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2 PROTECTING AND PROMOTING WOMEN'S RIGHTS IN NIGERIA: CONSTRAINTS AND PROSPECTS

*Eghosa Osa Ekhator**

2.1 INTRODUCTION

Women are discriminated against in Nigeria. However, the tide is changing. Many Nigerians have access to education and the re-orientation of Nigerians (with respect to women's rights) has been improving. However, discriminatory practices and laws are still prevalent in the country. However, with the return to democratic rule in Nigeria in 1999, many laws have been promulgated in Nigeria to improve the status of women in the country. For example, many states in Nigeria have enacted laws proscribing domestic violence against women.¹ This chapter aligns with Onyemelukwe who posited thus: "Evidence from Nigeria, including the passage of new legislation at federal and state levels, suggests some progress. How effective such laws will be is yet to be seen."² This chapter is divided into five parts including this introduction. The second part briefly highlights some of the laws and practices discriminating against women in Nigeria. The third section highlights recent laws that have been enacted to promote and protect women rights in the country. This section contends that these policies and laws are a manifestation of the law as a tool for social engineering. The fourth part focuses on the recent developments in the promotion and protection of women rights in Nigeria. Here, the recent cases on discrimination against women decided by the Supreme Court of Nigeria are highlighted. The fifth section concludes and advocates some recommendations on improving some of these laws and policies.

* Law School of University of Chester.

1 See, e.g., the Protection Against Domestic Violence Law (Lagos State) 2007. However, this chapter focuses on laws enacted or bills proposed by the National Assembly (Federal government).

2 C. Onyemelukwe, *Legislating on Violence Against Women: A Critical Analysis of Nigeria's Recent Violence Against Persons (Prohibition) Act, 2015*, in 5(2) *DePaul Journal of Women, Gender and the Law* (2016), p. 1.

2.2 LAWS AND CUSTOMS DISCRIMINATING AGAINST WOMEN IN NIGERIA

There are many laws and customary practices discriminating against women in Nigeria.³ However, this section will briefly highlight some of these laws and customs.⁴ For example, section 55 of the Labour Act which bars women from being employed in night work except as nurses. Section 360 of the Criminal Code which makes the indecent assault of women a misdemeanour punishable with a two-year prison term, as opposed to three years' prison term imposed for indecently assaulting a man, which is a felony in section 353. By virtue of Section 118(g) of the Police Act, married women are prevented from seeking enlistment in the Nigerian Police Force. Under section 127, when an unmarried police woman is pregnant, she would be discharged from the police force. She can only be re-instated on the approval of the Inspector General of Police.⁵ Under section 55 of the Penal Code, husbands are permitted to chastise their wives. Here, section 55(1)(d) states that nothing is an offence which does not amount to the infliction of grievous harm upon a person and which is done by a husband for the purpose of correcting his wife. Thus, under the Penal Code, a husband can beat his wife insofar it does not lead to serious injuries or grievous harm. In essence, the Penal Code condones domestic violence against women.⁶ Furthermore, marital or spousal rape is not a crime in Nigeria⁷ (arguably, this is no longer the case by virtue of the Violence against Persons (Prohibition) Act 2015).⁸

In *Eshugbayi Eleko v. The Government of Nigeria*, customary law was referred to as “unwritten customs and traditions, which have been accepted as obligatory by members of a community.”⁹ Furthermore, in many communities in Nigeria, some customary practices/law discriminates against women in the country. In several communities in Nigeria, women cannot own land except through male relatives.¹⁰ More often, women are regarded

3 See, generally, E.O. Ekhaton, Women and the Law in Nigeria: A Reappraisal, in 16(2) *Journal of International Women's Studies* (2015), p. 285.

4 The Nigerian legal system is pluralist in nature. Also, there are three variants of criminal codes in Nigeria, and they are the Criminal Code operational in the southern part, the Sharia Penal Code operational in about twelve states in the northern part of Nigeria and the Penal Code which is operational in the non-Muslim majority states in the North.

5 See Ekhaton, *supra* note 3.

6 *Ibid.*

7 Social, religious and cultural norms are the justification/basis that marital rape is not a crime in Nigeria. See, generally, O. Nwankwo, Effectiveness of Legislation Enacted to Address VAW in Nigeria, UN, 30 May 2008, www.un.org/womenwatch/daw/egm/vaw_legislation_2008/expertpapers/EGMGPLVAW%20Paper%20_Oby%20Nwankwo_.pdf (accessed 11 July 2018).

8 However, there are divergent academic views on the criminalisation of spousal/marital rape by the VAPP Act. This will be highlighted in a subsequent part of this chapter.

9 (1931) A.C. 662.

10 See, generally, O. Oyelade, Women's Right in Africa: Myth or Reality, in 9(1) *University of Benin Law Journal* (2006), p. 100.

as property and therefore cannot own property themselves.¹¹ In some communities in Nigeria, a woman is not allowed to inherit her husband's estate; instead she may be inherited along with the estate of her husband by another male relative in the family.¹² Some customs in Nigeria give preference to the male child against the female child in matters of inheritance.¹³ In many communities in Nigeria, where there is no surviving son of a deceased man, the closest male relative of the deceased inherits his property, rather than his daughters. This is, however, not so everywhere; in Yoruba customary law as well as Islamic law, for example, daughters can inherit.¹⁴ In some communities, daughters inherit land only where there are no surviving brothers. While in other communities where a man has no male child, his daughters are prohibited from getting married and are instead required to remain in the father's house to procreate in order to preserve the direct bloodline.¹⁵ However, recently there have been legislative interventions upturning some of these obnoxious customary practices.

2.3 LEGISLATIVE INTERVENTIONS

Law as an instrument of change is definitely an indispensable weapon in the hands of legislators and policymakers in Nigeria. There have been clamour for an extensive reform of the laws discriminating against women in Nigeria. Arguably, the Nigerian government did introduce some reforms to improve the status of the Nigerian woman. Some of these reforms include the signing and ratification of the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), adoption of a National Gender Policy, the enactment of the Child Rights Act 2003 (this law domesticated the Convention of the Rights of the Child in Nigeria), the enactment of the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act 2003 and establishment of Women Development

11 J.O. Olubor, The Legal Rights of the Vulnerable Groups vis-a-vis Customary Practices, a paper delivered by Justice Olubor, President Customary Court of Appeal, Edo State at the Refresher Course for Judges and Kadis from 23-27 March 2009, www.nigerianlawguru.com/articles/customary%20law%20and%20procedure/THE%20LEGAL%20RIGHTS%20OF%20THE%20VULNERABLE%20GROUPS%20VIS%20-%20A-VIS%20CUSTOMARY%20PRACTICES.pdf (accessed 11 July 2018). Arguably, this is no longer the prevailing view in most communities in Nigeria. In many communities in Nigeria, women can own property. See Ekhatior, *supra* note 3.

12 See Oyelade, *supra*, note 10.

13 *Ibid.*

14 S. Ukhuegbe and A. Ewere, Gender-Based Violence/Social-Cultural Discrimination in Nigeria and the fate of the Gender and Equal Opportunities Bill 2015, 2016, a paper presented at the *International Conference on Strengthening Policy Implementation in a Contemporary World at the University of Benin*, Nigeria.

15 *Ibid.*, p. 9; N. Odiaka, The Concept of Gender Justice and Women's Rights in Nigeria: Addressing the Missing Link, in 2(1) *Journal of Sustainable Development Law and Policy* (2013), pp. 190, 201.

centres in all the states in Nigeria amongst others.¹⁶ Notwithstanding the development of these reforms by the Nigerian government, women still face many state sanctioned discriminatory practices and laws. Thus, the recent enactment of the Violence against Persons (Prohibition) Act (VAPP) can be argued to be a tool and an instrument for social reform or social engineering in the country. Hence, existing laws should reflect 'the changing realities of societal needs'.¹⁷ This chapter therefore aligns with the position of Justice Musdapher which states:

the challenges of societal growth, demands and dynamisms are tackled through the instrumentality of the law. In fact, law does not only change with societal changes, but actually initiates the changes in society. Hence, law's indispensable role as a veritable tool for social engineering.¹⁸

Arguably, to effect the needed legal changes and reform, the Nigerian government (including some states in Nigeria) has enacted laws protecting and promoting the rights of women in Nigeria. Some of the recent laws and bills (at the national level) promoting and protecting women rights in Nigeria are discussed in this part of the chapter including the Violence against Persons (Prohibition) Act 2015, the Sexual Offences Bill 2013, the Gender and Equal Opportunities (GOE) Bill 2016 and Labour Amendment Bill 2016.

Until recently, there was no explicit national legislation protecting women from violence in Nigeria.¹⁹ Provisions in criminal law that are used to deal with cases of violence against women have proved inadequate in Nigeria.²⁰ Furthermore, the activism of civil society groups has impacted positively on the development of laws in Nigeria by 'utilising the opportunities presented by a federal system of government, gender-related laws have been enacted by the Houses of Assembly in some states in Nigeria'.²¹ However, this chapter focuses on women-friendly laws enacted or proposed by the National Assembly in Nigeria.²²

16 A. Odejide, What should Women Want? 30th Anniversary Keynote Address (2017), p. 3, https://ias-ibadan.org/images/news/2017/october/2017-10-17-WORDOC_30th_Anniversary_Keynote_Address_Prof_Abiola_Odejide.pdf (accessed 11 July 2018).

17 D. Musdapher, Law Reform in Nigeria: Challenges and Opportunities, a public lecture delivered at Federal University, Dutse, Jigawa State, Nigeria, 2014, p. 3.

18 *Ibid.*, p. 4.

19 J.C. Madu, Domestic Violence Legislation for Development, Peace and Security in Nigeria, in 24(3) *African Security Review* (2015), pp. 279, 282.

20 *Ibid.*; See Ekhaton, *supra* note 3; *Ibid.*, for example, the relevant sections of the Criminal and Penal Codes do not protect women from violence in relationships.

21 See Madu, *supra* note 19, p. 283; E. Ekhaton, The Impact of the African Charter on Human and Peoples Rights on Domestic Law: A Case Study of Nigeria, in 41(2) *Commonwealth Law Bulletin* (2015), p. 253.

22 For a critical analysis of domestic violence law in Lagos State, see Madu, *supra* note 19, and S. Ukhuegbe, Implementing Domestic Violence Legislation in Nigeria: The Problem of Dissonance between Intimate Partner Security and Violence-Sanctioning Criminal Defences.

2.3.1 *Violence against Persons (Prohibition) Act 2015*

The enactment of the VAPP Act, which contains extensive provisions on different aspects of violence, including violence against women, is hence a crucial development with the potential, arguably, to transform the landscape of violence against women in Nigeria.²³ It is a consolidation of different bills, “which sought to abolish all obsolete laws relating to matters such as rape and assault, and enact new laws on hitherto neglected areas such as domestic violence.”²⁴ The VAPP Act was first introduced in the National Assembly²⁵ in May 2002 and initially drafted by members of the Legislative Advocacy Coalition on Violence against Women.²⁶ The bill was not passed into law and it was renamed with its current gender-neutral title to assuage the virulent criticisms of many influential Nigerians and members of the National Assembly. One of the reasons for the change in the nomenclature was that men also suffer from domestic violence and thus the title of the bill should be gender neutral.²⁷ The bill was re-introduced or sponsored into the National Assembly in 2013 and passed into law in May 2015.²⁸ Also, the then President Goodluck Jonathan assented to the bill in the same month. The enactment of the VAPP Act can be said to be a measure in line with Nigeria’s international obligations under CEDAW and the Protocol to the African Charter on Human and People’s Rights on the Rights of Women in Africa.²⁹

The VAPP Act punishes not only direct acts of spousal violence, but also acts of coercive control by deprivation, isolation and emotional abuse.³⁰ Victims of domestic violence may obtain protection orders under the VAPP Act. This is a unique buffer against domestic violence in the country. However, it is only the High Court of the Federal Capital Territory

23 See Onyemelukwe, *supra* note 2.

24 *Ibid.*

25 Nigeria is a federation with a bicameral National Assembly comprising of the Senate (upper chamber) and House of Representatives (lower chamber). Lawmaking powers is shared between the National Assembly and states legislative bodies (one House of Assembly for each state, which is unicameral). The bill was introduced as the Violence against Women (Prohibition) Bill by Florence Aya (a female legislator).

26 S. Ukhuegbe, Recent Legislation against Sexual and Gender-Based Violence in Nigeria, in 16(1) *University of Benin Law Journal* (2015), p. 304; E. Oviawe, The Challenge of the Law Enactment in Nigeria: A Case Study of the Violence against Persons (Prohibition) Act, 2015, an MPA Dissertation submitted to Nasarawa State University, Nigeria, 2016.

27 See, generally, Oviawe, *supra* note 26. The bill was introduced by Abike Dabiri, a female legislator.

28 See Oviawe, *supra* note 26. According to Oviawe, a major factor that contributed to the delay in the passage of the VAPPA “was the inclusion of certain controversial provisions and the misconception of the intent of certain provisions in the bill itself. Some of these controversial provisions include the criminalisation of marital rape, the provision on reproductive health rights of women particularly access to safe abortion services for victims of sexual violence and incest, and the applicability of the Protection Order under the economic circumstances of women.”

29 See Onyemelukwe, *supra*, note 2, p. 7.

30 See *supra* note 14.

(Abuja) that has the authority to issue protection orders under the VAPP Act.³¹ On the other hand, the protection orders under the VAPP Act are enforceable throughout Nigeria.³²

Amongst its ground-breaking features is the criminalisation of matters hitherto not 'explicitly recognized as offences under Nigerian law. These include harmful traditional practices, female genital mutilation, emotional abuse, abandonment, and attack with harmful substances'.³³ Also, the offence of rape under the VAPP is now gender-neutral. Thus, victims are no longer restricted to the female gender and offenders or perpetrators can be men or women. Furthermore, the VAPP Act recognises different types of violence that women are subjected to. These include emotional, verbal and psychological, and economic abuse amongst others. The VAPP Act creates a 'coordinator for the prevention of domestic violence' for the implementation of the law to be appointed by National Agency for the Prohibition of Trafficking in Persons (NAPTIP).³⁴ Also, by virtue of section 42 of the VAPP, the coordinator is expected to provide an annual report on domestic violence to NAPTIP and National Bureau of Statistics.³⁵ Unlike the previous versions of the VAPP bill, the VAPP Act does not direct the government to establish rape crisis centres in Nigeria.³⁶ This is a major weakness in the VAPP Act. Furthermore, under the previous versions of the VAPP bill, the following measures or mechanisms were to be created to administer the law. These include Rape Crisis Centres, Victims Trust Fund and special desks in police stations amongst others.³⁷ These measures would have enhanced the implementation of the VAPP Act in the country.

By virtue of section 47 of the VAPP Act, it currently applies to the Federal Capital Territory (Abuja), being federal legislation enacted in regard to criminal law. Thus, the law is not applicable in the entirety of the country.³⁸ The reason for this restriction is apparent; criminal law is a matter on the residual list of the Constitution. Thus, states have to adopt the VAPP Act for it to become law in those states...³⁹ By virtue of section 4(7) of

31 See Ukhuegbe, *supra* note 26, p. 311.

32 *Ibid.*

33 See Onyemelukwe, *supra* note 2.

34 *Ibid.* p. 48.

35 *Ibid.*; see also, *supra* note 2, for critical analysis of the role of NAPTIP in the implementation of VAPP.

36 See Onyemelukwe, *supra*, note 2.

37 See Nwankwo, *supra* note 7. However, some of the recent innovations in the VAPP Act include compensation for victims of rape, creation of a sex offenders register and introduction of service providers amongst other innovations. See J. Odion and E. Eboigbe, Eliminating harmful practices against women in Nigeria: An Examination of the Violence against Women Persons (Prohibition) Act 2015, in 22(7) *The International Journal of Human Rights* (2018), pp. 933, 940.

38 However, some states in Nigeria already have similar laws on different aspects of domestic violence in the country. Notwithstanding the plethora of both state and federal laws on domestic violence in the country, violence against women is endemic. See, generally, C. Onyemelukwe, How Well Does the Law Protect Women at Home? An Analysis of Nigeria's Domestic Violence Legislation, in 60(2) *International Journal of Law and Management* (2018), p. 186.

39 C. Onyemelukwe, Intersections of Violence against Women and Health: Implications for Health Law and Policy in Nigeria, in 22(3) *William & Mary Journal of Women and Law* (2016), pp. 609, 624-625.

the constitution, "a residual matter is one over which the states in Nigeria have power to make legislation exclusively."⁴⁰ Section 1(1) of the VAPP Act defines the offence of rape as:

(a) he or she intentionally penetrates the vagina, anus or mouth of another person with any other part of his or her body or anything else; (b) the other person does not consent to the penetration; or (c) the consent is obtained by force or means of threat or intimidation of any kind or by fear of harm or by means of false and fraudulent representation as to the nature of the act or the use of any substance or additive capable of taking away the will of such person or in the case of a married person by impersonating his or her spouse.

In the VAPP Act, sexual penetration still remains the crux of the offence of rape.⁴¹ However, in the VAPP Act, the offence of rape is not 'limited to penile-vagina penetration'.⁴² Here, according to section 1(1)(a) of the VAPP, the penetration of the sexual organs or orifices (not limited to the vagina) with 'anything else' establishes the offence of rape if the act was intentional, vitiated by lack of consent or where consent is obtained by force. Also, sexual organs now include the mouth and the anus under the VAPP Act. Some scholars have argued that that section 1(1)(a) of the VAPP Act lacks clarity.⁴³ Ukhuegbe argues that going by the definition of rape in the VAPP Act, a forced kiss may constitute the offence of rape if the 'tongue sticks into the mouth of a non-consenting person'.⁴⁴

Furthermore, it has been contended that the VAPP Act criminalises marital rape in Nigeria.⁴⁵ Here,

Spousal or marital rape is now recognized under the Act. In this regard, it can be reasonably assumed that in the absence of an express exclusion, any husband or wife, who acts in contravention of the above section, is guilty of the offence of rape and punishable accordingly. "The use of "any person" clearly includes either husband or wife. With these modifications, the Act has brought the

40 See Onyemelukwe, *supra* note 2, p. 45.

41 See Ukhuegbe, *supra* note 26, p. 307; See Onyemelukwe, *supra* note, p. 2.

42 See Ukhuegbe, *supra* note 26, p. 307. Prior to the enactment of the VAPP Act, by the definition of rape under Penal and Criminal Codes, only the female gender can be victims of rape. However, under VAPP Act, a man can be guilty of male rape by virtue of section 1(1) of the VAPP Act.

43 See Ukhuegbe, *supra* note 26.

44 *Ibid.*

45 See Ukhuegbe, *supra* note 26. Under the extant laws in Nigeria (e.g. Criminal and Penal Codes), marital rape is not a crime in Nigeria.

definition of rape in line with modern day realities and increased the scope of legal protection for victims.⁴⁶

Similarly, Ukhuegbe has contended that although marital or spousal rape is not expressly recognised under the VAPP Act, it is possible for a husband to be guilty of marital rape under this law.⁴⁷ However, Ngozi and colleagues argue that the VAPP Act does not recognise the offence of marital rape in its provisions.⁴⁸ Notwithstanding the diverse views on the prohibition of marital rape under the VAPP Act, the VAPP Act has expanded and liberalised the definition of rape in Nigeria. Hopefully, in the near future, the courts will elucidate on the marital rape criminalisation provision under the VAPP Act. However, the applicability of marital rape as criminalised under the VAPP Act is restricted to the Federal Capital Territory (Abuja) in Nigeria.

2.3.2 Sexual Offences Bill 2013

The Sexual Offences Bill was introduced and sponsored by Senator Anyanwu (a female legislator) into the National Assembly.⁴⁹ The bill is influenced by the Kenyan Sexual Offences Act, No. 3 of 2006.⁵⁰ Both the Nigerian and Kenyan laws are based on the Sexual Offences Act 2003 of the United Kingdom (UK).⁵¹ The Sexual Offences Bill (Nigeria) was passed by the National Assembly in June 2015. However, due to misconceptions and controversies concerning some provisions of the bill (for example, the age of consent), the bill is yet to be assented to, by the President of Nigeria. Also, the National Assembly has decided not to force the bill into law by not overriding the lack of assent by the Presidential assent.⁵² SOB contains provisions on stalking, cultural and religious practices (discriminating against women) and sexual harassment amongst others. The bill repeals the sexual assault provisions of the Criminal Code Act.⁵³ Some of the noteworthy provisions in the bill includes amongst the following:

46 See Onyemelukwe, *supra* note 2, 26-27.

47 See Ukhuegbe, *supra*, note 26, 307. "Neither VAPPA nor SOB (Sexual Offences Bill) expressly provides for spousal rape, although it is justified to assume that the absence of an express spousal exemption to liability for the offence, as one finds in the Criminal and Penal Codes, indicates that a husband or wife will be liable for rape of the other if sexual penetration occurs without consent."

48 C. Ngozi, I. Iyioha and E. Durojaye, The Violence Against Persons Prohibition Act, the Maputo Protocol and the Rights of Women in Nigeria, in 1 *Statute Law Review* (2017), p. 10.

49 See Ukhuegbe, *supra*, note 26.

50 *Ibid.*

51 O.O.O. Osinuga, Nigeria's Sexual Offences Bill 2013: Matters Arising, 2015, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2634134 (accessed 11 July 2018).

52 K. Agary, Marital Rape Under Nigerian Law, *Punch*, 3 September 2017, <http://punchng.com/marital-rape-under-nigerian-law/> (accessed 11 July 2018).

53 See Osinuga, *supra*, note 51, p. 1.

that sexual crimes are no longer gender specific as was the norm in legislation which as a consequence of the prevalence of men being seen as the main perpetrators of crimes where women are usually the victims, injured parties and complainants particularly in sexual crimes, child trafficking, prostitution and child abuse.⁵⁴

Also, it has been argued that the definition of rape in the SOB is clearer than the provisions in the VAPP Act.⁵⁵ Section 2(1)(a) of the SOB provides that rape is where a person 'intentionally and unlawfully commits an act which causes penetration by or of the victim with his or her own genital organs'. Section 50 of the SOB defines genital organs to include the anus and the breast. In essence, 'rape is limited to penetration of the vagina and the anus with the penis'.⁵⁶

It has been argued that a major drawback of the SOB is its direct reproduction of the Kenyan law.⁵⁷ Also, some scholars have averred that the South African⁵⁸ legislation on sexual offences would have been a better alternative from the perspective of the United Nations (UN) best practices.⁵⁹ Other weaknesses inherent in the SOB, include that it has 'every appearance of being made in a hurry, as there are several errors in cross-referencing of sections. The technical quality of the draftsmanship is regrettable'.⁶⁰ However, notwithstanding the weaknesses of the SOB, it should be passed into law by the appropriate authorities in Nigeria.

2.3.3 Gender and Equal Opportunities (GOE) Bill 2016

The GOE bill has undergone many mutations in its history at the National Assembly in Nigeria. It was first introduced in 2006 and was rejected.⁶¹ It was reintroduced in 2010 and it suffered many setbacks and it was again reintroduced in 2015. The 2015 GOE bill failed to pass the second reading in the Senate on 15 March 2016.⁶² This was largely due to the

⁵⁴ *Ibid.*

⁵⁵ See Ukhuegbe, *supra* note 26, p. 307.

⁵⁶ *Ibid.*, p. 308.

⁵⁷ *Ibid.*, p. 314.

⁵⁸ Criminal Law (Sexual Offences and Related Matters) Amendment Act, No. 32 of 2007, amended by Criminal Law (Sexual Offences and Related Matters) Amendment Act, No. 5 of 2015. Cited in Ukhuegbe (n 26 above)

⁵⁹ See Ukhuegbe, *supra* note 26, p. 314.

⁶⁰ *Ibid.*

⁶¹ O. Makinde, *et al.*, Rejection of the Gender and Equal Opportunities Bill in Nigeria: A Setback for Sustainable Development Goal five, in 32(3) *Gender in Management: An International Journal* (2017), p. 234.

⁶² Y. Kazeem, Nigerian Lawmakers Voted Down a Women Equality Bill Citing the Bible and Sharia Law, *Quartz*, 15 March 2016, <https://qz.com/639763/nigerian-lawmakers-voted-down-a-women-equality-bill-citing-the-bible-and-sharia-law/> (accessed 11 July 2018).

objections by some male members of the Senate to the enactment of the bill. The majority of the Senate voted against the bill. Many senators opposed the bill citing religious and cultural reasons for their objections.⁶³ Thus, the bill was rejected for lack of merit.⁶⁴ The Senate (highest legislative body) in Nigeria is currently debating a bill titled 'Gender and Equal Opportunities Bill' 2016. This new bill was re-introduced on 15 June 2016 to reflect some of the initial concerns of the senators on the previous versions of the bill.⁶⁵ The GOE bill 2016 recently passed the second reading stage and it has been referred to the Committee on Judiciary, Human Rights and Legal Matters for further deliberations.⁶⁶ Although the GEO Bill is concerned primarily with gender equality, it also covers age and disability discrimination (section 5).⁶⁷

The GEO bill seeks to give effect to certain provisions of the 1999 Constitution (as amended) such as Chapters II and IV which deal with Fundamental Objectives and Directive Principles of State Policy and Fundamental Human Rights. If eventually passed by the National Assembly, the Bill will also give effect to the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the protocol to the African Charter on Human and Peoples' Rights on the rights of women in Africa amongst others.⁶⁸

The GOE contains provisions dealing with prohibition of discrimination, adoption of temporal measures to eliminate discrimination in political and public life, prohibition of violence against women, establishment of an Equal Opportunities Commission and the enforcement of the National Gender Policy amongst other innovative features.⁶⁹ Thus, the importance of the GOE bill is extrapolated in the following statement by Amnesty International that:

The objective of the bill is to secure much needed freedoms and rights for women, so that women and girls may for example exercise their right to be free from discrimination and be able to enjoy their rights to education, healthcare and to own property without barriers and exclusions because of their gender.⁷⁰

63 *Ibid.* e.g., Senator Emmanuel Bwacha, a Christian senator from the Northern part of the country argued that the bill was unbiblical.

64 The Bill was sponsored by Senator Biodun Olujimi (a female senator).

65 This bill was reintroduced in the National Assembly by Senator Olujimi.

66 PLAC, Measure Activity: (*i.e.* stages of the Bill), <http://placbillstrack.org/view.php?getid=2182#billanalysis> (accessed 11 July 2018).

67 See Ukhuegbe and Ewere, *supra* note 14.

68 See PLAC, *supra* note 66.

69 See, e.g., section 4(1)(b)(i) of the GOE states that "in the case of political and public sphere, that a minimum of 35 percent of all offices, positions, or appointments is reserved for women."

70 Amnesty International Nigeria, Nigeria: Help End Discrimination by passing Gender and Equal Opportunity Bill, 7 March 2017, <https://www.amnesty.org/en/documents/afr44/5836/2017/en/> (accessed 11 July 2018).

2.3.4 Labour Amendment Bill 2016

The bill seeks to expunge some provisions of the Labour Act of 2004 which contains clauses militating against employment prospects for women in Nigeria.⁷¹ The bill was introduced on 9 March 2016. Some of the offending provisions⁷² of the Labour Act which the proposed bill seeks to delete include Section 55 which prohibits women from engaging in night work; Section 56 which stipulates that 'no woman shall be employed on underground work in any mine'; Section 57 that empowers the Minister of Labour to 'make regulations prohibiting or restricting, subject to conditions as may be specified in the regulations, the employment of women in any particular type or types of industrial or other undertakings or in any process or work carried on by such undertakings'; and section 58(2) which provides that any person who employs a woman in contravention of section 55(1) or section 56(1) shall be guilty of an offence and on conviction shall be liable to a fine not exceeding N100 or to imprisonment for a term not exceeding one month or both.

Senator Oluremi Tinubu avers that the retention of the aforementioned offending provisions in the Labour Act breaches the Nigerian constitution and CEDAW.⁷³ As of 2016, the bill has gone through the first and second reading stages.⁷⁴ The bill has been referred to the relevant committee for consideration. As at the time of writing, there appears to be no recent update or development in the stages of the bill. Also, recently (in 2014), there have been judicial interventions upturning some obnoxious customary practices in Nigeria.

2.4 JUDICIAL INTERVENTIONS

Due to the advent and deepening of democracy in Nigeria (after many years of military rule), courts are increasingly becoming activist by pronouncing on the legality of some discriminatory laws against women. Courts have relied on the provisions of the African Charter on Human and Peoples' Rights (African Charter), repugnancy doctrine and the Constitution of Nigeria 1999 (as amended) to nullify some of these discriminatory practices.⁷⁵ Some recent decisions by the Supreme Court relied on the constitution and the repugnancy doctrine to hold that some customary practices discriminating against women

71 PLAC, Labour Amendment Bill, 2016 scales Second Reading in Senate, 30 November 2016, <http://placng.org/wp/2016/11/labour-amendment-bill-2016-scales-second-reading-in-senate/> (accessed 11 July 2018). This bill is sponsored by Senate Oluremi Tinubu (a female senator in Nigeria).

72 *Ibid.*

73 See PLAC, *supra* note 71.

74 PLAC, SB 229: Labour Act (Amendment) Bill, 2016, <http://placbilltrack.org/view.php?getid=1695> (accessed 11 July 2018).

75 See Ekhtator, *supra* note 21.

in Nigeria are void. Section 34(1)(a) of the 1999 Constitution of Nigeria (as amended) provides that every individual has a right to dignity of his person and as such shall not be subject to torture, inhuman or degrading treatment amongst others. Thus, many of the discriminatory practices against women in Nigeria run afoul of this constitutional stipulation. Also, section 42 of the Constitution forbids discrimination on the basis of ethnicity, places of origin, sex, religion or political opinions.⁷⁶ This is the non-discrimination clause in the constitution. Also, section 17(1) of the constitution provides that the State social order is founded on ideals of Freedom, Equality and Justice. (2) In furtherance of the social order – (a) every citizen shall have equality of rights, obligations and opportunities before the law ... In essence, the Nigerian constitution promotes gender equality under the law.⁷⁷

Prior to the decisions of the Supreme Court in 2014, there have been similar cases where the courts decided on the legality of laws and customary practices discriminating against women in Nigeria.⁷⁸ However, for a fairly long time, the non-discrimination clause in the constitution ‘was not decided on by the Supreme Court of Nigeria as no matter came directly before it on the proper scope of the section’.⁷⁹ Thus, the courts relied on the repugnancy doctrine wherein customary law needed to pass a general test of validity as being not repugnant to natural justice, equity, and good conscience or incompatible either directly or by implication with any law for the time being in force.⁸⁰ These decisions had minimal impact on protection and promotion of women rights in the country as many scholars believed it was an attempt to downgrade the customs of the people.⁸¹

⁷⁶ Sections 34 and 42 of the Nigerian constitution fall under chapter IV which is enforceable and justiciable.

⁷⁷ For an extensive critique of these constitutional provisions, see Ekhaton, *supra* note 21. Section 17 of the constitution is not enforceable because it is contained in chapter II of the Nigerian constitution – which is neither justiciable nor enforceable. Chapter II of the constitution focuses on the fundamental objectives and directive principles of state policy, which are not enforceable against the State by Nigerian citizens by virtue of section 6(6)(c). Notwithstanding that these provisions (section 17(1)) are not enforceable, “they provide the plank for the promotion of human rights and the direction of state policy on protection of human rights.” I. Worugji and R. Ugbe, *The Supreme Court Has Cleared the Customary Law Inhibitions on the Inheritance Rights of Women in Nigeria*, in 2 (3) *International Journal of Law* (2016), p. 27, 28.

⁷⁸ See, e.g., *Mojekwu v. Iwuchukwu* (2004) 11 NWLR (Pt 882) 196. In this case, the Supreme Court “chose to maintain its usual conservative policy in favour of discriminatory customary law rules of inheritance,” O. Aigbovo and A. Ewere, *Adjudicating Women’s Rights in Nigeria: Has the Tide Finally Turned?*, in 5(2) *African Journal of Law and Criminology* (2015), p. 12, 14. Furthermore, Aigbovo and Ewere aver that “The previous policy of the Supreme Court was to apply this constitutional non-discrimination clause and the repugnancy clause selectively to non-contentious customary law rules, while refusing to extend it to – even justifying – discriminatory customary law inheritance rules.”

⁷⁹ E. Omoregie, *Ending Gender Discrimination in Succession to Traditional Ruler-Ship in Nigeria*, in 3(1) *International Journal of Gender and Women’s Studies* (2015), pp. 143, 146.

⁸⁰ N. Chinwuba, *Ending Inequality in Nigeria: A Refreshing Approach from the Nation’s Judiciary*, in 29(3) *International Journal of Law, Policy and the Family* (2015), pp. 341, 342.

⁸¹ *Ibid.* Also, section 21 of the constitution states that the Nigerian state shall protect, preserve and promote Nigerian culture which enhances human dignity.

Recently, the Nigerian Supreme Court has been at the forefront of holding that discriminatory practices and laws against women are illegal and unconstitutional.⁸² In *Onyibor Anekwe and Anor v. Mrs Maria Nweke*,⁸³ the issue in the case was a 'purported disinheritance of a widow for not having a male child'.⁸⁴ Here, a major issue in the case was whether the custom of the Awka people (in Anambra state) which denied a woman of her rights to her deceased husband or father's property is repugnant to natural justice, equity and good conscience.⁸⁵ The Supreme Court per Justice Ngwuta stated, thus, the custom of the Awka people of Anambra State pleaded and relied on by the appellant is barbaric and takes the Awka community to the era of cave man. It is repugnant to natural justice, equity and good conscience and ought to be abolished.⁸⁶ Also, Justice Ogunbiyi posited thus:

I hasten to add at this point that the custom and practices of Awka people upon which the appellants have relied for their counter claim is hereby outrightly condemned in very strong terms... It is punitive, uncivilized and only intended to protect the selfish perpetration of male dominance which is aimed at suppressing the right of the womenfolk in the given society.⁸⁷

A major criticism of *Anekwe v. Nweke* is that the court did not refer to the non-discrimination provision in the constitution. Here, the Supreme Court did not analyse the right to property, right to human dignity and the equality/non-discrimination provisions in the constitution.⁸⁸

A similar decision was reached by the Supreme Court in *Mrs Lois Chituru Ukeje & Anor v. Mrs Gladys Ada Ukeje*.⁸⁹ Here, the court relied on the non-discrimination/equality provisions of the constitution as the basis of its judgment. A major issue in this case was whether the Igbo customary law/practice which deprives children born out of wedlock from sharing the proceeds or benefits of their father's estate is unconstitutional.⁹⁰ In a lead judgment by Justice Rhodes-Vivour (which the other Justices also agreed with), the Supreme Court held thus:

82 See Ekhaton, *supra* note 21.

83 (2014) All FWLR (Pt 739) 1154.

84 See Chinwuba, *supra* note 80.

85 See Ekhaton, *supra* note 21.

86 See Chinwuba, *supra*, note 80, p. 119.

87 Suit No. SC. 129/2013 (2014) LPELR – 22697 (SC); See Chinwuba, *supra* note 80, 349.

88 A. Diala, A Critique of the Judicial Attitude towards Matrimonial Property Rights Under Customary Law in Nigeria's Southern States, in 18(1) *African Human Rights Law Journal* (2018), p. 100.

89 *Ukeje v. Ukeje* (2014) LPELR – 22724 (SC) Electronic Law Reports.

90 *Ibid.*

No matter the circumstances of the birth of a female child, such a child is entitled to an inheritance from her late father's estate. Consequently, the Igbo customary law which disentitles a female child from partaking, in the sharing of her deceased father's estate is in breach of section 42(1) and (2) of the Constitution, a fundamental rights provision guaranteed to every Nigerian. The said discriminatory customary law is void as it conflicts with section 42(1) and (2) of the Constitution.

These aforementioned cases have been the basis of academic discourse and criticisms. For example, Diala argues that in both cases, the Supreme Court did not invite *amicus curiae* evidence from research institutes and NGOs to shed light on the difficulties of 'applying customary law outside of the social setting which it emerged'.⁹¹ Notwithstanding the criticisms of the above decisions, some scholars have argued that these cases accentuate the fact that judiciary has stopped condoning discriminatory customary practices against women.⁹² Thus, the decisions in the aforementioned cases have

finally terminated the prevarication and conservative policy of the apex court and firmly turned the tide against discriminatory customary law rules of succession in favour of female children and widows, respectively.⁹³

Furthermore, Aigbovo and Ewere have contended that the most significant factor which has led to the change in the Supreme Court's policy on discriminatory inheritance practices against women is the elevation of female justices to the Supreme Court and appointment of the first female Chief Justice in the country.⁹⁴

Also, in light of the legislative enactments (and bills) discussed in the earlier part of the chapter, it is obvious that the facts of the above cases go against the tenor of these laws. However, the VAPP Act was enacted in 2015 after the Supreme Court decisions in *Anekwe v. Nweke* and *Ukeje v. Ukeje*. Thus, the VAPP Act is not discussed in the cases. However, jurisdictional issues would have impacted on the utility or application of the VAPP Act in the aforementioned cases. For example, the VAPP Act is applicable in Abuja and the aforementioned cases originated from the South eastern parts of the country. Except, the South Eastern states in the country adopt the VAPP Act as part of their laws, it will be difficult for the Supreme Court to make allusions to the VAPP Act in similar cases emanating from the South Eastern parts of the country in the future. Furthermore, the Supreme

91 See Diala, *supra* note 88, p. 120.

92 See Chinwuba, *supra* note 80, p. 347.

93 See Aigbovo and Ewere, *supra*, note 78, p. 13.

94 *Ibid.*, p. 21-22.

Court will rely on the Sexual Offences, Gender and Equal Opportunities and Labour Amendment Bills in similar cases if these bills are enacted into laws in the near future.

2.5 CONCLUSION

The Nigerian constitution should be amended expressly to protect women rights and remove every ambiguity inherent in its provisions. Section 42(1)(2) of the constitution expressly promotes gender equality in the country. However, this is circumscribed by section 42(3) of the constitution which states thus:

(1) this section shall invalidate any law by reason only that the law imposes restrictions with respect to the appointment of any person to any office under the State or as a member of the armed forces of the Federation or member of the Nigeria Police Forces or to an office in the service of a body, corporate established directly by any law in force in Nigeria.

Scholars have contended that the aforementioned sub-section promotes the indirect discrimination of women under the constitution.⁹⁵ Arguably, section 42(3) is contradictory and insensitive to the plight of women in Nigeria.⁹⁶ To avoid further ambiguity in the constitution (in the gender rights discourse) exacerbated by section 42(3), the constitution should be amended and this provision deleted. However, many scholars have argued the constitutional amendment process in Nigeria is cumbersome.⁹⁷ Arguably, this is no longer the case in Nigeria and the constitution has been amended (termed 'alterations') severally in the last few years. Recently, in May 2018, President Buhari signed a law reducing the constitutional age limit of candidates contesting for elections in Nigeria, thereby 'increasing the chances of younger people participating in the country's polls'.⁹⁸ Hence, gender equality groups should also advocate for the repeal of specific provisions of the constitution (especially section 42(3)) as part of the National Assembly constitutional review process. This will have direct impacts in all parts of the country and not restricted to certain parts of Nigeria.

95 M. Ashiru, A Consideration of Nigeria Laws which are Gender Insensitive: The Female Gender in Focus, in 1(1) *University of Benin Journal of Private and Property Law* (2010), p. 90.

96 See Ekhatior, *supra* note 21.

97 N. Ofo, Amending the Nigerian Constitution, in 4(2) *African Journal of Legal Studies* (2010), p. 123, on the difficulties in amending the Nigerian Constitution.

98 B. Adebayo, #NotTooYoungToRun: Nigeria lowers minimum age for election candidates, *CNN*, 31 May 2018, <https://edition.cnn.com/2018/05/31/africa/nigeria-not-too-young-to-run/index.html> (accessed 11 July 2018).

Nigeria should domesticate its international obligations and conventions promoting women rights and gender equality in the country. For example, Nigeria has signed and ratified the Convention on the Elimination of All Forms of Discrimination against Women (and its optional Protocol), the African Charter on Human and Peoples' Rights and the Protocol to the African Charter on Human and People's Rights on Women's Rights in Africa.⁹⁹ However, only the African Charter has been domesticated into law in Nigeria and it promotes women's rights in its provisions.¹⁰⁰ Nigeria operates a dualist system wherein treaties are not applied in the country unless domesticated via the machinery of legislation. Here, section 12(1) of the Nigerian Constitution, states that no treaty between the federation and any other country shall have the force of law except to the extent to which any such treaty has been enacted into law by the National Assembly. Hence, the African Charter was domesticated into Nigerian law by virtue of the African Charter on Human and Peoples' Rights (Enforcement and Ratification) Act 1983.¹⁰¹

Onyemelukwe argues that, Nigeria by ratifying these international mechanisms signifies 'a good faith commitment to ensuring that the provisions of the instruments are adhered to'.¹⁰² Arguably, apart from the African Charter, many of these international mechanisms have not impacted positively on the plight of women in Nigeria. This is because some of these mechanisms have not been domesticated into Nigeria Law, hence their impact is minimal. Thus, Nigeria by ratifying these international measures appears to be using the mechanisms as a means of achieving credibility and legitimacy in the eyes of the international community.¹⁰³ This chapter suggests that the Convention on the Elimination of All Forms of Discrimination against Women (and its optional Protocol) and the Protocol on Women's Rights in Africa should be domesticated. Arguably, this is what the recent bills (GOE Bill 2016 and Labour Amendment Bill 2016) seek to achieve in their provisions. However, the bills are yet to be passed into law by the National Assembly. The African Charter on Human and People's Rights is an example of a domesticated treaty that has impacted positively on Nigerian Law. For example, some scholars¹⁰⁴ have argued that the African Charter has had direct and positive impacts on women's rights, environmental justice, civil and political rights and regulation of multinational corporations in Nigeria

99 See Ekhaton, *supra* note 3.

100 See, e.g., Art. 3 of the Charter enjoins countries to combat discrimination against women via legislative, institutional and other means.

101 Formerly Cap 10 LFN 1990 now Cap A9, LFN 2004 (African Charter Act).

102 C. Onyemelukwe, Discrimination on the Basis of HIV Status: An Analysis of Recent Developments in Nigerian Law and Jurisprudence, in 17(3) *International Journal of Discrimination and the Law* (2017), pp. 160, 166.

103 For similar arguments on the Extractive Industries Transparency Initiative in Nigeria, see E. Ekhaton, The Roles of Civil Society Organizations in the Extractive Industries Transparency Initiative in Nigeria, in 16 *International Journal of Not-for-Profit Law* (2014), pp. 47, 52

104 F. Viljoen, *International Human Rights in Africa*, 2nd edn. Oxford, 2012; See Onyemelukwe, *supra*, note 2. Also see Ekhaton, *supra* note 21.

amongst others. Arguably, if these international mechanisms on gender equality are domesticated – it will have more direct impacts on gender equality and women rights in Nigeria.

The VAPP Act should be adopted by the states in the country as currently it is only applicable in Abuja (Federal Capital Territory in Nigeria) and a few states in the country (Anambra, Ebonyi, Oyo and Edo States in Nigeria have signed the VAPP Act into law). Arguably, this will be difficult to achieve in Nigeria due to religious and cultural reasons. A similar problem arose during the implementation of the UN Convention of the Rights of the Child (CRC) in Nigeria. Nigeria signed the CRC in January 1990 and ratified it in April 1991.¹⁰⁵ Due to the refusal and objections of many states in Nigeria to support the domestication of the CRC in Nigeria, the federal government enacted it as the Child Rights Act (2003) (CRA) for Abuja.¹⁰⁶ States in Nigeria have the authority to enact the CRA as part of their laws and presently, only 24 states out of 36 states have enacted the CRA as part of their laws.¹⁰⁷ Furthermore, eleven states 'out of the 12 Sharia-implementing states have refused to adopt the CRA on the basis of some of the provisions contradicting their religious beliefs'.¹⁰⁸ Arguably, in respect of the VAPP Act, many states in Nigeria will refuse to adopt it for religious and cultural reasons amongst others.

The lack of adequate women participation in Nigerian politics should be redressed by the government. The participation of women in politics in Nigeria is minimal; this is notwithstanding that women make up about 49 per cent of the population in Nigeria.¹⁰⁹ There is a noticeable absence of women from leadership positions in the country.¹¹⁰ For example, Nigeria has the lowest number of female legislators in Africa.¹¹¹ Here, 'only 7 out of the 109 Senate seats and 14 out of the 360 House of Representative seats are occupied by women'.¹¹² Furthermore, only 16 per cent of the cabinet of current President of Nigeria is women (which is against the tenor of the National Gender Policy which recommends

105 I. Ogunniran, Forward Looking or Backward Stepping: Evaluating Child Protection from Sexual Exploitation in Nigeria, in 3(3) *Journal of Human Trafficking* (2017), p. 167, 170.

106 This by virtue of section 299 of the constitution which states that "the National Assembly has the legislative powers to make for the Federal Capital Territory (FCT), Abuja."

107 See Ogunniran, *supra* note 105.

108 See Ogunniran, *supra* note 105, pp. 170-171. Only Jigawa out of the Sharia-implementing states in Nigeria has adopted the CRA in their statute books.

109 N. Ogbonna, Women in Nigeria Make 49 Percent of the Population, But Only Four Percent of Lawmakers, *London School of Economics Blog*, 8 March 2016, <http://blogs.lse.ac.uk/africaatlse/2016/03/08/women-in-nigeria-make-up-49-per-cent-of-the-population-but-only-four-per-cent-of-lawmakers/> (accessed 11 July 2018).

110 *Ibid*; See Oviawe, *supra* note 26.

111 B. Bailey, Nigeria Ranks Worst in Women Participation in Politics in Africa, *Business Day*, 18 March 2018, <https://www.businessdayonline.com/news/article/nigeria-ranks-worst-women-participation-politics-africa/> (accessed 11 July 2018).

112 See Ogbonna, *supra* note 109, p. 2.

a minimum of 35 per cent representation for women).¹¹³ The contention of this chapter is that if there are more women legislators in Nigeria, there will be more women-friendly laws in the country. Support for this assertion is gleaned from Odejide.¹¹⁴ Odejide relies on some scholars to argue that women's presence and participation in politics has had positive impacts on women issues in Uganda, Burundi, South Africa, Tanzania and Rwanda amongst others.¹¹⁵ Arguably, Nigeria is no exception. The recent women-friendly bills in the Nigerian National Assembly were sponsored and introduced in parliament by women legislators. Thus, an increase in the number of women in the National Assembly will impact positively on the number of women-friendly laws that will be drafted or passed by the legislative bodies in the country.

Also, more women should be appointed to the Supreme Court of Nigeria. Currently, the Supreme Court has only three women Justices out of 16.¹¹⁶ In June 2005, Justice Mariam Aloma Muktar became the first female Justice of the Supreme Court in Nigeria and first female to be appointed as the Chief Justice of Nigeria in July 2012.¹¹⁷ Also, a female Justice (Justice Ogunbiyi) sat on the two panels of recent cases on women rights in Nigeria (*Ukeje v. Ukeje* and *Anekwe v. Nweke*).¹¹⁸ Thus, it has been contended that:

One can safely conclude that the single most important factor which has resulted to the change in the policy of the Supreme Court regarding gender-based discriminatory native law and custom rules of inheritance is the elevation of female justices to the Supreme Court and the appointment of a female as the Chief Justice of Nigeria.¹¹⁹

The appointment of more female justices to the Supreme Court will serve as a tool for the promotion and protection of gender equality by the judiciary in the country.

The Nigerian government should develop more effective strategies to reduce poverty in the country. Recently, Nigeria which is one of the richest African countries has overtaken India as home to the world's greatest concentration of extreme poverty, amid warnings that the continent will host nine out of the 10 world's poorest countries within 12 years.¹²⁰

113 *Ibid.*

114 See Odejide, *supra* note 16, p. 6.

115 *Ibid.*

116 The current female Supreme Court Justices are: Amina Adamu Augie, Kudirat Kekere-Edun and Mary Peter-Odili. Supreme Court website <http://supremecourt.gov.ng/Profile/justices> (accessed 11 July 2018).

117 See Aigbovo and Ewere, *supra* note 78.

118 *Ibid.*

119 See Aigbovo and Ewere, *supra* note 78, p. 22.

120 P. Beaumont and I. Linus, Oil-rich Nigeria outstrips India as Country with most people in Poverty, *The Guardian* 16 July 2018, <https://www.theguardian.com/global-development/2018/jul/16/oil-rich-nigeria-outstrips-india-most-people-in-poverty?platform=hootsuite> (accessed 16 July 2018).

Women bear the brunt of poverty in Nigeria because they are the least educated and economically active.¹²¹ This chapter aligns with Woruji and Ugbe who states that:

Promoting gender equality is now globally accepted as a development strategy for reducing poverty level among women and men, improving health and living standards and enhancing efficiency in public investment. The attainment of gender equality is not only seen as an end in itself and human right issue, but as a prerequisite for the achievement for sustainable development.¹²²

In conclusion, the recent enactment of women-friendly laws which have improved the human rights and dignity of women in Nigeria is a welcome development. Goal 5 of the Sustainable Development Goals (SDGs) mandates all countries to achieve empowerment and gender equality for women and girls. Nigeria should not be an exception – hence more laws should be enacted to promote gender equality in the country. Furthermore, laws promoting gender equality and women's rights should be implemented across the country. Many of the existing laws are not enforced; there is no guarantee that these new laws (for example, the VAPP Act) will be effectively enforced in the country. Except these recent laws (both at federal and state levels) are comprehensively enforced, women will continue to bear the brunt of state sanctioned discriminatory practices in the country.

121 The 2015 UNDP Report classifies Nigeria in the category of low human development countries, ranking 152 in Gender Development Index and Gender Inequality Index respectively. See Ukhuegbe, *supra* note 26, p. 311.

122 See Woruji and Ugbe, *supra* note 77, p. 28.