

RIGHTS OF WOMEN IN A CHALLENGING NIGERIAN SOCIETY

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Women as with all humans have many rights, including the right to learn, to be free from abuse and prejudice, to own property, to enjoy well-being in all of its ramifications, and to earn an equivalent income. Evidence depict women as being at the bottom of the human development pyramid in all indices, including political engagement, socio-cultural independence, financial independence, inheritance rights, appropriation of land and property, and enrolment in school, among many other metrics. However, across the sphere and in the Nigerian context, a number of women still experience unfairness, given their femininity. Gender disparity emphasizes how women experience a range of rights issues and prejudices within various on-hand laws, which encourage some grave contests in view of denial and marginalization. This could be due to patriarchy; as an intensely entrenched practice in some cultures in nearly all developing societies, has upheld the feminization of poverty, exclusion, segregation, financial deprivation, inequality, and socio-cultural repression, which challenge the rights of women. In a mainly patriarchal culture, women's rights in Nigeria have been tapered; as issues of gender disparity the empowerment of women is often gazed at with suspicion by men and kept women's aspirations under ruthless control. Given the long-standing emphasis on the freedom and empowerment of marginalized and silenced groups, such as women, to advance their human rights and realize their dreams, all of these rights issues offer serious challenges to the helping professions. Therefore, challenging women's rights issues is a professional imperative for which government, NGOs, international bodies, all lawmakers, activists, helping professionals... researchers and policymakers should be actively involved regardless of practice orientation.

Key words: Challenging, Gender, Prejudice, Rights, Rights of Women.

Introduction

Nigeria is a nation with a projected population of over 200 million. A number of the Nigerian women experience various right issues and prejudices under some existing laws, igniting some critical debates in light of the gaping display of socioeconomic deprivation and political marginalization. Exploring the rights of women in a challenging society such as Nigeria, anchor much underpinning to the nation's socio-legal framework (Omorogiuwa, 2020). It is from such periscope that this paper attempts to recount the turmoil and triumphs of Nigerian women in the face of mounting socio-cultural stranglehold, threatening to silent the voices of women in Nigeria from the corridors of sociopolitical inclusion and participation (Omorogiuwa & Amadasun, 2020). Highlighting salient parts of Nigerian laws, which emphasize discernment against women, this paper concurrently notes some of the reforms that have been made to achieve gender parity. Given the rootedness of sexist views among powerbrokers in our society, some recommendations are proffered to ensure the sustainability of the gains made and to dislodge the patriarchal notion that considers women as objects.

Put squarely, Nigeria's "legal system is pluralist, as it comprises of English common law, and customary law, Islamic (Sharia) as well as statutory laws". "Customary law is predominant in the southern part, while the Islamic law is commonly resort to in a number of states in the northern part of Nigeria" (Ekhaton, 2015, p. 285). It is accentuated further, that the Nigerian context is mainly male-controlled, due to the religions and customs in various settings. Thus, women are regarded as "weaker sex" and discriminatory practices by the society, particularly by men are pardoned. Hence, it is debated that "the traditions and culture of every society determine the values and behavioural patterns of the people ... a culture that attributes superiority to one sex over the other exposes the sex that is considered to be inferior to various forms of discrimination" (Ngwankwe, 2002, p. 143; Yuka & Omorogiuwa, 2022) as well

as in exercising rights. Moreover, Ibidapo-Obe (2005, p. 262) argues that “human rights is flavoured by the culture within, which is to be invoked...the perception of human rights is conditioned, in space and time, by a combination of historical, political, economic, social, cultural and religious factors”. Prejudice against females is pervasive, which was vastly predominant in “ancient societies” such as “Rome, Athens and Africa” among others. Regrettably, in a number of cultures and contexts in Nigeria, women are still viewed and considered as objects. Thus, women are regarded as the helpless individuals endangered to discernment in the society (Olubor, 2009).

Unmasking Prejudice against the Right of Women in Nigeria: A Socio-Legal Perspective

Largely, a number of *laws prejudice against women in Nigeria*. These laws involve of “customary law, the Labour Act, Sharia law and some statutory laws” (Ekhatior, 2015, p. 286). In the Labour Act, Section 56(1) prohibits women from involving in subversive work in excavation. Moreover, women are deprived of the disruption of being escorted by their partners to the place of job placement (Ashiru, 2010). This facility is not related to men. The Labour Act, Section 34(1) stipulates that men in active service in Nigeria are allowed to accompany their spouse to the posting stations, “by such members of his family (not exceeding two wives and some of his children under the age of sixteen years) as he wishes to take with him”. Similarly some public service rules in Nigeria also emphasize denial of women’s rights. For instance, Kano and Kaduna States’ Civil Service Rules 03303 offers that “any woman civil servant, married or unmarried who is about to undertake a course of training of not more than six months duration shall be called upon to enter into an agreement to refund the whole or part of the cost of the course in the event of her course being interrupted on ground of pregnancy”. Further, the Nigerian Police Act, Regulation 124 stipulates that “a woman police officer who is interested in getting married must initially apply in writing to the commissioner of police for approval” (Imasogie, as cited in Ekhatior, 2015, p. 286).

Additionally, it is observed that in the Air Force Act, both female and male officers are referred to as “airmen”, which is inequitable. Discernment and prejudice against the rights of women is also obvious in “the Nigerian Drug Law Enforcement Agency (NDLEA) Act, Article 5(1), Order, 2002 that all female applicants shall be unmarried; at the point of entry and shall upon enlistment remain unmarried for a period not less than two years.” Moreover, Article 5(2) offers that “all unmarried female members of staff that wish to marry shall apply in writing to the Chairman/Chief Executive, asking for permission, stating details of the intended husband.”

Violence against women, is “act of gender-based violence that results in, or is likely to result in physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life” (Ashiru, as cited in Ekhatior, 2015 p. 287). Indeed, “violence has negative impacts on women, given the physical, health as well as the emotional issues experienced. This has made it seem that the prevailing issue of violence and its consequential contexts on women’s rights cannot be ignored” (Omorogiuwa, 2017, p. 297), which must be handled effectively. All forms of violence including rape, which is often perpetuated by men, are key ills and one of the least informed misconducts in the Nigerian context, given the societal stigma. A key interruption in rape issues in Nigeria is the guidelines of indication, which are slanted against the sufferers in courts. Thus, Section 211 of the Evidence Act states thus:

When a man is prosecuted for rape or for attempt to commit rape or for indecent assault, it may be shown that the woman against whom the offence is alleged to have been committed was of a generally immoral character, although she is not cross-examined on the subject; the woman may in such a case be asked whether she has a connection with other men, but her answer cannot be contradicted and she may also be asked whether she had connection on other occasions with the prisoner, and if she denies it may be contradicted.

The Penal law has necessities to the Criminal law an offence of rape in Nigeria. Nevertheless, in Nigeria, a husband is often considered not guilty of the offence of rape against his wife. Given that “Section 6” of the Criminal law describes “unlawful carnal knowledge as carnal connection which takes place otherwise than husband and wife”. In the case of *R v Roberts*, the law court assumed that “the status of marriage involves that the woman has given her consent to her husband having intercourse with her during the subsistence of the marriage...she cannot unilaterally withdraw.” This establishment is in contradiction of the present global trend in enacting against spousal rape in other authorities. This is thus, conflicting to a number of international legislation, in which Nigeria is signatory. This includes the “Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the African Charter on Human and Peoples Rights and the Protocol on Rights of Women in Africa” amongst others (Ekhatior, 2014).

Moreover, “under Islamic law, a husband may be liable for injury caused or occasioned by forced sex with his wife, but he can never be liable for rape so long as there is a valid subsisting marriage between them” (Oyelade, 2009, p. 266). Hence, some females that indict males of rape are endangered to verdicts of the personality and with no identification of spousal rape; therefore there is restricted safety for women’s

right in the Nigerian context. In the Sharia Penal laws, for example, “rape is a form of zina”, which is unlawful “sexual intercourse”, and to establish the crime of ‘zina’, an admission of four observers is crucial; or else, the sufferer maybe predisposed to slander in which a declaration of guilt cannot be obtained from the offender (Ashiru, 2010). Besides, the Sharia Law offers prejudiced penalties for married and single women). To this end, “married offenders are liable to stoning to death while unmarried offenders are liable to the lenient punishment of one year imprisonment and caning with lashes up to a maximum of one hundred” (Alemika & Alemika, 2005, p. 89-90). These requirements of Sharia Laws are against the fundamental rights of women and different requirements of the Constitution barring humiliating actions against women’s, freedom of cultural or religious conviction and safety against unlawful practices. Nonetheless, culture and religion are greatly debated matters in the Nigerian context, which is a hindrance to the protection of women’s rights particularly, in the Northern part of the country.

A number of **customary practices or actions** victimize women in a challenging society such as Nigeria. Thus, according to Olubor (2009, p. 15), “customary laws of several communities impose conditions that make women access land only through male relations. More often, women are regarded as property and therefore cannot own property themselves”. Nevertheless, these customary laws are not widespread in Nigeria. This is because in some communities, women are allowed to own property. For example, in the “Benin Kingdom; in the southern part of Nigeria; a number of women own property different from their husbands or partners” (Attah as cited in Ekhatior, 2015, 289). Given “property rights, women married under the [Marriage] Act have their property rights protected by the Act thereby making them entitled to a share in the matrimonial property, including the husbands’ property, and the jointly owned and acquired property”. However, “women married under customary law have little or no rights over their spouse’s property”.... Thus, “women are more often entitled to kitchen utensils and whatever their husbands may give to them as gifts made *inter vivos*” (Olubor, 2009, p. 15-16). Indisputably, there exist a number of laws victimizing women in challenging societies, which are mentioned in this paper. These consist of Taxation, Maternity and Wills Act etc.

Consequently, the challenges faced by women must continue to deepen efforts towards the achievement of the goal of a democratic society that is conducive for all such that the rights and dignity of marginalized women would be ensured and protected. Government, researchers, women activists and caregiving practitioners and network of protections in current times have unrelenting to display rare courage and resilience amongst disparaging terrains and rules, and in many occurrences have overcome these systemic impediments (Omorogiuwa, 2020; Yuka & Omorogiuwa, 2022). In this light, helping professionals and other concerned individuals in Nigeria cannot risk being exempted from this proud tradition of resistance against oppression and ignorance.

Conclusion

Women have experienced a number of difficulties given the challenges against their rights in the Nigerian context. Nevertheless, the surge is changing and can be improved. Thus, “some cultures and communities are still stuck in the past”, which need more enlightenment on women’s rights. Some rules are decreed in Nigeria to increase and promote the rights of women. Nigeria has ratified agreements upholding and protective of the rights of women, such as the CEDAW and African Charter on Human and Peoples’ Rights. In spite of the endorsement of CEDAW and the protocol in Nigerian law, the global agreements are not inclusive of the general law except tame by the Constitution. Nevertheless, the protocol is yet to be tamed in Nigerian law, which thus impedes the implementation in the Nigerian society.

The Way Forward

Given the tide on the rights of women, government, lawmakers, activists, helping professionals... researchers and policymakers, Non-governmental organizations (NGOs) and international bodies are expected to ensure the promotion of women’s rights in the challenging society. Workshops, seminars and conferences are to be continuously organized by NGOs and governments, helping professions and other stakeholders, to address issues of rape and other evils against women and their rights in Nigeria. The consensus of the programmes include the promotion of a Bill against all forms of violence against women rights, which is however not yet approved by the Nigerian legal system. NGOs are to initiate a number of workable programmes enlightening women of their rights and opportunities for pursuing reparation if tampered with. Governments have endorsed laws, such should be supported and implemented by all concerned bodies to protect and support the rights of women from discriminatory and customary inheritance practices.

NGOs and activists should utilize the structure of fairness in the African Charter to enhance the predicament of women in Nigeria. Nonetheless the “non-domestication” and implementation of the Protocol to Women Rights in Africa and the CEDAW in Nigeria can make references to the requirements of “African Charter by indicating the applicability given the stipulations of Section 18(3). The “Sharia criminal (penal) system in northern Nigeria” should be amended, as it is undemocratic.

Трейсі Б.Е. Оморогіува. ПРАВА ЖІНОК У СКЛАДНОМУ НІГЕРІЙСЬКОМУ СУСПІЛЬСТВІ

Жінки, як і всі люди, мають низку прав, включаючи право на навчання, право бути вільними від образ і упереджень, на приватну власність, насолоджуватися добробутом у всіх його різновидах і отримувати рівноцінний дохід. Факти свідчать про те, що жінки знаходяться в основі піраміди за всіма індексами людського розвитку, починаючи від участі в політичному житті, соціально-культурної та фінансової незалежності до права спадкування на землю та власності, здобувати освіту, та багато іншого. Проте в усьому світі та в нігерійському суспільстві зокрема багато жінок все ще відчувають несправедливість через свій гендер. Гендерна нерівність доводить, що жінки стикаються з низкою проблем, які стосуються прав та упереджень у різних чинних законах, що призводить до важких дискусій з огляду на заперечення та маргіналізацію. Це також могло статися через патріархат який як глибоко вкорінена практика в культурах майже усіх суспільств, що розвиваються підтримує фемінізацію бідності, ізоляції, сегрегації, фінансової депривації, нерівності та соціально-культурних репресій, які ставлять під сумнів права жінок. Оскільки Нігерія є переважно патріархальним суспільством, права жінок були звужені, а на питання гендерної нерівності та жінок, розширення їх прав і можливостей чоловіки часто дивляться з підозрою та тримають прагнення жінок під жорстким контролем. Усі проблеми пов'язані з правами викликають обґрунтовані занепокоєння в контексті допомагаючи професій, враховуючи тривалу боротьбу за звільнення та розширення можливостей таких маргінальних і пригнічених груп як жінки для просування їхніх прав людини та досягнення їхніх цілей. Таким чином, розв'язання питань прав жінок є професійним імперативом, до якого повинні активно залучатися уряди, ГО, міжнародні організації, законодавці, активісти, професіонали допомагаючих професій, дослідники та політики, незалежно від практичної орієнтації.

Ключові слова: той, що кидає виклик, стать, упередження, права, права жінок.

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