

AN ANALYSIS OF THE IMPACT OF ANTI-RIGHTS ACTORS ON ABORTION RIGHTS IN  
NIGERIA

A DISSERTATION SUBMITTED IN PARTIAL FULFILMENT OF THE  
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BY OGWUEGBU CHIOMA VIVIAN  
STUDENT NO. 22963180

PREPARED UNDER THE SUPERVISION OF PROFESSOR EBENEZER  
DUROJAYE

AT THE CENTRE FOR HUMAN RIGHTS, FACULTY OF LAW-UNIVERSITY OF  
PRETORIA

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## PLAGIARISM DECLARATION

I, Ogwuegbu Chioma Vivian, hereby declare that the work presented in this dissertation is entirely original. It has not been submitted to any other university or institution. Any use of other people's work has been properly credited and acknowledged.

**Signature:**

**Date:** 31<sup>st</sup>/ August/2024

**Supervisor:** Professor Ebenezer Durojaiye

**Signature:**

**Date:** 31<sup>st</sup>/ August/2024

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## ABSTRACT

The sexual reproductive health and rights of women are deeply rooted in fundamental human rights. This research will challenge those conservative ideologies that limit women to bridge the gender and inequality gap thus ensuring the full protection of those rights. In a patriarchal and religious society like Nigeria, the activities of anti-rights groups often impede the progress made on women's rights, especially regarding abortion rights. This research aims to examine the history of anti-rights groups in Nigeria as well as examine how the society controls reproduction, specifically abortion rights and the justification they make for exerting such control.

Through a thorough analysis of existing literature, journals, books and other sources, this discourse will employ a qualitative methodological approach in six chapters with chapter one being an overview of anti-rights groups and a general outline of the thesis, the problems this research seeks to address and the significance of this research which is to equip abortion rights activists with ways to better counter anti-rights actors. Chapter two will be a deep exploration of the feminist theory vis-à-vis the cultural, religious and political background of Nigerian society. Chapter three will examine the restrictive abortion laws in Nigeria which are heavily influenced by American evangelical groups who advocate against the reproductive rights of women through their conservative influences often shaped by religion. Chapter four will examine the various methods and strategies employed by the right-wing groups, illuminating how this leads to a lack of information which perpetuates unfounded abortion myths and misunderstanding of safe abortion methods. Chapter five will examine international and regional norms regarding abortion around Africa with a special focus on the obstacles women face in accessing safe abortion services.

This study will expose how these obstacles lead to self-managed abortions and the subsequent health risks. Finally, chapter five will be a call to action on how to mitigate the actions of anti-right groups on the human rights of women. This chapter will make recommendations on the best approach to tackle anti-right groups and suggestions on the way forward for abortion rights in Nigeria.

## ACRONYMS

CSOs- Civil Society Organisations

CWO-Catholic Women Organisation

CTOP- Choice on Termination of Pregnancy Act

ECHR- European Court of Human Rights

HIV- Human Immunodeficiency Virus

IDP- Internally Displaced Persons

LBTI- Lesbians, Bisexuals, Trans and Intersex

LGBTIQ- Lesbians, Gays, Bisexuals, Trans, Intersex and Queers

MDGs- Millenium Development Goals

PAC- Post Abortion Car

SARS – Special anti-robbery squad

SDGs- Sustainable Development Goals

SOGI- Sexual Orientation gender identity

SRHR- Sexuality and Reproductive Health Rights

UDHR- Universal Declaration of Human Rights

UN – United Nations

VAPP- Violence Against Persons (Prohibition) Act

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## CHAPTER ONE: INTRODUCTION

### 1.1 Background of the study

Abortion is described as the process of interrupting a pregnancy before the viability of a foetus or before it can independently live<sup>1</sup> and it is a reproductive right which is by extension, a human right.<sup>2</sup> However, in Nigeria, women are denied access to safe and legal abortion and this implies denying women of their reproductive rights.<sup>3</sup> The activities of anti-rights actors in the country impact abortion rights and have contributed to restricting access to abortion in recent years. This mini thesis examines the impact of anti-rights actors on abortion rights in Nigeria, including self-managed abortions. This study examines the contribution of anti-rights groups and their activities on access to safe abortion services in the country and how they have contributed to limiting access and worsened the impacts of unsafe abortions in the country.

Sexual and reproductive health and rights (SRHR) are essential components of human rights. Unfortunately, these rights are often contested in many parts of the world, including Nigeria, where imported conservative ideologies promoted by anti-rights groups, fuelled by cultural, religious, and political beliefs, undermine efforts to promote and protect SRHR.<sup>4</sup> On both global and national levels, reproductive health and abortion are politicized as it is an issue that stirs strong sentiments in social and political groups.<sup>4</sup> The crux of the matter is how society controls reproduction and the justification they provide for exerting the control with the absence of strong attention to abortion in the reproductive health strategies of Sustainable Development Goals (SDGs) and Millennium Development Goals (MDGs) reflecting the low priority of safe abortion, which questions the idea that maternal health is highly prioritised.<sup>5</sup>

The Anti-gender movement can be described as a transnational coalition of individuals, conservative politicians, religious bodies and organisations who work to counter and undermine political and social gains made by local and international feminist and sexual orientation and

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<sup>1</sup> AM Niță & CI Goga ‘A Research on abortion: ethics, legislation and socio-medical outcomes. Case study: Romania’ (2020) *61 Romanian Journal of Morphology and Embryology* at 283.

<sup>2</sup> C Schurr & E Militz *Reproductive rights* (2020) *Elsevier eBooks*.

<sup>3</sup> A Bankole et al ‘The incidence of abortion in Nigeria’ (2015) *41 International perspectives on sexual and reproductive health* at 170.

<sup>4</sup> A Blystad et al ‘Reproductive health and the politics of abortion’ (2020) *19 International journal for equity in health*.

<sup>5</sup> As above.

gender rights advocates/activists.<sup>6</sup> Notably, McEwen pointed out that these groups call themselves “pro-family” and do not answer to “anti-gender”.<sup>7</sup> Sara Pantuliano described anti-rights actors and movements as well-funded and organised groups and individuals intending to stall development progress and undermine rights and freedoms.<sup>8</sup> For the purpose of this study, the term ‘anti-rights actors’ will be used.

There is currently a rollback of gains in SRHR due to the promotion of right-wing ideologies. As Sarah Pugh stated, ‘pronounced shifts towards far right-wing and conservative politics are threatening hard-won progress in SRHR’<sup>9</sup>. In Nigeria, abortion remains illegal except where the health and well-being of the mother is threatened. Where progressive policies supporting access to abortion have been created in parts of Nigeria, there has been a pushback by religious<sup>10</sup> and nationalist bodies who object to it ostensibly on the grounds of it eroding ‘family values’ and imposing ‘cultural supremacy’.<sup>11</sup> This opposition leads to significant health and social consequences, such as high maternal mortality rates, HIV infections, and limited access to family planning and other SRHR services. For example, Akinfaderin of Fòs Feminista mentioned that the Lagos State government less than a month after the United States supreme court decision in the case of *Dobbs v Jackson Women’s Health Organization*<sup>11</sup> initiated a policy document which allowed for the safe and legal termination of pregnancy but nine days after the release of the document, it was suspended by the government due to pressure mounted by anti-abortion advocates, specifically stating that with the decision of the United States Supreme Court, Nigeria should not entertain the forward movement of abortion agenda.<sup>12</sup>

Nigeria is signatory to several international instruments that supports access to abortion. The Protocol to The African Charter on Human and People's Rights on the Rights of Women in Africa, widely known as the Maputo Protocol, in article 14 provides the right to safe abortions when the

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<sup>6</sup> H McEwen & L Narayanaswamy ‘The coloniality of anti-gender politics in the international anti-gender movement understanding the rise of anti-gender discourses in the context of development, human rights and social protection’ (2023).

<sup>7</sup> H McEwen ‘Nuclear power: The family in decolonial perspective and pro-family politics in Africa’ (2017) 34 & 6 *Development Southern Africa* 738-751.

<sup>8</sup> S Pantuliano ‘Women deliver 2023: we can’t let the anti-rights movement prevail’ *ODI: Think Change* 17 July 2023.

<sup>9</sup> S Pugh ‘Politics, power, and sexual and reproductive health and rights: impacts and opportunities’ (2019) 27 *Sexual and Reproductive Health Matters* at 1.

<sup>10</sup> Rapheal ‘Catholic church kicks against legalization of abortion in Lagos’ *The Sun* (Nigeria) 4 July 2022.

<sup>11</sup> ‘19-1392 *Dobbs v Jackson Women’s Health Organization* (06/24/2022)’.

<sup>12</sup> A Saldinger ‘A year on, the global impact of overturning *Roe v. Wade* abortion ruling’ *Devex* (United State) 29 June 2023.

pregnancy threatens a woman's mental and physical well-being<sup>13</sup>. The Protocol is yet to be domesticated in Nigeria. Similarly, The UN Human Rights Committee, in its General Comment 36 on the International Covenant on Civil and Political Rights (ICCPR), affirms that safe abortion is a right protected under the right to life.<sup>14</sup> In the same vein, the Convention on the Elimination of Discrimination Against Women (CEDAW) in Article 16 guarantees a woman's right to decide the number of children she wants and must have the resources to enable her to exercise those rights. The Committee on Economic and Socio-Cultural Rights in its General Comment No. 14 Interpreted Article 12 of the International Convention on Economic and Socio-Cultural Rights (ICESCR) to mean that right to maternal health is guaranteed. One can argue that a woman's maternal health guarantees will include access to safe abortions.

Despite the above, Nigeria laws are decidedly anti-abortion, and this is reflected both in the penal and criminal codes in the country which are applied in the Northern and Southern parts of the country respectively.<sup>15</sup> The criminal code makes provision for this law in sections 228, 229, 230, 297, and 328. In these sections, it is stated that a patient who engages in abortion will serve a jail term of seven (7) years, while anyone (healthcare worker or otherwise) who helps a woman with an abortion would serve a jail term of 14 years. Anyone who by one way or the other provides a woman with drugs or poison that terminates her baby would face the criminal offence penalty.<sup>16</sup> However, despite the criminalisation of abortion in Nigeria and the strict regulations surrounding abortion in the country, women still undergo abortions albeit unsafe ones because women have to access these terminations clandestinely and frequently employ the services of unskilled healthcare providers, leading to increased maternal mortality.<sup>17</sup> In a study by Okonofua in 2009, 80% of politicians admitted to knowing that abortion is a major contributing factor to the high rate of maternal mortality and morbidity, however, only 20% of these politicians favoured the need for

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<sup>13</sup> 'Protocol to the African Charter on Human and People's Rights on The Rights of Women in Africa.pdf' <[https://au.int/sites/default/files/treaties/37077-treaty-charter\\_on\\_rights\\_of\\_women\\_in\\_africa.pdf](https://au.int/sites/default/files/treaties/37077-treaty-charter_on_rights_of_women_in_africa.pdf)> accessed 19 March 2022.

<sup>14</sup> 'The UN Human Rights Committee's General Comment 36 on the Right to Life and the Right to Abortion' (*Opinio Juris*, 6 March 2019) <<http://opiniojuris.org/2019/03/06/the-un-human-rights-committees-general-comment-36-on-the-right-to-life-and-the-right-to-abortion/>> accessed 24 February 2022.

<sup>15</sup> As above.

<sup>16</sup> PC Okorie & OA Abayomi 'Abortion laws in Nigeria: A case for reform' (2019) 23 *Golden Gate University Law Digital Commons*.

<sup>17</sup> Bankole (n 2) 170.

an amendment of abortion laws.<sup>18</sup> While there are differing views and debates ongoing on why women's reproductive right to safe abortion should be upheld and why abortion should be prohibited, women suffer the problems of inaccessibility of safe abortion services. Hence, this study seeks to bring to the fore, the impact of anti-rights groups on the state of abortion laws and access to abortion through a literature review.

## 1.2 Problem statement

The strict law guiding abortion in Nigeria notwithstanding, abortion and complications from unsafe abortions are recorded in the country regularly.<sup>19</sup> Clinicians working in a large tertiary hospital in Nigeria in collaboration with healthcare professionals who are involved in creating access to quality healthcare for women collated their experiences of three to five years of caring for women with complications that arose as a result of unsafe abortions and they reported that most of the women are in their twenties and education is the most frequent reason given as a justification for the abortion.<sup>20</sup> The study reported that abortions were mostly done by health attendants, patent medicine vendors and auxiliary nurses, on rare occasions do they report licensed medical personnel carrying out abortions for these women. Additionally, sharp unsafe objects and unsafe methods are adopted in carrying out abortions, including the use of clothes hangers, bicycle spokes, insertion of herbal preparations into the vaginas or causing themselves physical harm by hitting their body inappropriately to cause trauma to the foetus and force its removal.<sup>21</sup>

This problem is further exacerbated by the activities of anti-rights actors, who oppose reproductive rights and actively work to restrict access to safe and legal abortions. These actors include religious and cultural groups, as well as conservative politicians who are also policymakers in the country and activists. Though there have been studies on the abortion laws of Nigeria and the need for reform, the impact of anti-right actors on abortion rights in Nigeria has not been adequately studied, and there is a need for research that explores the extent of this impact, and the challenges faced by women seeking to access safe and legal abortions.

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<sup>18</sup> F Okonofua et al 'Perceptions of policymakers in Nigeria toward unsafe abortion and maternal mortality (2009) *35 International perspectives on sexual and reproductive health* at 194.

<sup>19</sup> OW Akande et al 'Unsafe abortion practices and the law in Nigeria: time for change' (2020) *28 Sexual and reproductive health matters*.

<sup>20</sup> Akande (n 2).

<sup>21</sup> As above.

Thus, there is a need for a deeper understanding of how conservative ideologies fuel anti-gender, anti-rights activities and how this affects abortion rights in Nigeria, including the underlying causes and mechanisms that sustain such opposition. Such a study would contribute to a better understanding of the factors that impede the realisation of reproductive rights in Nigeria and would provide insights into potential policy and advocacy measures that can be taken to address this issue.

### **1.3 Research aims and objectives**

The primary aim of this research is to explore how the activities of anti-rights actors impact abortion rights in Nigeria. The specific objectives are to:

- Examine the nature and scope of anti-rights actors in Nigeria, exploring the historical, religious, and political context.
- Examine the impact of anti-rights actors on the right to abortion for women in Nigeria.
- Investigate the factors that sustain anti-rights actors in Nigeria.
- Evaluate the effectiveness of current strategies to address the impact of anti-rights actors and support access to safe abortion in Nigeria.

### **1.4 Research questions**

- What is the nature and scope of anti-rights actors in Nigeria with specifics to SRHR and how have they evolved?
- How do these anti-rights actors impact policymaking, legislative decisions on abortion and self-managed abortion laws in Nigeria highlighting the norms and in international standards?
- What are the historical and socio-political factors contributing to the persistence of opposition to abortion rights in the country?
- What are the current gaps and challenges of policies related to abortion rights in Nigeria?
- What lessons can be drawn from other jurisdictions, especially within Africa?

### **1.5 Research methodology**

This research will employ a qualitative methodology centred on the Feminist theoretical framework. Data will be gathered through comprehensive desk research, analysing existing

literature from journals, newspaper articles, books, and other relevant sources. The findings will be explored and presented utilizing a narrative approach.

### **1.6 Significance of the research**

This research is significant to human rights activists because it will contribute to a better understanding of how anti-rights movements affect SRHR, particularly abortion rights in Nigeria and help them understand how to counter anti-rights actors better. Policymakers can use the evidence of this study to make changes to the abortion law in the country to not limit the reproductive rights of Nigerian women. Additionally, this research will contribute to the broader global discourse on abortion rights and be a contribution to the academic discourse of abortion rights in Nigeria.

### **1.7 Theoretical approach**

This research employs an intersectional feminist theoretical framework to analyse the intricate dynamics surrounding abortion rights in Nigeria. Intersectionality, as articulated by Kimberlé Crenshaw, asserts that social categories such as gender, race, class, religion, and sexuality are connected and overlap, and can also be mutually constitutive, shaping individuals' experiences and opportunities within a given social context.<sup>22</sup> This approach is particularly salient in the context of abortion rights, as it recognizes that women's experiences are not monolithic, but rather are influenced by a complex interplay of identities and social structures such as family, religion, economy, and class. An intersectional feminist approach will give an avenue to consider the impact of unsafe abortions on Nigerian women across culture, educational status, economic strength, religion and sexuality.

### **1.8 Literature review**

Women are a major part of the Nigerian population and play a vital role in the reproductive and productive sectors of society, yet are mostly treated as second-class citizens in society.<sup>23</sup> This treatment is extended to the reproductive health of women where laws are made to deny women

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<sup>22</sup> A Miller 'Kimberlé Crenshaw's intersectional feminism' (2020) *Journal Storage Daily*.

<sup>23</sup> GA Makama 'Patriarchy and gender inequality in Nigeria: The way forward' (2013) 9 *European Scientific Journal* 101-110.

the right to safe abortions<sup>24</sup> by criminalising abortion which denies women their fundamental rights to sexual and reproductive health and control over their own bodies.<sup>25</sup>

Nigeria is a highly religious country and religion wields immense power in Nigeria, with a predominantly Christian and Muslim population,<sup>26</sup> often the ones with the loudest voices and most visible in opposing women's sexual and reproductive health.<sup>27</sup> These two main religions generally take a conservative stance on abortion, considering it morally unacceptable and historically, religious leaders and institutions have a huge influence on public opinion and government policies regarding abortion.<sup>28</sup> Their teachings often shape the beliefs and actions of their followers, further deepening the cultural stigma surrounding abortion and furthering unsafe abortions as many of the members will, due to shame instilled by the church, procure abortions secretly and most times, consult 'quacks' or inexperienced people.<sup>29</sup>

A good example of the effect of religion on access to safe abortion in Nigeria is the condemnation of the document drafted by the Lagos State government to legalize abortion in Nigeria. It came mostly from religious groups like Protestants, Muslims, Roman Catholic Church amongst others. Protest marches were held to agitate against the 'legalization of abortion' and they were mostly headed by the Catholic Women Organisation (CWO).<sup>30</sup>

Traditional beliefs play a crucial role in shaping attitudes towards abortion. Many Nigerian cultures place a high value on family, fertility, and motherhood, viewing abortion as a violation of these cherished values.<sup>31</sup> Patriarchy is another cultural influence<sup>31</sup> that cannot be ignored. Nigerian society often adheres to traditional gender roles that emphasize women's roles as mothers and caretakers. There is gender-based division of labour in a patriarchal society which is associated with the woman being a mother and subjects the woman to a heavier domestic workload while having to abandon her career and self-development.<sup>32</sup> For many women, motherhood means deprioritising

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<sup>24</sup> As above.

<sup>25</sup> LK Ilobinso 'Policy on abortion in the Nigerian society: Ethical considerations' 2007 *DIVA*.

<sup>26</sup> J Campbell 'The pervasive influence of Nigeria's religious leaders' *council on foreign relations* (2021).

<sup>27</sup> DW Haffner 'A time to embrace: why the sexual and reproductive justice movement needs religion' (2015) *Westport, CT*.

<sup>28</sup> A Gaestel & A Shelley 'The road through redemption camp: religion, fertility and abortion in Nigeria' *Pulitzer Center* (Los Angeles) 19 May 2014.

<sup>29</sup> As above.

<sup>30</sup> 'Nigerian religious leaders oppose proposed law to legalize abortion' *Baptist Press*.

<sup>31</sup> A Katz et al 'I just have to hope that this abortion should go well: perceptions, fears, and experiences of abortion clients in Nigeria' (2022) 17 *Plos One*.

<sup>32</sup> M Cisne et al 'Unsafe abortion: A patriarchal and racialized picture of women's poverty' (2018) 21 *Revista Katálysis* at 452.

their lives, including dropping out of school to become mothers, which results in them being limited in their career progression. This sometimes results in financial dependency on husbands and other male family members leading to financial abuse. It is then no surprise that even though its procurement might be unsafe and lead to death, women still risk abortion.<sup>33</sup>

Different types of abortions are safe for a woman when undertaken within the correct timeframe of the pregnancy and by a healthcare professional. They include: medical abortion, which involves taking pills (mifepristone and misoprostol) and is most appropriate during the first trimester of the pregnancy; vacuum aspiration, a method of abortion that involves surgical procedure of using gentle suction to terminate a pregnancy, typically recommended in the first trimester; Dilation and evacuation (D&E), a surgical procedure for abortion appropriate to terminate a pregnancy in its second trimester; labour induction abortion, a rare method of abortion used to terminate pregnancies already in the second and third trimester and is usually recommended when the woman's health is in danger.<sup>34</sup> None of these methods of abortion are allowed in Nigeria except there's evidence from a healthcare professional that it is necessary to save the mother.

Several studies have been carried out to assess the impact of the criminalisation of safe abortion in Nigeria and some of these studies will be reviewed in this study. In examining married women's knowledge and perception of sexual and reproductive rights, Makinde and Adebayo mentioned that the knowledge and perception of sexual and reproductive rights of the participants was low, though with higher knowledge of family planning, while noting that it is possible for women who are of reproductive age and married to have their sexual and reproductive rights violated.<sup>35</sup> In the study conducted by Okorie and Abayomi, they reported that even though official figures might not be available for the number of abortions that are carried out yearly in Nigeria because of the secretive nature of the act, available statistics reported that over 1,000,000 abortions are carried out in Nigeria annually.<sup>36</sup> The study also revealed that decriminalisation and liberalisation of abortion have been mainstream in many countries in recent times and it does not benefit Nigeria to continue with the criminalisation of abortion even with the dangerous trend of maternal

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<sup>33</sup> As above.

<sup>34</sup> WA Satmary & L Burgess 'What are the different types of abortion?' *Medical News Today* (Brighton UK) 31 May 2023.

<sup>35</sup> OA Makinde & AM Adebayo 'Knowledge and Perception of Sexual and Reproductive Rights among Married Women in Nigeria' (2020) 28 *Sexual and Reproductive Health Matters*.

<sup>36</sup> Okorie (n 2).

mortality while emphasising that the current laws are unrealistic as they have not led to decrease in abortion but only resulted in an increase in unsafe abortions.<sup>37</sup>

Resonating with the findings of Okorie and Abayomi, Akande and others also noted that abortion criminalisation has done more harm to Nigerian society as women with unplanned pregnancies find ways to abort the foetus and these ways are usually unsafe and in dire cases, lead to death. Hence, they clamoured for the reform of abortion laws and inter-sectoral collaborations between policymakers, healthcare providers and the community.<sup>38</sup> In the same vein, Adebimpe proposes that to solve the problem of unsafe abortions and ensure that women's reproductive health is enhanced in Nigeria, abortion law has to be liberalised while stating that insights can be derived from the South African experience.<sup>39</sup>

Summarily, the studies reviewed talked about the harm caused by the criminalisation of abortion in Nigeria while recommending law reform to assuage the negative effects of the situation. None of the studies considered the influence of anti-rights groups' activities on the right to safe abortion, hence, the gap that this study seeks to fill.

### 1.9 Provisional chapters:

1. **Introduction:** Chapter one will provide a background to the research by providing an abstract and lay the foundations of the mini thesis by highlighting the significance of the problem. In addition, Chapter One will explain the methodology in detail and justify the research focus. It will define certain concepts for the purposes of this study, including a definition of 'anti-rights actors' amongst others. Lastly, the introduction will provide an overview of the thesis and provide a summary of the thesis.
2. **Theoretical Framework:** Chapter two seeks to do a deep dive into intersectional feminist theory to allow the examination of the interplay of cultural, religious, and political factors that impact women seeking safe abortions in Nigeria.
3. **Historical and social context of anti-rights actors in Nigeria:** Chapter three will explore how the opposition to abortion rights in Nigeria can be traced back to historical influences, where cultural and religious beliefs played a central role in shaping restrictive abortion

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<sup>37</sup> As above.

<sup>38</sup> Akande (n 4).

<sup>39</sup> RJ Adebimpe 'Liberalisation of Nigeria's abortion laws with a focus on pregnancies resulting from rape: an empirical analysis' (2021) *African human rights law journal*.

laws. It will also show how the American right-wing evangelical brand of anti-rights ‘activism,’ comprising religious groups, cultural conservatives, and certain political entities, have evolved, and become prominent in advocating against the expansion of reproductive rights in Africa and Nigeria specifically.

4. **Strategies and Factors that promote Anti-Rights Actors in Nigeria:** Chapter four navigates the intricate landscape of strategies and activities embraced by anti-rights actors in Nigeria. It explores how deeply ingrained cultural and religious beliefs shape societal perspectives on abortion, often prioritizing the protection of foetal life over women’s rights to abortion. By dissecting these strategies, we gain crucial insights into the hurdles faced by advocates of reproductive rights. This chapter examines the intersection of political conservatism and the anti-rights movement, illustrating how they reinforce restrictive laws and policies. Moreover, it sheds light on how inadequate awareness and a lack of comprehensive sex education perpetuate myths and misunderstandings about abortion, bolstering support for anti-rights advocacy.
5. **Impact of Anti-Rights Actors on Abortion Rights and Self-Managed Abortion Norms in Nigeria and Across Africa:** Chapter five breaks down how the anti-rights actors in Nigeria shape public conversation by preserving stigma surrounding abortion, thus amplifying its social and political sensitivity. This section will highlight the obstacles women encounter in accessing safe abortion services, resulting in a rise in self-managed abortions and subsequent health risks due to the influence of anti-rights groups. Moreover, it will showcase how restrictive abortion laws supported by these actors suppress progress toward gender equality, increasing gender-based discrimination and undermining women's autonomy in reproductive decision-making. Additionally, this chapter will delve into the examination of international and regional norms surrounding self-managed abortions in Nigeria, drawing valuable lessons from other African countries.
6. **Conclusions and Recommendations:** Chapter six concludes the thesis by summarising the findings from the previous chapters and provides recommendations on approaches for responding to the impact of anti-rights actors on abortion rights in Nigeria. It also makes the argument for more awareness of the impact of anti-rights actors. This chapter will act as a call to action towards addressing the impact of these actors on the sexual and reproductive rights of women in Nigeria.



## CHAPTER 2: INTERSECTIONAL FEMINIST LENS ON THE IMPACT OF ANTI-RIGHTS ACTORS ON ABORTION RIGHTS IN NIGERIA

### 2.1 Introduction

Intersectional feminism is a concept coined in 1989 by Kimberlé Crenshaw, an American Professor of law who explained the concept as a lens through which one can perceive how different manifestations of inequality frequently collaborate and intensify one another.<sup>40</sup> Intersectionality has its roots in the works of black feminist writers who were side-lined in the mainstream feminist and anti-racist movements.<sup>41</sup> This chapter discusses the cultural, religious and political factors that intersect and impact women's sexual and reproductive rights in Nigeria. It also explores the interplay of patriarchy, economic status, and legal standing in restricting abortion in the country.

### 2.2 Understanding intersectional feminist theory

'Intersectionality thrives as a tool for enabling collective solidarity and for progressing feminist theory and practice'<sup>42</sup> which represents the best thinking<sup>43</sup> and means to achieve productive feminist theorists' results. However, this intersectional thinking requires that one be willing to listen to unfamiliar insights.<sup>44</sup> The theory is used to describe the disproportionate way in which systems of oppression affect individuals, influenced by intersecting identity factors.<sup>45</sup> It depicts a frame that captures members of a targeted group and involves putting all causes of action into consideration.<sup>46</sup> Although intersectional feminist theory acknowledges that women's experiences and challenges are shaped by various intersecting identity factors, such as race, class, gender, and more,<sup>47</sup> which addresses the limitations of traditional feminism, historically focused on the experience of white, middleclass women, with little to no inclusion of the diverse realities of women from different races, socioeconomic backgrounds, and other diverse identities, Ferguson

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<sup>40</sup> *Intersectional feminism: what it means and why it matters right now* UN Women (Headquarters) 1 July 2020.

<sup>41</sup> C Kelly et al 'Doing or using intersectionality? Opportunities and challenges in incorporating intersectionality into knowledge translation theory and practice' (2021).

<sup>42</sup> G McKibbin et al 'The intersectional turn in feminist theory: A response to Carbin and Edenheim (2013)' (2015) *European Journal of Women's Studies* at 102.

<sup>43</sup> K E Ferguson 'Feminist Theory Today' (2017) *Annual Review of Political Science* at 271.

<sup>44</sup> '(n 2) 273'.

<sup>45</sup> R Cseby 'Understanding intersectional feminism: origins, modern activism, and critiques' August 2023) *Global human rights defence* at 1.

<sup>46</sup> KW Crenshaw 'The urgency of intersectionality' (2016) *Ted talk*.

<sup>47</sup> KA DeFelice & J WbDiller 'Intersectional feminism and behaviour analysis' (2019) *Behaviour analysis in practice* 831–838.

opines it is not only about women; it is about viewing the world through critical intersectional perspectives.<sup>48</sup> It was introduced to critique the dominant conceptions of discrimination in law and in social movements<sup>49</sup> mostly against women of colour.

Lykke defines Intersectionality as a positive shift that explains ‘new analytical and political questions’ and urges one to consider how different aspects of identity can intersect and interact with one another.<sup>50</sup> This concept provides diverse knowledge by aiding understanding and interpretation<sup>51</sup> of ‘individuals’ and groups’ multiple positioning at both micro (individual) and macro (socio-structural) levels.’<sup>52</sup> Cseby viewed it as ‘the exploration of how identities intersect and relate to wider interlocking systems of power’<sup>53</sup> identifying it only as a lens to recognise how oppressive systems impact people differently based on diverse identifying factors. Al-Faham et al conceptualized it as a concern of not only different dimensions of identity but also the interactions between those dimensions.<sup>54</sup> They ‘evaluate how the patterns of inequality are shaped through the complementary interaction of intersectional and interlocking processes.’<sup>55</sup> However, Carastathis buttressed that the appropriation of intersectionality as a white dominated discourse is obscure to its origin in black feminist thought.<sup>56</sup> Her definition throws more light on Crenshaw’s attempt to map structural inequality,<sup>57</sup> viewing it is as ‘a critique of solipsism, tokenism, and exclusion in both white dominated feminist political discourses and male dominated antiracist one.’<sup>58</sup>

In her Ted Talk, Kimberlé Crenshaw identifies intersectionality as the intersection of social dynamics that combine to create unique challenges, raising awareness about how one's way of life is viewed, discriminated against, and reacted to in tragic circumstances.<sup>59</sup> Therefore, intersectional feminist theory is a framework providing a holistic lens to account for the many different forms of

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<sup>48</sup> Ferguson (n 3) 269.

<sup>49</sup> A Carastathis ‘The concept of intersectionality in feminist theory’ (2014) 9 & 5 *Philosophy Compass* at 305.

<sup>50</sup> N Lykke ‘Intersectional analysis: black box or useful critical feminist thinking technology? In framing intersectionality: Debates on a multi-faceted concept in gender studies, ed. H Lutz, MTH Vivar, L Supik’ (2011) at 212.

<sup>51</sup> D Atewologun ‘Intersectionality theory and practice, human resource management, organizational behavior, research methods, social issues’ (2018) at 1.

<sup>52</sup> ‘(n 2) 2’.

<sup>53</sup> Cseby (n 2) 2.

<sup>54</sup> H Al-Faham, AM Davis & R Ernst ‘Intersectionality: from theory to practice’ (2019) 15 *Annual review of law and social science* at 260.

<sup>55</sup> As above.

<sup>56</sup> Carastathis (n 2) 304.

<sup>57</sup> Cseby (n 3) 2.

<sup>58</sup> Carastathis (n 3) 313.

<sup>59</sup> Crenshaw (n 2).

discrimination and inequalities that exist. The framework has often been misrepresented and has led to various critiques and arguments. Yuval-Davis critiqued the intersection of different social divisions. Her debate favors focus on the differences and relationship within a particular social division; having a conflation or separation of different analytic levels within the division<sup>60</sup> and points out the inadequacy in intersecting various social divisions as that may lead to the marginalization of a few.<sup>61</sup> Similarly, Levit argued that intersectional grouping of people's experiences and identities could be compounded by discrimination<sup>62</sup> and the concern that intersectionality could lead to many different feminisms, creating segregation that makes it impossible for women to unite politically.<sup>63</sup> However, Cseby tried to reconcile some of the misconceptions associated with intersectional feminist theory. She stated that it is not about counting the various identities that a person possesses neither is it concerned with individual identity, but rather with the social constructionist view of identity.<sup>64</sup> Hence it seeks to compare individuals but to reshape and examine societal understanding of identities. Kong responded to the argument that intersectionality is not inclusive, summing that the critique interpreted intersectionality as a matter of division or fragmentation, however, this interpretation he argued to be based on a problematic understanding of identity.<sup>65</sup>

### **2.3 The nexus of intersectional feminist theory and anti-right actors on abortion in Nigeria**

Intersectional Feminist theory poses relevance to the study as it takes into cognizance the different individual, social, cultural, and religious factors that influence abortion rights in Nigeria. It is rooted in promoting movements for equality, freedom, and justice,<sup>66</sup> and is a tool for enabling collective solidarity and for progressing feminist theory and practice.<sup>67</sup> Thus, theorizing abortion rights through an intersectional lens means “acknowledging that much knowledge is contextual

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<sup>60</sup> N Yuval-Davis ‘Intersectionality and feminist politics’ (2006) 13 & 3 *European Journal of Women's Studies* at 195.

<sup>61</sup> ‘(n 2) 206’.

<sup>62</sup> N Levit ‘Introduction: Theorizing the connections among systems of subordination’ (2002) 71 & 2 *University of Missouri Kansas City Law Review* at 228.

<sup>63</sup> N Zack ‘Inclusive feminism: A third wave theory of women’s commonality’ (2005) *Rowman & Littlefield Publishers*.

<sup>64</sup> Cseby (n 4) 2.

<sup>65</sup> Y Kong ‘Intersectional feminist theory as a non-ideal theory: Asian American women navigating identity and power’ (2022) 9 & 33 *Journal of Philosophy* at 853,854.

<sup>66</sup> Ferguson (n 4) 271.

<sup>67</sup> McKibbin (n 2) 102.

and reflective of political and economic power,”<sup>68</sup> reflecting how religious identity, race, and class collectively shape women’s reproductive rights<sup>69</sup> in Nigeria. However, anti-rights actors disregard the differences and diversity of women and fight through all available resources to restrict access to safe abortion and related services in the country. The deeply rooted nature of society to powerful cultural and religious taboos associated with premarital sex poses an advantage for anti-right actors as they label single females with a child or those involved in premarital sex with shame.<sup>70</sup> Both the Islamic and the Christian faith vehemently oppose any relaxation of abortion laws, and with religion being one of the pillars of Nigerian society, adjusting the legislation on abortion is an extremely challenging task in Nigeria.<sup>71</sup> The patriarchal nature of Nigerian society seeps into abortion rights, as it is mandated that parental consent is sought, especially that of a father if an underage daughter requests abortion; in the same vein, it is also the practice that doctors must inform and seek the permission of the father of the foetus in an emergency case where abortion is necessary.<sup>72</sup> Also, the existing abortion laws do not make provisions for abortion in situations involving rape or incest, regardless of potential complications in the foetus' development, and the risk of physical or mental disabilities. Only the risk to the mother’s life is considered enough justification for abortion, thereby neglecting the emotional and mental health and rights of choice of the woman.

## 2.4 Conclusion

This discussion throws insight into the intersectional feminist theory, why, and how it should be applied to achieve inclusion and equality. It further observes the interplay of cultural, religious, and political factors that impact women’s reproductive rights and safe abortion in Nigeria. In the context of Nigerian women and their sexual rights, it is crucial to acknowledge that women’s right to safe abortion, despite being criminalized in the country, is shaped by a complex interplay of factors such as cultural, religious, and economic influences, many of which are rooted in post-colonial legacies. Also, recognizing that combating reproductive injustice for safe abortion demands a comprehensive strategy including comprehensive sexuality education, bodily

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<sup>68</sup> Atewologun (n 3) 7.

<sup>69</sup> Al-Faham (n 3) 252.

<sup>70</sup> IM Mohammed ‘Issues relating to abortions are complicated in *Nigeria*’ (2003) 326 & 7382 *British Medical Journal*.

<sup>71</sup> As above.

<sup>72</sup> O Gbadamosi & TO Aderibigbe ‘Justification of women’s right of access to safe and legal abortion in Nigeria’ (2014) 177-202.

autonomy-focused advocacy, legal changes, and the deconstruction of deeply ingrained patriarchal and conservative values that neglect the diversity of the needs and experiences of women. Hence, there is a need to intersect different factors affecting women, advocate policies that promote appropriate reproductive rights and challenge the systemic anti-rights rhetoric.

## CHAPTER 3: THE HISTORICAL AND SOCIAL CONTEXT OF ANTI-RIGHTS ACTORS IN NIGERIA

### 3.1 Introduction

In the preceding chapter, we delved into the intersectional feminist theory and its existence in contrast to religious, cultural, and societal perspectives surrounding abortion rights in Nigeria, highlighting the conservative stance and the actions taken by socio-religious groups to restrict access to reproductive and abortion laws. These efforts effectively limit women's autonomy and their ability to make informed choices about their reproductive health. This chapter links socio-religious groups to Nigeria's history, tracing its influence in the country as anti-right actors.

### 3.2 History of anti-rights actors in Nigeria

Nigeria is the largest country in Africa and a federal republic,<sup>73</sup> made up of a variety of ethnic groups, languages, and religious beliefs.<sup>74</sup> Since gaining independence, Nigeria has had over 15 different governments, alternating between military regime and civilian regime.<sup>75</sup> Traditionally, precolonial leaders wielded significant political influence,<sup>76</sup> overseeing decision-making processes and enforcement. The nation's socio-political and economic landscape has undergone continuous evolution, with colonial and subsequent military and civilian administrations leaving indelible marks on policies, ideologies, and overall development. Falola and Heaton argued that while not all precolonial Nigerian empires directly correlate with present day Nigeria, the colonial period had a significant impact on shaping the nation politically, economically, and socially,<sup>77</sup> especially in the fight for human rights. The concept of advocating for human rights dates back to 1948, when the United Nations General Assembly<sup>78</sup> declared the Universal Declaration of Human Rights.<sup>79</sup> However, the idea of fundamental rights existed even before the establishment of institutions

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<sup>73</sup> JA Dada 'Human rights protection in Nigeria: the past, the present and goals for role actors for the future' (2013) 14 *Journal of Law, Policy and Globalization* at 1.

<sup>74</sup> ON Ogbu 'Is Nigeria a secular state-law, human rights and religion in context' (2014) *the transnational human rights review* at 135.

<sup>75</sup> ME Aboekwe 'Leadership crisis in Nigeria: theological study of John 10:11-15' (2019) 15 *Ogirisi: a new journal of African studies* at 112.

<sup>76</sup> R Ajayi 'Politics and traditional institutions in Nigeria: a historical overview' (1992) *Transafrican journal of history* at 124.

<sup>77</sup> T Falola & MM Heaton *A history of Nigeria* (2008) 15.

<sup>78</sup> JU Ofoegbu 'The place of human rights in Nigeria's democracy' (2013) 10 *OGIRISI: A new journal of African studies* at 60.

<sup>79</sup> Dada (n 2) 1.

responsible for creating and enforcing laws.<sup>80</sup> The presence of human rights also implies the existence of individuals and groups who oppose them. As a result, the roots of anti-rights actors in Nigeria can be traced back to the colonial, military, and early civilian eras.

### **3.2.1 Anti-abortion rights activism in the colonial era**

Fundamental human rights in Nigeria have constantly been negated from the first anti-rights law on 'legal superstructure that increasingly emphasised private property and representative government even when the elite were belatedly incorporated into the machinery of government.'<sup>81</sup> Abortion rights were largely stigmatized and illegal under British rule like many other colonised countries that adopted restrictive laws based on European country laws,<sup>82</sup> reinforcing conservative Christian and Islamic beliefs that viewed abortion as morally wrong. The political, religious, and cultural fabric of the country has been steeped in patriarchy from the upper class, marginalizing women and depriving them of their rights where its societal structure is characterised by class distinctions, with the upper classes especially those in government policy-making positions, making and enforcing laws that primarily serve their interests.<sup>83</sup> These religious influences, colonial legal systems, and class distinctions, shaped attitudes toward abortion. The patriarchal social structure of Nigeria, disenfranchised women and excluded them from decision-making processes both at home and in their communities, hence, restricting women's rights and choices, such as in marriage, career decisions, and sexual and reproductive health, hence, its role in shaping perceptions of human rights in Nigeria cannot be overstated.<sup>84</sup> An illustrative example is the control men exercise over women by deciding and demanding the number and gender of their children in Nigerian homes. Also, traditional societal norms encouraged large families for economic and social reasons, further discouraging abortion. The anti-abortion activism in the colonial era is summed in their strong opposition to uphold the moral context, enforcing them through religious, cultural, and legal structures.

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<sup>80</sup> EO Ojo 'Human rights and sustainable democracy in Nigeria 1999-2003' (2006) *Journal of Social Science* at 15.

<sup>81</sup> OC Eze 'Nigeria and human rights – prospects and problems' (1991) 4 *Bulletin of Ecumenical Theology* at 10.

<sup>82</sup> G Olaide & TO Aderibigbe 'Justification of women's right of access to safe and legal abortion in Nigeria' (2014) 7&2 *African Journal of Legal Studies* at 181.

<sup>83</sup> Eze (n 2) 7.

<sup>84</sup> MP Mathews 'Nigeria: Current issues and historical background' (2002) *Nova Publishers* at 2.

### 3.2.2 Anti-rights Movement in Pre-2000s Nigeria

The pre-2000 era in Nigeria were under both military civilian rules. Each of these rules had their cases of anti-rights movements mostly perpetrated through religious systems. The military rule was ‘characteristically associated with autocracy and totalitarianism.’<sup>85</sup> Nigeria witnessed egregious violations of human rights, marked by systematic economic collapse and political repression<sup>86</sup>having an ‘undoubtedly destabilizing effect on human rights protection’ in the country,<sup>87</sup> which when in comparison to the civilian rule was extreme. During the start of the civilian era, Human rights protection and development were recognized in Nigeria with the increase in the number of women, feminists, and activists in the policy law making and enforcement positions. Though these anti-rights actions significantly lessened compared to experiences during the military regime, it was not eliminated. Mathews documented practices of human rights abuses, including violence, civil unrest, and extrajudicial killings by the country's security forces, including the case of Safiya Hussaini who was sentenced to death by stoning in 2001 by a Sharia court for alleged adultery. Although the state prosecutors asserted that the sharia law be applied retroactively in this case, it is notable how women are at the brunt of such laws violating their rights to choose and bodily autonomy. An estimate of 100 people was killed, and many others were injured, as a result of ethnic and religious violence in Lagos within the same year.<sup>88</sup> Similarly, abortion was condemned tagging it a murderous act or a way to undermine the work of god.<sup>89</sup>

Abortion rates in Nigeria keep rising notwithstanding the success rate of opposition groups in lobbying the government to maintain its restrictions because these laws and restrictions have driven many women and young girls to seek illegal and unsafe abortion methods, resulting in complications, including maternal mortality and morbidity of women and girls in the country.<sup>90</sup> This solidifies Mohamed’s argument that it is not just the absence of medical expertise or health education that compels young pregnant girls to resort to illegal abortion methods, but also the cultural and religious stigmas surrounding extramarital sex in the country.<sup>91</sup> It is crucial to consider

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<sup>85</sup> Dada (n 3) 10.

<sup>86</sup> Human Rights in Nigeria ‘A briefing for the visit of President Clinton’ 2000.

<sup>87</sup> Dada (n 4) 5.

<sup>88</sup> Mathews (n 2) 2.

<sup>89</sup> T Olajide et al ‘Religious beliefs and abortion attempts among women with recent experiences of unwanted pregnancy in Osun state, Nigeria’ 2024 *Union for African Population Studies*

<sup>90</sup> A Shelley & A Gaestel ‘How do you get an abortion in Lagos?’ *Story* (Lagos) 25 September 2013.

<sup>91</sup> Mohammed (n 3).

the timeline of Nigeria's constitutional development and the provisions enshrined therein as the objections to and restrictions on abortion laws in Nigeria are deeply rooted in cultural, religious, and public opinion, except for cases endangering the woman's life as recorded in the Nigerian Criminal Code Act 228, 229, and 230.<sup>92</sup> This often overlooks considerations such as preserving physical or mental health, foetal impairment, rape, and social or economic factors, as well as the gestational development of the foetus, highlighting the negligence and unwillingness to consider all possible causes of action and individual effects as intersectionality depicts. From studying both in past and current times, we find that anti-rights actors work to promote their ideologies, and, in the process, they appropriate the freedom of choice and autonomy for the right holders, failing to view the need of abortion rights from the lens of women. Religion further plays a pivotal role in influencing women's reproductive choices and public views where the Islamic and Christian faiths staunchly oppose the legalization of abortion, further entrenching these restrictions<sup>93</sup> and teaching the masses, especially the young ones, to frown at the practice while encouraging isolation of their peers with differing views. Shapiro noted that although Islamic jurisprudence does not endorse abortion, there is no direct biblical prohibition either, or religious positions on abortion tend to vary based on specific circumstances.<sup>94</sup>

### **3.2.3 Anti-rights actors in post-2000s Nigeria**

In recent times, anti-rights actors continue to mobilise and record successes in pushing their disruptive agenda, despite the years of liberal civil society activism and advocacy for abortion rights and other SRHR. However, there is an increase in recognition of human rights in the country, and more civil society organisations (CSOs) and human rights institutions have been established to foster accountability and create awareness of the existing rights in the country. Dada recorded the abridgement of citizens' rights to change the government; this was reported in the United States Human Rights report and the human rights record of the administration was tagged 'poor.'<sup>95</sup> Despite the socio liberal development of Nigeria over the years, it has upheld the conservative cultural and religious standards of the past and used them to shape the political ideologies of the

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<sup>92</sup> "Criminal Code Act chapter 77 laws of the federation of Nigeria 1990" *World Intellectual Property Organization*.

<sup>93</sup> GK Shapiro 'Abortion law in Muslim-majority countries: an overview of the Islamic discourse with policy implications' (2014) 29 *Health Policy and Planning* at 483.

<sup>94</sup> As above.

<sup>95</sup> Dada (n 5) 7.

country.<sup>96</sup> The country has been notably ruled by the older generation who carry on the restrictive views they had been socialized with into political spaces, hence, building a web of networks for anti-right actors and activities to grow, constantly refuting sudden or total restructuring of the old system.<sup>97</sup> The bulk of this mini-thesis, while focusing on access to abortion, provides an in-depth analysis of the anti-rights movement in present day Nigeria. Christian denominations and Islamic groups are at the fore front of anti-abortion campaigns with its opposition stemming from the deep conviction that abortion is equivalent to murder.<sup>98</sup> The Catholic church also opposed abortion to maintain the position of sex as strictly for reproduction.<sup>99</sup> Nigeria being a nation of faith has consistently regarded abortion as a moral sin and not a right, thereby, having the young ones in the society grow with strong views and hate against abortion through public campaigns and sermons. The Campaign Against Unwanted Pregnancy (CAUP) has been at the forefront of reproductive rights debates but has faced significant resistance from religious groups curtailing its efforts to change abortion laws

Furthermore, the collaborations with international pro-life organizations have provided support to anti-abortion movements in Nigeria. They hold a conservative view on abortion and insists that all forms of wilful abortion should be criminalised,<sup>100</sup> unlike the leftist pro choice school that defends the opinion that it is fair and just for a woman to decide in such a grave matter as her life and death.<sup>101</sup> The pro life school of thought is prevalent in the Criminal Code Act, Laws of the Federation of Nigeria as follows: <sup>102</sup> “Any person who, with intent to procure the 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.”<sup>103</sup> It is the baseline for the

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<sup>96</sup> CA Okoyeuzu & C Nweke ‘Edmund Burke’s conservatism and Nigeria’s socio-political development: a philosophical investigation’ (2023) 6 & 3 *Journal of African Studies and Sustainable Development* 23 at 25.

<sup>97</sup> As above.

<sup>98</sup> Olaide (n 2) 184.

<sup>99</sup> ‘n 3’ 187.

<sup>100</sup> MO Izunwa & S Ifemeje ‘Right to life and abortion debate in Nigeria: a case for the legislation of the principle of double-effect’ (2011) 2 *Nnamdi Azikiwe University Journal of International Law and Jurisprudence* 111 at 117.

<sup>101</sup> O Olufowobi ‘Abortion laws: the provisions under the Nigerian legal framework as a cynosure’ (2018) *Unilag Law review*.

<sup>102</sup> Criminal Code Act, Laws of the Federation of Nigeria, 1990, cap. 77.

<sup>103</sup> Section 228, Criminal Code Act, Laws of the Federation of Nigeria, 1990, cap. 77.

advocacy of the Catholic Church and other religious bodies. Anti-abortion activism also gained a ground with the morbidity and health risks associated with unsafe abortion practices further arguing for improved contraception and family planning.<sup>104</sup>

### 3.3 The American right-wing evangelical brand of anti-rights activism

The American right wing evangelical movement is a notable branch of anti-rights actors comprising religious groups, cultural conservatives, and certain political entities that gained national prominence in the 1980s.<sup>105</sup> The group has been active in legal battles, presenting cases before the European Court of Human Rights (ECHR), particularly related to sexual and reproductive health and rights. These groups are recognized as tax-exempt non-profit organizations and have evolved to become leading advocates against the expansion of reproductive rights in Africa and Nigeria, investing over \$88 million in supporting local actors across Europe, Africa, Asia, and Latin America.<sup>106</sup> The efforts to legalise safe abortion in Africa started taking shape in 2022 with productive moves to decriminalise abortion however, some US based organisations such as the Family Watch International, a nonprofit Christian conservative organisation that advocates strongly against LGBTQ+ and abortion rights played a significant role in influencing policies and mobilising against abortion in the region based on family values and sovereignty. Their efforts were most effective in African Christian countries and Nigeria allows abortion only to save the mother's life.<sup>107</sup> They have also been campaigning to ban comprehensive sexuality education (CSE) in at least ten African countries and coaching African diplomats on how to negotiate for conservative causes since 2010, via an annual training programme in the US.<sup>108</sup> The evangelical groups strictly oppose contraception, divorce, abortion, same-sex marriage, and transgender rights. Braunstein characterizes them as radicals,<sup>109</sup> who leverage alliances with political administrations, ultraconservative lawyers, and family values campaigns to advance their views, though their

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<sup>104</sup> 'Abortion in Nigeria' Wikipedia [https://en.wikipedia.org/wiki/Abortion\\_in\\_Nigeria](https://en.wikipedia.org/wiki/Abortion_in_Nigeria) accessed 06 October 2024.

<sup>105</sup> R Braunstein 'The backlash against right-wing evangelicals is reshaping American politics and faith' *The Guardian* (Nigeria) 25 January 2022.

<sup>106</sup> A Brzozowski 'US Christian right-wing groups financed anti-rights campaigns in Europe' *EURACTIV* (Europe) 27 October 2020.

<sup>107</sup> 'US religious conservatives lobby to restrict abortion in Africa' *Associate Press* 02 July 2023 <https://www.voanews.com/amp/us-religious-conservatives-lobby-to-restrict-abortion-in-africa-/7163618.html> accessed 07 October 2024.

<sup>108</sup> L Namubiru & SK Wepukhulu 'Exclusive: US Christian Right pours more than \$50m into Africa' *Open Democracy* 29 October 2020 accessed at <https://www.opendemocracy.net/en/5050/africa-us-christian-right-50m/>

<sup>109</sup> Braunstein (n 2).

involvement in recent political activities has made them subjects of both support and backlash among conservative Christians. Despite the contradictory nature of their rhetoric and their limited understanding of social life and sexual and reproductive health and rights (SRHR), the right-wing groups have managed to exert a significant influence on politics. Their efforts have been instrumental in centralizing anti-LGBT politics on the global stage and shaping the political agenda.<sup>110</sup> The right-wing groups have been involved in political processes, supporting candidates from President Carter to the Moral Majority in the late 1970s, expressing their hostility to both abortion rights and homosexuality.<sup>111</sup>

Through colonialism, Abrahamic religion was exported into Nigeria and still retains connectivity to the Western world. The Cable quoted the leader of the Church of Nigeria who opposes homosexuality and identified it as an ‘unlawful act fed by the disintegration of social values and cultures’<sup>112</sup> and the cases in Sharia Courts recounted as a brief in the op-ed published by United States Commission On International Religious Freedom (USCIRF) to recognize the detrimental impact of religious influence, which led to intensified harassment and even death sentences.<sup>113</sup> The extremism wielded by religious leaders in so many cases extends to other issues that have a consequent influence on other forms of human rights. An example of the extreme resolve by the Sharia court is the death sentence given to Yahaya Sharif-Aminu, a 22-year-old Muslim gospel musician, for committing blasphemy in a series of private WhatsApp messages. The same court found a 16-year-old boy, Umar Farouk, guilty of blasphemy for reportedly insulting the Prophet Muhammad while arguing with a friend and sentenced him to 10 years in prison with manual labour.<sup>114</sup> With the import of Christianity to the country through colonial invasion, the continuous link between western religious beliefs trickling down to the beliefs and practices sustained by other followers of the same religion and faith can be seen in the case of the Roman Catholic Church, which took a strong, vocal stand against the policy guideline on safe abortion services developed by the Lagos state ministry of health. Tracing the roots of systemic and systematic oppression to colonial influences casts an understanding of how socialization has affected and continues to affect

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<sup>110</sup> D Herman ‘(II) Legitimate minorities: The American Christian right’s anti-gay-rights discourse’ (1996) 23 & 3 *Journal of Law and Society* at 346.

<sup>111</sup> C Haberman ‘Religion and right-wing politics: how evangelicals reshaped elections’ *The New York Times* (New York) 28 October 2018.

<sup>112</sup> The Cable ‘Behind the religious iron curtain stifling rights of LGBTQ+ community in Nigeria’ 1 October 2023.

<sup>113</sup> T Perkins & F Davie ‘A religion news service: Nigeria’s blasphemy laws are the religious freedom crisis no one is talking about’ *United state commission on international religious freedom* 5 February 2021.

<sup>114</sup> As above.

abortion rights in Nigeria. The anti-rights movement is on the rise in the country, taking root across different dynamics. Understanding the socialization shaping behaviours, cultures and consequently policies and practices affecting women, human rights and abortion rights in the country is the first step towards identifying solutions.

### **3.4 Feminist efforts in the SRHR landscape in Nigeria**

Feminism in Nigeria is socially associated with negative connotations.<sup>115</sup> In contemporary society, it is usually tagged as a new and borrowed concept from the Western world.<sup>116</sup> However, from historical documentation, the effort of Nigerian women to rectify discriminatory and violent situations that are rooted in gender discrimination dates back to the 19th century<sup>117</sup> and has been continually evolving and adapting to address emerging issues and complexities related to women's reproductive and sexual rights. Nigerian women have been acknowledged for their significant contributions to anticolonial movements, and the struggle for national independence which led to the emergence of women's movements. Contrary to the opinion of many in contemporary times, they have been actively engaged in elevating their status and enhancing their circumstances even during the pre-colonial and colonial periods.<sup>118</sup> A lack of proper documentation of women's active participation in gender equality efforts contributes to the attempt to erase the existence of feminism in the postcolonial and colonial era, in Nigeria. Also, gender roles are clearly defined culturally in Nigeria<sup>119</sup> with over 250 ethnic groups representing a wide range of traditional beliefs, practices, and religions;<sup>120</sup> Islam and Christianity being the dominant faiths,<sup>121</sup> they hold considerable sway in establishing these gender roles, even in workplaces, further playing an important role in shaping attitudes and policies regarding safe abortion, reproductive justice and rights, while, considering abortion morally unacceptable.<sup>122</sup> The fight for safe abortion rights in Nigeria is identified as an ongoing challenge plagued by the complex intricacies of religious, cultural, and political factors which are embedded in economic justice. This challenge combines with deep norms, hindering the

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<sup>115</sup> MM Abdul et al 'Analysis of the History, Organisations and Challenges of Feminism in Nigeria' (2011) *Nawey.net* at 5.

<sup>116</sup> A Aderinboye 'African feminism and women's rights in Nigeria' (2020) at 2.

<sup>117</sup> Abdul et al (n 2) 20.

<sup>118</sup> '(n 3) 24'.

<sup>119</sup> Feminism in Nigeria – By and for who? *Zeitschrift* (Luxemburg) 25 October 2022.

<sup>120</sup> *Culture – Ministry of Foreign Affairs Nigeria* (n d).

<sup>121</sup> KA Oyediran, G Ishola & A Bankole 'Relationship between religion and unintended childbearing in Nigeria: A cross-regional perspective' (2020) 76 & 1 *Genus*.

<sup>122</sup> As above.

progress of women's rights and access to safe abortion. However, more awareness is being created, particularly on social media platforms like Facebook and Twitter, also in the e-health spaces with persons sharing personal experiences, thus humanising it and potentially changing existing narratives and reducing the toxic view on abortion.<sup>123</sup>

The feminist movement began to take shape in the early 20s as women rallied to protest against colonial rule and economic exploitation however it is more recognised in recent times. Nigerian feminists organized themselves to create gender advocacy groups recognising women's autonomy and their rights to reproduction. The Nigeria Medical Association (NMA) was the first group to attempt to reform the abortion law in Nigeria in 1972. They pushed for the law to be revised at their 1972 conference but it was not successful because they got little support.<sup>124</sup> Other groups such as the National Population Council (NPC) advocated for women's health and welfare through access to safe and legal abortion in 1975 and the Society of Gynaecologists and Obstetricians of Nigeria (SOGON) pushed the termination of pregnancy bill to the National Assembly permitting abortion if two physicians certify that the pregnancy will cause harm to either the mother or her other children, or if the foetus has physical or mental abnormalities. Both advocacies were met with opposition and fell through.<sup>125</sup> In 1982, the Women in Nigeria (WIN) organisation was established by women's rights activists to advocate for women's rights including political participation, education, and economic empowerment amongst others. While feminism had existed before this time, WIN was the first 'organised' group of 'self-identified' feminists in Nigeria. WIN by its nature was intersectional as it was open to all who identified as feminist and 'in its consciousness of both gender and class.'<sup>126</sup> The foundations laid by WIN contributed to the eventual creation of the Nigerian Feminist Forum in 2008.<sup>127</sup> The Nigerian Feminist Forum has

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<sup>123</sup> Onyemelukwe (n 3) 65.

<sup>124</sup> L Alaka 'Nigeria's abortion laws haven't changed since 1960, Heres's the timeline' *Citizen* 14 May 2022 <https://www.zikoko.com/citizen/nigerian-abortion-laws-heres-the-timeline/>

<sup>125</sup> Olaide (n 4) 191.

<sup>126</sup>BE Madunagu 'The Nigerian feminist movement: lessons from "Women in Nigeria", WIN' [2008] *Review of African political economy*.at 667-668

<sup>127</sup>As Above.

since its creation consistently advocated for women's SRHR including access to comprehensive sexuality education, access to contraceptives and safe abortions till the present day.<sup>128</sup>

The Campaign Against Unwanted Pregnancy (CAUP) was 'multi-disciplinary' initiative which was established in 1991 with the aim of raising awareness and addressing the issue of unplanned pregnancies and to protect the sexual and reproductive rights of Nigerian women. It had two failed advocacies, the first one was to defend the sexual and reproductive rights of Nigerian women, eliminate unsafe abortion and teach public health while the second was to review the abortion laws. These setbacks did not make them relent, they however established the Action Group for Adolescent Health (AGAH) which focused on training medical students to educate the public on sexual and reproductive rights.<sup>129</sup> Years later, the group has made a difference in the topic, of abortion, through participatory learning workshops, public symposiums, research, and collaborating with NGOs and community based organisations to broaden awareness while still working with policymakers to shape abortion polices. The topic now is a legitimate subject for public discourse and debate irrespective of the fact that legal abortion is yet to be approved in the country.<sup>130</sup> The major oppositions against these advocacies were from several religious and cultural organizations such as the Association of Catholic Medical Practitioners of Nigeria and the National Council of Women's Societies who rather prioritised teaching family planning and opposing extramarital sex to uphold existing morals in society.<sup>131</sup> Another feminist/women led organizations working to reform Nigeria's strict abortion laws include the Women's Health and Action Research Centre (WHARC) who through research and education, emphasize the public health consequences of unsafe abortions, which contribute to high maternal mortality rates in Nigeria,<sup>132</sup> arguing that legalizing abortion would prevent deaths from unsafe procedures and give women control over their reproductive choices.

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<sup>128</sup> 'Minister, Feminist Forum clash over sex education in curriculum - Vanguard News' <<https://www.vanguardngr.com/2022/11/minister-feminist-forum-clash-over-sex-education-in-curriculum/>> accessed 10 October 2024.

<sup>129</sup> Alake (n 2).

<sup>130</sup> BA Oye-Adeniran CM Long & IF Adewole 'Advocacy for Reform of the Abortion Law in Nigeria' (2004) 12 & 24 *Reproductive Health Matters* at 215.

<sup>131</sup> Alake (n 3).

<sup>132</sup> 'Abortion in Nigeria' Wikipedia 'Minister, Feminist Forum clash over sex education in curriculum - Vanguard News' <<https://www.vanguardngr.com/2022/11/minister-feminist-forum-clash-over-sex-education-in-curriculum/>> accessed 10 October 2024. accessed 06 October 2024.

### **3.5 Conclusion**

The complex historical and social context of Nigeria has shaped the dynamics of anti-right actors, rooted in religious, cultural, and political influences. The struggle for human rights in the country has been a protracted battle, with deep-seated norms and beliefs often hindering progress in areas such as women's rights and access to safe abortion. Additionally, the impact of American right-wing evangelicals and their involvement in Nigeria's socio-political landscape further complicates the pursuit of human rights, particularly in the case of sexual and reproductive health. As Nigeria grapples with these challenges, it is crucial to understand these intricate interplays of historical legacies, cultural norms, and external influences in the ongoing fight for abortion and reproductive rights in the country.

## **CHAPTER 4: STRATEGIES AND FACTORS THAT PROMOTE ANTI-RIGHTS ACTORS IN NIGERIA**

### **4.1 Introduction**

In analysing the strategies and factors that promote the anti-rights movement in Nigeria, it is imperative to examine the relationship between the influence of culture and religion on abortion perspectives and social outlook and how these factors have shaped the work of the anti-rights movement within the country. With reference to the submissions in chapters two and three, chapter two explored the intersectional feminist theory and studied the cultural and religious influences on abortion, providing insights into how deeply ingrained beliefs shape societal attitudes towards abortion, and shedding light on the prioritization of foetal life over women's rights to abortion within the Nigerian legal context.

In chapter three, the intersection of political conservatism and anti-rights movements was examined, highlighting how these forces reinforce restrictive laws and policies impacting access and rights to abortion. This examination underscores the complex interplay between political ideologies and advocacy efforts surrounding reproductive rights in Nigeria. Similarly, chapter four explores the strategies and activities often employed by anti-rights actors in Nigeria to gain crucial insights into the hurdles faced by those who advocate for reproductive rights, with the view to challenge and counter them. It further examines the intersection of political conservatism and the anti-rights movement, illustrating how they reinforce restrictive laws and policies. Lastly, it sheds light on how inadequate awareness and a lack of comprehensive sexuality education perpetuate myths and misunderstandings about abortion, bolstering support for anti-rights advocacy.

### **4.2 Strategies employed by anti-rights actors in Nigeria**

As non-governmental organisations and activists that make up civil society continuously work towards the protection of human rights, in the same vein, anti-rights groups operate in the civil society space, but they work to restrict a particular human right or set of rights<sup>133</sup> and build pessimism against the optimism that human rights advocates provide.<sup>134</sup> Their process of influence includes direct opposition, use of information and data, campaigning and lobbying, education and

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<sup>133</sup> Civicus 'Against the Wave Civil Society Responds to Anti-Rights Groups' (2019).

<sup>134</sup> P Brander 'Manual for human rights education with young people: Human rights activism and the role of NGOs' (2012) *Council of Europe Portal Compass*.

awareness, adopting strategic litigation; creating a chilling effect for providers through criminalisation, intimidation, and grooming young people into the anti-rights ideology,<sup>135</sup> to replicate their brand of anti-right advocacy across the globe.<sup>136</sup> They most times seek to influence international policies through hostile amendments to resolutions, basing their arguments on religious and cultural relativism and bias, aiding to avoid accountability for violations of rights.<sup>137</sup> Fòs Feminista opines that anti-rights actors use anti-colonial messaging to oppose abortion and other SRHR rights, further arguing that comprehensive sex education is a foreign influence intended to weaken morals, culture, and populations as part of the neo-colonial agenda.<sup>138</sup> While fighting the abortion rights adopted by the Lagos state government in Nigeria, they intentionally ‘adopted an anti-imperialist approach, using the political, economic, and cultural influence of the US and emphasising the importance of preserving ‘African values’ when it aligned with their agenda.’<sup>139</sup>

The legal framework of Nigeria, which was adapted from colonial frameworks, is also a factor in preserving anti-rights advocacy. Some sexual and reproductive laws in the country are extreme and harmful to the citizens and deny them their rights. For example, Human Rights Watch recounted the law on Same-Sex Marriage (Prohibition) to be a dangerous piece of legislation as it criminalises public displays of affection between same-sex couples and restricts the work of organisations defending gay people and their rights with stipulated prison terms.<sup>140</sup> This undermines basic rights like the right to the highest attainable standard of physical and mental health<sup>141</sup> and is a throwback to past decades under military rule when civil rights were treated with contempt against the freedoms that Nigerians have long fought to defend.<sup>142</sup> This also impacts the reproductive rights and health of LGBTI women, who are completely excluded from accessing

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<sup>135</sup> Fòs Feminista ‘The global impact of the Dobbs decision on abortion laws, policies, legislation, narratives, and movements: findings from Colombia, India, Kenya, and Nigeria’ (2023) *Preliminary Findings June*.

<sup>136</sup> N Shameem ‘Anti-Rights Actors #Gender and sex conference in rights at risk’ (2021) *Association for women's rights in development*.

<sup>137</sup> U Ahmad ‘Key anti-rights trends: 47th session of the Human Rights Council’ (2021) *Association for women's rights in development*.

<sup>138</sup> Fòs Feminista (n 2) 2.

<sup>139</sup> As above.

<sup>140</sup> Human Rights Watch Nigeria ‘Anti-LGBT Law Threatens Basic Rights Same-Sex Marriage Specter Used to Criminalize Expression’ 14 January 2014 <https://www.hrw.org/news/2014/01/14/nigeria-anti-lgbt-law-threatens-basic-rights> (accessed 09 August 2024).

<sup>141</sup> National Human Right Commission ‘Right to health’ <https://goo.by/hqnNtw> (accessed 18 October 2023).

<sup>142</sup> Human Rights Watch (n 2).

reproductive healthcare tailored to their needs. In *Against the Wave*, an article detailing Civil Society Response to Anti-Rights Groups published by Civicus, they emphasised that although anti-right groups differ in their advocacy engagement, they are a part of the same universe with unclear boundaries between them. Anti-right actors are identified to be in the following categories:<sup>143</sup>

- Extremist and far-right individuals, violent insurgents and terrorist groups.
- Communities with shared beliefs and business lobby groups.
- Pro government militias and organised crime groups.
- State-controlled and state-co-opted media organisations.
- Civil society groups that are ideologically closely aligned to a state or political party undermining human rights.
- State-organised pseudo-civil society organisations and other forms of front and proxy civil society groups.

#### **4.3 Promotion of anti-rights rhetoric through cultural and religious beliefs**

Cultural and religious beliefs have been identified as factors that greatly shape societal perspectives on abortion in Nigeria, prioritising foetal life over women's rights to abortion. Arousell and Carlbom averred that 'religious influences can partly explain the disparities in sexual and reproductive health outcomes,' with these influences not only shaping the views and perspectives on reproductive rights and abortion in Nigeria but have been tailored to fight against reproductive rights advocates in the country.<sup>144</sup> They wield power and always use their beliefs to propagate anti-rights actors.<sup>145</sup> The contemporary Christian, Islamic, and traditional religions receive international and national support to promote their beliefs and create a 'moral society' intertwining with politics to attain dominance in citizens' private and public lives. An example is the Boko Haram group that uses the Shari'a law justification to terrorize gender and sexual minorities in northern Nigeria with the support and backing of some international groups. They draw up a pattern to 'guide devout followers' who will fight to uphold their stand on abortion

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<sup>143</sup> Civicus (n 2).

<sup>144</sup> J Arousell & A Carlbom 'Culture and religious beliefs in relation to reproductive health' (2016) *32 Best Practice & Research Clinical Obstetrics & Gynaecology* at 77.

<sup>145</sup> T Ajao, C Ogwuegbu & L Ogundare 'Religious fundamentalism and historical analysis of diverse sexual orientations and gender identities in Nigeria' *The Initiative for Equal Rights and Education as a Vaccine* at 22.

matters,<sup>146</sup> which is why the response to abortion in the country is relatively the same even after years of recorded advocacies. Also, Nigeria is a patriarchal society with more men in leadership and central decision-making positions even though women are mainly affected by these pregnancies. Some laws on seeking the consent of men to obtain approval before an abortion will be carried out in some countries reinforce the gender bias/inequality effect, signifying that women do not have sole rights over their bodies and choices. Remarkably, the Nigerian political system does not only exert political influences against human rights but also enables religious leaders, making their influence far-reaching and irrefutable with restrictive laws like the abortion law.<sup>147</sup>

#### **4.4 The Intersection of political conservatism and the anti-rights movement in Nigeria**

Nigeria can be referred to as being politically conservative, as she constantly seeks to ‘promote and preserve the norm,’ especially with sexual and reproductive rights issues and the anti-rights actors have been notably penetrating the political space enabling in reinforcing restrictive laws and policies related to abortion. Being a sexual and reproductive rights advocate in Nigeria can be challenging as “state sponsored and state aligned groups have been recorded to violate human rights, through extrajudicial killings, arbitrary arrests, acts of torture and recruitment of children.”<sup>148</sup> Hence, actively seeking women’s rights and equality subjects women to rape, sexual violence, and abuse within their family and community.<sup>149</sup> They are directly targeted by the social norms, traditions, and gender stereotypes they challenge and are particularly restricted in their work by the patriarchal and discriminatory norms and practices that seek to see women relegated in the house rather than publicly active and outspoken about their needs, choices and rights. Also, being in a political position in Nigeria gives access to influences, especially over the military, and the military has been known to exact and violate the rights of citizens,<sup>150</sup> hence engaging politically in collusion with the military gives aid to propagating anti-rights activism. Human rights activists would always withdraw due to fear of extrajudicial reactions from the military. An example is the

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<sup>146</sup> Arousell & Carlbom (n 2) 78.

<sup>147</sup> CO Aimakhu et al ‘Attitudes towards abortion law reforms in Nigeria and factors influencing its social acceptance among female graduates in a Nigerian university’ (2014) 43 *Journal of Medical Science*.

<sup>148</sup> Country Guidance Nigeria ‘The Nigerian state and state-affiliated actors’ *European Union agency for asylum* February 2019.

<sup>149</sup> Commissioner for Human Rights 20 years on from the adoption of the UN declaration on defenders ‘The protection of human rights defenders is non-negotiable’ (*Strasbourg*) 18 December 2018.

<sup>150</sup> Country Guidance Nigeria (n 2).

2020 EndSARS movement which began as a peaceful protest at the Lekki toll-gate in Lagos, to end the continued use of torture and other cruel treatment to execute, punish and extract information from suspects. What followed was the killing of over 12 protesters, numerous injuries, legal arrests, threats and kidnapping.<sup>151</sup> Organisations and advocates working in the reproductive justice space were also a part of the EndSARS protest. After violently handling the protest, the media outlets were then used to control and regulate the news being released about EndSARS while agencies who released videos of the shooting were fined.<sup>152</sup> Four young Nigerians who had watched and experienced brutality at the protests were interviewed by Akinwotu for Guardian News. They questioned the government's claim that no one was killed at the Lekki tollgate.<sup>153</sup> It is important to note that in a country where people can be unfairly arrested, stigmatised and dehumanised for seeking or performing abortions, the role of security agencies like the Nigeria police force needs to be highlighted.

Anti-rights actors understand these complexities and risks and, thus, bolster their strategies. Another strategy employed by anti-rights actors is the deployment of petitions as a tool for advocating against the SRHR rights of women. CitizenGo, a leading anti-rights group, is notorious for setting up petitions online in Nigeria particularly ones targeting Marie Stopes and other SRHR service organisations<sup>154</sup>. They also use letters of goodwill and other public correspondence to cultivate allies in government and religious organisations. Documents such as petitions and letters are often inaccurate and written in ways that stoke sentiments and misinform readers. Using demonstrations and rallies to protest the activities of organisations that provide SRHR services and events that promote the sexual rights of women, anti-rights actors also often stage stunt operations where they visit SRHR service providers and pretend to require services to film service providers in action to report them to the authorities. These protests are like the anti-abortion protests that happen in the US where safe abortion clinics are targeted.<sup>155</sup> Anti-right actors cultivate and lobby allies in the media and create their own media platforms to spread hate through misinformation.

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<sup>151</sup> A Sotunde ‘#Endsars movement: From twitter to Nigerian streets: the soro soke generation won’t give up’ *Amnesty International* (Nigeria) February 2021.

<sup>152</sup> As above.

<sup>153</sup> E Akinwotu ‘The lights went out and the shooting started: #EndSars protesters find no justice one year’ *The Guardian* (Nigeria) 1 November 2021.

<sup>154</sup> Citizengo ‘Stop Marie Stopes abortion activities in Nigeria’ 2 May 2019.

<sup>155</sup> L Zapata ‘Anti-abortion activists protest outside Dallas abortion clinic for 12 hours’ *Spectrum Local News* 4 October 2021.

Certain journalists are known for being prone to reporting SRHR news in a skewed manner and would sometimes target organisations or individuals working in this area. With the rise of social media platforms, organisations like CitizenGo<sup>156</sup> are very active on social media platforms and regularly use these platforms to target organisations that work on SRHR issues. This has led to some of these organisations no longer broadcasting their projects or activities on social media for fear of being targeted.

#### **4.5 Global connectivity and integration to promote anti-right actors**

A major encouraging factor that strengthens anti-rights activities is their complex and evolving network in international spaces as well as domestic politics.<sup>157</sup> They leverage international connections and policies, build tactical alliances and collude across issues, regions, states, and faiths to give strength to their activists' voices and increase their impact.<sup>158</sup> In some cases, they create these alliances with segments of feminist and women's rights movements and distance themselves from more outwardly extreme elements to appear more legitimate.<sup>159</sup> Another prominent strategy adopted by the anti-rights actors is to delegitimize rights related to gender and sexuality as new rights that have no foundation under the human rights framework. During the 47<sup>th</sup> Human Rights Council, Pakistan and Bangladesh collusively 'objected to the inclusion of the right to safe abortion in the resolution on violence against women and girls with disabilities, using "the protection of the right to life" as an argument.'<sup>160</sup> Another example is the sexual and reproductive health and rights (SRHR) language agreement, the attack on the European Union for attempting to include SRHR at national levels, especially in African countries as their local anti-rights groups worked towards lessening the effectiveness and appropriation of the agreement by focusing on regional bodies like the African Union and the East African Legislative Assembly, as well as relevant line ministries in their countries. These anti-rights groups expanded into transnational economic agreements, an area they did not historically work on, to undermine the SRHR language. The mission creed of anti-rights actors falls squarely among the broad, rising tensions in

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<sup>156</sup> Citizengo (n2).

<sup>157</sup> Shameem (n 2).

<sup>158</sup> Ahmad (n 2).

<sup>159</sup> Shameem (n 3).

<sup>160</sup> Ahmad (n 3).

multilateral negotiations, particularly around issues such as gender, SRHR, and LGBTI rights at the United Nations.<sup>161</sup>

Although there are notable advocates of sexual and reproductive rights in Nigeria, anti-rights groups exist within a web of connection, particularly, the internal networks that serve as the major support for grassroots activism<sup>162</sup> and governments are very often able to shirk their obligations under the international treaties,<sup>163</sup> hence, intersecting political conservatism and the anti-rights movement to reinforce restrictive laws and policies. Reproductive rights advocates, especially those who work to question and hold the government accountable for human rights policies, are most times smeared with fabricated news and experience a wave of harassment from anti-rights groups.<sup>164</sup> Sogunro in his analysis of political homophobia, elitism and social exclusion in the colonial origins of anti-gay laws in Nigeria identified that the indignation of the government to regulate sexuality is a part of systemic social control to consolidate state power for the benefit of elite interests.<sup>165</sup> He also uncovered the political strategy of creating moral panic, viewing those who fight for abortion rights as moral deviants.<sup>166</sup>

Sexuality has historically been a tool for political debate, used as a bargaining tool for control, power and policing of autonomy, reflected in every level of the society, including in decision making spaces. In several regions and states, advocates for abortion rights encounter laws that shrink the legal and operational space for them and their work. They are harassed, imprisoned, tortured, and even killed because of their advocacy. ‘According to UN verified data, at least 1,019 human rights defenders were killed in 61 countries across the world from 2015 to 2017.’<sup>167</sup> An anti-rights strategy that demoralises the most is the stigmatisation of individuals; this strategy is mostly used in a closely coined community, and the religious sector, resulting in separation, withdrawal and depression of the victim in the long run. Onyemelukwe opined that human rights

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<sup>161</sup> G Kane & J Vernaelde ‘Anti-rights groups take aim at transnational trade agreement’ *Gender and Human Rights Monitor* 2022.

<sup>162</sup> Civicus (n 3).

<sup>163</sup> Brander (n 2).

<sup>164</sup> IM Pousadela & DR Perera ‘The enemy within? anti-rights groups and restrictions on civil society’ (2021) 12 *Global Policy* 34 at 35.

<sup>165</sup> A Sogunro ‘An analysis of political homophobia, elitism and social exclusion in the colonial origins of anti-gay laws in Nigeria’ (2022) 22 *African Human Rights Law Journal* 493 at 496,497.

<sup>166</sup> ‘(n 2) 498’.

<sup>167</sup> Commissioner for Human Rights 20 years on from the adoption of the UN Declaration on Defenders (n 2).

abuse has deep roots in stigma, causing and enhancing mental health issues.<sup>168</sup> All of these give a broader perspective on how the anti-rights movement mobilises globally to influence at regional and national levels.

#### **4.6 Lack of comprehensive sexuality education and awareness bolstering support for anti-rights advocacy**

The education curricula in Nigeria restrict comprehensive sexuality education, hence the community including young girls and women lack the knowledge required to shape attitudes and perceptions about abortion. Inadequate awareness and lack of comprehensive sexuality education have a relatively negative impact, as they deter citizens from advocating for their rights, hence amplifying the challenges faced by those who are bold enough to advocate for sexual and reproductive rights. Citizens, both learned and unlearned, do not fully understand reproductive health and reproductive rights. This unfortunately leads to poor responses and a lack of voices seeking the actualisation of human rights. It is important to state that sexual and reproductive rights are human rights. Mairiga's research on the knowledge and attitude to reproductive rights exposed poor knowledge of issues related to reproductive health and reproductive rights among lawyers.<sup>169</sup> Hence more education and awareness on sexual and reproductive health and rights should be carried out to promote understanding, positive response and advocacy towards appropriation of these rights. More so, there is a wide rate of ignorance, myths, and misconceptions about sexual and reproductive health even among women.<sup>170</sup> This is promoted by inadequate sexual and reproductive education while anti-rights advocates maximise them in their operation to further hinder the efforts of reproductive rights advocates. They also consistently portray access to safe abortion, contraceptives and sexuality education as opposed to family values. Some of these myths and misconceptions include that 'Abortion causes infertility', 'abortion is not a safe medical procedure', 'emergency contraception is the same as having an abortion', undergoing an abortion

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<sup>168</sup> C Onyemelukwe 'Stigma and mental health in Nigeria: some suggestions for law reform' (2016) 55 *Journal of Law, Policy and Globalization* 63 at 63.

<sup>169</sup> AG Mairiga et al 'Nigerian lawyers and reproductive health rights: A survey of knowledge, practices and opinions on law reforms among the Bar and Bench in North-Eastern Nigeria' (2012) 16 *African Journal of Reproductive Health* 69 at 69.

<sup>170</sup> LL Wynn, AM Foster, & J Trussell 'Misconceptions and ignorance about sexual and reproductive health' (2009) 34 *National library of medicine* 29–32

depicts irresponsibility, abortion leads to long-term regret and intense grief, and ‘abortion causes breast cancer’.

What this fails to note is the impact of safe abortion and unsafe abortion. Other myths and misconceptions on abortion often lead women to undergo unsafe abortion practices such as taking unprescribed herbal concoctions rather than seeking medical aid.<sup>171</sup> Although these are just myths and misconceptions, they percolate through society, impacting our sexual health, our decisions surrounding our bodies, and our laws,<sup>172</sup> and further give anti-rights advocates misinformation to capitalise on, weaponize and operate with.

#### **4.7 Conclusion**

Culture, religion, local and international political entities are factors that promote anti-rights actors. Beyond getting active support, they strategize with the existing social and moral foundations buffered by socio-political and socioreligious influences in Nigeria, to advance their interests. This discussion explored the strategies employed by anti-right activists in their advocacy against abortion rights and other sexual and reproductive rights, highlighting that they do not just neglect the rights of women to their bodies and reproduction but also abuse the rights of those who actively advocate for these rights. It analysed the challenges encountered by reproductive rights proponents in Nigeria which are not limited to policy restrictions but include different forms of violence which these activists often face from security agencies in Nigeria. This study has accordingly examined the interplay of political conservatism and anti-rights movements in reinforcing policies and abortion laws in the country, further giving room for the violence against sexual and reproductive rights advocates. It has also exposed some common abortion myths and how anti-rights actors weaponize these misconceptions people have about abortions to advocate against it. The understanding of the strategies employed by anti-right actors provides a guide for human rights activists on how best to effectively advocate for abortion rights, taking cognisance of the need to recognise the individuality of women and their needs.

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<sup>171</sup> K Thapa, Y Karki & KP Bista ‘Myths and misconceptions about abortion among marginalized underserved community’ (2009) 48 *journal of the Nepal Medical Association* 276 at 277.

<sup>172</sup> N Davis-Fainbloom ‘A sex educator speaks: 6 myths about abortion, debunked’ (2022) *Everydayhealth*.

## CHAPTER 5: IMPACT OF ANTI-RIGHTS ACTORS ON ABORTION RIGHTS AND NORMS IN NIGERIA AND ACROSS AFRICA

### 5.1 Introduction

This study has taken an in depth look into the activities of anti-right actions on abortion rights and has pointed out the impacts such as morbidity, and the stigmatisation that is associated with abortion. This chapter however emphasizes more on the efforts to maintain and ensure that abortion stigma is heightened and preserved through the use of religious, cultural, and moral narratives. The aim is to identify how these narratives amplify the social and political sensitivity of abortion to limit public support for abortion rights. This intends to examine the impact of self-managed abortion norms across Africa *vis-à-vis* the challenges and means developed countries have handled the abortion laws and anti-right actions against abortion rights.

### 5.2 Factors that promote anti-abortion activism in Nigeria

Adding to the cultural, political, and religious factors that enable anti-right activism against abortion rights, other factors such as the patriarchal context of the country, the economic layback of Nigerian women, and the policies and laws on abortion correlate to impact anti-right actions in the country.

#### 5.2.1 The Patriarchy

The systematic dynamics of power are evident in the fight for reproductive rights and safe abortion in Nigeria as it is plagued with the complex intricacy of religion, political and cultural factors which are also embedded in economic injustice, directly linked to the patriarchal system existing in the country. Its conservatism on abortion tends to be patriotic as it preserves prevalent patriarchal traditions and maintains the strong value for ‘morality’<sup>173</sup> just as Olatokun in his study identified the fight for women’s rights as feminism stating that it is ‘the bedrock of the campaign for the guarantee of women’s right to choose abortion.’<sup>174</sup> While Atewologun posits that not focusing on individual experiences and within group differences in work and organisations indicates systematic dynamics of power,<sup>175</sup> Dosekun argued that while the gender constraints women face in Nigeria can be traced to colonialism, slave history, and disposition of land amongst others; in contemporary

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<sup>173</sup> Okoyeuzu & Nweke (n 3) 26.

<sup>174</sup> Olatokun *Feminists’ Body Sensitivity: An Overview of the Western and Nigerian Perspectives* at 114.

<sup>175</sup> Atewologun (n 4) 5.

Nigerian society, it is clear that the various ethnic societies and cultures within the country tend to be characterised by male dominance, with the prevalent use of highly rigid and discriminatory interpretations of traditional beliefs and customs that are often employed against women, serving the interests of a patriarchal system.<sup>176</sup> Beasley opined that intersectional feminist theory has been criticised by the patriarchal idea of women as an attempt to unthink nature and biology for addressing biopolitical issues such as reproduction and sexuality which is based on a static view. However, they remain ignorant of the social factors that influence and change the supposed “static biology.”<sup>177</sup> The research further showed that body sensitivity in Nigerian women does not extend to abortion. Consequently, this indicates that it is challenging for a woman to choose abortion without being perceived as undervaluing the paternal contribution to the foetus<sup>178</sup> and also viewing certain women’s rights, particularly the SRHR rights as western rights that are out of step with Nigeria’s spiritual and cultural norms.<sup>179</sup> These re-establish central control and influence on women’s rights, which we have consistently throughout the study, with religious, traditional, and political factors influencing and restricting potential improvements. Furthermore, Ferguson in his findings on the feminist theory asserts that it is a dualistic thinking aimed to generate hierarchy and achieve dominance. He added that patriarchal thinking has confidently attributed the fixed and universal essences to women, whereas, process thinking asks how things come to be, requiring that we historicise our thinking and recognize dynamic and changing relationships rather than static entities.<sup>180</sup> It would also be advantageous for more women’s rights activists to be involved in government, to aid in challenging systematic anti-rights rhetoric, question the laid out static norms, and advocate for policies promoting women’s reproductive rights. Atewologun learned from Warner, Settles, and Shields who cautioned that when standpoint feminist theory is applied to intersectionality it runs the risk of being essentialised.<sup>181</sup> However, this can be avoided by emphasising the rich insights individual dynamics reflect and intersecting diverse identities.<sup>182</sup>

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<sup>176</sup> S Dosekun ‘The problems and intersectional politics of #BeingFemaleinNigeria’ (2022) 23 & 4 *Feminist media studies* 1429 at 1431.

<sup>177</sup> C Beasley *What is feminism? An introduction to feminist theory* (1999) 78.

<sup>178</sup> ‘(n 2) 119’.

<sup>179</sup> ‘(n 3) 120’.

<sup>180</sup> Ferguson (n 5) 271.

<sup>181</sup> Atewologun (n 5) 7.

<sup>182</sup> As above.

### 5.2.2 Economic factors

According to Mohammed, Nigerian society does not primarily lack medical expertise or healthcare support from nongovernmental organisations,<sup>183</sup> so this is not the reason why pregnant girls and women turn to clandestine abortion clinics. Some private hospitals offer safe abortion services in most Nigerian cities but this is mostly affordable to the wealthy,<sup>184</sup> so, it is evident that privilege creates access for the wealthy to afford abortion in the private hospitals in Nigeria or they can access abortion abroad, through medical tourism.<sup>185</sup> Whereas poor and marginalised women, such as internally displaced (IDP) women, queer & gender expansive persons and those with disability have limited access to quality safe abortion and cannot afford the option of going abroad due to their economic status. Therefore, access to abortion is an intersectional issue cutting across social strata, economic status, sexual orientation and gender identity (SOGI) and disability. Also, Benson et al noted that the lack of safe abortion is the major cause of the high cost of post abortion care (PAC) from their research in public hospitals amounting to \$807,442 in 3 state hospitals as of 2012.<sup>186</sup> This highlights the intersectional issue of class and economic status in accessing safe abortion and post abortion services. Furthermore, women are generally described as the face of poverty in the country, with all the disadvantages they must handle, while men are the face of power.<sup>187</sup> They tend to suffer other plights beyond the inaccessibility of safe abortion, which sometimes take the attention over the obvious maternal killer that is unsafe abortion; as noted by Bako and Syed, women tend to have lower levels of education and possess fewer assets compared to men on the average.<sup>188</sup> Additionally, along with their children, they experience the highest levels of insecurity in terms of food and housing, inadequate state of healthcare and other essential infrastructure in the country contributing to some of the highest maternal mortality rates globally,

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<sup>183</sup> Mohammed (n 4).

<sup>184</sup> ME Byrne et al 'Determinants of women's preferred and actual abortion provision locations in Nigeria' (2021) *Reproductive Health* 1 at 3.

<sup>185</sup> N Lunt et al 'Medical tourism: treatments, markets and health system implications: a scoping review' (2011) *Organisation for Economic Co-operation and Development* 1 at 7.

<sup>186</sup> J Benson et al 'Public hospital costs of treatment of abortion complications in Nigeria' (2012) *International Journal of Gynaecology and Obstetrics* 134 at 134.

<sup>187</sup> Dosekun (n 2) 1431.

<sup>188</sup> MJ Bako and J Syed 'Women's marginalisation in Nigeria and the way forward' (2018) 21 *Human resource development international* 425 at 429.

among other challenges.<sup>189</sup> These factors already place women at a disadvantage, making abortion a reasonable choice.

### 5.2.3 Restrictive laws

Nigeria has restrictive abortion laws that criminalise safe abortion, with exceptions only for saving a woman's life. This legal framework often pushes women towards unsafe, clandestine procedures, endangering their lives and well-being. In 2012, the House of Assembly of Imo state passed the Violence Against Persons (Prohibition) Bill which was signed into law by the Governor, specifically stating that ‘every woman has the right to enjoy reproductive rights including rights to medical abortion in the case of sexual assault, rape, incest or danger to the mother’s life or the physical, mental, psychological or emotional health of the mother.’<sup>190</sup> This law faced backlash from various religious and cultural groups, where the Association of Catholic Medical Practitioners of Nigeria championed this outcry and the Governor was forced to call on the House of Assembly to repeal the law and to also give a public apology,<sup>191</sup> for signing the bill into law. He further clarified that the bill did not legalise abortion in the state but was for the ‘prevention of violence and protection of women’s rights.’<sup>192</sup> Also, the Lagos state government through the State Ministry of Health developed a policy document on abortion within the ambit of the criminal law of Lagos state. This guideline was made to ‘build the capacity of health professionals to identify pregnancies for which legal termination could be instituted,’<sup>193</sup> giving them the say over who should or should not undergo abortion irrespective of their individual choice. Regardless, religious leaders viewed the guideline as a ‘means of legalising abortion through the backdoor.’<sup>194</sup> Many of the attempts to reform the law that criminalises abortion have been met with opposition from anti-rights groups, who have their roots in religion, cultural beliefs and the patriarchy. The law criminalising abortion stems from the need to control women and take away their bodily autonomy. However, the connection between conservatism, traditional, religious perspectives, and reproductive rights is not surprising, because reproductive rights encompass actions related to

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<sup>189</sup> (n 2) 430’.

<sup>190</sup> AC Godwin ‘Governor Okorochoa under fire for passing abortion bill into law’ *Daily Post* (Nigeria) 28 August 2013.

<sup>191</sup> OJ Odia ‘The relation between law, religion, culture and medical ethics in Nigeria’ (2014) 25 & 3 *Global Bioethics* at 164-169.

<sup>192</sup> ‘Gov Okorochoa denies legalising abortion in Imo’ *Vanguard* (Nigeria) 31 August 2013.

<sup>193</sup> The Cable ‘Lagos unveils new policy guidelines on safe abortions to reduce preventable deaths’ 28 June 2022.

<sup>194</sup> C Muanya & I Nwanosike ‘Debate rages over ban on ‘safe’ abortion rights’ *Guardian Nigeria News* (Nigeria) 2023.

preventing, aiding, or ending pregnancy, which some view as intersecting with the safeguarding of the foetus, which they regard as potential life.<sup>195</sup> Although the Nigerian constitution makes a distinction between civil and customary law, in which case, women may encounter situations where customary law is used to deny or weaken the rights and protections guaranteed to them by civil law.<sup>196</sup> With the law stating that safe abortion can only be carried out if the doctor certifies that the pregnancy can cost the woman's life in Nigeria, it is evident that a pregnant woman has no bodily autonomy, as this choice has legally been transferred to the doctor.<sup>197</sup>

Despite all the advocacy, policy changes and exposure to human rights in recent times, any attempt to look into the concept of abortion is marred by controversy because its meaning and relevance tend to change face and shift ground in different social formations.<sup>198</sup> For example, the Nigerian legislative deliberation on legalising abortion has revolved around determining when life starts; if a foetus is a person and the convenience of the pregnancy to the mother<sup>199</sup> to give the authorisation for wilful abortion and not assume it as murder in the country. Policymakers and politicians hold onto both religious and cultural contexts, and its threats to their political careers to champion policies and laws against safe abortion. Okonofua et al noted that Nigerian policymakers often do not prioritise the need to make laws that reduce unsafe abortion and grant women their sexual and reproductive process.<sup>200</sup> Irrespective of the argument of the United Nations Committee on the Elimination of Discrimination against Women, women have the sole right to decide whether to have an abortion or not.<sup>201</sup> The denial of a pregnant woman's right to independently make this decision violates or poses a threat to several human rights, including a woman's right to equality, liberty, non-discrimination, privacy, health and to be free from inhumane and degrading treatment, as explicitly articulated by the United Nations,<sup>202</sup> The predominantly masculine culture and the prevalence of violence in election processes contribute to the significant under-representation of women in political positions in Nigeria, posing substantial systemic barriers and the cultural norms

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<sup>195</sup> DA Gozdecka 'Backlash or widening the gap? women's reproductive rights in the twenty-first century' (2020) 9 & 1 Laws at 8.

<sup>196</sup> Dosekun (n 3) 1431.

<sup>197</sup> Gbadamosi & Aderibigbe (n 2).

<sup>198</sup> PI Ogugua & IC Ogugua 'Human rights: concepts, facts, problems and prospects (A Philosophical Reflection)' at 98.

<sup>199</sup> Izunwa & Ifemeje (n 2) 111.

<sup>200</sup> Okonofua (n 2) 35.

<sup>201</sup> United Nations committee on the elimination of discrimination against women: general recommendation 24: Article 12 of the Convention (women and health) (20th Session 1999).

<sup>202</sup> Rehnström Loi et al (n 4) 2.

that challenge women in power.<sup>203</sup> Despite recent gains in women's political representation, the current numbers are insufficient to significantly address the existing gender gap. Consequently, men continue to dominate political leadership, retaining primary influence over decision-making processes concerning women's rights, including issues related to reproductive justice.

#### 5.2.4 Stigma

The prominent challenges in accessing healthy and safe means of abortion have always been traced to the legal restrictions on abortion in Nigeria<sup>204</sup> and limited financing for abortion services, however, stigma is also a big challenge that women have to consider before seeking abortion. In Nigeria, there have been cases of secondary school girls adopting unsafe abortion practices without the knowledge of family or guidance and their excuse most times is that letting their family know of their pregnancy could lead to them being disowned which has been a common practice to uphold the pride and name of the family, especially for strong traditional and religious families. Women especially adolescents opt for unsafe abortion methods for fear of stigma<sup>205</sup> and early marriage as most parents would rather marry off their girls before the pregnancy becomes public knowledge. Furthermore, the study has found that culture and religious practices affect people and social perception of things faster and more strongly in Nigeria, hence these perceptions are most times passed on when addressing people in public spaces. An example is advocating against abortion and portraying it as an act of committing murder to fuel the stigma experienced by women who have had an abortion.<sup>206</sup> Religious attitudes consider abortion a sin influencing abortion laws and stigmatising women who undergo abortion.<sup>207</sup> While the Islamic religion uses the Shari'a law justification to tyrannise Nigerian gender and sexual minorities,<sup>208</sup> Christianity militarises thoughts and actions detrimental to targeted groups' rights and their mental, emotional, and physical well-being.<sup>209</sup> With such a mindset prevalent in society, women who choose to abort at will are

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<sup>203</sup> DT Agbalajobi 'Promoting gender equality in political participation: new perspectives on Nigeria' (2021) *Lanham: Rowman and Littlefield*.

<sup>204</sup> IK Warriner & IH Shah 'Preventing unsafe abortion and its consequences: priorities for research and action' (eds) *New York: Guttmacher Institute* (2006) at 13.

<sup>205</sup> U Rehnström Loi et al 'Health care providers perceptions of and attitudes towards induced abortions in sub-Saharan Africa and Southeast Asia: a systematic literature review of qualitative and quantitative data' (2015) 15:139 *BioMed Central Public Health* at 2.

<sup>206</sup> Onyemelukwe (n 2) 64.

<sup>207</sup> RJ Cook 'Abortion human rights and the international conference on population and development' (n 3) 42.

<sup>208</sup> Ajao, Ogwuegbu & Ogundare (n 3) 22.

<sup>209</sup> '(n 4) 23'.

considered wrongdoers and viewed as a social or personal failure. Religious leaders combine the power and influence they wield with the funds donated to them to act as strong catalysts for anti-rights actors, especially on abortion rights, justifying their actions and beliefs as upholding morality in society. An example was recorded by Ajao et al on how the Kano State Hisbah Corps in 2003 wrought havoc, clamped down on women's rights, raided and persecuted citizens at will while being funded by taxpayer generated government funds.<sup>210</sup> These practices assert control and dominance in citizens' public and private lives.<sup>211</sup>

When opting for an abortion, there are a lot of things to consider before deciding where to go for it. Byrne et al in their enquiry into what determines preferred and actual abortion provision locations in Nigeria confirm that the illegality of abortion and poor provider attitudes pose a challenge to many women from seeking abortions in formal healthcare settings. Women tend to learn from their social networks about which abortion care options they can trust. The level of discretion afforded by a given provider also factors prominently due to the stigma of abortion even in legally enabling environments.<sup>212</sup> They also found that privacy and convenience were the top factors women considered to avoid social stigma but the cost of obtaining such safe abortion space irrespective of sociodemographic characteristics is an important factor, forcing many women to have a preference for nonclinical methods.<sup>213</sup> However, they acknowledged that there is an improvement in abortion safety within legally restrictive settings with increased access to safe, effective abortion medications like misoprostol at the community level.<sup>214</sup>

The stigmatisation of women on abortion leads to discrimination, affecting their personal lives, relationships, social interactions and productivity. An unconventional form of stigma women experience around abortion is the bias healthcare providers have due to their moral, social, and gender-based reservations. Rehnström Loi and others have argued that these reservations influence attitudes towards induced abortions and subsequently affect the relationship between the healthcare provider and the pregnant woman who wishes to have an abortion<sup>215</sup> because they persist in their view of abortion as immoral, irrespective of its legal status in the country.<sup>216</sup> However, the

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<sup>210</sup> As above.

<sup>211</sup> Ajao, Ogwuegbu & Ogundare (n 2) 22.

<sup>212</sup> Byrne et al (n 2) 3.

<sup>213</sup> '(n 2) 6'.

<sup>214</sup> '(n 3) 2'.

<sup>215</sup> Rehnström Loi et al (n 2) 1.

<sup>216</sup> '(n 3) 2'.

relationship between the legalisation of abortion at choice and accessing affordable safe services has a contradiction that illegal abortion services are not always unsafe while legal abortion can be unsafe when certified service providers offer poor services.<sup>217</sup> An example is drawn from the research of Ganatra and Johnston in India, where abortion is legal and provided free of service charge in government authorised clinics but significant numbers of abortions continue to take place in uncertified settings, while a large proportion of those taken in the authorised institutions result in complication because the government certified providers may offer poor service and quality of care and are less respectful of confidentiality and privacy factors, compelling women to seek out other providers.<sup>218</sup>

The stigma associated with seeking abortion services from institutionalised healthcare systems has also led many women and young girls to opt for self-managed abortions. Although self-managed methods were previously frowned upon, healthcare advancement has led to more options for safe self-managed abortions, including the use of misoprostol and mifepristone treatments, which have become a little bit more accessible in Nigeria.<sup>219</sup> Also, feminist activists have provided communities with the information and support that has drastically increased the safety and effectiveness of self-managed abortion in the country.<sup>220</sup> Stillman et al review of self-managed abortion showed that the use of misoprostol is safe and most of the women who have used it reported that it is safe, accessible, and effective with community support and without medical supervision.<sup>221,222</sup> While this has become remotely accessible in the country, it is still not easily accessible due to the legal context of abortion in the country and the associated stigma for women requiring abortion services. It is still a difficult conversation limiting their ability to opt for self-managed abortions.

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<sup>217</sup> IK Warriner ‘Unsafe abortion: an overview of priorities and needs’ (n 2) 14.

<sup>218</sup> B Ganatra & HB Johnston ‘Reducing abortion-related mortality in South Asia: are view of constraints and a road map for change’ (2002) *57 & 3 Journal of the American Medical Women’s Association* at 159-164.

<sup>219</sup> T Shochet et al ‘Self-managed abortion via the internet: Analysis of one year of service delivery data from Women Help Women’ (2023) *Gates Open Research*.

<sup>220</sup> As above.

<sup>221</sup> M Stillman et al ‘Women’s self-reported experiences using misoprostol obtained from drug sellers: a prospective cohort study in Lagos State, Nigeria’ (2020) *10 & 5 British Medical Journal*.

<sup>222</sup> Shochet et al (n 3).

### 5.3 Abortion norms and anti-right actions against abortion rights across Africa and developed countries

While human rights violations do not only exist in Nigeria but in all countries of the world, the difference is in the degree of violation.<sup>223</sup> This study therefore learns of the abortion rights status of other countries especially developing countries and attempts to uncover the gaps between Nigeria and other developing countries. Roth et al in their quantitative study of the sexual and reproductive health needs and challenges of adolescent girls and young women (15-24 years) in IDP camps in Nigeria and Uganda reported that one per cent of the study population had undergone an induced abortion. However, 19 per cent have taken action to induce their menstruation after a few delays.<sup>224</sup> Further into the research it was found that contraceptive uptake is low, especially in Nigeria against Uganda which was found to have more knowledge on sexual and reproductive healthcare which was suggested to be a result of low decision-making power, stigma, and lack of awareness in Nigeria.<sup>225</sup> Hence, from the study, there is a knowledge gap as a much larger proportion of the population in Uganda had knowledge of SRHR and was more willing to discuss these with family and friends than in Nigeria.

With the fight against anti-rights actors being more pronounced over the years and globally, significant efforts have been put into reclaiming human rights through democracy although it is acknowledged that democracy does not necessarily guarantee human rights. Human rights on the other hand can no longer be meaningfully discussed outside the democratic environment, hence the more democratic a state is, the less violation of human rights the citizens of that state experience.<sup>226</sup> The US like every other country has its share of anti-rights actors advocating against abortion rights and the continuous cases of self-managed abortions which Robertson in his review of Melinda Gates's tweet on X viewed the reproductive fight in the US to be a circular issue as legislation can always be passed in an attempt to restrict women's options and reproductive rights.<sup>227</sup> Nevertheless, the efforts in creating structures for the advancement of women's reproductive and sexual rights have not been much productive due to customary and religious

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<sup>223</sup> Ogugua & Ogugua (n 2) 103.

<sup>224</sup> C Roth et al 'The sexual and reproductive health needs and challenges of adolescent girls and young women in humanitarian settings in Nigeria and Uganda' (2022) *International center for research on women, Washington, DC* at 3.

<sup>225</sup> '(n 2) 22'.

<sup>226</sup> Dada (n 6) 9.

<sup>227</sup> N Robertson 'Melinda French Gates on abortion pill decision: Fight far from over' (2024) *The Hill*.

practices which negatively affect the situation of Nigerian women.<sup>228</sup> This further amplifies Melinda's opinion that 'the only way to stop anti-rights attacks on women's autonomy is to make sure that women have the political power to set their own agenda.'<sup>229</sup> However, the vast differences in the abortion laws of different countries, but most developed countries adopt the United Nations grounds on which an abortion is permitted:<sup>230</sup>

- To protect the life of the mother.
- To preserve the mother's physical health.
- To preserve the mother's mental health.
- In cases of rape or incest.
- For foetal defects.
- For socioeconomic reasons.
- On request.

Although the subject of abortion is a sensitive one in all of Africa and is still restrictive in most countries in sub-Saharan Africa and Southeast Asia, two countries in sub-Saharan Africa: Cape Verde and South Africa are exemptions. However, Kenya, like Cambodia, Singapore and Vietnam permit an abortion on a broad range of grounds.<sup>231</sup> In accordance with Kenya's Constitution, the Health Act 2017, and the National Guidelines on the Management of Sexual Violence 2014, women are allowed access to abortion also in cases when the 'pregnancy resulted from rape, incest, defilement or sexual assault and for women whose health is in danger'. The Health Act 2017 defines health as a complete state of physical, mental and social well-being and not merely the absence of disease<sup>232</sup> which is an improvement in comparison to the Health Act 2010 - a replica of what the Nigerian constitutions currently allows - as the women will undergo psychological trauma and mental distress as a result of pregnancy have a right to access safe abortion and they are all allowed post abortion care as the law states that everyone has a right to access medical services.<sup>233</sup> The Kenyan law strictly advocates for safe abortion conducted by a licensed medical

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<sup>228</sup> Iloka 'Contemporary issues on reproductive and sexual health vis-à-vis the rights of women in Nigeria' at 86.

<sup>229</sup> Robertson (n 2).

<sup>230</sup> United Nations: World abortion policies 2011.

<sup>231</sup> Rehnström Loi et al (n 5) 2.

<sup>232</sup> TG Saoyo 'Legal framework on provision of safe abortion in Kenya' (2018) *Kelin Kenya* at 5.

<sup>233</sup> A Murithi 'Reproductive rights: A holistic approach to abortion rights in Kenya' (2022) *Social Science Research Network* 1 at 10.

professional, however, it also respects the place of religion and beliefs but prohibits restriction of access to safe abortion or harassment and stigmatisation when offering these services. For countries that allow abortion choices at will, overpopulation is one of their strategic reasons for propagating legal abortion; the need to match food availability with the population of a nation to ensure those hunger, deprivation, and crime rates which are products of overpopulation is contained.<sup>234</sup> South Africa is one of the African countries that has abortion rights as part of the universal right to health with a liberal permit at the request of the woman and The Choice on Termination of Pregnancy (CTOP) Act of 1996 serves as a model of reform to other African nations on abortion laws as it allows women of any age to access abortion services on request during the first 12 weeks of pregnancy.<sup>235</sup> The reduction of abortion related morbidity and mortality was proven to be directly related to the CTOP Act and also led to the need to minimise the barriers of service providers' opposition and improve the number and quality of training these providers obtain.<sup>236</sup> Despite the increase of trainings for providers, not all healthcare providers are willing to take the training or offer the service, hence, this still limits the availability of safe legal abortion in South Africa. The efforts to legalise abortion at will include and not limited to the need to reduce harm and reproducing stereotypes, restore women's substantive freedom, and protect the rights to equality, dignity, privacy, autonomy and particularly, the right to health. Irrespective of the changes and developments in the abortion law in South Africa, reproductive autonomy was still structured in favour of programmatic healthcare arguments, limiting self-determination of abortion and reproductive justice – 'a relationship between autonomy and equality that enables the normative and practical centring of vulnerable and disadvantaged women, within a commitment to the structural transformation of society,'<sup>237</sup> Hence, separating abortions rights as reproductive autonomy. However, there has been a conceptual development of this in recent times.<sup>238</sup>

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<sup>234</sup> Izunwa & Ifemeje (n 2) 116.

<sup>235</sup> R Kaswa & P Yogeswaran 'Abortion reforms in South Africa: An overview of the choice on termination of pregnancy act' (2020) 62 *South Africa Family Practice* at 1.

<sup>236</sup> J Harries 'Abortion services in South Africa: Challenges and barriers to safe abortion care: Health care providers perspectives' (2010) *University of Cape Town, Faculty of Health Sciences, Department of Public Health and Family Medicine*.

<sup>237</sup> C Albertyn 'Abortion, reproductive rights and the possibilities of reproductive justice in South African courts' (2019) *University of Oxford Human Rights Hub Journal* 87 at 87.

<sup>238</sup> '(n 2) 91'.

## 5.4 Conclusion

Anti-rights groups are viewed to be linked to the state because of the deep influence of religion and tradition on the policies and perceptions of Nigerians. Interestingly, when they are identified as distinct from the state, they are consistently perceived to be supporting and being supported by powerful state actors. Their incentives were perceived to revolve around the preservation of social norms and the order that they consider to be ‘natural’ mostly in a conservative religious state.<sup>239</sup> Hence, it is difficult to make tangible changes through the state in legalising abortion and upholding human rights in society.

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<sup>239</sup> Pousadela & Perera (n 2) 38.

## CHAPTER 6: SUMMARY, CONCLUSION AND RECOMMENDATIONS

### 6.1 Introduction

This is the final chapter of the study, and it offers a summary of the research's primary findings, recommendations to push for abortion rights and to curtail the activities of anti-right actors, and the study's conclusion.

### 6.2 Summary of the study

This study analysed the impact of anti-rights actors on abortion rights in Nigeria. It employed the intersectional feminist theoretical framework to analyse the dynamics surrounding abortion rights in Nigeria, acknowledging the intersection of different factors that influence the challenges and experiences of women and examining the interplay of cultural, religious, and political factors that affect women seeking safe abortion in Nigeria. The study further examined the nature and history of anti-rights actors in Nigeria, the role cultural and religious beliefs played in shaping the restrictive abortion laws to understand how deep rooted their affairs and activities run in the country, the conservative ideologies that fuel gender disparities, and the mechanisms employed by anti-right actors to further prohibit abortion rights and curb its advocacy. It further explored the interplay of the American right-wing evangelical brand of anti-rights activism and the impact of other international support received to promote restrictive laws in the country. More so, the research strategies employed by anti-right actors to continue propagating restrictions on women's rights were analysed; the lack of sex education, the belief of people in myths and misunderstanding of abortion rights was found to be used by anti-rights actors to perpetrate the view on abortion in the society because women, particularly adolescent women and those who are poor or living in rural areas, often lack information about the legal status of abortions in their country and where to seek safe abortion services.<sup>240</sup> The experience of other countries on the impacts of unsafe abortion norms was used to portray what Nigeria lacks and how best the advocates for abortion rights should work to promote laws that give women full rights over abortion choices.

The research showed that religion, culture, and politics intertwine and play a strong support role in shaping the dynamics of anti-right actors and their roots can be traced back to the complex historical and social context of the country. It also found the traditional patriarchal structure of Nigeria to be a strong influence on the decision of not allowing women full choice on what to do with their body, whether to abort a pregnancy or not. However, it found the root

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<sup>240</sup> Rehnström Loi et al (n 6) 2.

cause of women seeking an abortion is the persistence of unintended pregnancies, which is a result of the failure of family planning programmes, forced or undesired sexual activity and lack of women empowerment over their sexual and reproductive rights.<sup>241</sup> On enquiring into why many women still opt for unsafe abortion practices, the study found the following reasons to have played a strong role in that:

- The legal prohibition of abortion in the country.
- Lack of decision-making power.
- Financial constraints in affording legal abortion services.
- Poor healthcare providers' attitude.
- Privacy, convenience, confidentiality.
- Lack of information on available and accessible resources for abortion.

### 6.3 Recommendations

The overall essence of undertaking this study was to understand and align public conversation, access to safe abortion services, health risks, reproductive autonomy, and gender equality. Further research should be conducted to ascertain how anti-right actors are directly linked with the state, enabling them to attack CSOs and abortion rights activists.<sup>242</sup> Human rights needs assessments should be conducted to identify how laws, policies or practices facilitate or inhibit the availability of and access to services at the clinical and health system levels, and determine the underlying social or economic conditions hindering access to safe abortion.<sup>243</sup>

Targeted recommendations for various institutions and bodies to tackle anti-right actors against abortion rights and other sexual and reproductive health rights in Nigeria:

**Women:** Women and gender expansive persons who have uteruses should seek reliable information and resources on abortion in Nigeria. They should educate themselves on their SRHR and the legal framework surrounding abortion in Nigeria. They should identify and seek reliable healthcare providers who offer confidential consultations and services related to reproductive health. They should build support networks to provide safe spaces for each other, while also linking with women's rights groups.

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<sup>241</sup> IK Warriner 'Unsafe abortion: an overview of priorities and needs' (n 4) 13.

<sup>242</sup> Pousadela & Perera (n 3) 34.

<sup>243</sup> RJ Cook 'Abortion, human rights and the international conference on population and development' (n 5) 26.

**Government:** The government needs to build a society of people who bridge the gender gap and see women as equals, enabling work towards attaining laws and policies that do not boycott women in society. Legislative reforms should be conducted, and the restrictive laws on abortion and reproductive autonomy should be reviewed and amended in line with the international human rights standard. Also, comprehensive SRHR policies that protect the rights of women and girls in all their diversities should be introduced. Government backed awareness campaigns should be carried out nationwide to debunk the myths and misconceptions about abortion. The government should further invest in training healthcare providers and equipping the healthcare system to ensure that there is equitable access to quality nonjudgmental and rights based SRHR services, including for safe abortion.

**Media:** As the ‘fourth estate’ the media plays a critical role in tackling misinformation and disinformation around abortion. The media should invest in providing accurate information to the public in their reporting on policies and access to abortion. They should also aim to be unbiased in their reportage on abortion and SRHR related issues in Nigeria.

**Religious organisations:** Religion is the bedrock of influence in Nigeria and has contributed greatly to the progress made by the anti-rights movements in preventing abortion rights, hence, there is a need for positive religious framing of abortion from religious organisations in the country. The Religious leaders should be engaged in open dialogues to find common ground on SRHR issues and to adopt progressive views on reproductive autonomy and health. They should be encouraged to adopt human rights approach towards SRHR messaging and encouraged to offer support and care rather than judgment and condemnation to individuals in need of SRHR services.

**Civil society organisations:** CSOs should collaborate to engage policymakers and other relevant stakeholders, to lobby and advocate for legislative changes and to shift public opinions on abortion and SRHR. One anti-rights tactic against abortion rights is to create an environment where mentioning abortion is seen as an abominable act. While the role of advocacy for narrative change should not solely lie with CSOs, they historically have been able to reach communities and the public in very effective, strategic ways. There is a need for more data backed advocacies promoting access to safe abortions while countering anti-rights narratives.

**Human rights institutions:** Attention should be paid to anti-right actors; their activities should be monitored closely, and incidents of human rights violations related to SRHR should be

documented and acted upon. This is a duty the National Human Rights Commission can take up to ensure abortion justice. They should educate and sensitise relevant stakeholders on the rights and consequences of violations of human rights in relation to SRHR. Also, they should provide legal assistance to individuals who are being charged for accessing or providing abortion services and advocate for more treaties that protect SRHR while holding the government accountable to its existing commitments to international human rights treaties.

**Medical Associations:** Healthcare providers that offer abortion services should be adequately trained on professional and ethical standards to ensure gender-responsive SRHR services and that women are not stigmatised, discriminated against, or have their access restricted. Counselling and support as post abortion healthcare to cater for the psychological needs of both the providers and the clients should be integrated into SRHR medical frameworks. The medical bodies in Nigeria should also be enlightened on the need to prioritise client autonomy and refrain from encouraging anti-right efforts within the association. They should also advocate for policies that protect the rights of professionals who offer abortion and other SRHR services.

**Other Recommendations:** Creating a unified front for SRHR advocacy through partnerships between the key actors working to achieve access to comprehensive SRHR for all women and girls in their diversities, conduct additional research with stakeholders, such as service providers, NGOs, and family members, investigate core confidentiality concerns and address gaps to build trust and protect women from impacts of stigma, increase awareness of service availability and utilize social media platforms to educate the public, academic institutions should invest in continuing to build a more robust body of evidence on the impact of activities of anti-rights actors on access to abortion in Nigeria.

## 6.4 Conclusion

The sexual reproductive health and rights of women is deeply rooted in fundamental human rights. This research challenged conservative ideologies that limit women to bridge the gender and inequality gap thus ensuring the full protection of those rights. In a patriarchal and religious society like Nigeria, the activities of anti-rights groups often impede the progress made on women's rights, especially regarding abortion rights. The research examined the impact of anti-abortion activities from the Intersectional feminist lens, recognising how different indices of inequality frequently collaborate and intensify one another, how cultural, religious, and political factors intersect and impact women's sexual and reproductive rights in Nigeria, and

the interplay of patriarchy, economic status, and legal standing in restricting abortion in the country, amplifying the need to intersect different factors affecting women, advocate policies that promote appropriate reproductive rights and challenge the systemic anti-rights rhetoric. The research further examined the history of anti-rights groups in Nigeria as well as how the society controls reproduction, specifically abortion rights and the justification they make for exerting such control and found that the struggle for human rights in the country has been a protracted battle, as intricate interplays of historical legacies with deep-seated norms, beliefs, and external influences often hindering progress in the ongoing fight for abortion and reproductive rights in the country.

The research explored the strategies and activities often employed by anti-rights actors in Nigeria to gain crucial insights into the hurdles faced by those who advocate for reproductive rights, with the view to challenge and counter them, capturing culture, religion, local and international political entities are factors that promote anti-rights actors. Anti-right activists in their advocacy against abortion rights and other sexual and reproductive rights, do not only neglect the rights of women but also abuse the rights of those who actively advocate for these rights through violence and threats. It further examined the intersection of political conservatism and the anti-rights movement, illustrating how they reinforce restrictive laws and policies and how inadequate awareness, and a lack of comprehensive sexuality education perpetuate myths and misunderstandings about abortion, bolstering support for anti-rights advocacy, and found the high rate of morbidity to be proportionate to the impact of anti-rights activities and the stigmatisation that is associated with abortion. Lastly, the research proposed recommendations to diverse stakeholders, institutions, and bodies on how to tackle anti-abortion activism and promote sexual and reproductive health knowledge and rights in Nigeria.

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