan" \o "Taiwan) and [Turkey](https://en.wikipedia.org/wiki/Turkey" \o "Turkey) all had laws which required that an abortion first be authorized by the woman's husband. However, in some countries, this stipulation could be bypassed or overridden if there is genuine concern for maternal health

Yes, the potential husband have the rights in this decision. Although the woman is the carrier of this child and has more rights regarding this abortion but the father’s opinion is still needed as it is both of them who own the child and it will only be unfair for the woman to go ahead and abort the child without the father’s own take on this. However, only if the father has not been a part of the whole pregnancy journey and from the scenario, we can see that Mrs Charity is happily married and pregnant so the father has been by her side so he has the right to make his own decisions concerning the abortion.

**Conclusion**

In conclusion , abortion which is a part of the reproductive right of a woman is legalized in Some countries as humans should have autonomy over their body but at the same time is not legal in other countries like Nigeria. However they have been debates and arguments in legalizing abortion in Nigeria as well as in other countries in which it is not legalized but hasn’t been successful because it is said that if abortion is legal, it will lead to murder which will go against section 33 [[13]](#footnote-12)of the 1999 constitution as amended that every citizen has the right to life even a fetus/child is not left out in this. Also if abortion is allowed it will lead to high risk of death of the pregnant woman.

**Recommendations**

I the writer will recommend that abortion should be legal in Nigeria due to:

* 1. Poverty:- Nigeria which happens to be one of the poorest contries in Africa is highly affected by poverty and with this Some mothers are poor and wont have eh it takes to take care of another child coming in .
  2. Unsafe abortion: despite abortion is not legal in nigeria, women still go ahead to terminate their pregancy using quack doctors which result to death. The death increase as a result of abortion is becoming rampant.

I suggest that instead of having going through an unsafe abortion and giving birth during hard times due to the fact that abortion is not legal is better for the Nigerian government should remove the legal barriers to abortion services and ensure that safe and high quality abortion services are accessible to all women to the full extent of the law. An absolute prohibition of abortion violates a woman’s fundamental right to the highest attainable standard of health, life, non-discrimination, physical integrity, and freedom from cruel, inhuman, or degrading treatment. Nigeria could adopt liberalized access to abortion based on the gestational age of the foetus, as is the case in some other African countries like South Africa. In countries in which abortion is legally restricted, women seek abortions clandestinely, under conditions that are medically unsafe and seriously life threatening.

**References**

The penal code

The criminal cod**e**

1999 constitution of the federal republic of Nigeria

1. https://family. Find law.com accessed on 18 April, 2020 [↑](#footnote-ref-0)
2. We Black law’s dictionary (Bryan A,Garner Ed, 8th Ed 2004) The International Webster’s Comprehensiv9e Dictionary of the English language. Encyclopedia Edition. [↑](#footnote-ref-1)
3. S. 288 cc [↑](#footnote-ref-2)
4. S. 230 cc [↑](#footnote-ref-3)
5. S.229 cc [↑](#footnote-ref-4)
6. S. 232 PC [↑](#footnote-ref-5)
7. S. 233 PC [↑](#footnote-ref-6)
8. S. 234 PC [↑](#footnote-ref-7)
9. R v Bourne(1935)3 All E.R 615(eng). [↑](#footnote-ref-8)
10. <https://en.m.Wikipedia.org> accessed on the 18 April,2020. [↑](#footnote-ref-9)
11. Okagbue.stud Fam Piann.Jui. ‘Pregnancy termination and the law in Nigeria’. [↑](#footnote-ref-10)
12. R v idiong and umo [↑](#footnote-ref-11)
13. S. 33 1999 constitution as amended [↑](#footnote-ref-12)