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COURSE TITLE: HEALTH LAW II

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ASSIGNMENT

1. Termination of pregnancy:

A 30-year old lawyer, Charity, is happily married and has a good income. She has just discovered she is pregnant. She does not 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?

ANSWER

A.

The issue in the above scenario is bordered on Abortion: on what grounds can abortion be lawful.

Abortion is defined generally defined as an intentional expulsion of the product of conception any moment from conception up till the birth of the child. In Nigeria, it is a known general rule that abortion is a crime; sections 228-230 of Criminal Code Act make it illegal. There are certain situations or circumstances in which abortion can be termed legal or allowed but they are limited. They are as follows:

1. Where the pregnancy if carried to its full term of 9 months would endanger the life of the woman; as seen in section 297 of Criminal Code Act.
2. Where the child if given birth would be seriously handicapped.
3. Where the pregnancy is as a result of rape or incest.

4. If the abortion is done by a registered medical practitioner.

4. If after an extensive consultation and medical check-up by two registered medical practitioner and they are of the opinion formed in good faith that;

- That the continuing of the pregnancy invokes a greater risk than if it was to be terminated and the pregnancy has not exceeded its 20th week.
- The termination of the pregnancy is necessary to prevent a grave permanent injury to the physical or mental injury of the pregnant woman.
- That the continuance of the pregnancy would involve risk to the life of the pregnant woman greater than if the pregnancy were terminated.
- That there is substantial risk that if the child were born it would suffer from physical or mental abnormalities as to be seriously handicapped.

In the scenario, Mrs. Charity doesn't have the right to commit an abortion. She will be going against the laws of the state, if she does one. Firstly, she doesn't fall under any of the circumstances listed above where abortion can be legally done. She wants to end the life the foetus just because of promotion at work which isn't reasonable. Secondly, the pregnancy shouldn't exceed its 20th week if it is to be terminated; we are told she consulted her general practitioner after a few weeks which can imply after or before 20 weeks.

In conclusion, she doesn't have the right to terminate her pregnancy in accordance with the laws of the Criminal Code Act.

B.

Basically there is no law over whether a man has autonomy over whether a woman can abort or not. It is basically a woman's right to have autonomy over her body, whether to abort or not. The man does not a legal right over this decision. There are issues to consider or thoughts to decide when it comes to whether a woman has procreative autonomy to terminate a pregnancy or not, for instance at what point does a foetus become an unborn child, also what point of development would a foetus gain a right to life and is abortion legal or illegal in that state.

In conclusion, a man or potential father does not have a legal right over the decision whether a woman can terminate her pregnancy or not.