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***NAME*: AJISAFE OLUBUKOLA VICTORIA**

**MATRIC NUMBER: 15/LAW01/023**

**COURSE: HEALTH LAW**

**COURSE CODE: LPB 514**

**DATE: 20TH OF APRIL 2020**

**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.**

**Questions**

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

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

Generally speaking**,** Abortion is a crime in Nigeria under the Criminal Code under sections; 228, 229, 230

**228.** Attempts to procure abortion.

Any person who, with intent to procure miscarriage of a woman whether she is or is not with child, unlawfully administers to her or causes her to take any poison or other noxious thing, or uses any force of any kind, or uses any other means whatever, is guilty of a felony, and is liable to imprisonment for fourteen years.

**229.** Attempt to procure own miscarriage.

Any woman who, with intent to procure her own miscarriage, whether she is or is not with child, unlawfully administers to herself any poison or other noxious thing, or uses any force of any kind, or uses any other means whatever, or permits any such thing or means to be administered or used to her, is guilty of a felony, and is liable to imprisonment for seven years.

**230.** Supplying drugs or instruments to procure abortion.

Any person who unlawfully supplies to or procures for any person anything whatever, knowing that it is intended to be unlawfully used to procure the miscarriage of a woman, whether she is or is not with child, is guilty of a felony, and is liable to imprisonment for three years.

Abortion is therefore illegal and it is punishable under the law except for some exceptions; Abortion becomes legal and permitted in very limited circumstances such as:

* **where the continued pregnancy would endanger the life of the woman(297 Criminal Code Act)**
* **Where the child when born would be seriously handicapped**
* **Where the pregnancy is a result of rape or incest**

**The legal issues to determine in this case is whether;**

1. She( Charity) has a right of autonomy to decide whether to have an abortion

Autonomy is the capacity to think, decide and act on the bases of such thought and decision freely and independently and without hindrance.

Autonomy in health law means; the right of patients to make decisions about their **medical** care without their **health** care provider trying to influence the decision.

Patient **autonomy** does allow for **health** care providers to educate the patient but does not allow the **health** care provider to make the decision for the patient.

Under a patients right to Autonomy;

* Every adult person has a right to decide whether to have children or not.

There is also Proactive Autonomy;

* Every adult person has a right to decide whether to have children or not

1. Whether she (Charity) can exercise her right of dignity

This is the right of a person to decide what happens to their bodies

* The right to bodily and psychological integrity includes the right to make decisions concerning reproduction

1. To determine whether an unborn child also has its Right

Child’s Rights Act, section 17‘(1)

A child may bring an action for damages against a person for harm or injury caused to the child wilfully, recklessly, negligently or through neglect before, during or after the birth of that child’.

Before an unborn child could be regarded as a person capable of being killed two conditions must be present:

* The child must be completely extruded from his mother’s womb
* The child must have an independent existence from that of the mother

In conclusions, a Person is someone who can make choices, is self-aware, understands the consequences, etc. then a foetus is clearly not a person and has no claim to right to life.

But however since in Nigeria such act is regarded as a crime and therefore punishable under the law, Charity therefore does not have the right to terminate her pregnancy except in some exceptions which have already been stated above and since her own case does not fall into any of this exceptions, Charity cannot therefore exercise her right of reproduction as regards termination of pregnancy