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A Socio-Legal Approach to Violence Against Women in Nigeria

Akanle, O. / Busari, D.

ABSTRACT

Gender constructions are not obvious human categories and factors amongst the most contested academic and scholarly issues. This is partly because gender is a sensitive subject, with varying conceptions dependent on contexts of human actions. Among the most affected subjects of power relations is also gender, thus making it amenable to many interpretations and intervention efforts. Due to the centrality of gender issues to economic, political, social and general practical existences, Nigerian governments over the years have instituted policies and laws to address the issues related to gender. Unfortunately, gender sentiments, biases and orientations that the laws and policies are meant to address also still affect gender constructs and the laws/policies themselves in a way that calls the policies and the laws to question in terms of efficacy, ultimately. This demonstrates the deepseatedness of gender and its complex yet dynamic nature as it interfaces power and sensitiveness as different categories of humans interact. What is then the place of the laws in addressing gender relations? What are the natures of dominant legal systems in the face of unequal power-play as they affect gender? What are the gaps and the strengths of gender-focused legal systems in Nigeria? Since gender is not a self-evident human category,

what are the pathways to a more positive gender relations in Nigeria and how can socio-legal systems more proactively and more positively address gendered human conditions? These are indicative research questions this paper addresses. This paper reviews and analyzes the gender-related components of the Nigerian legal systems and policies in manners that will benefit scholarship and practice.

Keywords: Gender constructions, legal systems. Nigeria, socio-legal approach

In the immortal words of Jean-Jacques Rousseau, "Man is born free, but everywhere . . . in chains!"

INTRODUCTION

Violence is endemic in human society. Of special interest is the violence perpetrated against women in devious dimensions and diverse measures across the globe—experienced in “developed” and “developing” countries alike. Gender violence is replete in the day-to-day interactions entered into by both sexes. The female folk are often at a disadvantaged end vis-a-vis their male counterparts, who are structurally “favoured” by inbuilt stratification mechanisms in most societies, especially agnostic societies with androgynous formations. Enduring cultural orientations embedded in the ideology of patriarchy make men superior to women (Akanle, 2011). This situation in itself engenders violent relationship in which women are subjugated by men. The social construction of gender emphasizes male domination or masculinity in patriarchal societies to which most societies originally belong. This paradigm explains the socialization process that pitches female folk at a receiving end right from girlhood down to womanhood.

In Nigeria, as is the case of most third-world countries, violence against women (VAW, hereinafter) is culturally sanctioned such that the dichotomous relationship between male and female folk is seen as a norm. The rapid social change occasioned by globalization has not decimated this unequal relationship. It has only led to other forms of gender violence whereby women experience some forms

of double domination—domestic and occupational violence. As women turn to co-breadwinners, as against sole breadwinners *ab initio*, in the family, they (women) now find themselves in increasing contentions over access to certain values, privileges and other economic resources. VAW in the Nigerian context is often carried out in terms of sexual harassment, occupational discrimination, trafficking of women, women as objects of advertisement, spousal battery, child abuse (often in terms of childhood marriage), rape, verbal abuse, and other forms of institutionalized differential treatment against women (Attoh, 2013; Otite & Ogiunwo, 2006). It is thus fast becoming imperative to revisit the existing laws that guarantee the dignity of women as bona fide members of society considering the international conventions accented to by United Nation, a comity of nations to which Nigeria belongs.

Leadership newspaper reports that

. . . in July, the story was reported of a 34-year-old housewife, Fatima Bankole, who had her face stitched 26 times, after she got battered by her husband, Kamoru Bankole, for taking a piece of fish from the pot to break her fast.

This is one out of several other cases of battery and other forms of violent acts against women in Nigeria as well as other countries of the world. In most cases, these violent acts are not reported by their victims. Victims of violence often rescind appropriate redress or may not know the appropriate agency to report to within the Nigerian criminal justice system. Violence against women within the context of social construction of violence in Nigeria primarily preconditions most women who have experienced some form of abuse to keep silent since an attempt to seek redress might be termed repulsive, especially in cases where family disputes are arbitrated by a community of elders or other forms of domestic mediatory measures that favour male domination. There is also the victimology of violence against women, whereby the victim rather than the perpetrator of violence is blamed for instigating violence.

Concerns have been raised for advocacy and mitigation of increasing level of violence against women around the globe with international agencies like UN Women, UNICEF and the African Union (AU) in the forefront. Other organizations like the International Federation of Female Lawyers (FIDA), Women in Law and Development in Africa (WILDA), Women Consortium of Nigeria (WOCON), Gender and Development Action (GADA), among others and the media have been playing remarkable roles in advocacies and redressing violence against women in Nigeria. This development primarily came about as a result of increasing awareness of the vital developmental role played by women in the society and how women have been hitherto suppressed, abused, excluded and segregated over the years.

DEFINITION OF VIOLENCE AGAINST WOMEN

Violence against women manifests in different dimensions. It is a deep-seated issue in the comity of nations. It is a subtle and systematic way of violating the fundamental human rights of women. The official UN definition of gender-based violence was first presented in 1993 when the General Assembly passed the Declaration on the Elimination of Violence against Women (Ellsberg & Heise, 2005). The United Nations defines violence against women as

... any 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 in private life (*UN Fact Sheet No. 239, 2013*).

The Protocol to the African Charter on Human and People's Rights (ACHPR) defines violence against women as

... all acts perpetrated against women which cause or could cause them physical, sexual, psychological, and economic harm, including the threat to take such acts; or to undertake the imposition of arbitrary restrictions on or deprivation of fundamental free-

doms in private or public life in peace time and during situations of armed conflicts or of war.

Violence against women is dynamic and broader in scope than expression of concerns for physical injuries that dominate literary perception of what constitute violence. Ellsberg and Heise in their 2005 work on *Researching Violence against Women: a Practical Guide for Researchers and Activists* saw VAW as "the most pervasive yet under-recognized human rights violation in the world." To them,

... it is also a profound health problem that saps women's energy, compromises their physical and mental health, and erodes their self-esteem.

Ellsberg and Heise went further to explain- that VAW has a vicious circle that revolves from pre-birth stage (characterized by selective abortion during pregnancy) to infancy (in form of female infanticide, poor nutrition or health care); to childhood (child abuse in terms of female genital mutilation [FGM]); to adolescence (characterized by child trafficking, rape, forced early marriage, forced prostitution and psychological abuses); to reproductive age (in form of honor-killing, dowry-killing, intimate partner abuse, sexual assaults by non-partner, femicide, sex trafficking, sexual harassment); down to hoary stage (characterized with name-calling and other widowhood complications).

Contextually, VAW connotes a wide range of ominous social vices against women that undermine the dignity of their womanhood. Violence against women is insidiously gaining prominence even with intensive campaigns, advocacies, legislation and conventional mediations. More worrisome is the spate of its perpetration in the circle of family violence. Interestingly, VAW is a global issue with varying degrees. As such it is highly concomitant to evaluate and appraise the dynamics of various legal frameworks that promote protection of women against some of the violent acts that include:

- Violence in the home;
- Sexual harassment at school and work;

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- Rape and defilement (marital and date rape);
 - Harsh and punitive widowhood rites;
 - Female genital mutilation (FGM);
 - Forced childhood marriages;
 - Sexual violence in conflict situations and during armed robbery attacks;
 - Enforcement of gender-biased laws;
 - Discrimination against the girl-child;
 - Disinheritance of wives and daughters;
 - Harmful traditional practices.

Given the above background, it is pertinent to examine some of the operational documents and conventions that are useful for contextual analysis of violence against women.

LAW AND PROTECTION OF WOMEN'S RIGHTS

The moral stance of women agitations to have their rights protected by the law is often subjected to debate and gets rescinded at the extremes. Most primordial traditional societal values, especially in agnostic societies and to some extent religious fanaticism, overwhelmingly hold female right next to nothing.

Legal frameworks are central in shaping and reshaping desired women's rights as well as entrenching them within the ambit of national or international laws. Summits, conventions and various conferences have held over the years with a view to elevating the status of women in the society as well as preempting incessant cases of injustice or violence against female folk. It is lucidly spelt out in article 5 of the Universal Declaration of Human Rights (UDHR) of 1948 that no one should be subjected to torture or to cruel, inhuman or degrading treatment or punishment. Also, an individual's freedom of religion, movement, association or belief, whether in public or private arenas, is well-entrenched in the UDHR. It must, however, be understood that law, in its entirety is devoid of sexism—not

sex-biased. In other words, women's rights must always be seen as human rights.

The aim to protect women's rights is legitimate in light of what constitutes the rule of law. The famous classical legal guru, A.V. Dicey, in 1885 conceived the Rule of Law doctrine as the absolute supremacy of the law or predominance of regular law and equity before the law (Akanle, 2011). The rule of law enables both male and female equal right to seek redress in case of perceived violated rights or abuse. Thus, it is very important to pursue the protection of women against violence with undaunted zeal since they (women) have hitherto suffered a lot of marginalization and mistreatment from their male counterparts and institutionalized exclusionist policies. For instance, Sharia laws does not make provision for protection of women's rights. Islamic states of the UN Council for Human Rights (UNCHR) have frequently motioned their refusal to oblige or regard laws that prohibit beating. Consequently, more cases of girl or women abuses are perpetrated. A recent report shows that

... around 140 million women and girls worldwide have their genitals hacked off or otherwise mutilated, the bulk of which female genital mutilation is justified in the name of Islam" (see <http://freethoughtnation.com/un-muslim-states-reject-ban-on-violence-against-women-as-violating-islamic-law/>).

Access to justice is a nagging issue when analyzing violence against women. Considering group marginalization predicated on high rate of poverty, cost of justice, institutional imbalances and poor justice system in most third-world countries, VAW becomes unavoidably rampant (Akanle and Owasanoye, 2010). Women's rights are human rights which must be protected with earnest sincerity within the framework of justice system of any country. In most cases, especially in developing countries, the nature of the interactions that exist between victims of violence and judicial institutions are devoid of true conception of what is sociologically referred to as a system (Alemika, 2006)

It is at this juncture that some of the existing legal frameworks that promote protection of VAW examined.

International policy documents on women rights protection

Historically, a liberal ideological attempt to wriggle women out of unfair treatment by their male counterparts and other forms of unjust practices was first made in 1848 at the New York Declaration of Sentiments drafted at Seneca Falls (Ritzer, 2010). The draft was essentially centered on the sovereign fundamental human right derived from the natural law which guarantees everybody's rights, irrespective of sex or creed. It is argued that "all men" have equal right to happiness. The declaration led to formation of myriads of abolitionist movements which were characteristic of the Industrial and the French revolutions. It also encourages mass awareness and advocacies for protection of women against violation or abuse. The right of women, as stipulated in the document, was seen as inalienable and as such should be well protected. The crux of the declaration was on its proposal to various governments around the globe to change laws and customs that inhibit women's liberty to allow women to assume their equal place in society. Thus,

The denial of those rights by governments instituted by men violates natural law and is the tyrannical working out of multiple practices of sexism. The radical nature of this foundational document is that it conceptualizes the woman not in the context of home and family but as an autonomous individual with rights in her own person (Ritzer, 2010).

Sequel to this declaration, many other conventions had been consummated, such as the World Conference on Women (WCW). There have been four editions of WCW. The first was held in 1975, which led to the introduction of the defunct UN Fund for Women (UNIFEM), now known as UN Women.

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

CEDAW is a vital instrument that was adopted by the general assembly of United Nations in 1979. It was opened for ratification and became operational in 1981. Nigeria ratified this document in 1985 (see FMWASD). Stemming from the tenets of the UDHR, CEDAW laid down rights for women in term of freedom from all forms of discrimination and guaranteeing of justice for women. Protection of women's rights was conceived as of paramount importance as it is consequential for the development of women, children, communities, nations and the world at large. CEDAW is explicit about the rights of women in politics, domestic issues, work, sexual matters and other relational issues that affect women's survival.

Through the agency of the Federal Ministry of Women Affairs and Social Development (FMWASD), the Nigerian government has domesticated CEDAW and has also pursued the achievement of its objectives. Non-governmental organizations have also bolstered the effort of government to realize CEDAW's objects in the country.

The Beijing Platform for Action (BPFA)

The fourth World Conference on Women was held in Beijing, China (1995) marked another mileage in furthering the course of protecting women against overt and covert violence. The conference successfully dug out some policy-oriented pathways for promoting gender equality and prevention of female abridged rights. It provides for more inclusion of women, at least 35 percent, in politics and other spheres of life.

There are other platforms, schemes and frameworks that have been essentially designed to tackle the spate of violence against women and promote gender equity, millennium development goals prominently being one of these. The third goal of the eight millennium goals centers on women's empowerment and women's rights, with 2015 set as the ultimatum for realizing MDGs. There are also the Vienna Conference on Human Rights (1993), the Copen-

hagen World Summit for Social Development (1995), and the recent European conference held August 1 (2014) in Beijing in which 36 out of 47 member states of the European Union signed a vital treaty on preventing violence against women. The treaty has been ratified by 15 member countries. The crux of these numerous conferences is on fair treatment of women as they are not in any way inferior to their male counterparts.

Protocol to the African Charter on Human and People's Rights Women in Law and Development in Africa (WiLDAF), a pan-African network of organizations and individuals who work in the area of law and development, was instrumental in the conveyance of the conference at Maputo, Mozambique, in 2003. The conference led to the drafting of the protocol to the ACHPR on the rights of women. This document is the Africa phase of CEDAW. Issues surrounding violence against women, widowhood rights, child abuse, domestic and workplace security, assaults against women, female genital mutilation and other gender-related issues are well-enshrined in the protocol to ascertain women's safety and development in the continent. Nigeria has both signed and ratified ACHPR and entrenched it in her domestic operations through FMWASD.

Other African regional and sub-regional frameworks for the pursuit of protection of women's rights include Convention on the Rights of the Child, the African Charter on the Rights and Welfare of the Child (ACRWC).

Nigerian attempts at forestalling violence against women

Nigeria is a signatory to many international treaties on promotion of women's rights. It has a ministry devoted to achieving the objective of these treaties—the Ministry of Women Affairs and Social Development. Several attempts have been made by both public and private sectors to reduce violence against women to barest minimum. The Obasanjo regime is credited for its inclusion of more women in government. The Nigerian Constitution clearly

states the inalienable rights of women in all facets of life, which include freedom of movement and freedom to vote and be voted for. The Child Rights Act (CRA) which is inclusive of the rights of a girl-child has been passed into the country's laws since 2003, with all 36 states expected to domesticate this law. Different nongovernmental organizations have also sprung up with the major objective of fostering women empowerment and forestalling violence against women. These include Women Consortium of Nigeria (WOCON), Women Advancement for Research and Documentation Centre (WARDC), Generation Next Sisters for Democracy (GNET Sisters), Women's Rights Advancement and Protection Alternative (WRAPA), National Association of Women Journalists (NAWOJ), and Gender and Development Action (GADA), to mention but few.

However, there are a lot of anomalies in Nigeria that bring the realization of women's sovereign rights and the objectives of UDHR CEDAW and the Maputo Protocol, among others afield. The ratio of women to men in the Nigerian civil service still stands at 1:4, and 1:5 in the medical profession. Given the grinding poverty of Nigeria that stands at 70 percent of the total population, it has been revealed that women constitute not less than 65 percent of this statistic (MWASD, 2007). Access to justice cannot be overemphasized in analyses of violence against women.

ASSESSMENT OF FRAMEWORKS

Right from the Seneca Falls Declaration of 1848 there have been laudable social and legal frameworks schemed to reduce violence against women. In spite of concerted efforts dissipated into curbing violence against women at global and national level, more cases of violation of women rights are recorded on a daily basis. Although one cannot completely discredit several attempts which have been useful for advocacy, policies and reforms for addressing gender violence, yet more synergized action is desired to emancipate women from all forms of violence in countries around the globe, especially in developing countries where women are largely disad-

vantaged on the basis of their gender. The following are data gotten from around the world showing the extent of violence against women and their legal implications.

Recent U.N. Women's report (www.unwomen.org/un-factsheet) unravels the following on violence against women:

- Recent global prevalence figures indicate that 35% of women worldwide have experienced either intimate partner violence or non-partner sexual violence in their lifetime.
- On average, 30% of women who have been in a relationship report that they have experienced some form of physical or sexual violence by their partner.
- Globally, as many as 38% of murders of women are committed by an intimate partner.
- Violence can result in physical, mental, sexual, reproductive health and other health problems, and may increase vulnerability to HIV.
- Risk factors for being a perpetrator include low education, exposure to child maltreatment or witnessing violence in the family, harmful use of alcohol, attitudes accepting of violence and gender inequality.
- Risk factors for being a victim of intimate partner and sexual violence include low education, witnessing violence between parents, exposure to abuse during childhood and attitudes accepting violence and gender inequality.
- In high-income settings, school-based programmes to prevent relationship violence among young people (or dating violence) are supported by some evidence of effectiveness.
- In low-income settings, other primary prevention strategies, such as microfinance combined with gender equality training and community-based initiatives that address gender inequality and communication and relationship skills, hold promise.
- Situations of conflict, post-conflict and displacement may exacerbate existing violence and present new forms of violence against women.

In the global scene, VAW is on the increase in spite of various legal frameworks put in place. The situation is not in any way better at the local level. As reports Odumakin, a famous female activist, domestic violence is "pervasive" in Nigeria. According to her, not less than 20 percent of Nigerian women experience physical, sexual and psychological violence from spouses or male relatives. She also explained further that the culture of poverty which subjugates women has encouraged many cases of VAW to go unreported since women are traditionally dependent on men.

As objectified by UN Women that women and girls are indisputably vulnerable in situations of conflict and war, the situation in Somalia as reported by Human Rights Watch (HRW) lends credence to this assertion. According to the HRW report, several cases of sexual exploitation and harassment coupled with other forms of gruesome acts had been perpetrated against women, especially by African Union forces, during the protracted war in Somalia (HRW, 2014). The report shows that the women, in search of food or safety, fell victim of different sorts of abuses by the soldiers from the AU Mission in Somalia (AMISOM). This violence against women seemed to have continued without any punitive measures put in place to check the excesses of AMISOM even in light of the Maputo Protocol resolutions.

The 2013 U.N. Women statistical record of violence against women shows that:

- i. In Guatemala, two women are murdered, on average, each day.
- ii. In India, 8,093 cases of dowry-related death were reported in 2007; an unknown number of murders of women and young girls were falsely labelled "suicides" or "accidents."
- iii. In Australia, Canada, Israel, South Africa and the United States, between 40 and 70 percent of female murder victims were killed by their intimate partners.
- iv. In the state of Chihuahua, Mexico, 66 percent of murders of women were committed by husbands, boyfriends or other family members.

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- v. Worldwide, up to 50 percent of sexual assaults are committed against girls under 16.
 - vi. An estimated 150 million girls under the age of 18 suffered some form of sexual violence in 2002 alone.
 - vii. The first sexual experience of some 30 percent of women was forced. The percentage is even higher among those who were under 15 at the time of their sexual initiation, with up to 45 percent reporting that the experience was forced.
 - viii. Approximately 100 to 140 million girls and women in the world have experienced female genital mutilation/cutting, with more than 3 million girls in Africa annually at risk of the practice.
 - ix. Over 60 million girls worldwide are child-brides, married before the age of 18, primarily in South Asia (31.3 million) and sub-Saharan Africa (14.1 million). Violence and abuse characterize married life for many of these girls. Women who marry early are more likely to be beaten or threatened, and more likely to believe that a husband might sometimes be justified in beating his wife.

In the same vein, the present and past civil unrests in Nigeria coupled with dilly-dallying disposition of government to protecting women have revealed inadequacies in the legislative procedures involved in elevating the status of women in the country. An instance is that of the aftermath of the 2008 crisis in Jos which left many women in state of misery, poverty, desolation and destitution (WOWICAN, 2008). The same trend is replicated in the Niger Delta insurgencies and the ongoing Boko Haram menace, to mention but few.

In a research carried out by Akanle and Olutayo in 2012, it was revealed that a covert form of economic violence is structurally perpetrated against women in form of exclusionist policy, which widens the economic gap between male and their poorer female counterparts. The research showed that the distribution of 2,000 units of Keke NAPEP, a government initiative, was gender-biased such that only men who had access benefited from the scheme. This

is just an insight into other forms of psycho-emotional violence that hamper women's empowerment.

At the micro-level of analysis one is apt to allude to the fact that violence against women is continuously carried out on regular basis at home and workplace. According to Agbo and Choji (2013), the end to violence against women seems to be far-fetched as two out of three women are currently subjected to violence of the domestic kind.

Nigerian Gender Policy

The Nigerian Gender Policy is a legal document that guides behavior of both men and women in the country. It is tailored in line with CEDAW, ACHPR and other international conventions to meet the MDGs' 2015 ultimatum. The policy, under the auspice of FMWASD, has the following components:

- Making gender analysis an integral part of all policy articulation, implementation and evaluation undertaken by not only government at all tiers and within all arms, but also by stakeholders.
- All stakeholders, including government, the private sector, civil society organizations, and community-based organizations, development partners, and individual women and men have a role to play in the achievement of gender equity and equality.
- Instituting a gendered culture that brings about cooperative interaction of women and men, recognizing human rights of all persons, a culture which respects women's and men's capabilities and entails cooperation and interdependence.
- A cultural re-orientation that will be supported by policies and programmes of gender education, sensitization, dialogues, incentives, motivation and responsiveness, rather than only through legislations.
- Transformation of the policy environment within which gender equity programmes are to be implemented, supported by resources—financial and technical—demonstrating political will.

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- Reforming of the existing structures of the national gender management system with a view to strengthening their capacity for a more robust mandate.
 - Promoting the empowerment of women through the bridging of existing gender gaps will be considered integral to the achievement of gender equality, and using policies and legislation of affirmative action if necessary and would no way be deemed discriminatory.

Several mechanisms were also put in place to bring the policies to fruition. The need for adequate budgetary allocation for implementation of the National Gender Policy was brought to the fore. Mainstreaming gender into the general functions of the executive councils through a monthly brief on the implementation of the National Gender Policy by respective ministers/ commissioners concerning their sectors was made sacrosanct. It also became mandatory to empanel annual sessions to understand gender issues and gender-responsive budgeting as part of capacity-building for members of the executive councils. President and governors are expected to integrate gender equality indicators and progress within their speeches on important national days (National Day, Democracy Day, etc.). Commitment to celebrating International Women's Day at federal and state levels as a sign of commitment to celebrating women in Nigeria and renewing of commitments to the bridging of gender gaps was also included as a mechanism. Finally, conforming to international conventions on women's rights, especially those ratified by Nigeria, is deemed a vital tool.

It is evident that the current spate of violence against women in Nigeria generates a lot of doubt and questions as to the effectiveness of the gender policy document that attracted about N6 billion for its five-year (2008-2013) implementation plan to meet the 2015 target set by the UN.

The Nigerian Constitution

With the return of Nigeria to democratic rule in 1999, marking the beginning of the country's Fourth Republic, after many years of political interregnum, a new Constitution was drafted in accordance with the principle of democracy. The constitution spells out what constitutes violation of human (and women's) rights.

In cases of rape, failure to file a case within two months automatically makes the perpetrator unanswerable in the court of law. Due to psychological trauma and other forms of socioeconomic barriers, victims of criminal violence such as rape might not be able to file a case within the period of two months stipulated by the law and thus gives room for the offender to get away with his crime. On the whole, the constitution, though in generic terms, provides for the protection of women's right against violation, has some loophole in that it gives room for the consideration of customary laws in some matters that affect the family.

Nigerian customary laws

Nigeria is a multi-ethnic country with varying customs and value orientations. Each ethnic group has customary laws that regulate the behavior of its people within the legal milieu. Since 1863, Nigerian law, which has been built on the basis of English law, co-exists with about 350 customary laws, subject to the test of validity. The 1886 Charter of the Royal Niger Company provides that in the administration of justice, the customs and laws of the people(s) in its territory must be respected and upheld. The pertinent question, according to Uweri (2007), has been; why subject our customary laws to a test of validity? Could it be to remove superstitious and harsh elements inherent in them? Or could it be that they lack exactness because of non-codification? Why do courts have difficulty in taking judicial notice of them?

Many customary laws are fraught on the basis that they are replete with a lot of gender imbalances. Since customary laws are directly representative of people's culture, it does imply that Nigerian

customary laws are not unlikely to favour male domination because most Nigerian societies are agnostic. Despite the variations in customary laws on the issue of violence against women, the various customary laws tend to agree in many respects. An aspect of customary law that violates women's rights is on widowhood rights. Most traditions deny women rights to inheritance which may subsequently render them pauperized after the death of their husband. The exclusionary treatment is entrenched in virtually all facets of social relationships defined by Nigeria's customary laws.

Penal Codes/Sharia Laws

The Penal Code, otherwise known as Sharia law or Islamic law, is predominantly embraced in the North. The evolution of the Sharia law dates back to the epoch of the conquest of the Umayyad kingdom by the Abbasid dynasty in 750 AH. It attained full legal status during the 500 years of Abbasid rule with the expansion of vigorous legal procedure, research and judicial matters in light of the Koran, especially by the legal scholar by name Shafii. Shafii proposed that legal enquiries could better be understood by the government (Kadi) or the judge only by consulting the Koran. Thus Sharia law is a product of Islam. It is also an embodiment of Islamic beliefs as upheld and preached by Muhammad. The Penal Codes stipulate procedural steps involved in meting out punishment against defaulters of Islamic laws. In most cases, the sanctions suggested by these codes come with physical and psychological injuries on the defaulters, like beating (up to 80 lashes), amputation, mutilation, stoning and crucifixion (Peters, 2001).

The Penal Code was formally integrated into the Nigerian constitutional membrane in September 1960. It is operational only in the northern parts of the country, given the predominance of Islam in the area. While most of the states have fully integrated the code into their judicial system, others have partly domesticated it in their judicial procedures.

It has been argued that the operation of Sharia law in Nigeria has

been detrimental to the realization of emancipation of women from abuses. This is because Sharia gives room for fundamental exploitation and marginalization of females by their male counterparts. For instance, Sharia law states that:

- An individual becomes an adult at puberty. By this a girl-child can be given out in marriage at the age of nine as long as she has attained puberty. The provision is contradictory to the provisions of the CRC and CRA. It gives room for abuse of the rights of a girl-child.
- A man is permitted by Sharia law to marry up to four wives. The question to be asked here is, Why are women not also allowed to marry as many as four husbands?
- A man is at liberty to dissolve his marriage after repudiating his wife three times. This provision has rendered many women single mothers with little or no means of survival.
- In inheritance, a brother takes twice the amount of his sister's share. A man is seen as being supreme and thus has dominion over women.
- A woman is counted as one-half of a man if called for witness in a trial. This negates equal rights of everyone as suggested by the rule of law, CEDAW and UDIIR of 1948.
- There must have been a threat of death or hurt before a man can be arraigned for rape.
- A husband is permitted to admonish (beat) his wife, only that he must not inflict injury on her. Wife beating, no doubt, is a form of VAW. With this provision in Sharia law, Northern women are largely incapacitated to seek redress when they are battered by their husbands as sufficient evidence in the form of physical injury is required to prosecute in Sharia courts.
- While unlawful sexual intercourse (*zina*) attracts harsh punishment like lashes of the whip, the victim of such violence will need a minimum of four witnesses within the context of the Penal Code. Getting four witnesses is not always pragmatic in rape situations, hence abridging the right of the victim to seek redress.
- Any verbal abuse which is intended to insult the modesty of

a woman or any intrusion on her privacy is an **offence**. The offender may be sentenced to up to one-year imprisonment or fine or both.

The above are provisions by Sharia law which contradict the provisions of UDHR, CEDAW, BPFA, ACHPR and other conventional treaties which Nigeria ratified and-domesticated in her policies, especially through FMWASD.

Criminal Code

Similar to the Penal Code in the North, the Criminal Code is the legal document for defining punitive acts within the confines of the law in the western part of the country. The foremost and weighty controversial issue associated with the Criminal Code borders on the masculinity of the document. Aside this, the Criminal Code is explicit on what constitutes assault, human rights violation and criminal acts.

Under the Criminal Code, it is a **crime for a husband to beat his wife**. He may be convicted of **assault, wounding, or grievous harm** for his action depending on the degree and effect of the **force he used on his wife** and sentenced to imprisonment for 2, 3, or 7 years, respectively. Under section 358 rape attracts a sentence of life imprisonment, with or without whipping. Also, chapter 21 of the Criminal Code contains a wide variety of offenses, including causing or encouraging the seduction of a girl under sixteen; abduction of girls under eighteen with intent to have carnal knowledge, and trading persons in prostitution. The penalties range from two to seven years.

CONCLUSION: OVERVIEW AND RECOMMENDATIONS

No doubt, the recurrent legal frameworks put in place within and outside Nigeria have been commendable to an appreciable extent. The ambivalence, however, remains as to whether or not they have truly effectively tackled the cankerworm of violence against women. From the story of Ngalla in Belgium, who underwent many

years of physical and mental torture (HRW, 2012), to Latin America, to the United States, where 83 percent of girls aged 12 to 16 have experienced some form of sexual harassment in public schools as at 2013 (WHO), to Arab states, down to Nigeria and many other parts of the world, discriminatory treatments are still being suffered by women. This undermines the potentials of women and girls for development.

By and large, it is evidential that violence against women is rooted in sociocultural lopsidedness of gender and social inequity and inequality. Similarly, the dilly-dallying approach of government to providing gender-sensitive platforms that are accessible by all, have also been a cog in the wheel of emancipation of women from violence against their person.

Ahead of the fifth WCW in 2015 that will be held in Qatar, the following are recommendations for enhancing legal frameworks to forestall violence against women, even as the world prepares for:

- Proper integration Of CEDAW into domestic laws.
- Public awareness of legal sanctions against VAW.
- Enlightenment of women on UDHR.
- Women should be economically empowered to seek for redress in courts of law.
- Laws and conventions that promote fair treatment of women should be translated to different languages.
- Governments and leaders at all levels should exhibit readiness to promote gender equity by embarking on policies that will ensure liberation of women from domestic and other forms of violence against women.
- Resolution of existing contradictions between the Nigerian Constitution and other forms of law.
- Women's rights must be seen as human rights at all times.
- The use of gender-biased language should be discouraged.
- Human society and behavior are dynamic and as such legal frameworks that protect women and girl-child should accommodate this dynamism.

- Individuals woman should be encouraged to report cases of rights violations as at when due. To achieve this, issues that have to do with stigmatization must be well-addressed.

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