

LOCATING THE DETERMINANTS OF UNSAFE ABORTION BEYOND THE LEGAL FRAMEWORK OF ABORTION LAWS: A CASE STUDY OF NIGERIAN AND GHANAIAN ABORTION LAWS¹

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ABSTRACT

Two popular opinions are held by many scholars regarding unsafe abortion. The first one is that where there is no legal restriction on abortion, abortion services are likely to be safe (because abortion may be provided by trained personnel in a regulated medical setting approved for the purpose) and secondly, that where abortion is legally restrictive or criminalised, women turn clandestinely to abortion providers with a high risk of incurring serious or life-threatening complications.² This paper gives a comparative study of abortion laws in Nigeria and Ghana to show that the above assumptions are an over-generalisation as there are other determinant factors responsible for unsafe abortion beside the abortion legal framework. In the same vein, this study seeks to establish that the clandestinity usually associated with abortion is basically irrespective of the legality or otherwise of abortion, rather, it is as a result of the socio-cultural and ethico-moral corpus of the communities.

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¹ It is pertinent to state at the onset that this work limits itself only to locating the unsafe abortion beyond the legal framework of abortion laws in the two countries. Though it does not explicitly cover recommendations however, the discussion presents concrete foundation for a further research in arriving at the possible solution.

² See the following works generally, R. Cook and M. Fathalla, "Advancing Reproductive Rights Beyond Cairo and Beijing" (1999) 22 (3) *International Family Perspectives*, Guttmacher Institute 115; F. Okonofua, "Parenting Unsafe Abortion in Nigeria" (1997) 1 (1) *African Journal of Reproductive Health* .2; F. Okonofua and B. Ilumoka, "Prevention of Morbidity and Mortality from Unsafe Abortion in Nigeria" *Critical Issues in Reproductive Health*, Robert H. Ebert Programme, New York. (1992) 10; and M. Berer, "National laws and Unsafe Abortion: The Parameters of Change" (2004) 12 (24) *Reproductive Health Matters* 6.