NAME: OKINBALOYE GLORY IFEJESU

MATRIC NUMBER: 150/LAW01/150

1. The legal issue is to determine whether Charity has a right to abortion depending on the grounds for a lawful abortion.

By virtue of Section 228, 229 and 230 of the Criminal Code of Nigeria, abortion is a crime and therefore illegal in Nigeria. However, there are certain exceptions to the rule or law that abortion is a crime and thus illegal thereby making abortion in such instances legal.

Abortion is permitted in very limited circumstances such as;

1. Section 297 of the Criminal Code Act provides that when the pregnancy would endanger the life of the woman, abortion in such as case would not be deemed illegal.
2. Where the child given birth to will be seriously handicapped
3. Where the pregnancy is as a result of rape or incest
4. Where the pregnancy is terminated by a registered medical practitioner.
5. Where two registered medical practitioners are of the opinion formed in good faith that;
6. that the pregnancy has not exceeded its 20th week and continuation of the pregnancy would involve risk to the life of the pregnant woman greater than if the pregnancy were terminated.
7. If it would also present grave permanent risk to the physical or mental health of the pregnant woman.
8. There is substantial risk that if the child born were born, it would suffer from physical or mental abnormalities as to be seriously handicapped.

Following from the above grounds, we can see that Charity is not eligible for abortion as her reason for wanting to terminate the pregnancy flows from wanting a promotion at work and such ground is not covered or deemed at law as an exception to the illegality of the crime of abortion. Thus, if Charity carries put the abortion based on such ground that she has proposed, she will be found guilty of the crime of abortion.

1. Every individual has his or her right to autonomy which is the capacity to think, decide, and act on the bases of such thought and decisions freely and independently and without hindrance. A pregnant woman has the right or freedom to terminate a pregnancy without influence from 3rd parties. This is called Procreative autonomy. Thus, Charity’s husband the potential father has to legal right over the unborn child. The child and the mother are regarded as one and thus, she has the right to decide to terminate the pregnancy provided it is provided for as an exception to the rule that abortion is a crime.