



ELIZADE UNIVERSITY, ILARA-MOKIN ONDO STATE
PROF YEMI OSINBAJO FACULTY OF LAW
FIRST SEMESTER 2018/2019 ACADEMIC SESSION
BACHELOR OF LAWS (LL.B) DEGREE EXAMINATION

REPRODUCTIVE RIGHTS AND SEXUAL HEALTH LAW I - PPL 203

TIME: 3 HOURS

INSTRUCTION: ATTEMPT FOUR QUESTIONS ONLY - ALL QUESTIONS
CARRY EQUAL MARKS

1. Justino was convicted of rape. Pursuant to section 142(2) of the Penal Code of Kalakuta Republic (as amended by the Penal Code [Amendment] Act 1998 [No 5 of 1998]), he was ordered to undergo an HIV test for the purpose of assessing his sentence. If at the time of committing the rape, the offender was unaware of his HIV status, section 142(2)(a) requires a minimum sentence of 15 years' imprisonment. The test revealed that Justino was HIV positive though he was not aware of his status. He therefore received a sentence of 16 years and strokes of the light cane. He has hired you to help him appeal the sentence because a person convicted of rape who is not HIV-positive is ordinarily sentenced to a minimum of 10 years' imprisonment. **Advice Justino in the light of decided cases.**
2. Calista, Debby, Faith and Julie are 400 level Students at Jakuta College of Education, Jakuta. A month after Valentine celebrations they discovered they were pregnant. The four ladies were suspended from pursuing their studies and writing their final examinations. Their suspension is pursuant to regulation 13(2) of the Teachers' Training College. This regulation suspends female students who have become pregnant during an academic year. The regulation was promulgated pursuant to section 10(1) of the Jakuta National Education Act 2 of 1979. The applicants challenged the regulation as inconsistent with section 9 of the Constitution of Jakuta which grants all persons equality before the law. **Discuss with the aid of decided cases whether a regulation that suspends pregnant women from pursuing their studies contravenes section 9 of the Constitution.**

3. The emergent trend in international law is that governments, in protecting the right to life, have a duty to take positive measures that will include provision of adequate health facilities for all, especially for women and children. Thus, a situation wherein women and children die of preventable diseases will be a clear violation of their right to life. It is therefore submitted that the constitutional provision guaranteeing the right to life may be construed as guaranteeing also the right to health, which includes the provision of adequate health facilities accessible by all. **Elucidate on the position of Nigerian Laws on Reproductive Rights and Health.**

4. In order to understand reproductive rights of women, it is important to note that the goal should not be sourcing mechanisms to prevent abortions, but to reduce abortion rates and to provide safe abortions when required. Moreover, international human rights law necessitates the requirements of State government to address weaknesses and dormant factors that produce unsafe abortion in order to limit causes of unwanted pregnancies. When reproductive needs are provided without the fear of harassment and discrimination, then abortion rates in Nigeria will decrease considerably. **Highlight the different areas in which Nigerian women are still faced with Reproductive Health challenges.**

5. Female Circumcision is one of the cultural African Practices related to Reproductive health. In view of the relativity of social principles (from one community to the other) responsible for such practices. **Discuss the good intention behind these practices and how developments in law can achieve these intentions without violating the Sexual Health Rights of women.**

6. Sexual and Reproductive Health Rights are a cocktail of multiple human rights.
 - a) Enumerate the Human rights that are included in Reproductive Health rights and the various ways in which these rights are violated.
 - b) Highlight and examine the various International instruments that provide for the protection of Sexual and Reproductive Health Rights.