



WOMEN IN NIGERIA: EXAMINATION OF LEGAL RIGHTS AND FUTURE PROSPECTS

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Abstract

This paper examined the legal appraisal of the protection of women from discriminatory laws, policies and practices in Nigeria. The Nigerian Constitution and the various international and regional instruments to which the country is a signatory, have guaranteed women certain rights. However, the implementation of these laws and policies has been less than satisfactory. There have been instances of discrimination and violence against women, as well as a lack of access to education and healthcare. Objectives of this paper were to ascertain how the relevant laws have assisted in protecting women against sexual harassment and discrimination; determine the extent to which women's rights have been violated in the public and private sectors of Nigeria; determine the extent to which women have been protected against sexual harassment and discrimination in the United Kingdom and the United States of America; examine the lessons on the legal protection of women against sexual harassment from other jurisdictions. The doctrinal research method was adopted for this paper. The paper found that in Nigeria, women have several legal rights that are enshrined in the Constitution and other laws. These rights include the right to equality, the right to life, and many others. These include gender-based violence, early marriage, and lack of access to education and economic opportunities. There are several key lessons that can be drawn from the experiences of the UK and the USA in protecting women's rights and applying them to the Nigerian context. These include the need for a comprehensive legal framework that addresses all aspects of women's rights, including economic, social, and political rights. Therefore, the paper recommended Strengthen the legal framework by enacting laws that explicitly address all aspects of women's rights, establish an independent body to monitor and enforce the laws, and the government should domesticate all international conventions and treaties relating to female gender.

Keywords: Empowerment, Women, Examination and Legal Rights

1.0 Introduction

There exist various legal frameworks for the protection of women's rights in Nigeria. These include the Constitution of the Federal Republic of Nigeria, 1999, the Universal Declaration of Human Rights, 1948, the African Charter on Human and Peoples' Rights, 1981 and the Convention on the Elimination of All Forms of Discrimination Against Women, 1979. These legal instruments set out several provisions that aim to ensure equality for women and girls, and to prevent violence and discrimination against them.² In Africa, women have historically been treated as second-class citizens, with limited rights and opportunities. However, in the late 20th century, there was a movement to promote women's rights and to achieve gender equality³. In Nigeria, this movement was spearheaded by organizations like the Women's Rights Advancement and Protection Alternative, which worked to promote women's rights through advocacy and legal action. Women's rights in Nigeria have evolved over time.⁴

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² CFRN 1999, s. 1.

³ G Adikema, The Rights of Women in Nigeria [2014] The Lawyers Chronicle www.thelawyerschronicle.com accessed 18 July 2023.

⁴ *Ibid.*

In colonial Nigeria, women were legally subordinate to men. For instance, under the Native Court system, women could not appear as plaintiffs or witnesses, and they were not allowed to hold property in their own names. However, in the post-colonial period, women's rights began to improve. The 1979 Constitution included several provisions that protected women's rights, such as the right to equal pay and the right to inherit property.⁵ The legal protection of women's rights in Nigeria has undergone a lot of changes over time. In the past, the legal system was heavily influenced by Islamic law, which limited women's rights in many ways. For instance, under Sharia law, women were not allowed to initiate divorce proceedings or to hold property in their own names. However, over time, the legal system has become more secular, and the influence of Islamic law has declined.⁶ The Constitution of the Federal Republic of Nigeria is the supreme law of the country and contains several provisions that relate to women's rights. Accordingly, section 34 of the Constitution guarantees the right to freedom from discrimination based on sex. Also, section 35 protects the right to dignity and prohibits torture, degrading treatment, and other ill-treatment. Further, section 40 provides for equality of the sexes, and sections 42 and 43 protect the rights of married women.⁷

One important provision of the Nigerian Constitution is Section 42(3), which prohibits discrimination based on gender in the areas of employment, education, and housing. This provision is meant to ensure that women have equal opportunities in all areas of life. Another key provision is Section 14(3), which requires that the government shall ensure the "full participation of women in the affairs of the nation." This provision is meant to ensure that women have a voice in decision-making processes. Furthermore, section 40 provides for equality of the sexes, and states that women shall be accorded full and equal dignity of the human person. This section has been interpreted to mean that all forms of discrimination against women are prohibited. The Nigerian Supreme Court has used this article to strike down several laws and practices that discriminated against women. For instance, the Supreme Court has held that polygamy is inconsistent with section 40 and therefore unconstitutional. In support, the Supreme Court, in *Okafor v Okafor*⁸ where the court held that a wife's consent was necessary for the validity of her husband's polygamous marriage. Also, in the case of *A. G. Ondo State v Akinola*⁹, the Supreme Court held that a provision in the Ondo State Native Law and Custom that prohibited women from inheriting land was discriminatory and therefore unconstitutional.

Furthermore, judicial stamp has been given in the case of *NGO Network for Defence of Women's Rights v A.G. Federation*¹⁰, by decided by the Supreme Court. Where, the court held that the government's failure to ratify CEDAW was unconstitutional. The court held that CEDAW should be domesticated into Nigerian law to give full effect to women's rights. In the case of *Ojisanya v Ojisanya*¹¹, this case concerned a Muslim woman's right to inherit her husband's property after his death. The husband had made a will that excluded his wife from inheriting his property. The court held that this exclusion was

⁵ (n 3).

⁶ (n 3).

⁷ CFRN 1999, s. 42, 40 and 43.

⁸ (1978) 1 NCLR.

⁹ (1988) 2 NWLR Pt 25, 35.

¹⁰ (2002) 9 NWLR Pt 30, 45.

¹¹ (2007) 4 NWLR Pt 40, 55.

unconstitutional, and that the wife was entitled to inherit the property. The case of *Women in Nigeria v Nigeria*¹², this case was decided by the African Commission on Human and Peoples' Rights. The case where a complaint was filed by a group of Nigerian women against the Nigerian government for failing to protect their rights. The commission found that the government had violated several articles of the African Charter, including Article 18, which provides for equality of the sexes. It also found that the government had failed to take steps to address discrimination against women, including in the areas of education, employment, and political participation. Similarly, in the case of *Olawoye v Adigun*¹³ this case was decided by the Court of Appeal of Nigeria in 2008. It concerned a dispute over the inheritance of property between a husband and his widow. The court held that the widow was entitled to inherit her husband's property, even though the husband's will had excluded her from inheriting. The court relied on the Constitution and international law, including the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). In the case of *Aderinoye v Aderinoye*,¹⁴ which involved a dispute over the inheritance of property between a widow and her late husband's relatives. The facts of the case were that the husband had died intestate (without a will), and his relatives were seeking to exclude the widow from inheriting his property. The court relied on the Constitution and international law, including CEDAW, and held that the widow was entitled to inherit her husband's property.

The court in the case of *Gbagudu v Gbagudu*,¹⁵ this case was decided by the Court of Appeal of Nigeria in 2008. It concerned a widow who had been evicted from her late husband's property by his relatives. The court relied on the Constitution and CEDAW and held that the widow had the right to remain in her husband's property. The court noted that the widow had been married to her husband for over 20 years and had contributed to the acquisition and improvement of the property. The case of *Bello v. Bello*,¹⁶ this case was also decided by the Court of Appeal of Nigeria in 2008. It concerned a widow who had been denied her inheritance by her late husband's relatives. The court relied on the Constitution and CEDAW and held that the widow was entitled to half of her late husband's property. The court noted that the widow had been married to her husband for over 30 years and had borne five children. The case of *Olayiwola v. Olayiwola*,¹⁷ this case was decided by the Court of Appeal of Nigeria in 2009. It concerned a widow who had been denied her inheritance by her late husband's relatives. The court relied on the Constitution and CEDAW and held that the widow was entitled to half of her late husband's property. The court noted that the widow had been married to her husband for over 40 years and had been a homemaker and caregiver for the family. The Constitution of Nigeria contains several provisions that protect the rights of women. Under the Constitution, women are entitled to equality in all spheres of life, including in terms of the right to life, liberty, and security of the person. Women also have the right to vote and to participate in politics, and they are entitled to equal access to education, healthcare, and employment opportunities. In addition, the Constitution prohibits all forms of discrimination against women, including discrimination based on sex.

¹² (2001) ACHR, 35.

¹³ (2008) 8 NWLR, Pt 30, 35.

¹⁴ (2008) 8 NWLR, Pt 30, 34.

¹⁵ (2008) 3 NWLR Pt 30, 67.

¹⁶ (2008) 9 NWLR Pt 45, 32.

¹⁷ (2009) 14 NWLR Pt 30, 31.



Over the years, Nigeria has been gradually recognized as a patriarchal society where the inalienable rights of women are often subjected to ridicule and neglect.¹⁸ Women in Nigeria often than not suffer from series of neglect, abuse, harmful and discriminatory practices, and violence from the members of the society for one reason or the other, ranging from economic, social but most importantly, cultural, or religious values, beliefs and consideration.¹⁹ Therefore, lack of effective implementation of laws and policies, despite the existence of several legislations and policies to protect women's rights, their implementation remains a challenge. This is due to a lack of resources, capacity, and political will to enforce these laws.²⁰ Further, stigma and discrimination, women in Nigeria often face stigma and discrimination, which prevents them from accessing their rights. This is particularly true for women who have experienced violence, and for marginalized groups such as women with disabilities.²¹ Additionally, the lack of access to justice for women. This is a particularly serious problem in cases of violence against women, as women often face barriers to reporting the crime and accessing legal support. In addition, the judicial system is often slow and inefficient, and victims of violence often do not receive the justice they deserve.

This problem is exacerbated by the fact that many women are unaware of their rights or how to access the legal system.²² The women's literacy rates are lower than men's, and many girls are still being denied an education due to early marriage and other factors. This lack of education limits women's opportunities for employment and financial independence. Additionally, the lack of access to quality reproductive health care is another major problem facing women in Nigeria. This can have serious consequences for women's health and can lead to increased maternal mortality and other health issues.²³ Sixthly, lack of representation of women in political and decision-making positions. Despite some progress in recent years, women remain underrepresented in both the National Assembly and in local government bodies. This means that women's voices are not fully heard when decisions are being made that affect their lives. Another related problem is the lack of economic empowerment for women. Many women in Nigeria are unable to access employment opportunities, and those who are employed often face discrimination and lower wages than men.²⁴ Also, cultural, and religious norms that perpetuate discrimination against women in Nigeria. Many cultures and religions place women in a subordinate position, and cultural practices such as child marriage, female genital mutilation, and widowhood rites continue to negatively affect women's lives. These practices are often based on traditional beliefs and values, and it can be difficult to change them.²⁵

¹⁸ N O Odiaka, *The Concept of Gender Justice and Women's Rights in Nigeria: Addressing the Missing Link* [2013] (2) (1) *Afe Babalola University Journal of Sustainable Development and Policy*; 190-100.

¹⁹ *Ibid.*

²⁰ *Ibid.*

²¹ *Ibid.*

²² N O Odiaka, *The Concept of Gender Justice and Women's Rights in Nigeria: Addressing the Missing Link* [2013] (2) (1) *Afe Babalola University Journal of Sustainable Development Law and Policy*; 190.

²³ *Ibid.*

²⁴ *Ibid.*

²⁵ *Ibid.*

2.0 Conceptual Clarification

2.1 Right

Rights can also be defined as a power privilege or immunity enshrined in the Constitution statute or case laws or claimed because of its long usage.²⁶ Rights can also be claimed, asserted, or demanded which imposes an obligation to be performed and non-performance of rights can occasion feelings of resentment and disappointment.²⁷ Rights are socially established ways of acting or ways of being treated (or, alternatively, such ways as ought to be so established); more specifically, a right so understood is something that is determinate and that can be similarly distributed on an individual basis to each and all of those who are relevantly said to be right holders. A right is always regarded as a beneficial way of acting or of being treated both for the right holder and, more generally, for society.²⁸

2.2 Women's Rights

Women's rights are human rights which are enshrined in the international treaties and conventions, regional and domestic laws, for the enjoyment of every human being including women.²⁹ These rights include the Right to Live free from violence, slavery, and discrimination; the Right to be educated; to own and acquire property; to vote; to earn a fair and equal wage and many more. One of the fundamental principles of the United Nations Charter adopted by world leaders in 1945 is 'equally rights of both men and women' protecting women's rights is the responsibility of all states.³⁰ Women's rights have been also defined as the right for the notion that women should be accorded equal rights with men.³¹ In some countries, these rights are enshrined in their national or local laws, while in other countries, these rights may be unenforceable or ignored. However, the legal dictionary also defined women's rights as 'the effort to secure equal rights for women and to remove gender discrimination from laws, institutions, and behavioural patterns.'³²

3.0 Protection of Women from Discriminatory Laws, Policies and Practices in Nigeria

Women are integral members of the society, and they are therefore entitled to enjoy all the rights stipulated in the constitution as well as in the international treaties. Nigeria however is a patriarchal society that has long relegated women to the background; this has sometimes done through the instrumentality of customary law and customary practices. Statute and the laws have however constantly remained an instrument for the liberation of women from unequal and discriminatory treatment. One of the ways through which the law has sought to do this is by conferring basic rights on women. These basic rights will be discussed below.

²⁶ B Garner, Black's Law Dictionary (9th edn West Publishing Co 2009) 1436.

²⁷ *Ibid.*

²⁸ R Martin, *A System of Rights* (Oxford University Press 1997) 25.

²⁹ Women's Human Rights and Gender Equality/ Global Fund for Women <https://www.globalfundforwomen.org> last accessed 25th May 2023.

³⁰ OHCHR/ Women's Rights and Gender Section www.ohchr.org/women last accessed 25 May 2024.

³¹ OHCHR/ Women's Rights and Gender Section www.ohchr.org/women last accessed 25 May 2024

³² Women's Rights Legal Definition of Women's Rights-Legal Dictionary-legaldictionary.freeditonary.com last accessed 26th May 2024.

3.1 Inheritance Property Rights/ Property Rights of Women in Nigeria

Property rights generally include the right to own, use, access, control, transfer, exclude, inherit, and otherwise make decisions about land and related resources.³³ Women can inherit property from their deceased fathers and husbands and from any other person who devises property to them under their will. This right is guaranteed by section 43 of the 1999 constitution of Nigeria which provides that every citizen is entitled to own and acquire both movable and immovable property in Nigeria. When a woman is deprived of the right to acquire property by inheritance by reason only of being a woman, that amounts to discrimination and which the law prohibits against such.³⁴ There abound in different parts of Nigeria, customary practices which tend to limit women's right to inherit property, some of these customs tie the rights to inherit to having a male child or some other ridiculous conditions. Thus, a woman's right to inherit property is absolute, it cannot be restricted, limited, or predicated on any condition which a man is not subjected to.³⁵

It is also worthy to mention that spouses of a statutory marriage can inherit property from each other even when no will is made, but any woman married under the Act, who is subject to any form of discriminatory treatment that tampers with her inheritance right in the matrimony, has a fundamental right to seek protection of the court against such act and to apply for judicial declarations to avail her cause.³⁶ In the case of *Ukeje v Ukeje*,³⁷ the Supreme Court frowned at the custom of Igbo land which excludes the female child from having a share in her deceased father's estate. Thus, no matter the circumstances of the birth of the female child, she is entitled to an inheritance from her late father's estate. Consequently, the Igbo customary law which disentitles a female child from partaking in her father's estate is in breach of section 42(1) and (2) of the constitution of the Federal Republic of Nigeria, 1999, A fundamental right provision guaranteed to every Nigerian. The said discriminatory customary law is void as it conflicts the section 42(1) & (2) of the Constitution.

Also, in *Anekwe v Nweke*,³⁸ where the supreme court in dismissing the appeal of the appellant, held that the custom of Awka people of Anambra State to the effect that a married woman without male issue cannot inherit landed property of her late husband, is 'barbaric and repugnant to natural justice, equity and good conscience and ought to be abolished. In *Timothy v Oforka*,³⁹ the court stated that a custom which prohibit women from dealing in land was invalid. The court further posited that "a Custom cannot derogate from the clear provisions of the Nigeria constitution dealing with the right to own movable and immovable properties. However, despite the positive judicial attitude in upholding the right of women to own movable and immovable property, our society is still bedevilled with ancient belief of

³³ Women's property Right in Nigeria- Naija Legal talk www.naijalegaltalkng.com article-last-accessed 28th August 2023.

³⁴ CFRN 1999, s. 42

³⁵ CFRN, 1999.

³⁶ Banke Olagbegi – Oloba, Women's Right to Land Ownership in Nigeria: A Critical Examination <eprints.abund.edu.ng> women's right to land ownership in Nigeria last accessed 2nd July, 2024.

³⁷ (2014) 11 NWLR (Pt. 1418) 384 (Sc).

³⁸ (2014) 9 NWLR (Pt. 1312) 393

³⁹ (2008) ALL FWLR (Pt. 413)

denying women the right to inheritance and acquires their own properties in their own name. The society is expected to respect the right of women to inherit and acquire of land and property.

4.0 Reproductive Rights and Health

Women's rights are rarely achievable without the most fundamental right of all the access to health).⁴⁰ The concept of Reproductive rights was introduced on a global scale at the International Conference on Population and Development (ICPD) in 1994, Cairo.⁴¹ Proceeding from the meaning of reproductive health as defined by the ICPD, Reproductive rights are defined as certain human rights that are already recognized in national laws, international human rights, and other relevant United Nations Documents. These rights rest on the recognition of the basic right of dl couples and individuals to decide freely and responsibly the number spacing and timing of their children and to have the information and means to do so, and the right to attain the highest standard of sexual and reproductive health. In the exercise of this right, they should consider the needs of their living and future children and their responsibilities towards the community.⁴² The component of reproductive health includes family planning, safe motherhood, infertility prevention and management, Infant and child survival, growth and development, prevention, and management of STI's & HIV/AIDs, Abortion including the prevention and management of unsafe abortion, reproductive health problems associated with menopause.⁴³

However, in Nigeria, Maternal mortality remains one of the highest in the world with an estimated 56,000 women dying each year because of pregnancy related causes.⁴⁴ The constitution also specifically protects the right to life and recognizes the right to health, although in a non-justiciable context⁴⁵. The right to health guaranteed in Article 16 of the African Charter has the force of law in Nigeria.⁴⁶ It is worth noting that Nigerian courts have recently indicated that jeopardizing health amounts to a violation of the right to life. In the case of *Gbemre v Shell Petrolatum Development Company and others*,⁴⁷ the plaintiff sought a declaration that the defendant's activities in his community, which had endangered and impaired the health of the community's residents, constituted a violation of their rights to life and dignity, as guaranteed under the Nigerian Constitution and the African Charter. The Federal High Court in Benin found in favour of the plaintiff.

⁴⁰ N I Aiekwu, *Reproductive Health Law: A Jurisprudential Analysis of Gender Specific Human Rights for the African Region* (1st edn, Ambik Press, Benin 2011)34.

⁴¹ International Conference on Population and Development, Held in Cairo 1994.

⁴² *Ibid.*

⁴³ *Ibid.*

⁴⁴ F Okonofua, Maternal Mortality in Nigeria: Causes and Effects, (This Day Newspapers, March 15, 2020)

⁴⁵ CFRN 1999, s 14.

⁴⁶ N I Aniekwu, Gender and Reproductive's Health: Towards, advancing judicial performance in Nigeria Law, available <https://papers.ssrn.com/deliberation.cfm> last-accessed 2nd September 2024.

⁴⁷ Suit No-FHC/B/CS/53/05. Nigeria FHC (Unreported), November 14, 2020 available at <http://www.climatelaw.org/cases/case-documents/nigeria/nl-shell-nov05-judgement.pdf> last-accessed 2nd September, 2023.

Nigeria has enacted quite a few policies in the health sector which are important to reproductive health.⁴⁸ Foremost among them, is the National Health Policy and Strategy 1988. This National Health⁴⁹ Policy has several provisions on reproductive health which if strictly implemented, could have led to improved basic health services for all the citizens of Nigeria.⁵⁰ These policies on reproductive health aim to serve as an effective national platform for strengthening reproductive health activities in Nigeria. Despite the laudable provisions of the policies, reproductive healthcare in the country is still far below international standards.⁵¹

4.1 Right to Justice and Equal Protection Under the Law

Ensuring access to justice to women implies providing women of all background with access to fair, affordable, accountable, and effective remedies so that women and men can enjoy both equal rights, and equal chances to assert them.⁵²

However, the 1999 Nigerian Constitution⁵³ provides for the right to fair-hearing of its citizens. Hence, everyone including women have the right to be heard fairly in courts as well as having access to justice. Access to justice in any society is critical and fundamental. Indeed, it is not only the most basic requirement of any system of justice but also the hallmark 'f any sane and civilized society.'⁵⁴ Most women in our society to a large extent lack the awareness that the problem they face especially when they are being violated or abused indiscriminately had a legal resolution. That is, they have been entitled by the 1999 constitution to seek legal redress in court when their rights are being infringed upon.

Section 17(1) of the Constitution⁵⁵ States that every citizen shall have the equality of right, obligations, and opportunity before the law. Also, section 42 of same Constitution states that no Nigerian citizen shall be discriminated against because of a particular sex, religion or ethnic group. In the light of the above provisions of the law, it is worrisome to note that women are being denied the equality protection of the law especially when in employment field. Most young women are being denied of top positions in employment field. They are being relegated to inferior positions and are paid with a paltry sum as their salary. The Nigerian Police Force is guilty of this offence as a section of its Act expressly provides that a female police officer must notify and get permission from the commissioner of police of her command before she can embark on a marriage voyage.⁵⁶ This amount to gross gender discrimination and violation of rights. Also, of importance to note, is the practice whereby same police stations do not allow female citizens to take people on bail despite that such practice has been militated against. Also,

⁴⁸ N I Aniekwu, Gender and Reproductive's Health: Towards, Advancing judicial Performance in Nigeria Law, available <https://papers.ssrn.com/deliberation.cfm>>last-accessed 2nd September 2023.

⁴⁹ National policy on Population for Development, Unity, Progress and Self-reliance (1988); Maternal and Child Health Policy (1994); National Adolescent Health Policy (1995).

⁵⁰ O A Ayanele, Women and Reproductive Health Rights in Nigeria, available at <http://www.ssrn.com/link/OIDA-Intl-Journal-sustainable-dev.html>-last-accessed 2nd September 2024.

⁵¹ *Ibid.*

⁵² Towards Guaranteeing Equal Access to Justice for Women (Report of the 3rd Conference of the Council of Europe network of National Focal Points on Gender Equality) <https://rm.coe.int>>last-accessed 2nd September 2024.

⁵³ CFRN 1999, s 36

⁵⁴ *Ibid.*

⁵⁵ CFRN 1999, s 17(1).

⁵⁶ *Ibid.*

section 26 of the 1999 constitution makes discriminatory provisions against women in terms of the inability of their foreign husbands to acquire Nigerian citizenship automatically by marriage and this is not the same with male citizens with their foreign wives.

The Labour Act is also not left out as its section 55⁵⁷ prohibits women from working in the night, while section 56 says 'no woman shall be employed on underground work in any mine'. However, these provisions of Labour Act are inadequate and discriminatory as it contravenes the provisions of section 42 of the 1999 Constitution. Article 11 of CEDAW in admonishing discriminatory practices states that women (whether married or not) have the right to work, fair treatment at work and equal pay for equal work.⁵⁸

However, in *Maiya v Incorporated Trustees of Clinton Health Access Initiative Nigeria & Ors*,⁵⁹ the applicant was an employee of the 1st respondent. When she became pregnant, she informed the respondents through her immediate supervisor. The respondent terminated her employment on the same day they were informed of the pregnancy without any prior complaint whatsoever against her. The applicant commenced an action by way of originating summons in the National Industrial Court and sought for declaration that the termination of her employment by the respondent simply because she was pregnant and the subsequent conduct of the respondents constituted a violation of her fundamental rights to human dignity and freedom from discrimination as guaranteed by the constitution of the Federal Republic of Nigeria 1999 and as well as the African Charter on Human and Peoples' Rights. The applicant also sought general damages, aggravated and exemplary damages jointly and several y against the respondents. Entering judgment for the applicant, the National Industrial Court said, 'the applicant is a woman, and her pregnancy has been found to be the reason for her sack by the respondents. Therefore, she has been discriminated against by reason of her being a woman and therefore subjected to disability'.

4.2 Right to participate in Politics and Decision Making

History has it that Nigerian women have for long been playing crucial role in political life of the country, and this has contributed in no small measure in shaping the political system of the nation.⁶⁰ However, it has been held that for the growth and advancement of a country, a vantage position should be accorded the women, as they constitute larger proportion of the population. In this regard, they should not be excluded in the decision-making that bothers even on their lives as a people.⁶¹

Today, women are now more active and livelier in political issues than ever before because of political re-awakening and awareness. Majority of the men are pre-occupied with the notion that decision making is exclusively for the male folk while women are to take instructions.⁶² Women's determination to

⁵⁷ Labour Act, Cap 198, Laws of the Federation of Nigeria (LFN) 2004, s 55.

⁵⁸ *Ibid*.

⁵⁹ (2012) 27 NLLR (Pt. 76) 110.

⁶⁰ Rita K Gnyok, The Critical Role of Women in Nigeria Politics www.gmail.com NEWs 8313-last-accessed 8th September, 2024.

⁶¹ J O Tobi, Women's Participation and Political Process in Nigeria-academic journals www.academicjournals.org article-last-accessed 8th September 2024.

⁶² D T Agbalajobi, Women's Participation and Political Process in Nigeria: Problems and Prospects *African Journal of Political Science and International Relations* [2010] (4) (1) 75-85.

participate in governance is premised on the ground that all human beings are equal and should participate in politics of their country. The right to democratic governance is an entitlement conferred upon all citizens by law. The 1999 Nigerian Constitution states.⁶³ 'Every person shall be entitled to assembly freely and associate with other persons and, he may form or belong to any political party, trade union or any other association for the protection of his interests. Particularly, section 42 of the 1999 Constitution further prohibits all forms of discrimination by its citizens. This further affirms that you can go to court to seek redress if as a woman your franchise is violated, and that the constitution as a whole prohibits discrimination on the basis of sex. Men dominate most public offices till date. However, according to Damilola Tai there are some factors responsible for low participation of women in Nigeria politics;⁶⁴

4.3 Gender Bias System

Patriarchy, which is an important concept in explaining placing the male folks in a higher social status over female has crept into public life, which reflects in state activities. The family plays an important role in maintaining this patriarchal order across generations. The socialization of children to expect and accept different roles in life has created a social mechanism for the development of values that engender the several forms of discrimination against the female sex.

4.4 Discriminatory Customs and Laws

The customary practices of many contemporary societies are biased by subjugating women to men and undermining their self-esteem. The overall impact of gender bias, cultural norms and practices has entrenched a feeling of inferiority in women and place them at a disadvantage vis-à-vis their male counterpart in the socio-political scene even in urban centres. These socially constructed norms and stereotype roles make women overplay their femininity by accepting that they are 'weaker sexes', overemphasizing the dainty nature of their sex. For example, most customs prefer sending the male child to school over the female child who is expected to nurture siblings and to be married off.⁶⁵

4.5 Right to Life and Dignity of Human Person

The right to life is a moral principle based on the belief that everyone has the right to live and in particular, should not kill or be killed by another human being.⁶⁶ Section 33(1) of the 1999 Constitution provides thus; 'every person has a right to life, and no one shall be deprived intentionally of his life, save in execution of the sentence of a court in respect of a criminal offence of which he has been found guilty in Nigeria'.⁶⁷

It has been however held that right to life is the mother of all rights as without it the life is meaningless. Also, the African Charter guarantees Right to Life to all Humans, without any distinction of any kind such as race, ethnic group, colour, sex, language, religion, political or any other opinion, national and

⁶³ CFRN 1999, s 40.

⁶⁴ *Ibid.*

⁶⁵ D T Agbalajobi, Women's Participation and Political Process in Nigeria: Problems and Prospects *African Journal of Political Science and International Relations* [2010] (4) (1) 75-85.

⁶⁶ Right to life – Wikipedia https://en.m.wikipedia.org/wiki/Right_to_life last accessed 8th September, 2024.

⁶⁷ CFRN, 1999, s 33-43.

social origin, birth, or other status.⁶⁸ Most women in the rural communities are still suffering and their lives been taken away under the obnoxious customs and tradition of the society. For example, in some rural parts of Nigeria, (Abia, Anambra, Enugu, Imo & Ebonyi State) some cultures still allow the stoning to death of widows whom have been accused of killing their husbands, which is a violation of the 1999 Constitution of Nigeria.⁶⁹

Furthermore, section 34 of the 1999 constitution also provided for right to dignity of human person. It states, thus, 'every individual is entitled to respect for the dignity of person and accordingly, no person shall be subject to torture or to inhuman or degrading treatment'. The above provision of the 1999 constitution does not have full implementation force and most often, women are forced to experience inhuman and degrading treatment (these includes, domestic violence, rape, disinheritance of women etc) by the society (husband father) and customs and traditions. In *Uzokwu v Ezeonu*⁷⁰, the court held that mental harassment, physical brutalization, and others forms part of imputation of indignity on a person. However, most human rights activists and women lawyer's groups have made tremendous efforts to see that those practices that are repugnant and which violates the rights of women are eliminated. It is also important to strictly enforce other existing laws that frowns at the subjugation of women to give them their rightful place in modern society.

5.0 Abuse of the Rights of Women in Nigeria

Gender-based violence is collectively, violent acts that are primary or exclusively committed against women in our society. Regardless of many years of advocacy and involvement of many feminist activist groups and organization, the issue of gender-based violence remains one of the most pervasive forms of human rights violations worldwide.⁷¹ This violence abuse against women can occur in both public and private spheres of life and at any time.⁷²

5.1 Domestic/Physical Violence

Domestic violence is now rampant and a form of abuse which most Nigerian women do face all the time. The offence is of various forms and the most common form of it is beating of women at the slightest opportunity, with the confidence that nothing will happen even if it is being reported to the authority. This form of violence includes, but not limited to husband beating, or a husband subjecting his wife to any form of in human degradation and molestation, an act which is a direct violation of the provision of section 31 of the 1999 Constitution of Nigeria and because, this form of abuse is given tacit approval by some culture in Nigeria, it has persisted.

Globally, the victims of domestic violence are undoubtedly women, and they tend to experience murder severe forms of violence. However, there have been a minimum number of laws against domestic violence of which states like Lagos, Ebonyi, Ekiti, Jigawá and Cross River have enacted. These laws against domestic violence are geared towards safeguarding women against any form of abuse. On the

⁶⁸ African Charter 1981, Art 2.

⁶⁹ CFRN, 1999, s 33-43.

⁷⁰ (1991) 6 NWLR Pt. 200 at 764-778.

⁷¹ Enhancing the Rights of Women- Vanguard News <https://www.vanguardngr.com/2015/07-last> accessed 9th September 2024.

⁷² Violence Against Women-Wikipedia https://en.m.wikipedia.org/wiki/Violence_Against_Women accessed 8th July 2024.

other hand, physical violence includes assault, battery stoning, slapping, pouring of Acid, emotional and psychological depression etc. Section 55 of the Penal code justifies this act of violence as it allows a husband to beat his wife as a form of punishment in so far as 'no grievous harm' is sustained in the act.

5.2 Sexual Assault

Sexual Assault occurs commonly worldwide and is particularly pervasive in the developing world. This form of abuse is common in both public and private organizations. According to Sexual Assault Awareness centre, it defined sexual assault as 'unwelcome sexual advances, request for sexual favours. In other verbal or physical conduct of a sexual nature either; the conduct is made as a condition of an individual's employment, education, living environment or participation in a university community the acceptance or refusal of such conduct is used as the basis in decisions affecting an individual's employment, and education.⁷³

Sexual assault includes but not limited to sexual harassment, sexual intimidation, rape, threatening to deny a female staff what is duly her legal rights, unless she submits to sex. This form of abuse can happen to men. women or children, in Nigeria however women are mostly victims of this form of abuse and very many of them rarely make reports of such abuse. It has been observed that sexual assault destroys the self-esteem and prestige of a woman.⁷⁴

5.3 Female Infanticide

This is the deliberate killing of newborn female children. This normally occurs when a society places more value on male children to the point, that delivering a female child is considered unacceptable. This is common in those days where female children were buried alive on account of the mixed feelings that are often attached to the birth of female children. However, with the coming of Christianity, civilization, and Islam this practice had since been put to check.⁷⁵ It has been discovered that female infanticide was commonly practiced in India and China.

5.4 Female Circumcision (Female Genital Mutilation)

This is referred to as the excision of the clitoris and parts of the labia majora (virgina) of a female child. The age and the time when this is to be done vary from one culture to another. Primarily, it is done with the believe to prevent women from being promiscuous. This practice has however been debunked by both medical experts and non-experts. FGM is a grave act committed against women and girls in our society and it is deeply rooted in our traditional and religious beliefs.⁷⁶

It is mainly practiced in African Countries like Nigeria. FGM causes infertility, maternal death, infections, loss of sexual pleasure and many others. It is however widely recognized as a violation of human right's which is deeply rooted in cultural beliefs and perception of the society. The African Charter on Human and Peoples Rights of 1981 in its Article 5, state that every individual shall have the

⁷³ R Muftau, 'An Appraisal of the Legal Rights of Women in Nigeria' [2016] (52) *Journal of Law, Policy, and Globalization* 20-25.

⁷⁴ *Ibid.*

⁷⁵ R Muftau, 'An Appraisal of the Legal Rights of Women in Nigeria' [2016] (52) *Journal of Law, Policy, and Globalization* 20-30.

⁷⁶ *Ibid.*

right to the respect of the dignity inherent in a human being and to the recognition of his legal status. However, a pertinent failure of the law is the lack of Federal Statute Prohibiting female genital mutilation. A few states such as Edo⁷⁷, Delta,⁷⁸ Ebonyi,⁷⁹ Cross River,⁸⁰ Bayelsa⁸¹, Ogun⁸², and Rivers State⁸³ have enacted laws prohibiting female genital Mutilation⁸⁴.

5.5 Girl-Child Marriage

Child marriage is a human right violation despite laws against it, the practice is still on an alarming rate because of persistent poverty and gender inequality. Girl child marriage threatens girls' lives and health, and it limits their future ambition. Girls pressed into child marriage often faces pregnancy while still adolescents, increasing the risk of complications in pregnancy or childbirth. These complications however results to death among these adolescents in developing countries.⁸⁵

The Child's Rights Act,⁸⁶ prohibits child marriage as well as many international conventions such as the Convention on the Rights of the Child, The Convention on the Elimination of all forms of Discrimination Against Women etc. Ending child marriage requires action of all including the parents or guardians of such child. Existing laws against child marriage should be strictly enforced, especially when girls at risk of child marriage, or who are already married, seek protection and justice. Governments Civil Society and NGO's must collaborate to ensure girls/women have access to education, health information and services.

5.6 Human Trafficking and Forced Prostitution

The UN protocol on trafficking defines trafficking in humans as 'all acts related to recruitment, transport, sales, or purchase of human beings through deception, force, or other coercive means, for the purpose of exploitation.'⁸⁷ Nigeria is a well-known source country for international human trafficking. Many hundreds of young Nigerian girls/women are trafficked to Europe and Asia every year.⁸⁸ Thus, women are usually sent to brothels and strip clubs or sent out to prostitute themselves in the streets. Internal trafficking also occurs within Nigeria's borders, where boys and girls are recruited from poor families in rural areas with a promise of work or education in the city and are then sold into domestic servitude or forced work on farms or in factories and mines with little or no pay. These victims of

⁷⁷*Ibid.*

⁷⁸ Edo State Female Circumcision & Genital Mutilation (Prohibition) Law, 1999.

⁷⁹ Delta State Female Circumcision & Genital Mutilation (Prohibition) Law, 2001.

⁸⁰ Ebonyi State Law (2000) on the Abolition of Harmful Traditional Practices Against Women and Children

⁸¹ Cross-Rivers State Girl- Child Marriage & Female Circumcision (Prohibition) Law, 2000.

⁸² Bayelsa State Female Genital Mutilation Prohibition Law, 2000

⁸⁴ Rivers State Abolition of Female Circumcision Law, 2001.

⁸⁵ Child Marriage/UNFPA- United Nations Population Fund www.unfpa.org/child-marriage-accessed 28th Augst 2023.

⁸⁶ Child Right Act, 2003.

⁸⁷ Human Trafficking in Nigeria- Caritas Nigeria <https://www.caritasnigeria.org/human-trafficking>-last accessed 28th August 2023.

⁸⁸ Human Trafficking in Nigeria- Caritas Nigeria <https://www.caritasnigeria.org/human-trafficking>-last accessed 28th August 2023.

trafficking often suffer physical and psychological abuse and are under continuous threat of physical harm or deportation.⁸⁹

Poverty, unemployment, disillusion of life, illiteracy, greediness, harsh economic conditions in Nigeria etc. are some of the factors which make the victims of human trafficking to give their consents to be trafficked abroad. While at abroad, they go into prostitution, or serve as domestic servants. Most of the victims of human trafficking and prostitution are mostly females and their age ranges between 15 of 25 years.⁹⁰

5.7 War Rape and Sexual Slavery

Wars and conflicts are two phenomena that is prevalent in most African countries. During wars and conflicts, women are vulnerable during wars and conflicts, victims of several sexual exploitations and gender-based violence. Women are displaced during war, having lost their homes and properties. Most of the female folks were even raped, abused, kidnapped, and even killed during the insurgency and insecurity that was occasioned by the Boko Haram in the northern parts of Nigeria.⁹¹

5.8 Mistreatment of Widows

The way most of our cultures have often treated the widows is undignified thereby compounding their problems. Instances are most widows are wrongfully accused of causing the death of their husbands, or at times forced to drink the bathed water of their deceased husbands as a sign to prove their innocence of the death of their husbands. Moreso, some widows are even denied the right to inherit the properties of their deceased husband which is a direct violation of their rights to acquire properties which the constitution prohibits against.⁹² However, the only panacea to this menace is by strict implementation of these international regional and national laws that are against any form of violence on the women folks⁹³.

6.0 Challenges of Women's Rights

Women are integral members of the society, and they are the before entitled to enjoy all the rights stipulated in the Constitution. However, while the constitution does not have express provisions precluding women from enjoying their rights, yet there are impediments which forms an obstacle to these rights from being enjoyed fully by women.

6.1 Male-Child Preference

This is another impediment towards the realization of women's rights in Nigeria. Under the customary law, the male- child is being valued more than the girl-child for some reasons especially for the preservation and longevity of family lineage.⁹⁴ The preference of the male folk is still prevalent in Nigeria today. Where this is the case, the typical cultural woman is blamed for not giving the husband

⁸⁹ *Ibid.*

⁹⁰ *Ibid.*

⁹¹ Human Trafficking in Nigeria- Caritas Nigeria <https://www.caritasnigeria.org> human trafficking-last accessed 28th August 2023.

⁹² *ibid*

⁹³ R Muftau, 'An Appraisal of the Legal Rights of Women in Nigeria' [2016] (52) *Journal of Law, Policy, and Globalization* 40-43.

⁹⁴ *Ibid.*

a male issue in the family notwithstanding the number of female issues she already has. Our men are even ignorant of the fact that it has been proved by medical expertise, that they determine the sex of the child and not the women. Therefore, they begin to subject the woman into all forms of torture, and inhuman treatment⁹⁵. Also, in terms of education, the male child is often trained in schools, while the female child remains at home and engage in house chores. This stems from the notion that training a female child is of no importance since she will be given out in marriage to bear children. In Igbo culture, there is cultural practice when a man dies without a male issue, one of his daughters is chosen to stay back in his household, selects lovers with whom she co-habits and begets children on behalf of her father so that the lineage does not perish.⁹⁶ However, the court of appeal in the case of *Mojekwu v Fjikeme*⁹⁷ has found the above custom to be discriminatory and in violation of the right of the female to marry. The custom was declared unenforceable, and the court further held that a female child did not need the performance of the culture to inherit her father's estate.

6.2 Female Genital Mutilation

Female Genital Mutilation entails an extensive cutting and removal of parts of the female genitalia and is often performed with unsterilized crude instruments and without anaesthesia. The operation is usually performed by local birth attendants and practitioner's village barbers and sometimes by nurses, doctors, and mid-wives. This mutilation is mostly carried out on women (girls) in the local communities where civilization has not taken place. This cutting often leads to grave and fatal damage to the urethra, anus and/or the bladder which may result in excessive bleeding and death.⁹⁸

The customary justification for the practice, and wrongly posited, is that FGM cultural promiscuity, promotes hygiene, prevents still births and encourages chastity among the women folks amongst others. An act of female genital process is a clear violation of the women's rights to dignity, freedom from violence and inhuman, degrading treatment, which has been enshrined in the 1999 constitution of the Federal Republic of Nigeria.⁹⁹ Although most Eastern State Governments have outlawed this practice, yet the act persists in some parts of the state especially in rural areas of the state.

6.3 Widows Succession Rights Under Customary Law

There are many norms of customary law in relation to succession rights of widows as there are different ethnic groups in Nigeria. When a man subject to native law and custom dies intestate without contracting a monogamous marriage under the marriage Act, his estate is regulated by the customary rules of intestate succession¹⁰⁰. However, a widow under the customary law settings (under intestate succession) is denied of her right of inheriting her deceased husband's property. Often, many widows have been driven out of their matrimonial homes without any property of her Late husband's including

⁹⁵ *Ibid.*

⁹⁶ A J Alewo, 'Cultural Practices and Traditional Beliefs as Impediments to the Enjoyment of Women's Rights in Nigeria, www.ccsenet.org/article> last accessed 7th August 2023.

⁹⁷ (2000) 5 NWLR (Pt. 657) 402.

⁹⁸ A J Alewo, 'Cultural Practices and Traditional Beliefs as Impediments to the Enjoyment of Women's Rights in Nigeria, www.ccsenet.org/article> last accessed 7th August 2023.

⁹⁹ (2000) 5 NWLR (Pt. 657) 402.

¹⁰⁰ O W Igwe, 'Cultural Impediments to the Realization of Women's Human Rights in Igboland' [2014] (4) (1) *Journal of Private and Property Law* 165-170.

furniture and bedding which are seized by overzealous brothers-in-law and other family members and in the process completely disinheriting the widows.

6.4 Widowhood Rites/Practices

Women, especially widows in the rural area have often been subjected to various forms of inhuman and degrading treatment all in the name of culture. Inhuman and degrading treatment such as forceful drinking of water washed from the corpse of deceased husband, to prove the innocence of a wide dancing naked in the market square, shaving of hair from some parts of the enforce these rights in event of violation¹⁰¹. Yet women do not enjoy these rights on equal footing with men especially when they are widows, this s because most of these widows are not educated and knowledgeable about their rights. They are also not capable economically and financially to pursue the enforcement of these rights.

6.5 Capacity to Contract and Own Property

In many communities of Nigeria, the long-standing custom is that women do not and cannot acquire properties like land, buildings, fishing ponds and many others. In some areas of Ibo land like Anambra State, the contractual capacity of women is limited to the acquisition of moveable properties. This position has been criticized by the judicial authorities who have held that women have the legal capacity to acquire and dispose of any form of property acquired by them without any restraint enforce these rights in event of violation.¹⁰² Yet women do not enjoy these rights on equal footing with men especially when they are widows, this is because most of these widows are not educated and knowledgeable about their rights. They are also not capable economically and financially to pursue the enforcement of these rights.¹⁰³

7.0 The Judicial Approach in the Enforceability of Women's Rights in Nigeria

Women's rights are a fundamental part of the general human rights. Thus, the constitution has made some of these rights non-justiciable and its enforceability has proved difficult in courts of law. These rights include the economic, social, and cultural rights of the citizens (including women). The applicability of rights of women in Nigeria has also been inspired by the desire to act in accordance with the multifarious international laws and treaties embraced by the country through acts of ratification and limited adoption¹⁰⁴. However, the attitudes of the Nigerian Courts have been positive recently especially in the adjudication of cases on women's rights and advancement. Below are some of the cases that the courts have upheld in favour of the women folk for the purpose of advancing and empowering women in the society.¹⁰⁵ In *Mohammadu v Mohammed*¹⁰⁶, the daughters of the deceased instituted an action under inheritance under sharia law, against their brothers for their share in their late father's estates for their share in their late father's estates. The court appeal held as to whether females can inherit under Islamic Law held thus, Female heirs are allowed under Islamic Law to partake in inheritance like their male counter parts in a modified manner namely, "a daughter can have as her

¹⁰¹ *Ibid*.

¹⁰² CFRN, 1999, s 42-45.

¹⁰³ CFRN 1999, S. 34

¹⁰⁴ CFRN, 1999, ss 13-14.

¹⁰⁵ *Ibid*

¹⁰⁶ (2001) 6 NWLR (Pt 708) 104 (CA).

share, half of what the son will get as his share”. This what is popularly known as Ili Zakari formula, a male child would get twice of the female share.

However, in *Mrs. Pauline Asika & Ors. v Charles Chukwuma Atuanya*,¹⁰⁷ the appellants at the trial court being women, instituted the action to enforce their right to inherit of their father’s property under the latter’s will. The property was bequeathed by the testator in his will to be shared equally by his children. The respondent, who was the surviving male child of one of the testator’s children, contended that under the Onitsha Customary Law, no female child can inherit property of her late father. He claimed to be the only one entitled to the property, being the only surviving male child in the family. The court of appeal in determining the appeal held that by virtue of section 43 of the 1999 constitution, every citizen of Nigeria has a right to acquire and own immovable property anywhere in Nigeria including women. Other aspects of customary laws, which have been challenged in the courts, are those relating to burial ceremonies and their impact on women’s religious freedom. Thus, in *Onwo v Oki*¹⁰⁸, the appellant claimed that the respondent forcefully, and against her wish, shaved her hair, assaulted her grievously and locked her up in a room and removed all her property to conform to the tradition of the community of mourning the dead. The appellant, a born again Christian and member of the Assemblies of God Church, claimed that according to her own religion and her faith, she does not mourn the dead. She originated an application for the enforcement of her fundamental rights. The trial court dismissed the application on the ground that fundamental rights are not enforceable against a private individual. On further appeal, the court of appeal held that where fundamental rights are invaded by ordinary individuals, the victims have rights against the individual perpetrators. Also in *Mojekwu v Ejikeme*¹⁰⁹ case where the court held that the obnoxious custom of forcing the daughters of a father who had no Sons to remain in the family in order to bear a male child for the family as unlawful, and repugnant to equity and good conscience is however evident from the above cases that almost all the cases were appraised on the grounds that some norms of customary law, which violated the rights of women, were repugnant to natural justice, equity and good conscience

8.0 Assessment of the Legal Framework for the Protection of Women’s Rights in the United Kingdom

The Equality Act 2010 is the main piece of legislation that deals with discrimination based on sex, as well as other characteristics such as race, age, and disability. The Act protects people against discrimination in the workplace, as well as in the provision of goods and services, education, and healthcare. There are also several other specific laws that protect women’s rights, such as the Domestic Violence, Crime and Victims Act 2004, which provides for the protection of victims of domestic violence.¹¹⁰

In addition to the Equality Act, there are also several international treaties and conventions that the UK has ratified that address women’s rights. One of the most important of these is the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). This is an international treaty

¹⁰⁷ (2008) 17 NWLR (Pt 1117) 484 (CA).

¹⁰⁸ (1996) 6 NWLR (Pt 456) 584.

¹⁰⁹ (2000) 5 NWLR (Pt 657) 413.

¹¹⁰ UK Equality Act, 2010.

that was adopted by the UN General Assembly in 1979, and it has been ratified by 187 countries. It aims to end discrimination against women and to achieve equality between men and women. The UK ratified CEDAW in 1986 and has since implemented several measures to comply with its provisions.¹¹¹

9.0 Lessons from the United Kingdom on Protection of Women's Rights

There are several key lessons that can be learned from the UK's experience in protecting women's rights. First, it is important to have a comprehensive legal framework in place that addresses discrimination based on sex and other characteristics. Second, it is important to have strong enforcement mechanisms to ensure that the laws are being complied with. Third, it is important to have a system in place to monitor and evaluate progress in protecting women's rights. Fourth, it is important to have a strong public education and awareness campaign to ensure that people are aware of their rights and how to access justice if they are being discriminated against.¹¹²

In addition to the lessons above, the UK's experience also highlights the importance of having a supportive and inclusive society. The UK has made significant progress in ensuring that women have equal access to education and healthcare, and that they are able to participate equally in the economy and in politics. However, there is still room for improvement, and the UK has been working to address issues such as the gender pay gap and violence against women.¹¹³

Finally, the UK's experience also highlights the importance of having a strong and independent judiciary that is committed to upholding the rule of law and protecting the rights of all people, including women. Another key takeaway from the UK's experience is the importance of addressing discrimination at its root causes. For example, the UK has recognized that many forms of discrimination against women are linked to gender stereotypes and societal expectations about the roles of men and women. As such, the UK has been working to challenge these stereotypes and to promote gender equality in all areas of life. This includes measures to improve women's representation in politics and business, and to provide equal access to education and healthcare.¹¹⁴

9.1 Assessment of the Legal Frameworks for the Protection of Women's Rights in the United States of America

The United States of America has strong legal protections for women's rights, including the Equal Pay Act of 1963, the Civil Rights Act of 1964, and the Violence Against Women Act of 1994. However, there are still areas where more progress needs to be made, such as in the areas of paid family leave, affordable childcare, and equal representation in politics.¹¹⁵

9.2 The Importance of Enacting and Enforcing Laws and Policies that Address Violence Against Women.

First, regarding the importance of addressing violence against women, the US has made significant progress in this area over the past few decades. In addition to the Violence Against Women Act, which was mentioned earlier, the US has also enacted laws such as the Family Violence Prevention and

¹¹¹*Ibid.*

¹¹² UK Equality Act, 2010.

¹¹³ UK Domestic Violence, Crime and Victim Act, 2004.

¹¹⁴ *Ibid.*

¹¹⁵ US Civil Rights Act, 1964.

Services Act and the Campus Sexual Violence Elimination Act. These laws provide funding for services such as victim assistance, prevention programs, and research. They also mandate that institutions of higher education develop policies to address sexual violence on campus¹¹⁶.

9.3 The Need to Address the Gender Pay Gap and to ensure that Women have Equal Opportunities for Economic Advancement.

Gender pays gap is another key lesson from the US experience. Despite progress over the past few decades, women in the US still earn less than men, on average. The gender pay gap is a complex issue that is influenced by several factors, including occupational segregation, bias in hiring and promotion, and the lack of affordable childcare. Several initiatives have been implemented to address the gender pay gap, including the Paycheck Fairness Act, which was introduced in Congress in 2019. This act would require employers to disclose pay data by gender and race and would prohibit retaliation against employees who discuss their pay.

9.4 Lessons for Nigeria from the United Kingdom and United States of America on the Protection of the Rights of Women

Lessons learned from the experiences of the UK and US can be applied in Nigeria. For example, Nigeria could benefit from enacting and enforcing laws and policies that address violence against women, such as the Violence Against Persons (Prohibition) Act, which was passed in 2015. Additionally, Nigeria could take steps to promote gender equality and women's empowerment by ratifying the CEDAW and other international treaties, and by working to achieve the SDGs. Nigeria could also learn from the experiences of the UK and US in terms of paid family leave.¹¹⁷ Nigeria could benefit from implementing a national policy on paid family leave, which would help to reduce gender inequality in the workforce and to improve the health and well-being of both mothers and children. Additionally, paid family leave could help to reduce the economic burden of caring for children, which is often disproportionately borne by women. Such a policy could also contribute to increasing women's labour force participation and improving their economic security.¹¹⁸

Furthermore, another area where Nigeria could learn from the experiences of the UK and US is in education. Both countries have implemented policies and programs to increase girls' access to and completion of education, as well as to improve the quality of education for girls. For example, the UK has implemented the Girl Effect programme, which aims to address the barriers that prevent girls from completing school. In the US, there are several initiatives that focus on increasing girls' access to STEM (science, technology, engineering, and math) education and careers.

10.0 Conclusion

Women's rights are human rights are guaranteed in the International, Regional and National Legal Frameworks and any violation of such right is enforceable in the court of law. It is however, unfortunate that some of these rights are unenforceable in the court, even women especially those in the rural areas are ignorant of these laws and as well lack the requisite means of pursuing the case of their violation of

¹¹⁶ *Ibid.*

¹¹⁷ CEDAW, 1979.

¹¹⁸ UK Equality Act, 2010.



rights in court. Women very often wallow in solitude and silence when their rights are being violated. Furthermore, in Nigeria, we are still being bugged down by the palpable dichotomy entrenched in our society, based on gender superiority/ primacy and subordinacy. This is demonstrated by male dominance and patriarchy system which are predominant in our society today. The attitude of men towards women should change positively to reflect a true gender equality system in the society.

Finally, women are therefore urged to rise consciously to agitate for the enforcement and implementation of their rights as properly laid down by various legal instruments examined in this dissertation. Women should rightfully be empowered in every aspect of life so as to stand as tall as men are in society's platforms and arenas.

11.0 Recommendations

In view of the foregoing, this dissertation recommends the following suggestions as the way forward in the advancement of women rights in the contemporary Nigerian Society:

1. Strengthen the legal framework by enacting laws that explicitly address all aspects of women's rights.
2. Establish an independent body to monitor and enforce the laws, and to provide redress for victims of gender-based violence.
3. Develop policies and programs that aim to empower women economically, socially, and politically.
4. Invest in education, health, and other social services for women and girls and Address poverty and other root causes of gender inequality.
5. The government should domesticate all international conventions and treaties relating to female gender. It is not enough that Nigeria participated in such international conferences and is one of their signatories, these resolutions have to come alive through legislations so that these resolutions will be implemented.