

Victory for Women's Rights: Nigerian Federal High Court Affirms Right to Safe Abortion for Survivors of Sexual Violence

In a landmark decision this week, the Federal High Court in Abuja affirmed that unplanned pregnancies resulting from rape, incest, and other forms of sexual violence constitute a violation of the rights of women and girls to physical and mental health.

The case was brought by the Reproductive Justice Initiative Foundation (RJIF), with support from the Center for Reproductive Rights (CRR). The petition sought judicial recognition of access to safe abortion as a fundamental human right for survivors of sexual violence, many of whom are often forced to resort to unsafe procedures that lead to preventable injuries, long-term disabilities, or death.

For the first time, a superior court in Nigeria has recognized that pregnancies resulting from sexual violence not only harm a woman's physical health but also her mental well-being. The ruling represents a critical legal precedent and a significant stride toward safeguarding the bodily autonomy and dignity of Nigerian women and girls.

"This decision is a major step forward in protecting the health and dignity of Nigerian women and girls," said Bada Olasupo, Executive Director of RJIF. "By recognizing that pregnancy resulting from sexual violence violates the right to physical and mental health, the Court has expanded legal protections for survivors, ensuring their access to safe abortion."

While the court did not specifically compel Nigeria to fulfill its regional obligations, it is critical to underscore the importance of recognizing and applying regional human rights instruments. Nigeria has ratified and domesticated both the African Charter on Human and Peoples' Rights and the Maputo Protocol, key frameworks that affirm the right to health, dignity, and bodily autonomy. These instruments should guide the interpretation of sexual and reproductive health and rights (SRHR) within Nigeria's legal, administrative, and policy frameworks. Their application is essential to ensuring meaningful protection of the reproductive rights of women and girls, particularly survivors of sexual violence.

Salima Namusobya, Vice President for Africa at the Center for Reproductive Rights, added, "This judgment is a powerful contribution to the growing recognition of reproductive rights as fundamental human rights in Nigeria. However, more work is needed to secure a broader legal framework that clearly reflects Nigeria's commitments to regional and international human rights standards, particularly around access to safe abortion."

As Nigeria moves forward, the government must take concrete steps to uphold the sexual and reproductive health and rights of women and girls, especially survivors of sexual violence, by ensuring that safe abortion services are accessible and protected. RJIF and CRR remain committed to advocating for these essential rights and will continue working to ensure all Nigerian women and girls have access to the healthcare they need.

For more information, please contact:

Reproductive Justice Initiative Foundation (RJIF). RJIF is a reproductive and human rights protection and advocacy organization based in Nigeria, West Africa. The organisation has since its founding employs the instruments of advocacy, legal policy and litigation to change the narratives and expand the understanding of stakeholders and other service providers about reproductive and other human rights issues in Nigeria. The organization is currently, through its litigation acumen, challenging and seeking expansion of the abortion laws in Nigeria to allow access to safe abortion by victims of rape, incest and other sexual violence related pregnancy.

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Center for Reproductive Rights (CRR): CRR is a global human rights organization of lawyers and advocates who seek to protect reproductive rights as fundamental human rights around the world. Since its founding in 1992, the Center's game-changing litigation, legal policy, and advocacy work across five continents has transformed how reproductive rights are understood by courts, governments, and human rights bodies. The Center has offices in New York, Washington, Bogota, Nairobi, and Geneva.

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