

***Cultural Impediments to the Domestication of
Women's Rights Instruments in Nigeria***

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Abstract

Nigeria ratified a number of International human rights instruments aimed at recognizing the rights of women. These include the Convention on the elimination of All Forms of Discrimination against Women (CEDAW), the Optional Protocol to CEDAW and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (the AU Women's Protocol), among others.

In spite of the various ratifications, Nigerian women still have to contend with a number of harmful cultural and traditional practices; including Male child preference, Female Genital Mutilation (FGM), widowhood rites, discriminatory access to land and inheritance practices, patriarchy, political structures and cultural festivals that exclude women.

This paper considers factors that inhibit the domestication of CEDAW and other instruments recognizing the human rights of women in Nigeria. Efforts at domesticating these instruments have always been stalled by stiff opposition from different bodies including traditional and religious groups. The implication of this is that Nigerian women are unable to make claims to these rights and they cannot enforce them by going to national courts.

This paper identifies the domestication of Nigeria's human rights obligations and making coherent set of laws and policies which govern practices as a framework and means of promoting women's right and conclude with recommendations on how to remove the cultural impediments and domesticate the several treaties ratified by Nigeria in order to enhance a just and gender equitable society.

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Introduction

Nigeria ratified almost all international human rights instruments dealing with the rights of women. These include the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Optional Protocol to CEDAW and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (the AU Women's Protocol), among others.

In spite of the various ratifications, Nigerian women still have to contend with a number of harmful cultural and traditional practices. These practices include Male child preference, Female Genital Mutilation (FGM), widowhood rites, discriminatory access to land and inheritance practices, patriarchy, political structures and cultural festivals that exclude women like Oro, Agemo, Egungun etc.

This paper considers factors that inhibit the domestication of CEDAW and other instruments recognizing the human rights of women. Nigeria is yet to domesticate these instruments and provide appropriate legal framework for full implementation and application of their provisions. Efforts at domesticating CEDAW and other instruments recognizing the rights of women have always been stalled by stiff opposition from different bodies including traditional and religious groups. The implication of this is that Nigerian women are unable to lay claims to these rights and they cannot enforce them by going to national courts.

Domesticating Nigeria's human rights obligations, and making coherent set of laws and policies which govern practices have been identified as a framework and means of promoting women's right.

Culture

Culture is the characteristics of a particular group of people defined by everything from language, religion, cuisine, social habits, music and arts. Culture is that complex whole which includes knowledge, beliefs, arts, morals, law, custom, constructs and effective and other capabilities acquired by man as a member of the society. It is the shared pattern of behaviour and interactions, and effective understanding that are learned through a process of socialization. These shared patterns identify the member of a culture group while also distinguishing those of another group. It is a people's ways of doing things common to a people.

Custom is defined as a usage or practice of the people which by common adoption and acquiescence and by long and unvarying habit has become compulsory and has acquired the force of a law with respect to the place or subject matter to which it relates.¹In *Eshugbayi Eleko v. The Officer Administering the Government of Nigeria*²customary law was referred to as unwritten customs and traditions, which have been accepted as obligatory by members of a community. Customary law has also been defined as mirror of acceptable usage.³

Hon. Justice A.G. Karibi-Whyte J.S.C. also defined customary law as a body of unwritten customs and traditions accepted as obligatory by members of the community for the regulation of the relations between its members.⁴ In *Lewis v. Bankole*⁵ Osborne C.J. stated that 'one of the most striking features of West African

native custom ... is its flexibility. It appears to have been always subject to motives of expediency and it shows unquestionable adaptability to altered circumstances without entirely losing its character.

Women's Rights in International Law

The global focus on human rights in general and women's rights in particular took firm roots in the twenty first century, renowned for its elevation of the universal standards of human rights promotion and protection. Historical documents from diverse societies reflect attempts to lay the philosophical foundations for women's subordinate status relative to men. Having philosophically justified that status, discrimination against women was the norm in practice and law was utilized to prescribe and reinforce that normative order. Resistance to systemic discrimination against women peaked in the last century with the global affirmation of the right to be free from discrimination as a fundamental right.

The United Nations Organisation (UN) which emerged at the end of the Second World War as a global alliance for peace and restoration of human dignity played a particularly significant role in giving content to the concept of human rights. The UN through its charter adopted in 1945, member states reaffirmed faith in fundamental human rights, in the dignity and worth of the human person in the equal rights of men and women.

The UN created Commission on the Status of Women (CSW) as one of its foremost organs to address the issue of under-development and denial of women. The right to non-discrimination was reaffirmed in Article 1 and 2 of the Universal Declaration of Human Rights (UDHR) adopted in 1948 and since then the non-discrimination clause has remained a constant feature in the numerous human rights instruments adopted by the organization. In spite of this categorical affirmation of the equality of the sexes and the universality and inalienability of the right to non-discrimination, discrimination against women persisted and the enjoyment of rights affirmed by international treaties continues to elude women.⁶ Concerned with the situation, led the General Assembly of the UN to adopt in 1967, the Declaration on the Elimination of Discrimination against women. The UN gave binding force to the instrument in 1975 when it adopted the Convention on the Elimination of All forms of Discrimination against Women (CEDAW). Article 1 of the CEDAW Convention defines the term "discrimination against women" as:

Any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

In similar vein, concern with the parlous state of women's rights on the African continent had led to the adoption of numerous initiatives by post-colonial African States. African governments, at the national and regional levels adopted programmes aimed at promoting women's development and some countries such as Nigeria and South Africa affirmed women's rights to equality through the constitutional enactment of the right to non-discrimination on the basis of sex. However, it was not until the adoption of the African Charter on Human and People's Rights (ACHPR) in

1979 that there was articulated an African regional position on women's rights. Article 2 of the Charter affirms the right not to be discriminated against on the grounds of sex. Article 18(3) obligates states to ensure the elimination of discrimination against women and ensure the protection of the rights of the women stipulated in international instruments.

In spite of this, little changed for women the years following and it was thought that one reason for this was that the Charter itself lacked depth in elaborating the content of human rights in Africa.⁷ The shortcoming of the Charter was compounded by the apparent contradiction as relates to the duty of the state to promote and protect traditional values (Article 18(3)) and assist the family which is the custodian of morals and traditional values recognized by the community. It has been argued that the Charter failed to recognize that it is these so-called "traditional values" that provide the framework of support for denial of women's rights especially within the family. The Protocol to the African Charter on the Rights of Women in Africa was adopted by the African Union in July 2003 to further strengthen the rights of women.

Women's Rights in Nigeria

The growing interest in human rights especially as it is affected by cultural or customary practices in relation to the rights of women in different communities in Nigeria has no doubt increased. Its prevalence has necessitated human rights activists/groups to discuss at different instances why, cultural practices are often cited as justifications for denying women a wide range of basic rights and the seeming way forward. Women from all over the world suffer from and are faced with many, peculiar and complex problems. Many of these problems revolve around their rights within their different societies. This situation is largely as a result of and exacerbated by, the existence of several discriminatory practices against them. These problems manifest in very different forms in various societies with extensive implications and it is very prevalent in the Nigerian society. The problem arose as a result of various factors which include economic, social and cultural. It is accompanied by adverse consequences to the woman, family and society.

Nigeria is made up of people from different ethnic groups and cultural practices with dominant groups being the Igbos, Hausas and Yorubas. Some of the cultural practices of these groups and other cultural groups in Nigeria, have contributed to the abuse of women and discriminatory practices embarked upon by the male dominated society in Nigeria.

Historical Evolution of Women's Rights in Nigeria

There is lack of emphasis on gender in indigenous Nigerian societies, the state and its bureaucracy tried to dictate the lifestyles of women, endorsing the domestication of women and the unwaged services they provide for the family. Much of the legislations concerning women therefore, attempted to control them, their sexuality and fertility, further defining their subordination. The beginning of colonial rule brought to Africa and Nigeria the European notion that women belonged in the home, nurturing their family. The state at the beginning of the colonial rule began to change the roles of women by means of legislation restricting women and the focusing of colonial economies on men.

Much of what took place prior to colonialism have been lost as a result of the combined effects of the nature of old tradition and the wiping out of so many traditional institutions whose anthropological studies would have shed light on pre-colonial women's activism.

Historical accounts⁸ confirm that even though female subordination was mainly in place, there were significant studies in recognizing for women, the right to political participation and economic rights. In fact, the recognition of economic rights for women amongst groups which engaged in trading often had the result of enhanced status for women whereby their wealth acquired political power and social honour. Pre-colonial societies were mainly small self-evident communities where wealth was rarely evident. Most families produce just enough to eat and exchange for other necessities such as clothes, health services, etc. This was characteristic of both men and women.

Virtually all traditional societies were farming societies with women consisting of the bulk of farmers (as men were divided between artisan activities, farming and hunting). In most of these farming societies' women had only rights to use the land and they never own it. In most of the societies it was only patrilineal devolution of property that was recognized and practiced. Thus women could not be allowed to own land as they would get married outside the bloodline and produce children to another blood line. Consequently, there was the risk that property may be alienated to the benefit of non-members of the family.

Also in the area of decision making within both the private and public sphere, women were to defer to men. However, women were allowed some form of political representation. For example, amongst the Yoruba of South Western Nigeria, there were traditional chieftaincy institution for women for example the 'Iyalode' which is traditionally reserved for women only.

The Iyalode's office was equal to all other chieftaincy offices (although traditionally some of the chieftaincy officers were hierarchically superior). The Iyalode, it is assumed was the voice of women.

Amongst the Igbos of the South-East Nigeria government were monarchical instead citizen of communities were organized along age-grade lines. The age grade systems allowed groups to emerge within the oblasts of it members (inside from facilitating the socialization process).

Factors Inhibiting the Domestication of Women Rights Instruments in Nigeria

Nigeria ratified CEDAW in 1985, the AU Protocol in 2003 and other international treaties on the protection of women's right. Nigeria is therefore expected to take all appropriate measures to eliminate discrimination against women and promote their equality in different contexts where discrimination against women has been institutionalized. Such measures may entail interventions such as repeal of Discriminatory laws, abolition of discriminatory practices using law, adoption of laws directly aimed at promoting equity and adoption of appropriate policies to elucidate and reinforce legal provisions. Unfortunately this has not happened. The situation of women's rights in Nigeria remains appalling.

In spite of all these treaties and commitment the pace for the achievement of gender parity, respect for women's right and other human rights have been slow and the explanation for this is not far-fetched. Many of these treaties are yet to be domesticated. Nigeria ratified CEDAW without any reservation, yet 29 years after ratification the convention is yet to be domesticated. The rights of Nigerian women are worsening and the equality gaps are widening by the day.

There are several factors inhibiting the domestication of women's rights instruments in Nigeria. There are many harmful cultural practices that are entrenched in many Nigerian communities and societies. Some of these practices are early marriages, male child preference, female genital mutilation (FGM), wife inheritance, violence against women, inheritance problems, widowhood rites, violence against women, and unequal law relating to divorce among others.

In Nigeria, there exists an array of discriminatory law sustained by a historically gender-biased legal system. While this is true, it must be said that this fact itself is the outcome of a complex set of interacting factors. First there is the challenge of negotiating the web of shared law-making powers between the states and the central government in federal arrangement that Nigeria subscribes to. Second and deriving from the first, is the challenge of negotiating the constitutional process for domesticating international treaties.⁹

There is also the issue of the doctrinal relationship between the international human rights instruments and the domestic (municipal) law; which includes the Constitution. On this issue, two principal schools of thoughts have emerged – Monism and Dualism. While monism asserts that international law and municipal law form part of a universal legal order, dualism holds that international law and municipal law are two distinct legal orders.¹⁰ In Nigeria, the theory of dualism holds sway. The gravamen of the law forming the foundation upon which the status of treaties (including human rights treaties) can be assessed within the Nigerian legal order is Section 12 of the Constitution which provides that before any treaty ratified by Nigeria can be domesticated it must be passed into law by the National Assembly. Section 12 provides that:

No treaty between the federation and any other country shall have force of law except to the extent to which any such treaty has been enacted into law by the National Assembly.

This provision clearly adopts the Blackstonian doctrine of transformation. The theory essentially states that international conventions or treaties are not directly enforceable in national legal systems unless provisions of such treaties or conventions have been re-enacted, by municipal legislative authority, into domestic law. Simply, the implication of the above provision is that the efficacy of a treaty is dependent and predicated on its 'domestication'.

The Supreme Court had a rare occasion to give judicial interpretation to the foregoing provision in the case of *General Sanni Abacha v. Gani Fawehinmi*¹¹ In its construction and articulation of the implication of the provisions of section 12, the Supreme Court held *inter alia* that:

An international treaty to which Nigeria is a signatory does not *ipso facto* become a law enforceable as such in Nigeria. Such a treaty would have the force of law and therefore justiceable only if the same has been enacted into law by the National Assembly ...

On the issue of primacy between international law and domestic law, the court made a distinction between the status of the Constitution on the one hand and other domestic legislation on the other hand with international instruments. It held that while the Constitution has primacy over treaties, treaties enjoy equality and parity of status with domestic legislation.

This challenge is compounded by the fact that, now as in the past, the legitimacy of human rights has been called to question. Cultural relativists who look to the differences in religious ethos, cultural values and standards as well as post-modernists aver that the universality of human rights is not only a myth to be debunked but one to be resisted vigorously.

The opposition in Nigeria to domestication of women's rights is a formidable one as evidenced by previous attempts to get the legislature to domesticate CEDAW. There have been several failed attempts in the past¹² to get other women-beneficial bills passed by the National Assembly. It is obvious that the opposition to domesticate CEDAW and the AU Protocol and other treaties rest substantially on fears, which in turn, are founded on ignorance and misconception of the treaties. The National Assembly of Nigeria is male-dominated. There is need for the National Assembly to realize that it is imperative for Nigeria to discharge its obligations to keep faith with solemn treaties that the country has voluntarily entered into with others. Treaties on women's rights remain a veritable tool for promoting women's rights.

Cultural Impediments

There are a number of cultural impediments hindering the domestication of human rights instruments. Attempts would now be made to highlight some of them:

(a) Harmful Widowhood Practices

Widows in most jurisdictions in Nigeria are subjected to all manner of degrading treatment. Anytime a woman loses her husband she is always the first suspect. Due to this suspicions, women are subjected to fetish rituals in order to absolve them from any complicity in their husband's death. In some customs widows are expected to drink the water used to bathe the corpse of their deceased husbands. This is a very serious health issue especially with the prevalence of Ebola disease which is becoming an epidemic in some countries in West Africa. People are now expected to be careful when handling corpses. Hopefully, the Ebola disease would curb this unhealthy practice of forcing widows to drink the water used in washing their deceased husbands.

Other dehumanizing widowhood practices include; compulsory shaving of hair, sitting and sleeping on the bare floor throughout the mourning period, crying at regular intervals. Among the Edos in South-South part of Nigeria, the widow has to eat from the same plate unwashed during the mourning periods. Some women are not allowed to have their bath some must wear black throughout the mourning period.

Widows are not permitted to go out throughout the period of mourning and some are banned from trading activities. In some areas it is forbidden to buy from widow as she is seen as a cursed person with ill-luck. These widowhood rites are highly discriminatory as men are not subjected to this type of practices on losing their wives.

It should be noted that widowhood rites infringes on a number of human rights – rights to freedom of movement, right to dignity and freedom from discrimination generally.

(b) Wife Inheritance

Under customary law, the death of the wife does not put an end to the marriage unlike what obtains under statutory marriage. On the death of the husband, the wife can be inherited by any of the brothers of the deceased husband. Traditionally, women are seen as chattels to be inherited. The death of a customary wife however, terminates a customary marriage.

(c) Inheritance under Customary Law

In most parts of Nigeria women are precluded from inheritance. In all jurisdictions in Nigeria, women as wives cannot inherit. Among the Yorubas in South Western Nigeria, women as daughters can inherit as there is no distinction between children. All children have equal rights. The Efiks in South-South Nigeria also allow female children to inherit except that inheritance is based on seniority.

Among the Igbos in South Eastern Nigeria, customary law is patrilineal and the cardinal principle of customary inheritance is by primogeniture. Land and landed property, devolve under this system on the males, to the exclusion of daughters and wives. Igbo customary law by implication denies the female genders the right to inherit their deceased husbands' and fathers' landed property. This obnoxious custom has received judicial approval by our superior courts of records. In *Ejiamike v. Ejiamike*¹³ the court held that a widow had no right to the late husband's property.

(d) Male Child Preference

In all jurisdictions in Nigeria male children are preferred. The birth of a son into any family in Nigeria calls for big celebration and jubilation. Instances abound where wives were divorced for their inability to have male children. We have instances where women have given birth to five, seven, eight, ten or twelve children because they are looking for male children. Some men have married several wives in their quests for the elusive male children. Even educated men who should know better are not left out. In the homes the girl-child is practically forced to perform all the chores, for the simple reason that she is a girl and the place of a girl is in the kitchen. In some homes where funds are scarce, the girl child is denied the right to formal education for the simple reason that she is a girl and would eventually be married off and end up in the kitchen. Even up till now female children are trafficked by her parents for economic gains, while the sons stayed back to attend school or learn a trade.

The belief generally is that where there are no male children, properties would go to outsiders hence the quest for male children by all means.

(e) Female Genital Mutilation (FGM)

Female Genital Mutilation (FGM) according to Garner is a violent damage caused to the outer sex organ of the female gender by excising parts of the organ or causing substantial damage¹⁴. It is a traditional practice which is wide spread in Nigeria. FGM is an archaic practice which is practiced in virtually all the states of the Federation. It cuts across religious and cultural boundaries. It is usually performed on infants and pregnant women. In some areas it is done when the girl reaches puberty. There are many reasons given for the practice of FGM, it is claimed that it curbs female promiscuity; prevents still birth in pregnant women, enhance male sexual performance, preserves female virginity (as they claim the operation destroys female sexual appetite).¹⁵ There are, however no evidence to substantiate the claim.

The practice of FGM still prevails but it is decreasing. The practice should be stopped in view of the associated damages such as; hemorrhage; shock; transmission of sexually transmitted infections; and sexual dysfunction (frigidity and infertility).

Legally, FGM violates the prohibition of torture and inhuman and degrading punishment.

(f) Polygamy

Customary law marriages are potentially polygamous in nature. Nigerian men married under customary law reserves the right to marry as many wives as they desire, whether they are economically buoyant or not. Whereas, wives do not enjoy such corresponding rights, rather they are expected to compete for their husband's love and affection. The husband in most cases shower much love on the most favoured wife, while the others and their children often suffer all manner of economic deprivation. Polygamy involves multiple sex partners and where one partner contracts HIV/AIDS it would quickly spread to other sexual partners

Conclusion

The factors limiting the elimination of these harmful cultural impediments are legion. They include cultural factors e.g. patriarchy, male superiority syndrome which is deeply embedded and entrenched in all Nigerian cultures. Cultures are too rigid and very resistant to change; ensconced privileges are always difficult to give up. Secondly, educational factor has slowed down the eradication of these practices. Thirdly, legal factors, have also acted as impediment, this includes non-domestication of CEDAW and other important legislation on gender rights. Lapses and gaps have been observed even in the enforcement of existing national laws on gender rights; fourthly, political factors have also been an obstacle; women vying for strategic elective posts are often grossly marginalized and frustrated out.

It is submitted that women's active participation in politics is imperative; this will definitely afford them the opportunity of influencing the urgent reformation of these obnoxious cultural practices. Finally, attitudinal factor has also been a serious restraint, most women especially in the rural areas and the uneducated are very complacent on this issue and have accepted their subjugated position as normal and natural. Consequently, they often shy away from seeking recourse to courts of law, even where their rights are flagrantly violated in the name of culture.

From the foregoing, it is clear that these obnoxious and discriminatory cultural practices and crying out for reform. Our culture needs urgent fine-tuning to conform to the 21st century global trend towards gender parity. Nigeria has ratified virtually all international instruments and treaties on women's rights, yet these harmful cultural practices still persist. The following are being proposed to facilitate the elimination of these practices and allow the domestication of women's rights instruments in Nigeria.

Conclusion And Recommendations

(a) Legislative Intervention

There is need for legislative intervention in order to change obnoxious customs. Although it is not possible to legislate peoples' way of life out of existence, but there is need for legislation to change these customs. Non-domestication of most international instruments on women's rights is affecting the enjoyment of these rights by women and is hampering their enforcement by human rights activists. Nigeria ratified CEDAW without any form of reservation. The implication of this is that all the provisions of the CEDAW ought to be applicable in Nigeria. The non-domestication of the convention is affecting the implementation of CEDAW more than 25 years after ratification.

Section 12 of the Constitution needs to be amended. By virtue of section 12 of the 1999 Constitution of Nigeria, "No treaty between the Federation and any other country shall have the force of law except to the extent to which only such treaty has been enacted into law by the National Assembly". It is suggested that before treaties are ratified the National Assembly should be involved so that such treaty would have the force of law instead of ratifying first and waiting for it to be adopted by the National Assembly.

The Constitution could also be amended to the effect that once a treaty or convention is ratified it automatically becomes part of the law of the land.

(b) Role of the Judiciary

The judiciary needs to be more proactive and stop giving effect to obnoxious customary law and rules. In a number of cases the judiciary has given effect to customary laws to the detriments of women. In *Omo-Ogunkoya vs. Omo-Ogunkoya*¹⁶ the Court of Appeal held that a wife in Yoruba land cannot inherit her husband's properties because she herself is like a chattel to be inherited.

In *Mojekwu vs. Mojekwu*¹⁷ Niki Tobi (JCA) invalidated a customary law, which disinherited a deceased man's biological daughter from inheriting her father's land in reference of her uncle as repugnant to natural justice equity and good conscience. The learned Judge relied heavily on CEDAW despite Nigeria's non domestication of same. The judge in his leading illumination judgment, observed thus:

We need not travel all the way to Beijing to know that some of
Our customs ... are not consistent with our civilized world, in
which we all live today.

This no doubt is a welcome judgment more of these radical judgments are needed.

The Supreme Court in *Ukeje vs. Ukeje*¹⁸ held that “any culture that dis-inherits a daughter from her father’s property by reason of God instituted gender differential should be punitively dealt with”. With this pronouncement it is illegal to dis-inherit female children under Igbo customary law. This new development should be given the widest publicity possible and it is hoped that the judgment can be interpreted to include women married under all customary law in Nigeria.

(c) The Role of Traditional Rulers

If any headway is to be made to liberate women from the shackles of our culture, all hands must be on deck. It is believed that the traditional rulers (the custodian of culture) have a major role to play in this regard. They are nearer to the grassroots where these practices are more prevalent; they equally wield much influence on their subjects and therefore can easily sensitize them on the need to stop all these discriminatory cultural practices.

(d) The Role of Media

The Nigerian media needs to be engaged in educating the people on the ill effects of harmful cultural practices against women. The media should devise effective awareness creating programmes e.g. radio jingles and plays especially at the grassroots, in order to bring to the fore the evils of these obnoxious cultural practices and the need to jettison them. They should also publicise all judgments and pronouncements favouring women.

(e) Engaging Men in all Reform Efforts

All reform efforts should co-opt men. Most of these harmful cultural practices are beneficial to men and they need to be educated that such customs violate the rights of women. It is always difficult to give up an advantage, but once educated on its ill-effects they may be able to see the needs for reformation.

(f) Religious Leader

All religions subjugate women. There is need to engage all religious leaders – Christians, Muslims and Traditional worshippers to prohibit and stop all discriminatory practices against women. For instance when abortion was proposed to be legalized in the National Church, religious leaders especially the Catholic Church was at the vanguard of non-legalization of abortion. The Bill was proposed by the Nigerian Medical Council. Eventually, the Bill was jettisoned. Abortion remains a crime in Nigeria but abortions are carried out illegally and many lives are lost. Such is the influence of the religious leaders so there is need to engage and educate them to eliminate all harmful practices against women.

(g) Political Participation of Women

There is need for more women to participate in politics. Politics remains the most viable means of making changes. Women should be encouraged to participate in politics and more women should be given political appointment through affirmative action. The need for integration of women into the mainstream of decision making in government can never be over emphasized.

¹ Garner, B.A.;: *The Black’s Law Dictionary*, 8th ed. Minnesota, Thomson West (2004) p. 657.

2 *Eshugbayi Eleko v. The Officer Administering the Government of Nigeria* (1928) NLR.
3 *Owoyin v. Omotosho* (1961) 1 All NLR 309.
4 Karibi-Whyte A.G.: “Succession Rights of Women in Nigerian Law in *Law and Family*,
Enugu FDP Publishers (1994) 23.
5 *Lewis v. Bankole* (1908) 1 NLR 81 at 100.
6 See for example, the International Covenant on Civil and Political Rights (ICCPR) 1966 and
the International Covenant on Economic, Social and Cultural Rights (ICESCR) 1966.
7 Atsenuwa A.V., *Study of National Legislations, Policies and Practices congruent and*
incompatible with the provisions of the (CEDAW). See also Protocol to the African Charter on
Human and People’s Rights on the Rights of Women in Africa in Iman Ayesha (ed). *Policies*
and Practices. Info-ision Limited, Nigeria, 2008.
8 See Bolanle Awe, *Iyalode Efunsetan Aniwura* in Bolanle Awe (ed) *Nigerian Women in*
Historical Perspective Sankare Book Craft, Ibadan, 1992, 52-71.
9 See S. 12 1999 Constitution of the Federal Republic of Nigeria.
10 Gasiokwu, M.O.U.: *IECOWAS: Problems of Citizenship and Free Movement*, Mono-
Expressions Ltd, 1988 at 239; Harris, D.J.: *Cases and Materials on International Law* 5th ed:
London: Sweet & Maxwell, 1998 at 67.
11 *General Sanni Abacha v. Gani Fawehinmi* (2000) FWLR (pt 4) 533 at 585-586.
12 There have been several attempt to pass law legalising abortion and another one prohibiting
Female Genital Mutilation.
13 *Ejiamike v. Ejiamike* (1972) 2 ECLSR 11.
14 Garner, B.A.: *The Black’s Law Dictionary* 8th ed. Minnesota, Thomason West (2004) 657.
15 Le Jeune, J and Mackie, G: *Social Dynamics of abandonment of Harmful Practices, A New*
Look at the Theory. UNICEF Innocenti Working Papers. ISSN 1014-7837.
16 *Omo-Ogunkoya vs. Omo-Ogunkoya* (1989) LPELR-20115 (CA). See also *Adeseye vs. Taiwo*
(1956) 1 FSC 84.
17 *Mojekwu v Mojekwu* (1997) 7 NWLR 283 1.
18 *Ukeje vs. Ukeje* (2014) LPELR-22724 (SC).

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