

Discriminatory Cultural Practices and Women's Rights among the Igbos of South-East Nigeria: A Critique

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Abstract

The paper identifies and examines the legion of institutionalized discriminatory cultural practices that are often meted out on Igbo female genders in Nigeria. It further reviews the existing legal framework on women's rights at the national, regional and international levels. The paper further highlights and discusses factors that have impeded the elimination of these obnoxious cultural practices amongst the Igbos of South East Nigeria. It inter-alia calls for an urgent legislative intervention; more involvement of traditional rulers, lawyers and Judges to combat these practices; more intensified re-orientation of the Nigerian police; overhauling of the social institution, and more educational opportunities and political appointments for women. Recommendations are proffered on the best way forward in order to eliminate these harmful cultural practices or at least minimize their occurrences.

Keywords: Cultural practices, Female gender, Discrimination, Women's rights, Igbos, Nigeria

1. Introduction

This paper examines a myriad of discriminatory cultural practices often meted out on Igbo female genders, (women and girl-child) particularly in the home front. For decades¹, wives of Igbo customary law marriages and daughters of such union have contended with numerous oppressive, degrading and discriminatory cultural practices which grossly impede their constitutionally guaranteed rights². Such discrimination under discourse are legion, they include inter-alia; legalized wife battery; or chastisement; wife inheritance; harmful widowhood practices; payment and refund of bride-price; marginalization of women's right in the event of dissolution of customary law marriages; Female disinheritance; Female gender mutilation; Female trafficking; and Son-preference syndrome and Polygamous nature of customary law marriages, etc.

The worrisome aspect of this problem is that, these discriminations appear to be so deeply rooted in our Igbo cultural system, that uprooting same have for decades proved an uphill task;³ these discriminations regrettably persist despite the global upsurge in feminist jurisprudence, which has culminated in the enactment of international and national treaties and instruments on women emancipation and empowerment⁴. The paper reviews the legal frameworks both at the national, regional and international level which aim at promoting women's right and empowerment. The paper, also attempts a critique of some discriminatory cultural practices that are prevalent mostly in the home front, it also identifies the factors that have impeded the eradication of these practices, and finally, it also proffers the strategies that need to be adopted in order to eliminate these oppressive discriminatory practices.

1.1. Review of Existing Legal Frame Work on Women's Rights.

Many global strategies have been adopted in recent times for women empowerment. Such strategies include United Decade for Women; the Nairobi Strategies for the Advancement for Women, the Vienna Declaration and Programme of Action; the ICPD Programme of Action; the Beijing Conference. These global resurgent interests in feminist jurisprudence, as observed earlier has culminated in the enactment of laws both at national, regional and international levels on women's rights. The paper shall presently examine the salient legal framework.

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a. National Legal Framework on Women's Rights.

Section 34 of the Nigerian 1999 Constitution, provides for right to dignity of human persons. It is clear that these harmful cultural practices infringe the express provisions of this constitutionally guaranteed right. Section 34 provides:

- (1) Every individual is entitled to respect for the dignity of his person, and accordingly-
 - a. no person shall be subjected to torture or to inhuman or degrading treatment;
 - b. no person shall be held in slavery or servitude; and

Also, section 35, guarantees the right to personal liberty. It follows therefore that any law restricting the movement of a widow during mourning period, is an infraction of this right. Section 35, provides:

- (1) Every person shall be entitled to his personal liberty and no person shall be deprived of such liberty save in the following cases and in accordance with a procedure permitted by law

Finally, section 42, also proscribes any form of discrimination against any citizen of Nigeria, Section 42(1) provides:

- (1) 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 citizen of Nigeria of other communities, ethnic groups places of origin, sex, religions or political opinions are not made subject; or
 - b. be accorded either expressly by, or in the practical application of, any law in force in Nigeria or any such executive or administrative action, any privilege or advantage that is not accorded to citizen of Nigeria of other communities, ethnic groups, places of origin, sex, religions or political opinions.

b. Regional Legal Framework on Women's Rights.

African Charter on Human and Peoples Rights, 2004 (ACHPR) (which has been domesticated in Nigeria) contains diverse provisions protecting women against discrimination. For instance, the general non-discrimination clause states that: "Every individual shall be entitled to the enjoyment of his rights and freedom, recognized and guaranteed in the Charter without distinctions of any kind such as... Sex". Article 3, further concretized women's rights in Africa, by stating that: (1) "Every individual shall be equal before the law (2) Every individual shall be entitled to equal protection of the law". The rights of women in Africa were further firmly entrenched by the provisions of Section 18 (3) of the African Charter, which stated, in very explicit terms, that: "the state, shall ensure the elimination of every discrimination against women and also ensure the protection of the rights of the women ... as stipulated in international Declarations and Conventions".

c. International Legal Framework on Women's Rights.

Article 2 of the CEDAW, also enjoins state parties to condemn discrimination against women in all its forms, agree to pursue all appropriate means and without delay formulate a policy eliminating discrimination against women and to this end undertake:

- (f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women.

Furthermore, Article 1 of the Universal Declaration of Human Rights of 1948 has declared that all human beings are born free and equal in dignity and rights. While Article 5, of the Declaration provides that no one shall be subjected to torture or cruel, inhuman or degrading treatment or punishment.

2.. Critique of Igbo Harmful Cultural Practices that Impede Women's Rights i Legalized Domestic Violence

Women in Igbo land, in consequence of our sociological background have been victims of all manner of domestic violence According to Egbue N.G⁵:

Violence against women constitutes a highly damaging dimension of the dehumanization of women on basis of culture. This still remains common practice in the localities studied, either as means of maintaining masculinity and male superiority, or of keeping female spouse in check.

This violence according to Egbue, has been linked with the payment of bride-price by the male spouses, it is believed that this gives most men the false impression of powers of ownership over their wives. Consequently, most women are often regarded and treated as property of their husbands and can be physically beaten up by them as a form of correction. It is also quite alarming to observe that this cultural approval of wife battery has also been legalized in Nigerian statute books. Section 55 (1) (b) of the Nigerian Penal Code⁶, for instance, permits wife chastisement as long as it does not cause grievous bodily harm. Furthermore, our Nigerian Court of Appeal in the retrogressive judgment of *Akinbuwa v Akinbuwa*⁷, gave judicial approval to wife chastisement by affirming the provisions of 55 of the Penal Code. This traumatic domestic violence, regrettably have persisted over the years unabated and underreported by women for of fear of repercussion,⁸ shame, and fear of ejection from the home. Some of these women have grown up with this violence and therefore they perceive it as normal and cultural.

ii Harmful widowhood Practices.

Under the Igbo culture, widows are subjected to all manner of degrading treatment. They are often the chief suspects on the death of their husbands and therefore are expected to go through fetish rituals in order to absolve themselves from complicity in their husband's death. For instance, some Igbo customs demand widows to drink the water that was used to bathe the corpse of their deceased husbands. This needless to say, compounds the psychological trauma widows are already passing through in consequence of their husbands' death. Other dehumanizing widowhood practices often meted out against widows include; compulsory shaving of hair, sitting and sleeping on the bare floor throughout the mourning period; crying out at regular intervals and finally, false improvement, (the widow's movement is usually restricted within the house, she is banned from trading within this lengthy mourning period, as a mark of respect for her deceased partner). This compulsory restrictive movement needless to say, is highly discriminatory, because men are not subjected to this type of restriction by our culture on the death of their wives. The practice also renders the widows economically incapacitated to fend for her children, whom the deceased husband has left behind. Legally therefore, this harmful widowhood practice is an infraction of the widow's right to dignity of human person;⁹ furthermore, the restriction of the widow's right to movement is a breach of her right to movement and amounts to false imprisonment¹⁰. Finally, it is equally a serious infraction of the widow's right to freedom from discrimination, in the sense that these obnoxious traditional mourning rites target only women. Men under our custom are not subjected to any of these degrading treatments.

iii Wife Inheritance

Under Igbo Customary law, a wife could be inherited by the brother of her deceased husband; this of course gives credence to the unpalatable impression or signal that women are chattels that could be inherited. It also means that the death of a customary law husband does not terminate the original marriage under our customary law, whereas the death of a customary law wife terminates a customary law marriage. This is definitely discriminatory, it is submitted that every woman in the event of the death of her husband should not be compelled or forced against her will to marry within the late husband's family. She reserves every right to get remarried to a man of her choice.

iv. Payment and Refund of Bride Price

From all indications, it would appear that this aspect of Igbo customary law has attracted much criticism from women's rights activists. For instance, Enemuo I.P¹¹ has condemned both the acts of payment and refund of bride price in the following terms:

....One would observe that the picture painted by the refund of bride price is exactly the same painted by its payment. That is for example portraying a woman as a piece of chattel being bought or rejected by its owners.

She opined that there should be neither payment nor refund of bride price. Aduba J.N, ¹² also argued that the payment and refund of bride price paints a portrait of commercialization of dissolution process of customary law marriage. It is quite glaring that the issue under discourse reduces women's dignity and pride and therefore offends the express provision of section 42 and 34 of Nigerian 1999 Constitution. (Freedom from discrimination and right to dignity of the human person).The writer is of the view that it is highly oppressive to expect women to refund the bride price paid in a defunct marriage, especially where the marriage crumbles after a lengthy duration. In fact, this aspect of our custom could be contrasted with what obtains under statutory marriages, where in the event of divorce; women are generally compensated by their husbands.

v Marginalization of Women's Rights in Dissolution of Customary Law Marriage.

In the event of the dissolution of Igbo customary law marriage, women are often marginalized. This position is further heightened by the fact that the word "maintenance" regrettable is unknown to our Igbo customary law, therefore women who are customarily married are not given any financial compensation in the event of divorce. Furthermore, they are also denied the right to custody of the children of the defunct marriage on the ground that under Igbo custom, children belong exclusively to men. It therefore automatically implies that a woman on dissolution of Igbo customary law marriage goes away empty handed, (no financial compensation and no children). This position could be contrasted with what obtains in Nigerian statutory marriages. The Nigerian Matrimonial Causes Act, under section 70, ¹³ made very elaborate provisions for the maintenance of a spouse on divorce. While section 71 of the Act, recognizes the equal right of husband and wife to award of custody of their children, and section 72, makes provision for an equitable sharing of marital property on divorce. This aspect of our customary law is definitely unjust, obsolete and calls for an urgent reform.

vi. Female Disinheritance

The Igbo customary law is basically patrilineal in nature; and therefore the cardinal principle of customary inheritance is by primogeniture. Land and landed property, devolve under this system on the males, to the exclusion of daughters and wives. Igbo customary law by implication denies the female genders the right to inherit their deceased husbands' or fathers' landed property, thus their inheritance rights are grossly marginalized and jeopardized. In fact, this custom has surprisingly, received judicial approval by our superior courts of record. For instance, in *Ejiamike v. Ejiamike*¹⁴, the court held that a widow had no right to the late husband's estate. Similarly, in *Nezianya v. Okagbue*¹⁵, the parties hailed from Onitsha, and the land (the subject matter of the dispute), was situate at Onitsha. The fact of the case is as follows: on the death of the husband, his widow began letting his house to tenants. She later sold a portion of the land and with the proceeds, she built a mud hut on another portion of the land. When she wanted to sell more lands, the late husband's family objected. The widow later devised the property to her late daughter's child (girl) who now sued the husband's family claiming right to exclusive possession on the ground that the widow, (her grand mother,) had long possession of the land. In the trial court, it was held, that the possession by a widow of her husband's land cannot be adverse to the right of her husband's family to enable her acquire an absolute right to possession. The matter went on appeal to the Supreme Court, and the court observed:

It will appear that the essence of possession of the wife in such a case is that she occupies the property or deals with it as a recognized member of her husband's family, and not as a stranger, nor does she need the express consent or permission of the family to occupy the property, so long as the family makes no objection to her occupation. From the evidence, it is abundantly clear that a married woman, after the death of her husband can never, under native law and custom be a stranger to her deceased husband's property; she would not at anytime acquire a distinct possession of her own to oust the family's right of ownership over the property. The Onitsha native law and custom postulate that a married woman on the death of her husband without a male issue, without the concurrence of her husband's family, may deal with his (deceased) property. Her dealings, of course must receive the consent of the family. The consent, it would appear, may be actual or implied from the circumstances of the case, but she cannot assume ownership of the property as her own. If the family does not give their consent she cannot, it would appear, deal with the property. She has, however, a right to occupy the building or part of it, but this is subject to good behavior.

These legal pronouncements have attracted criticisms from prominent jurists, like Karibi-Whyte J.S.C, who observed that "Igbo customary laws are gender discriminatory, and very illiberal towards women's rights"¹⁶. Similarly, unmarried daughters have been also disinherited, under Igbo customary law, as they enjoy limited inheritance rights. According to Anyogu F.C, a single girl, "upon her father's death is entitled on an equal basis as her brothers to share in her father's estates, which are not subject to customary law"¹⁷. The legal implication of this is that they are disinherited from inheriting their father's property which devolves under customary law. This was the inevitable position Igbo daughters found themselves before the historic and pivotal case of *Mojekwu v. Mojekwu*¹⁸, came up for determination by Nigerian Court of Appeal. Niki Tobi JCA, (as he then was) in this case invalidated an Nnewi "*Oli- Ekpe*" customary law ,which disinherited a deceased man's biological daughter from inheriting her father's land in preference of her uncle as repugnant to natural justice equity and good conscience. He equally relied heavily on CEDAW (Convention on the Elimination of all Discrimination against Women) despite Nigeria's non domestication of same. The judge, in his leading illuminating judgment, observed thus:

We need not travel all the way to Beijing to know that some of our customs, including Nnewi '*Oli - Ekpe*' custom.... 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 this divine truth, I believe that God, creator of human beings 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.

This no doubt is a welcome judgment; more of these radical judgments are solicited. In fact, *Ikpeze V.C*¹⁹, has called for "radical changes of all customary practices relating to inheritance in Nigeria to ensure equality of all persons", This gender discriminating position under our customary law could be juxtaposed with what obtains in Nigerian statutory marriages, where on the death of a spouse without devising a will, the wife has the right to inherit the deceased husband landed property. Section 36 of the Marriage Act, has laid down the rules that would govern the inheritance and succession of the deceased husband's estate.²⁰

vii. Male Preference Syndrome

Male sons are preferred under Igbo culture. The birth of a son into any Igbo family calls for a big celebration and jubilation, the great premium placed on the birth of a son is often reflected in the names often given to male sons at birth, such as “Amaechina”, “Ogbonna”, “Nwokeabia”, “Nwokedi, Nwokediuko etc. Literally interpreted, these names connote and extol the importance of male children in the family. Even in the home, the girl-child is practically forced to perform all the chores, for the simple reason that she is a girl and the place of a girl is in the kitchen. This stereotype role is of course traceable to our culture. In fact, in the not too distant past, when there was no free education at primary and post primary levels, the girl-child was denied the right to formal education for the simple reason that she was a girl and would be eventually married off. Even up till now, the female children are trafficked by her parents for economic gains, while the sons stayed back to attend school or learn any form of trade.

viii . Female Genital Mutilation (FGM)

Female Genital Mutilation,(FGM) according to Garner, is “a violent damage caused to the outer sex organ of the female gender by excising parts of the organ’s or causing substantial damage”²¹. It is a traditional practice which is wide spread in Nigeria. FGM is an archaic practice which is not limited to Igbo culture. It is practiced in virtually every state in Nigeria. A recent survey, by UNICEF²² (United Nations Children Education Fund) reveals that in Nigeria, the practice varies widely from the lowest rate of 0.6 percent to the highest at 98.7 percent. It cuts across religious and cultural boundaries. The victims are often infant girls and pregnant women (who failed to be circumcised when they were young). Many flippant and frivolous reasons have been advanced by traditionalist in defence of this harmful practice. They claim it curbs female promiscuity; prevents still birth in pregnant women; enhance male sexual performance, preserves female virginity (the operation they claim destroys female sexual appetite).²³ The practice still prevails in Igbo land, despite the fact that the above claims have not been medically substantiated, it is estimated that 33 percent of Nigerian household still practice this procedure²⁴. It is quite alarming that the practice persist, despite overwhelming evidence that it is crude, degrading, deadly and discriminatory. The rationale for this compulsory violence has been hinged on the fact that it curbs promiscuous tendencies in women, Arinze Umobi, C, has however, argued that medical evidence has debunked this popular view that circumcised females are less promiscuous than uncircumcised females.²⁵ This practice should be stopped immediately, in view of the associated damages such as; hemorrhage; shock; transmission of sexually transmitted infections; and sexual – dysfunction (frigidity and infertility).

Legally, FGM is a violation of section 34 of the Nigerian 1999 Constitution, which prohibits torture or inhuman and degrading treatment, besides the practice is highly discriminatory as it purports to protect men’s selfish interest to curb women’s sexual appetite while the men are at liberty to marry as many wives as they desire.

ix. Polygamous Nature of Customary Law Marriage.

Igbo customary law marriages are potentially polygamous in nature, consequently, Igbo men who are married under Igbo native law and customs reserve the right to marry as many wives as they desire, whether they are economically buoyant or not. Whereas their wives do not enjoy such corresponding rights, rather they are expected by Igbo culture to compete for their husband’s love. The husband in most cases shower much love on the most favoured wife, while the others and their children often suffer all manner of economic deprivation, while promiscuity is not advocated herein, yet it could be argued that if our culture could embrace polygamy, then polyandry which permits a woman marrying several husbands at the same time, should also be permitted. Besides, if monogamy is the rule in statutory marriages, then there is no reason why our culture should continue to encourage polygamy to persist even in this era of HIV/AIDS epidemic. It is obvious that in such union, multiple sexual partners are involved and where one sexual partner contracts HIV/AIDS epidemic, it would quickly spread like wild fire to others²⁶.

4. Factors, which Impede the Elimination of these Harmful Cultural Practices.

The factors that have hindered the elimination of these harmful cultural practices are legion. They include, firstly, cultural factors e.g., male superiority syndrome which is deeply embedded or entrenched in Igbo culture .Also Igbo culture appears to be too rigid and very resistant to change; Secondly, educational factors ,(denial of girl-child education) ,has slowed down the eradication of these practices. Knowledge as we all know is power . Thirdly, legal factors, have also acted as impediment, this includes non-domestication of CEDAW and

other important legislations on gender rights. Besides, a lot of lapses and gaps have been observed even in the enforcement of existing national laws on gender rights; fourthly, political factors have also been an obstacle; women vying for strategic elective posts are often grossly marginalized and frustrated out.

It is submitted that women active participation in politics is imperative; this will definitely afford them the opportunity of influencing the urgent reformation of these obnoxious cultural practices. Finally, attitudinal factor, has also been a serious restraint to this problem under discourse, most women especially in the rural areas in Igbo land, are very complacent on this issue, worst still they appear to have accepted their subjugated position as normal, since Igbo culture itself approves it. Consequently, they often shy away from seeking recourse to our courts of law, even where their rights are flagrantly violated in the name of culture.

5. Way Forward

From the foregoing discourse, it is quite clear that reformation of these obnoxious discriminatory culturally practices is imminent. Our culture needs to be urgently fine-tuned to conform to the 21st century global trend towards gender equality. Nigeria is a signatory to virtually all international instruments and treaties on women emancipation and empowerment, yet these harmful cultural practices still persist especially at the rural level. The paper therefore proposes the following strategies as the way forward, to facilitate the elimination of these discriminatory practices or at least reduce them to a minimal level.

6 Recommendations

(a) Legislative Intervention

Law as an instrument of social change is definitely an indispensable weapon in the hands of our legislators and policy makers to effect this much desired changes in Igbo customary laws. It is clear that an inter-play of many legal factors have militated against the elimination of these harmful cultural practices. The factors include, non-domestication of most international instruments on women's rights, Nigeria has ratified, this has denied Nigerian women rights activists a stronger and wider platform to agitate for the enforcement of women's right.

Nigeria ratified CEDAW (Convention on the Elimination of all forms of Discrimination Against Women) over twenty five years ago, yet she has failed to domesticate the treaty as part of it's municipal law and the legal implication is that CEDAW, by virtue of section 12 of the Nigerian 1999 Constitution, has no force of law in Nigeria. Section 12 provides: "No treaty between the Federation and any other country shall have the force of law except to the extent to which only such treaty has been enacted into law by the National Assembly". It is quite evident from the foregoing that so long as the Nigerian government fails to domesticate this all important international Convention as CEDAW, she is merely paying a lip-service attention to the issue of elimination of gender inequality. While awaiting the domestication of CEDAW, the Nigerian government should endeavour to come up with more reformative indigenous legislations aimed at alleviating the plight of Nigerian women. Furthermore, inadequate laws at the Federal level, regulating administration of deceased's estate, has been identified as a major obstacle to women inheritance rights.²⁷ Also our complex judicial system which has failed to harmonize few existing laws on customary inheritance rights of women has further heightened the marginalization of women. Lastly, Nigeria should as a matter of urgency put in place gender based specific laws to deal with gender based violence which is on the increase. Our law ought to be an instrument of social change, and not an instrument for perpetration of injustice.

(b) The Role of Traditional Rulers in Uprooting these Cultural Practices:

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

(c) The Role of Lawyers and Judges

Men of the legal profession are looked upon in every society as the last hope of the common man, therefore the bar and bench have a multi-dimensional role to play in this crusade, if a meaningful change is to be achieved. The judges should not hesitate to strike-down obnoxious discriminatory cultural practices which come before them for adjudication. Justice Niki Tobi, has been commended by Nweze C. C.²⁸ for his historic decision in *Muojekwu v. Muojekwu*²⁹, Justice Nweze, rightly observed, "... the decision has been greeted with so much euphoria by women activist and other well meaning commentators". It would be recalled, that the judge relied

heavily on CEDAW and rules of natural justice in invalidating the offensive Nnewi custom in question, despite the fact that CEDAW is yet to be domesticated by Nigerian legislators. More of such judicial radicalism is solicited.

(d) The Role of Education/ Sensitization of the Female Genders on their Rights.

Lack of education, especially at the grass root level has been a factor that has created a fertile ground for the continued entrenchment of these obnoxious cultural practices in Igboland. Education, no doubt empowers a woman, enlightens her and sensitizes her on her rights. The girl-child has for decades been discriminated against with respect to education, as the boy-child is preferred to the detriment of girls. The government should therefore endeavour to give more scholarship grants to the female genders in higher institutions. An educated woman, no doubt will be better equipped, economically and otherwise to assert her right and enforce same. Furthermore, the education of a girl-child, on the long run, would equip her for future participation in key decision making bodies in the government, where she could influence gender friendly policies, that would facilitate the uprooting of these harmful cultural practices often targeted against women.

(e) Re-Orientation of the Nigerian Police

The members of the Nigerian Police Force are part of the cultural system and have grown up with the notion the women have no rights; consequently, it is very necessary that they should be sensitized on human rights implications of gender discrimination, especially gendered violence. Seminars and conferences should be organized for them in order to enlighten them on gender issues and make them more responsive and sensitive to gender rights violation complaints. They should be made to desist from trivializing such matters on “family issues”.

(f) The Role of Media

The Nigerian media should devise effective awareness creating programme e.g. radio jingles and plays, especially at the grassroots, in order to bring to the fore the evils of these obnoxious cultural practices and the need to jettison them forthwith.

(g) Engaging Men in all Reform Efforts

It is also advocated that all reform efforts in this respect should co-opt men and boys. Hitherto, there has been heavy focus on women’s needs, while overlooking the fact that societies based on persistent discrimination is highly advantageous to men and therefore they may be unwilling to make sacrifices in favour of women. Therefore, there is every need to involve them in all reform efforts and financial compensation made available to men in deserving cases. (especially, in reforming discriminatory inheritance laws). This type of reform is presently being carried out in Kenya.

(h) Overhauling of Social Institutions

It is clear that inequalities are often rooted in social institutions. The Nigerian government, both at the federal and state levels should therefore endeavour to overhaul and reform all institutional frameworks that limit the development of women’s potentials and skills. Nigeria should borrow a leaf from her brother country, Tunisia, where such efforts are paying off. Similarly, in India, women have risen to the highest levels of politics and business in recent times. . Recently, the Nigerian Minister for Health, disclosed that the Nigerian President, Goodluck Jonathan, has in a milestone decision approved the admittance of female cadet as regular combatant, it would be recalled that prior to now all female intakes into the Nigerian armed forces, had been limited to the non combatant troops thereby limiting their career plans, irrespective of their competence and skills. This is certainly a right step in the right direction; every person in Nigeria, irrespective of the gender should be given equal opportunity to excel in his or her chosen field, more of such gender friendly policies are solicited.

(i) More Political Appointment for Women

Nigerian government, both at the federal and state levels is called upon to beef up her female political appointments. President Jonathan, recent appointments of females in his cabinet is an improvement. The need for integration of women into the mainstream of decision making in government can never be over-emphasized.

(j) Establishment of more Gender Violation Monitoring Agencies

It is advocated that more gender monitoring agencies be established by the Nigerian government, especially at the grassroots level where such violations are more prevalent. This will facilitate an effective monitoring and reporting of gender rights violation against the female genders in Nigeria.

7 Conclusion

From the foregoing discourse, it is quite evident that while significant strides have been made in many countries of the world to bridge the gender gaps, and advance gender equality, in compliance with the demands of international instruments on women’s right, Nigeria, generally and Igbos, in particular are still lagging behind. Much as it is conceded that these discriminatory cultural practices or laws have long been deeply entrenched or embedded in our system and as such would definitely constitute an uphill task to demolish or uproot, it is

however, firmly believed that if the recommendations in this write-up, are accepted and religiously implemented by all concerned i.e. Nigerian government, women rights activists ,traditional rulers and other stakeholders then our customary laws will begin to wear a new face, and accord with global trend toward gender equality. The writer's view appear to be in consonance with the observations of Justice Aguda, in the Botswana case of *Unity Dow v A – G Botswana*,³⁰ the learned Justice held:

I conceive it the primary duty of the Judges to make the Constitution grow and develop in order to offset the just demands and aspirations of an ever developing society which is part of the wider and larger human society governed by some acceptable concepts of human dignity.

He further drove home his point by stating:

Customs and traditions have never been static; they have always yielded to express legislation.... A constitutionally guaranteed right cannot be overridden by customs.... The customs will be read so as to conform to the Constitution. But, where it is impossible, it is the custom, not the Constitution which must go

NOTES

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- 9 Section 34 of the Nigerian 1999
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