NAME: FATOLU OYINDAMADE MARY

MATRIC NUMBER: 15/LAW01/081

LEVEL: 500LEVEL

COURSE: HEALTH LAW

QUESTION:

1. Termination of pregnancy: 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.

1. What are the grounds for a lawful termination of pregnancy?
2. Does the potential father have any legal rights in this decision?

ANSWERS.

A.

Shedding light on the above case scenario, the term “Abortion” must be defined:

**Definition of abortion**: Abortion is the ending of a pregnancy by removal or expulsion of an embryo or fetus before it can survive outside the uterus.[[1]](#footnote-1)

1. The legal issue for analysis in the above case scenario is if an upcoming promotion is a good enough reason for charity to terminate her pregnancy.

In relation to the above case scenario the grounds for a lawful termination of pregnancy must be discussed effectively.

Furthermore, it is pertinent to note that the penal code does not give a concise definition of the term abortion. It can however be defined as the ending of a pregnancy by removal or expulsion of an embryo or fetus before it can survive outside the uterus.[[2]](#footnote-2)

The following are the lawful grounds for termination of an abortion:

1. Where the child when born would be seriously handicapped.
2. Where the continued pregnancy would endanger the life of the mother
3. Where the pregnancy was a result of a rape or incent
4. Where two registered medical practitioners are of the opinion formed in good faith.
5. That the termination of the pregnancy is necessary to prevent grave permanent injury to the physical or mental health of the pregnant woman.
6. That the pregnancy has not exceeded 20 weeks and continuing the pregnancy would invoke risk greater than if the pregnancy were terminated.
7. Circumstances where the fetus or unborn child is not capable of being born alive.
8. 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.

In conclusion, charity does not have a right to an abortion considering all of the above grounds laid down legally for an abortion.

B. In Nigeria, there is no particular law stating that father of an unborn child has the right to determine if the pregnancy will be terminated or not. The choice to deliver or terminate an unborn child depends solely on the woman.

However, it may differ in other jurisdictions. In South Africa for example abortion is legalized unlike Nigeria.

1. <https://en.m.wikipedia.org> [↑](#footnote-ref-1)
2. <https://en.m.wikipedia.org> [↑](#footnote-ref-2)