

DESK REVIEW OF EXISTING SEXUAL AND REPRODUCTIVE HEALTH AND RIGHTS POLICIES AND LAWS THAT INCLUDE ABORTION IN LAGOS STATE

Lagos State is located in the South-West geopolitical zone of Nigeria. Lagos is known to be the smallest state in Nigeria based on landmass. However, judging by landmass, the state happens to be one of the most populated states in the country. When it comes to healthcare, it is observed that most of the residents in Lagos do not rely on their public healthcare facilities because the facilities are mostly below average, underequipped and are not adequately funded for optimal services. However, private healthcare facilities in the state offer better standard of health services. Foreign investors and donors collaborate more with private healthcare facilities in the state for healthcare programming.

Sexual and reproductive health services including abortions are championed by the private healthcare facilities in the state. Safe and standard abortion services can assuredly be procured from facilities like Maries Stopes Clinic, International SOS Clinic, Feetal Hospital and Diagnostics, etc. However, the laws and policies governing the state still stands as a barrier for residents to easily access these services. As a state in the South-West zone, abortion in Lagos is guided by the Criminal Code Act, Chapter 77 of the Laws of the Federation of Nigeria (1990), Articles 228-230, 297, 309, 328.

The laws are as follows:

Article 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.

Article 229: Attempt to procure own miscarriage.

Address:

Box office, 215 Konoko Crescent
(Discovery Mall), off Ademola Adetokumbo, Wuse 2 Abuja

Telephone:

+234 902 905 5318
hello@yncsd.org



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.

Article 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.

The offender cannot be arrested without warrant.

Article 297: Surgical operations.

A person is not criminally responsible for performing in good faith and with reasonable care and skill a surgical operation upon any person for his benefit, or upon an unborn child for the preservation of the mother's life, if the performance of the operation is reasonable, having regard to the patient's state at the time and to all the circumstances of the case

Article 309: Death by acts done at childbirth.

When a child dies in consequence of an act done or omitted to be done by any person before or during its birth, the person who did or omitted to do such act is deemed to have killed the child.

Article 328: Killing an unborn child.

Any person who, when a woman is about to be delivered of a child prevents the child from being born alive by any act or omission of such a nature that, if the child had been born alive and had then died, he would be deemed to have unlawfully killed the child, is guilty of a felony, and is liable to imprisonment for life

Address:

Box office, 215 Konoko Crescent
(Discovery Mall), off Ademola Adetokumbo, Wuse 2 Abuja

Telephone:

+234 902 905 5318
hello@yncsd.org

Besides the provision of the criminal code act on abortion in the state, Lagos has Christianity and Islam as the major religions and both religions have a bias towards abortion. Traditionally, the south-western cultures attach a strong moral sentiment to abortion.

The legal restriction on abortion, high costs of standard abortion services, poor access to safe health services, and social stigma from society are barriers, that prevent women from accessing safe and legal abortion. Estimates show that unsafe abortions are responsible for 5,000 maternal deaths every year or an average of 14 maternal deaths each day in Nigeria. Undeserved/poorer women, less educated women, and rural women are most affected by these challenges.

The Lagos Ministry of Health have recently began disseminating the 2011 Criminal Code, which allows for legal abortion to protect the physical health and life of a woman and requires that safe abortion services be provided within the full extent of the law. Opportunities also exist to adopt the nationally approved clinical guidelines on safe abortion for legal indications and the 2015 Violence Against Persons Prohibition (VAPP) Act. The VAPP Act protects girls, women, and marginalised communities from abuse, and ensures comprehensive medical services for victims of rape and incest.

Developed with the input of advocates, medical and legal experts, and the Lagos State Ministry of Health, this resource makes the case for:

- (1) Public and private health facilities to operate within the full extent of the law,
- (2) Adapting the VAPP act, and
- (3) Pushing forward new legal and health system reforms.

In taking these steps, Lagos can set an example for the rest of the country by improving access to safe abortion and averting preventable deaths.

Lagos state currently has more facilities than every other state in the country that provides safe medical and surgical abortions according to what the law allows. This may be because Lagos state seems to be more receptive to international sexual and reproductive health and rights interventions

Address:

Box office, 215 Konoko Crescent
(Discovery Mall), off Ademola Adetokumbo, Wuse 2 Abuja

Telephone:

+234 902 905 5318
hello@yncsd.org

and programmes as well as being an epicentre of diverse partners pushing for improved sexual and reproductive health and rights services including access to safe abortion.

KEY POINTS/RECOMMENDATION

Based on the background information gathered above with the situation of abortion in the state, the following are recommendations to support access to safe abortion services in the state:

Review of the legal restriction on Abortion in Lagos State.

When carried out by a skilled provider in well-equipped health facilities, abortion is very safe. There is a strong association between availability of abortion services and safety and survival of women. When legal restrictions are removed, the number of deaths from complications of induced abortion, becomes significantly reduced. It is therefore, required that the law be reformed to prevent Nigerian women from dying from unsafe induced or poorly managed abortions.

The law should make provision for easy access to safe abortion services to anyone seeking it and that abortion is treated like any other health care service.

The state government can support to create access to safe abortion services by:

- i. Providing knowledge about sexuality to young people so that they can take responsibility of their actions.
- ii. Establishing easily accessible adolescent reproductive health centres, such as the youth friendly centres, where medical confidentiality will be ensured.
- iii. Provide facilities for sharing essential information to youth such as through telephone calls, text messages and mails. This is to increase availability and accessibility to quality reproductive health services.

Address:

Box office, 215 Konoko Crescent
(Discovery Mall), off Ademola Adetokumbo, Wuse 2 Abuja

Telephone:

+234 902 905 5318
hello@yncsd.org

- iv. Provide referral for clients to the health care delivery system. This will support, confidentiality, less stigma and easy access to care for youths who want to access abortion services.
- v. Provision of access to contraceptives services, sexual education, safe abortion procedures, treatment for abortion complications.
- vi. Treating access to abortion as access to involving best practices in service delivery, training of providers, development of evidence-based guidelines, and applying existing laws to deal with any dangerous or negligent practices.



Address:

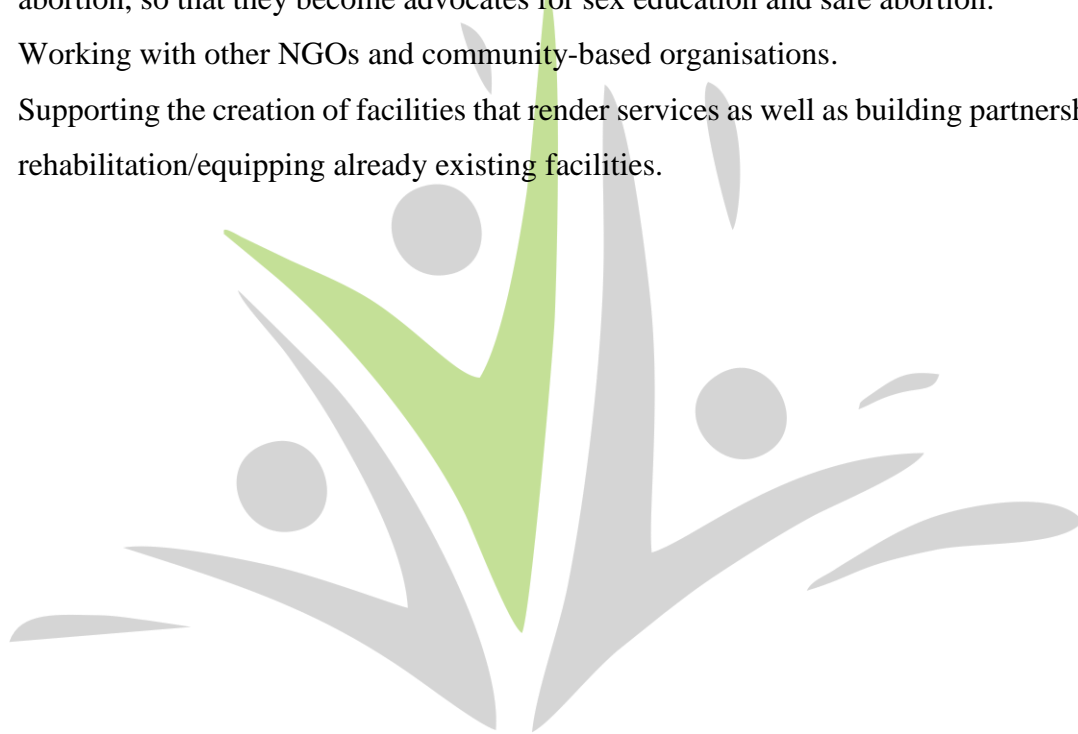
Box office, 215 Konoko Crescent
(Discovery Mall), off Ademola Adetokumbo, Wuse 2 Abuja

Telephone:

+234 902 905 5318
hello@yncsd.org

Yncsd can support in the state by:

- i. Targeted advocacy to active players and policy makers to influence policy change and or improvement on abortion services in the state.
- ii. Media sensitisation: educating journalists about the scope of unsafe abortion and its consequences. The media have the power to influence law and policy. This will enable the education of the public about the consequences of unsafe abortion.
- iii. Training advocates and capacity building on reproductive health, sexuality and induced abortion, so that they become advocates for sex education and safe abortion.
- iv. Working with other NGOs and community-based organisations.
- v. Supporting the creation of facilities that render services as well as building partnerships for rehabilitation/equipping already existing facilities.



Address:

Box office, 215 Konoko Crescent
(Discovery Mall), off Ademola Adetokumbo, Wuse 2 Abuja

Telephone:

+234 902 905 5318
hello@yncsd.org