

COURTS AND THE NEED FOR DYNAMISM IN THE PROMOTION OF REPRODUCTIVE HEALTH RIGHTS: A NIGERIAN PERSPECTIVE

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ABSTRACT

Courts have played, and can always play important roles in the protection, fulfillment and respect of reproductive health rights as a genre of human rights. In their roles of judicial law-making, courts can ingeniously and pragmatically adapt existing legal provisions to address emerging or novel reproductive health matters, without waiting for legislative interventions. Along this axis, in entrenching the rights of women to terminate unwanted pregnancies, the widely reported American case of *Roe v Wade* offers a remarkable illustration of how courts can courageously and creatively advance the frontiers of reproductive health rights. However, failure of courts to be dynamic in approach can suppress reproductive health rights, especially where there are no clear-cut legislative provisions affirming the guarantee of reproductive health rights, as is the case in Nigeria. Against this background, this article flags the need for dynamism on the part of Nigerian courts in engaging reproductive health rights issues.