

ABORTION LAW AND POLICY IN NIGERIA: BARRIERS TO WOMEN'S ACCESS TO SAFE AND LEGAL CARE

The needs of Nigerian women and girls, residing in the largest country in Africa at more than 175 million people, command attention not only in Nigeria but regionally and globally. Unlike a number of other countries in Africa, Nigeria has yet to reform restrictive domestic laws and policies that place women's and girls' health and lives at risk and prevent them from exercising their reproductive rights – rights to which the Nigerian government has been committed under international law. Nigeria is also obligated to implement the 2030 global Sustainable Development Goals agreed by the world's governments at the United Nations in September 2015, which include a target of universal access to sexual and reproductive health-care services.

Unsafe abortion and its consequences

A new national study of abortion incidence in Nigeria reveals the challenges that remain to improve conditions for Nigerian women and implement these goals.¹ Among the study findings:

- Only 16 percent of all women of reproductive age use any contraceptive, and an even lower percentage—11 percent—use a modern method. That results in almost 10 million unintended pregnancies, of which more than half end in an induced abortion.
- In 2012 alone, 1.25 million Nigerian women had an abortion, double the number estimated in 1996, in part due to the increased number of women of reproductive age. Almost all of the abortions were performed clandestinely, and many of these were performed by unskilled providers or using unsafe methods or both. An estimated 40% had complications warranting treatment in a health facility.
- An estimated 212,000 women were treated in health facilities for complications of



induced abortion. In addition, an estimated 285,000 women had complications from unsafe abortion serious enough to require treatment in health facilities, but did not obtain the care they needed.

As these findings suggest, unsafe abortion is a major contributor to the country's high levels of maternal death, ill health and disability. Nigeria is among the countries with the highest maternal mortality ratios in the world, at 560 maternal deaths per 100,000 births, with little improvement in recent years.²

Abortion law in Nigeria

Abortion is heavily restricted throughout Nigeria, with one set of laws applying in northern Nigeria and other laws applying in southern Nigeria.³ While the laws provide room for interpretation, the generally accepted understanding across the nation, among policymakers, providers and women themselves, is that abortion is legally prohibited, with the limited exception of cases where the woman's pregnancy endangers her life.

National and international commitments

Nigeria ratified the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (the Maputo Protocol)⁴ in 2004, effectively pledging to protect the rights of women and girls and guarantee the right to sexual and reproductive health. Article 14 (2) (c) of the Maputo Protocol, urges all ratifying countries to "protect the reproductive rights of women by authorizing medical abortion in cases of sexual assault, rape, incest, and where the continued pregnancy endangers the mental and physical health of the mother or the life of the mother or the foetus." This portion of the Protocol was further elaborated in a General Comment by the African Commission on Human and People's Rights issued in 2014.⁵

In May 2015, the Violence Against Persons Prohibition (VAPP) Act was adopted and signed into law at the national level, applying in the Federal Capital Territory and federal health institutions.⁶ The Act seeks to end violence, particularly sexual violence and protect the rights of survivors to receive comprehensive medical services.

Policy recommendations

1. Standards and guidelines should be developed for implementation of the VAPP Act by providing comprehensive medical care and services to victims of rape, incest and sexual assault. Guidelines should also be developed at all levels of the health system to ensure that women can access modern methods of contraception as well as comprehensive abortion care to the full extent of the law.
2. Restrictive laws applying to abortion should be reviewed or amended in accordance with the standards established by the African Women's Rights Protocol. All states should

adopt the VAPP Act so that its provisions can be fully applied at the state level.

3. Steps should be taken to train health care providers in the provision of comprehensive reproductive health services, including abortion-related care.
4. Members of civil society organizations concerned with health and human rights in Nigeria should become informed and help build public awareness and support for reforming laws and policies in order to achieve the Sustainable Development Goals, including access to safe and legal abortion.

The lives of Nigerian women and girls matter. Deaths and injuries from unsafe abortion are entirely preventable. It's time to act.

References

1. Bankole, A., Adewole, I., Hussain, R., Awolude, O., Singh, S., Akinyemi, J. (2015). The incidence of abortion in Nigeria. *International Perspectives on Sexual and Reproductive Health*, 41(4):170–181.
2. World Health Organization. (2014). *Trends in maternal mortality: 1990 to 2013. Estimates by WHO, UNICEF, UNFPA, The World Bank and the United Nations Population Division*. Geneva: WHO.
3. *Nigeria's abortion provisions*. Available at: www.reproductiverights.org/world-abortion-laws/nigerias-abortion-provisions. [accessed 20 October 2015].
4. African Union. (2003). *Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa*. Maputo: African Union.
5. African Commission on Human and Peoples' Rights. (2014). General Comment 2 on Article 14.1 (a), (b), (c) and (f) and Article 14. 2 (a) and (c) of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa. The Gambia: ACHPR.
6. *Nigeria: Violence Against Persons (Prohibition) Act, 2015 (VAPP)* [Nigeria], 25 May 2015, available at: <http://www.refworld.org/docid/556d5eb14.html> [accessed 20 October 2015].

