

LANDSCAPE OF LAWYERS ALERT (LA)'S WORK ON REPRODUCTIVE RIGHTS AND JUSTICE

1. Introduction and Strategic Relevance

Lawyers Alert (LA)'s work on reproductive justice is firmly anchored within the organisation's Gender and Human Rights thematic area. Over the past five years, the organisation has championed access to reproductive health as a cornerstone for advancing the dignity and autonomy of women and girls.

Through a multidisciplinary team of lawyers, journalists, community mobilisers, researchers, policy advocates, and civil society partners, LA delivers an integrated approach that advances reproductive justice as a matter of legal entitlement, public health, and fundamental human rights.

Reproductive rights are central to this programming, given that violations of bodily autonomy, denial of reproductive healthcare, and forced pregnancy both drive and reinforce gender inequality. In response, LA applies a reproductive justice framework that addresses the intersecting legal, social, economic, and institutional barriers shaping women's and girls' ability to exercise reproductive autonomy.

This approach extends beyond service delivery to encompass the full spectrum of bodily autonomy, including the right to decide if, when, and how to have children; access to quality reproductive healthcare free from discrimination, coercion, or violence; and the right to live free from harmful practices and systemic oppression.

Accordingly, LA addresses both immediate reproductive rights violations and the structural drivers of reproductive injustice, with a particular focus on women and girls facing compounded vulnerabilities linked to poverty, conflict, stigma, age, disability, and health status.

2. Legal and Policy Context.

The organisation's work on reproductive rights operates within Nigeria's restrictive legal and policy environment, where colonial-era laws criminalise safe termination of pregnancy and related services. Weak implementation of protective legislation, socio-cultural stigma, and limited accountability further restrict access, disproportionately affecting survivors of sexual violence, adolescents, people living with HIV, and other marginalised groups.

Our intervention positions reproductive rights as enforceable human rights, grounded in the African Charter, the Maputo Protocol, CEDAW, ICESCR, and WHO standards. It addresses the gap between Nigeria's international obligations and restrictive national laws, advancing reproductive autonomy, access to healthcare, and protection against systemic harm. Through five interconnected intervention pillars that collectively address individual, institutional, and structural barriers.

a. Strategic Litigation and Legal Defence

LA uses strategic litigation to secure justice and advance reproductive rights jurisprudence. Through legal aid and court interventions, the organisation provides legal defence to women and girls criminalised for procuring or accessing abortion services, including healthcare providers, and survivors of sexual violence seeking comprehensive reproductive healthcare, including STOP services, currently defending 5 healthcare workers arraigned for providing STOP services in several courts across the country. These cases are pursued in national and regional courts to establish legal precedent.

LA in 2024 secured a landmark ECOWAS Court pronouncement affirming that denying safe termination of pregnancy in rape cases constitutes gender discrimination and violates Article 18 of the African Charter, establishing binding regional precedent and advancing reproductive justice in West Africa. In his words, the judge stated that

“It is the Court’s understanding that **the State’s refusal to provide access to safe abortion in cases of rape constitutes a systemic failure to protect women and reinforces gender discrimination, as it forces victims of sexual violence to bear the physical, psychological and social consequences of a forced pregnancy. This omission, in addition to compromising the protection of the family, exposes women to conditions of extreme vulnerability, contrary to the fundamental principles of Article 18 of the African Charter.**”

-per Justice Ricardo C.M GONCALVES Presiding/Judge Rapporteur, ECOWAS Court

Currently, the organisation has filed strategic impact litigation in Benue State seeking the interpretation of the VAPP Law to establish a binding judicial precedent that will compel government and health facilities in the state to provide STOP services for rape survivors without fear of criminal liability. If the court grants the declarations sought, it will clarify the legal basis for access to STOP services for rape survivors under state law, strengthen reproductive rights protections for women and girls, offer legal cover to healthcare providers by reducing fear of prosecution, and create a normative framework for future reproductive justice cases in Benue and across Nigeria.

At its core, the case operationalises the existing guarantees of the VAPP Law by ensuring that “comprehensive medical assistance” is interpreted to include safe, legal abortion for pregnancies resulting from rape, thereby expanding access to essential reproductive health services in Benue State.

b. Accountability and Law Reform

LA engages in evidence-based advocacy to strengthen laws, policies, and institutional practices affecting reproductive rights. This includes contributing to the domestication and implementation of the Violence Against Persons (Prohibition) Act (VAPP); advocating for policy guidance that clarifies healthcare providers’ legal protections; engaging

legislative and administrative reform processes; monitoring state compliance with regional and international obligations; and holding duty bearers accountable through public interest and administrative mechanisms. This evidence-based advocacy is conducted using policy briefs and data capture and analysis on reproductive violations suffered by women and girls in the country.

c. Access to Justice and Legal Empowerment

Recognising that rights are ineffective without access, LA implements community-based legal empowerment initiatives across multiple locations. These include legal literacy programmes on reproductive rights, establishment of referral networks linking survivors to legal, health, and psychosocial services, provision of free legal aid and representation, accompaniment and case management, and systematic documentation of reproductive rights violations to support litigation.

d. Health Systems Engagement and Protection of Providers

LA recognises healthcare providers as critical actors in the realisation of reproductive justice. Its interventions include legal defence and support for providers delivering STOP and post- STOP care, capacity building on legal pathways and protections under national and regional law; promotion of collaboration between legal and health systems; and advocacy for institutional safeguards that reduce fear-driven denial of care and improve service delivery.

e. Community Networks and Social Norm Change

LA has established and supported community- and thematic-based networks that advance women's rights, prevent sexual and gender-based violence, and promote reproductive justice. These networks challenge harmful norms, strengthen grassroots accountability, monitor violations at the community level, and sustain advocacy beyond project cycles, ensuring long-term impact and local ownership.

The Legal Support Network (LSN) established by Lawyers Alert comprises lawyers, civil society organisations, paralegals, and media actors. Operating across all six geopolitical zones, the network serves as a referral mechanism for cases and a pool of legal professionals deployed for ongoing litigation, case strategy, and drafting. The LSN provides legal defence in active cases and enables rapid legal response to STOP-related cases.

4. Cross-Cutting Focus: Sexual Violence, Conflict, and Forced Pregnancy

A core dimension of Lawyers Alert's reproductive justice work addresses the intersection of sexual violence, conflict, and forced pregnancy. In conflict and humanitarian settings, survivors of rape—particularly adolescent girls and young women—face compounded barriers to accessing timely and safe reproductive healthcare, including services for the termination of pregnancy. These restrictions exacerbate physical and psychological harm and deepen existing gender inequalities.

The organisation's work in this area responds to the structural and institutional gaps that prevent survivors from realising their reproductive rights and accessing essential care. It also highlights how legal, social, and health system constraints interact to sustain cycles of vulnerability, particularly for those affected by displacement, insecurity, stigma, and poverty.

5. Progress and Impact

LA's reproductive justice work has delivered measurable legal and systemic outcomes through strategic litigation, precedent-setting jurisprudence, and enforcement of reproductive rights protections. The organisation is currently defending five cases in which healthcare workers have been arraigned for providing STOP services, to secure legal protection for providers and safeguard access to essential reproductive healthcare.

LA is also pursuing strategic impact litigation in Benue State, seeking judicial interpretation of the VAPP Law to establish a binding precedent that guarantees access to STOP services for rape survivors without fear of criminal liability.

In addition, LA obtained a landmark judgment from the ECOWAS Court, which affirmed that denial of safe abortion in cases of rape constitutes a systemic failure to protect women and reinforces gender discrimination. The Court held that forcing survivors of sexual violence to continue a pregnancy exposes them to extreme vulnerability and violates fundamental principles under Article 18 of the African Charter.

“It is the Court's understanding that the State's refusal to provide access to safe abortion in cases of rape constitutes a systemic failure to protect women and reinforces gender discrimination, as it forces victims of sexual violence to bear the physical, psychological and social consequences of a forced pregnancy. This omission, in addition to compromising the protection of the family, exposes women to conditions of extreme vulnerability, contrary to the fundamental principles of Article 18 of the African Charter.”

— Justice Ricardo C.M. Gonçalves, Presiding Judge/Rapporteur, ECOWAS Court

6. Next Phase Focus

Building on ECOWAS jurisprudence and field experience, LA's next phase prioritises direct interventions and strategic regional actions.

Target populations and interventions:

- Young girls in conflict and humanitarian settings, including those raped during armed conflict or by kidnappers and insurgent groups
- Girls who are survivors of incest, facing stigma, legal barriers, and risks of unsafe termination of pregnancy
- Strengthening survivor-centred legal and health responses that integrate protection, access to justice, and reproductive healthcare in fragile contexts

LA will harmonise regional advocacy and litigation to advance safe termination of pregnancy across West Africa, deepen collaboration with civil society actors, leverage ECOWAS jurisprudence, and engage regional human rights mechanisms to promote consistent standards on reproductive autonomy and state accountability.