

Domestic, Regional, and International Protection of Nigerian Women against Discrimination: Constraints and Possibilities

MOJBOL OLFNK OKOME

Introduction

Discrimination against women is defined by Article 1 of the *United Nations Convention on the Elimination of all forms of Discrimination Against Women* of 1979 (heretofore referred to as the 1979 Convention or CEDAW) 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, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field." By May 2001, 168 countries had ratified CEDAW. Forty-six of them are African. Nigeria signed the convention on 23 April 1984 and ratified it without any reservations on 13 June 1985, and it ratified the optional protocol to CEDAW on 8 September 2001.¹ It made its first report to the Committee on the Elimination of all forms of Discrimination Against Women in 1986, and submitted its second report in 1998.²

As defined by the CEDAW, discrimination is symptomatic of a situation where patterns of structural inequality are maintained by rules, norms and procedures that dictate a subordinate role for women in all spheres of society. This call for an end to all forms of discrimination against women emphasizes the need for a radical re-definition of the process and content of economic, social and political development. It stresses the need for a holistic orientation which acknowledges the vital role of women in development and engineers their integration into development processes as equal partners with men. For this purpose, it is argued that legal and substantive protection at the domestic, regional and international levels must be coordinated for more meaningful enhancement of both the status and situation of women.

This paper approaches questions concerning human rights and discrimination against women from a perspective that differs the dominant view within the human rights literature. This scholarship has an intrinsic pro-Western bias and operates on the implicit assumption that international human rights have their origins in Western liberal thought.³ Contrary to this dominant perspective, I argue that all human societies have a conception of human rights, even though there are cultural differences. The existence and defense of national, regional and international rights of Nigerian women against discrimination then must necessarily be located within Nigeria's particular historical experience from the pre-colonial era to contemporary times. The promotion and defense of such rights would be meaningless otherwise. Moreover, I argue for the combination of efforts that tend to be separated in scholarly activities to date. The identification of instances of discrimination and the struggle to defend and extend women's rights has to be critically examined in light of the power relations that structure the regime of

<http://www.africa.ufl.edu/asq/v6/v6i3a3.pdf>

human rights worldwide. This paper argues that in this regime, both western thought and western feminist groups are privileged.

Within the international human rights literature, the problem of discrimination has been conceptualized as involving the denial of self-determination to women. This paper considers discrimination as resulting from the creation, maintenance and perpetuation of structures of inequality against women as opposed to men. It also argues that the Nigerian government and human rights activists, by being more responsive to the international regime of human rights, do not pay sufficient attention to indigenous philosophies and traditions about respecting human rights, perpetuating the notion that the only way to guarantee human rights in Nigeria is to blame all contemporary human rights abuses on the persistence of traditional mores. In so doing, they often consider the embrace of international protections of human rights as the only avenue to progress.

Individuals play an instrumental role in the creation of structures, their maintenance and their transformation. The development of alternative rules, norms and procedures provide the avenue through which structural transformation may be engineered. The process of engineering transformation involves both the manipulation of rules, norms and procedures as well as organization for political action by women to protect what rights they have, enhance the quality of protection and increase the comprehensiveness of the rights to which they are entitled. In this view, the agent-structure concept is useful for understanding the centrality of structures in constraining as well as enabling human agency. A structure can limit or foster change, but structures also allow for the transformative intervention of human agents. The exercise of agency to foster change, whether in the area expanding existing rights, or of demanding new rights, should not be seen as limited to the contemporary period. There are historical examples of women exercising rights, pushing for their extension, and actively defending these rights.

The focus of this paper is on the constraints and possibilities that shape the environment of Nigerian women and either enable them to surmount the problems arising from discrimination or limit their ability to do so. The central thesis is that discrimination against women takes different forms in different societies and historical epochs, thus requiring differential strategies in each place and time.

The evaluation of discrimination against women in Nigeria shall focus on the quality and content of domestic constitutional, regional, and international protection and guarantees and the extent to which these *de jure* guarantees may or may not necessarily reflect the *de facto* condition of women in Nigerian society. In addition, the following questions will be addressed: First, in what ways have structures of inequality been created in the society and how do these structures affect the role of women in contemporary Nigeria? Second, how can concrete problems that have a direct bearing on the role of women in society be conceptualized and contextualized?

Third, how is compliance with existing law to be enhanced in order to generate practical results? The paper is divided into three parts, each focusing on one of the questions posed above.

STRUCTURES OF INEQUALITY: THEIR CREATION AND IMPACT ON THE ROLE OF WOMEN IN CONTEMPORARY NIGERIAN SOCIETY

It has been argued that pre-colonial Nigeria had a gendered division of labor. However, the nature and implication of such a division of labor is often misinterpreted. While male dominance was built into the social system of some Nigerian ethnic groups, women played a significant and vital role in all aspects of the lives of their community.⁴ For some scholars, this is due to the complementarity of male and female roles and functions.⁵ Complementarity gave women a great deal of autonomy in their own affairs.⁶ Although some women became leaders in politics, religion, and the economy, discrimination was on the basis of both class and gender. Women who, by virtue of their acquired or ascribed status became decision makers were by no means treated in the same way as other women in terms of their rights.⁷ Elements of structural inequality could be observed in unequal access to the means of production and control thereof as well as inequality in the ability to control reproduction.

Scholars such as Olufemi, Pittin and VerEecke, as well as activist groups such as Women's International Network (WIN) and the Civil Liberties Organisation (CLO) contend that ideological reinforcement for structural inequality is provided by customs, practices and norms.⁸ Drawing on the Country Reports on Human Rights Practices For 1991 that was submitted to the United States Congress House Committee on Foreign Affairs and Senate Committee on Foreign Relations, WIN acknowledges the long-standing nature and ubiquity of women's economic power in Nigerian society, concluding "[W]omen have always had some economic power and have exerted influence in Nigerian society through women's councils, family connections, and to a much lesser extent, mainstream social, economic or political organizations."⁹ The report recognizes that in Nigeria there are regional religious and ethnic variations in the pattern of discrimination against women, but indicates that men are legally able to prevent their wives from working, from obtaining passports, and rural men routinely beat their wives without any legal intervention. Access to land and right to inheritance of spousal property are also denied women, as is access to jobs for single women. Given the record of government non-performance, it is also questionable whether Nigerian women's rights organizations would believe in the veracity of its promise to investigate. The protection and expansion of women's rights then is clearly another instance where the exercise of power by affluent countries is taken for granted, and the readiness of poor countries to submit themselves to scrutiny while never examining the affluent country's behavior is also taken as a marker of responsible international behavior. The report also presents its assessment in language that is unreflecting and relatively ignorant. Again, a quote is instructive. It indicates a biased portrayal of the common practice of exchange of money upon marriage, bride-wealth, provided by a husband's family in some ethnic groups, including the Yorub, or dowry, which is provided by the woman's family in other ethnic groups, including the Hausa-Fulani. According to WIN,

The Government publicly opposes female circumcision, which reportedly affects close to 50 percent of the female population, The most dangerous form, infibulation, is still practiced in some areas. However, because of the deep cultural roots of this practice, the Government has relied primarily on education

through women's and public health organizations to help induce change in attitudes rather than trying to criminalize the practice. Public education has had some effect, but change has been slow. The Government also opposes the *selling of young girls for marriage by poor rural families*, again primarily through educational means. There are no estimates of the extent to which this practice is carried out. (my italics)¹⁰

Pittin and VerEecke contend that colonialism also contributed to the diminution of women's rights.¹¹ VerEecke argues that the women in Yola were extensively involved in agricultural production before the Fulani Jihad of the 18th century. Loathe to be identified as slaves in an economy that subsequently depended on slave labor for agricultural production, women were influenced by Islamic injunctions and embraced *purdah*. Pittin attributes discrimination against women in education to the influence of colonialism. In response to the debate over pre-colonial Muslim women's access of to education, Pittin says:

The extent to which less high-born Muslim women in the pre-colonial period had access to any education, much less the opportunity to pursue it, is still shrouded in the mists of history. It is likely that most women were given only the most limited of Muslim education, if at all. Indeed, the issue of access to education or of opportunity for continued education probably rarely arose, given the responsibilities accorded women and girls in the domestic sphere, particularly where slaves and servants were not available (or where the women were themselves slaves or servants!), the early movement of women into marriage and child-bearing and their involvement in farming, processing, and petty commodity production. Thus, historically, gender and class were prime determinants in limiting women's educational opportunities, with ideology concurrently providing bases both to support such education and to limit it.¹²

It is hard to argue with Pittin's contention that gender and class were the prime limiting factors to women's opportunities for education, but if the problem is that Muslim women's education is "shrouded by the mists of history", then, scholars must look for evidence of what happened in the past without equating a lack of information with a lack of opportunity.

The Civil Liberties Organisation of Nigeria stated:

The discriminatory burdens placed on women include those of chastity, of making marriage work at all cost, of fertility and fertility control, and the burden of being "clean and desirable" as symbolised by female circumcision. Others include the burden to prove rape both in the community and in a court of law, to raise 'good' children, and to mourn their husband to the taste and dictate of his relatives. Compared to men, Nigerian society treats women as little better than beasts of burden....¹³

In comparison, Olufemi's earlier contention is even more problematic. In traditional Nigerian societies, the woman's role was taken for granted. She was expected to nurture the children and take care of the home. Such traditional views had consequences which did not

augur well for social and economic development. Women were given fewer educational opportunities than men. They were also denied jobs in such male dominated occupations as engineering, architecture and town planning.¹⁴

This illustrates a bias that automatically assumes that traditional (read pre-colonial) societies were bastion of reactionary and unprogressive practices that marginalized women. Temisanren refines the argument about pre-colonial sources of discrimination against women, contending that some practices may have been relevant at the time they emerged but have become questionable given the changes in society over time. Temisanren documents Yorùbá women's attempts at guaranteeing abortion rights but claims that these women are manipulated, thus undermining their autonomy.¹⁵ Ade Aderinola also gives documentary evidence of how historical changes in land tenure have affected food production and women farmers' productivity and social status.¹⁶ Ogede, focusing on orature, uses the case of Igede women's songs to demonstrate that the assumed ubiquity of male dominance and women's *ad nauseum* submissiveness can be challenged if we look beyond the written word. [17] Even in contemporary society, there are living examples of alternative responses to male dominance.¹⁸

Other scholars, including Yolooye, Ogunlade and Erinoshó, while specifically considering the low participation of women in science and technology, argue that the socio-economic backgrounds of women can constrain or enable women's access to rights and entitlements in society.¹⁹ These studies show a correlation between socio-economic class and a career in science and technology. Ehindero links a woman's self-concept with whether she will select a career in science and technology.²⁰ This argument is related to those that emphasize socio-economic background, yet it is distinct from them that an individual's socio-economic background contributes to an individual's socialization and thus, his or her self-conception.

Based on the reports provided by *Women's International News*, one could well believe that discrimination continues because the government allows the perpetuation of customary and religious practices.²¹ However, one must be wary of these arguments. They assume that the customs, practices and norms in question arise from pre-colonial practices. This is erroneous. Examining the historical origin of contemporary practices reveals a more nuanced picture, as does analysis of orature, arts and aesthetics. Temisanren documents the contemporary experience of Yorùbá women, while Aderinola's work attempts to do this for the Ondo Yorùbá.²² Works such as these make it clear that there are distinctions among Nigerian societies as to the customary treatment of men and women. In some cases, women were disadvantaged more by the imposition of colonial rule and its code of law.

More studies that take sub-sections of large ethnic groups and trace the history of contemporary conditions are necessary. Ogede raises a significant point: women who are not Western-educated have multiple tools and strategies at their disposal that may be lost to their Western educated counterparts, particularly due to the dearth of written literature by women on traditions of autonomy and protest against the abuse of social, economic and political power.²³ Ehindero, Yolooye, Ogunlade and Erinoshó's analyses of the low participation of women in science and technology indicate that money and class matter, as does an individual's socialization process.

Still, much of the literature on women's rights tends to lay the blame for continued discrimination against women at the feet of amorphously defined "traditions" understood as

rigid artefacts of a distant and brutal past. Alele-Williams in considering the discrimination against women in science and technology careers, argues that cultural standards, values, and practices structure beliefs about gender roles and the production of knowledge.²⁴ This argument would only be tenable if colonialism is accepted as a determinant factor in structuring surviving traditions. Yet colonialism is widely considered to have introduced modernity and African cultural practices are considered the bastion of tradition. There is association of modernity with fluidity and progress, while tradition is basis for conservative, reactionary instincts. Temisanren, Aderinola and Ogede show that such definitions are limited and problematic.

Chief Bisi Ogunleye founder and National Coordinator of the Country Women Association of Nigeria (COWAN) and the Vice-President of the Forum of Africa Voluntary Development Organization (FADO) West Africa, also considers entrenched discrimination against women farmers but frames this as a problem that is general among the poor. Ogunleye blames African governments, multilateral agencies and institutions for bringing about this problem while calling for the restoration of the rights of women. Ogunleye frames women's entitlements and rights in terms of restoring equitable access to resources. She contends that the rights once existed but were eliminated over time. State responsibility and culpability in the denial of women's rights is clear. The contemporary African state did not spring *de novo* from its environment. It has its roots in the imposition of draconian forms of colonial rule on African peoples. The tragedy of the contemporary state is that it still fails to rise above the colonial detritus of wanton disregard for people's rights. Ogunleye contends that individuals and groups representing the state and international institutions make claims for these rights. Thus, her critique is directed at securing rights and making claims against powerful institutions on behalf of relatively powerless actors. She does not exclude men, but claims higher priority for women.

Ogunleye's analysis could be improved if she considered the origin of international institutions and of African states, as well as the origin of the philosophy and perspectives that inform the international development regime. In Africa, the contemporary state has a colonial origin. The international system privileges powerful industrial and post-industrial states in policymaking and policy articulation. The recipients of policy output are poor states that have been compelled to more fully integrate their economies into the international capitalist system.

Another source of problems that militate against women's rights is that most of the administrative practices which prevent equal treatment of Nigerian men and women are products of colonial laws and government. A case in point is the legal assumption that only males are the heads of families. Another is the assumption that a woman must prove that she was not responsible for bringing discriminatory practices upon herself. A third problem arises from the lack of resources to pursue the legal remedies that may be available. While there are admirable and significant efforts being made by some lawyers' and women's groups to provide free legal assistance, these efforts remain inadequate.

In feminist literature, discrimination against women is taken to manifest itself in the forms of gender, class and personal discrimination.²⁵ In some perspectives, discrimination is attributed to structural factors. Some scholars contend that the most important structural sources of discrimination are social formations such as the family, which conditions its

members to conform to socially acceptable gender roles. Although the pre-colonial division of labor in Nigeria was based on gendered distinctions, social definitions of men's and women's work varied by community/society. Maleness did not necessarily determine status within the family. Seniority mattered to a greater extent than at present. Thus, in the ideal Yorub family, a senior daughter outranked a junior brother when important decisions were made within the family. Today, there are many concrete examples of men that act "patriarchally" in the sense that male privilege is entrenched in social, economic and political relations. Such examples are a reflection of present circumstances, however, their existence must be interrogated rather than taken as representative of past conditions.

The process of asserting authority and creating norms is one that involves groups in society mobilizing to take advantage of shifts in ideology as new hegemonic forces overcome old centers of power. Men as a group were able to benefit from the Victorian sensibilities of the colonialists and their understanding of social relations. The Victorian mind-set situated men and women differently in social, political and economic relations. Men were expected to be in the public sphere, and women in the private. Men could hold positions of power, and women were expected to support them by taking care of the household. The fact that women had been active in producing, decision-making, trading and food processing, as well as in child-rearing, was not recognized.²⁶ In addition, elders were privileged more than the young, and husbands more privileged than wives. The significance of social differences between Victorian and African societies is illustrated by the Yorub and Ibo. In these societies, not only men were husbands. All the members of the patrilineage into which a woman married, male and female, stood as husbands in relationship to her. Relationships such as these are, however, not sexual.²⁷

In addition, the relationships should not always be conceptualized in terms of gender.²⁸ There is ample evidence of women's activism politically, socially and economically which challenges the Victorian assumption of automatic male superiority.²⁹

The ideological dimension of discrimination becomes evident when one considers the extent to which the discourse on rights is shaped by the language, ethics and moral judgements adopted from the West. The meanings, ideals, and practices of non-Western peoples tend to be viewed through the lens of the West and assessed through theories derived from Western historical experience. Paradoxically, activist groups and scholars that support the expansion and promotion of women's rights are thus subject to the pitfalls that come with drawing on such a tradition. Negative stereotypes of the role of women in pre-colonial society are stressed, even by scholars and activists who claim to be pro-feminist. In an attempt to promote and defend women's rights, *Women's International News Reports* spotlight the problems without sufficiently highlighting the achievements of women or the rights that they enjoy already.³⁰

Since Western interpretations are privileged, Western scholars and activists set the agenda of important issues. Women's rights groups, in Nigeria, that are sponsored by Western feminist groups often pursue this agenda. The terrain of rights and their defense then tends to look highly homogenous. Dissenting voices and alternative strategies are shut out not only when it comes to fighting against institutionalized abusive practices, but even when it comes to interrogating reality and setting priorities. As there are not many studies available, the few that have the prominence and wide reach that Western grants buy, shape the sensibilities of the world on the current struggles and situation of women. We do not get a nuanced view of

women in Nigeria or Africa in comparison to the situation of women in the West whose experience is analyzed with more historical accuracy. In short, the above cited examples are so general in their critiques that they create an inaccurate image of Although Nigerian women are portrayed as excluded from most decision-making roles in society, evidence exists of opportunities for women to participate in decision-making leaders roles that parallel those of men.³¹ Other opportunities to participate existed through the representatives chosen by women's indigenous organizations.³² Women within the family had to combine productive work with reproductive labor but were able to take advantage of help from the extended family, including the polygynous family unit, which reduced the burden of a double workload.³³

The polygynous system, which is often condemned as disadvantageous to women, was a social arrangement that ideally enabled women to make concrete contributions to society. For example, although women may not receive the benefits of monogamy, freedom from being the sole nurturer of husband and children freed them up for trade, politics, and religious leadership. The imposition of colonialism, like the earlier influx of Islam, caused the contraction of the opportunities available for women to play leadership roles.³⁴ However, women drew upon their pre-colonial forms of organization to organize the mode and content of their political participation within the colonial system.³⁵ Provisions were also made in pre-colonial Nigerian societies for conflict resolution in which all members of society could participate. Moreover, polygynous relationships were not unregulated. Even in contemporary times, some women voluntarily choose to be part of these structures and argue that the benefits outweigh the costs. Stereotyped portrayals of women deny the significance of women's contributions to Nigerian development. This is illustrated in *The Report of the Federal Government of Nigeria to the Committee on the Elimination of all Forms of Discrimination* which states in the introduction that the "traditional" conception of the role of women in society is one of domestic drudges, wives and mothers.³⁶ This report only reinforces erroneous perceptions women's role in society. On the contrary, according to traditional ideals and mores, women are valued as powerful by virtue of their being the bearers of fertility. The Yorub song, "y ni wr" (Mother is gold) underscores the importance of women in Yorub society. The song goes:

Yorub	English Translation:
y ni wr iyebye,	Mother is valuable gold
Ti a k l f'ow r.	That we cannot purchase with money.
l'yn mi f's msan, mwa,	She carried me in her womb for nine, ten months,
pn m f'dn mta.	She carried me on her back for three years.
y o se o k is mi,	Mother, thank you for laboring for me,
mi k l b 'y mi.	I cannot abuse my mother (verbally)

Meanwhile, a Yorub proverb says: *y ni wr, baba ni jg* (Mother is gold, father is a mirror). This underscores the value of a mother to her children and also something about the role of women in Yorub society. Compared to a fragile, breakable relationship with the father, the relationship of mother to child is durable. Similar reverence of the mother is found among other Nigerian ethnic groups.

Opportunities existed for women in pre-colonial Nigerian society to take leadership roles in politics, religion, social and economic life.³⁷ Blin Aw's *Nigerian Women in Historical Perspective* gives examples of women leaders of the past: Nana Asmau of Zauzzau, Idia of Benin, and Mrem of Ife.³⁸ Numerous legends and oral traditions also point to the power of women in pre-colonial Nigerian society. For example, the Yorub pantheon is composed of both male and many female deities. The female deities include Oya, sun, Yemoja. In the worship of these deities, many opportunities exist for women to lead. y had many powerful female public officials.³⁹

Pre-colonial Nigerian societies were structured around kinship which determined the productive and reproductive role of the individual in society. Childbearing was central to the worth of a woman. Since children were regarded as economic assets, polygyny was encouraged and generally more children meant more power within society. There were however opportunities for women to surmount problems arising from childlessness. Amadiume points to the phenomenon of gender-flexibility among the Ibo of Nnobi as a tool for women both to increase their material base by acquiring "wives," and to gain stature in society by bearing children through these wives. The institutions of female husbands and male daughters among the Ibo of Nnobi allowed women not to have sexual relations with women whom they marry but to claim the children borne by these women; in effect gaining power and control over resources, including children. This enabled them to surmount the social stigma attached to childlessness as well as enhance their productive capabilities.⁴⁰ Fostering children with women who were childless also enabled women to adjust their position within society. Among the Yorub and Hausa-Fulani, fostering of the children of relatives provides opportunities for childless women to play mothering roles.

During the colonial period, most elements of the kinship support system changed. Customary law was not necessarily the expression of the mores, values and standards of a community. Customary law was heavily informed by colonial (mis)conceptions. Customary law was always in flux, enabling it to respond to changes in society. Formalizing it introduced the unintended consequence that customary law became unable to effectively respond to changes in the wider world. This is now seen in divorce cases involving childless women. A man may claim the return of full bride wealth paid for a childless woman while deductions are made if a woman has had children. The childless woman is measured against women that have children. The stigma attached to the childless woman is extended to her family by association. As previously mentioned, in pre-colonial societies childless women could avail themselves of several opportunities to become mothers.

Access to the means of production is an important indicator of the rights of women in society. Many claims are made by contemporary analysts, activists and scholars about the pre-colonial roots of institutionalized denial to means of production in Nigerian society. In pre-colonial times, women generally had access to land which they could cultivate. However, the right to dispose of that land was vested in the head of the family. According to Amadiume, this

was true for the Ibo of Nnobi. However, it was more possible for women to take advantage of customary loopholes such as the aforementioned flexible gender system (among the Ibo) in order to gain power within a social system, which conferred more power on males than females.⁴¹ In some instances women's access to land did not derive from their dependence on male kin. Among the Ibo of Onitsha, women did not have to depend on the institution conceptualized by Amadiume as "male daughters and female husbands" to hold and exercise power over land and other resources.⁴² Among the Yorub, some women became wealthy and participated in government, and disposed of property on an equal footing with men.⁴³ Pre-colonial Nigerian societies were not entirely organized around structures within which women were automatically more disadvantaged in their access to both positions of authority and the means of production.

Under colonial rule, women lost a great deal of authority and the opportunity to participate in decision making due to their exclusion from all levels of administration. They also lost maneuverability because the male-dominated elements of society were stressed above all others and applied in social, economic and political life. Education, although generally considered to emancipate women from traditional oppression, did not always have this result, as colonial education emphasized preparing women for domestic rather than leadership roles within society. There is also evidence that in pre-colonial Nigerian society, many women (of economic and political prominence) gained positions either through achievement or as rewards. Under colonial rule, the opportunity for such upward mobility was considerably diminished. According to Mba, some women were able to become more involved in trade.⁴⁴ However, many areas of the economy that were previously reserved for women were taken over by men and the imposition of a cash economy as well as new European firms, caused a reversal of their fortunes.⁴⁵ The spread of Christianity also undercut the higher status that women had previously in pre-colonial religion. In a struggle to re-assert their former prominence in religion, Christian women converts in indigenous churches used the churches to regain some of their pre-colonial status.⁴⁶ Under British colonial rule, *de jure* property rights replaced *de facto* rights, but the extent to which *de jure* rights made practical improvements in women's lives is however questionable. Since the realization of *de jure* rights required familiarity with the new codes of law and the new legal system as well as considerable financial expenditure.⁴⁷

The origins of structures of inequality that lead to discrimination against women are therefore found in pre-colonial societies with predominantly male-dominant social systems. However, they were institutionalized as a new legal structure—"Native Law and Customs"—during colonial rule. Customs such as child marriage, betrothal and widowhood rites have their origins in the pre-colonial era, as did genital operations. These customs arose within a given social context that may never be understood today because of the ideological shift that occurred with colonization and the passage of time. The imposition of colonialism involved the construction of a system where women had less opportunity to participate in administration. In addition, an economic system was instituted where men had more opportunities than women for meaningful participation, a legal system was introduced wherein women lost some of the benefits open to them in pre-colonial societies, and a religious system was imposed which deprived women of their pre-colonial power and authority. More males than females had access to the educational system, and the dominant form of Islam in the North was protected despite

its discrimination against women. These elements of institutionalized male dominance were in no small measure due to Victorians' ideology, in which women were generally restricted from full participation in the public sphere.

DISCRIMINATION AGAINST WOMEN IN NIGERIA: A CONTEMPORARY OVERVIEW

While women in Nigeria have always been active economically, the extent and significance of their activism has not always been rewarded by commensurate degrees of political power vis-a-vis men. Although women willingly exercise the rights that they have, structural constraints from the pre-colonial, colonial and decolonization eras continue to prevent the elimination of discrimination against them. It is possible to distinguish between two major positions by organized women's groups within Nigeria. One stresses more visibility in prominent positions for women as part of the decision making apparatus and the other calling for radical changes and structural transformation in order that the rights of all women will have as much *de facto* as *de jure* relevance. The first position constitutes the top-down approach held by the National Council of Women's Societies (NCWS) and the second, the more comprehensive and broadly-based approach of Women In Nigeria (WIN). Both organizations have made attempts to generate academic and other interest in the elimination of discrimination against women as they define it. Thus far, the NCWS position has received more support by the successive Nigerian governments. The NCWS, working on the premise that with more women in positions of authority, women's issues would be taken more seriously, and women's rights enhanced, advocates that there be more women appointees and that these women have more prominent positions. In response, the approach usually taken by Nigerian governments to correct discrimination is to appoint a few token women into positions where they have high visibility. However, this in no way helps the majority of women.⁴⁸

Discrimination affects women's political and civil rights. The enfranchisement of women in the North was one of the political demands made by women's organizations in both the East and West after their own enfranchisement but the right to vote was only granted to women in Northern Nigeria in 1976.⁴⁹ In the East, it had been granted in 1954 and in the West in 1958. Some have argued that the exercise of this right may be problematic even where it is guaranteed because of social constraints on the movement of women in *purdah*. For instance, Akande suggests that women who are secluded in *purdah* may be unable to vote as a result of the electoral rules which end the voting day at 6 pm because women in *purdah* cannot go out until after sundown. However, Oruene claims that women in *purdah* turned out in such large numbers to vote in the 1976 local government elections (which was the first in which they could participate on an equal footing with men) that the voting day was extended by two hours.⁵⁰ Thus, it is clear that women will exercise their rights with adequate and institutionalized protections. Women have also always exercised their rights as well as organized collective action within political interest and pressure groups for the enhancement of women's rights in society.⁵¹ Oruene's work demonstrates that *purdah* in and of itself ought not to prevent women from voting, and there is no evidence that it has. Akande presumes that women who are not living under conditions of *purdah* would be better able to exercise their right to vote. This presumption is stated rather than demonstrated.

There are still fewer women running for office than men, a situation that is also observed in the United States, and in most democracies. Good citizenship necessitates the ability to free up some time to participate in civic activities. More affluent or kin-rich women who have supportive extended family are better able to participate in modern democracies than impoverished, kin-poor women who cannot depend on assistance from extended family.

An additional problem that relates to women's ability to exercise their citizenship rights is that before Nigeria's 1992 constitution only men could pass on their Nigerian citizenship to their spouses. The 1992 constitution corrected this discrepancy. Nonetheless, some rights may still be outside the grasp of women due to continuing social and administrative mores. Today, a woman who resides and works outside her state of origin is still discriminated against in employment, promotions, and benefits. This is a form of discrimination that affects men, women, and children because it affects access to resources that indigenes of the state take for granted.

The Nigerian constitution of 1979 prohibited discrimination on the basis of sex, as do the constitutions of 1992 and 1999. All women have a right to suffrage once they are above the age of 18 and can contest in political elections once above the age of 21. No customary prohibitions prevent women's participation in politics, but women have not contested for political positions on a level matching men. Women's hesitancy to be involved in politics dates to the period of decolonization period when politics was characterized by gross abuse and physical violence.

Akande contends that Nigerian women do not have full legal capacity insofar as they are unable to "independently enter into contracts, ... acquire and own property ... enter into other legal transactions, sue or be sued."⁵² The extent of women's practical freedom also varies with class, level of education and type of marriage. Within polygynous marriages, women may have more freedom than within monogamous ones because they are not subjected to the presumption of legal unity in monogamous marriage, which gives the man the advantage. In terms of the capacity to marry, the right of consent and the requirements of bride wealth-payment, women's right to independent decision-making may be curtailed. In general, Nigerian law limits the rights of a woman in marriage under all legal systems (statutory law, Shari'a, and customary law).

Nigeria is presently undergoing the implementation of a Structural Adjustment Program (SAP), a program which combines policies of economic austerity with the devaluation of the country's currency, drastic cutbacks in government spending and significant economic contraction due to the privatization of government owned businesses. This affects the rights of all Nigerians but women are particularly impacted. Women's economic rights are affected most directly since there are fewer employment opportunities and more competition for those that exist. In rural areas, where development schemes have historically hindered women, technology and training benefits men more than women. The situation becomes more grueling under conditions of structural adjustment due to a contraction of social spending and less money being available from international sources for development projects.⁵³

Provisions for maintaining basic infrastructure while inadequate in the past, have become even more so after SAP. Health care, education, training, access to appropriate technology, and to resources such as potable water have become even more inaccessible, both to rural and to

urban women. This is the background against which the existing discrimination against women in Nigerian society should be viewed.

DISCRIMINATION AGAINST WOMEN--INTERNATIONAL, REGIONAL AND DOMESTIC PROTECTIONS

Discrimination against women persists despite the existence of international, regional and domestic protections. This persistence is due to structural and ideological factors. The United Nations Covenants of 1966 provide protection against discrimination on the grounds of gender (Art. 2,1 Civil & Political Covenant; Art. 2,2 Economic, Social and Cultural Rights). The 1956 Supplementary Convention on the abolition of Slavery, the Slave Trade and Practices Similar to Slavery emphasized the importance of woman's consent to marriage and advocated the elimination of customs such as bride wealth and funeral rites in which women are objects of inheritance after the death of their spouse (Art 1). The 1962 Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages considers some customs and traditions relating to marriage and the family "inconsistent with...the Universal Declaration of Human Rights." Nigeria is a signatory to The International Convention on Economic, Social, and Cultural Rights, (signed 29 July 1993), The International Covenant on Civil and Political Rights (CCPR), (signed 29 July 1993), The International Convention on the Elimination of all Forms of Racial Discrimination, (signed 16 October 1967), the Convention Against Torture and other Cruel, Inhuman Treatment, and Punishment, (signed 28 June 2001), The Convention on the Rights of the Child, (CRC), (signed 19 April 1991), The Optional Protocol on the CRC on the Involvement of Children in Armed Conflict, (signed 8 September 2001), The Optional Protocol on the CRC on the Sale of Children, Child Prostitution, and Child Pornography, (signed 8 September 2001).⁵⁴

Rights of production and reproduction encompass women's rights in the family, economic, social and political spheres. Rights of production concern recruitment, promotion and training as well as benefits and entitlements. They also include equal opportunity for decision making in all organizations. The rights of reproduction relate to the capacity for a woman to make independent decisions about her own body. This includes the ability to control the size of her family, exercise control over the discipline of children, free access to family planning (including abortion) and the right to legal and practical equality in the control of family resources and children after divorce. This is enhanced by a woman's access to information concerning her rights as well as legal and other measures that can be taken to gain these rights.

The rights of women within their families are important because they affect their ability to define themselves relative to society. Relations within the family structure the extent, to which women are granted reproductive and productive rights, defining the content of such rights. Article 5 (a) of CEDAW recommends that States Parties "modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women."

I have argued that the male dominant elements of Nigerian society remain strong. Many of these elements are located within the family, where a woman is required to take care of her husband and home. Since most women also work outside the home, this creates, a double

burden and may limit the ability of women to devote an equal amount of attention and concentration to their careers or trade. In Nigerian law and administrative practice, the predominant attitude is that men are the household heads and have primary authority. This attitude persists inspite of past and contemporary examples of cross-gender cooperation in many households and also despite the existence of many female headed family units.⁵⁵ Women thus continue to be defined just in terms of their reproductive and associated roles. Under statutory law in Nigeria, the woman must cook and care for the home and health of her husband and children.

Problems reside in prevailing social mores, which prevent women from taking legal action even where fundamental rights are not granted. However, a more critical approach is necessary to discern the origins of these mores and to fashion workable solutions to the problems that they cause. There is also a gross lack of awareness among women about the extent and content of their rights. There are also legal and administrative measures, which perpetuate the inequality of men and women within the family. For example, adultery is considered sufficient grounds for divorce only where women are concerned.⁵⁶

The CEDAW guarantees full equality of men and women in the family. However, prevailing practice in Nigeria is to overlook customary and pre-colonial practices which prevent the achievement of full equality. While the government acknowledges the "need for public enlightenment in the area of marriage and family law," by the time its first report to CEDAW was handed in, very little of substance had been done beyond the institution of a Pilot Legal Project on Family Law.⁵⁷ Today, there is a Women's Bureau, which is attached to the Office of the Presidency, and a more aggressive stance is taken about improving women's status in society. Although the program is only a beginning, The Better Life for Rural Women program is directed at correcting some of the deficiencies noted in the first report to CEDAW. Since 1979, more women have formally competed for political office.⁵⁸

There is not at present any legal recourse for women who suffer abuse within the family, although these were present during pre-colonial times. Now women's childbearing obligations are expected to outweigh their career goals.⁵⁹ In pre-colonial social systems, women did not necessarily have to bear the brunt of childrearing alone. There were social institutions, which provided support and enabling a woman to pursue her trade undisturbed. In contemporary times, women suffer legal discrimination in the administration of custody law. The Covenant provides in Article 16, 1, d, that parents shall have equality of rights and responsibility with regard to their children, and that the interests of children should be given primary responsibility. Under customary law, the equality of the spouses is precluded sometimes as a result of great disparities in the ages of the spouses, which gives the man more control over the wife. This also occurs in the case of divorce where women are only entitled to custody prior to weaning, or in some cases, after the child is 7 years old (under Islamic law until the age of puberty or marriage). On a positive note, the woman has a right to claim maintenance from the father of her child even if she is not married to the man.⁶⁰ In some cases, divorce is only possible after the bride wealth is refunded, although among some groups, deductions are made based on the number of children borne by the woman during the marriage.⁶¹

In Nigeria where there is no guaranteed access to social security in old age, unequal access to and control over children in divorce imposes multiple discrimination on women since they

are expected to be primarily responsible for childcare. The CEDAW guarantees women equal rights and responsibilities in marriage and at its dissolution, but some women are still affected by inequitable access to divorce.⁶² In Nigerian Muslim communities, divorce by repudiation is still acceptable. Under customary law, women have a right to support and housing, but not to the husband's property or incomes.⁶³ Likewise, men have no right to their spouse's property or income. However, pre-colonial marriage laws allowed for conciliation and negotiation in the event of marriage breakdowns, which may have resulted in better treatment of the woman. In addition, a divorced woman could return to her lineage where the head of the lineage could grant her access to property. Under statutory law, a woman technically has equal rights with her husband to the custody and guardianship of children upon divorce, but the application of the law is often such that work within the marriage is not considered an economic contribution. Hence, there is no enforcement of maintenance payments.⁶⁴

The crucial issue regarding the rights of women in marriage and the family is that these rights are central to their rights as individuals. The African Charter on Human and Peoples' rights in Article 2 prohibits discrimination on the basis of sex, but makes no other specific references to the protection of women's rights. Howard, however, argues that some other articles may be taken as applicable to women, particularly Article 4's specification that "Human beings are inviolable (each is)...entitled to respect for his life and the integrity of his person" and Article 16's guarantee of every individual's right "to enjoy the best attainable state of physical and mental health."⁶⁵ For Howard, both of these may be used for defending women against physically harmful practices.

Women's lives also tend to be affected more profoundly than men's by their reproductive roles. When reproductive rights are lacking, rights in other areas are affected. In this sense, reproductive rights are not limited to the right to abortion. They also include a woman's right to employment and the means of production which allow her to financially support her children. There is an observed conflict between community and individual rights since the preservation of the family is considered the fundamental duty of society. Can the law be used as a means of transformation in this case? Howard considers this near impossible but sees the role of law as enabling individuals who wish to escape from "traditional" family controls to do so.⁶⁶ The law in this sense would then be a building block toward the future realization of cultural change.

Problems arise from provisions that may potentially pit the need to maintain community values against the rights of women. These may be observed in Article 18's specifications that "the family shall be the natural unit and basis of society...the State shall ensure the elimination of every discrimination against women." Article 17, 3 considers the State instrumental in "The promotion and protection of morals and traditional values recognized by the community."⁶⁷ There is evidence of such a conflict in the Nigerian government's first report to CEDAW. It argues that the constraints eradicating discrimination against women arise mainly from the lack of enforceable laws when women suffer discrimination from customs, administrative directives and religious practices.⁶⁸ The government also laments the absence of a favorable attitude toward litigation in Nigeria, which prevents the elimination of discrimination. What is left out in this part of the report, however, is the salience of a person's total environment in shaping that individual's perception of her or his possibilities and constraints in the wider society. It is

doubtful that even litigation that results in positive acknowledgment of a woman's rights would amount to much without far-reaching social and structural changes.

Altogether, there is inadequate acknowledgment on the part of government about the significance of structural constraints. The government has made insufficient provisions for the realization of Articles 3 and 4 of the CEDAW recommendations. Article 3 calls for legal and extra-legal measures for guaranteeing the full exercise of women's rights. While it acknowledges the need for extra-legal perspectives, there is no concrete attempt to address imbalances arising from the conflict between individual and group rights.⁶⁹ The government identifies an absence of litigious attitudes among Nigerians which contributes to the appearance of a paucity of protections. This, however, is not borne out by historical evidence. For example, Mba shows that women in the southern Nigeria used new family laws under colonial rule to support their claims in the legal system.⁷⁰ Thus, it is more relevant to consider poverty as the crucial factor, that prevents women from using litigation as remedies.

Article 4 of the CEDAW calls for "temporary special measures aimed at accelerating de facto equality between men and women" in order to achieve equality of opportunity and treatment. Toward this end, Nigeria appointed the first woman Vice Chancellor of a university and the first woman member of the Federal Civil Service Commission. Other nominal appointments of women were made mandatory at both state and federal government levels.⁷¹ Notwithstanding these appointments, there is still evidence that women lack access to high levels of decision-making. There seems instead to be more evidence of "tokenism" which does not recognize the extent of educational and professional achievement among Nigerian women. The government has also made some institutional modifications at federal and state levels, and women can now take on bail individuals in police custody subsequent to a directive by the Attorney General and Minister of Justice.⁷² However, the statement that women should "bear any unpleasant consequence that may flow from that action" indicates that there is still some perception among policy-makers that women are not always entitled to protective legislation.⁷³

Most legislative improvements concentrate on giving more access to urban, elite women. Rural women are meant to benefit from the introduction of the Directorate of Food, Roads and Rural Infrastructures (DFRRI), the government's new master-plan for agricultural and infrastructural development to encourage higher rural productivity. Since the government realizes that many rural women are farmers, they were targeted as primary beneficiaries of the plan. However, this effort is largely believed to be failing.⁷⁴

Chapter IV of the 1979 Constitution of Nigeria contains provisions for the defense of the fundamental human rights of all Nigerians. Provisions for the protection of individuals from discrimination are to be found in subsection 39, which provides that:

(a) A citizen of Nigeria of a particular community or ethnic group, place of origin, sex, religion or political opinion shall not, by reason only that he is such a person.

(b) be subjected either expressly by, or in the practical application of any law in force in Nigeria or any executive or administrative action of the government to disabilities or restrictions to which citizens of Nigeria and other communities, ethnic groups, places of origin, sex, religions, or political opinion are not made subject; or

(c) be accorded either expressly by, or in the practical application of, any law in force in Nigeria or any such executive or administrative action, any privilege or advantage that is not

accorded to citizens of Nigeria of other communities, ethnic groups, places of origin, sex, religions or political opinion.

This section in effect, provides for equal treatment of men and women under the law. According to the Nigerian government's report to the Committee on the Elimination of All Forms of Discrimination against Women, there is no need to create enforcement mechanisms for the Convention because its provisions could be used as the basis for any argument against derogations in any court of law within Nigeria. The same report states that while protections exist, there may be no progress toward the elimination of discrimination if women do not actively pursue the realization of this goal. However, the argument that it is up to women to seek legal redress may be a "straw man" because without the right tools and considerable governmental support, such active pursuit of women's rights may be impossible.

Discrimination in property ownership still exists under customary law. While everywhere women are entitled to property acquired by trading, ante-nuptial property belongs to both parties in the north and east but only to the husband among the Yorub. Once divorced, the woman is not entitled to her husband's estate.⁷⁵ The CEDAW, Article 16 (1, h) considers both spouses as having the same rights "in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property." The report of the Nigerian government states that the same standards apply to both married and unmarried women in the allocation of government owned land and housing. It identifies customary law as the main avenue of discrimination in property ownership. This is not only inaccurate, it constitutes a refusal to acknowledge that the majority of women who apply for government-owned property are often educated, wealthy, well connected or based in urban areas. Also, these women are most likely to invoke CEDAW and take legal action against discriminatory practices. The government's report also fails to acknowledge the vital role that family negotiation plays customary law to militate against abuses. Consequently, poor women living in urban areas suffer because kinship ties become more tenuous under conditions of urbanization.⁷⁶

Women in Nigeria also suffer legal discrimination in the control of contraception. Couples should be entitled to the fundamental human rights of freely and responsibly determining the number and spacing of their children. According to Article 12, 1 of the CEDAW, "[S]tates Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure equality of men and women in access to health care services, including those related to family planning." However, the contemporary practice in Nigeria is to deny women access to contraception by the Planned Parenthood Foundation of Nigeria if they do not have the signed consent of their spouses.⁷⁷ At the same time, contraceptives can be acquired over the counter and without any medical advice or monitoring. This is a double standard which denies that women are competent to make independent and responsible decisions. The control of reproduction in this manner is indicative of society's conception of the locus of power within the family. This can be linked to accepted indigenous methods of contraception where women are expected to periodically abstain from sexual intercourse while the polygynous man has no such obligation.⁷⁸

Abortion is also legally and socially controlled. There are strict prohibitions against abortions in Nigeria, which date from the English Offences against the Person Act of 1861. This was the source of colonial regulation of abortion and remains in force under Nigerian statutory

law. The only condition under which abortion is permitted by the Act is if it is performed in good faith and for the preservation of the mother's life.⁷⁹ Under Sections 228-230 of the Southern Criminal Code and Sections 232-236 of the Northern Penal Code, abortion is considered a crime punishable by varying terms of imprisonment.⁸⁰ The 1975 UN Report on the Status of Women & Family planning suggests that abortion should be legalized since "unjustified state interference (with regard to abortion) is likely to be not only socially repressive and discriminatory but personally traumatizing in its effects. This is especially true as it affects women's attempts to gain autonomy over their bodies."⁸¹

The key issues surrounding abortion are whether a woman is considered competent and whether she is considered to have the capacity to make independent decisions about her body.⁸² The 1976 recommendation of the Nigerian Medical Association and the Society of Gynaecologists and Obstetricians of Nigeria that the government allow abortions on request for health and welfare reasons was not approved by the federal government because of considerable opposition from some religious authorities.⁸³ The Nigerian government is wrong in assuming that the main road-blocks to the elimination of discrimination are extra-legal. Legal and extra-legal constraints coexist in both the letter of the law and in its administration. It is generally acknowledged that customs and traditions still persist which prevent the elimination of discrimination against women, and also that positive action must be taken by women to attain the full enjoyment of their rights.⁸⁴ What is usually not addressed is the provision of practical measures through which women can, if denied their rights, gain support toward the granting of these rights through legal and organized political action.

Another source of discrimination is to be found within the practice of religion. In both Christianity and Islam, there is a presumption of the inequality between women and men that did not necessarily exist in pre-colonial religion.⁸⁵ In spite of Islamic provisions for the equality of all believers, *purdah* and polygyny are considered obligatory. Since peasants cannot afford to seclude their wives, these phenomena are linked to class.⁸⁶ In Christianity, the orthodox position is that women should be submissive to men. Women's restricted access to information in Islam, likewise encouraged them to accept a submissive role. Even in the case of Christianity, education and a re-conceptualization of the role of women is necessary if significant progress is to be made. Any prescriptions or conditions that may be found in the definition of the role of women in the Bible remain inadequate as the sole harbingers of change. Both religions contribute to the continuation of discrimination against women.

Under colonial rule, education was not widely extended to women, and where it was women were prepared for predominantly domestic roles. This is reflected in the lower percentage of women in all professions and academic subject-areas. Article 10, Sections a-h of the CEDAW makes detailed provisions for the guarantee of equal rights for men and women in education. However, in 1975, female enrollment in elementary schools was 32 percent for students 6-11 years old and 14 percent for students 12 - 17 years old. From 1975-76, female student enrollment in Universities was 15.9 percent and in 1981-82, 27.96 percent.⁸⁷ The Nigerian National Policy on Education, according to the Report, makes only the following reference to women's education:

With a view to correcting the imbalance between ...the number of boys and girls in formal education and with particular regard to women's education, special effort will be made by

Ministries and Local government authorities in conjunction with Ministries of Community Welfare and of Information, to encourage parents to send their daughters to school.⁸⁸

The particular form that such encouragement will take is not specified. The government considers this adequate because the 1979 Constitution provides in Section 18, paragraphs 1 and 3 that equal and adequate educational opportunities at all levels will be ensured, and that free education at all levels will be provided when practicable in order to eradicate illiteracy.⁸⁹ While in the 1970's and early 1980's education was free at all levels, the cutbacks in government spending following structural adjustment negatively affected education as well as other policies.

Equal employment opportunity and associated rights are provided for in Article 11 of the CEDAW. The Nigerian Constitution of 1979 also provides that the government endeavor to ensure "equal pay for equal work without discrimination on account of sex or on any ground whatsoever." Nigerian women have a high level of participation in economic activity, but men still largely control the commanding heights of both politics and the economy. Thus, while women are represented in all the professions as well as in farming and trading, there is a concentration of men in the high levels of government as well as in the private sector. The problem in terms of equal employment opportunity therefore concerns under-representation in decision-making rather than non-representation. All women in the work-force face a double burden of work which tends to restrict their chances of upward mobility vis a vis men. Some employers who consider men more stable for employment also discriminate against women, as does the government in the administration of laws on taxation, and employment benefits.⁹⁰

It is clear that the primary responsibility for domestic labor falls on women despite the provision that parents "share the same rights and responsibilities" by Article 16, 1, d, of the 1979 Covenant. Until men and women bear equal responsibility for household labor, women will have limited access to employment opportunities and upward mobility. Also, there are very few women in positions of authority to make meaningful decisions regarding the rights of women. An additional problem is class. Women do not always share common interests, since human rights have different implications for poor and affluent people. Class and sectional differences therefore may prevent cooperative collective efforts by all women to gain the rights due to them. Another problem is that people have deep psychological ties to their culture and customs and "many women may prefer to live under those customs with which they are most familiar, even though the customs deny them personal freedom."⁹¹ When these women choose to take concrete steps toward gaining their rights, they also face some degree of social alienation. Education must therefore be directed at women as well as the whole society to foster the elimination of discrimination against women.

The personal rights of women to exercise control over their bodies is limited also by female genital operations, which in some cases create medical problems, including maternal and infant mortality, especially when combined with pregnancy at too early an age.⁹² These practices violate both Organization of African Unity (OAU) and United Nations (UN) principles on basic human rights. The Economic Commission for Africa also condemns them but rightly pinpoints the complexity of the situation.⁹³ Considering the aforementioned role of culture in the lives of people, these and other abuses are only eradicable over the long-term. When women themselves find no use or rationale for these practices in their lives, they will disappear.

Without such a commitment, efforts that are directed at eradication could prove to be fruitless. Another facet of the inability of women to exercise independent control over their bodies relates to the role of culture in the exercise of social control over individuals. Insofar as women as a group are in a subordinate position to men, one could agree with Howard that such control is directly beneficial to men economically, culturally and politically, with a caveat that women themselves share the thinking that these practices have some validity to their lives.⁹⁴

Conclusion

In terms of domestic protections, of the problems militating against the elimination of discrimination against women, most important is the fact that *de jure* guarantees do not necessarily imply *de facto* recognition. Imam argues that the Nigerian social structure favors men over women, resulting in exploitation which effectively subordinates women in all spheres of life. For this exploitation to be eliminated, structural change must occur. The most desirable form of change must be multi-dimensional in nature, incorporating changes in state legal policy as well as in social policy. In addition, power relations in the family must change.⁹⁵ However, it is refreshing that more recent scholarship is subjecting the argument of generalized male dominance in Nigerian society to closer scrutiny. The consensus emerging is that more study has to be done to highlight examples that contradict generalizations of male dominance in Nigerian society.⁹⁶

Concrete steps to change the social structure must include mass organization among women, directed at surmounting the class divisions among them. This is necessary for purposes of consciousness-raising, as well as for developing a common front to emphasize and promote in political debate. Since most discrimination is justified by references to culture, evidence about the positive role of women in pre-colonial Nigeria should be presented and widely promoted to counter negative stereotypes.

Despite Nigeria's grueling economic crisis, the education of women must be given utmost priority to enhance their ability to exercise self-determination in the control over their bodies and to participate as equals in the labor force. Education must also be extended to the rest of society on the importance of promoting and protecting women's rights. The involvement of more women in policymaking within the government at local, regional and federal levels must be further instituted and entrenched. Some steps have been taken in this direction by the Federal Government of Nigeria which, beginning under the Mohammed/Obasanjo administration, made the appointment of one woman in every decision making and consultative body mandatory. However, there must also be legal reforms which enhance the protection of the rights of women in Nigeria and remove present abuses by calling for the equal application of administrative procedures.

Constraints limiting the elimination of discrimination against women also arise from the nature of the international system which seeks to formalize these protections. Some of these problems can be attributed to the relative newness of this body of rights and the institutionalized procedures for promoting and protecting them. The Committee on the Elimination of all forms of Discrimination Against Women is the body vested with the authority to investigate, review and evaluate the performance of states which are parties to the Convention (Articles 17-20, CEDAW). Unfortunately, the Committee lacks adequate resources

for enforcing legal guarantees within the CEDAW and receives inadequate cooperation from members, which are in large part slow in submitting reports. Moreover, several countries including the United States have thus far not ratified the CEDAW, or have introduced many reservations which makes CEDAW meaningless. In cases where the CEDAW has been ratified, mechanisms for self-enforcement are unavailable. International protections currently are basically exhortatory in nature and do not carry the force of law. An additional problem arises from the need for the Committee to coordinate and integrate its work with other UN organs dealing with women.

A problem with international guarantees is that signatories to the CEDAW are expected to introduce constitutional and legislative changes, which give effect to its protections. Governments are then expected to make periodic reports on the progress made (Art.2). Such self-policing leaves room for abuses.⁹⁷ Due to these and other problems, the Committee has been somewhat limited in its ability to live up to its potential.⁹⁸ The same problems apply to regional protections.

There is no doubt that the elimination of discrimination against women involves much more than legal protections and social engineering. It is obvious that activism among women, which has always been an important part of Nigerian life, must continue. In addition, there must be more cooperative action among women of all classes and in all areas of Nigeria. Their guiding principle must be the one found already in some groups in the country--as long as some women still live under discriminatory conditions, all women are affected.⁹⁹

There must also be the fine-tuning of national, regional and international protections in order to remove elements of vagueness, combat inaccurate portrayals of women as well as provide more concrete enforcement mechanisms to guarantee more effectively the rights of women. These protections must be seen as building blocks in a constantly evolving process.

Notes

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2. See *United Nations Convention on the Elimination of All Forms of Discrimination against Women* Committee on the Elimination of Discrimination against Women Nineteenth session 22 June-10 July 1998 Draft report *Rapporteur*: Ms. Aurora Javate de Dios (Philippines) Addendum IV. Consideration of reports submitted by States parties under article 18 of the Convention B. Consideration of reports 2. Second and third periodic reports Nigeria CEDAW/C/1998/II/L.1/Add.6 7 July 1998 <http://www.hri.ca/fortherecord1998/documentation/tbodies/cedaw-c-1998-ii-l1-add6.htm>
3. See Ngangah, Chidi *The Politics of Human Rights: A View From the Third World*. Kaduna, Nigeria: Klamidas Communications Ltd., 1998. also see Williams, Mary E., ed. *Human Rights: Opposing Viewpoints* San Diego, CA: Greenhaven Press, 1998, particularly the chapters by Pierre Sane "Human Rights are Universal," Bilahari Kausikan "A Universal Definition of Human Rights Ignores Cultural Diversity," Anne Applebaum "The women's rights agenda ignores Third World concerns,"

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5. Bolanle Awe, in Jane Parpart, ed., *Women Development in Africa: Comparative Perspectives*, Lanham, Maryland: University Press of America, 1989, p. 314; Ifi Amadiume, *Male Daughters, Female Husbands: Gender and Sex in An African Society*, London: Zed, 1987, pp. 27-40; Nina Emma Mba, *Nigerian Women Mobilized: Women's Political Activity in Southern Nigeria, 1900-1965*, Berkeley: University of California (Institute of International Studies) 1982 pp. 290-299.
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7. Bolanle Awe, *Nigerian Women in Historical Perspective*, Lagos, Nigeria: Sankore, 1992; Patrick Kenechuckwu Uchendu, *The Role of Nigerian Women in Politics: Past and Present*, Enugu, Nigeria: Fourth Dimension, 1993; Nina Mba, op cit; Catherine Coles & Beverly Mack, ed., *Hausa Women in the Twentieth Century*, Madison: University of Wisconsin, 1991.
8. Sola Olufemi "Mobilizing Women for Rural Development: Some Principles for Success from Nigeria" *Women & Environments*, April 1993, Vol. 13:3-4, p 33-35. Also see for example, "Nigeria" in *Women's International Network News*, Spring 1995, Vol. 21 Issue 2, p. 16-18; "Women and Human Rights Country Reports on Human Rights Practices For 1994: Nigeria" *Women's International Network News*, Spring, 1995; Renee Pittin "Selective Education: Issues of Gender, Class and Ideology in Northern Nigeria" *Review of African Political Economy*, Autumn 1990:48, p. 7-25 See also Theresa U. Akumadu *Beasts of Burden: A Study of Women's Legal Status and Reproductive Health Rights in Nigeria* Lagos, Nigeria: Civil Liberties Organisation, 1998.
9. Country Reports on Human Rights Practices For 1991 Report Submitted to The Committee on Foreign Affairs, House of Representatives And The Committee on Foreign Relations, U.S. Senate, by The Department of State. Also see, *Women's International Network News*, Spring 1992, Vol. 18:2, p.8-20.
10. ibid
11. Catherine VerEecke "Muslim Women Traders of Northern Nigeria: Perspectives from the City of Yola" *Ethnology*, Summer 1993, Vol. 32:3, p. 217-336
12. Pittin, "Selective Education..." op cit.
13. Akumadu, op cit. Back cover.
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17. Ode S. Ogede "Counters to male domination: Images of pain in Igede women's songs." *Research in African Literatures*, Vol. 25 Issue 3, Fall 1994, p.105-120.
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21. See A. Imam, R. Pittin & H. Omole, *Women and the Family: Edited Proceedings of the Second Annual Women In Nigeria Conference*, Dakar: Codesria, 1985. For an example of the argument that "traditional" mores are responsible for the maintenance of discriminatory laws and practices against women, see *Women's International Network News*, Spring 1995, Vol. 21: 2, p16.
22. Temisanren, op cit.; Aderinola, op cit.
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24. Grace Alele-Williams "Science, Technology and Mathematics (STM) Education for All, Including Women and Girls in Africa", a Keynote Address Delivered at the Commonwealth Regional Workshop on Women and STM Education, Accra, Ghana, 1987.
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32. Ibid.
33. Amadiume, op cit; Awe, 1989 op cit.
34. Bolanle Awe and Patrick Kenekchukwu Uchendu make this point. Op cit.
35. Mba, op cit., pp. 290-299.

36. See *Nigeria's First Report to the Committee on the Elimination of all Forms of Discrimination Against Women, (CEDAW)*, p.6.
37. Awe, 1989 & 1992, op cit.; Mba, op cit.; Uchendu, op cit.; Coles & Mack, op. cit.
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42. Amadiume, op cit. For research on Onitsha women, see the work of Nkiru Nzegwu
43. Awe, op cit; Mba, op cit.
44. Mba, op cit. p. 67.
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50. Oruene, op cit., p. 11.
51. Mba, op cit, pp. 165-192.
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 60. Akande, op cit, pp. 12-14; Pittin, op. cit, pp. 108-109.
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 62. Howard, op cit, p. 199.
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 65. Howard, op cit., 198.
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