

Gender Inequality: Nigerian and International Perspectives

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“My sex disqualifies me from the role of male,
But my heart is more heroic than a man’s.”
- Quin Jin (Chiu Chin)

Abstract:

The issue of gender discrimination continues to be witnessed in our society on daily basis despite the magnitude of existing legal framework coupled with the activities of the civil society groups. This paper examined some of the factors responsible for gender bias and discrimination with particular reference to Nigeria from cultural, religious and other perspectives. It also examined some national and international statutory provisions protective of women as well as the activities of the Non-Governmental Organizations. It is the finding of this author that the problem of gender discrimination can not be solved by measures taken within the criminal justice sectors (or legal machineries) alone but by a combination of approaches.

Keywords: Gender, discrimination, society, citizenship, statutes, poverty.

1.00. Introduction

In the literature, however, researchers generally distinguish between the concept of sex and gender. When social scientists refer to sex, they are referring to the genetic and physical characteristics of persons that identify them as either male or female. Gender, in contrast is a concept referring to the culturally accepted behaviours and ways of relating to others expected of the two sexes¹. In this sense, sex refers to the biological differences between women and men; gender relates to the normative expectatives attached to each sex¹. Gender is viewed, therefore, not as a trait inherent in an individual but as something that is socially constructed. Again, from this derived meaning it shows gender is learned, whereas sex is biologically given². Hence, it is within the normal expectation that male and female gender roles, from one society to another, varies significantly. Sexism has served through the ages because it embodies privileges that men are unwilling to surrender. These privileges are not only material but also sexual and psychological.

Sexism will not die out unless people are conditioned and propagandized from childhood into antisexism just as surely as the present system and previous generations were indoctrinated with sexism³.

Through the ages, men have been and still are largely actively in control of the public life and political system⁴ in many countries including Nigeria. Aristotle's assertion that man is a political animal seems to have been taken literally the world over to mean that public office and other political activities are masculine affairs⁵.

The Universal Declaration of Human Rights (UDHR)⁶ affirmed the universal recognition of the inherent dignity, and the equal and inalienable rights of all members of the human rights family as the foundation of freedom, justice and peace in the world⁷. By it also, a common standard of achievement for all peoples and nations was proclaimed with the goal of every individual and every organ of society stated as "to secure their universal and effective recognition and observance"⁸. Of the several blind spots in the development of the human rights movement from 1945 to the present, none is as striking as that movement's failure to give violations of women's (human) rights the attention, and in some respects the priority, that they require. It is not only that these problems adversely affect half of the world's population. They affect all of us, for a deep change in women's circumstances means corresponding change throughout social life⁹. The fight for equality¹⁰ and the emergence of women's rights discourse and movement is a philosophical inheritance of 19th Century liberalism¹¹. Women latched on to the democratic ideals of equality and liberty very early in time as they found in them "a coherent systematic body of doctrines from which to argue for women's rights"¹². This, however, was in spite of the fact that "there was much in the theorizing of the founding fathers of democratic theory that stood in contradiction to feminist logic"¹³. The ideals reflected in and inspired by the social revolutions in the United States and

France had foundations in the political writings of philosophers such as Locke, Rosseau and Bentham.

The thrust of their writings was that all men were born equal and by this entitled to equal rights. According to Nye,

once equality was seriously put forth as a value, how could democrats consistently resist the implications. Whether or not it was contemplated at the outset that women be included, how after reflection could they be denied and on what logic? Were women not human beings? If so, they also must be equal. Did women have interests? Then they also were the best judge of how these interests would be served. Was the democratic freedom only the freedom of the male entrepreneur to make money? Was this equality only the equality of the self-made male capitalists to sit in parliament with Earls? Or were equality and liberty really principles of justice? If so, they must not just project commercial interests, but the interests of everyone including women¹⁴.

For too long women had been perceived in different societies and environs, but particularly in the developing world as secondary citizens, objects of the developmental and governance processes¹⁵. Women were never fully recognized as partners in the development processes in their various countries for many years. Many of the society's reaction to women especially in developing countries using Nigeria as an example have been culturally based¹⁶. Governments usually male dominated, have consistently tried and in some cases even succeeded in marginalizing women who constitute about half or even more of the total population. There was reluctance in official quarters to encourage women to play meaningful and effective roles in societal processes such as politics and governance in many parts of Africa including Nigeria. For many decades women were made to believe that their rightful place was in the home; as housewives, producers and makers of children while their husbands carried on with societal tasks such as politics and governance¹⁷.

This paper focuses on the examination of the precarious and plightful position of women in a male dominated world; the factors responsible for the relegation of women; legal and institutional frameworks aimed at promoting women liberation and empowerment. Also, this paper shall consider the ways forward and the concluding remark.

2.00 Factors Responsible For the Relegation of Women

There are many factors which are responsible for gender inequality as against the women today. They range from cultural practices, societal norms, conventions, biological make up/ municipal laws and conventions. They shall be examined once after the other.

2.01. Cultural and Religious Restraints

Culture being the way of life of a people is usually difficult to change¹⁸. In Nigeria, it has been observed that women and daughters in some tribes are discriminated against when it comes to inheritance of property (i.e. succession)¹⁹. Nigeria being a patrilineal of society the right of inheritance is chiefly by male descent²⁰. There are of course some parts of the country

where women can inherit from their father's estate e.g. the Yoruba speaking area. In most part of Igboland, women are excluded from inheriting the property of their father²¹. In Yorubaland, wives rights and interests are compromised.

In Akinubi V. Akinubi²², the court has this to say:

It is a well settle rule of native law and custom of the Yorubas that a wife could not inherit her husband's property. Indeed, under Yoruba customary law, a widow under intestacy is regarded as a part of the Estate of her deceased husband to be inherited and administered by the deceased family, she could neither be entitled to apply for a grant of letters of administration nor appointed as co-administratrix

The patriarchal structure of traditional society enables men to dominate women. Through the patriarchal system, Nigerian women are socialized into a culture of female subordination. This is a structure of gender inequality/ discrimination and its persistence in the face of National and International initiatives on the elimination of all forms of discrimination against women²³. A Nigeria woman is born into a culture of male supremacy. There is the general preference for a "male child" while girls leave home at marriage to become their husband's property.

Within the traditional African Social Structure, the basic division of labor was often based on "age and sex". The traditional subsistence economy prompted a pattern of division of labour, which encouraged co-operation rather than competition between sexes. The inequality does not generate competition between sexes for a woman derived status from the success of her husband and sons. The division of sex role with men holding the majority of the skilled and supervisory work in towns and women in the unskilled and subservient jobs is often perceived by both men and women as "natural"²⁴.

There are also widowhood rites which to say the least are degrading to the womanhood which some have to go through during the funeral of their deceased husbands. Female circumcision is still carried out in some communities together with tribal marks and deprivation of women and children from eating certain food which are taboo for them. While some of these customs may make sense in the past, but now, with education and modernization they are no longer relevant in fact they have become a clog in the wheel of progress²⁵.

Also, in certain parts of Northern Nigeria, particularly Benue State, it is their culture to make their wives sleep with their special guests as a form of entertainment and appreciation. This is a harmful traditional sexual practice which is compelled by forces outside individual control and consequently amounts to violation of the women's human and reproductive rights. Every woman should have the right to determine her sexuality and sex partner at any point in time^{26a}.

Religious restraint also constitutes a serious clog on the wheel of women liberation and equality campaign. Non-compliance with the internationally recognized human rights norms is therefore justified on the ground of culture.

The most flagrant of such infractions can be found in Muslim countries, particularly those states that have been formally declared Islamic²⁶. It is proposed to chiefly examine the human rights of women in such countries as an illustration of the sort of harm that is, and can be done, in the name of culture. Among the Muslims the world over, the Qur'an is the literate and final word of God. Mohammed was the final prophet. The interpretation and elaboration of the Quoran by Prophet Mohammed during his lifetime, supplemented by his actions and statements, resulted in a body of information known as Sunnah. The interpretation of the Quran and Sunnah by the jurists culminated in a body of jurisprudence known as sharia and this regulates both the public and private lives of Muslims²⁷.

In many Muslim countries the Sharia principles have been replaced by European Laws in Commercial, Criminal and Constitutional matters. But a lot of other matters particularly family and inheritance issues have continued to be regulated by the Sharia. In recent years, there have been mounting demands by different countries for the application of unalloyed sharia. Success has been achieved in a few places such as Iran, Sudan, and Pakistan²⁸.

Numerous religious tenets are rather harsh and discriminatory, particularly against women and are therefore contrary to human rights norms. Let us take the important question of polygamy which some see as women relegation formular in some parts of the world. Polygamy is a very ancient practice found in many human societies³⁰. Although the taking of plural wives by a man is commonly called polygamy, the more correct sociological designation is polygyny. One feature of Islam and other religions (e.g Christianity and Judaism) is the permissibility of polygamy or more properly speaking, polygyny³¹. The Bible did not condemn polygamy, the Old Testament and Rabbanic writings frequently attest to the legality of polygamy. King Solomon is said to have had 700 wives and 300 concubines³². Also, King David is said to have had many wives and concubines³³. The only restriction on polygamy is a ban on taking a wife's sister as a rival wife³⁴.

European Jews continued to practice polygamy until the Sixteenth Century while Oriental Jews regularly practiced polygamy until they arrived in Israel where it is forbidden under civil law³⁵.

The Quoran too, allows polygamy but not without restriction:

*".....many women of your choice, two or three or four, but if you fear that you shall not be able to deal justly with them, then only one"*³⁶.

The Quoran contrary to the Bible, limited maximum number of wives to four under strict condition of treating the wives equally and justly.

However, the point that is often misunderstood in the Western World is that women in other cultures do not necessarily look at polygamy as a sign of women's degradation. For example, many young African brides, whether Christians or Muslims or otherwise, would prefer to marry a married man who has already proved himself to be a responsible husband.

Many African wives urge their husbands to get a second wife so that they do not feel lonely³⁷. Hence, polygamy is purely a voluntary affair as no woman is forced into it.

The Western aversion to polygamy (particularly America) is misplaced. Prejudice is perhaps the only explanation for the western aversion to polygamy. For if the argument is that polygamy encourages promiscuity, promiscuity is encouraged and celebrated in the West. If the argument is premised on gender inequality, the West perpetuates and condones much humiliation of women³⁸. Hugh Hefner³⁹ (American) epitomizes Western promiscuity and debasement of women on the pages of his *Playboy's Magazine* but also in his lifestyle. As Hugh Hefner's three young cohabiting women appeared on the cover of *playboy magazine* and on a New T.V. Reality Show on "E" in America; also, a small-town Utah Judge named Walter Steed lost his 25years job for cohabiting with three women (blood sisters) for decades. The juxtaposition of these two events vividly exposes the hypocrisy and tyranny of anti-polygamy laws⁴⁰. The American anti-bigamy and anti-polygamy law has been criticized as being unfairly applied in a selective fashion, arbitrarily allowing some citizens but selectively pursuing after others for the same thing.

Why is polygamy permissible? The answer is simple, there are places and times in which there are compelling social and moral reasons for polygamy. In most human societies, females outnumbered males⁴¹. The problem of unbalanced sex ratios becomes truly problematic at times of war⁴².

Another important question is that of discrimination in the area of divorce. The three religions (Islam, Judaism and Christianity) have remarkable differences in their attitudes towards divorce. Christianity abhors divorce altogether. The New Testament unequivocally advocates the indissolubility of marriage (except for marital unfaithfulness)⁴³. This uncompromising ideal is without doubt frustrating – forcing ill-mated couples to remain together against their wills.

Judaism on the other hand allows divorce even without any cause. The Old Testament gives the husband the right to divorce the wife even if he just dislikes her. Hence, it became the unbroken tradition of the Jewish Law to give the husband freedom to divorce his wife without any cause at all⁴⁴. The Talmud has also made it mandatory to divorce a barren woman (who bore no child in a period of ten years) (Yeb 64a). The Talmud also recorded several specific actions by wives which obliged their husbands to divorce them: "If she ate in the street, if she drank greedily in the street, if she suckled in the street, in every case Rabbi Meir says she must be divorced" (Git. 89a)⁴⁵.

Wives on the other hand cannot initiate divorce under Jewish Law. Where a Jewish woman files for divorce before a Jewish Court, the court might support the wife's claim to a divorce but it cannot dissolve the marriage. Only the husband can dissolve the marriage by giving his wife a bill of divorce⁴⁶. Hence, the Jewish woman is helpless in divorce matter.

Islam occupies the middle ground between Christianity and Judaism with respect to divorce. Islam recognizes divorce, yet it discourages it by all means. Islam does recognize the

right of both partners to end their matrimonial relationship. Islam gives the husband the right to Talaq (divorce). Moreover, Islam unlike Judaism, grants the wife the right to dissolve the marriage through what is known as Khula⁴⁷. If the husband dissolves the marriage by divorcing his wife, he cannot retrieve any of the gifts he has given her. In case of the wife choosing to end the marriage, she may return the marriage gifts to her husband.⁴⁸ In short, Islam has offered the Muslim women some unequalled rights: she can end the marriage through Khula and she can sue for a divorce.

Another controversial area of discrimination against women- folk is the issue of women bearing witness. Quran instructed the believers dealing in financial transactions to get two male witnesses or one male witness and two females⁴⁹. The Quran in other situations also accepts the testimony of a woman as equal to that of a man. Infact, the woman's testimony can even invalidate the man's⁵⁰.

On the other hand, women were not allowed to bear witness in early Jewish society⁵¹. Women in today's Israel are not allowed to give evidence in Rabbinical Courts⁵². In the Christian West, both ecclesiastical and civil law debarred women from giving testimony until late last century⁵³.

The keeping of women in Seclusion (Purdah) is another perceived area of women degradation. In the societies, which practices 'Purdah', women's movement outside the house is severely circumscribed and public forms of physical labour is associated with considerable shame and insecurity for women⁵⁴. The practice of Purdah or keeping women in seclusion in Northern Nigeria is coterminous with the introduction of Islam⁵⁵. Today, Hausaland is one major area in the whole of Africa where the seclusion of adult females is strictly practiced as a cultural norm⁵⁶.

Contrary to the theory that Purdah amounts to female subordination, which is capable of creating social gap and reduce the economic contributions made by Hausa women to the households and the society at large; evidence from parts of Northern Nigeria shows that seclusion does not imply that in Islam, women are inferior to men. It is seen as a symbol of protection and respect rather than of oppression⁵⁷. Today, many muslim women keep Purdah rules out of personal conviction rather than compulsion⁵⁸. Hence, in discussing gender issues in Hausaland, it is necessary to exercise caution on over-generalizations. This is in view of the significant differences between urban and rural women.

In recent years, there has been a bifurcation of the Nigerian labour market along gender lines, which scenario has created misleading notions and bipolar identities of "productive males" and "unproductive females".

Research shows that secluded women engaged in some economic activities indirectly especially in the informal sector⁵⁹. The tremendous scholarly contribution of Aisha, the wife

of the Prophet to the Islamic literacy world were basically produced at home. Similarly, in the Northern Nigeria, the daughters of Sheikh Usman Dan Fodio, Khadiya and Nana Asma'u are known to have made scholarly contributions to the religion of Islam. They are therefore not disadvantaged in their economic pursuit by seclusion or Kulle⁶⁰.

Another thing which is considered as a great symbol of women's oppression and servitude is the veil or the head cover. Talking about the veil under the Judaeo-Christian tradition, Dr. Menachem. M. Brayer (Professor of Biblical Literature at Yeshiva University) in his book "The Jewish Woman in Rabbinic Literature" said that "it was the custom of Jewish women to go out in public with a head covering which sometimes, even covered the whole face leaving one eye free⁶¹. It was seen as a symbol of modesty, dignity and superiority of noble women".

Jewish women in Europe continued to wear veil until the 19th Century when external pressures of the European life forced them to go out bare-headed while some Jewish women found it convenient to replace their traditional veil with a wig as another form of hair covering. Today, most pious Jewish women do not cover their hair except in the Synagogue⁶². Some of them, such as the Hasidic sects, still use the wig⁶³.

In Christian tradition, it is well known that Catholic Nuns or Sisters have been covering their heads for hundreds of years. The Biblical supports for veil is found in 1 Corinthians 11:3-10. Hence, "the head covering is a symbol of woman's subjection to the man and to God"⁶⁴.

Islam also endorsed veil. The Quran urges believing women to cover their heads to their neck and the bosom⁶⁵.

It is one of the greatest ironies of our world today that the very same headscarf (variously called, hijab, veil, head cover etc) revered as a sign of "holiness" when worn for the purpose of showing the authority of man by Catholic nuns, is reviled as a sign of "oppression" when worn for the purpose of protection by Muslim women.

The hijab has become a controversial issue in the legal profession in the country. This controversy is alive in the universities, the law school and in courts. Opponents of the hijab argue that the hijab is not smart but constitutes a form of hindrance⁶⁶.

Some schools have made regulations indicating the dress code acceptable to them⁶⁷. Students have however challenged the legality of some of these codes in court. There are at least two high court decisions striking down dress codes as violations of the rights of the students⁶⁸.

The Turkish Government also has enacted legislations banning headscarf within the universities and Turkey's public campuses, thus excluding thousands of women from higher education each year. This restriction of women's choice of dress is discriminatory and violates their right to education, their right to freedom of thought, conscience and religion, and their right to privacy. This is an erosion of women's civil liberty –which forced Ms Leyla Sahin a medical student out of the University in Turkey⁶⁹. Between 1993 and 1997, Ms Leyla

Sahin was a medical student at the University of Bursa in Turkey. In August 1997, Ms Sahin transferred to the Cerrahpasa Faculty of Medicine at the University of Istanbul to complete her studies.

On 23 February, 1998, the Vice Chancellor of Istanbul University issued a circular (“1998 circular”) that prohibited female students from wearing headscarf and male students from wearing beards to lectures, courses and tutorials. Ms Sahin was prohibited from taking examinations and from enrolling in courses while wearing the headscarf and she refused to remove it in order to continue her studies. She unsuccessfully exploited several avenues in the Turkish Legal System, she filed an application with the European Court of Human Rights⁷⁰, arguing that her rights to freedom of thought, conscience and religion had been infringed under Article 9 of the European Convention on Human Rights. She left Turkey in order to continue her medical studies at the University of Vienna- Austria.

In June, 2004, the European Court of Human Rights issued one of the most significant and controversial judgments involving freedom of religion: Leyla Sahin v. Turkey. The judgment which was issued by a seven-judge chamber, unanimously declared that Turkey’s policy of prohibiting female students from wearing the “Islamic headscarf”, did not violate Article 9 of the European Convention on Human Rights⁷¹. Such is the degree of discrimination visited on women in Turkey.

In its 2002 publication titled “The New Legal Status of Women in Turkey”⁷², the authors identified dozens of serious problems relating to discrimination, violence, economic, sexual abuse, and social standing regarding women. In Turkish, the word that is now used for the “Islamic headscarf” is “turban”.

The French government also has a law which banned the wearing of Muslim hijab in public school⁷³. In 1989 the headmaster of a junior high school in Creil, a suburb North of Paris, expelled three Muslim girls from wearing Islamic scarves in school⁷⁴. On March 15, 2004, Law 2004 – 228 was enacted. This new law drastically changed French policy on wearing of religious symbols in school. The lawmakers attempted to give a secular flavour to the law by including a prohibition against wearing large Christian crosses⁷⁵.

In Saudi Arabia, where polygamy is not uncommon, the women are not even allowed to drive⁷⁶. This is perhaps a symbol of inferiority of women. Also, in China, the policy of one child per family coupled with selective abortion of girls has produced “surplus” male⁷⁷. Such men are called “bare branches” and China could have 30million of them by 2020⁷⁸. This practice of selective abortion of female foetus is the biggest form of gender discrimination one can think of. The foregoing practice in China corroborates the statement of Mrs. Christiana Obasanjo that: “Females are being marginalized right from the womb till they go to their graves”⁷⁹.

Despite the West campaign against gender discrimination, it is obvious from the foregoing that the West cannot be said to be free from it. Despite the Western campaign against female circumcision (a.k.a. female genital mutilation). Yet why permit wide varieties

of genital mutilation under the guise of “female genital surgeries”, done purposely for personal preferences, fashion and aesthetics. Women in the Western world have the right to “designer vagina” if she wishes and can afford the cost. Western women can redesign their vagina any how they like⁸⁰. The varieties of vagina surgeries available are alarming. A woman can even “regain” her lost virginity through surgery⁸¹. Yet to the West this does not amount to Female Genital Mutilation. One can see the hypocrisy. However, the issue of female circumcision has much ideological significance.

Rape and other forms of sexual harassment constitute a serious form of women degradation and this is more rampant in the Western World, on their campuses, on their streets and in their prisons⁸². A sample of those accused of sexual harassment in the last few years includes: Navy Officers, Managers, University Professors, Senators, Supreme Court Justices, and even a former President of the United States⁸³. The arrays and caliber of people mentioned above goes to show that Education is not the solution to women oppression.

Furthermore, the Christian women too suffer discrimination and or relegation in the practice of their faith. Christian women are hardly appointed to hold top ecclesiastic posts such as the office of Bishop, also in history there has never been a women or female Pope. All these are obvious cases of discrimination against women who are perceived to be “weaker sex” who lack the required physical and mental capacity required to hold offices.

2.02. Political Restraints

Essentially, politics is a game of intimidation. Dominant ethnic groups intimidate some smaller ones, men intimidate women and so on. In Nigeria, women’s participation in politics in the first, through the second, third, fourth and the present Republic has been very minimal, they have been relegated to the background as far as active participation in politics is concerned. Several prejudices and socio –cultural practices have inhibited and undermined their contribution to national development through politics. This is in spite of the fact that gender equality is embodied in the democratic principles of this country⁸⁴.

The plight of Nigerian women is similar to the plight of other women around the world⁸⁵. Even though they make up half the world’s population, they account for only 5-10 percent of formal political leadership positions worldwide⁸⁶. There is no country in which women have equal political status, access or influence with men⁸⁷.

As a gender, they are underrepresented in the governance of the Nigerian. Obviously there are inhibitions on women’s way to progress in politics. These inhibitions are varied but all have their roots in the interplay of “power” (men’s dominant preserve) and “powerlessness” (women’s dominant preserve), which is what politics is largely all about⁸⁸. The power of the powerful rests, after all on the powerlessness of the powerless⁸⁹.

A major problem of women active participation in politics is that arising from family relationship, which include bearing children, cooking and taking care of the routine needs of

the family. The women are therefore naturally unassertive, docile, and submissive. The man, after all, is the head of the family and his authority can not be compromised⁹⁰.

Political system is therefore seen as a battlefield not so much between the competent and incompetent but largely between men and women⁹¹. Most women in Nigeria are poor. Politics everywhere, but particularly in Nigeria is a game of money⁹² and influence, the kind of money and influence the vast majority of women do not have.

Another problem hindering women participation in politics is the organizational structure of most of the political parties. The Executive Council being the decision making arm of any political party rarely have a woman as member. Since the executive council decides the allocation of seats for election, it is not surprising that only few women are nominated for elective offices which much fewer ever win elections⁹³. Also political activities are generally conducted in a manner more suitable for men⁹⁴. In other words, political arena is made more men –friendly, for instance, the venues and circumstances of most caucus meetings do not favour women because of their roles as mothers and wives. This in itself constitute a hindrance to women’s effective participation in politics⁹⁵. The relegation of women to the background and the appellation of the “weaker sex” often attached to them has resulted in a strong inferiority complex in most women. They have come to accept that lie that men are better suited for politics than they are⁹⁶.

Women participation is also hindered by the problem of political violence, thuggery and intimidation. Politics is popularly referred to as a dirty game and there is no doubt that it is really very dirty here in Nigeria⁹⁷. Looking around us, reading the papers and listening to the news daily, one is appalled by the level of violence, thuggery and intimidation witnessed in the political arena both on individual or group levels⁹⁸. Politics seems to have become a do or die affair. Incidences of assassination and attempted assassination of political opponents abound⁹⁹. Only very few women can stand such level of violence, thuggery and intimidation giving flesh to the belief that politics is too rough a game for women.

There have been various allegations of discrimination against female aspirants by the men¹⁰⁰. The truth is that in Nigeria, political participation by women has so far been more through appointment rather than through election¹⁰¹. Nigeria, therefore, has a percentage of 32 female representations in governance as against the present world average of 13 percent and Africa average of 10 percent¹⁰². Nigeria position is so bad that it is even below the Arab world average; which is put at 3.4 percent¹⁰³. Obviously men still predominantly occupy the political arena in Nigeria¹⁰⁴. While within the past three decades, women have been elected

president or prime-minister in a number of countries¹⁰⁵. No woman has ever become a Governor or President in Nigeria history¹⁰⁶.

The concomitant of the foregoing points put together constitute restraints on women's political freedom and participation.

2.03 Citizenship Theory

In the words of Marshall¹⁰⁷, citizenship is a status bestowed on those who are full members of a community. All who possess the status are equal with respect to the rights and duties with which the status is endowed. The present condition of citizenship reflects the sex inequality of the society¹⁰⁸. According to Pateman, citizenship is a patriarchal category¹⁰⁹. This patriarchal category has assigned greater value, status or prestige to that which traditionally has been identified as "male" than to that which traditionally has been identified as "female"¹¹⁰. It is this patriarchal definition of citizenship that feminist find mind boggling. The feminist consider such patriarchal category as essentially oppressive¹¹¹. Who a citizen is and what a citizen does and gets in the systematic order of things within a given political society are all rendered with full implications in the masculine image. Even in cases where citizenship, formally, has been granted to women in some liberal democracies such as USA and Britain, it is to be noted, according to Pateman, that such formal recognition of citizenship to women were all won and still bargained in the light of existing structure of patriarchal powers in which women's tasks and qualities are still devalued¹¹². In trenchant terms, the ideological foundation of patriarchy, more or less is rooted in the ideology that biology –is –destiny.

In its implied form, the biology – is – destiny ideology gave credence and birth to the separate sphere ideology. Under the theory, a woman's identity was naturally and automatically fused or united with that of the husband. Her legal identity was submerged under that of the husband, which means the woman is civilly dead¹¹³.

One crucial element of citizenship disorder in Nigeria has to do with the emergent view that not all Nigerians are equal, even though this is not supported in the constitutional sense. This emergent conception centres on the view that, by certain conventional and official practices, social ethos etc there are first class citizens and second class citizens¹¹⁴. Not all can enjoy the fruit of citizenship. The implication of this conception is the lingering conflict between the demands of constitutionalism and the restrictions of oligarchic regulations and standards¹¹⁵.

In essence, however, one common area of concern often neglected in political discourse on citizenship in Nigeria and even in many African countries, is that of gender. In general terms, the gendered implication of citizenship in Nigeria is to the effect that citizenship in Nigeria is a patriarchal category, and the definition of who is a citizen of Nigeria, what he does, and the arena within which he acts have all been construed in the

masculine image¹¹⁶. This is what Catherine Mackinnon meant when she described the state as male in the feminist i.e. the way the male point of view frames an experience is the way it is framed by state policy¹¹⁷. Patriarchal authority is exalted with state resources at its behest.

However, Parpart's¹¹⁸ conclusion is that the African State has become essentially a male preserve in as much as:

“...despite women's active and important role in the nationalists struggles, decolonization was essentially a transfer of power from one group of men to another. Consequently, African women have been unrepresented in the state and have reaped few of the benefits which the state provides. Many women have reacted to this inequity by pulling away from the state, concentrating on economic survival instead. For the most part, these women see the state as an obstacle to be avoided, rather than a benefactor to be milked. To that end they have employed a wide variety of strategies to ensure their survival in the face of hostile, male – dominated state¹¹⁹”.

2.04. Statutory Discrimination

Some municipal Laws and regulations also relegate the status of women as second class citizens and thus violate their right to equality of treatment with their men counterpart. Some of them shall be discussed hereunder:

Under section 26 (2) (a) of 1999 Constitution¹²⁰ “a woman who is or has been married to a citizen of Nigeria may be registered as a citizen of Nigeria”. The constitution is silent on foreign men married to Nigerian women. It therefore mean that unlike her counterpart, a Nigerian woman cannot confer residency right on her non-indigene husband¹²¹. A case in sight is the deportation of Dr. Patrick Wilnot, a Jamaican Political Science Lecturer at Ahmadu Bello University for at least two decades. Dr. Patrick was married to a Nigerian woman but inspite of this, he was deported as an illegal alien without consideration for the right of his wife¹²².

Also, under Section 55 (1) (d) of the Penal Code¹²³ applicable in the Northern Nigeria there is provision for corporal punishment of the wife by her husband which is a violation of her right. The section provides:

“Nothing is an offence which does not amount to the infliction of greivous harm upon any person and which is done by a husband for the purpose of correcting his wife, such husband and wife being subject to native law or custom in which such correction is recognized as lawful.

Furthermore, the Police Act¹²⁴ provides that a woman in police force must seek permission of the Commissioner of Police in her area of service before she can marry. This law restricts and seeks to dictate to the women when to marry which is a direct violation of

the rights of women to marriage. Policemen are not required to seek such permission before they get married

Also, section 55 and 56 of the Labour Act¹²⁵ which provide for the exclusion of women from underground work and restriction of women from doing certain jobs are all discriminatory provisions of the law as it tends to reinforce the notion of women being the “weaker sex”.

In practice, it has been discovered that the custody of children of marriages are often given to the father in accordance with the patrilineal nature of the Nigerian Society, as soon as the child is old enough¹²⁶.

Section 18 of the Marriage Act¹²⁷ provides that if either party to an intended or proposed marriage is less than 21 years of age, a marriage license could be granted or a certificate issued, but parental consent would have to be sought and it is the consent of the father that is required, the consent of the mother will only be required in the absence of the father.

This amounts to a grave statutory discrimination or gender bias, particularly, in relation to equality of spouses within marriage.

Other factors responsible for women relegation range from, colonial rule, poverty, illiteracy/ignorance etc.

2.05. Colonial Rule

According to Reuben Abati¹²⁸, the colonialists treated women as subservient to men. He noted particularly that:

“The Nigerian Society is largely rigged against women who are treated as second-class citizens. The Victorian era colonialists did not consider women to be anything other than housewives, and ornaments of the society. The local elites in colonial and post-colonial times have also treated women as if their entire project in society is to be good wives and good mothers. The Nigerian women, before colonial rule, played major roles in the various societies in the age grades, chieftaincy councils, and in maintaining the overall peace and stability of the community¹²⁹. Traditional African Countries operate on the principle that every individual, male or female is an important member of society, with an assigned place and role in the chain of being which is not in anyway inferior but rather important for the survival of the community and the race Colonial rule truncated the evolution”¹³⁰.

2.06. Poverty

Most women in Nigeria are poor. The Beijing Conference (in China) organized by the United Nations in September 1995, acclaimed as one of the biggest and most successful conferences of Women in the 20th century indicated that 70% of women all over the world live in poverty. In fact, women and poverty ranked the foremost and major concern considered by the Beijing Conference¹³¹. Hence, the role of women in the development of the

country either as participants or beneficiaries of the process has been below expectation. Poverty is a relative term and it does not mean the same thing in every place. But generally speaking, it is the word used to describe the conditions under which poor people live. The task of eliminating poverty is enormous and complicated. This feminization of poverty is yet another spoiler for women hence their relegation in the scheme of things.

2.07. Illiteracy and Ignorance

The low level of education of women and their consequent exclusion from wage earning economic activities is another factor that has contributed to their low level of participation in politics, economy etc and consequently their relegation. Female participation in technology, modern science and technologically based occupations has been limited. Due to illiteracy, a large proportion of women live in ignorance. They are even ignorant of their fundamental rights as human beings.

3.00. Gender Bias as a Global Phenomenon

Women relegation is a practice that manifests itself all over the world in varying degrees. It is not only in Nigeria or Africa or any particular continent that female relegation is a problem, it is universal.

While commenting on the situation of the American women in American politics, Mrs. Carter¹³² announced to Alcuin thus:

“What have I also women to do with politics. Even the government of our country, which is said to be the freest in the world, passes over women as if they were not. We are excluded from all political rights without ceremony. Law makers thought as little as comprehending us in their code of liberty, as if we were pigs or sheep..... I am conscious of being an intelligent and moral being..... I see myself denied..... the existence of my own discretion, incapable of separate property, subject in all periods of my life to the will of another on whose bounty, I am made to depend on for food, raiment, and shelter..... I see myself in my relation to society regarded merely as (sic) beast or an insect.... passed over in the distribution of public duties..... They generously admit me into the class of existence but affirm that I exist for no purpose than the convenience of the more dignified sex, that I am not to be entrusted with the government of myself, that to foresee, to deliberate and decide belong to others, while all my duties resolve themselves into this precept “listen and obey”. It is not for me to smile at their tyranny or receive as my gospel, a code built upon such atrocious maxims”.

According to Funmi Falana¹³³, women subjugation is a universal practice requiring universal approach to resolve. In Ancient Greece, women are regarded as less than human and were conferred no legal status as with slaves, children and the insane. The woman was a perpetual minor, the responsibility of either the father or the husband or such other male guardian. This perception of the woman was similarly shared in most other traditional cultures¹³⁴.

4.00. Legal and Institutional Framework for Women Liberation

There are many municipal and international frameworks for the emancipation of the women folk from the men dominated world.

At the local plane is the Constitution of the Federal Republic of Nigeria which expressly prohibits discrimination on grounds of place of origin, sex, religion, status, ethnic or linguistic association¹³⁵. The constitution also provides that every citizen shall have equality of rights, obligations and opportunities before the law¹³⁶.

Chapter IV of the 1999 Constitution bothering on Fundamental Rights provides that a citizen of Nigeria of a particular community, ethnic group, place of origin, sex, religion or political opinion shall not, by reason only that he is such a person –

a) 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 or of other communities, ethnic groups, places of origin, sex, religions or political opinions are not made subject¹³⁷.

Women Bureau, Ministry of Women Affairs headed by female Ministers or Women's National Commission was set up by the government of Nigeria both at Federal and State levels. And not too long ago, the National Policy on Women was eventually approved by President Olusegun Obasanjo, having passed through four former Heads of State with success¹³⁸.

Nigeria has also acceded to various other regional and international instruments which are protective of the rights of women. The Universal Declaration of Human Rights 1948¹³⁹ which affirms the universal recognition of the inherent dignity, and the equal and inalienable rights of all members of human family as the foundation of freedom, justice and peace in the world. The United Nations through the Universal Declaration of Human Rights (UDHR) proclaimed the content of Human Rights for all mankind and it continues to be the most important and far reaching statement of Human Rights also a great source of inspiration for nations and international efforts aimed at the protection and promotion of human rights without gender bias.

Another institution protective of women is the Commission on the Status of Women (CSW) established in 1946 by ECOSOC¹⁴⁰. Its functions are to prepare recommendations and reports for ECOSOC on promoting women's rights in political, economic, civil, social and educational fields. It may also make recommendations to ECOSOC on problems in the field of women's rights that require immediate attention¹⁴¹.

The Convention on the Political Rights of Women 1954. This instrument recognizes the right of every woman to partake in the government of her country, to vote and be voted for. It also provides for the right of equal access to public service. Convention on Equal Remuneration for Men and Women Workers for work of Equal Value 1953 is another very potent instrument.

Another international instrument specific to women was the Convention on the Nationality of Married Women 1957. This was followed by the Convention on Consent to

Marriage, Minimum Age for Marriage and Registration of Marriages 1962. These dealt directly with women's rights in marriage.

At the international level, the human rights of women are further guaranteed through the United Nations International Covenant on Civil and Political Rights (ICCPR)¹⁴² 1966, and the International Covenant on Economic, Social and Cultural Rights (ICESCR) 1966. Note that chapter two of the Nigerian Constitution 1999 contains the Fundamental Objectives and Directive Principles of State Policy fashioned after the content of the ICESCR, but regrettably, Nigerian courts have held these non-justiciable¹⁴³. These instruments emphasize equality of men and women and non-discrimination on grounds of gender¹⁴⁴, race or religion.

In 1970, the United Nations, advised on the creation of a Framework (called the United Nations Development Fund for Women – UNIFEM) that will be at the centre of “struggle to Advance Women in Development”. It is noted that the prevailing injustices in global political economy and resource allocation have led to the “Feminization of Poverty” with women forming well, over 70% of the world's poor. It has also been reported that two-thirds of the world's illiteracies are women¹⁴⁵.

There have been radical changes, women have challenged their subordinate status. The International Women's Conference of 1975 represented another significant milestone. A major break through came between 1975-1985 which was declared by the United Nations Organization as the “Decade for Women” and thus focused the much needed attention on the empowerment of women¹⁴⁶. The United Nations (UN) declared 1975-1985 as Decade for Women in recognition of the fact that women form more than half of the world population and yet they are seriously marginalized economically, socially and politically. The 1975 International Women's Conference emphasized the equality of women and their contribution to development and peace¹⁴⁷. The Conference adopted a world plan of Action which would focus on issues of abolition of violence against women, their reproductive rights, etc.

Another milestone convention on Women's right is the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)¹⁴⁸, 1979. Article 11 of CEDAW requires state parties to ensure that same right is given to women in employment as men. Article 12 (1) prescribed the elimination of discrimination against women in the field of health and equal access to health care services between men and women. CEDAW provides that state parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country, and in particular, shall ensure to women, on equal term with men the right to vote in all elections and public referenda and to be for election to all publicly elected bodies, to participate in the formulation of government policy and the implementation thereof and to hold public office and reform all public functions at all levels of government; to participate in all non-governmental organizations and associations concerned with the public and political life of the country¹⁴⁹.

The adoption of the Nairobi Forward Looking Strategies for Advancement of Women 1985 and the Beijing Declaration and Platform for Action by the Fourth World Conference on Women 1995¹⁵⁰ made women issues to receive remarkable global attention. The Beijing

Conference defined reproductive rights in its platform for action on agenda for women's empowerment.

There are lots of treaties (Charters, Covenants or Conventions), declarations, guidelines, recommendations and general comments, meant for the promotion and protection of economic, social and cultural rights which are binding on states parties that have ratified and acceded to them. In accordance with the 1969 Vienna Convention on the Law of Treaties, treaties are agreement between two or more states governed by international law. A state party to the agreement may not plead its domestic law as the reason for its failure to implement ratified treaty obligations.

Note that Nigeria is a signatory to all the above legal documents which it has since ratified¹⁵¹. The question now is what are the realities of these rights proclaimed by these legal documents in Nigeria today? Are these rights enjoyed in practice? The truth is that, inspite of the strenuous efforts aimed at protecting human rights generally, women continue to be denied of some of these rights¹⁵².

5.00. The Role of Non Governmental Organizations (NGOS)

The NGOs both at National and International levels have also contributed immensely to the promotion and protection of the rights of Women. It should be noted that Nigerian women have not been entirely passive to their subordination. There is a history of women's resistance to injustice and discrimination in the pre-colonial, colonial and post-colonial times¹⁵³. For instance, in 1914 and 1947 Egba Women protested against Colonial tax system this culminated in the formation of Abeokuta Women's Union in 1946 which composed of Egba women both elites and non-elites¹⁵⁴.

Also, between 1925 – 1928, the women in Calaba, Owerri and Aba called the Dancing Women Movement resisted Cultural imposition, introduction of the Native Authority System and payment of tax by women. In 1953 the Nigerian Women Societies was formed and in 1959, the National Council for Women Societies was inaugurated in Ibadan.

The post independence efforts by women to redress socio-economic and political disabilities led to the formation of various women associations. Women who are excluded from politics now have their voices in NGOs at various levels – grassroots, national and international levels. NGOs handle issues such as violence against women, women's rights to productive health and bring them to the mainstream of policy debate.

The following are some of the NGOs in Nigeria today; The International Federation of Women Lawyers (FIDA) which provides free legal services to poor women. Some NGO provide essential services to women in their communities, ensure greater participation of women in decision making at all levels, some are oriented towards empowering women at all levels for example the women in Nigeria (WIN), Women Law and Development (WLD), the Country Women's Association of Nigeria (COWAN), National Council of Women Societies (NCWS), Association for Reproductive and Family Health (ARFH). At the international level is Women's Global Network for Reproductive Rights¹⁵⁵ (WGNR). It should be noted that many local women NGOs are affiliates of major international agencies and belong to international network.

Women NGOs usually have different areas of focus that deal with different aspects of women issues, religion, education, health, advocacy, development and professional interest.

Basically, women NGOs undertake developmental initiatives favourable to the women folk. Some NGOs go as far as to give credit facilities to women thereby encouraging them to be self employed in micro-enterprises.

6.00. Recommendations and Suggestions

In some countries, government has taken affirmative actions to reduce the gender gap at the decision making levels¹⁵⁶. This is a step in the right direction, the government should further encourage increased women participation at all levels of government through establishment of framework for women's integration.

There is also the need for orientation of children (who are leaders of tomorrow) to have a mind-set that except for the physical differences between male and female, they are all equal and have equal rights conferred on them both by nature and by law.

Programme that can help bring out the best in poor women living mostly in rural areas of the country such as Better Life for Rural Women Programme (BLFRR), Family Support Programme (FSP) etc should be reactivated. Today there is in Nigeria what is called Women Bureau, Ministry of Women Affairs headed by a female minister. Nigeria also has a National Women Commission at the National level and Ministries of Women Affairs in the State.

Also, women need to be equipped educationally and economically. With good education, there are better chances for better jobs. There is therefore the need to provide easier access by women to training and education facilities.

Last but not the least, there is the need to embark on gender awareness campaign, seminars and gender training programmes at all levels and within all sectors of development¹⁵⁷. In fact there is the need to promote global awareness on this issue.

7.00. Concluding Comments

Gone (should be) the days when women sat and watched the men dominate the scene, to their detriment¹⁵⁸. On the Nigerian scene women are really coming up strong, they now occupy offices that were hitherto occupied by men alone. We now have female senators¹⁵⁹, Ministers¹⁶⁰, Chief Judges¹⁶¹ and Justice of Court of Appeal and Supreme Court, Female Vice Chancellor of University¹⁶² Heads of Government Agencies and Parastatals¹⁶³. In the various arms of the Force, women are now coming up fast, we now have women AIG-Assistant Inspector General of Police, Women General in the Army. Today, there is no field or profession where there are no women even in criminal world.

Today's women are economically empowered as the law now allows them to have and own private properties. Also, sport¹⁶⁴ is no longer an exclusive preserve of the male gender and also in the entertainment world¹⁶⁵ the women too are pulling their weight. Though, Nigeria is yet to have any female Governor or President and probably female Ambassadors the chances were bright that in no distant future women will be all over the place. The saying that "what a man can do a woman can do better" is fast becoming truer now than ever before.

What is more, most of those ugly cultural practices are fast becoming ancient and archaic. All governments of the world are enjoined to be like America. According to President Richard Nixon of America:

“The nations many highly qualified women represent an important reservoir of ability and talent that we must draw on to a greater degree. In this administration, we have espoused the rights of women, and we must now clearly demonstrate our recognition of the equality of women, making greater use of their skills in high level positions¹⁶⁶”.

Our governments should therefore realize that intelligence and ability are more relevant in solving the problem of any society or nation than gender classification. Giving women equal right of participation in the scheme of things will in no small measure engender a meaningful and sustainable national (and global) development.

END NOTES.

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- 15 Ibid. See Chap. 2, generally. See also Hoff, J. (1991) *Law, Gender and Injustice: A Legal History of U. S. Women*. New York and London, New York University Press.
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- 17 Hon. Justice Adekeye Olufunlola (2003) “Economic and Social Rights of Nigerian Women: New Initiatives” in *Law, Justice and Good Governance, Essays in Honour of Hon. Justice Ajakaiye* PP. 148-166.
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- 24 (1997) 2 *NWLR*
- 25 Hon. Justice Adekeye. op. cit. at P. 157. Culture is generally the share ideas, norms, values, and beliefs of a people and has both material and non material components. The non-material components of culture comprise of inner behaviour, attributes, ideas, desires, norm, values of a group of people expressed in the form of customs, folkways, mores, language and other external symbols. Non-material components of culture is the bedrock of gender ideology which has ruled the world since evolution of mankind. Each society delineates between what men “do” and what women do and the resultant effect in terms of “power”, “wealth” and “prestige”. Patriarchal structure is a structure of a set of social relations with material base. See generally B. Awe. “Gender, Culture, Poverty and Environment” being paper presented at a seminar organized by the Foundation for Environmental Development And Education in Nigeria (FEDEN) 1993.
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- 26a See. Stella Omiri: “A Critical Appraisal of the Legal Status of Widow under the Nigerian Law” in *Women and Children under Nigerian Law*. at PP 68-78; Otaluka, A.O. “Protection of Women under the Law with particular Reference to Nigeria” at PP. 94-107; Unequal Rights

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- 30 Sheriff Abdel Azim, Ph.D (Queens University, Kingston, Ontario, Canada) in his write-up titled “Women in Islam Versus Women in the Judae –Christian Tradition, the Myth and the Reality” Part 14.
- 31 Oba, A.A (Senior Lecturer, University of Ilorin, Nigeria) in his Draft Working paper titled, “Islam, the West and Human Rights: Towards Reconciling the Divergencies”. P. 1
- 32 1 Kings 11:3
- 33 2 Samuel 5:13
- 34 Leviticus 18:18
- 35 Lesley Hazleton, (1977) “Israeli Women The Reality Behind the Myths”, New York: Simon and Schuster, 1977, P. 41. However, under religious law which overrides Civil Law in such cases, it is permissible. Also, according to Father Eugene Hilman in his insightful book, “Polygamy Reconsidered: African Plural Marriage and the Christian Churches” (New York: Orbis Books, 1975) P. 140, “nowhere in the New Testament is there any explicit commandment that marriage should be monogamous or any explicit commandment forbidden polygamy. Moreover, Jesus has not spoken against polygamy though it was practiced by the Jews of his Society”. Father Hillman stressed the fact that the Churches in Rome banned polygamy in order to conform to the Greco-Roman culture (which prescribed only one legal wife while tolerating concubinage and prostitution). African Churches and African Christians often remind their European brothers that the Church’s ban on polygamy is a cultural traditional and not an authentic Christian injunction.
- 36 Quran 4:3
- 37 Sheriff Abdel Azim, op. cit. Part 14
- 38 Oba, A.A. op. cit. P. 6
- 39 *Pro-polygamy.com*TM Helping the Media & Information –gatherers by providing news, reports, and insights from the pro-polygamy view. Also available at <http://movies.eonline.com/on/girlsnextdoor/thegirls/index.html>
- 40 The presentation of Hugh Hefner and three cohabiting women is legal, seemingly acceptable and apparently even mass-marketable for airing such as a reality T.V. show on November 13, 2005, Yet at the same time this is happening, another man, also cohabiting with three adult women was fighting to keep his job (as a judge) before the Utah State Supreme Court Judge Steed was removed from the bench in February, 2006 for violating Utah’s bigamy law.
- 41 Eugene, H. op. cit. PP. 88-93. In the U.S.A, there are at least eight million more women than men. In Guinea there are 122 females for every 100 males. In Tanzania there are 95.1 males per 100 females.
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Comparative Law, Vol. 7, No.1, 2003, PP. 15-30*.
68 See *S. J. Bamigbade v. The Vice-Chancellor, Obafemi Awolowo University (Unreported) Suit No:
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an interim ruling that the dress code was "most unwarranted, unfair, discriminatory, oppressive,
baseless, unlawful, violation of applicant's constitutional right, null, void and unconstitutional". This
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Movement Party (MMP) during the Nigeria Television Authority (NTA) Organized Manifesto for the
Presidential Election on 18th April, 2007. An NTA Live Programme. In some culture, a married
woman does not feel secured until she has a male child. A man who has eight children (two males and

six females) was quoted to have said he has only two children and “six mistakes.” Such are the dimensions to gender discrimination.

80

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81

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82

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84

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86

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87

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88

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89

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90

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91

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92

It has aptly been said that “There is no room for debate about the central role of women in Nigerian politics. Ideas play second fiddle to money. Sometimes there is no place for any fiddle except the one that is tied to money”. See The Vanguard Newspaper, Friday January 10, 2003, P. 11.

93

Jadesola Akande, (1999) Miscellany at Law and Gender Relations Lagos MIJ Professional Publishers Ltd, P. 181-182.

94

Ibid.

95

Ibid

96

Ibid at P. 175; Safinatu Mohammed “Nigerian Women are Marginalised” Nigeria Tribune, Tuesday, May 23, 2000. Where she stated “Women have tended to accept their subordinated status and distanced themselves from centres of decision making thus contributing to, encouraging and tolerating this culture of marginalisation

97

Udombana op. cit.

98

Ibid

99

Ibid. The mysterious murder of Engr. Funso Williams, Chief Bola Ige etc are still fresh in our memory.

100

The Guardian Newspaper, Wednesday January 22, 2003 P. 5; The Guardian Newspapers, Tuesday, January 21, 2003 P. 22, The Guardian Newspaper, Wednesday January 15, 2003, P. 4

101

Udombana op. cit. P. 77. For instance the former Director General of NAFDAC, Professor Dora Akunyili; Dr. (Mrs.) Ngozi Okonjo Iweala, 1st Female Finance Minister in Nigeria etc.

102

See Olivia Agbajoh, “The Role of Women in Politics”, THISDAY, The Sunday Newspaper, July 2, 2000, P. 18. For an account of the political situation of women in Southern Nigeria up till 1965, See Nina Emma Mba, Nigerian Women Mobilised, Women’s Political Activity in Southern Nigeria, 1990 – 1965, [Berkeley: Institute of International Studies, University of California, 1982). For an account of parts of Northern Nigeria and Igboland, See Halima. D. Mohammed, “Women in Nigerian History: Examples from Bornu Empire, Nupeland and Igboland” in WIN ed. Women in Nigeria Today, (London: Zed. Books Ltd, 1985) Pp. 45-51.

103

Ibid. See also Udombana, op. cit.

104

Udombana. op. cit. The reality is much more glaring when compared with countries in Northern Europe such as Denmark, which had 42.7 percent participation in the legislative and 60 percent in the executive (11 out of 20 Danish Ministers were women in 2000). Within the past three decades.

105

Mrs. Ellen Johnson became Liberian President in 2006; Margaret Thatcher was Prime Minister of Britain; Golda Meir of Israel, Mrs. Gro Harlem Brundtland of Norway was Prime-Minister three times – from February to October 1981, from 1986–1989 and from 1990 – 1996; President Chandrika Bandaranaike Kumaratunga of Sri Lanka, who subsequently nominated her mother, Siri Maro Baudaranaike as Prime-Minister following the footsteps of Benazir Bhutto who ruled Pakistan as Prime Minister from 1988 – 1990 and From 1993 – 1996 who during her first term, made her mother Deputy Premier. We also have women President like Tarja Halonen of Finland from 2000-2012, Vaira Vike Friberga of Latvia; Mary Mc Aleese of Ireland, Mireya Moscoso of Panama, Helen Clark of New-Zealand and Hassina Wajed of Bangladesh. Female incumbents in 2014 include: Joyce Banda of Malawi who became President in 2012; Dilma Rousseff became Brazilian President in 2011, Park-Geun-hye became South Korean President on 25 February, 2013. See Female World Leaders currently in power @ <http://en.wikipedia.org>. accessed 1-2-2014. 2.00pm.

- 106 The best that women have become in Nigeria range from Speaker of House of Representatives (Mrs. Olubunmi Eteh) Deputy Governor (Mrs. Kofoworola Bucknor Akerele – Lagos State, Mrs. Abiodun Olujimi, Ekiti State etc) Senator, Ministers and Commissioners, Heads of Parastatals. For the first time in the history of Nigerian party politics, and political struggles and competition in general, a woman (Mrs. Sarah Jubril) against all odds, contested for the Presidency during the April, 2003 presidential election under the canopy of Progressive Action Congress (PAC) and thus became the first woman ever to go this far. Interestingly, this woman's feat is a historical phenomenon, and robustly legendary. See Idowu Williams (Ph.D) op. cit.. P. 132.
- 107 Marshall, T. H. (1949) "Citizenship and Social Class" In *Class, Citizenship and Social Development*. Ed. by Marshall, T.A. New York: Double Day and Company reprinted 1964.
- 108 Chapter III Constitution of the Federal Republic of Nigeria, 1999.
- 109 Pateman, C. "Feminism and Participatory Democracy" unpublished paper presented to the meeting of the American Philosophical Association, St. Louis, Missouri, May 1986.
- 110 Warren, K. (1994) "Critical Rethinking and Feminism" in *Rethinking Reason New Perspective in critical thinking* ed. by Kerry Walters, 155-176, Lebanon: State University of New York Press, P. 157.
- 111 Ibid
- 112 Ibid.
- 113 Blackstone, William 1803 *Commentaries on the Laws of England*, St. George's Edition P. 444.
- 114 Idowu, W. (Ph.D) op. cit. P. 141
- 115 Ibid see also section 26 (2) (a) 1999 Constitution of Nigeria which provides that "a woman who is or has been married to a citizen of Nigeria may be registered as a citizen of Nigeria". Note that the provision of section 26 (2) (a) does not cover foreign men who are married to Nigerian women.
- 116 Ibid
- 117 Mackinnon, C. (1987) "Feminism, Marxism, Method and the State Toward Feminist Jurisprudence" in *Feminism and Methodology* edited by Sandra Harding, 135-156, Indiana: Indiana University Press and Open University Press, P. 140.
- 118 Parpar, J. (1988) "Women and the State" in *The Precarious Balance: State and Society in Africa*, edited by Donald Rothchild and Naomi Chazan, Colorado: Westview Press, Inc. P. 215.
- 119 Ibid. P. 216
- 120 Constitution of the Federal Republic of Nigeria.
- 121 Funmi Falana: op. cit. P. 55. Article 475 of the Moroccan Law and Penal Code allows a rapist to avoid prosecution and long prison term by marrying his victim if she is not a minor. On this note a 16 years old Amina Filali, raped, beaten and forced to wed her rapist killed herself in Morocco in late 2013. See Dalia Hashed. Avaaz.org.
- 122 Ghia, *Human Rights in Retreat*, C.L.O. 1993
- 123 Cap 345 Law of Federation of Nigeria 1990 as amended.
- 124 Cap 158 Law of Federation of Nigeria 1990 as amended.
- 125 Cap. 198 Law of Federation of Nigeria 1990 as amended.
- 126 Oyelowo V. Oyelowo (1982) 2 NWLR (Pt. 56) 239, a man was separated from his wife for two years before divorce was finally granted. During this period of separation the two children of the marriage aged 9 years and 7 years respectively were living with their mother. Upon dissolution, the trial judge awarded the custody of the children to the father despite evidence that the father irresponsibly abandoned those children during the period of separation.
- 127 Cap 218 Law of Federation of Nigeria 1990 as amended.
- 128 Reuben Abati "We-Men, Women and the Transition" in *Guardian*, Friday, January 22, 1999.
- 129 Awe Bolanle, (1977) "The Iyalode in the Traditional Yoruba Political System" in *Sexual stratification – Across – Cultural View*, edited by Alice Schegel, Columbia University Press, PP. 144-159. In Yorubaland, for example, the Iyalode played a representative role for women in the king's council, a male institution.
- 130 Reuben Abati: op. cit.
- 131 Hon. Justice Adekeye: op. cit. P. 148. Noted that women are more in low income or low productive occupations, some households are headed by women, who are either widowed, abandoned, and without any secured income support.
- 132 See Jadesola Akande: op. cit. PP. 184-185, Citing K. Kerber "The Legal Status of Women in the Early Republic 1778," in *Human Rights, Vol. 6 No. 2 (1977)*, quoting from a novel by Charles Broekden Brown
- 133 Funmi Falana: op. cit. P. 50 where she said, the practice in Africa, Asia and the Middle East whereby women are regarded purely as vessels of procreation without recognizing their educational and career goals comes under focus under Article 15 of Convention on the Elimination of All Forms

of Discrimination Against Women (CEDAW) which provides for equality of men and women and equal right to decide freely and responsibly on the number and spacing of their children and to have access to information, education and means to enable them exercise these rights.

134 Atsenuwa, A. (1999) "Human Rights Protection of Vulnerable and Marginalised" in Text
135 for Human Rights Teaching in Schools (Constitutional Rights Project) P. 211.
136 Section 15 (2) 1999 Constitution of the Federal Republic of Nigeria.
137 Ibid Section 17 (2)
138 Ibid Section 42 (1)
139 Legal Protection of Women's Right: A compilation of Domestic and International Standard. (Lagos: Shelter Rights Initiative, 2001) P. 13.
140 General Assembly Resolution, 217(A) (II) UN Documents A /180 (1948). See also the
141 African Charter on Human and Peoples Rights (Article 7), European Convention for the Protection of
142 Human Rights and Fundamental Freedom, (Article 14), American Convention on Human Right
143 (Article 1), etc.
144 ECOSOC means Economic and Social Commission (a specialized agency of the United
145 Nation)
146 See Galey, (1979) "Promoting Non-Discrimination Against Women: The UN Commission on the
147 Status of Women" in *23 International Studies Quarterly*, 273 . See also R. J. Cook (ed.) Human
148 Rights of Women: National and International Perspectives (1994), P. 189 at 205-206.
149 UN Document No 2200A (XXI) adopted 16 December, 1966 and entered into force on 23
150 March, 1976, available at <http://193.194.138/html/menu3/b/accpr.htm>. see also Article (2) (1) thereof.
151 *Okogie v. Attorney General of Lagos State (1981) 2 NCLR, P. 337.*
152 Article 2(2), Article 3 ICESCR; Article 231 ICCPR.
153 Hon. Justice Adekeye: op. cit. P. 149
154 Ibid
155 Funmi Falana: op. cit. P. 49
156 UN Document No. 34/180, adopted 18 December, 1979 and entered into force 3rd September,
157 1981.
158 Article 7 CEDAW
159 Known as the Beijing Conference on Women held at Beijing the capital city of China, the host
160 country of the Conference in 1995.
161 See Rights of Women, A Guide to the Most Important United Nations Treaties on Women's
162 Human Rights (New York: The International Women's Tribune Centre, 1998), P. 128.
Women are commonly discriminated against on religious grounds especially, women under
Moslem laws in Asia, Middle East and Africa – see Funmi Falana, op. cit. P. 48.
Hon. Justice Adekeye, op. cit. PP 161 – 163.
The Union succeeded in abolishing a flat rate for taxes – see I. Olumese: Women in Non-
Governmental Organizations – UNICEF, Ibadan.
WGNR is an NGO working for the support of reproductive rights. See also Aseen "More than
100million Women are Missing" New York Review of Books, December 20, 1990.
For instance 80% of governments have one or more female Ministers, Deputy Governors,
Legislators, Directors General. The present Liberian President (Mrs. Ellen Johnson) is a woman.
Nigeria has female ministers, Deputy Governors, Legislators, Permanent Secretaries (at Federal and
State levels) Gambia had a female Vice President, Britain once had Mrs. Margaret Thatcher as the
Prime Minister; Sri Lanka once had a female President in person of Chandirka Badaranaike
Kumaratunga; Pakistan former Prime Minister Benazir Bhutto is a woman; Also Gre Harlem
Brundtland the Norwegian Prime Minister once had a Cabinet of Ministers – all female.
See Series of Background Papers published by Partnership Africa Canada (PAC) 1, Nicholas,
St. 1200 Ottawa, ON KIN 787 Canada – African Women's Development and Communication
Network (FM NET). See also Gender Issues in Poverty Alleviation and Employment Promotion,
International Labour Organization (ILO) Programme on Women in Development and Social Groups,
Development Policies Department, Geneva, Switzerland.
See the Weekend Times, Sunday, February 24, 1996, P. 7
Such as Mrs. Ita Giwa, Mrs. Saraki Kofo etc Mrs. Abike Dabiri is in the House of
Representatives.
Mrs. Ngozi Okonjo Iweala (Finance Minister); Hajia Mohamed Sani Ismail (Minister of
Women Affairs) etc.
Ekiti, Ondo, Lagos & Delta States of Nigeria have female Chief Judges. There are many
female Justices in the Court of Appeal and even the Supreme Court of Nigeria is presently head by a
woman-Hon Justice Alooma Muktar Maryam.
For instance, Professor (Mrs.) Alele Williams was a one time Vice-Chancellor of University

of Benin- Nigeria.

163 For instance, Professor (Mrs.) Dora Akunyili was once the Head & Director General of NAFDAC –
(National Agency for Drug Administration and Control) in Nigeria.

164 For instance Soccer i.e. Football which was formerly a game for male gender is now a unisex
game. Nigeria has female football team called Super Falcons, South Africa calls its female national
team Bayana Bayana etc. The same thing applies to all other sports and gymnastics.

165 For instance, Music and film are now purely unisex affairs.

166 See Olivia Agbajoh: “The Role of Women in Politics”, THISDAY, the Sunday Newspaper,
July 2, 2000, P. 18.

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