

1. Introduction

Nigeria as a nation and its womenfolk have come of age in its hundred years of existence from the amalgamation of the Northern and Southern Protectorates in 1914. As Nigeria commemorates its centenary, it will be apposite to examine closely the woman question and role in the building of the nation.

2. Women's Struggle in Nigeria: an analytical survey

Women's struggle in Nigeria dates back to the colonial era, although often not highlighted due to the nationalist movement and the larger struggle for independence. The colonial rule was a double edged sword for women's struggle in Nigeria. Whereas women in Nigeria benefited from gains made from women's struggle in Great Britain for example in terms of the right to vote, which was a defining issue for women's movement in Europe and North America, the Colonialist failed to take proactive measures to address the myriad of sex discrimination and gender inequalities, but rather conceded to the application of customs and practices to the extent that they didn't affect their own agenda to govern with least resistance. The English laws whose application extended to the colonized territories sometime had unintended positive impacts on the status of women in Nigeria. For example, the Married Women's Property Act of 1882 recognized the right of married women to own property as a *femme sole* jettisoning the Common Law position similar to Customary Law that treated women as chattels and objects of ownership. Unfortunately, owing to the complexities of the Nigerian legal systems under colonialism, the enjoyment of such rights was not accorded to all women. Thus, women married under the Act or who contracted a monogamous marriage were better positioned to enjoy such rights unlike their counterparts married either under the Islamic Law or applicable Customary Law. The Colonialists were cautious of upsetting the traditional family system, and ever mindful of the repercussions of taking sweeping steps, if it were to abolish existing systems that subjugated women. Of course, their fear were not unfounded as attempts to abolish female circumcision or female genital mutilation in Kenya amongst the *Kikuyus* became a major political mobilization score point for foremost nationalists like Jomo Kenyetta (1953), as they wrestled power from them. Rhoda Howard captures point underscored thus; "Modernization" and colonialism have altered the status of women in Africa to such an extent that perhaps only "modern" ideologies of women's liberation can provide the intellectual organization necessary in the struggle for equality of women" (1984:47).

Despite suggestions that colonial rule undermined women's status in Nigeria and elsewhere in Africa, I take the view that we cannot blame the Colonialists for all our woes, especially when you consider for example in the case of Nigeria that roughly forty-six (46) years was spent under colonial rule and sixty-four (64) years post-colonial rule and yet there is not much in women's status post-independence that really calls for euphoria. The inescapable question becomes, what have we done to right the wrongs and improve the status of women in the post-colonial and modern Nigeria? This question brings me to the main issue that I want to examine in this stock taking or assessment of one hundred years of women's struggle: the extent of progress made, milestones recorded towards the realization of women's rights and barricades that continue to shift the goal post in women's struggle for recognition and respect for their human rights. To answer the question effectively would require a review of the status of women in contemporary Nigeria, the legal and policy frameworks for women's rights, institutional mechanism for promoting gender equality and women's empowerment and challenges towards realization of women's human rights, one hundred years after.

Undoubtedly, issues bordering on the human rights of women are amongst the most topical and contentious in today's global discourses. The United Nations from inception recognized and promoted the principle of equality and non-discrimination, according same rights and freedoms to women and men. In pursuance of the UN ideals and in response to systemic discrimination that has resulted in denial and abuse of women and children's rights, the World Body working with its members has adopted specific human rights law of universal application to promote and protect their rights. These include: the Convention on Elimination of All Forms of Discrimination against Women (CEDAW: 1979); the Declaration on Elimination of Violence Against Women, 1993; the Convention on the Rights of the Child (CRC). The principles from major UN conferences such as the Beijing Women's Conference, 1995; Cairo Conference on Population and Development as well as the Vienna second World Conference on Human Rights, 1993 re-echoes and reinforces States responsibility towards ending gender based discrimination and recognizing women's rights as human rights. Thus, the Vienna World Conference on Human Rights stated that:

The human rights of women and of the girl-child are an inalienable,

integral, and indivisible part of the universal human rights. The full and equal participation of women in political, civil, economic, social and cultural life, at the national, regional and international levels, and the eradication of all forms of discrimination on grounds of sex are priority objectives of the international community.

3. Historical Context to the Global Women's Struggle

The global Women's struggle dates back to the 17th century, but it was in the 19th century that it gathered momentum and manifested mainly in the *struggle for enfranchisement* - right to vote for women and recognition of women's legal personality as *femme sole* (Ezeilo, 2011). Thus, the English Married Women's Property Act (1881) came about as a result of the women's movement struggles in the time. At the time of colonial rule in most African states, women's struggle had crystallized in the West and in some circumstances resulting in national legislations recognizing legal capacity for women to enter into contract or be treated not as minors (Ezeilo, 2011).

The women's movement is deeply rooted in women's organizations in different parts of the world for gender justice. The role played by women in the history of humanity, especially in the struggle for national liberation, the strengthening of international peace, and the elimination of imperialism, colonialism, neo-colonialism, foreign occupation, Zionism, alien domination, racism and apartheid is formidable but often less documented.

The most chronological account is *English Feminism 1780 to 1980* written by Barbara Caine (1997) which gave a good historical account of feminism and the woman question, early feminist campaigns and strategies. The anthology illustrates that women's movement and feminists struggle existed long before the end of the eighteenth century. Modern feminism is hinged on the demand for women's rights and the recognition of equal worth of women based on their humanity. In the 18th and 19th century feminism was always linked to demands of sexual freedom, for the freedom to negotiate sexual relationships without the bonds of marriage, and to explore new ways of living which did not conform to middle-class norms. Mary Wollstonecraft (1792) symbolized the connection between these personal and sexual demands and those for political and legal rights. This feminist trend is tersed in Catherine Mackinnon (1989) words as, "sexuality is to feminism what work is to Marxism". Furthermore, she wrote that male dominance is sexual. Meaning: men in particular, if not men alone, sexualize hierarchy; gender is one. Recent feminist work, both interpretative and

empirical, on rape, battery, sexual harassment, sexual abuse of children, prostitution and pornography, support Catherine Mackinnon's (1989:127) theory. Undoubtedly, the demand for an end to sexual oppression, recognition of political and legal rights of women in the late eighteenth century became a springboard for modern feminism and ipso facto modern women's movement.

The 20th century moving slightly away from the sexualized discourse of preceding centuries was marked by militant campaigns on the suffrage movement championed by the Women's Liberation Movement. The women's suffrage struggle is seen as the first wave of feminism or women's movement worldwide.

Women were at the forefront of the suffrage campaign establishing Women's Suffrage Journal and Suffrage Campaign Committees across Great Britain and Ireland in the late 1860s and it became an avenue for continuous agitations for property and legal rights of married women, until the Married Women's Property Act of 1882 was enacted. The London National Society for Women's Suffrage, Women's Freedom League and National Union of Societies for Equal Citizenship amongst others continued the struggle until limited suffrage was achieved in 1917 and later in 1928 the Equal Franchise Act gave women the right to vote on the same terms as men. Other legislative developments gradually followed suit to shatter other institutional barriers, for example, the removal of the Sex Discrimination Act in 1929. This resulted in the admission of women to the legal profession and to earn degrees in universities amongst several legislative developments in that era which later women were to enjoy and take for granted in many of the British Colonies of Africa and beyond.

It is over two hundred years since Mary Wollstonecraft (1792) wrote her feminist manifesto, yet the issues she raised are still engaging contemporary debates on women's rights. Miriam Brody (1975) writes thus *about Mary Wollstonecraft*:

A vindication of the Rights of Woman speaks as much to the problems of *women at the turn of the twenty-first* as it did to those of the contemporaries of Mary Wollstonecraft in 1792. She has triumphed finally over her more virulent detractors, who recommended, like one commentator at her death, that her life and works be read 'with disgust by every female who has pretensions to delicacy; with detestation by

everyone attached to the interests of religion and morality, and with indignation by anyone who might feel any regard for the unhappy woman, whose frailties should have been buried in oblivion.

For decades, the United Nations has been dealing with the persistent question of gender equality and the standards it has developed in this area have given added impetus to women's demand nationally, regionally and internationally for gender equality and women's rights. Starting from the UN Charter (1945), where in its preamble, it reaffirmed faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and nations large and small. This feeling of all inclusiveness was perfected and given legal backing in Article 1 of the Charter that sets the function of UN to include "promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion" (Articles 1(3), 13 (b), 55 (c), 56, 62 and 68 of the Charter).

In furtherance of this purpose, the Universal Declaration of Human Rights (UDHR) of 1948, reiterated the fact that "all human beings are born free and equal in dignity and rights and that everyone is entitled to all rights and freedoms set forth in the declaration without distinction of any kind such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status" (Article 2). The two subsequent covenants; the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural rights (ICESCR) did not fail to embody the principle of equality first enunciated in the UN Charter of 1945 which came to force in 1948.

The Convention on Elimination of All Forms of Discrimination Against Women (CEDAW) of 1979 unequivocally prohibits discrimination against women on the basis of their sex and enjoins State Parties to take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women. The United Nations Convention on the Rights of the Child expanded these rights as far as the human rights of the girl-child are concerned. Since, the rights of the girl-child is a pointer to the rights of women, the CRC, has become an important instrument as well in the struggle for the rights of women and girl-children.

4. Historical Perspective to Women's Struggle in Nigeria

Despite the obvious differences in socio-economic and political developments between Western Europe and Nigeria, women in Nigeria have been part and parcel of the women's struggle for gender equality and other women's movement. Of course, they had their issues and recognize the need to agitate for change that would enhance their status *de jure and de facto*. As Rhoda Howard rightly observed:

In indigenous social structures in sub-Saharan Africa, women's rights and duties differed from men's and in many cases rendered women unequal in family, lineage, and the state affairs. Such differences have been elaborated upon in the colonial and post-colonial eras to create substantial legal, social, political, and material inequalities between the two sexes (*op.cit.*,1984:46).

Therefore, prior to the colonization of sub-Saharan Africa, each ethnic community had its own modes of governance that were deeply patriarchal and sexist in ideology and practice. By today's standard, the pre-colonial African states were quite discriminatory on the basis of sex. For example, matters relating to inheritance of land and other property of economic and customary value were almost always devolved to the extended family levels. This meant that women were, to a large extent, denied access to wealth and the means of making the same and for all or most of their lives had to contend with being treated as appendages either of their fathers, husbands or brothers. In extreme situations, they were little more than chattels and merchandise. Osita Eze (1984:12-14) creates the picture in which women found themselves when he opined that, most pre-colonial African states were primitive communalistic farming and subsistent communities. They essentially embodied hierarchical relations on the bases of sex and age, with political organizations playing vital roles in the government systems. Human rights were recognized and protected, but must be looked at in the context of societies that were atomized and hierarchical by the caste system and at the same time unified by mythological beliefs. In this respect, the object of the law was to ensure that the society was maintained in the state in which it was inherited from the past generation. On some positive note, some have also argued that even within the lopsided and discriminatory political arrangement, the women were still left considerable room for organization. In many parts of pre-colonial Nigeria, women through their organization had considerable powers and say in the political organization and administration of the state or nation (*ibid*).

The arrival of the Europeans and the establishment of colonization considerably eroded the traditional political organization of the African States and as has been previously stated brought to the fore anti feminist sentiments already existing in Europe and this constrained women's space for participation in decision making (Obilade Akintunde, 1993). In Nina Mba's (1997) account of the situation at that time, she says the British administrators in Nigeria from 1900 on were the products of the late Victorian, then Edwardian middle-class society wherein the men looked upon "home" as a refuge from the vicissitudes of public life; it was the woman's duty to preserve that home and the man's duty to insulate the woman from the pressures of public life. Women were considered unsuitable for the rigours of public life; hence they were not allowed to vote, to contest elections, to sit in parliament, or to be employed in the civil service. The British administrators worked for a government in which there were no women at any level, and therefore they did not expect or wish to find women involved in government in Southern Nigeria (*ibid*, 39). Not surprisingly, the initial women's mobilization, which was not national in character as such was about fighting colonialism. Felicia Oyekanmi gives reason for those women's mobilizations thus;

...colonial era heralded the disturbance of the functioning of the traditional institutions by suppressing them and imposing alien systems. Women are seen to have suffered more from these changes than men; for having enjoyed their political roles in earlier traditional forms of organizations, they discovered themselves under colonialism systematically excluded from any participation in the new systems which the intruding colonial powers had hastily formulated and which ignored their customary roles (1993:31).

Reinforcing this position, Martin Ijere posited that "In pre-colonial Nigeria not only did women of ability rise, as the occasion demanded and permitted, to provide different kinds of leadership to their communities in peace time and in war, but many communities had entrenched constitutional provisions which assured women a continuing interest and participation...in politics and administration" (1991:27-28).

Women movements in Nigeria in the 20th Century from the 20s up until the 90s have been organized around colonialism, nationalism and pro-democracy struggle to end in particular military rule. Nina Mba speaks of

one that had been going on from the past. She says, "a number of organizations have been formed by women in Nigeria, independently of any men's group or influence, whose membership has been exclusively female and some of which were explicitly political interest and pressure groups" (*op.cit.* 1997:165). However, in our assessment these groups were atomized, not national in character, but rather organized on communal basis among different ethnic groups in Nigeria and their interests never coincided with feminists agenda's elsewhere in the western world. To that extent one may argue that there was no independent, national or Nigerian women's movement or feminists' organization as such until the 80s with the emergence of organizations such as Women in Nigeria (WIN) in 1982, seen as the first feminist organization in Nigeria, although previous attempts had been made in August 1953 which transformed into Nigeria Women's Societies (*Nina Mba, op.cit.*, 173-181).

In fact, the roles of women have remained as some of the high points in the struggle for the emancipation of Nigeria from colonial rule. The activities of women that readily come to mind include the Aba women (anti-tax) riot of 1929 as well as the Egba women rebellion of 1947. In present times, several women activists have started getting their well deserved attention. However, the organization of Nigerian women at the national level is fairly recent with the formation in 1953 of the Federation of Nigerian Women Societies (FNWSA). This was followed in 1959 with the formation of the National Council of Women Societies (NCWS), as an umbrella organization of women.

With the increase in the access to education in the 70s, followed by enhanced local and international mobility and contacts, the growth in women activism has been phenomenal. It has been observed that against the backdrop of the experiences of Nigerian women during the colonial era, steps were taken to restore women's dignity and pride of place in society. Thus, between 1960- 1965, women's wings were established in political parties to mobilize women and promote political education of women. However, women's role continued to be supportive to men rather than seeking elective posts and independent representations (*Nina Mba, op.cit.*, 181-223).

A dramatic change in focus, style and tempo came into the empowerment of women by women with the formation in 1982 of Women in Nigeria (WIN) with focuses on the goals of attaining equality and dignity for women

irrespective of sex, class, religion and culture. Today, thousands of women organizations ranging from local to national and international or multinational, professional and non-professional organizations are jostling for space. Most have a mandate of increasing the awareness of women of their rights, both political and social and seek to increase the participation of the women in wider national politics.

There was also another parallel development, which has been described variedly by some feminists and writers as 'state feminism'. Hussaina J. Abdullah (2002) substantiates when she said; the State interest in women signalled the emergence of 'state feminism' and a process of 'femocracy' linked to the First Lady phenomenon that is rapidly gaining grounds in Africa. While State uses its apparatus to repress other women groups, the state founded or funded women's groups flourished, examples include Better Life, FEAP/FSP, and other state based First Lady programmes for women, such as NCWS. However, they sometimes may not be reckoned with in the struggle for women's rights or in the women's movement because most times their interests and political agenda run counter to the critical concerns for women affected by social patriarchy, living under religious and customary laws and bearing the brunt of social, economic, political and legal powerlessness (pages 151-201). Although, organizations like NCWS as the name suggests is an umbrella women's organization but groups like WIN and other feminist organizations refused to register or participate in their events, which was considered nothing more than a 'Jamboree' that endorses the ruling military class repression and corruption as it were. Against Hussaina J. Abdullah corroborates with;

although the NCWS sees itself as an advocate for women's rights in Nigeria the organization's gender ideology, rather than liberate women, reinforces patriarchy. In demanding the recognition of women's rights, the NCWS has always been quick to point out that it is seeking only 'complementary roles for women rather than competitive roles such that when demands are made by women, they are punctuated by assurances that they do not constitute a confrontation with the male establishment or challenge to traditional family patterns (*op. cit.*, pp. 163-164).

Abdullah (2002) stresses further that the organization stresses this point because it does not want to lose the privileges it enjoys from the patriarchal state and its allies. In contrast to the NCWS she noted, Women in Nigeria

(WIN), Nigeria's first feminist organization, takes a radical and critical stance on the issue of gender equalities in society. On the issue of gender subordination in Nigeria, WIN states: "That the majority of women, like the majority of men, suffer from the exploitative and oppressive character of the Nigerian society. That, however, women suffer additional forms of oppression and exploitation. Women therefore, suffer double oppression and exploitation as members of subordinate classes and as women".

As a then active member of WIN and having served in its Executive at State and National Levels, she has a better insight without bias that WIN was truly the first feminist focused organization. It challenged the dominant patriarchy and state repression as well as transforming the discourse on gender equality and putting it in the front burner of National and State discourses within the federation of Nigeria. With effective alliances built with pro-democracy groups and so called male-streamed organizations, and with structures that paralleled NCWS, it became such a threat to the State that it worked tenaciously to dislodge it.

5. Milestones in the Women's Struggles in Nigeria

One of the notable milestones in the women's struggle was the establishment of the National Commission for Women (1989) by late Maryam Babangida. It was later transformed into a full-fledged Ministry by the wife of the late Military Dictator Maryam Abacha in 1994, in response to the call for the creation of the women's ministry at the Beijing Conference regional preparatory meeting held in Dakar in 1994. Thus, the creation of the Ministry for Women Affairs and Social Development and also the National Center for Women Development are landmark institutional mechanisms that continue to bring visibility to women's issues, attracting government budget at both national and states levels for gender mainstreaming and women's empowerment.

Other legislative and policy impacting developments include the constitutional prohibition of discrimination as contained in section 42 of the 1999 Constitution of Nigeria, as amended; adoption of National Women Policy in 2000 and its replacement with the National Gender Policy, 2007 both attributable to President Obasanjo's regime. Since, the transition from military to civilian rule in 1999 there has been some positive legislative development at Federal and States levels that could be recorded as milestones in the women's struggle and Nigeria's one hundred years journey.

Some aspects of violence against women and girls have been prohibited by legislation. A good example is the "Trafficking in Persons (Prohibition) Law Enforcement and Administration Act 2003 as amended in 2005 and establishment of National Agency for Prohibition of Traffic in Persons (NAPTIP). This Act protects persons, especially women and girls against all forms of exploitation (labour and sexual exploitation), including seduction, prostitution, pornography, defilement, rape, kidnapping, abduction, slavery and trafficking for the purpose of prostitution or slavery are prohibited under the Act. Implementation of the Act is vested in the National Agency for the Protection of Traffic in Persons and Related Matter (NAPTIP). Also, the Federal Ministry of Women Affairs and Social Development, including gender focused organizations are at the forefront of advocacy for domestication of CEDAW by the National Assembly. Some states of the Federation of Nigeria from 1999 have made laws specifically to protect women and eliminate violence perpetrated against them by society and the family. Edo, Cross River, Rivers, and Delta States have passed laws on female genital mutilation/female circumcision, trafficking on women and girls. Imo State recently adopted the Violence against Women Prohibition Act. In Enugu State, a law has been enacted for the prohibition of infringement of a widow and widower's fundamental rights. The Child Rights Act 2003 is also a major achievement in terms of promotion, protection, survival and development of children in Nigeria. It guarantees girl-children's rights and upholds the principle of non-discrimination on the grounds of sex and gender. What we need to do is to strengthen implementation mechanism in order to bridge the gap between these laws that have been promulgated and the actual practice that deny women and girl-children effective enjoyment of recognized rights.

6. Judicial Milestones in Recognizing Women's Human Rights

The judiciary has contributed in the landmarks recorded in women's struggle in Nigeria. Of course, that doesn't mean that some judicial responses have not also undermined women's rights to equality and access to justice. It has been mixed- grill but I would like to highlight here some major judicial decisions relating to women's human rights using specific cases as examples. In Nigeria, widowhood is greatly dreaded as a result of the violence inflicted on the widows. Thus, violence against widows occurs in three forms: Mourning practices detrimental to a woman's health; Denial of inheritance rights and general degradation as a result of her status without her husband. The widow is deprived of the economic foundation

which she helped to build, and is left destitute to support herself and her children in extreme poverty (WACOL 2003). The case of *Augustine Nwofor Mojekwu vs Caroline Mgbafor Okechukwu Mojekwu* decided by the Court of Appeal Enugu on 10th April 1997 may have changed the tide ([1997]7 NWLR pt. 512 P. 283) when the court decided the Oli-ekpe custom of Nnewi in Anambra State under which males and not females inherit the father's property is unconstitutional.

Niki Tobi J.C.A. (1997) delivering the lead judgment on 10th April 1997 asked the following questions:

Is such a custom consistent with equity and fair play in an egalitarian society such as ours where the civilized sociology does not discriminate male against women? Day after day, month after month and year after year, we hear of and read about customs, which discriminate against womenfolk in this country. They are regarded as inferior to the men folk. Why should it be so? ([1997]7 NWLR pt. 512 P. 283)

According to the learned Justice (Niki Tobi J.C.A.) of the Court of Appeal:

“All human beings – male and female – are born into a free world, and are expected to participate freely, without any inhibition on grounds of sex; and that is constitutional. Any form of societal discrimination on grounds of sex, apart from being unconstitutional, is antithesis to a society built on the tenets of democracy, which we have freely chosen as a people. We need not travel all the way to Beijing to know that some of our customs, including the Nnewi *Oli-ekpe* custom relied upon by the appellant, are not consistent with our civilized world in which we all live today, including the appellant. In my humble view, it is the monopoly of God to determine the sex of a baby and not the parents. Although the scientific world disagrees with the divine truth, believe that – God, the creator of human being, is also the final authority of who should be male or female. Accordingly, for a custom or customary law to discriminate against a particular sex is to say the least an affront on the Almighty God Himself. Let nobody do such a thing. On my part, I have no difficulty in holding that the *Oli-ekpe* custom of Nnewi, is repugnant to natural justice equity and good conscience” (Niki Tobi J.C.A (1997)).

This case is a landmark decision in advancement of women's right in Nigeria. Again, the case of *Muojekwu v. Ejikeme* affirms the decision of the

Court of Appeal that a female child can inherit from the deceased father's estate in Igboland without the performance of the Nrachi ceremony ([2000] 5 NWLR Pt. 657 P.402.).

In yet, another recent case, of *Priyelyalla – Amadi v. The Comptroller-General, Nigeria Immigration Services and Nigeria Immigration Services* bothering on sex discrimination against women, Honourable Justice G.K. Olotu of the Federal High Court, Port Harcourt, Nigeria, held that the immigration policy of asking for a letter of consent before a married woman is issued with an international passport is “discriminatory, obnoxious, repugnant and unconstitutional...surreptitious and a high powered calculated attempt to subjugate women as if they were still in the medieval times. This kind of policy has no place in the 21st century Nigeria.”

These recent judicial and legislative developments targeted at harmful traditional practices affecting women and children are laudable initiatives and a clear indication that women groups and civil societies in general are maximizing the opportunities afforded by the democratic space to engage in legislative advocacy for women.

7. The Barricades to Gender Equality and Women's Empowerment

In terms of legal and policy environment, Nigerian women lack adequate protection under the law, including the right to be free from all forms of discrimination, *de jure and de facto*. Although the 1999 Constitution of Nigeria, in section 42 prohibits discrimination on grounds of sex, unfortunately, there is no substantive equality in practice. For example, section 55 of the Penal Code permits wife chastisement that is spousal beating, which is an instance of the institutionalization of violence; while section 26 of the 1999 Constitution fails to recognize the right of Nigerian women to pass on their citizenship to their foreign spouses. Also, another provision of the Constitution - section 29 (4) (b) presumes minors who are married women to be of full age thereby encouraging child marriage, which is already prevalent with its attendant consequences on the health and rights of women (Joy Ezeilo, 2000/2001:161-177). Whereas sections 218-367 of the Criminal Code operate to protect females under 13 years from sexual intercourse whether there is consent or not, section 6 of the same Code automatically excludes wife of the same age from this protection. And as has been rightly observed, “...since a man cannot rape his wife under Nigeria law, the age of the girl-child becomes immaterial” (Joy Ezeilo, *op.cit.*, 35).

There is increase in violations of human rights of women, especially under the pretext of customary and religious laws applicable in Nigeria, which is heavily weighted against women. Women's rights are not respected in law and in practice and harmful traditional practices that constitutes gender based violence such as female genital mutilation, early and forced marriage, widowhood practices, denial of inheritance and property rights to women and girls, is highly prevalent. For many years, women in Nigeria have voiced their concerns about the laws and the legal system. NGOs providing services to women have identified problems with the laws on domestic violence, rape, maintenance, inheritance, and the sexual reproductive health and rights of women. The reality is that women have been largely rendered invisible in the legal system and the laws upon which they must rely on have historically been formulated and applied by men and are not informed by the genuine needs of women.

Chapter II of the 1999 Constitution on Fundamental Objectives and Directive Principles of State Policy protecting socio-economic and cultural rights are deemed non justiciable, notwithstanding that the provisions contained therein are amongst the most important rights to women's survival and empowerment. Economic and social rights including the right to work, free choice of employment, just and favourable remuneration as well as trade union rights the rights to rest and leisure, the right to a standard of living adequate for health and well-being, including the right to food and shelter, should be part of enforceable fundamental rights and freedoms of citizens.

Under the Labour Act enacted over half a century ago, women are prevented from working underground and engaging in night duties. Whilst it may be necessary to protect women of reproductive age from certain types of work that may affect their reproductive role, there is no justification for preventing women exercising their choice to engage in productive and lucrative jobs that may involve their working underground or doing night shifts. Again, the Labour Act is neither respected nor enforced in privately owned enterprises, and in many instances, pregnant women may be compelled to resign or forfeit their wages. Employees may formulate their own policies which may deny women maternity benefits. Unmarried mothers in some cases are not entitled to maternity leave with pay. In many private companies, there are unwritten policies which mean that women lose their jobs when they get pregnant. There are instances where men are

REFERENCES

- Joy Ngozi Ezeilo, OON is a Professor in the Department of Public and Private Law, Faculty of Law, University of Nigeria, Enugu Campus, a United Nations Special Rapporteur on Trafficking in Persons, especially women and children, and a Founding Director, Women Aid Collective (WACOL).
- Caine Barbara, *English Feminism 1780 - 1980*(Oxford/New York: Oxford University Press, 1997).
- Ezeilo Joy, *Women, Law & Human Rights, Global and National Perspectives* (ACENA Publishers, 2011)
- Ezeilo Joy, "The 1999 Constitution of the Federal Republic of Nigeria and the Woman Question" NJR Vol. 8 2000/2001
- EzeOsita, *Human Rights in Africa: Some Selected Problems*, (Lagos: Nigeria Institute of International Affairs and Macmillan Publisher 1984)
- Howard Rhoda, "Women's Rights in English -Speaking sub-Saharan Africa" in Claude E. Welch, JR. Welch and Meltzer (Eds) *Human Rights and Development in Africa* (Albany: State University of New York Press, 1984).
- Ijere Martin, *Women in Nigerian Economy* (: Enugu/Lagos/Los Angeles:Acena Publishers, 1991)
- Mama Amina "Sheroes and Villians: Conceptualizing Colonial and Contemporary Violence Against Women in Africa" in M.J. Alexander and Chandra T. Mohanty (ed) *Feminist Genealogies, Colonial Legacies, Demo Critic Future* (New York/London: Routledge, 1997)
- MacKinnon Catharine, *Toward a feminist Theory of the State*, (Cambridge: Harvard University Press, 1989)
- Mba Nina, *Nigerian Women Mobilized* Research series No.48, Published by the International and Area Studies University of California, Berkeley 1982
- Oyekanmi Felicia on "Women and the Law: Historical and Contemporary Perspectives in Nigeria" in Obilade Akintunde, (ed.) *Women in Law* (Lagos: Southern University Law Centre and Faculty of Law, University of Lagos, 1993).
- Tomaselli Sylvania (ed.) *A Vindication of the Rights of Men and A Vindication of the Rights of Woman* (Cambridge: University Press, 1995)
- Wollstonecraft Mary, *A Vindication of the Rights of Woman*, with an Introduction by Miriam Brody Penguin Classics (Pelican Books, 1975)
- The Convention on Elimination of All Forms of Discrimination Against Women (CEDAW) Adopted by UN GA Res. 34/180 of 18 December, 1979 and entered into force on 3 September 1981.
- The United Nations Convention on the Rights of the Child Adopted by the UN General Assembly in 1989-Resolution 44/25 and it came into force on 2 September 1990.
- Women in Nigeria (WIN) was established in 1982 following the first ever national conference on women at Ahmadu Bello University, Zaria 27- 28 May, 1982. The

Federation of Muslim Women's Association in Nigeria (FOMWAN) was formed in 1985.

Hussaina J. Abdullah in Abdullahi A. An-Na'im, *Cultural Transformation and Human Rights in Africa* (London/New York: Zed Books Ltd, 2002),

Images of Nigerian Women, A Special Edition to Commemorate Commonwealth Heads of Government Meeting (CHOGM) Vol. 4 No.1 December, 2003

Better Life Programme for Rural Women (BLP) was an initiative of the then Military First Lady Maryam Babaginda during the tenure of her husband - 1984 to 1993.

FEAP Is known as the Family Economic Advancement Programme and Family Support Programme (FSP) also initiated by the wife of then Military despot (Sani Abacha), Mrs Maryam Abacha to replace the BLP, at the demise of the regime of Military Dictator, Badamosi Babaginda.

The Rights of Widow an the Wrongs of Widowhood Legal Literacy Series no. 11 published by Women's Aid Collective (WACOL), 2003.

Sections 55 and 56, the Labour Act CAP 198, LFN, 1990. These two provisions prohibit women from night work, or any agricultural undertaking - s. 55; and from employment underground - s. 56.

Women's Aid Collective (WACOL), *Status of CEDAW Implementation in Nigeria, 2003*

WACOL, *CEDAW and Accountability to Gender Equality in Nigeria, A Shadow Report to CEDAW Committee, 2008*

Memo submitted to the Senate ADHOC Committee on the 1999 Constitution Review by WomenAid Collective (WACOL) on behalf of the South East Women's Network (SEWNET).