

REPRODUCTIVE HEALTH AND RIGHTS

*(African Perspectives and
Legal issues in Nigeria)*

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DEDICATION

Dedicated to Women in Nigeria who remain marginalised, oppressed and exploited despite the pivotal roles they play in the life of the nation.

Women form the bedrock of societal development hence their rights to reproductive health deserve protection and enforcement.

PREFACE

This book is produced on behalf of the Network for Justice and Democracy, a non-governmental organization that is dedicated to the promotion of reproductive rights, women empowerment, advancing the cause of democracy and access of women to justice in Nigeria.

The organization is fully committed to the promotion of reproductive rights, gender equality and women empowerment through Education, Information and Communication.

The book documents laws and policies, which impact women's reproductive health and rights and shape their reproductive choices. An exhaustive list of Appendices has been added to serve as a compendium of treaties, statutes and legislations in this novel area of law. The inclusion of the Appendices gives an added value, as the various treaties, statutes and legislations are not easy to come by in a single volume in Nigeria.

The publication of this book is part of our "Reproductive Rights Education Series" which serves as our modest contributions to the realization of the NGO's objectives of defending the reproductive rights of women and promoting gender equality.

The dearth of information in this gender area of Human Rights propelled a motivating force to publish this book.

The time has come for the Nigerian society to give due recognition to the plight of women's reproductive rights and raise its awareness within a patriarchal Nigerian society.

The Book will serve as a valuable reference text to law and medical students, judicial officers, law enforcement agents, government and non-governmental organizations and other stakeholders in the area of reproductive health and rights.

We are immensely grateful to Hon. Justice G.E. Edokpayi, Dr O. O. Obayuwana, L. Ukhun Esq, Dr T. Omosebi, A. A. Osoko Esq, D. Ogunsina Esq., G. Ikhekua Esq,

Oare Okhakhume Esq and Esohe G. Ekhaton Esq (Miss) who intellectually digested the manuscripts and offered constructive criticisms to enhance its value.

We wish to express our sincere appreciation to Joy Ngozi Ezeilo Esq for her thorough review of the book and Miss Hope Edionwe for typing the manuscripts.

We acknowledge the assistance provided by the libraries of Women Health Action and Research Center, Girls' Power Initiative, College of Medical Sciences, University of Benin, Benin City, Nigeria, Centre for Reproductive Rights, New York, U.S.A and International Planned Parenthood Federation.

We wholeheartedly welcome valuable suggestions and constructive criticisms on the book that will enhance its intellectual value as a valuable resource to those interested in advancing and protecting women's reproductive health and rights through advocacy, education and research.

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INTRODUCTION

The concept of reproductive health and rights is very fundamental to the human society.

Reproductive health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity in the reproductive system, functions and processes.

Reproductive right implies that people have the right to reproduce, regulate their fertility, practice and enjoy sexual relationships.

Reproductive health and rights rests on the recognition of the basic right of all couples and individuals to decide freely and responsibly the number, spacing and timing of their children and to have the information and means to do so in order to attain the highest standard of sexual and reproductive health.

Reproductive health and rights are thus complementary rather than conflicting goals.

The concept of reproductive health and rights in Nigeria is relatively new. Prior to the International Conference on Population and Development (ICPD) held in Cairo in 1994, the concept of reproductive rights was not given the deserved attention in government's programmes on sexual and reproductive health. A major outcome of the ICPD is that many countries including Nigeria shifted the focus of their population and development programmes to reproductive health.

Generally, women's rights to reproductive health and autonomy in all decisions relating to reproductive health are frequently violated. The Nigerian woman like her counterparts in other parts of Africa is in every context socially, culturally economically and politically the victims of politics of exclusion, which oppressed women to the advantage of men who readily exploit entrenched cultural, social and religious prejudices to marginalize, discriminate and disempower women.

Cultural norms and other harmful traditional practices such as Female Genital Mutilation (FGM), Child marriages, Bride price and inhuman widowhood rites discriminate unjustly against women in Nigeria. The violation of women's reproductive rights and attendant discriminatory practices adversely affect the conscience and psyche of the society.

Despite the progress made since ICPD 1994, gender based discrimination, violence, gross violations of reproductive rights take place on a daily basis thus undermining women's opportunities and their inalienable rights to reproductive health. Concrete, productive and creative efforts must be made to address the deeply rooted social, cultural and religious practices that oppress and discriminate against women.

From time immemorial, girls and women have been subjected to dehumanizing practices instead being treated as partners to boys and men in all walks of life. Women form the bedrock of societal development; they play a pivotal role in sustainable development hence their rights to reproductive health deserve protection and enforcement.

Recently, there has been an awakening of interests on reproductive rights in Nigeria. This stride has been achieved through the activities of Governments, Donor Agencies such as the Ford Foundation, MacArthur Foundation and International Development Organisations such as United Nations Fund for Women (UNIFEM), United Nations Population Fund, (UNFPA), World Health Organisation (WHO), United States Agency for International Development (USAID), Department for International Development (DFID) and Non – Governmental Organizations such as Planned Parenthood Federation, Girls' Power Initiative, Network for Justice and Democracy etc.

Various approaches have been employed in Nigeria to achieve the lofty principles of the ICPD on reproductive health and rights. These approaches include legislation against harmful traditional practices, child labour, women trafficking,

widowhood rites, maternal mortality, offences against morality, enactment of national reproductive health policy and strategy, population policies, information, education and communication activities in compliance with international treaties such as the Convention For the Elimination Of All Forms of Discrimination Against Women, (CEDAW) 1979, International Conference on Population and Development (ICPD) 1994, and Universal Declaration of Human Rights (UDHR)1984.

The challenges involved in promoting and defending the reproductive rights of women in Nigeria are enormous but are surmountable through systematic and coordinated policies and programmes of the Government and Civil Society groups targeted at promoting reproductive rights of women, advancing gender equality and women empowerment.

In addition to laws and policies recently put in place by the Nigerian government, there are various international measures and resolutions initiated by the United Nations for the elimination of physical, sexual and psychological violence against women such as battering, sexual abuse, domestic violence, rape, incest, female infanticide, female genital mutilation, crimes against women in the name of honour and passion, traditional practices harmful to women, early and forced marriages, commercial, and sexual exploitation.

These national and international efforts are designed to improve the status of women, promote gender equality and empower women and adolescent girls to protect themselves against violence, the risk of HIV infection and the exercise of their rights to have control and decide freely and responsibly on matters related to their sexual and reproductive health, free from coercion, discrimination and violence.

An investment in reproductive health and rights transforms not only the women's lives but also the socio-economic life of the country.

A surest way to protect reproductive health and rights is by granting women full access to reproductive health services.

The thirteen chapters in this book present a broad view of the laws and policies that determine women's reproductive health and rights and suggest legal and policy reforms needed to improve women's reproductive health and rights in Nigeria.

FOREWORD

I thank the author for inviting me to review and write a foreword to this book on "Reproductive Health and Rights-Legal Perspectives in Nigeria and Issues in Africa."

In Nigeria and elsewhere in Africa and the developing world, women's and young peoples' right to the enjoyment of the highest standard of health is circumscribed by many factors: social, religious, cultural and legal constraints.

In our environment, traditional beliefs and practice coupled with gender stereotypes work to deny women's sexual and reproductive rights. Socio-economic and cultural conditions that force girls into early marriage, pregnancy and child-bearing and subject them to harmful practices, such as female circumcision/female genital mutilation, pose grave health risks.

Maternal mortality rates are highest among teenage mothers, and risk is compounded by liability to repeated early pregnancy. Sexual abuse and family and economic pressures to engage in prostitution present adverse environments for adolescent health, including exposure to STDs/HIV/AIDS.

Epidemiological and comparable data show lack of basic obstetric services, prenatal and postnatal care and related reproductive health services result in unnecessarily high rates of maternal mortality and morbidity, impacting on a woman's right to life. In Nigeria unduly restrictive abortion laws have denied women and adolescent girl's access to safe procedure or humane treatment for the complications of abortion.

Consequently, death through unsafe abortion and related complications accounts for 25 to 60 percent of maternal deaths.

Furthermore, evidence also confirms the danger to health presented by pregnancies that come too early, too late, too often and at intervals that are too closely spaced in women's reproductive lives.

Overall, violence including sexual violence- rape and sexual assaults, forced prostitution impacts on women's reproductive health and rights.

There is a failure to realize that the reproductive health and rights of women in particular maternal mortality and morbidity, impact on the overall socio-economic development of the nation even among professionals like lawyers, medical doctors, and law and policy makers.

There is an urgent need to build knowledge and evidence based jurisprudence that will influence policy makers, create awareness and generate the necessary commitment by the government, women and society at large in ensuring that women gain the right to health and life.

The linkages between health and human rights must be properly made using right to life to find for women's and young people's health. In other words, redefining and re-conceptualizing reproductive health in terms of human rights and as a developmental question.

The right to life is threatened or indeed eroded if women's rights to health and health care are ignored or constrained by health care laws. Rights to information and education of particularly young people must be respected as appropriate information at the right time will save many adolescents and young people from incidence of pregnancy, deaths through unsafe abortions, teenage and unprepared parentage, and socio-economic underdeveloped.

An adolescent has a right not to be subjected to an early marriage, female genital mutilation, gender discrimination, rape

and other forms of sexual violence and exploitation. Right to reproductive health is as important to adolescents as the right to life.

We need therefore to pursue an agenda that will implement a comprehensive National strategy to promote women's health throughout their life span.

This should include interventions aimed at prevention by education and treatment of disease; responding to violence against women in all its forms; and ensuring equal access to health care that includes sexual and reproductive health services.

This book is a compendium of international instruments, national and local statutes, policies and legislations impacting on reproductive health and rights in Nigeria.

The book makes for an excellent introduction in this emerging field of law and widely and ably covered the field in its 13 chapters. The discussions range from legal framework for reproductive health and rights, definition of basic concepts on the subject, context and contexts of reproductive rights in Nigeria to consideration of gender and domestic violence impacting on reproductive rights of women and girls.

Importantly, it focused on reproductive rights of vulnerable groups: refugees, incarcerated women in prison with their children, impact of religious and customary laws amongst others.

I commend therefore, the efforts of Network for Justice and Democracy, in particular Olaide Gbadamosi Esq for producing this very important book on this emerging issues of law and reproductive health and rights.

Our work as civil society organizations in Nigeria should therefore, focus on translation of recognized reproductive rights that are already entrenched in international, regional and national human rights documents and other consensus documents e.g: ICPD, Beijing Platform of Action amongst

others into actual protection of women's sexual and reproductive health rights.

This book would therefore be especially useful to teachers and students of law, medicine, health sciences and NGOs and civil society interested in this field for both scholarship and activism work.

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BOOK REVIEWER

