

Nigeria

In Nigeria, there is a plural legal system where statutory, customary and Islamic laws apply, particularly in regards to laws relating to marriage, divorce and inheritance (CEDAW, 2017; Musawah, 2017). Nigeria is a federation of 36 states, each state may or may not adopt federal laws into their state legislatures (Amnesty International, 2017). As such, each state may operate under a different legal regime, depending on its constitution and the localities of the region. In addition, there may be no uniformity of laws within the legal system adding another layer of legal incongruity. For example, there is no uniform customary law in the country, rather it varies from one ethnic group to another (Aluko, Amidu, 2018). Similarly, Nigeria does not have a uniform system relating to Muslim personal law, especially relating to marriage and family relations. These areas are governed by a combination of Sharia principles, Nigerian customary practices and judicial precedents (Musawah, 2017).

1. Discrimination in the family

a) Overarching legal framework for marriage

In Nigeria, there are multiple marital regimes (civil, customary and Islamic) that operate in parallel and are often contradicting (CEDAW, 2017). Given the complexity of marriage laws, women's legal rights and capacity to assert their rights vary widely (CEDAW, 2017). The federal government, however, only has jurisdiction over civil marriages and no authority over Islamic or customary marriages (Centre for Reproductive Rights, 2016). This then allows harmful practices against women and girls to occur such as early or child marriage, polygamy and harmful widowhood rites (Centre for Reproductive Rights, 2016; FAO, n.d.; Musawah, 2017). Throughout the country, most marriages are customary or religious that are not fully protected by statutory law (FAO, n.d.; Matrimonial Causes Act, 1990). In the Northern states, the majority of the population is Muslim and as such Islamic law, Sharia principles and Nigerian customary practices govern marriages and family relations (Musawah, 2017).

Under civil law, marriage is governed by the Marriage Act (1990), which in principle affords women and men the same rights to consent and to freely enter in marriage (Art 11, 1990). Civil law also has measures in place that provide additional protections for women. This includes the prohibition of the practice of polygamy (Marriage Act, 1990; Matrimonial Causes Act, 1990; Penal Code of Northern Nigeria, 1960) as well as legal protections against harmful widowhood practices (Violence against Persons Prohibition, 2015). In 2014, the Same-Sex Marriage Prohibition Bill (SSMPA) was adopted into law. The new legislation not only prohibits marriage between two persons of the same sex, but also same-sex partner cohabitation (Same Sex Marriage Prohibition Act, 2014). The law also criminalizes displays of public affection between same sex partners and on anyone who "registers, operates or participates in gay clubs, societies and organization" or "supports" the activities of such organizations, imposing a 10 -year prison sentence on offenders (Human Rights Watch, 2016).

For Muslim marriages, the state's Constitution grants the Sharia Court of Appeal the authority to make decisions on the personal law for Muslims, including marriage, leaving Muslim women open to discriminatory laws that restrict their rights to marry and divorce (Musawah, 2017). Under Islamic Law, Muslim men may enter into a polygamous marriage (up to four wives) without the consent of the wives or demonstration that he has the financial capacity to maintain multiple wives and families. (Musawah, 2017). In some areas, polygamy is mandated, while in others it is widely encouraged and thus practiced (Musawah, 2017).

Regulations of customary marriage is subject to the particular laws that vary among communities. Often, women married under customary law do not have equal rights in matters of marriage, dissolution, inheritance and right of property, and moreover, widowhood rites and disinheritance against women are practiced (FAO, n.d.). In some Northern states, widows often are placed under "confinement" where they are under social restrictions for as long as one year and are required to shave their heads and wear black (US Department of State, 2017). In other communities, widows who are accused of their husbands' death must drink the water used to clean their deceased husbands' bodies (US Department of State, 2017).

a) Child marriage

Under civil law, the Marriage Act (1990) has been the guiding legislation on marriage, setting the legal age of women and men at 21 years old. The consent of a legal authority (parent, court, administrative officer) is required for marriage of a person under the legal age. In 2003, the state adopted the Childs Rights Act, which sets a minimum age of 18 years for marriage for both boys and girls, without exceptions. Other measures to prevent early marriage of girls include the state's Penal Code which criminalizes sexual intercourse with girls under 13 years of age, yet this is not applicable to girls of this age in customary law marriages (Sections 218 and 357, Penal Code; CEDAW, 2017).

While the Child Rights Act sets a minimum age for both boys and girls, the law is only applicable in a limited number of federal states that have adopted the act (CEDAW, 2017; Centre for Reproductive Rights, 2016). The remaining states that have not adopted the Act do not have any legal measures prohibiting child marriage, particularly in the northern states where child marriage is prevalent (US Department of State, 2017). As a result, early marriage remains rampant in Nigeria (Centre for Reproductive Rights, 2016).

In many states in the North, communities adhere to Sharia law which does not have a minimum age of marriage (Centre for Reproductive Rights, 2016). Consent for a bride to enter marriage is only required by the marital guardian ("wali"), usually the father or male relative of the bride, who have the right to conclude a marriage on the behalf of a child against their will (Musawah, 2017). Moreover, registration is not required for marriages and divorces under Islamic Law with the exception of the Jigawa State (Musawah, 2017).

In practice, the persistence of discriminatory stereotypes regarding the roles and responsibilities of women and men in the family allow early and forced marriages to remain widespread among young girls (CEDAW, 2017). Other factors driving early marriage include: religious practice (puberty

is an indicator of adulthood in some Islamic communities), beliefs that early marriage will prevent “indecent” associated with premarital sex, and customary law that allow the practice (US Department of State, 2017; Musawah, 2017; FAO, n.d.).

b) Household responsibilities

While there are no civil laws that grant husbands the authority over their wives, under religious and customary marital regimes, male authority is central to the family archetype (World Bank, 2017; Musawah, 2017). Particularly, under Islamic Law, it is the husband’s duty to maintain his wife and children; and in return, the wife is required to be obedient to him or else lose her right to maintenance (Musawah, 2017). In Muslim marriages, the husband’s authority extends to women’s freedom of movement restricting their ability to leave the house unaccompanied (Musawah, 2017). Under customary law, the wife is regarded as the man’s property and are expected to be subordinate to their husbands as well as the parents of the husbands (FAO, n.d.). Gender stereotypes, cultural norms and traditional attitudes reinforce women’s role in the household and the inequalities that exist between women and men (NGO Coalition, 2017; Musawah, 2017).

With regard to children, statutory law does provide equal rights of each parent to the custody and maintenance of their children (Matrimonial Causes Act, 1990). In Muslims marriages, however, the state defers to Sharia court to matters dealing with custody and family, and as a result, fail to ensure women are provided equal rights to guardianship and maintenance of their children (Constitution, 1999; Musawah, 2017).

c) Divorce

Under statutory law, women and men have the same rights as men to initiate and finalize a divorce (Matrimonial Causes Act, 1990). The Act provides multiple grounds for divorce including adultery, desertion, and refusal to consummate the marriage, among other justifications (Matrimonial Causes Act, 1990). For Muslim marriages, The Sharia Court of Appeal has jurisdiction over matters relating to marriage and its dissolution (Constitution, 1999).

Under Islamic law, women do not have equal rights to initiate and finalize a divorce. The common form of Muslim divorce in Nigeria, is “talaq” which is the husband's unilateral right to dissolve the marriage by simply announcing to his wife that he repudiates her (Musawah, 2017). Muslim women however may initiate a “khul” divorce, which requires the woman to provide some monetary compensation to the husband (not to exceed the initial “mahr” or dowry of the bride) (Ibid). The “khul” divorce is the often the means for women to dissolve their marriages due to lack of awareness of court-decided divorces where they do not have to pay compensation to their husband, delays and costs of judicial proceedings which may also place women in vulnerable positions (Ibid). After the divorce, women are obligated to observe the “idda”, which is a waiting period before she may legally enter into another marriage with another man (Ibid).

Under civil law, the courts may order maintenance for either party after the dissolution of marriage (Matrimonial Causes Act, 1990); while in Islamic law, only the wife is entitled to maintenance during the three-month waiting period (“iddah”) following divorce (Musawah, 2017). In the event the Muslim wife is pregnant, she is entitled to maintenance only until the baby is born (Ibid). Broadly

speaking, under customary law, women do not have equal rights in matters of marriage and its dissolution (FAO, n.d.).

Women and men hold the same rights with regard to the guardianship and maintenance of children after a divorce under civil law; but these rights are not guaranteed under religious or customary law (Matrimonial Causes Act, 1990). Under Islamic law, women are generally granted custody of their children after a divorce, where the father is responsible for the maintenance and education of the children (Musawah, 2017). In practice, Muslim women resort to giving custody to the father because the father refuses to pay maintenance and thus the women cannot afford to raise the children (Ibid).

In practice throughout the country, there is a large stigma attached to women who are divorced or separated regardless of the circumstances that caused the dissolution of the marriage; this is more common in the eastern part of the country (FAO, n.d.).

d) Inheritance

Similar to marriage and divorce, the laws on inheritance and administration of a deceased estate vary widely depending on the law applied –statutory, customary or Islamic law. As such, the laws are at time contradictory and there is no clear uniformity in inheritance laws in Nigeria (Diala, 2014).

Under statutory law, the key laws governing testate inheritance include the English Wills Act of 1837, the Wills Amendment Act of 1852 which in principle treat women and men equally with all other beneficiaries (Diala, 2014; Nkadi, 2012). Similarly, the key laws governing intestate inheritance, including the Marriage Act and the Administration of Estates Law 1959, and the Administration and Succession [Estate of Deceased Persons] Law of 1990, do not make the distinction for male or female beneficiaries. Moreover, there are provisions in these intestate laws that ensure that women are not excluded from their right to inheritance. In the Marriage Act of 1990, a woman is entitled to a certain percentage, at least one-third, of the deceased's (FAO, n.d.).

Further, the Administration and Succession Law provides that the wife or daughter shall not be excluded from the inheritance they are entitled to merely because they are women (FAO, n.d.). However, if the intestate is also survived by siblings or children, the terms of devolution may change on the specific circumstances favouring men. Namely, if the female surviving spouse's dies or is remarried, her right to the deceased property ends and will devolve to the next beneficiaries. In the case for male surviving spouses, their right to their deceased spouse's inheritance is absolute (Administration and Succession [Estate of Deceased Persons] Law, 1990). Further, statutory law enforces protections for widows. The Violence Against Persons Prohibition of 2015 prohibits "harmful traditional practices", which includes any behaviour, attitudes or practices, which negatively affect the fundamental rights of women, girls, or any person and includes harmful widowhood practices and the denial of inheritance or succession rights (Art. 15, 20, 2015).

Alongside civil law, there also exist customary legal regimes that govern inheritance, which are much more discriminatory against women than statutory law (CEDAW, 2017; GI-ESCR, 2017; US Department of State, 2017). In some communities, inheritance rights are largely grounded in the succession of men; and wives and daughters do not have the right to inherit anything, leaving many women vulnerable of property dispossession and destitution (CEDAW, 2017; GI-ESCR, 2017; US Department of State, 2017). For Nigerians who are Muslim the Sharia Court of Appeal typically presides over any question of Islamic personal law regarding a will or succession where the endower, donor, testator or deceased person is a Muslim (Constitution, Art. 262, 1999). While it is acceptable for Muslims to apply the Wills Act (thus allowing for more equitable provisions to female family 22

members), in some Muslim communities there is a strong belief that making a will is not permissible in Islam and moreover, women are considered part of a man's property to be inherited by male relatives upon the death of their husbands (Musawha, 2017). In practice, Muslim women are frequently deprived of their inheritance rights and equal protections under the law (Musawha, 2017).

2. Restricted Physical integrity

a) Violence against women

In 2003, Nigeria ratified the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, the Maputo Protocol, and have accordingly made efforts to domesticate the protocol into its national policies and legislation. To date, there is no specific law addressing violence against women, however there is existing legislation that provides general protections against violence for all citizens. Specifically, in 2010 the state's Constitution was amended to include the following provisions: (1) Every individual is entitled to respect for the dignity of his person, and accordingly; (a) no person shall be subject to torture or to inhuman or degrading treatment; (b) no person shall be held in slavery or servitude; and (c) no person shall be required to perform forced or compulsory labour (Art. 34; 2010).

In 2015, the government passed the Violence against Persons Prohibition (VAPP) Act which broadly covers physical, psychological, economic, and sexual violence, including rape, as well as harmful traditional practices such as forced financial dependence or economic abuse, harmful widowhood practices (CEDAW, 2017; US Department of State, 2017). While not specifically addressing violence against women, the VAPP Act has expanded the scope of protection available to women and girls (Amnesty International, 2017). Notably, it is the first federal legislation prohibiting female genital mutilation, sexual harassment, and domestic violence (Centre for Reproductive Rights, 2016; US Department of State, 2017). Moreover, the Act establishes other provisions for the protection of victims including: comprehensive medical, psychological, social, and legal assistance by accredited service providers and government agencies; protective orders for victims; a sex offender registry; a special trust fund for legal services for victims. The law however applies only within Federal Capital Territory (only the High Court of the Federal Capital Territory has jurisdiction to hear and grant applications, including restraining orders), and for the VAPP to become a national law, it needs to be passed to be passed in each of the 36 States of the Federation (Musawah, 2017; Amnesty International, 2017; US Department of State, 2017).

Alongside these laws, the government has also made other efforts to protect victims. In particular, the Federal Ministry of Women Affairs and Social has established safe houses and temporary shelters for women victims of violence to support the rehabilitation and re-integration of victims as well as allocated funding towards projects and programmes that aim at reducing violence against women from the yearly budgetary allocation (UN Women, n.d.). It is unclear on the amount and regularity that the budget is provided on a year to year basis.

Despite these national efforts, violence against women is endemic in Nigeria (Centre for Reproductive Rights, 2016). The discriminatory attitudes against women and girls in Nigerian society contribute to the increase in violence against women as well as harmful practices such as

child marriages, FGM, widowhood rites (CEDAW, 2017; Amnesty International, 2017; Department of State, 2017).

b) Domestic violence

Under the Violence against Persons Prohibition Act 2015, spousal/partner battery is prohibited where offenders may be convicted for up to three years' imprisonment or a maximum fine of 200,000 naira. The Act defines spousal battery as the intentional use of force or violence upon a person to include touching, beating, or striking with the intention of causing bodily harm (Art. 19, 2015). The law however only applies within the Federal Capital Territory, and still needs to be passed in each of the 36 States of the Federation in order to become national law (Musawah, 2017; Amnesty International, 2017; US Department of State, 2017). While some states have passed the VAPP, others have not and vary on their application of the law with regards to domestic violence.

In the north of the country, the state's Penal Code is enforced, which allows husbands to discipline their wives as long as no "grievous" bodily harm is inflicted (CEDAW, 2017; Centre for Reproductive Rights, 2016). In the south, the Criminal Code Act of Southern Nigeria lessens the penalty of assault of a woman (misdemeanour) versus an assault of a man (felony) (Section 353, 360, 1990). Similarly, under customary law, spousal abuse is acceptable for the purpose of a husband correcting his wife (CEDAW, 2017; FAO). In Muslim communities, the Sharia Penal Code of Northern Nigeria does not criminalize domestic violence (Musawah, 2017).

Given such contradictory legislation, domestic violence continues to be widely practiced and socially acceptable throughout the country (US Department of State, 2017). Nigerian women experience both physical and sexual violence from their partners (Centre for Reproductive Rights, 2016). Law enforcement officers were reluctant to intervene in domestic disputes often blaming the victim for provoking the abuse (US Department of State, 2017).

c) Rape

There are statutory laws that criminalize rape. However, in Nigeria each state needs to adopt such laws into their legislature in order for them to become applicable in the state. As such, laws may vary state to state.

Under the Violence against Persons Prohibition (VAPP) Act 2015, rape is criminalized with penal ranging from 12 years to life imprisonment. The VAPP Act applies within the Federal Capital Territory, but still needs to be passed in each of the 36 States of the Federation in order to become national law (Musawah, 2017; Amnesty International, 2017; US Department of State, 2017). To date, some states have passed the law. The law also provides other protections for victims such as: appointing protection officers to victims, protecting the identify of rape victims, allowing courts to award compensation to victims or rape, and establishing a register of convicted sexual offenders (VAPP, 2015). In the Northern Nigeria Penal Code, rape is also criminalized and may be charged to with imprisonment for life and fined (Art. 282, 1960). The law however provides an exemption for men who are married to or marry their victims (Art. 357, 1960). Similarly, marital rape under Sharia Penal Code is legal (Musawah, 2017).

In Nigeria, rape is widespread (US Department of State, 2017; Centre for Reproductive Rights, 2016). Often rape is not reported due to the shame and stigma attached to rape and societal pressures to resolve the issue within the community (US Department of State, 2017; Centre for Reproductive Rights, 2016). When rape is reported it rarely leads to convictions due to outdated, inadequate or inconsistent penal laws, delayed court processes, or discriminatory practices in court proceedings (US Department of State, 2017; Centre for Reproductive Rights, 2016). With regards to the latter, under the Sharia Penal Code which is applied in most Northern states, there needs to be the testimony of four males who witnessed the act of penetration in order for a rape conviction (Musawah, 2017). Moreover, there is the risk that the victims may be accused by rapist of false accusation of unlawful intercourse, which is criminalized under the Sharia Penal code (Musawah, 2017).

d) Sexual harassment

At present, there is no law prohibiting sexual harassment, but state authorities may prosecute violent harassment under assault statutes (US Department of State, 2017).

In Nigeria, sexual harassment is widespread where the practice of demanding sexual favours in exchange for employment or university grades was common practice (US Department of State, 2017; Centre for Reproductive Rights, 2016).

e) Female genital mutilation

Under the Violence against Persons Prohibition (VAPP) Act 2015, female genital mutilation (FGM) is prohibited, penalizing those who perform the act with varying lengths of imprisonment and a fine. Moreover, those who engages another to perform FGM may also be prosecuted. While the VAPP Act applies within the Federal Capital Territory, it still needs to be passed in each of the 36 States of the Federation in order to become national law (Musawah, 2017; Amnesty International, 2017; US Department of State, 2017). To date, some states have passed the VAPP Act, however others have not, particularly those where FGM is prevalent (CEDAW, 2017). Reportedly, 12 states have banned FGM including the Bayelsa, Edo, Ogun, Cross River, Osun, and Rivers States (NGO Coalition, 2017; US Department of State, 2017).

Additionally, the government and local NGOs and women's groups have made efforts to raise public awareness about the health risks of FGM (US Department of State, 2017). Other states default to customary law where FGM is legal and widely practiced (FAO, n.d.).

Given the lack of uniformity in law, ineffective monitoring mechanisms of the practice, minimal penalties for practicing FGM and overall public lack of awareness of the law, FGM continues to be prevalent in the country (NGO Coalition, 2017; US Department of State, 2017).

f) Abortion

In Nigeria, abortion is prohibited by two different laws: Penal Code, Law No. 18 1959 governing the Northern States and Criminal Code 1916 governing the Southern States. The laws both criminalize abortion in all instances except when it is to save a women's life. In such instances, two physicians are required to verify that the pregnancy poses a serious threat to the life of the woman (UN DESA, 2014).

Additionally, the Southern States recognize the 1938 English *Rex v. Bourne* decision which declared abortions performed on the ground of preserving the pregnant woman's physical and mental health were legal (UN DESA, 2014). Due to the stringent abortion laws, many women resort to clandestine, unsafe abortion, placing their lives at risk (IPAS, 2017).

More

In Nigeria, women are subjected to wide range of harmful practices depending on the ethnic community. In some communities, "*pardah*" – the seclusion of women and girls from public observation by being clothed head to toe and by the use of high walls, curtains and screens erected within the home – is practiced (Department of State, 2017; FAO). While the Violence against Persons Prohibition (VAPP) Act 2015 does criminalize offenders who subject widow to harmful traditional practices the practice continued, particularly in communities in the North (Ibid).

In 2014, Boko Haram abducted a significant number of girls from the Chibok and Damasak in Borno State who still remain captive to date. It has reported that they are subjected to physical, sexual and psychological abuse, including rape, sexual slavery, forced marriage, forced labour, and forced impregnation by Boko Haram insurgents (CEDAW, 2017; US Department of State, 2017). In addition, abducted women and girls have been used in Boko Haram's military operations; for the purpose of ambushes, ransoms, and leverage for prisoner exchange (US Department of State, 2017). For women and girls who have been rescued or escaped, many faced community isolation and stigmatization (CEDAW, 2017; US Department of State, 2017).

Reportedly, internally displaced persons (IDPs) residing in Nigerian IDP camps were subjected to sexual exploitation (CEDAW, 2017; US Department of State, 2017; Amnesty International, 2017). This includes "transactional sex", where state sponsored militia and the national army have sexually exploited displaced women in exchange for money, food, or access outside of camps (Amnesty International, 2017). In addition to sexual exploitation, there has been documented cases of rape of IDP women and girls committed by government officials and other authorities, including camp leaders, vigilante groups, police officers, and soldiers (US Department of State, 2017). Owing to migration flows in the sub-region, internally displaced women and girls are also particularly vulnerable to trafficking (CEDAW, 2017).

3. Restricted Access to productive and financial resources

a) Secure access to land and assets

In Nigeria, property law is governed by statutory, customary and Islamic law, depending on the state. As such, the property rights between women and men may vary across communities and regions in the country (CEDAW, 2017; NGO Coalition, 2017; FAO).

Under statutory law, the Constitution equally recognizes women and men's right to land and property, guaranteeing each citizen the right to acquire, own and manage property (Art. 16; 43; 1999). For women married under statutory law, there are two overarching laws guiding their property rights, namely the Married Women's Property Act of 1882, Marriage Act of 1990, and Matrimonial Causes Act of 1970. According to these Acts, Nigerian women have the right to acquire,

hold or dispose of property acquired before or after marriage, and moreover, are afforded the equal rights to the family assets acquired during the marriage (Married Women's Property Act, 1882; Marriage Act, 1990). Upon divorce or dissolution of the marriage, the Acts ensure that women's right to a share of the family property may be enforced through the court processes (Married Women's Property Act, 1882; Matrimonial Causes Act, 1970). In the event of the death of her husband, a widow is guaranteed at least one-third of the deceased's estate (Matrimonial Causes Act, 1970; Marriage Act, 1990).

Outside of statutory marriage, women who are wed under Islamic or customary law do not enjoy the same legal protections (GI-ESCR, 2017). In some states, particularly the Northern states, Sharia courts govern property law. Under Islamic law, while women are allowed the right to own property (included landed property) without the consent of her husband, Muslim wives cannot legally dispose of it without the consent of her husband (Musawha, 2017). In other states, where customary law is applied, land rights typically are only granted to men, however women may gain access to land through their husbands or a male family member (US Department of State, 2017; GI-ESCR, 2017; FAO, n.d).

Given the multiple legal regimes, discriminatory practices surrounding land ownership and the administration of property, women's limited access to economic resources, including credit and loans, and women's lack of understanding of their property rights, Nigerian women continue to face a number of challenges in access to land and non-land assets (CEDAW, 2017; GI-ESCR, 2017; FAO, n.d.). This is particularly the case in rural communities and most areas of the South East and South-South regions of the country (GI-ESCR, 2017).

b) Secure access to formal financial resources

Under statutory law, women and men are afforded equal rights to accessing formal financial services, including opening a bank account and obtaining lines of credit (World Bank, 2017). To increase women's access to formal financial services, the government has also taken steps to promote gender sensitive measures, such as adopting a National Micro-credit policy on women and girls, continuing efforts to enhance their capacity building in entrepreneurship, establishing a Women's Fund for Economic Empowerment, creating a microcredit provided by Community Banks and a National Poverty Eradication Programme, providing of loans at low interest rates and waivers of collateral for women seeking credit (CEDAW, 2017; FAO, n.d.).

In practice, women remain less economically empowered than the men in Nigeria owing to unequal property and inheritance rights, and discriminatory policies and practices in lending institutions and banks (CEDAW, 2017; NGO Coalition 2017). In some Muslim states, cultural norms similarly inhibit women's access to economic resources (Musawha, 2017).

c) Workplace rights

In 1974 and 2002, Nigeria ratified international labour conventions relating to equal remuneration and discrimination in employment and occupation, respectively (ILO). Accordingly, the state has made efforts to domesticate these laws within their legal frameworks. Under the state's Constitution, each citizen, female or male, is afforded equality of rights relating to employment

opportunities and economic pursuits (Art. 17, 1999). Civil law reiterates equal remuneration for work of equal value as well as other protective measures specific to women. These include prohibiting women to enter work conditions place their health or lives in danger, this includes certain professions as well as night work (Labour Act, Art. 55-56, 1990). Moreover, pregnant women are entitled to 12 weeks of maternity leave (Labour Act, Art. 54, 1990). The labour code also ensures women's job security while on maternity leave (Labour Act, Art. 54, 1990).

Despite having these laws in place, cultural attitudes of the roles of women and men and discriminatory institutional practices restrict women's labour rights (NGO Coalition, 2014). As a result, Nigerian women continue to face economic discrimination and challenges in entering labour force (US Department of State, 2017; NGO Coalition, 2014). Specifically, women had difficulties entering particular fields including law enforcement, business, banking, and the private sector at large (US Department of State, 2017; NGO Coalition, 2014). Rather, women remained active in the informal economy, subjecting women to low wages and no protections or benefits, working in agriculture, processing, and selling of goods (US Department of State, 2017). Moreover, the Nigerian labour force experienced a gender pay gap and vertical and horizontal occupational gender segregation (NGO Coalition, 2014).

4. Restricted Civil liberties

a) Citizenship rights

In Nigeria, women and men have the same rights to acquire citizenship, regardless of their marital status (Constitution, Art. 25, 1999). While Nigerian women are able to confer their nationality to their children, they cannot confer their nationality to their foreign spouses as Nigerian men can (Constitution, Art. 26, 1999). Currently, there is no legal requirement to register the birth of children, leaving many children unregistered (US Department of State, 2017).

With regard to passports, the law allows both women and men to acquire these documents equally regardless of marital status (National Identity Management Commission Act, 2007; World Bank, 2017). Under the Constitution, each citizen, regardless of sex and marital status, is granted the freedom of movement, the right to reside in any part of the country, and the right to exit and enter the country (Art 41, 1999). While these statutory laws are in place, their application varies by state. In states that have adopted Sharia law, women's freedom of movement is limited to ensure that women and men remain separated when using public transportation (Department of State, 2017).

b) Voting

Women were granted the right to vote in the 1950s with women residing in the southern regions and universal suffrage eventually came to the country in 1979 (Azinge, 1994). Given religious cultural barriers and patriarchal attitudes, women's political participation was limited (Oluyemi, 2016).

c) Political voice

According to the state's Constitution, women have equal rights to participation in political life as men. While there are no special measures promoting the participation of women such as quotas or reserved seats, the government has made some other efforts to encourage women's

participation in politics, these include: the establishment of Women Political empowerment office and Nigeria Women Trust Fund to support women political aspirants, Women Lobby Group; adoption of Independent National Electoral Commission Gender Policy 2011; collection of evidence on women's participation by National Centre for Women Development and National Bureau of Statistics; creation of waivers for Nomination Form fees for women (CEDAW, 2017; NGO Coalition, 2017; Oluyemi, 2016).

Owing to patriarchal attitudes and strong cultural and religious influence, particularly in the North, there is a low representation of women in public offices in Nigeria, and moreover few women make effort to even run for office (CEDAW, 2017; US Department of State, 2017). Alongside cultural and religious barriers, women face additional challenges including low levels of education, inability to finance public office pursuits, government corruption, political violence, and traditional roles in the household including being responsible for taking care of their children (Oluyemi, 2016; NGO Coalition, 2017). As a result, women's low participation in governance and leadership has led to a continuation of the social conditions of abuse and discrimination that Nigerian women suffer (NGO Coalition, 2017).

d) Access to justice

Given the multiple legal regimes that co-exist in the country and inconsistent application of such regimes across Nigeria's 36 states, there are many laws that are contradictory and discriminate against women (NGO Coalition 2017).

Under civil law, women and men are provided the same capacity to sue and be sued (Constitution, Art 35-36, 46, 1999). In principle, women and men carry the same evidentiary weight in civil court, irrespective of marital status (Constitution, Art 35-36, 46, 1999). In addition, there has been efforts by the government to improve women's access to legal services. This includes a Legal Aid Council that was established to provide free legal counsel to women victims/survivors of violence; a Citizens Rights Department that was established in 2005 within the Federal Ministry of Justice to offer free legal counselling to indigent women. A National Gender Data Bank was created to pool and harmonize existing data sources into a one-stop referral point; and a Multi-Technical Team (MTT) composed of relevant Ministries, Agencies and Civil Societies that was constituted in 2006 to coordinate on cases of reported cases of domestic violence, sexual assault and rape, sexual harassment as well as protective measures that are intended to assist abused women (legal aid, financial assistance, housing assistance, shelters, police action, NGO efforts) (CEDAW, 2017; UN Women, n.d.).

The state's Constitution provides that Sharia courts have separate jurisdiction when dealing with matters of personal law for Muslims including marriage, guardianship, inheritance, and succession. Under Sharia law, there is no uniformity in application so laws varied state to state (Musawah, 2017). In some states, women are afforded the right to sue and be sued under Sharia law. Further, it assures that women and men are granted access to a full hearing and legal remedy (FAO, n.d.). In some Muslim states, the Sharia courts regarded the testimony of women and non-Muslims less weight than that of Muslim men (US Department of State, 2017). Further, under Sharia law, there may be different evidentiary requirements for male and female defendants, where in some

instances Muslim men could only be convicted if they confessed or there was eyewitness testimony (US Department of State, 2017).

Under common law, the statutes may vary on each state. In some states, women may testify in civil or criminal proceedings and give testimony that carries the same weight as testimony of men (US Department of State, 2017).

In practice, women's access to justice is often obstructed by discriminatory practices in legal application and procedures (CEDAW, 2017; US Department of State, 2017). Such practices includes insufficient budget allocation for legal aid, corruption and stereotyping in law enforcement and the judiciary, penal laws that are outdated or inadequately enforced (especially those related to violence against women), and discriminatory legal procedures where women's testimony received less weight than that of men (CEDAW, 2017; US Department of State, 2017; Centre for Reproductive Rights, 2016). Underlying these challenges include cultural belief and traditional attitudes towards women that embed discriminatory social norms that place women inferior to men in all spheres of life (NGO Coalition 2017).

Sources

Aluko, Bioye Tajudeen and Amidu, Abdul-Rasheed (2018) *Women and Land Rights Reforms in Nigeria*,

https://www.researchgate.net/publication/239774412_Women_and_Land_Rights_Reforms_in_Nigeria.

Amnesty International (2017) *Nigeria Submission to the United Nations Committee on the Elimination of Discrimination against Women 67th Session, 3-21 July 2017*,

<https://www.amnesty.org/en/documents/afr44/6430/2017/en/>.

Azinge, Epiphany (1994) *The Right to Vote in Nigeria: A Critical Commentary on the Open Ballot System*, *Journal of African Law*, Vol. 38, No. 2, <https://www.jstor.org/stable/745393>.

Centre for Reproductive Rights (2016) *Supplementary Information on Nigeria Scheduled for Review during the Pre-Session Working Group of the 67th Session of the CEDAW Committee*,

http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/NGA/INT_CEDAW_NGO_NGA_25331_E.pdf.

Committee on the Elimination of Discrimination against Women (CEDAW) (2017) *Concluding observations on the combined initial seventh and eighth periodic reports of Nigeria*,

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolNo=INT%2fCEDAW%2fNGO%2fNGA%2f27623&Lang=en.

Diala, Anthony (2014) *Reform of the customary law of inheritance in Nigeria: Lessons from South Africa*, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2992014.

Food and Agriculture Organization of the United Nations (FAO) (n.d.) *Gender and Land Rights Database*, <http://www.fao.org/gender/landrights/>.

Global Initiative for Economic, Social and Cultural Rights (GI-ESCR), Women in Law and Development in Africa (WiLDAF) Nigeria Kebedkache Women Development and Resource Centre (Nigeria) (2017) *Parallel Report to the United Nations Committee on the Elimination of Discrimination against Women*,

http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/NGA/INT_CEDAW_NGO_NGA_27521_E.pdf.

Government of Nigeria (1999) *Constitution*,

http://www.ilo.org/dyn/natlex/natlex4.listResults?p_lang=en&p_country=NGA&p_count=237&p_classification=01.01&p_classcount=20

Government of Nigeria (2007) *National Identity Management Commission Act*,

http://www.nimc.gov.ng/docs/reports/nimc_act.pdf

Government of Nigeria, (1960) *Penal Code (Northern States) Federal Provisions Act*,

[http://www.lawnigeria.com/LawsOftheFederation/PENAL%20CODE%20 \(NORTHERN%20STATES\) %20FEDERAL%20PROVISIONS-ACT.html](http://www.lawnigeria.com/LawsOftheFederation/PENAL%20CODE%20(NORTHERN%20STATES)%20FEDERAL%20PROVISIONS-ACT.html)

Government of Nigeria (1990) *Labour Act*,

http://www.ilo.org/dyn/natlex/natlex4.listResults?p_lang=en&p_country=NGA&p_count=237&p_classification=01.02&p_classcount=1.

Government of Nigeria (1990) *Marriage Act*, <http://www.nigeria-law.org/Marriage%20Act.htm>

Government of Nigeria, (1970) *Matrimonial Causes Act of 1970*.

Government of Nigeria (1990) Criminal Code Act (Chapter 77),

http://www.wipo.int/wipolex/en/text.jsp?file_id=218191.

Government of Nigeria, (2014) *Same Sex Marriage (Prohibition) Act*,

<http://www.lawnigeria.com/LawsOftheFederation/Same-Sex-Marriage-Prohibition-Act,-2014.html>.

Human Rights Watch (2016) *Submission to the Committee on the Elimination of Discrimination Against Women November 2016*, <https://www.hrw.org/news/2016/11/01/human-rights-watch-submission-committee-elimination-discrimination-against-women>.

International Baby Food Action Network Geneva Infant Feeding Association (GIFA) – IBFAN Liaison Office (2017) *Report On The Situation Of Maternal Health And Work-Related Issues In Nigeria*, http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/NGA/INT_CEDAW_NGO_NGA_27703_E.pdf.

IPAS Nigeria (2017) *Supplementary information on Nigeria 7th and 8th periodic Reports*, http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/NGA/INT_CEDAW_NGO_NGA_27702_E.pdf

Musawah (2017) *Thematic Report on Article 16 & Muslim Family Law: NIGERIA*, http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/NGA/INT_CEDAW_NGO_NGA_28013_E.pdf.

Nkadi, Ese. Stanbic IBTC Trustees Limited (2012) *Nigeria International Estate Planning Guide Individual Tax and Private Client Committee*, <https://www.ibanet.org/Document/Default.aspx?DocumentUid=5DF8EC82-FBFE-4F90-BA9D-940B0E8301FD>.

NGO Coalition (2017) *Shadow Report to the 7th & 8th Periodic Report of Nigeria on Convention on the Elimination of all forms of Discrimination against Women (CEDAW) Submitted to UN CEDAW Committee, Geneva, Switzerland*, http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/NGA/INT_CEDAW_NGO_NGA_27702_E.pdf.

Oloyede, Oluyemi (2016) *Monitoring Participation Of Women In Politics In Nigeria Paper*, National Bureau of Statistics,

https://unstats.un.org/unsd/gender/Finland_Oct2016/Documents/Nigeria_paper.pdf.

United Nations, Department of Economic and Social Affairs, Population Division (2014). *Abortion Policies and Reproductive Health around the World*,

<http://www.un.org/en/development/desa/population/publications/pdf/policy/AbortionPoliciesReproductiveHealth.pdf>.

United States Department of State (2017) 2016 Country Reports on Human Rights Practices – Nigeria, <http://www.refworld.org/docid/58ec89ed6.html>.

UN Women (n.d.) *Global Database on Violence against Women*, <http://evaw-global-database.unwomen.org/fr/countries/africa/nigeria/1976/legal-aid-council>.

World Bank Group (2015) *Women, Business and the Law 2016: Getting to Equal*, Washington, DC, <http://wbl.worldbank.org/~media/WBG/WBL/Documents/Reports/2016/Women-Business-and-the-Law-2016.pdf>.