



**COMPOS
MENTIS**
LEGAL PRACTITIONERS

MEDICAL LAW DIGEST

A black and white photograph of a gavel resting on a stack of papers, with the text 'Q1 2025' overlaid in large white letters.

Q1 2025

Nigerian Surrogacy Bill Advances in House, Stakeholders Call for Stronger Protections



The Nigerian Surrogacy Bill 2024 (“the Bill”), recently scaled its second reading at the House of Representatives. The Bill marks a significant step towards regulating surrogacy arrangements in Nigeria. The Bill seeks to establish a “Nigeria Surrogacy Regulatory Commission” to oversee surrogacy practices, register surrogacy agreements, and ensure ethical compliance amongst other functions. To fully protect the rights of surrogates, intended parents, and children, it is crucial that all stakeholders engage actively in refining the bill. Relevant and salient issues

arising include clarifying legal parenthood, making surrogacy contracts explicitly enforceable, fine-tuning eligibility criteria for surrogates, and ensuring the rights of children born through surrogacy are well defined. Stakeholders must work together to address these issues, to ensure that the final legislation is comprehensive and fit for purpose in safeguarding the interests of all parties involved.

FG Unveils New Guidelines to Regulate Organ and Tissue Transplantation in Nigeria

The Federal Government of Nigeria recently issued comprehensive guidelines to regulate organ and tissue transplantation services across the country. These guidelines were officially launched on March 6, 2025, by the Minister of State for Health, Dr. Iziaq Salako, at an event in Abuja.

These guidelines were developed after extensive collaboration between healthcare professionals, legal experts, professional bodies, media organisations, and other key stakeholders. The guidelines address critical areas such as ethics in transplantation, donor protection, transplant patient safety, minimum standards for organ transplant procedures, and mechanisms to ensure compliance. The primary aim is to promote transparency, accountability, and adherence to international best practices in Nigeria's organ transplantation system.

To strengthen the implementation of these regulations, the FGN plans to

map and certify all health institutions involved in organ donation and transplantation, to ensure they meet the highest standards of practice. Additionally, an organ donation and transplantation registry and banking system will be established to streamline the management of organ donations nationwide.

These measures are part of the government's efforts to curb unethical practices, including illegal organ harvesting, and to restore public trust in the organ transplantation system. The guidelines are expected to provide a life-saving opportunity for individuals suffering from end-stage organ failure by ensuring ethical and transparent practices in organ and tissue transplantation services.



Bauchi Passes Landmark Bill to Provide Free Sanitary Pads in Schools and Communities

The Bauchi State House of Assembly recently passed a bill to establish sanitary pad banks in schools, correctional facilities, and community centers across the state. This pioneering legislation aims to address menstrual hygiene management challenges and promote women's development in Bauchi State.

The law is projected to tackle the mischief of absenteeism among indigent adolescent girls and female inmates during their menstrual periods, by providing free sanitary pads. By ensuring access to proper menstrual hygiene products, the bill seeks to improve health, dignity, and educational outcomes for indigent adolescent girls and female inmates.

The Bauchi bill prioritises menstrual health as a public policy issue, setting an example for the Federal Government and other states. Key lessons include providing free sanitary pads to reduce school absenteeism, ensuring menstrual hygiene in correctional facilities, and establishing pad banks for community

access. Additionally, integrating menstrual health education into awareness campaigns helps combat stigma. Bauchi's initiative serves as a model for improving menstrual hygiene and advancing women's health and empowerment nationwide.

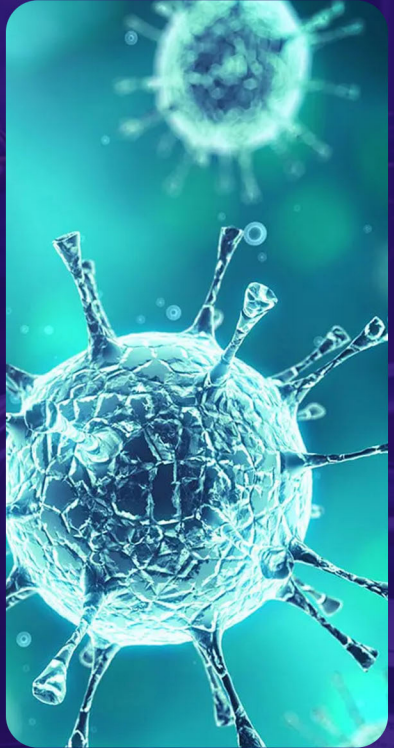


NHRC and NACA Partner to Protect Rights of People Living with HIV/AIDS in Nigeria

In February 2025, the National Human Rights Commission (NHRC) and the National Agency for the Control of AIDS (NACA) in Nigeria signed a Memorandum of Understanding (MoU) to protect the rights of people living with HIV/AIDS and other marginalised groups.

As part of this collaboration, they inaugurated the Access to Justice Coordination Forum, aiming to enhance legal protections and ensure accessible justice mechanisms for affected individuals.

The NHRC and NACA have committed to working together to eliminate stigma, discrimination, and barriers to justice, thereby promoting equitable healthcare policies and social justice for all Nigerians.



Lagos State Adopts National Reproductive Health Policy to Enhance Maternal and Child Healthcare

Lagos State has taken a significant step in improving reproductive healthcare by domesticating the National Reproductive Health Policy in collaboration with the Saving One Million Lives Programme for Results (SOMLPforR). This move, announced in February 2025, is aimed at strengthening maternal and child health services across the state.

The policy prioritises key areas such as family planning and safe motherhood, and better access to essential reproductive health services for women. It also addresses adolescent reproductive health by introducing targeted interventions to combat teenage pregnancies and reduce maternal mortality among young mothers.

A notable aspect of the policy is the integration of Traditional Birth Attendants (TBAs) into the formal healthcare system. Through government regulation and training, TBAs will play a more structured role in improving maternal care while reducing complications.

Additionally, the policy tackles gender-based violence by incorporating strategies to strengthen support services for victims and ensure comprehensive reproductive healthcare.

This domestication of the policy demonstrates Lagos State's commitment to aligning national health guidelines with its unique challenges. By implementing a structured and inclusive approach, the state aims to enhance maternal and child health outcomes, setting a precedent for other regions to follow.



NHIA Increases Capitation Payments to Healthcare Providers by 93% to Strengthen Service Delivery

In February 2025, the National Health Insurance Authority (NHIA) announced a significant increase in payments to healthcare providers, set to take effect in April 2025. Capitation fees, which are fixed annual payments per enrolled patient, were raised by 93%, while fee-for-service payments, which reimburse specific medical procedures and services, saw a 378% increase. This adjustment is aimed at addressing the rising costs of medical supplies, equipment, and personnel, thereby alleviating financial pressures on healthcare providers.

By ensuring fair compensation, the revised rates will promote sustainability and encourage the delivery of high-quality care. Additionally, the updated rates are expected to help stabilise the healthcare sector, ensuring providers can maintain operations without compromising service quality. These financial enhancements are expected to motivate healthcare providers, ultimately

ultimately leading to improved patient care and advancing the nation's progress toward universal health coverage.



Additionally, the policy prioritises better working conditions, career advancement opportunities, and access to continuous, internationally recognised training to enhance the professional growth of healthcare workers.

Beyond retention, the policy introduces the concept of managed migration, encouraging the return of Nigerian medical professionals from the diaspora. Through knowledge transfer, training, and innovation, returning experts can contribute to strengthening the healthcare sector. The government also plans to expand health training institutions and collaborate with international organisations to equip local professionals with globally relevant skills.

Ethical recruitment and international cooperation are emphasised, with provisions for bilateral and multilateral agreements that ensure migration remains mutually beneficial. By aligning with the World Health Organization's (WHO) Global Code of Practice on the International Recruitment of Health Personnel, Nigeria aims to negotiate fair agreements with destination countries while safeguarding the rights of its migrant health workers.

The policy also underscores the importance of data-driven decision-making in workforce planning. By leveraging real-time data collection and analysis, policymakers can track migration trends, assess workforce gaps, and make informed adjustments to healthcare policies. Additionally, the policy calls for a coordinated approach among government agencies, including the Ministries of Health, Education, and Labour, to streamline efforts in managing workforce migration effectively.

Recognising the critical role of the private sector, the policy encourages public-private partnerships, particularly in leveraging digital technology to enhance healthcare access. It also proposes financial support, such as interest-free loans, to facilitate the establishment of new medical training facilities and healthcare centers.

While the policy is a welcome development, experts caution that the government must take a pragmatic approach in its negotiations with foreign recruiters and destination countries. Imposing overly restrictive demands could discourage collaboration and inadvertently limit healthcare workers' funda-

mental right to mobility. Therefore, continued engagement with stakeholders and a commitment to effective implementation are essential to realising the policy's objectives. If properly executed, this initiative has the potential to transform Nigeria's healthcare system, making it more attractive to medical professionals and better equipped to serve the nation's growing population.




MDCN Warns Doctors Against Patient Diversion, Threatens Sanctions

The Medical and Dental Council of Nigeria (MDCN) has issued a stern warning to physicians employed in public healthcare institutions against the unethical practice of diverting patients to private clinics. This caution underscores the professional misconduct associated with such actions and highlights the potential consequences for those found culpable.

According to the MDCN, while consultants with over ten years of experience are permitted to operate private consultation clinics outside official working hours, it is strictly prohibited to refer patients from public hospitals to these private establishments. Such diversions not only breach ethical standards but also undermine the trust in public healthcare services.

The consequences for doctors engaging in this malpractice are severe. The Medical and Dental Practitioners Disciplinary Tribunal, responsible for adjudicating cases of professional misconduct, may



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The Nigerian government has introduced the National Policy on Health Workforce Migration as a strategic response to the mass exodus of healthcare professionals, a challenge that has significantly strained the country's healthcare system. With a growing shortage of qualified medical personnel, the policy seeks to mitigate the adverse effects of migration while ensuring that Nigeria retains a sufficient workforce to meet its healthcare needs.

A key focus of the policy is improving healthcare services by implementing measures to retain skilled professionals. This includes offering financial incentives such as competitive salaries, bonuses, and tax holidays, especially for those working in underserved areas.

Nigeria Introduces National Policy on Health Workforce Migration to Curb Medical Brain Drain and Strengthen Healthcare

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impose sanctions ranging from suspension of practice licenses to permanent revocation, depending on the gravity of the offense. These measures aim to uphold the integrity of the medical profession and ensure that patient welfare remains paramount. The MDCN's warning serves as a reminder to all medical practitioners to adhere strictly to ethical guidelines, emphasising that patient care should never be compromised for personal gain.

