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# **1. VIOLATIONS OF WOMEN'S HUMAN RIGHTS IN NIGERIA (1966-1999)**

## **1.1. Background**

This research was informed by the resolve of the present civilian government of General Obasanjo, which came to power in May 1999, to ascertain the causes, nature and extent of all human rights violations in Nigeria between January 15, 1966 and May 29, 1999. To do this, the Human Rights Violations Investigation Commission was set up. BAOBAB for Women's Human Rights (BAOBAB) was asked by the Commission to carry out research on the violations of women's human rights that occurred within the specified period. This report therefore looks at abuses of women's human rights - highlighting gender violations as well as discriminatory laws, policies and practices of the government, communities and individuals that have the effect of violating women's rights during the period under study.

## **1.2. Introduction**

In writing this report, the recognition given to the inherent dignity and of the equal and inalienable rights of all members of the human family as the foundation of freedom, justice and peace in the world, as provided by the United Nations Universal Declaration on Human Rights (UDHR)<sup>1</sup> was adopted as a working definition. Nigeria acceded to the UDHR on Independence, and so has been bound by these standards since then. In similar vein, the African Charter on Human and Peoples' Rights (the African Charter) recognises human rights as rights that are inherent in all of us simply by birth and existence. They are the rights that we have simply because we were born as human beings.

It should be noted that human rights have universal application without bias to gender, race or class (or other social category). In principle, women's human rights are automatically inherent in the general principles of human rights. However, as a result of long standing discriminatory practices against women and the non-recognition of women's rights as human rights, it has become clear that it is absolutely necessary to make a clear delineation of women's human rights so that they are not constantly ignored and violated under the mistaken belief that women's rights can be effectively recognized and protected in a subsumption to the general principles of human rights.

It is worth mentioning here some of the international conventions that the Nigerian government has signed or ratified. By signing or ratifying these conventions, the Nigerian state obliged itself to respect and promote the ideals and norms embodied in these instruments. Some of them are - the Universal Declaration of Human Rights (UDHR), the African Charter on Human and Peoples Rights (ACHPR), Application and Enforcement - Act Cap 10, Laws of the Federation of Nigeria (LFN 1990), the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) and the International Labour Organization (ILO), as at the time of this research work.

However, these laws have not been made effective in the process of protecting the rights of women in Nigeria, as many of them have not been domesticated. The most effective way of implementing them is by incorporating them into our laws through

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<sup>1</sup> Preamble to the Universal Declaration of Human Rights, adopted and proclaimed by the General Assembly of the United Nations on December 10, 1948

an enabling legislation, since treaties do not automatically become part of Nigerian laws until duly incorporated as stated in Section 12 (1)<sup>2</sup> of the Nigerian Constitution. These Conventions can also become part of our case law through judicial pronouncements since the courts are also obliged to use international standards in determining cases that come before them. However, this only has persuasive rather than obligatory effect. For laws to have obligatory status, they must be fully incorporated into the Nigerian law. This would explain, in part, some of the reasons why cases of human rights violations still persist in most of our communities as most of them are perpetrated under the guise of custom and religion. These so-called customs and religion have become a veritable tool, as most of the cases highlighted here will show in suppressing women's human rights. These rights have been classified as follows:

**Civil rights-** Right to life, Right to liberty, Right to human dignity (e.g. freedom from violence), Right to freedom of thought, conscience, religion, expression and association (freedom of choice of marital partner and the freedom to decide whether or not to get married)

**Social rights-** Right to education (for example male education preference, withdrawal of girls for marriage), Environmental rights, Right to the highest attainable standard of physical and mental health (for instance reproductive health), Right of equal access to public resources, services and utilities.

**Economic rights-** Right to freely hold and dispose of natural wealth and resources, Right to free choices of work, Right to equal pay for equal work (example are obnoxious labour laws), Right to social security, Right to adequate standard of living

**Political rights-** Right to take part in the conduct of public affairs/government (political marginalisation), Right to vote and be voted for (e.g. right of representation), Right to individual or equal decision during election

**Cultural rights-** Rights to take part in cultural life, Rights to enjoy scientific discoveries, Rights to freedom of scientific research and creative activities.

In Nigeria, women's rights do not seem to have moved from the stage of just an expression of an aggrieved class to the actualization of a dream. Most of these rights have been denied women on the inexcusable grounds of gender and culture. In Nigeria, women are viewed as socially and legally inferior to men. The level of awareness of the rights of women by an average Nigerian is very low. Whereas it is normal to talk about general human rights, most people are usually at a loss when women's rights are mentioned. The general direction of thought is that women's rights are different from the general rights we all know, where they are considered to have any rights at all. Hence, it is difficult to generate or receive a responsive attitude from the society on women's issues. However, it is hoped that a research of this nature will help promote a positive change in this area.

Similarly, the provision of the law makes the exercise and enforcement of women's rights difficult, as most of our laws are too male-centered. For instance, the Constitution itself contains sexist language. The language of the instrument is written in the masculine gender as if the provisions are solely for men. It makes one wonder what to do with section 42<sup>3</sup> of the Constitution. If indeed the Constitution guarantees

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<sup>2</sup> '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'

<sup>3</sup> s. 42 (1) A citizen of Nigeria of a particular community, ethnic group, place of origin, sex, religion or political opinion shall not, by reason only that *he* is such a person ...

equal opportunity for all, regardless of sex, then the discriminatory citizenship rights as contained in Section 26 (2)<sup>4</sup> (a)<sup>5</sup> should not allow men to confer automatic citizenship on non-Nigerian wives while disallowing women married to non- Nigerian husbands the same rights.

### **1.3. Project Objective**

The purpose of this research is to present a nationally representative collection of data and the historical background of violations of women's human rights in Nigeria from January 15, 1966 to May 29, 1999 from a gender perspective. We hope that this report will help to establish and authenticate actual violations as opposed to what has been conceived as mere assumptions. In this wise, the research has endeavored not only to categorize violations, but to also highlight gender discrimination in laws, policies and practices by the State, groups of people and individuals. Similarly, we believe these findings will create awareness in the deeply patriarchal Nigerian society about women as a category having general human rights and gender specific rights that must be respected. Specifically, the report is to sensitize Nigerian women to what they may never have perceived as their rights, what they may never have seen as violation/discrimination /abuse and to develop a positive attitude about themselves. It also hoped that this report would serve as a reliable source of future reference data on women's human rights situation especially from a historical perspective. Most importantly, while advocating for changes in sexist attitudes and gender stereotypes in the society, we hope that, by this report, the government will make a firm commitment to gender issues.

### **1.4. Time frame for the project**

The project was initially scheduled to last for three months, that is, from July to September 2000. However, financial constraints on the part of the Commission affected the initial take-off of the project. On our part, the research team encountered quite a lot of hitches as a result of poor record keeping in some public institutions, the unwillingness of some witnesses to divulge information, as well witnesses whose memory have failed. Also of tremendous impact on the project was the fact that the points person for the project left BAOBAB to take up a new job in the middle of the project. All these warranted the extension of the research period till January 2001.

### **1.5. Methodology**

In spite of the limited time slated for the execution of the research, different techniques were used for carrying out the research. Existing data from selected States and institutions in the country were reviewed. The States and institutions were selected from the six geo-political zones of the country in order to ensure a fair representation of all parts of the country.

In-depth interviews were conducted with key informants who have knowledge and or records of such violations. Some of the locations where certain human rights violations were alleged to have taken place were also visited in order to corroborate reports that formed part of this research. The life stories of women who survived violence within the home, from State agents and the community were also recorded.

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s. 42 (2) No citizen of Nigeria shall be subjected to any disability or deprivation merely by reason of the circumstances of his birth.

<sup>4</sup> the provisions of this section shall apply to -

<sup>5</sup> any woman who is or has been married to a citizen of Nigeria ...

During the execution of the research, references were made to different international human rights instruments such as the Universal Declaration of Human Rights (UDHR), Convention on Civil and Political Rights (ICCPR), Economic, Social and Cultural Rights (ECOSOC). We also used the African Charter on Human and Peoples' Rights (ACHPR), Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Nigerian Constitution and other relevant laws and policies. These were used as indicators in assessing the extent to which women's human rights have been protected or abused in Nigeria.

Preliminary research was carried out in BAOBAB's resource room and a few private libraries and data on women's human rights violations that occurred from 1990-1999 were substantially collated. Public institutions where archival records are kept were also visited especially to cover the earlier period. Access to these public institutions was made easy by introductory letters from the Commission.

All reports from secondary sources as well as the life stories of survivors are reported ***verbatim***.

## **2. SPECIFIC CASES OF VIOLATIONS OF WOMEN'S RIGHTS**

In identifying cases of violations of women's human rights in Nigeria, the findings of this research have been grouped under personal, group and systemic deprivations that have implications for women's economic, political, cultural and social rights. Personal deprivations are presented in relation to identified individual women whose right(s) have been violated during the period covered by the research. The group deprivations relate to cases of violations that affect the generality or classes of women. Finally, by systemic deprivations, we mean the practice of the government in allowing violations of women's human rights, whether by commission or omission.

### **2.1. Personal Deprivations**

These include violations relating to the right to life and liberty, right to property, right to human dignity and freedom of expression. Records are available on violations of women's human rights that occurred pre-, during and post- the Nigerian civil war. Such cases include domestic conflicts, public riots and so on. Some of such cases are listed below:

#### **2.1.1. Right to Life**

The Right to Life is guaranteed by the Nigerian Constitution, as well as by other International Conventions. However, many women have lost their lives at the hands of men where they are considered to have questioned the superiority of men. Below are some examples of cases where the rights of some women have been violated.

These violations were more evident, pronounced, and rampant by the time the nation was embroiled in the civil war. A few instances before the civil war are of note:

#### **A. The Nigeria Civil War 1967-1970**

During the civil war, there was widespread loss of life of women who were the majority of the civilian populace, great dehumanization, abortion of dreams, permanent physical and emotional scars.

Professor Onwuka Njoku<sup>6</sup> recalled that the war led to the struggle of women to survive, feed their children and maintain the household since most husbands were at the war front. On the Biafran side, the trade was known as '*Ahia Attack*' i.e. '*Attack Trade*'. It was a cross border trade between Nigerians and Biafran traders. Most of these traders were women, who had to go out in search of essential commodities and food items at great risk to their lives. Shootings were constant and the risk of being killed or caught by enemy soldiers was high. Some women were raped and most of them never came to tell their stories. Sometimes, these women were forced to grant sexual favours to soldiers on both sides before being allowed to pass. He pointed out that Biafran soldiers were very ruthless to women, which is what usually befalls women during armed conflict.

Gradually, as the federal troops captured one Biafran town after another, they sexually abused the women whether married or unmarried, pregnant or lactating. Any attempt by the men folk to save their women was met with reprisals in the form of raiding, burning, and killing. Most were forced into marriages with their abductors

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<sup>6</sup> Dean of the Department of History, University of Nigeria, Nsukka

or simply held captive as sex machines to be discarded when the men had satisfied their lust. Women became *'comfort women'*.<sup>7</sup>

A few interviews<sup>8</sup> conducted with civil war survivors in the eastern part of Nigeria bring home more vividly the violations experienced by women during the civil war. According to **Henry Nwosu**, a teacher of Onicha-Ngwa, Abia State, apart from the general rape of women, his wife, Joy Nwosu, was taken captive by the Biafran soldiers while the Nigerian soldiers took his son, Obioma. He has not set eyes on either of them to the time of this report.

**Thomas Ebere**, a traditional chief who claimed to be one hundred and twenty-three (123) years old and who is still a farmer, gave a somewhat detailed insight into not just the civil war, but also the fatal relationship between the Igbos and the Ibibios. According to him, during the time when Ntigha village was being overrun by soldiers of both sides, a great majority fled the village while a few stayed behind to brave the situation. When he fled, one of his wives did not go with him. She was of the Ibibio stock and she fled to her people where she was killed. It was also during his flight to Ikeduru that one of his daughters, Eziukwu, died. Another daughter died of kwashiorkor during the intense starvation of the war. She was called Nwaji. While some soldiers (*from both sides*) captured girls as war booty, some others married them formally (*whether this was by freewill or under duress is another issue*).

During the war, one of Thomas Ebere's daughters was married off and he received a bride price of £40 from her husband. One day when her husband sent her to buy salt, a federal soldier captured her. *Why did her husband send her on such an errand at such a dicey period?* The soldier was called Ibrahim. The woman subsequently bore him eight (8) children out of which only four (4) survived. One day, Ibrahim announced that they were going on a visit to Igboland. A few kilometers into the journey, her husband asked her to get down from the car after which he drove away with the children. She has not seen her children as at the time of this research work. This event not only traumatized the woman for some time, but also caused her a complete psychological breakdown.

### **(B). Domestic Killings**

In January 1966, **Silas Isinguzo** (a businessman in Ibadan) was arraigned in an Ibadan senior magistrate court for the murder of **Stella Mbalu** in that same month. They were co-tenants in the same house and had had a fight the previous day. Later that night, he attacked her with a knife and stabbed her to death.<sup>9</sup>

**Bebi Wada** from Josho Village in Daffo district of Bokkos Local Government Area of Plateau State was allegedly killed by her husband in 1995. She had twice taken him to court twice seeking a divorce. According to Mallam Shehu Umaru, uncle to the deceased, Bebi's husband called her out of the courtroom for a peace talk. When the case came up for hearing, neither of them could be found. During the ensuing search, a police officer and the missing woman's brother said she had been beaten up and was in police custody. On getting to Daffo Police Station, they were told that her corpse had been deposited at Aminichi Hospital, Daffo. When she had a fight with her husband, how come she was the one locked up and not given medical attention

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<sup>7</sup> Ibid

<sup>8</sup> The civil war interviews contained in this section were conducted by O V Nwanoruo, Ikedichi Achiugo, Ikedichi Attah, Ogban Atu, J O Otunta, N N Okore, Victor Aginbashe, Otio Enwa, Eddie Odubor and Onyekaz Victor. Note that most of the respondents were well over 50 years of age

<sup>9</sup> January 4, 1966, Businessman on Murder Charge, Daily Sketch, no 549, p. 3

immediately?<sup>10</sup> There is no evidence that the man has been brought to justice since then.

**Tina Isiekwe**, a staff member of First Bank, Marina in Lagos State lost her husband who had suffered a stroke. While attending the burial ceremony in Ilah in Delta State, her husband's younger brother poured concentrated acid on her. He was alleged supported by his relations who had earlier promised to 'deal' with her on the allegation that she had always wanted to kill their son to inherit his 'numerous' investments. Tina died a few days later.<sup>11</sup>

It is not known whether the brother-in-law was ever charged with her murder.

**Celestina Onuorah** was a secondary school teacher at Awknanaw Girls' Secondary School in Enugu State. Celestina's problems started when she could not give birth to a male child. Her four children were girls. Consequently, her husband impregnated the housemaid who gave birth to 2 baby boys. The home became a battlefield, which caused Celestina to leave the house. Onuorah first threatened his wife before reaching an arrangement, which suited all parties fine, but Celestina was still living outside the matrimonial home. One Saturday when she was asleep, her husband sneaked in to her home and bathed her with acid. Celestina died two weeks later at the orthopedic Hospital, Enugu. At the time of this report, the husband was in police detention, but has justice been done? According to Joy Ezeilo, of Women's Aid Collective (WACOL) this was a '*deliberate act of murder*'<sup>12</sup>.

**Ego Osadebe** was married to Chinedu Osadebe. The marriage came to an end when on November 4, 1998, he poured acid on his wife. Ego fought for life for 3 weeks before breathing her last on November 23, 1998.

In almost all of these cases, there has been a lot of foot dragging by the police. In Ego's case, it was alleged that Chinedu was being kept in protective custody rather than detention. The delay in prosecution caused a protest march by some concerned women outside the Criminal Investigation Department (CID), Panti, Lagos State. Members of the Special Anti Robbery Squad (SARS) disrupted the protest and the women were asked why they were protesting the death of a woman who wanted to run away with her husband's wealth.<sup>13</sup>

**Veronica Ononye** was beaten to death by her husband, Reginald Ononye, a Superintendent of Police on January 22, 1999. Veronica's crime was serving him bread and eggs for breakfast instead of yam. He chased her right into their neighbour's apartment where she ran for safety. Ignoring all pleas from the neighbour not to kill his wife, he threw her off the balcony of the building. He has a history of violence and wife battering, which had made Veronica's family extract an undertaking from him in December 1996 that he would stop assaulting his wife. Reginald had twice been married before marrying Veronica.<sup>14</sup>

### **(C). Ritual Killings**

Where ritual killings are concerned, women have been the main victims of ritual killings. This is coupled with the fact that there has never been any apparent move on the part of the security authorities to take gender vulnerability into account in this barbaric practice that has now assumed a Nigerian face internationally.

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<sup>10</sup> May 2, 1995, Nigerian Tribune

<sup>11</sup> Jan-March 1999, Violence Watch, Vol. 1, Issue 1, p. 1

<sup>12</sup> May 8, 1998, The Post Express, p. 18

<sup>13</sup> Ibid, p. 2

<sup>14</sup> Jan-March 1999, Violence Watch, Vol. 1, Issue 1

One of the most chilling chains of ritual killings occurred in Ebiraland in the late 1980s. Women and young girls were being murdered for ritual purposes. **Adiseu Yakubu** was murdered in her home on September 29, 1986 at the Eikoko Ukonovo quarters of Okegwen district in Okene LGA of Kogi-State. It was believed her body was used for rituals in the burial of one of her neighbours.<sup>15</sup> In May 1987, **Rakiya Abu** was killed. Her body was found abandoned in the bush with her eyes, breasts and parts of her genitals missing. Before her death, she had been a student of Ogori Community high School.<sup>16</sup> 11 year-old **Ashipita** became the next victim 5 months later. Her throat was slashed and parts of her genitalia also removed.<sup>17</sup> On December 25, 1987, **Ezene Hawawu** became another victim of ritual killing as well.<sup>18</sup>

In an attempt to arrest this trend, the authorities imposed a curfew in Ebiraland. In fact, a reward of N1000 was promised to the person who could give useful information on the killers. Two days later, another victim was cut down. This time, a man called **Lawal Isah**. His killers were caught, but **Abiba Salihu** was murdered shortly after in January 1988.<sup>19</sup>

#### **(D). State Killings**

There were a few cases of extra judicial killing of women. Citizens were cut down when they were perceived as enemies of the powers that be. They were conveniently tagged 'security threats'. As at the time of committing these killings, their perpetrators were supposedly anonymous.

One of such extra judicial killing in recent times was the assassination of the wife of the late politician, Chief MKO Abiola. An unidentified person gunned down **Kudirat Abiola** on June 4, 1996. She and her driver were both shot at point blank range near her home. The police made halfhearted attempts at investigation and a number of prominent Nigerians, including Alhaji Ganiyu Bello and Chief Ayo Adebajo, were arrested in connection with this. It was only when a civilian government was put in place in May, 1999 that some henchmen of the late maximum dictator, General Sani Abacha were arrested in connection with it. When the incident happened, the military government of the time denied having anything to do with it. Years later, her husband died in equally mysterious circumstances.<sup>20</sup>

Kudirat granted interviews to both foreign and local media where she called for the release of her husband and accused the government of destroying her family financially. She was charged with conspiracy and making false statements. On May 8, 1996, the Lagos High Court acquitted her. She was charged again with these offences on the May 28, 1996 and the Lagos High Court ordered her release on bail to await trial on July 17, 1996.<sup>21</sup>

On January 10<sup>th</sup>, 1998, a middle-aged woman, **Zenaib Eleas** who resided along Duala Road, Apapa, Lagos-State was strangled in her room by a group of armed men. Before she was strangled, she had been gagged and intensely tortured with her mouth gagged to prevent her from screaming. The armed men escaped from the room without taking anything. There was no arrest of anyone by the police for this crime.<sup>22</sup>

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<sup>15</sup> March 21, 1988, In the Grips of Fear, vol. 7, Newswatch, No 12, p. 36

<sup>16</sup> Ibid

<sup>17</sup> Ibid

<sup>18</sup> Ibid

<sup>19</sup> Ibid

<sup>20</sup> Amnesty International AFR 44/09/96

<sup>21</sup> (Ibid.)

<sup>22</sup> Committee for the Defence of Human Rights, Annual Report, 1998, p. 15.

### **2.1.2. Right to Human Dignity and Domestic Security**

The right to women's human dignity has always been violated in Nigeria. This is because women have always been viewed as being socially inferior to men and just a little more than personal chattels. This explains the impunity with which women are subjected to violence of different forms and degrees. As early as childhood, female children are subjected to abuse by parents and siblings; in adulthood by husbands, lovers and in-laws. It has been taken as a way of life.

#### **(A) The Nigeria Civil War (1967 – 1970)**

**Nkechinyere Ologwu**, of Amauro, Afikpo, Abia remembered the story of a Yoruba soldier called 'Kpaberekpe' whose favourite pastime was to waylay young girls on their way to the river/farm and rape them openly. She also narrated her own experience concerning the child she could not care for properly as a result of malnutrition. She fed her on starch liquid extracted from cassava stems and garri (cassava powdered) without sugar or salt. Regularly, she ate yam/cassava peelings, which she gathered from Army Bases or other people.

**Ogeri Oti** was born in 1951 and resides at Ezi Oti Ukpa Afikpo in Abia State. The refugees were returning home, but they had to camp at night in an open field said to be the premises of one Dr. Akanu Ibiam where the Hausa soldiers had also camped. In her words, *'The Hausa soldiers used this as an opportunity to sexually harass young girls and women. This carnival was very openly and brazenly done in full view of everybody. The result was that some women became pregnant while some girls lost their virginity and equally became pregnant...'*

Perhaps the most touching of the interviews was that of **Elem Ugwu-Ode** of Ugwuegu village, Afikpo, in Benue State. Born in 1952, she was a student at the time of the war. She was equally on her way home after the war when Federal troops stopped them near Afikpo. *'...my homecoming was what gave me the most regrettable period of my life. As we were nearing Afikpo, Federal soldiers swooped on me, dragged me to into their tent and forced me to sleep with them. My parents and I protested, but to no avail. In the end, I lost my virginity and became pregnant. This marred the chances of my continuing my education after the war. This is a major upset in my life. My pride has been badly damaged...'* She could not finish the interview, as she started broke down into tears.

To avoid the moral violence, women adopted all sorts of measures to escape detection by the soldiers. They would paint their faces with black oily soot from cooking pots. Some wore ragged clothes. Others stuffed clothes into their stomachs to give them the appearance of pregnancy. Many of the respondents testified to the immense atrocities of the soldiers. They raped and assaulted girls as young as 10 years of age. If a man was seen with a beautiful woman, it was enough reason for him to be killed so that the soldiers could take his woman. Young women who refused sexual advances were killed. Particular reference was made by quite a number of respondents to the case of a soldier called Timothy. He killed a girl for refusing his advances. Though, he was later found guilty by the military authorities and killed, the memory lingered.

Another group of interviewees were women from the west of the Niger, precisely those in Ore town, Ondo State, where the infamous 'Ore Battle' took place.<sup>23</sup> All the respondents were married as at the time of the war. Here, the Biafran soldiers were at their worst like their federal counterparts in the east.

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<sup>23</sup> Conflict Situation – Nigerian Civil War, Report of IWCC to ISIS/WICCE, Kapala on Documenting Women's Experience of Armed Conflict as a tool for Advocacy and Redress: A Case Study of Ore Women Victims of Biafra War in Nigeria Between 1966 and 1970, October, 1998.

**Adengbenro Akintola** lost her only son who was the breadwinner of the family. He was conscripted into the federal army and was never seen alive. Since then, there has been nobody to take care of her needs.

**Olasande Akiti** noted that women were terrorized during the war because of their tribal identity. Her husband was conscripted into the army and got killed. She was left to fend for seven (7) children. While trying to run from the soldiers, she sustained an injury on her legs. One of the legs became useless. Her in-laws sent her packing along with her children. The financial responsibility was more than she could cope with. She was also raped during the war.

**Omonike Udoh** was on the way to get food from the farm when her husband was abducted and conscripted into the army. He was killed in the war. She fled to the bush with her children and fed on leaves for days. She has been trying to take care of the children with the help of her sister, but the financial situation is getting worse every day.

**Adeuli Fedabi** underwent a lot of trauma during the war. She was made to watch her husband being tortured to death in Ore. Thereafter, she became hypertensive. She had no financial capacity to take care of her children and has had no assistance from anybody.

**Eweje Ikujuni** in her own account claimed her husband was forced to watch the atrocities of the troops' armoured tanks before being killed. She also fled into the bush with her six (6) children, but two (2) of them died as a result of starvation. They had nothing but leaves to eat. While the war lasted, she begged for food to feed the remaining four (4). This exposed her to rape and different kinds of torture just to feed her children.

**L. O. Olafunmiloye** witnessed some of the atrocities of the Biafran soldiers from the confines of her house. Members of her family (including herself) locked themselves up in the house and sometimes peeped from their windows to see soldiers raping women and girls.

West or East of the Niger, soldiers from all sides displayed very great animalistic tendencies, which even the situation of conflict could not excuse. These had far reaching consequences for women, as some had unwanted children, most of whose fathers could not be identified. Some are still psychologically traumatized three decades after the war. Some of these women were unable to find marriage partners because of social stigma and many others were deserted by their husbands. Young married and unmarried women eloped with soldiers or chose to live with them. It was mostly hardship that brought this about. For some, the sharp switch from the financial and social security of the pre-war years still continue to elude them. Many women have been displaced from where they originally had their source of livelihood. Either the state or individuals have appropriated the fixed and floating assets of a lot of them. The 'abandoned property' episode is still a thorny episode in Nigerian history.

### **(B) Assault by State Agents**

In recent times, men in the public assault women on simple issues that can be resolved amicably. **Ayoola Shittu** was pummeled to a state of stupor by a Divisional Police Officer, (Division B, Ilorin, Kwara State), Ahmed Yusuf on August 9<sup>th</sup>, 1998. Her offence was that she was complaining when Yusuf asked her to pull her car off the road in a congested traffic. He slapped the 43-year old woman and followed it

with blows until she fell down. He followed these up with kicks before dumping her in a police cell at B Division until 10:30 p.m.<sup>24</sup>

Sometimes in 1996, **Victoria Sunday**, a pregnant woman was shot when a group of soldiers shot at a *molue* bus in which she was a passenger. The soldiers were supposed to be guarding NEPA installations at Oshodi, but mounted an illegal checkpoint. The incident occurred when the driver of the Apapa bound bus with registration number AW 28 KJA refused to hand over his particulars. Policemen and soldiers often seize documents at checkpoints as a way of pressuring drivers to give them bribes. The driver was about to drive off when they opened fire.<sup>25</sup>

### (C) Wife Battering

As early as January 1966, wife battering had taken a prominent position in newspaper reporting, as this had always been a good source of gossip. Mustafa Atanda, an Oyo farmer, assaulted his wife, **Raliatu Tafa**. The incident occurred when he wanted her to keep the yam flour, which was actually part of her merchandise, for home consumption. When she refused, he beat her up.<sup>26</sup>

Down through the years, wife battering has steadily grown. The police and judicial system have been uncommonly hostile especially in cases of domestic violence and rape. Apart from this, no reliable national data on gender crimes exist. As at the time of compiling this report, the occasional data from different parts of the country are not nationally representative.

Most of these cases do not even get reported. However, in those instances where they have been reported, there have been very few prosecutions. Why the appropriate authorities have not properly addressed this is not clear.

#### Battered Wives<sup>27</sup>

**Table 1. Family Welfare Department-Benin City 1982-1988**

Year	1982	1983	1984	1985	1986	1987	1988	Total
Cases	139	145	149	165	186	200	236	<b>1220</b>

Source: Omorodion, 1992:172

**Table 2. Battered Women - Benin City**

Persons/Agencies	No	%
Individuals	550	45.08
Neighbours	400	32.79
Friends	215	17.62
Police	50	4.10
Others (such as women's associations)	5	0.41
<b>Total</b>	<b>1220</b>	<b>100</b>

### (D) Acid Bath

Following the first celebrated case of acid bath in Nigeria of **Charity Agbakwuru**, a former beauty queen in Port Harcourt in 1990, Nigeria has come to live with countless cases of acid baths. Most of these cases are usually intimate crimes perpetrated by persons who are close to the victims. Some neighbours have carried

<sup>24</sup> CLO, 1999, p. 45

<sup>25</sup> CLO 1990, p. 26

<sup>26</sup> Jan 11, 1966, Man Fined for Assaulting Wife, Daily Sketch, no 560, p. 3

<sup>27</sup> Effah J, Mbachu D, Onyegbula S, 1995, Unequal Rights, Discriminatory Laws and Practices Against Women in Nigeria, Constitutional Rights Project, Lagos, p. 53.

out a few of this evil act, but very many of them are perpetrated by husbands, lovers and relatives. A few of the reported cases are as follows:

**Rashidat Kuti**, a staff of Alimosho LGA in Lagos State had her face disfigured by her cousin, Soji Obayomi on October 27, 1994. What led to this act is not very clear, but Rashidat said '*I never thought he could do this to me.*' Soji has since fled even though his mother was held for about a month, in violation of her own right as well. There has been no further development since then.<sup>28</sup>

**Deborah Odeyemi** was married to Supo Odeyemi for many years with children. Not being able to face a divorce over a relationship that had gone sour over the years, her husband sprayed her with acid. He accused her of having an affair with his friend and building a house without his knowledge. One of her daughters, Bose, also got caught in the acid bath.<sup>29</sup>

**Dorcas Bongah**e also had an acid bath administered by her lover, Ese John Etim. Her offence was her decision to call off the relationship due to Etim's over-possessiveness. He even cost her a job when he came to pick a quarrel with her at her place of work. The police have so far not been able to do anything about this case.<sup>30</sup>

**Mfrekeabasi Effiong Samson** from Itak in Ikono LGA of Akwa Ibom State got an acid bath on August 14, 1998 from her boyfriend, Ndarake John. Effiong had left her husband in Akwa Ibom due to maltreatment and she was in search of a job in Lagos. Ndarake, whom she later met in Lagos, started doubting her fidelity. Consequently, he gave her a severe beating on August 12. Two days later, he drenched her with acid. First, second and third degree burns covered about 30% of her body. The acid burnt one side of her head, shoulder, chest, breast, neck, and the left eye.<sup>31</sup>

#### **(E) Maiming and disfiguring**

**Ezinne**, a 22-year old school leaver came to Lagos in 1997 from Mgbidi, her hometown in search of a job. She met two men, Uche and Emeka who promised to introduce her to one Alhaji who could give her a job. One of them is said to be from the same town as Ezinne. On the ruse that they were going to see the Alhaji, they took her to a place where her drink was drugged. They dragged her to a nearby bush and plucked out her two eyes for ritual purposes. Today, Ezinne is blind. The police arrested two men in connection with the incident.<sup>32</sup>

**Ebere Enemu**o from Utula village in Owerri South, Anambra had her body repeatedly cut and blood drawn by her uncle whom she lived with in Lagos. Ebere was eight years old at the time. On April 7, 1998, this same uncle woke her up from slumber and cut off one of her fingers. Some good neighbours, who later went to lodge a complaint at the Ejigbo Police Station, rushed her to Isolo General Hospital. The police Sergeant detailed to investigate the case turned round to accuse little Ebere of 'witchcraft'. The matter got to court, but the 'suspect' was released on bail.<sup>33</sup>

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<sup>28</sup> Jan-March 1999, Violence Watch, Vol. 1, Issue 1, p. 1.

<sup>29</sup> Ibid, p. 1

<sup>30</sup> Ibid, p. 2

<sup>31</sup> Civil Liberties, Annual Report, 1999, p. 46

<sup>32</sup> October 18, 1997, Weekend Vanguard, p. 3. Surprisingly, in the year 2000, the two criminals were brought to justice and sentenced to life imprisonment. This is rather remarkable in the history of the Nigerian Police.

<sup>33</sup> CLO, Annual Report, 1999, p. 45

### 2.1.3. Right to Liberty

#### (A) Arbitrary Arrests and Detention

The first decree violating human rights came from Major General. J. T. U. Aguiyi Ironsi, (January 15, 1966- July 29, 1966), with total disregard for section 3 of the Republican Constitution. The decree made in 1966 was titled No. 3 'State Security (Detention of Persons) Decree dated February 8, 1966. A few followed this in quick succession namely Decree No. 8, Decree No. 10, Decree No. 18 etc, all in 1966. Lieutenant Colonel Yakubu Gowon (August 1, 1966-July 19, 1975) also promulgated certain decrees to detain certain individuals. In 1967, there was a general decree, which he called Armed Forces, and Police (Special) Decree No. 24 of 1967. Apart from this, there were a few others like Decree No. 11 and Decree No. 22.

As in the cases of politically motivated killings of women, these arrests and detentions were primarily by agents of the State. Officers of the Nigerian Police, the Nigerian Army, the State Security Services (SSS), the National Drug Law Enforcement Agency (NDLEA) and the dreaded Strike Force (SF) effected the arrests and/or detentions. Apart from the fact that in some cases names of victims were never recorded in the police's book of entry, getting the state agents to agree to any such violation has proved to be almost impossible.

During the wave of the clamp down on journalists and others seen as a threat to the maximum military rulers, quite a number of women had a bad brush with the state agents. Most of these arrests were either plainly unlawful or effected due to the relationship of the women to the wanted individuals.

In 1989, **Florence Idowu**, Assistant Head Teacher of Command Secondary School, Ojo, Lagos and the wife of Paxton Idowu, Editor of *The Republic* spoke about her ordeal. It was on a Friday evening. The expectant mother had come back from the antenatal clinic and was preparing supper for her children. At about 11 p.m., the doorbell rang and Florence thought it was her husband. She went to the gate and saw four (4) men who claimed they were from *The Republic*. She did not recognize any of the faces. They then ordered her to open the gate and informed her that they were policemen. Her younger brother implored her not to let the intruders in, but she did all the same. When they came in, they reluctantly showed her their ID cards. She was quizzed about how her husband's car got to the house without her knowledge. They informed her that they had come for her husband and if they did not see him, they would take her. She explained that she could not leave her children, the youngest of who was 2 years old. They told her they were not there for excuses. They threatened her with their guns and that that she would be dealt with if she did not follow them. She went to her room to change while 2 of them stood at the door watching her. By this time, her brother had alerted the neighbours who had converged in the premises by the time she got downstairs. One of the neighbours, an Igbo man by tribe tried to speak with the leader of the intruders, ASP Alozie and requested him to explain the reason why the poor woman was being arrested. Alozie said he was on official duty and had no time to explain their actions to anybody.

When they got to the station at Panti, one Inspector Osoji took her statement. Before she was led to where she would spend the night, she asked to take her medicine. She had not eaten all day because she was fasting. The time was around 2a.m. In her words, *'I said my prayers. In that room there is a 2-foot long bench, no mattress, no pillow, no blanket, nothing at all. I met a woman there who was charged for murder and a policeman who was charged for being careless with official file. So, we were 3 in that room. And I sat on the bench throughout the night. I couldn't sleep. We were not given any food .... At 10 a.m. on Saturday, one officer came in*

*and I told him I wanted to urinate. He led me to one big tree and watched me urinate. There is no toilet.'*

When her husband turned up later in the day, they thought she would be released. The policemen told her that they knew all along that she was lying, when she said that her husband was not in Lagos. She was then charged with lying and preventing the police from arresting her husband. The publisher of *The Republic* was not allowed to bail her. She had to bail herself on the recognition of the fact that she worked for the Army and would make herself available any time she was wanted. She said '*I have never heard that when an editor is wanted and he is nowhere to be found, then the wife is arrested. This is a bad precedent.*'<sup>34</sup>

### **The April 22, 1990 Coup<sup>35</sup> (Arrests of Connected Persons)**

**Rosemary Ichie**, legal adviser to Christian Association of Nigeria (CAN), Kaduna was arrested on June 6, 1990 and later charged to court for unlawful assembly.

**Mrs Unongo**, wife of ex-minister Paul Unongo was whisked away from the court premises on June 7, 1990. The court ordered her release that same day.

**Rosemary Mukoro**, the wife Major Saliba Mukoro and other members of the family were detained at Ikeja military cantonment. They were:

1. Deborah Mukoro
2. Quincy Mukoro
3. Stephanie Mukoro
4. Lesley Mukoro
5. Karen Mukoro
6. Jennifer Mukoro-5 months (born in detention)
7. Alice Atehere (maid)

The sporadic detention of other connected persons to supposed coup plotters also, included,

1. **Gloria and Rhoda Ogboru** - sisters of Ogboru the Great, suspected financier of the coup.
2. **Gloria Mowarin** - girl friend of Alex Aigbe, a civilian suspect
3. **Ngozi**- (last name not known), girl friend of Turner Ogboru, brother of Great Ogboru.
4. **Sarro Akpeneyi** - Public Relations Officer with Fiogret Nigeria Limited, owned by Great Ogboru.<sup>36</sup>

**Chris Anyanwu**, Editor-in-Chief of *The Sunday Magazine* was among four journalists sentenced to 15 years imprisonment after secret trials by a special military tribunal. They were convicted in July 1995 for publishing articles about the arrests and secret treason trials of armed forces officials earlier in the year. Chris was first arrested on March 15, 1995 after her paper reported the initial arrests of the officers. She was held incommunicado before being released on March 23, 1995. She was re-arrested on June 4, 1995, tried in July and sentenced for being an accessory after the fact. She was initially sentenced to life imprisonment, which was commuted to 15 years jail term in October 1995.

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<sup>34</sup> July 3, 1989, My Night in Police Cell, Newswatch, Vol 10, No 1, p. 14-15

<sup>35</sup> Except where otherwise indicated, the extracts on the 1990 coup trial were taken from the CLO, Annual Report, 1990

<sup>36</sup> Prisoners in the Shadows: A Report on Women and Children in Five Nigerian Prisons, CLO, Lagos, 1993, p. 30

The government's grouse with her was the fact that one of the defendants in the case, Colonel Gwadabe was a shareholder in 'The Sunday Magazine'. The magazine went on to publish information that the government had no real evidence against him. Chris Anyanwu is hypertensive.<sup>37</sup>

**Rebecca Ikpe** is a relation of an Army officer allegedly involved in the coup. She along with some others was convicted of being 'accessories after the fact' for offering support and assistance to their relations. She is the sister-in-law of Colonel RSB Bello-Fadile. She was apparently convicted of distributing Colonel Bello-Fadile's defence submission.<sup>38</sup>

Two women, **Sabina Solayide**, a woman in her 50's and **Folake Folasade**, a pregnant woman in her 30's, both wife and daughter respectively of Rapheal Ilyomade were arrested and detained because of their relationship with a pro-democracy activist. Ilyomade retired from the Nigerian Army in 1977 and had been in the United States since 1995. He came to Nigeria for his 60<sup>th</sup> birthday and his daughter's engagement ceremony. After he left, soldiers came looking for him. On Feb 19, 1997, his wife and daughter were arrested. Sabina's health was in serious jeopardy at this time because she was diabetic while Folake lost her pregnancy after being refused medical attention for two days while in detention. They were released on June 16, 1997 after five (5) months in detention under harsh conditions. They were held incommunicado and there were no charges brought against them.<sup>39</sup>

Five men from the Directorate of Military Intelligence (DMI) in Lagos arrested **Ladi Olorunyomi**, a mother of two, at her home on March 20, 1997. She was detained at the DMI headquarters in Apapa. She was brought back to the house on March 22 and the house searched. No reason was given for her arrest and she was held incommunicado from her family.

Ladi was also a prisoner of conscience. It was believed that she was detained as a result of the government's suspicion that her husband was connected with pro democracy activities abroad. Dapo Olorunyomi was once a Senior Editor with *The News* newspaper group and had suffered detention and beatings from law enforcement agents before leaving Nigeria in 1995. Ladi was released on bail on May 6, 1997. The condition for her release was that she had to report to the DMI Headquarters without fail as often as they required.<sup>40</sup>

In May 1998, **Mrs. Sam Asogwa**, the wife of a lecturer at the University of Nigeria, Nsukka was beaten up and detained for days by the police in Nsukka. She was pregnant at the time. The police had come looking for her husband who was suspected to be in possession of posters of the Democratic Alternative (DA), a pro-democracy group.<sup>41</sup>

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<sup>37</sup> Amnesty International AFR 44/16/96

<sup>38</sup> Ibid

<sup>39</sup> Amnesty International AFR 44/06/97

<sup>40</sup> Amnesty International AFR 44/07/97

<sup>41</sup> CLO, 1999, p.46

### **(B) Irregular Arrest**

**Ogochi Nwaokocha** was arrested and detained on July 21, 1995, by men of the National Directorate and Law Enforcement Agency (NDLEA). In January 1996, she instituted an action to regain her freedom. At the time of her arrest, her fourth child was only eight (8) months old. Her husband was flown abroad for medical treatment after receiving gun shot wounds from armed robbers. Their four children were left without parental care. According to her father, Ogochi's offence was not disclosed.<sup>42</sup>

### **(C) State Harassment**

**Glory Kilanko**, National Coordinator of Women In Nigeria (WIN) had her passport seized on June 30, 1995 and it was not released until September 1996 by the military regime. It was seized on her return from a Commonwealth Foundation Conference in Auckland, New Zealand where she spoke on the issue of poverty. While there, she spoke on political poverty rather than economic poverty in Nigeria. As a result of the confiscation of her passport, she lost a one-year fellowship in England.<sup>43</sup> Agents of the State harassed her mother when they were on a "manhunt" for her. They accused her mother of knowing her whereabouts.

A human rights defender, **Ayo Obe** also had her passport seized on the 29<sup>th</sup> of March 1996 at the airport as she sought to board a flight to New York via London.<sup>44</sup>

At that time, rumour of coups and attempted coups had become rampant in Nigeria. The nation had almost become a police state. In the wake of the rise of pressure groups (of which National Democratic Coalition, NADECO was at the forefront) and the confrontation of human rights defenders, many people were arrested and incarcerated, especially journalists. Women were mostly arrested as connected persons i.e. as relatives, friends, co-workers, or acquaintances of suspects. Some women were also arrested as active members to a coup or security plot.

On March 4, 1999, the military government of Gen. Abdusalam Abubakar ordered the release of eight (8) army officers and six (6) civilians arrested in December 1997 and convicted in April 1999 for alleged coup attempt. Among those released was **Sola Shoide**, the Personal Assistant to Oladipo Diya. In the same development, all those tried and imprisoned for treason in the 1995 coup trial were pardoned and released. They included **Chris Anyanwu**.

### **(D) Violations behind the prison walls**

UN rule 61 (1) provides that:

*'The regime of the institution should seek to minimize any differences between prison life and life at liberty which tend to lessen the responsibility of prisoners or the respect due to their dignity as human beings.'*

Prisons Regulation 2 states that: *'No person may be admitted into a prison unless accompanied by a warrant of arrest, a warrant or order of detention, or a warrant of conviction or commitment...'*

However, the contrary seems to be the case in the Nigerian Prisons system especially with regards to women detainees and their children. In this country, adequate provisions are not made for women in detention. Imprisonment in Nigeria is a punishment in every sense of the word. In most cases, Nigerians are detained under very flimsy excuses and many of them remain behind bars as they do not have any means of getting a lawyer or bailing themselves.

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<sup>42</sup> Civil Liberties Organisation, Annual Report, 1996, p. 27

<sup>43</sup> Ibid, p. 52

<sup>44</sup> Ibid, p. 52

*'It is possible to deduce the true human rights implications of confinement of women and children only within the context of the terrible conditions in Nigeria's prisons'.<sup>45</sup> While in 1976, there existed 121 prisons and 229 lock ups in the country, in 1986, ...there were 129 prisons and 233 lock ups, an increase of eight and four respectively.'<sup>46</sup>*

It is common knowledge that most prisons in Nigeria by the very nature of their present organisation are outdated. Considerable change and improvements are necessary in order to turn them into the institutions that can help in the rehabilitation of prisoners.

### **(E) Trial Without Representation**

**Grace Rimbak**, an ex-inmate of Kaduna Prison told CLO that she went to prison simply because she had no lawyer. According to her, *'the police did not find me a lawyer. And they did not let me send a message to my people to let them know the trouble I was in so that they could find me a lawyer. I was innocent, you see. They said I stole my office money. But at that time, I was away on an official assignment ...'*<sup>47</sup>

**Mary Osagie**, an ex-inmate of Oko Prison in Anambra State said, *'I did not have a lawyer. They did not tell me I can have a lawyer---I just went to court and they find me guilty and take me to the yard (i.e. prison yard).'*<sup>48</sup>

### **(F) The Bail System**

The bail process in Nigeria is not free. The amount varies from one Police Station to another and it also depends on the weight of the offence. Apart from the fact that it is not free, women are often not allowed to secure bail on behalf of an accused person. Although there is no written law in Nigeria that a woman cannot stand as a surety for the purpose of securing a bail, women are often discriminated against and viewed as incapable of being a surety. However, research in this area is relatively new. More needs to be done to have solid evidence that this is not just an assumption.

Table 3 shows that out of a total of 6 surveys, sex has been the highest criteria for deciding whether or not an individual can bail a detained person in three of the surveys.

**Table 3. Ranking of Criteria for Acceptance as Surety<sup>49</sup>**

Criteria	1	2	3	4	5	6	Total
Sex	76 (33.9)	27 (12.1)	31 (13.8)	14 (6.3)	60 (26.8)	10 (4.5)	218 (19.7)
Property	15 (6.6)	45 (19.9)	48 (21.2)	60 (26.5)	54 (23.9)	3 (1.3)	225 (20.3)
Relation- ship with accused	40 (7.8)	42 (18.7)	48 (21.3)	53 (23.)	35 (18.6)	6 (2.7)	223 (20.1)
Age	12 (5.2)	62 (27.3)	54 (23.80)	64 (28.2)	29 (12.8)	2 (0.9)	223 (20.1)
Social	60	50	44	31	32	3	220

<sup>45</sup> Olumese Steven O, Administration of Justice in Nigeria, October 1981, in Prisoners in the Shadows, p. 8

<sup>46</sup> Ibid, p. 11

<sup>47</sup> Prisoners in the Shadows, p. 33

<sup>48</sup> Ibid

<sup>49</sup> Source: Ojomo M. A and Okagbue I (eds), Human Rights and the Administration of Criminal Justice in Nigeria, NIALS Research Series No 1, 1991, Lagos, p.116

standing	(27.0)	(22.5)	(19.8)	(14.0)	(14.4)	(1.4)	(19.0)
Total	203	226	225	221	210	24	1109 (100.0)

**(G) Extraction of Statements/Confessions/Evidence**

*'No exceptional circumstances whatsoever, whether a state of war, internal political instability or an other public emergency, may be invoked as a justification of torture' (Article 20, Convention Against Torture)*

*'...refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation' (Article 2(d) CEDAW)*

Most of the methods employed by the state security agents during the interrogation of suspects are usually inhuman. Stories abound of torture by survivors of such ordeals. There are also stories of individuals who did not survive. In all of these cases, the State has done very little to redress this anomaly.

An ex-detainee at Alagbon, who pleaded anonymity, claimed she was arrested alongside some pedestrians in Victoria Island at night. The police claimed they were acting on a tip off about some drug couriers. Naturally, she panicked when they swooped on them. Though she was released when they found out her arrest was done in error, the search on her person was humiliating. A male police officer searched her private parts for the supposed hard drugs. From the account she gave, the policeman who searched her private parts was evidently enjoying the act. He was wet as shown on his trousers.<sup>50</sup>

**Uzoma Okorie** told of sexual harassment in her place of work and how she ended up in police custody as a direct reprisal for rejecting her boss' overtures. She was arrested and detained at the Adeniji Adele police station on February 3, 1993 at the instance of her boss, Chief Pius Ozoulagba whom she worked for as a typist. CLO reported it thus in its 1994 report:

*Two male officers, John Okon, the Investigating Police Officer (IPO) handling her case and one Sergeant Joseph—after striping her naked, forced her to hug a concrete pillar supporting the roof of the police station after which they hand cuffed her. ...They flogged her bare back, buttocks and thighs until she bled profusely. As if that was not enough to make her 'confess', they went ahead with what policemen at the station call the 'VIP Treatment'. The neck of a larger beer bottle was inserted in her private part and retained there while the torture lasted'*

Uzoma lost consciousness during the process of torture and was admitted at the Police Hospital, Falomo. She was conditionally released on February 5, 1993.<sup>51</sup>

**(H) Detention Without Trial**

**Miss Joy Nwakpa**, a Kaduna based legal practitioner, who was once detained, reported two cases in Kaduna prison:

<sup>50</sup> Akumadu T, Patterns of Abuse of Women's Rights in Employment and Police Custody in Nigeria, Lagos, 1995, p. 56

<sup>51</sup> Ibid, p. 57

*There's a case of Agnes Aluko who was in Prison custody for over three years without one single day of trial. There's also the case of Joy Asaka who was also there for years without trial...*<sup>52</sup>

On August 30, 1990, the Chief judge of Kwara State, Justice Timothy Oyeyipo ordered an Okene High court to decide the fate of **Asimawu Ibrahim** before the end of September 1990. She was nursing a 14-month old baby as at that time and had been in detention since December 1989 charged with the murder of her husband.<sup>53</sup>

### **(I) Beatings and Solitary Confinement**

Apart from bodily searches, women are beaten and put in solitary confinement if they break any prison rule. A regular visitor to Agodi Prison in Ibadan informed CLO that: *"...they beat the women sometimes, especially when they prove stubborn. But I don't see why they should beat them up. Some of these women are married. They have husbands and children...if the prisoner is the stubborn type two or three wardresses' join together to beat them up. And they put them in single cell that is solitary confinement."*<sup>54</sup>

The treatment of 'stubborn' female prisoners is worse in Kirikiri Women's Prison. According to **Stella Okai**, *'...the female is taken to a corner, stripped naked and given 24 strokes of the cane on her bare body. Sometimes the cane is doubled. This is soaked in Izal (disinfectant) before administering it on the bare body. You hear the anguished and tortured cries. Before the treatment, however, a doctor must certify the body fit'*. According to her, this is usually done on the orders of a magistrate after the 'stubborn' prisoner has been brought before him for frequently violating prison regulations'.<sup>55</sup> Thus, the judiciary indirectly contributes to the violation of international standards of treatment of prisoners.

### **(J) Prison Condition**

#### *Food*

According to findings in a nationwide magazine, *'...the quality of food served, especially to those awaiting trial, is so nauseating that to talk about quality would be to do extreme damage to the language — You couldn't call it food really ...What they did was mix a little paste with what passed for garri and give you some bitter liquid which is supposed to be soup. Prisoners remained famished and malnourished.'*<sup>56</sup>

#### *Underpants*

The situation is so bad at the Kirikiri Women's Prison and Kaduna Prison that the women have to go without underpants. An ex-inmate of the Women's Prison said the prison authorities forbade it.<sup>57</sup>

#### *Health Care in Detention*

There is acute shortage of Medical staff in Nigerian prisons. The health facilities are not exactly adequate for the number of prisoners. There was the reported case of one **Alhaja Daniju** serving a twelve-year term at the Kirikiri Women's Prison. After suffering the second stroke on January 6, 1991, she became paralyzed on the left side and two limbs. Now that she is immobile, she is kept in a solitary cell even though she

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<sup>52</sup> Prisoners in the Shadows, p. 42

<sup>53</sup> Ibid, p. 45

<sup>54</sup> Ibid, p. 52

<sup>55</sup> Ibid, p. 53

<sup>56</sup> June 19, 1989, June 19, 1989, Newswatch magazine, Vol. 9 No 25, p. 12

<sup>57</sup> Prisoners in the Shadows, p. 74

is not in confinement. According to one source, '*the woman is in very bad shape and her trips to the hospital do not really help her. ... I would advise that they release her. She is just suffering there.*' Prison authorities said that she was not granted presidential pardon in 1991 because the medical officer did not list her case as those deserving it that year. She was passed over in 1992 for the same reason.'<sup>58</sup>

### **(K) Death Sentence**

A majority of death sentences handed down in Nigeria during the iron rule of the military, which operated outside the official judicial system, do not conform to international standards of fair trials and defendants have no right to appeal to a higher court. A number of Nigerian women were sentenced to death after conviction by these tribunals.

An Nsukka High Court sentenced **Mgboyibo Ossai**, a 28 year-old mother to death on Feb 6, 1989 for murder. She was said to have killed her husband during the course of a domestic quarrel. It is not known whether she filed an appeal against the sentence. While those sentenced for armed robbery are normally executed by firing squad, those convicted for murder are usually executed by hanging. Hangings are usually done within the prison walls. Thus, the number of official hangings has been difficult to track down.<sup>59</sup>

One of such was **Clara Bada**, who was sentenced to death by hanging in Jan 1998. She was convicted of armed robbery. Although four male co-defendants were executed in public, she was not hanged apparently due to defective gallows in Plateau State. Information about her subsequent fate was not known.<sup>60</sup>

## **2.2. Nigeria and Conflict Situations: A case of Systemic Deprivation?**

Nigeria has experienced quite a lot of conflicts within her various geo-political zones. The causes of these conflicts have ranged from religious to ethnic and political differences. In almost all cases, women and children have been most affected during and after the crises.

### **(A) The Umuechem Massacre (November 1, 1990)<sup>61</sup>**

At least twenty-five (25) persons were killed, including the paramount ruler of the community, Eze A A Ordu and a Christian clergyman, Sunday Ulaonu of the Christ Apostolic Church, on November 1, 1990 in Umuechen community in Etche Local Government Area of Rivers State. Thereafter, the where about of twenty-four (24) other villagers was not known. Six hundred and fifty (650) buildings, one hundred and seventy-five (175) bicycles, fifty-five (55) motorcycles and a large stock of crops and livestock were destroyed. The mayhem was preceded by a peaceful protest by the youth of the village against neglect by Shell Petroleum Development Corporation (SPDC). Attempts were made by the police to stop the protest and in the process, three (3) police officers got missing. The police returned to the village on Nov 1 to 'rescue' their colleagues. Those confirmed dead include:

1. Sarah Odu
2. Cecilia Ahunonu
3. Celina Nwogu

### **(B) Northern Zone**

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<sup>58</sup> Ibid, p. 105

<sup>59</sup> Amnesty International AFR 44/14/89

<sup>60</sup> Amnesty International ACT 77/01/91

<sup>61</sup> Annual Report on Human Rights in Nigeria, CLO, 1990, pps. 11-14

Many ethnic clashes have been recorded in the Northern part of the country, the major ones being those of:

1. Tignu Waduku 1988
2. Tafawa Balewa 1997, 1991, 1993, 1995
3. Kafanchan 1987
4. Zangon Kataf 1992
5. Tukum 1976, 1993, 1997-1999
6. Kano Maitatsine 1982 (Civilian Administration)
7. Gombe 1984
8. Jos 1988, 1994
9. Toto 1984, 1997-1999<sup>62</sup>

### **The 1995 Conflict In Tafawa Balewa<sup>63</sup>**

There was a party organised for the Hausa man appointed as Commissioner with the Bauchi State government. The indigenous Sayawas saw an ulterior motive in staging the party in Tafawa Balewa and not in Gukeru, the original hometown of the newly appointed commissioner. Moreover, all civil servants were surcharged without consultation for the planned party. The native Sawayas then mobilized people to stop the planned party.

### **Summary of findings**

Apart from the general destruction of property, the following were the marked features of the crisis:

#### *Loss of life*

About fifteen thousand (15,000) people were reported killed in various conflicts in the Middle Belt between 1990 and 1999. Government officials usually undercount casualties. For example, in Kutum, government reported that 269 people died while combatants said that over 1000 people might have been killed. The Hausas said over 2000 of them died in the Zangon Kataf crisis. Many were women and children.<sup>64</sup>

#### *Increased Burden of Women and Children*

Women and children who have to provide for the upkeep of the whole family now head several families. Women have been raped and /or taken to prostitution and/or have had to abort pregnancies or have fatherless children.<sup>65</sup> According to Mrs. Jummai Maikassuwa, a survivor of the Toto killing, '*...they pursued us. When they caught up with us they separated the children and me from my husband and cut my husband's throat as we watched. He died. When I saw this, I went and held one of them and told him that I have nobody to take care of the children since they have killed my husband. I asked him to kill the children and me.... I took the children and we continued to move further into the bush with some other women and children. Some of the pregnant women gave birth in the bush. There was no water or anything and the babies died. One woman gave birth to twins. The babies died. Later the woman also died. There was nobody to bury the dead. We were in the bush for 6 days walking on barefoot...*'<sup>66</sup>

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<sup>62</sup> Festus Okoye (Ed), VICTIMS- Impact of Religious and Ethnic Conflicts on Women and Children in Northern Nigeria, Human Rights Monitor, Kaduna, Nigeria, 2000 p.8

<sup>63</sup> Ibid, p. 8

<sup>64</sup> Ibid, p. 21

<sup>65</sup> Ibid, p. 23

<sup>66</sup> Ibid, p. 30

### *Arbitrary Arrests and Detention*

On July 2, 1995, a combined team of soldiers and mobile policemen armed with executive 'clean up' order invaded the secretariat of the defunct Social Democratic Party (SDP) at Tafawa Balewa, and bundled women and children taking refuge there into detention in Bauchi. Here are a few accounts:

**Rhoda John** was arrested with her 6 year-old son, John and her one year old daughter, Fibi. They were questioned on the disturbances of July 1, to which they said they knew nothing about. They were detained and released after four (4) days. They were re-arrested a few days later and taken to the Criminal Investigation Department, (CID) Bauchi. According to Rhoda, she spent 3 weeks and 4 days in CID cell and was in Bauchi prison until January 24, 1996 when Justice Uzo of the Bauchi High Court granted them bail. In 1991, during the disturbances in Tafawa Balewa, which spilled over to Bauchi town, she was shot in the arm twice. All efforts to get the police to foot the bill of her treatment so far proved abortive.<sup>67</sup>

**Elizabeth Simon** was arrested on September 7, 1995 with her newborn baby. They were in detention for three weeks and four days. Her baby was always falling ill. The condition of the baby facilitated her bail granted by the Chief Judge Justice Suleiman Darazo. She was released on October 3, 1995.<sup>68</sup>

**Saratu Yusuf** was taken in lieu of her husband at about 6 a.m. of September 9, 1995. According to her, *"They ordered me out, pushed me into their vehicle, straight to Tafawa Balewa police station. They later took me to CID Bauchi"*. When questioned about her involvement in the demonstrations that led to the disturbances, she said she was at her farm on the said day. However, her interrogators asserted that one Mallam Hassan and one 'Coach' saw her destroying benches meant for the occasion. Her child was on admission in the hospital during this period and Saratu was kept in Bauchi prison till January 24, 1996 when Justice Uzo of the Bauchi High Court granted her bail.<sup>69</sup>

**Saratu Dangana** was arrested and detained for five (5) months because she answered the distress call of a neighbour, Saratu Yusuf who was about to be taken away. Her neighbour had sent a message that she wanted Saratu Dangana to help take care of her children in her absence. Naturally, Dangana went over to her place. They all watched while she was taken away. Shortly after, they came back and identified her as the person who came over to Yusuf's house. They asked for her husband who was away. When she could not produce him, they took her away. According to her, *'they said I should enter their vehicle. I asked them if I can dress up properly, they refused. When they pushed me into their vehicle, a child of mine ran into the house and brought my wrapper'*. Saratu Dangana was detained for 3 months before her husband was arrested. The twist of the matter, was that after her husband had been arrested, they still kept her in detention. This resulted in an argument within the ranks. Some saw no reason for her continued detention while others were hell bent on denying her freedom. When matters got to this stage, the allegations changed and she was said to have gone round the town telling the men to flee. Saratu Dangana slept on the bare floor of the Bauchi Prison for 5 months before Justice Uzo of the Bauchi High Court granted her bail.<sup>70</sup>

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<sup>67</sup> Ibid, pps. 33-35

<sup>68</sup> Ibid, p. 35

<sup>69</sup> Ibid, pps. 35-36

<sup>70</sup> Ibid, p. 37

## **Experiences during the Conflict:**

### **Woman (anonymous)**

*'I lost a son during the conflict, which occurred in 1995. We the women opposed the party to be organized for the Commissioner because the local government council was taxing our husbands to fund it...they were not consulted at all on the deductions... I also took part in the protest march—we wore green leaves and we were very peaceful...When the LGC and the Hausas saw that we meant business, they stopped the party and we were all happy and started dispersing. But some Hausa youths came to attack us .... We reacted, and then our husbands came out and the conflicts got worse and many people were killed'.<sup>71</sup>*

An anonymous person was reported to have said *'I lost my father who was a farmer in the 1991 conflict. ...I now depend on my mother and the community for my education and other needs'.<sup>72</sup>*

### **The 1997 Conflict In Takum, Taraba State<sup>73</sup>**

The relationship between the warring groups had never really been cordial. They were always asserting superiority over one another. There was an adjustment of boundaries between Takum and Ussa LGA, which was carved out of Takum. The elected LGCs headed by Kuteb men were dissolved and replaced with appointed civil servants. The Chamba/Jukun people felt the boundary adjustment was necessary to free them from the majority Kuteb. Ussa LGA was also created. These and a few other reasons threw the communities into a full-scale war.

## **Experiences**

### **Woman (anonymous)**

*'...I spend all my salary to pay house rent, buy food and medication for the family. The health of my husband, a hypertensive patient worsened. He was also diabetic and died after he fell unconscious and remained in that state from January through July 1999. Another cause of injustice that seeks redress is the denial of salaries to our kinsmen/women who are of Kuteb extraction in the Takum LGA ...For 4 months now I have not got a kobo from the government. This neglect led to my husband's death.<sup>74</sup>*

### **(C) The Wake Of The Ogoni Crisis (1994-1999)**

With reference to the Umuechem massacre mentioned earlier in (A), which was prompted by the community's reaction to the devastation of their oil producing land, the Ken Saro Wiwa-led Movement for the Survival of the Ogoni People (MOSOP) was created. The conflict lasted for a number of years. Women were used as the victims and sacrifice of war. They were killed, maimed, raped and dehumanized. Most of them had harrowing tales to tell.<sup>75</sup>

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<sup>71</sup> Ibid, p. 47

<sup>72</sup> Ibid, p. 47

<sup>73</sup> Ibid.

<sup>74</sup> Ibid, p. 71

<sup>75</sup> Unless otherwise stated, the experiences of the women survivors are from interviews conducted by Olubunmi Dipo-Salami (BAOBAB) and Mrs. Charity Ebeh, one of the victims of the Ogoni crisis on Wednesday, October 25, 2000.

**Terep Maapie**, (45) of Wiyakara reported that after the arrest of Ken Saro-Wiwa in 1994, soldiers came and raided the entire village when the men had left home. Terep was shot on the arm at about 9 a.m. but she was not taken to the hospital until about 12 noon. She stayed in the hospital for 6 months. She used to be a farmer. Now she cannot do anything because she can no longer use her arm. She has fifteen (15) children.

**Promise Maapie** (18) of Wiyakara village in Rivers-State was shot in the leg on June 8, 1994 during the above-mentioned raid. She was a Junior Secondary School (JSS) student when the incident happened. She could not continue her education after that.

**Daughter Kpakor** (35), and **Patience Gbaarabi**, of Deeyor were both physically and sexually assaulted by soldiers in 1994. Their property was also looted.

**Birawa Moesi** (40), of Wiyakara in River-State was shot in the waist at the market square on April 7, 1994. She spent 5 months at the hospital. Her house was also looted. She used to be a farmer but she has been unable to do any kind of work since then.

**Patience Naagbi** of Nweol village in River-State could not remember the date she was raped by Nigerian soldiers in 1994. She claimed that she went out to see how much they had looted her husband's sawmill when she was seized by Okutimo's men and raped in the open. The other women who were coming behind her took to their heels on hearing her cries. Her husband was in exile during this period. Their home was looted while she was also physically assaulted. She developed asthma, chest pains and frequent headaches. She was hospitalized for 3 months and has not been herself since then. She is presently on some medications for the relief of the aches.

**Hannah Yoramaa** (29), of Giokoo village in River-State was beaten up and raped by soldiers in 1994. She spent 6 months in the hospital. Her house was looted. She used to be a secondary school teacher but right now she does not do anything.

**Helen Ngbei** (45), of Deeyor village in River-State claimed that soldiers came to her house sometime in 1994. They were looking for her husband, a MOSOP activist who had gone underground during the period. She was beaten up and raped by soldiers before she was taken to Kpoor with bruises and blood all over her body. She was thereafter taken to the hospital where she spent 3 months.

Soldiers physically and sexually assaulted **Peace Sukpe** in 1994. She was taken from her husband's room into another room and raped. She spent 3 months in the hospital.

**Evelyn Purusi** also of Deeyor claimed that soldiers under the command of Major Paul Okutimo came into her house sometime in 1994 to look for her husband who had gone underground like every other Ogoni man. They carted away all her belongings and assaulted her physically and sexually. She was hospitalized for 1 month.

**Christianah Kibanga** (22) of Kibanga village is a MOSOP activist. She was a secondary school student during the Ogoni crisis. She was arrested by soldiers in 1995 and raped right outside her father's house. No allegation was levelled against her. She could not remember how many soldiers raped her and it was really difficult getting her to talk about it. She now resides in Port Harcourt.

**Charity Ebeh** of Bori village was the publicity secretary of the Federation of Ogoni Women's Association (FOWA) in 1996 while her husband was the Organizing Secretary of MOSOP. She was also the Principal of Marion High School, Bana (Ken Saro Wiwa's Village). In March 1996, she was arrested at about 8.00 a.m. on the way to her school and detained in a toilet somewhere around Bori. She was taken to Bori Camp at about 7 p.m. and arraigned before Major Obiomaye at about 9 p.m. The Major told her that he was informed that she was planning to destabilize Nigeria. She

was released the following day after paying ₦27, 000.00. According to Charity, in April 1996, the soldiers came back to her home at about 2 a.m. although, fortunately for her, she had gone to Port Harcourt to spend the mid-term holidays. They broke all the windows in the house, harassed all the family members, beat up the gatemen and pierced their legs. They broke into her office and looted all her property. She was later demoted to a classroom teacher and transferred to another school. She was reinstated after about six months when another military administrator took over. She was not paid any compensation.

### **Sexual Slavery**

Perhaps, the most inhuman of the testimonies are the testimonies of two young girls abducted during the first stage of the conflict.

The first one is called **Patience Ngbala** (17), of Deeyor. Sometime in 1994, Nigerian soldiers physically and sexually assaulted Patience before she was taken to Kpoor (the military camp) as a sex slave. She must have been about 11 years old then, going by her age as at the time of the interview. She stayed there for two months and during this period, she was the cook, did the laundry and was raped daily by the soldiers. She was released when the soldiers got tired of her.

**Dorothy Loomaup**, (18), of Deeyor was also abducted and taken to the Kpoor camp as a sex slave at the same time as Patience and given the same treatment.

### **Generational Violation**

Equally sympathetic is the story of **Gemima Mpa**, a grandmother of 60, who also resides in Deeyor. Gemima was a victim of both the Nigerian Civil War and the Ogoni crisis. Soldiers raped her during the Nigeria civil war. Her property was looted in 1994 and the soldiers also raped her during the Ogoni crisis. She was given native treatment and she healed in one month.

**Mrs. Janet Yorama** (30), Gemima's daughter, fared no better. She lived in Port Harcourt until 1994 when she decided to come back home (Deeyor) to participate fully in MOSOP activities. According to her, on May 21, 1994, soldiers, led by **Major Paul Okutimo** came to her home and accused her of participating in the killing of the "Ogoni 4", celebrating the Ogoni Day and sending food to Ken Saro-Wiwa in prison. Her punishment, according to her was that the soldiers, including **Major Okutimo** raped her. She claimed she lost count after the sixth soldier and lost her 3 month-old pregnancy. She was brutalized and her hair was pulled out. She also claimed that the soldiers looted her property, which comprised electronics, jewelry and clothes. She was hospitalized for 6 months and 2 weeks at a hospital in Bori.

Janet can no longer bend her back or sit for long as a result of the beating she received. She is now a trainee at the catering department of Federation of Ogoni Women's Association (FOWA)

Gemima's granddaughter completes the generational violation. Four (4) soldiers raped **Gloria Barisere (22)**, on her way from the stream in 1994. They left her in the bush. Her parents later took her to the hospital where she spent 3 months.

*The whole line of a family had been raped during different conflicts in Nigeria.*

Two names came up during the course of the interviews with the Ogoni women, these are **Major Obiomaye** and **Major Paul Okutimo** with the latter reported to have seriously engaged in a series of acts of violations. He declared not too long ago when

questioned about the alleged atrocities of his troops, that he had only used four out of the thirty methods at his disposal that can be used for quelling a crisis.

On the part of the women, the stigma persists. Most of them are wasting away in Ogoni land. Some cannot do anything physically strenuous as a result of the beatings and sexual violation that they were exposed to at the hands of those that were supposed to protect them. Some cannot even walk upright. Majority of the young women so denied the joy of their youth are scornfully referred to as 'soldiers' wives'.

### 3. ECONOMIC AND SOCIAL RIGHTS

Economic deprivation has always been a constant feature of the social imbalance in Nigeria. Right from the onset, the patriarchal nature of our society has placed women in an unenviable economic position. In fact, poverty has been said to have a woman's face.

#### 3.1. Women and Credit Facilities

As early as the 1960s, women have had to beg for soft loans. The story in a national daily in 1966 could well be the song women are still singing now.

The Ijesha market Women and Traders' Association called on the Federal Military government to grant them small-scale loans to enable them buy adequate foodstuff to meet increasing demand. The leader of the association, Madam Morenike Ojo, lamented that despite the fact that market women with their trade occupy a greater and unique position in the community, they were not aided and catered for like farmers' organizations<sup>76</sup>

The likes of Bola Kuforiji-Olubi and Maria Sokenu are token representatives of women in the commerce and industry field. On a general note, women's access to resources has never equaled that of men. Very few women own landed property. Therefore, it has been rather hard to procure loans from banks, as majority does not have the collateral. In fact, the People's Bank disbursed loans to women indirectly through their husbands. The excuse was that they are mostly rural women who are not literate. One wonders why they are not educated on credit management. Some of their husbands diverted the money. Non-availability of sectorised allocations of credit to women in the country's budget and lack of a credit guarantee scheme compounded this problem. According to the Federal Ministry of Commerce and Tourism, in 1992, only fifty (50) were women out of the 10,000 exporters registered with the Nigerian Export Promotion Council<sup>77</sup>

#### 3.2. Women and Evictions

Mostly women undertake a greater percentage of domestic work. Thus, anything affecting the domestic arena affects them in a greater measure. In the event of forced eviction, women face untold hardship. During the era of massive evictions and demolitions by the Abacha regime, the immediate and long-term consequences had the greatest impact on women. The consequences of some of these evictions are described below:

##### 3.2.1. The Ilasan and Ikota Episodes <sup>78</sup>

On July 30 and 31, 1990, men of the Mobile Police Unit raided the Lagos State Government Housing Estates in these two areas. They were reported to have acted on the orders of the then military governor, Col. Raji Rasaki. They were to eject thousands of Maroko evacuees who had taken temporary shelter after the demolition of their settlement by the government on July 14. The government claimed that they had taken shelter in some of the uncompleted buildings illegally. Here are the experiences of some of the women:

***Mbom Akpabio***, a pregnant woman was seriously beaten with the butt of the gun and she sustained a lot of injuries as a result of this.

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<sup>76</sup> Nov. 15, 1966, 'Market Women Want Loans', Daily Sketch, no 818, p. 3

<sup>77</sup> Petronella Maramba, Bisi Olateru-Olagbegi and Rosalie Tiani Webanenu for WiLDAF, Writers and Editors, Structural Adjustment Programmes and the Human Rights of African Women

<sup>78</sup> CLO 1990, pps 15-17

**Ugime Akpabio**, a 2-year old girl was nearly thrown out of the window of the first floor of one of the uncompleted buildings. It was in the effort to save her that her mother got beaten up.

Miss **Oluwakemi Ayeyemi** was beaten to a state of coma. She was a 22-year old student. She was rushed to the emergency ward of the General Hospital, Odan.

The beating and raping of women at Ikota on July 31 was astounding especially considering the fact that only few women could report such. The Police were reported to have stormed the Estate late in the night and continued their mayhem till the early hours of the morning. Leaders of the Maroko Evacuees Community said 17 cases of rape were reported. The Civil Liberties Organisation of Nigeria received two first hand reports. One of these was from a nursing mother who said that a number of policemen dragged her to the back of an uncompleted building and raped her. Another woman said she that although she narrowly escaped the mishap, her neighbour was not so lucky. She witnessed from her hiding place how she was gang-raped by four policemen and could not walk properly afterwards. The policemen came in several lorry loads with their plate numbers covered with non-transparent materials. They did not wear the regulation nametags. The Lagos State Government denied knowledge of such a raid, but on July 23, 1990, Col. Rasaki did say on a radio and television broadcast that illegal occupants of the 2 estates would be ejected. No official inquiry has been made till date.

### **3.2.2. The Ilubirin Eviction**

The eviction of the Ilubirin dwellers of September 1996 rendered 12,000 women homeless as well as 7850 fishermen and 2500 children.<sup>79</sup>

### **3.2.3. The Ogoni Case**

**Karalolo Kogbara** (30), of Biara village in Ogoni land was working on her farm on the 30<sup>th</sup> of August 1993 when she saw a Wilbros Company tractor destroying her crops. She asked why her crops were being destroyed. One of the soldiers attached to the company shot her on her left arm because she dared to question them. When it was discovered that she was bleeding heavily, the company took her to the hospital and her arm was amputated. She was there for 5 months. She was not paid any compensation after she was discharged.<sup>80</sup>

### **3.3. Right To Education**

The Nigerian society and government do not lay much emphasis on female education as an important factor to national development. Government's commitment to the educational development of women has not been genuinely or actively pursued. Women constitute a larger proportion of the 68% of the illiterate population. About 70% of our women (35 years of age and above) have been denied any form of formal and non-formal education.

UNESCO figures show that Nigerian girls represent 30-90% of the estimated 118 million children of school age who do not go to school. In Nigeria, literacy rate is 15% for adult females and 45% for adult males. Female enrolments usually thin out up the ladder.

In a study of girls' education in Obruba LGA of Cross River State, Eka Ikpi Brade found that an average of 35% females as against 64% males enrolled in post primary

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<sup>79</sup> Jan-June 1997, Shelter Watch, Vol. 1 No 3, p. 28

<sup>80</sup> Ogoni interview, October 25, 2000

schools between 1979-1984. This is also reflected in the number of male/female teachers. 12% females to 88% males

In 1968, missionary post-primary institutions had enrolled 461 females while government institutions had only 181. The period 1969-75 was one of educational expansion due to increased contributions from increased oil revenue. The total number of post-primary institutions in the state increased to 42 with an estimate of 17, 652 male students and 4,288 female students (1973/74). In the same academic year, there were 3 technical colleges in Kaduna State with a total number of 1189 all male students. Also in the same year, there were 258 students in colleges of Arts and Science out of which 21 were females. 138 boys were taking science courses as oppose to girls while 11 girls were in the Arts compared with 99 boys. Of the 4288 female students in post-primary institutions during the year, almost half were in teacher training colleges or commercial schools i.e. training for jobs with little potential for higher educational training or high-income jobs.<sup>81</sup>

Federal government expenditure in this sector declined by 31% from 1985 –1986 and by another 46% from 1986 –1987. It has actually become a culture of the Nigerian Budget to systematically cut down on educational allocation yearly since independence. The introduction of school fees made many parents withdraws their children, both primary and secondary schools. There is strong reason to believe that more girls were withdrawn than boys.<sup>82</sup>

During the 1980s to 1990s, the percentage of female enrolment swung like a pendulum without much improvement. Those were the days of military dictatorship that placed little value on the quality of education. ( See Table 4)

The various educational programmes instituted in times past were actually with the education of the girl child in mind. However, none of the programmes lived up to expectations. One of such was the Universal Primary Education (UPE) established during the military regime of General Olusegun Obasanjo.

The enrolment of women in higher educational institutions has remained very much lower than that of men. Total students' enrolment in Nigerian universities rose by 24% between 1989 and 1993. Female graduates were 12.8% of total graduates as at

**Table 4. NATIONAL SUMMARY OF SECONDARY SCHOOL STATISTICS IN NIGERIA BY SEX (IN 000s), 1984/85- 1994**

	1984/ 85	198 5/ 86	19 87	19 88	19 89	19 90	19 91	19 92	19 93	19 94
Total Enrollment	2988	3088	2934	2942	2724	2902	3123	3601	4032	4451
Total male enrollment	1739	1755	1700	1730	1582	1661	1821	1979	2182	2420
Total female enrollment	1249	1334	1234	1212	1142	1241	1302	1622	1850	2032

<sup>81</sup> Imam A, Mahdi H and Omole H, Women's Access to Education: Issues of Development and Equality, Osakue et al , p. 155

<sup>82</sup>Taiwo S., Macro Economic Impact of Economic Adjustment on Women in Garba K., Akanji B., Abanihe I., (eds), Women and Economic Reforms in Nigeria, Ibadan, 1997, p. 94

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% male enrollment	58.2	56.8	57.9	58.8	58.1	57.2	58.3	55.0	54.1	54.4
% female enrollment	41.8	43.2	42.1	41.2	42.8	42.8	41.7	45.0	45.9	45.6

Source: Socio economic Profile of Nigeria 1996

1980/81, and 26% in 1989/90. As studies have shown as far back as 1986, only 10% of graduates stand any chance of getting jobs in the formal sector. In other words, only 3% of females stand a chance of getting employed. Although reliable statistics are not available, the private sector does not seem to offer better prospects.<sup>83</sup>

As at 1996, a review of the admission of female undergraduates to the University of Nigeria, Nsukka for three consecutive sessions revealed a fairer representation of women in some subject areas. For example, one out of every fifth undergraduate was a female; in Arts and Biological Sciences, one out of every three; in Law, one out of every five; in Applied Sciences, one out of every eight and in Engineering, one out of every forty undergraduate was a female.<sup>84</sup>

This has reflected in every professional area of employment. The table below shows the effects of the statistics quoted above during the relevant years on gender employment in Nigerian universities.

**Table 5. Academic Staff by sex in Nigerian universities**

	MALE	FEMALE	TOTAL
1990/91	10,779	1157	11,916
1991/92	11,381	1531	12,912
1992/93	8454	1318	9772

Source: Federal Ministry of Education.

Perhaps, this non-commitment on the part of government, parents and the girls themselves led to a clamour for girls to be given concessionary admission especially into higher institutions. Idris Abdulkadir, Executive Secretary of the National University Commission (NUC) gave a voice of support to women for concessionary admission. He warned that the concession should not be permanent, as educational policies were dynamic. He also voiced his support for free education for women at all levels and encouraged parents to let their daughters get to their highest potentials in education especially parents from the north.<sup>85</sup> His was one voice out of several clamouring for lower cut-off points for women.

However, majority of women saw this as an insult since women can always compare with men on an equal level if given the opportunity. Michael Angulu who was the registrar of JAMB for nine years had this to say: *'I think that plainly is idiotic. I am a parent and know what I am talking about. I sat in JAMB for 9 years and I know that I saw these girls right at the top. The good ones among the girls and boys will make it and the not so good will not make it. That is the truth of the matter and I think women should kick against that thing. They are being relegated to an inferior position intellectually.'*<sup>86</sup>

<sup>83</sup> Ibid

<sup>84</sup> Dr U O Amazigbo, Women, education and society in Osakue G, Okojie J, Osakue D eds., Women and Education: Proceedings of the Third Annual Women in Nigeria Conference edited by Zaria, 1992, p. 11

<sup>85</sup> January 11, 1988, A Voice in Support of Women, Newswatch, vol 7, no 2

<sup>86</sup> Ibid.

### 3.4. Reproductive Health Rights

#### 3.4.1. Choice Of Marriage

No doubt, some of our religious and cultural dogmas affect women negatively especially when it comes to making informed decisions about their age as well as their choice of marriage partner and/or type of marriage, fertility management and conformity to harmful age old traditions like female genital mutilation.

The age and choice of marriage varies across the geo political areas of Nigeria. However, marriage of under-aged girls is more rampant in the northern region of the country. Most of these child marriages are usually not with the consent of the child. Early marriage is a class phenomenon as well as enshrined in some cultural and religious values. Other causes are ignorance, collapse of the educational system, rise in cost of education as well as poverty.

In a 1998 survey, the aggregate mean age of marriage was 16.7. Zonal comparisons in the Northeast and Northwest are 15.2 and 14.5 respectively. The lowest rates of early marriage in the north are Kebbi-11.3%, Sokoto-14.2%, Kano-14.3%, Borno-14.8% and Adamawa-14.7%. This is a pointer to the low status women have been accorded and the assumption that they have no other contribution to development except housekeeping and child bearing. The Nigerian Demographic and Health Survey Report (1990) gave the mean age of marriage as 17 years and indicated that about 40% of teenagers of 18 years of age have already given birth or are pregnant with their first child.<sup>87</sup> This has given the girl-child in Nigeria serious setbacks. Educationally, she is at disadvantage as she is 'sold off' quickly in marriage while her male counterpart continues his education.

As far back as 1980 some states in the northern part of the country were contemplating legislating against early marriage. The Kano State government was proposing a bill that was designed to end parent's reluctance to send their girls to school. It was believed that other states would follow suit.

Girls between the age of seven and eleven were given out to live with their suitors until they attain the age where it could be consummated. Apart from the fact that these girls are too young, their parental upbringing is transferred to somebody else. Besides, the question of prohibitive bride price started receiving attention in Imo, Anambra and the middle belt states of Nigeria. Governor Sam Mbakwe has urged chiefs and women organizations to look into means of cutting down bride price. It is believed that a man can keep his self respect as master and lord of the home through this means<sup>88</sup>

In the case of *Karimatu Yakubu and Alhaji Mahmoud Ndatsu* (appellants) vs. *Alhaji Yakubu Tafida Paiko and Alhaji Umaru Gwagwada* (respondents), Karimatu had three suitors at age 19. Her father coerced her into refusing the first suitor while giving her a choice between the remaining two. She first chose Gwagwada, but later changed her mind in favour of Ndatsu. The reason she gave was that as a man with the intention of marrying her, Gwagwada refused to come and see her personally. She begged her father not to go ahead with the solemnization of the marriage to Gwagwada and was going about seeing emissaries when he concluded the marriage in her absence. Karimatu filed an application at the Area Court for the dissolution of the marriage. The union was dissolved. However,

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<sup>87</sup>Report of the United Nations Development Programme [UNDP] report of Baseline Survey of Positive and Harmful Traditional Practices Affecting Women and Girls in Nigeria. Hereinafter referred to as UNDP Report

<sup>88</sup> Feb. 18,1980, School First, Marriage Last, Times International, vol 1, no 29, p.,19

Gwagwada appealed to the Upper Area Court, Minna against the judgement of the lower court, but was not successful. Her father then appealed to the Sharia Court of Appeal, Minna. Among the Kadis who heard the case was the Grand Kadi who she had earlier appealed to plead with her father. Her counsel was not allowed representation because, according to them, he was not knowledgeable in the rules governing legal representation in a Sharia Court. The court ruled in favour of Karimatu's father, that he had rightly exercised his power of *'ijbar'*.<sup>89</sup> Karimatu filed an appeal at the Court of Appeal, Kaduna where Justice Uthman Mohammed ruled in her favour. (December 1985) (p. 42-43)\*

**Asmau Yushau**, a 14 year-old girl got married to a 27 year-old teacher in Zaria in November 1986. He was not abashed by the fact that the girl to whom he is married could well be his ward and he a guardian or older brother. As at this time, she was four months pregnant. This practice of early marriage is also common in other places. The situation reached an alarming proportion in Kano so much so that the sole administrator of Wudil Local Government Area described it as the 'ill of the society' in 1984 because of the rampant withdrawal of girls from schools. Not long after that, an Area court in Dawakin Tofa annulled a marriage between **Zainab Musa**, a pupil of a girls' secondary school and Ibrahim Mohammed Gabari. The judge ordered him to wait until she had completed her secondary education. In Kaduna State, in Baure Day Secondary School, in Daura LGA, out of 132 pioneer pupils in 1980, only 40 remained to complete their secondary education. The remaining had left to marry and nurse babies.<sup>90</sup>

In a sad and shocking development, **Hauwa Abubakar** had her legs hacked off by her husband for resisting a marriage she had no say in. She died of gangrene at the Sokoto Teaching hospital. It was not certain if her husband Shehu Kiruwa would be tried for manslaughter. Her family was not interested in seeking redress in court as they saw the incident as ordained. In a more comprehensive report, Hauwa was said to be only twelve years old and her husband was aged forty years. Her marriage had been arranged since she was nine. Her father confessed that she had always opposed the marriage, but he had forcefully taken her to Shehu Kiruwa's house as the cattle rearer had been of tremendous material assistance to the family. It happened in Bena village in the Zuru LGA of Sokoto state.<sup>91</sup>

Ayesha Imam, former National Coordinating Secretary of Women In Nigeria (WIN) cited a similar case of one **Asabe Musa** who was also forced into marriage, but ran away from her husband. Her father had died young and the village head that claimed he spent N50,000 on her and that was the amount he received from the husband had raised her. WIN rallied round her and got a court injunction against the marriage.<sup>92</sup>

In 1984, Col David Mark made a tour of schools in Niger state. He got to a village and discovered that most of the female pupils had been withdrawn for marriage. He was so enraged that he summarily fined the parents N50 each. He gave them an option of 6 months imprisonment if they defaulted. Shortly after this, in Jan 1985, an edict went out that no pupil under 16 should be withdrawn from school (amongst other provisions).<sup>93</sup> Yet, child marriage and deprivation of girl education does not seem to have any solution.

### **3.4.2. Early Marriage, Teenage Pregnancy and the VVF Scourge**

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<sup>89</sup> his right to decide whom his ward should marry with or without her consent

<sup>90</sup> April 7, 1987, Tragedy of Kid Wives, African Concord, no 136 pps.14-17

<sup>91</sup> March 1987, Forced Marriage, African Concord, no 131, p. 8

<sup>92</sup> Ibid

<sup>93</sup> Ibid

One of the associated complications of teenage marriage is Vesico Vaginal Fistula (VVF). When a young girl is given out in marriage, her physiological make up is not yet ready for reproductive functions. If she gets pregnant at such a tender age, it is difficult for her undeveloped pelvis to allow for easy passage of the baby. This results in obstructed labour as the foetal head presses on the pelvis, urethra, bladder and other nerves. If the pressure continues, blood supply to these tissues is obstructed and they eventually die leaving a hole from which urine continuously leak through the vagina. The report goes on to say that there are about 150,000 of VVF nationwide with about 70% of these from the northern part of the country alone.

**Table 6. Percentage of Women married before fifteen years of age**

<b>STATE</b>	<b>1993/94</b>	<b>1995/96</b>
Abia	38.22	34.79
Adamawa	33.13	32.16
Akwa Ibom	29.70	31.09
Anambra	40.21	43.31
Bauchi	39.85	44.71
Benue	24.76	29.61
Borno	37.85	27.55
Cross River	37.22	39.89
Delta	32.18	38.15
Edo	31.45	27.38
Enugu	35.98	43.31
Imo	39.14	41.09
Jigawa	54.29	40.54
Kaduna	35.07	26.02
Kano	48.95	54.21
Katsina	53.60	43.93
Kebbi	38.85	45.83
Kogi	29.39	31.13
Kwara	17.85	23.93
Lagos	32.06	34.37
Niger	17.30	17.26
Ogun	20.02	22.48
Ondo	25.15	30.45
Osun	23.27	21.02
Oyo	26.29	23.23
Plateau	26.87	22.44
Rivers	43.76	41.79
Sokoto	35.87	36.82
Taraba	23.18	16.59
Yobe	29.30	31.96
Abuja	32.29	20.56
<b>NIGERIA</b>	<b>35.15</b>	<b>35.11</b>

Source: FOS Profile of the Nigerian Woman 1996 p.17

**Table 7. Percentage of Women married between 15-18 years**

<b>STATE</b>	<b>1993/94</b>	<b>1995/96</b>
Abia	24.36	23.07
Adamawa	52.13	50.11
Akwa Ibom	35.32	33.82
Anambra	24.43	20.09
Bauchi	52.89	48.44
Benue	60.86	53.12

Borno	56.10	65.78
Cross River	33.21	28.44
Delta	32.92	30.75
Edo	30.66	25.15
Enugu	34.08	25.06
Imo	25.39	18.59
Jigawa	44.90	56.77
Kaduna	48.34	50.05
Kano	47.20	43.05
Katsina	44.37	52.35
Kebbi	52.22	45.84
Kogi	46.91	46.27
Kwara	27.35	21.58
Lagos	12.55	12.62
Niger	60.37	56.45
Ogun	14.04	13.91
Ondo	11.36	11.50
Osun	13.46	11.20
Oyo	13.55	10.10
Plateau	47.18	47.95
Rivers	32.95	31.15
Sokoto	60.29	59.67
Taraba	56.23	59.09
Yobe	63.09	62.34
Abuja	30.07	32.77
<b>NIGERIA</b>	<b>39.32</b>	<b>37.68</b>

Source: FOS GHS Ibid. P.18

Victims of VVF are usually girls married off at between ages 10-14 with very little education and no source of income. Most of them are malnourished and have stunted growth. They have no access to or are ignorant of or denied reproductive health, information and facilities.

VVF often leads to social ostracism and/or break up of the marriage. Other fallouts of early pregnancy are exacerbated pregnancy symptoms, chronic anemia, pre-eclampsia, high rate of maternal and child morbidity and mortality.<sup>94</sup>

The case of **Eno** from Akwa Ibom State is a typical example of the scenario described above. She is only 4 feet tall, almost a midget. She was already pregnant at age 15. Due to cultural beliefs in her area that only lazy women go to ante - natal clinics, she laboured under the care of a local birth attendant whom her husband and his family chose. Eno had a stillbirth and the labour also resulted in VVF.<sup>95</sup>

**Alice Inyang**, a woman of over 60 years of age, from Ibesit Anwa Udo in Oruka-Anam LGA of Akwa Ibom State had two children who are deceased now. She had no access to medical care outside that which was provided by traditional birth attendants. She was with her husband for over forty years, until he took a second wife and returned her to her father's house. She took up labour on farmlands and kept saving up the money to treat her. The operation was not successful. Her husband kept on demanding for his bride price until her brother paid him back.<sup>96</sup>

<sup>94</sup> UNDP Report

<sup>95</sup> May 24,1998, New Nigeria on Sunday, p.11

<sup>96</sup> Ibid, p. 13

Sokoto State has received an upsurge in VVF cases and Kano State alone harbours more than 5000 cases. Most victims are hidden in villages all over the states and are hardly brought out for treatment.

Apart from VVF, divorce was identified as another fallout of early marriage. Court records in one of the towns in Kaduna showed that about 329 divorce proceedings were instituted in one single year. This has also accounted for the boom in prostitution

### 3.4.3. Maternal Care

Perhaps, this is where the average Nigerian woman has suffered serious violations and deprivation. Apart from VVF and its attendant dangers, maternal care is not exactly priority a both at the family and societal level

At the occasion of the 1998 World Health Day, over 600,000 women in Nigeria were said to die yearly as a result of maternal care negligence, a ratio of 1,600 every day. Nigeria has a maternal mortality rate of between 800 to 1,500 deaths for every 100,000 live births. This is one of the highest mortality rates in the world.<sup>97</sup> Maternal mortality rate in Nigeria was 8 per 1000 births in 1993, according to Nigeria's country report to the 4<sup>th</sup> World Conference on Women, 1995.<sup>98</sup>

A seminar on safe motherhood was held in Enugu in 1990, organized by the society of Gynaecologists and Obstericians of Nigeria (SOGON). The President of the society, Wilfred Obiora Chukudebelu, said that in Nigeria one woman dies every 10 minutes in childbirth or due to childbirth related causes. Of every one that dies, 20 more are deformed, disabled or diseased. Nigerian women had one in 21 chances of dying in pregnancy or childbirth.<sup>99</sup>

A woman's energy and nutritional needs increase by about 15% during pregnancy and by about 25% while breastfeeding. These needs are high particularly since in some cultures, women may be responsible for much of the heavy work and this may continue throughout pregnancy. However, in most family cultures in Africa, men eat the best part of the meal first, followed by boys, then girls and finally women. Women do not get enough to eat so as to grow and get strong especially when the family is poor. This makes them weak and undernourished. Once they begin menstruating, they start loosing iron in their blood. Thus, their iron need is much more than that of boys. Where custom dictates purdah, cases of rickets have been reported. The body of the individual in purdah does not produce vitamin D and the result of this is rickets.<sup>100</sup>

A summary of these indicators can be seen from Table 8 below:

**Table 8. NIGERIA: BASIC HEALTH INIDCATORS-1993**

<b>Source</b>		
Crude Birth Rate	45 per 100	NpopC
Crude Death Rate	3.9 per 100	"
Rate of Natural Increase	3.0o/o	"
Population Doubling Time	23 years	

<sup>97</sup> March 1987, African Concord, p. 8

<sup>98</sup> Akumadu T., BEASTS OF BURDEN: A Study of Women's Legal Status and Reproductive Health Rights in Nigeria, Women's Rights Project, CLO,1998, p.37

<sup>99</sup> May 7, 1990, Oh, to Be a Mother, Newswatch. vol 11, no 19, p. 55

<sup>100</sup> Joy Onyebuanyi , Nutritional Taboos: The Health Issues in Owasanoye Bolaji, ed., Reproductive Rights of Women in Nigeria: The Legal, Economic and Cultural Dimensions, Lagos, 1999, pps. 66-73

Total Fertility Rate	5.8	1994
Infant Mortality	114 per 1000 births	
Maternal Mortality Rate	800 per 100,000 live births	
Life Expectancy at Birth	52 (years) 1992	
Per Capita GNP (USD)	290	
Under Five Mortality Rate (NDHS):	91 per 100,000 live births in 1990	
(MICS 1995) Girls	139	
Boys	153	
Both Sexes	147 per 100,000 live births in 1995	
Birth Weight 500g or above	83%	
Percentage of Under Five Malnourished	36%	
Complete Immunization Coverage before First Birthday	13.5%	
Delivery by Trained Attendants	30%	

Source: FOS Profile of the Nigerian Woman 1996 p. 20

Some other harmful traditional practices that pose a threat to the life of a woman who has just had a baby are:

***Wankan Jego:*** A woman who has just delivered is expected to bath in hot water. This is common among the Hausas. Studies have shown that this is a major cause of hypertension among adult women in the region.

***Kunu Kanwa:*** This is porridge made with potassium. The woman is expected to consume large amounts of potash mixed with millet. It is believed to help in the production of breast milk. However, a large concentration of potash in the blood can cause water to be withdrawn from the peripheral circulation including the skin to the central circulation such as the blood vessels. This causes the heart to be overworked weakening it and it may cause cardiac arrest.

***Using room warmers and sleeping on a bed with hot coals underneath:*** It is believed that after a woman has had a baby, both the mother and child require a great deal of warmth. In fact, she is expected to ingest hot spicy fluid. She is also expected to sleep in a room with a traditional charcoal heater and in some cases, sleep on a bed with hot coals underneath.

#### **Other**

In some parts of northern Nigeria, a woman is expected to give birth in total isolation, not uttering a sound no matter how painful the labour is. The traditional birth attendant is called in only when there is a complication. She usually comes in after delivery.<sup>101</sup> This contributes immensely to the high incidence of maternal mortality and morbidity.

According to the Mbe culture of Nguzu Edda Afikpo South LGA of Ebonyi State, males are initiated into a cult at least every year. This is a rite of passage into adulthood. This is often misunderstood as an opportunity to harass young girls. After the initiation period, men are believed to have the right to approach any lady of their choice for sexual intercourse. On a supposedly 'good day' for the man, between 6 and 7 girls are available for his gratification. Rape is allowed and the victims have nobody to complain to because it is the rule. In addition, a day is set aside by the initiated men for the shaping of a female vagina from a pawpaw fruit decorated with hair and red colours. The practice has the following repercussions:

1. For young women, early exposure to sex and its attendant problems
2. Early marriage
3. Unfruitful career
4. Unwanted pregnancy

<sup>101</sup> Hajara Usman, Harmful Traditional Practices and Reproductive health, in Owasanoye, P. 53-57

## 5. Risk of Sexually Transmitted Diseases (STD) etc

### 3.4.4. Female Genital Mutilation (FGM)

Nigeria is one of the 30 countries of the world where FGM is practiced. The population is made up of about 118million people with diverse cultures of over 380 ethnic groups. FGM is practiced in many states of the federation, but with varying degrees. It cuts across religious and cultural boundaries.<sup>102</sup>

“Gishiri (i.e. ‘salt’) cut”, is a cut done on the female genitals especially in the northern part of the country. It entails the cutting of the anterior and rarely posterior aspect of the vagina with a razor or knife. It was discovered that in girls under 13 years, it was often done as a cure for dyspareunia i.e. painful intercourse<sup>103</sup>

### 3.4.5. Fertility Management

**Comfort Oviojie**, a woman over 40 years of age, of 16, Olusoji Street, Bariga married in 1965. Her husband died in 1977, leaving her with nine (9) children. She was a food vendor and her meagre income could not sustain the many mouths she had to feed. She lamented that if she had known things were going to be like this, she would have had a fewer number of children. She is an example of the ignorance about contraception and fertility management.

**Table 9. Summary Health Indicators - Summary Indices of Fertility in Nigeria**

Fertility Index	NFS 1981/82	NDHS 1990	NASC 1993/94
Crude Birth (per 1000)	46	39	38
Total Fertility Rate	5.94	6.01	
Mean Number of Children Ever Born To Women Aged 40 –49	5.41	6.49	

Source: 1981/82 data FOS, Nigerian Democratic and Health Survey 1990, pp. 3 and 25

1993 data from FOS 1995, National Agricultural Sample Census, 1993/94

Table 9 shows that most Nigerian women were still in the dark about fertility management as at the turn of the last decade of the last millennium.

Increasingly, women have not been allowed to make decisions about their own health. Most women still accept what their husbands, in-laws and the society at large dictate to them on issues concerning their own reproductive health. As a result of traditional dogmas, most women are either out rightly ignorant; not fully aware of or are simply not allowed any kind of contraception by their husbands. A sample survey from the Federal Office of Statistics (FOS) is quite informative as shown on Table 10.

**Table 10. Percentage Distribution of Married Respondents by Methods of Contraception Approved by their Husbands**

Method of Contraception	Number of Wives	% of Wives Whose Husbands Approved Use of Methods
Pill	733	6.1
Injection	525	4.4
IUD/Loop	360	3.0
Condom	286	2.4

<sup>102</sup> Akumadu Theresa , reviewed and analyzed, FGM Repudiating Repugnant Customs: The Call To Ban Female Genital Mutilation In Nigeria, WOPED, 2000

<sup>103</sup> Effah J et al, p. 41

Sponge/Jelly foam	21	0.2
Female Sterilization	53	0.4
Male “	9	0.1
Rhythm	116	1.0
Withdrawal	106	0.9
Abstinence	98	0.8
Traditional	78	0.7
Others	31	0.3
Husband Approved	2419	20.2
Method	9569	70.8
Husband does not approve		
Number of Wives	11988	100.0

Source: Sentinel Survey NPC 1994

The National Population Policy of 1998, which suggested four children as the maximum number a woman can have generated strong reactions from women. Women generally expressed support for an alternative of 4 children per family or per man. The interpretation or misinterpretation of this policy was that a man could have as many wives as possible, but ensure even distribution of children.

The objectives of the policy were the,

*‘protection of the health of mother and child,  
reduction in the proportion of women who get married before the age of 18  
by 50o/o by 1995 and by 80o/o by the year 2000.’*

The policy goes on to say that the ages of 35 and 60 are optimum ages for women and men to stop bearing children respectively.<sup>104</sup>

It is not clear whether this policy had any significant effect on the average number of children per woman. General Abacha’s wife had her 10<sup>th</sup> child while her husband was the Head of State. At the initial stage, hers was one of the voices of opposition of the policy.

Our religious dogmas on fertility are also a restraining factor on women’s fertility management. The two main religions (i.e. Islam and Christianity) as interpreted by their clerics, for the most part do not recognize modern family planning methods.

On the above- mentioned Population Policy, two religious leaders were angry about this development. Rt. Reverend Anthony Olubunmi Okogie, the archbishop of Lagos Catholic Communion and Rev. C. O. Williams issued a joint statement on Feb 10 condemning the policy. They claimed it was an affront to God’s injunction for men to multiply and fill the earth. On behalf of the Christian Association of Nigeria (CAN), they called for the abrogation of the decree or that it should be amended that no married couple should have more than 4 children. Rev. Okogie also said it is a ‘violation of the equality of both sexes’.<sup>105</sup> The Catholic Church is opposed to birth control and the use of artificial devices. It rather supports ‘prudential sexual restraint’ popularized by Thomas Robert Malthus.<sup>106</sup>

There was no support from the Muslims either. Five months before the policy, a seminar was held at the University of Ibadan titled ‘Islam and Population Policy’. A communiqué was issued at the end of the programme to the effect that it was

<sup>104</sup> Ibid

<sup>105</sup> Ibid

<sup>106</sup> Ibid

unIslamic to predetermine the number of children citizens may have and desist from making the prevention of pregnancy a matter of national policy.<sup>107</sup>

A United Nation's demographic estimate shows that 4.8m children are born in Nigeria annually, while 5 million women get pregnant every year. Nigeria's religious and traditional attitudes have always prevented any rational discussions on fertility management and other related matters. For instance, the number of children a woman can bear is a source of recognition in some communities. In Mbaise, in Imo State, special ceremonies are held to honour women who have up to 10 children.

Similarly, government systematic cut in the allocation of recurrent expenditure has had a great deal of negative impact on the health of women. The trend seems to be on the decline for health allocation.

**Table 11. Recurrent and Capital Expenditure 1978 - 1989**

Year	Recurrent Expenditure	Capital Expenditure
1978	4.8%	
1981		5.4%
1989	2.2%	1.5%

This was despite government commitment to implement Primary Health Care at the Federal level.<sup>108</sup>

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<sup>107</sup> Ibid

<sup>108</sup> Gloria Emeagwali, Trenton, (eds), Women Pay the Price: Structural Adjustments in Africa and the Caribbean, 1995, p. 32.

## 4. CULTURAL AND RELIGIOUS RIGHTS

### 4.1. The Status of Women (especially under religion)

Our cultural and religious inclinations have always made us think as different human species rather than as human beings. Generally, women are 'ghettoised' into socially constructed roles which most of the time do not have any bearing to their gender. Apart from pregnancy and lactation, there are no roles a woman can perform that a man cannot perform and vice versa. However, the way a woman is described in some societies is enough proof that she is not worth more than the sand beneath her feet. In Fulfude language, the term 'rewbe' which refers to a woman is derived from the verb 'rewugo' meaning 'to follow'. There is nothing wrong with followership, but when a person is described in such terms, not much initiative is expected from them. Her worth is what the society places on her ranging from respectability, for instance, marital status; number of children; gender of children and so on. One word to describe this 'normal' societal aberration is depersonalisation.

A typical example of this is a report on the activities of Olufunmilayo Odumosu, the self styled 'Jesus of Oyingbo'. He kept a harem with a retinue of women 'at his service'. Any man who came in with his wife was separated and they would start living as brother and sister. In an interview with a few of his followers, Babafemi Olusola (heir apparent) and Olusanjo, they confirmed by their explanation that incest was a way of life and both men and women engaged in it with no apologies. Femi justified this abomination with the story of Lot and his daughters. According to him, Lot had to sleep with his daughters after his wife became a pillar of salt and there is nowhere in the Bible where he was cursed. 'When a man needs a woman, he goes to Papa (the spiritual head) who would choose a woman for him.' He argues that when a man comes in with his wife, she is not his property and so must be free and available to any man. Sex is looked upon as a means of procreation. One of his women said the women there were like God's instruments to produce a new age. Olusanjo said because sex was used as a means of procreation, they were free from AIDS.<sup>109</sup> Religion has gone way off course. It has been interpreted, misinterpreted, used, abused and misused by men to keep women in subjection.

For some Muslim men, there is no better way to keep women physically and psychologically immobile as the man-made interpretation of seclusion.

### 4.2. Cult Prostitution <sup>110</sup>

One of the most astonishing findings came from the eastern part of the country where the only name to be given to their obnoxious practice is simply cult prostitution. Here, women are depersonalized from being pure morons, even less than personal chattels to sacrificial lambs.

Three local communities known for their supreme ancestral deities were studied namely Ukehe/Idoha (the location of the government proscribed Efuru deity), Umachi that houses the Lalawu and Alor-Uno known for the famous Adoro deity. In each of these communities, the historical antecedents of their religions have always called for the sacrificial dedications of persons to these deities. The communities are essentially divided into cult and non-cult ensembles. It is common knowledge that individuals are usually devoted to the service of particular gods in parts of Igboland usually due to an alleged offence or default on the part of their fore parents. There is

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<sup>109</sup> Feb 22, 1988, Inside Jesu's Kingdom, Newswatch, Vol. 7, No. 8.

<sup>110</sup> Unless otherwise stated, all findings on cult prostitution are from Omeje Kenneth, Cult Prostitution Among Local Communities in the Nsukka Zone of Enugu State: An Investigation into the Debasement of Maternity. First Year Narrative Report, Dec. 1997. (1996 FLD Grantee of the Macarthur Foundation, Chicago. Nigerian Office).

the common case of families referred to as the 'Osu 'caste. Like most cases of human sacrifice, somebody or a group of persons become the victim(s) when a calamity is visited on a community. The infallible diviner usually prescribes the killing of a dedicated person to avert future visitation. The 'Osu' or 'cult slave' was officially abolished under section 213(a) of the Government of Eastern Nigeria Criminal Code of 1963. The Adoro, Lalawu and Efuru cults are phenomena which have a stranglehold on their rural subjects especially women. Spiritual blackmail like oath taking, divination, bewitchment etc are numerous ways of keeping them in perpetual servitude. Typical of all patriarchal societies, these cults are controlled by the menfolk.<sup>111</sup>

Apart from the Efuru cult system in Ukehe/Idoha to which the defunct Anambra state government set up a judicial commission of inquiry in 1987, there is very little public information on cult prostitution in the Nsukka area (especially on the history and activities). What is worthy of note here is that these three deities are thought of as females and it is generally believed (or imposed on the psyche of the people) that female adherents would serve them better. The curious thing here is that the goddesses seem to prefer male priests, who would now recommend female scapegoats as 'worshippers'. Basically, the mode of operation is that whenever a calamity befalls a community, it is usually attributed to the wrath of the gods. 'Subsequently, the priest began to prescribe the devotion of afflicted persons or their next of kin to the deities as provisional appeasement to stem the calamities as well as to redeem and protect the land.'<sup>112</sup>

Reporting on Adoro, Ogbona (1995) remarked that,

'most of these people (devoted persons) are widows and young girls ridden with poverty and hardship. Oftentimes, these enslaved women are victims of circumstances. Their fathers or great grand fathers might have committed the offences they are being enslaved for. Yet once they are condemned, they serve their sentences throughout their remaining lives. They have no rights, no inheritance and no relations until they die. And when they die, they do not enjoy a common decent burial. In the olden days, they were merely thrown into the evil forest, but now that such forests are fast disappearing, they are simply thrown into any pit. They are never mourned.'

The priests usually made specific demands on who should be so devoted. They could only be redeemed on the payment of a heavy fine or risk being eliminated if they were reluctant to join the cult. *The women are kept for the sexual gratification of the priests and other male adherents'*

A 35 year-old female farmer in Umachi had this to say,

*'My ancestral community is Iheakpu, Obollo-Afor. I had no choice in coming to this community. My people somehow forced me to stay here. Stories have it that my grand father was once accused of poisoning his adversary to death. He denied the allegation and subsequently took an oath administered on him by a Lalawu high priest to prove his innocence. Thereafter, he died and his death was followed by several other abnormal deaths in my family. My people consulted a diviner who revealed that Lalawu inflicted the deaths, impliedly because my grand father lied under oath. To stem the death incidents, the diviner prescribed that I should be taken to Umachi for consecration to the deity. My parents then brought me to this place and handed me over to the 'Attamah Lalawu Eshua' i.e. the Chief Priest together with other items needed for performing the consecration rites such as kolanuts, palm wine, yams and a goat.'*

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<sup>111</sup> Ibid, p. 12

<sup>112</sup> Ibid, p. 23

A fostered devotee (i.e. one who is given to a devotee couple for upbringing) said:

*'After I was dedicated to Adoro in 1964 in a ritual ceremony witnessed by my parents and officiated by the chief priest, my father handed me over to the wife of the priest.... I lived with this couple that are also Adoro's subjects till the Nigerian civil war broke out in 1967. When we sojourned at a farm settlement at Okpuje where we took refuge..., the husband of my foster mother told me that I had become his wife. He tried severally to have sex with me, but I refused because he was quite old and also considering my age then (about 12 years old). I was afraid to have sexual intercourse. However, in 1969, Nigerian soldiers caught me.... One of the soldiers took me to a town where he forcibly had sex with me throughout the night. The soldier later moved me to his house in Nsukka where he had sex with me regularly. One day the soldier went to war at Okigwe and I never saw him again.'*

Her story does not end here because on her return to the village after the war, her foster 'father' still demanded sex from her. She later ran away to Jos where she became a commercial sex worker. As at the time of the report, she already had 3 children from commercial sex work.<sup>113</sup>

The table below shows the age range of first marriages for female respondents of the research. Alor-Uno seems the worst hit as all the female respondents got married before the age of 19 and more than half occurred before the age of 11. In both Ukehe/Idoha and Umachi, the early marriage totals for cult and non-cult women were 38.3%, 52.8% and 44.8%, 55.3% respectively. From the reproductive point of view, this has dangerous side effects.<sup>114</sup>

In what looks like a similar development in Ogoniland during the BAOBAB trip, it was discovered that by tradition, all the first female children do not get married. They stay on in their fathers' houses and bear children for men with such children assuming the woman's family name. It is akin to an Igbo culture called 'Nrachi' in Nnewi, Anambra State. Here, the daughter assumes the position of a man as her children carry on her father's name. In Ogoni, all the executive members of FOWA are first daughters who have children from men, but cannot marry them. This is their culture.

The Isa Ife and Okpe cultural taboo of old Anambra State is a culture that keeps women in permanent servitude. A married woman is given over to the oracle to swear an oath of fidelity to the husband throughout her life. The consequences of this are insanity and death to a defaulter. The discriminatory aspect of this is that it does not apply to men. The husband can have as many sexual partners as he wants.

In marriage, bride price implies price paid for a commodity. In the case of divorce, it becomes a case of defective goods being returned for refund e.g. in Abriba area of Abia state, in divorce, a man gets a refund of ₦6 or ₦7 on bride price he paid depending on whether he still lives inside or outside the town. If the woman had children, he is surcharged ₦2 per son and ₦1 per daughter.<sup>115</sup>

Again, in divorce under customary laws, a woman can only have access to personal property like wrappers, pots etc<sup>116</sup>

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<sup>113</sup> Ibid, p. 35

<sup>114</sup> Ibid, p. 36

<sup>115</sup> Effah J et al, pps. 25-27

<sup>116</sup> Ibid, p. 28-35

Similarly, debtors to creditors as 'slaves' pawn female children. As long as the debt remains unpaid, she and/or the children she bears during servitude remain 'slaves'. When the debt is paid, they are stigmatized until rituals are performed. These rituals include shaving the head of the woman and her children. Male children are never pawned.<sup>117</sup>

According to the Ezon custom of Delta State, when a man rapes a married woman, he is fined 30 cases of native gin (a case contains 123 bottles). He is then tied up, flogged and driven out of the village. In the case of an unmarried girl, the rapist can approach her family for amicable settlement. If the girl's family accepts, he is fined and asked to provide some cases of gin, money etc. If the rapist is handsome enough and manly, she is given out in marriage to him. (Justice Dorubo Narebo 1993:16)<sup>118</sup>

The summary of this catalogue of discriminations is that they run contrary to section 42 (1) of the 1999 Constitution of the Federal Republic of Nigeria.

### **4.3. Widowhood Rites**

There is a whole catalogue of different treatments of widows in the Nigerian society. These come from different cultures.

#### **(A) South West Region**

The Yorubas have what is called *Ilepa* whereby a widow drinks the water with which the corpse of her husband was washed. Needless to say, this is poisonous substance, which often leads to death. Most Yorubas believe a wife is responsible for her husband's death especially if he died relatively young. In Yoruba culture, she is expected not to have a change of the attire she was wearing at the time of death and not have a bath until the mourning period is over. Men are rarely accused of killing their wives, even when women die from domestic violence (physical, emotional or psychological)

#### **(B) South East Region**

In traditional Igbo society, the atrocities of widowhood rites seem to be unrivaled in Nigeria. As in most cultures, the widow must sit confined to either a part of the husband's house or just a corner of it till the mourning period is over. She must not go out at all. She must not have any physical contact with anybody. Any gifts or money brought for her must be dropped in front of her. Nobody must touch her (as if she is the plaque itself). She must eat with separate plates and cutlery. In some instances, she must not use cutlery, just her bare hands and those hands and plates must not be washed until after the mourning period. In Ibo culture, she is expected to be mostly naked. The widow sits holding a knife (*mma ekwu*), which she must not drop. In other words, sleeping would be rather difficult. Shaving of hair of some parts of the body especially the head is also required. Her female in-laws called 'umuada' surround her. They can be terribly wicked. They may beat her up for not wailing loudly enough since loud and continuous wailing is seen as a sign of respect for her late husband. Depending on their temperament, they may drag her out during the funeral ceremony to be beaten by masquerades that usually carry deadly charms and poison. In some instances, the widow is not even allowed to pay her husband the last respect. Throwing sand into his grave is seen as an abomination.

In a community like Nanka in Anambra State, the widow must not see her husband's corpse. She must leave home as soon as he dies. She may only come back for the funeral and mourning rites. Before she gets back, the man's relations would have

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<sup>117</sup> Ibid

<sup>118</sup> Ibid

taken everything they want. The widow can keep whatever she finds on return, which is usually very little. The 'umuada' remain in the deceased's home for 12 days after the funeral at the expense of the widow. It is called 'ino onodu'. The 'umuada' must be sumptuously fed with a lot of fish and meat in their food at the expense of the widow. They may make life very miserable for her. They might even accuse her of various wrong doings. For every allegation, they may insist that she pay a fine. Thus, they extort money from her on a daily basis. It is only if the widow has grown up daughters who form part of the 'umuada' that can come to her defence that they may be lenient.

**(i) Aja Ani Widowhood Rite**

This is essentially widow rape. It varies slightly from place to place. Some 12 days after her husband's funeral, the widow is expected to go out at midnight escorted by an 'aja ani' (priest) or 'nwa nri' (dwarf) to a place where he is supposed to perform a cleansing ritual for her. This is supposedly meant to sever her links with her dead husband or else any man who attempts to sleep with her would surely die. What does it entail? The widow is expected to have sexual intercourse with the 'aja ani' or 'nwa nri'. Her consent is immaterial. The society insists on her rape. After this, some of the 'umuada' escort her to a stream where she washes and returns home with them. At the entrance of the house, she is given a cloth to cover herself before entering the house.

**(ii) Ichi iyi ili ('fetching water from ten streams')**

In this instance, the widow is led naked by a female in-law to a stream where she has sexual intercourse with ten different men. Every part of her body is then shaved by the female in-law and she bathes before going home. At the entrance to the house, she is given a set of mourning clothes called 'okpu' or 'ada'.

It is only when a widow has gone through all these violations that she can be re-admitted into the society. A widow who refuses to go through this is ostracized. She cannot buy or sell at the market. People who are paying condolence visit leave immediately, which includes the 'umuada'. Nobody in the community fraternizes with her. Any body that does so is at risk of paying a very heavy fine.<sup>119</sup>

*All these rites do not apply to widowers. Despite these degrading treatments, women still opt for it for fear of their sons being disinherited.<sup>120</sup>*

In September 1993, *The Champion* newspaper carried the story of a protest by women from Enugu-Agidi in Njikoka LGA of Anambra State. They numbered about 2000. They protested against the traditions that humiliate women in the area. Some of the placards they carried read, **'Don't debase womanhood in the name of culture: lets have freedom of worship: and don't drag us into idol worship'** Amongst other things, they protested the practice of taking widows to a shrine for purification.<sup>121</sup>

**(c) South- South Region**

In Rivers State, a widow is kept indoors from the date of her husband's death to the day of the burial irrespective of the fact that she might have young children who need her attention or that she may be claustrophobic. She is also swathed in black from head to toe, a colour she is expected to wear for at least one year. There are various rites to prove herself innocent of her husband's death. The Emohua people wash the

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<sup>119</sup> Mrs. Nkemdilim Izuako at the National Workshop on Widowhood organised by Project Health Nigeria in Collaboration with Abia State Women Association as printed in *The Post Express*, August 10, 1998, p.27

<sup>120</sup> Ettah J et al, p. 44-45

<sup>121</sup> Ibid

anus of the husband's corpse and ask the widow to drink it. In the Opobo area, the widow is submerged in the river to prove her innocence. The Kalabari require the widow to swim across the bottom of the boat. In Ndoni area of the state, she is thrown across the coffin of the husband several times without her feet striking the coffin. In Bonny, the widow is made to sleep on the bare floor or two pieces of plank or a native mat.

Among the Quas of Big Qua Town of Cross-Rivers, a traditional practice known as the 'Mbukpoisi' is still carried out. When a traditional ruler (Etubom) dies, his widow is confined to a corner of the house. She does not bath, brush, go out or look in a mirror. She eats from a broken plate and sleeps on a dirty mat. If the burial rites take a year, she must comply.<sup>122</sup>

#### **(D) Northern Region**

Of the 3 regions up north, such were the general findings:

The commencement of widowhood rites vary across the regions though there exist the following similarities within the tribes-

1. The widow is the first suspect to be scrutinized to ascertain whether the husband's death was natural or not. She is given various treatments to prove her innocence.
2. Widows are generally not expected to witness the burial of the deceased. Where they are allowed, they are required to do something like walking backward to the burial ground (in the North-eastern region).

#### **(E) North-Eastern Region**

The period of mourning for widows in this region ranges from 7 days to 6 months. Muslims observe 3 months and 10 days during which the widow is prevented from wearing jewelry, interacting with other people and has restricted movement. The period of bathing and changing of apparel are prescribed. In some areas, they are required to pray/say incantations, wear certain objects (e.g. talisman) or carry certain objects (e.g. knives) while wearing black clothes. In some areas, the end of the period indicates the sharing of the assets of the deceased. Except for Muslims who give the male child twice what the female child gets, the sharing is almost always among male children. Where the children are young, they and the property are left in care of the deceased's brother. In all cases, the widow is free to remarry. Marrying again is almost always to the younger brother of the deceased. If she accepts, the assets remain unshared.

#### **(F) North-Western Region**

The mourning period is known as 'Takaba'. It varies from 130 days to 1 year. Wearing of clothes and washing is also censured. The end of mourning is marked with a celebration. She will have a bath, change her clothes and wear jewelry. She is then expected to choose a suitor and remarry. Assets are shared the Muslim way.

#### **(G) North-Central Region**

A woman is expected to shout and wail on hearing of her husband's death while saying certain incantations. Before the burial, the widow's pubic hair and others are shaved in public. She is given an object to carry always (e.g. knife, stick) which gives her right of way as she moves through the village. She wears black. She is expected to sweep the compound while being subjected to inhuman treatment (e.g. a nephew beating her buttocks while she sweeps). She has to carry the refuse to a designated place (e.g. a crossroad) and dump it. She is not allowed to attend the burial. A gunshot usually signifies that the body has been buried. She then has to wait and say certain incantations. Before the burial of the corpse, a part or whole of the body is

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<sup>122</sup> Ibid, p. 47

washed and the widow is given the water to drink. She is expected to weep periodically e.g. every morning for one year. She wears black, remains in the same room while her food is thrown at her. At the end of the mourning, the widow is expected to cook for her husband's entire family from her resources. Thereafter, her husband's relation can inherit her. Her husband's brother inherits the widow and her children as well as the assets while the other brothers have sexual relations in turn with her. She has no choice.<sup>123</sup>

### **Specific Cases**

A case in point of the treatment of widows was vividly captured after the death of a popular insurance broker in Ibadan. Two memorial services were held for Femi Johnson, Chairman of an Ibadan based insurance company, Femi Johnson & Co. This was because the family held their own while the young widow, **Folake** also held her own. Femi already had a divorce behind him, which had produced three children before he met Folake. They got married in Texas after five years of courtship. Femi died of stroke in Germany in 1987. Barely four months after he died, his three children from his previous marriage and Femi's older brother came to their matrimonial home in Iyaganku area of Ibadan at midnight to drive Folake out of the house. She called her husband's friends, Dr and Mrs Olu Agunloye who came to rescue her that night. She stayed with the Agunloyes for several months. According to her, she thought she had the best of relationship with her stepchildren and in-laws when her husband was alive. Trouble started when he died in Germany and his brother insisted that he be buried there contrary to the late Femi's wishes. His body was exhumed and taken to Nigeria where he was reburied at the Chapel of Resurrection. At the second burial, only one of the children was present. It was after this that she fell out with her stepchildren. She was driven out with only her mourning clothes on her back. She was not allowed to go in and collect her certificates and other personal effects from the house. Folake and Femi's marriage did not produce any child and this was a source of scorn on its part. A year after, she was not allowed in to hold a reception in honor of her late husband. Her guests had refreshments outside the gate.<sup>124</sup>

**Mrs Adeline Ogbon**, of Ogbura LGA, C/Rivers State lost her husband in June 1985. She was asked not to have a bath, remove her clothes and go about bare skinned. She was also required to cook for her husband's relations and friends every day for the 7 days. Half of her property was gone by the time she got back to her house. The house she and her husband were jointly putting up was confiscated. She has sole responsibility for her two sons.

**Felicia Ochoche** of Otuorkpo LGA, Benue State lost her husband in April 1989 leaving her with 6 children. He was ill for a few months before he died. She was definitely held suspect and told that because she had committed adultery, her husband took ill. He died at about 5 p.m. On the day he died, she was taken to the room where he was laid and made to cry at 5 minutes intervals till daybreak. This crying continued till 7 days at early hours. After the burial, she was asked to declare his property of which she had no knowledge since he confided more in his mother than her. She was told to sit on the floor and laid under the bed for 3 months. This continued until one day when she was about to pray with her children, they saw a snake in the house. After this incident, she stopped lying on the floor. Her husband's employer paid 6 months' salary in sympathy. A cousin of his who threatened her first son when he went to ask for it collected it.

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<sup>123</sup> Hauwa Ibrahim, Widowhood Practices in Northern Nigeria, First Progress Report for the UNDP, Nig By Oct, 1998.

<sup>124</sup> Nov 10, 1988, There is Trouble in Femi Johnson's Family, Quality Magazine, Vol. 2, no 23, p. 15-

**Mrs Caroline Agbo** from Benue State lost her husband in a shipwreck in Warri in 1996. Her sister-in-law immediately became her problem. She accused Caroline of knowing about her husband's death and not doing anything about it. Her husband had no house. So, a raffia 'batcher' was made for her to stay in. She was not allowed to bathe and was instructed that she should not scratch her body with her hands, but with a stick. If she wanted to ease herself, her mother-in-law must accompany her. Bathing was out of the question. It was the raining season. Not being properly clothed, she caught pneumonia. She was to weep at 5 am every morning until they give her three warnings. If she stopped after 1 or 2 warnings, she became a suspect. After 7 days, at 3 am in the morning, they took her to the middle of a crossroad. They shaved all her hair and bathed her for over 3 hours. They killed a chicken, prepared and ate all and told her to pack the bones, feathers and firewood. Four days after regaining her bed, she was asked to prepare food for her husband's relations with goat meat, bush meat etc. Her mother went borrowing on her behalf to meet this obligation. Two weeks after that, her brother-in-law came to ask her to be inherited. She refused and he informed that she was on her own. Up to the time of this research, nobody has asked after the children.<sup>125</sup>

#### **4.4. Inheritance**

There are various inheritance practices all over Nigeria. Some of them are highlighted below:

##### **(A) The Binis**

Under the Bini customary laws, the first son inherits all the property especially immovable ones to the exclusion of the other brothers and sisters.

##### **(B) Oli Ekpe custom of Nnewi: The Justice Niki Tobi Judgment**

" We need not travel all the way to Beijing to know that some of our customs including the Nnewi Oli Ekpe custom ... are not consistent with our civilised world in which we live today. On my own part, I have no difficulty in holding that the Oli Ekpe custom of Nnewi is repugnant to natural justice, equity and good conscience." This was Justice Niki Tobi of the Enugu High Court delivering judgement in the Augustine Mojekwu Vs Caroline Mojekwu case in 1997.

The battle had been on for 53 years between Caroline and her late husband's nephew, Augustine. Caroline's husband had left a house to her only son in Onitsha. After the war, as she was trying to put the pieces of her life back together, Augustine came and threw them out of the house claiming that the house should devolve to him and not to her son. His action was very akin to that of his father who held the house in trust when Caroline's son was still very young. It took another court case for him to relinquish the property when her son needed to be educated.

##### **(C) The Nkesa Tradition of Inheritance of Ohafia LGA of Abia State**

It is practiced mainly in the village called ' the-Nta', but neighbouring villages took to it gradually over the years. The circumstances that lead up to this could be when a king dies or is impeached or abdicates the throne. His successor inherits the retinue of wives and concubines irrespective of the number in his harem already. The ousted king cannot take away any of his women neither can the widows remarry a man of their choice. It is against tradition. The king's wives are considered 'Aria Ulo-Eze' i.e. 'Palace Property'. They must remarry within the palace until death.

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<sup>125</sup> Report of the 1999 Tribunal on Violation of Human Rights held at Cana House, Awka on 25/11/99 by CIRDDOC in collaboration with Henrich Boll of Germany

## 5. POLITICAL RIGHTS

### **Women in Politics and Government**

Apart from the early women frontliners like Mrs. Funmilayo Ransome Kuti, Mrs. Margaret Ekpo and Hajiya Sawaba Gambo to mention a few, Nigeria is still lagging behind in female representation in politics and government. It is worth mentioning here that the greatest violations occurred between the years 1960 and 1976. For 19 after Nigeria became independent, women in the Northern part of Nigeria were denied the right to vote or be voted for. In other words, almost 50% of the Northern population making up about a quarter of the Nigerian population was not involved in democratic governance on the basis of their gender. Thus, women were effectively relegated to the background. This created a very big gap between men and women in governance. These deprivations persisted throughout the military era as can be seen from the number of women that were appointed into government during this period.

The first military regime headed by the Chief of Defence Staff, Maj-Gen Aguiyi Ironsi had a military ruling body with no single woman. He probably inherited this from preceding democratic governments, which never really had women on their agenda. In fact, as far back as 1956 when franchise had been granted to women in the Southern part of the country, northern elements especially of the ruling Northern People's Congress (NPC) did not want it extended to Northern women. Even in the South where women were more involved in politics, only two women were appointed into the Senate between 1961 and 1964.

During the second military incursion headed by General Yakubu Gowon, the highest ruling body was the Supreme Military Council and the 'super permanent secretaries'. Like its predecessor, it had no female members. Some of the 12 state governors appointed female commissioners. East Central State, North Eastern State and Lagos State appointed a woman each while Oyo appointed two. General Gowon attempted an extension of the franchise to women when he planned to return the government to civilians. He met with stiff opposition from the traditional rulers and educated elite.<sup>126</sup>

In 1976, General Obasanjo's military regime gained control of the government from the 'super permanent secretaries' and formed a government of 11 civilians and 14 members from the armed forces and police force. None of the federal commissioners were women. General Obasanjo made a token gesture. States were instructed to appoint one woman in the state executive council as commissioners. This still obtains in Rivers State. The tradition of tokenism still persists two decades after. Women have been effectively blocked from reaching any reasonable decision making position. Obasanjo, however, went on to make his own blunder with the appointment of the controversial '40 wise men'. A constitution drafting committee was set up consisting of the famous '40 wise men'.<sup>127</sup> The constitution that was being drafted eventually turned out to be for men and women with the flaws of sexist language and no provisions for gender peculiarities.

As usual, the Supreme Military Council was an all male affair. Even in the military, no female officer has ever been in the Supreme Military Council, Armed Forces Ruling Council, Provisional Ruling Council, and no female governor and until the creation of the women's ministry, no female minister. In 1994, Major General Kale, the first female army Major Gen., emerged. It was another manifestation that women do not just get past the ceiling.

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<sup>126</sup> Margaret Vogt, *The Military and Women in Politics* in Osakue, Okojie (eds.), *Women and Education*, WIN conference, 1992, Ps.64-74

<sup>127</sup> Ibid

However, during preparations for the 1979 elections, the government issued a draft local government edict, which extended the franchise to all Nigerian adults. Women form over 50% of the population. Then, in the Northern Region, women formed ¼ of the population of Nigeria. It took 19 years of independence from them to be allowed to exercise their civic rights. Women voted in the north and a few were elected. These included Hajia Sawaba Gambo who won in Sabon Gari, Zaria, five in Kano and Kaduna states and eight in Anambra State. Of the 203 women elected into the Constituent Assembly, only Mrs. Janet Akinrinade successfully won the elections. Of the 12 members on the constitution drafting committee, 4 were women. This committee effected an important amendment in the constitution that prohibited discrimination on the basis of sex. Of the 47,710,650 voters, 24,465,683 (51.3%) were women.<sup>128</sup>

Women formed 0.7% of the Federal legislature under the defunct civilian regime from 1979-1983<sup>129</sup>. Then, only 3 women were given the opportunity of running in safe seats. When those women arrived to take their places among the 449 members, they discovered that their arrival was so unexpected that not even toilets had been prepared for them in the House.

A great injustice was done to Hajia Hassan, a gubernatorial aspirant in the National Party of Nigeria (NPN) from Borno State during the 1983 elections. Her completed nomination papers were apparently not processed on time and she was subsequently disqualified on a technical ground that was dubiously applied.<sup>130</sup> Terms and conditions have always been inconsistently applied or manipulated to the detriment of women.

During the General Babanginda era, a woman Vice Chancellor was appointed in the person of Prof. Grace Alele Williams, a move described by the president as 'a silent revolution to bring women directly into the mainstream of the government and administration of higher institutions'. Another woman, Professor Jadesola Akande was also appointed the Vice Chancellor of Lagos State University. After these two women, the only other female VC is that of the University of Abuja.<sup>131</sup>

Even in the party structure, women have thinned out alarmingly at the top of the structure.

**Table 12. Percentage of Women in Decision making in a party**

Position	Ward + LG		National + State	
	Frequency	%	Frequency	%
Chairman	55	3.3	2	11.8
Deputy- Chairman	27	1.6	5	29.4
Vice- Chairman	237	14.2		
Secretary	92	5.5	1	5.9
Financial Secretary	10	0.6		
Publicity Secretary	94	5.6	1	5.9
Legal Adviser	16	1.0	2	11.8

<sup>128</sup> Ibid

<sup>129</sup> Ibid.

<sup>130</sup> Hilary Seymour, Obstacles to Women's Participation in the Development Process: The Need for a New self-awareness, Osakue et al, pps.. 125-127

<sup>131</sup> Ibid

Auditor	7	0.4	2	11.8
Treasurer	311	18.6	1	5.9
Ex-Officio	693	41.5	1	5.9
Valid Number	1542		15	

Delegates: 121 (24.89) Delegates: 47 (23.60/o) Missing Cases: 392

Source: CDS Databank: Party Democracy Project

(*Women in Intra Party Politics, Omowunmi Ogunsola, P. 77-86*)

Consider the table above as a nationally representative figure of women in different positions in a party structure during the botched transition to civil rule of General Ibrahim Babangida.

The female wings of political parties are usually for support and for generating funds, but never in the policy/decision making. During the first and second republics 0.7% in the Federal House of Representative and Senate were women. In the third republic, just 0.5% i.e. 1 senator and 12 members in the House of Representative out of a combined National Assembly of 638 were women.

During the transition period of 1992, none of the 30 resident electoral commissioners was a woman. Only 2 were deputy governors in Lagos and Cross Rivers States.

During the Abacha regime, no woman was represented on the Provisional Ruling Council. There were no female governors and only a woman substantive minister in charge of the Ministry of Women's Affairs and two as ministers of state at the Federal Capital Territory and the Ministry of Education. Their portfolios were largely ceremonial. The Nigerian Army has always been a male dominated and male oriented club. Nigerian women who are in the army are excluded from the operative and combat arms. There was only a female military commander of the rank of Brigadier in the medical corps who retired in 1996. This arm is where women are concentrated. The gender-segregated world is even more pronounced in the event of the military entry into politics. The combatant arm usually has the lion share of political appointments.

**Table 13. Distribution of Males and Females in SDP and NRC**

Party	No of excess (all levels)	% male	% female
SDP	24194	96.01	3.99(965)
NRC	20503	95.77	4.23(868)
	44697	95.88	4.11

Missing cases: 633 (1.4%, N=45330)

### *The Judiciary*

Since 1881, when Christopher Sapara Williams became the first Nigerian lawyer to be enrolled at the Lagos Supreme Court, the statistics have not been encouraging. The first female lawyer, Mrs. Stella Jane Marke was called to the bar in 1935. Justice Modupe Eboh was appointed first female judge in 1969. As at August 1992, there were 32 judges of the Court of Appeal and no female judge in the Supreme Court. Presently, there are 47 justices in the Court of Appeal of which 4 are women. Only one woman has ever been the president of the Nigerian Bar Association (NBA). She was at the helm of affairs at the height of military dictatorship and had to vacate her office after which there was no national leadership for seven years.<sup>132</sup>

<sup>132</sup> November 2000, Women and the Law in Nigeria, Legal Briefs, Legal Defence Centre, no 2, p. 2

## **6. LEGAL VIOLATIONS**

Successive governments in Nigeria have had some obnoxious laws violating human rights. As mentioned earlier, the first decree violating human rights came from Major General Aguiyi Ironsi (January 15, 1966- July 29, 1966), which totally disregarded S.3 of the Republican Constitution. The decree was made in 1966 and titled No. 3 'State Security (Detention of Persons) Decree dated Feb 8, 1966. More decrees followed by Lt. Col. Yakubu Gowon (August 1, 1966-July 19, 1975). He promulgated certain decrees to detain certain individuals. In 1967, there was a general decree, which he called Armed Forces, and Police (Special) Decree No. 24 of 1967. Over the years, most of the statutes enacted and decrees promulgated have adversely affected women. Apart from the glaring sexist language in most of the Laws of the Federation of Nigeria (LFN) including the present constitution, most of them do not exactly have women in mind as a special category. Where they are mentioned, it is only as a sub class. An example is S. 55 of the Penal Code which states that:

(1) Nothing is an offence which does not amount to the infliction of grievous hurt upon any person and which is done:-

- (a) by a parent or guardian for the purpose of correcting his child or ward, such a child or ward being under eighteen years of age
- (b) by a schoolmaster for the purpose of correcting a child under eighteen years of age entrusted to his charge; or
- (c) by a master for the purpose of correcting his servant or apprentice such servant or apprentice being under eighteen years of age; or
- (d) by a husband for the purpose of correcting his wife such husband and wife being subject to any native law or custom in which such correction is recognized as lawful.

### **6.1. Women, Marriage and Residency Laws**

- a) Marriage Act 1990, LFN
- b) Matrimonial Causes Act 1990, LFN

#### **(A) Marriage Act 1990**

Under this Act, if both parties are over 21 years old, no parental consent is required. If one of them is under 18, it is actually the consent of the father that is required. Registry officials will only recognize the consent of the woman only if it is adequately established that the father is:

- i) dead
- ii) unavoidably absent as a result of unsound mind
- iii) out of the country

Again, even though Section 35 states that neither party can contract another valid marriage under customary law, Nigerian men still go ahead to marry more wives after contracting a marriage under the Act. Since independence, there has only been one recorded case of bigamy.<sup>133</sup> In S. 15 (26) divorce is allowed on grounds of sufficient proof that adultery has been committed. Adultery is committed on a daily basis and any woman who takes her husband to court on such grounds is jeered at.<sup>134</sup> The argument has been that women have condoned the act by refusing to sue defaulting husbands. However, it must be noted that the enormous expectations of the society from a woman and the stigma that would be attached to a woman who dared take her 'children's father' to court has made it difficult from women to pursue this course of

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<sup>133</sup> R Vs Princewill (1963) 2 All Nigeria Law Report (p. 21)

<sup>134</sup> Effah J et al

action. Therefore, women have continued to suffer in silence largely as a result of societal and family attitudes.

**(B) The Matrimonial Causes Act 1990**

S. 15 (2) (c) provides that if petitioner is seeking divorce on grounds of cruelty, he/she must satisfy the court that 'since the marriage and within a period of one year immediately preceding the date of petition, the respondent has been convicted of

- I) having attempted to murder or unlawfully kill the petitioner or
- II) having committed an offence involving the intentional infliction of injury with intention to afflict grievous harm or grievous hurt on the petitioner s. 16 (e)

In other words, the Nigerian woman married under the Act cannot back out of the relationship even when her life is at stake until she can prove any of the above against the respondent.

**(C) Women married to foreigners**

Chapter 3 Section 24 (2) of the 1979 Constitution states that a foreign woman married to a Nigerian man may be registered as a citizen, but is silent on the status of the foreign husband married to a Nigerian woman. She cannot confer residency rights on her husband automatically. Successive governments have failed to address this.<sup>135</sup> A similar provision exists in the 1999 Constitution.

**6.2. Criminal Law and Women**

- (i) Criminal Code LFN 1990
- (ii) Penal Code
- (iii) Provisions of various laws creating offences and punishments

**Criminal Code Sections 353 and 360**

S. 353 makes an offence of felony different from indecent assault on men punishable by 3 years imprisonment. S. 360 makes a similar offence on females punishable with a maximum of two years imprisonment

Till date, wife battering is categorized as common assault. S. 55 of the Penal Code refers to it as 'chastisement'. An analogy of relationships indicates the inequality of relationships. As long as the category of grievous hurt is not inflicted, a man who beats his wife is doing the right thing.

Rape should not be described in a sex specific language, but another offence of sexual assault. Married women are excluded. As far as the language is concerned, her man can rape her. S.221 of the Criminal Code LFN dealing with defilement of girls less than 16 years says the offender cannot be convicted if the testimony of one witness is not corroborated.<sup>136</sup>

**6.3 Revenue Laws**

There is unequal relief on tax laws. Women pay more tax, as they do not get relief for their children especially single and divorced mothers. Married women whose husbands are unemployed do not benefit from the relief either. The Nigerian woman is not entitled to child allowance as long as she remains married. Her husband benefits from child allowance.

In a move to correct this, the Joint Tax Board issued a communiqué in Ondo State in April 1998 that women who wish to claim child allowance should show documentary evidence that their husbands are not supporting their children and even husbands

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<sup>135</sup> Ibid, pps. 11-14

<sup>136</sup> Ibid

who are unemployed had to give a written permission and acceptance before the woman can be granted tax relief.<sup>137</sup>

#### **6.4. Women and Employment**

The acute imbalance in this sector had always been sharply seen since independence. The colonialists never left any good legacy in this regard. Consider the policy below adopted by a government of Nigeria after independence:

In 1966, the office of the military governor of Eastern Nigeria directed that married women would no longer be employed in the service of the government or public corporations in the region. This was contained in a circular dated November 9 and signed by Mr. J. B. C. Anyaegbuma, Permanent Secretary, Establishment Division of the Military Governor's office and directed to all Permanent Secretaries and heads of non-ministerial departments. It also applied to unmarried women.

The circular further stated that women of non-Nigerian origin married to Nigerian men should be considered Nigerians for purposes of eligibility for appointments to permanent pensionable positions in its public service. It put a rider thus, 'it is clear from Nigeria's Citizenship Act no 32 of 1960 that such women do not automatically become Nigerian citizens on marriage and but must be registered as such after making applications in the manner prescribed by the ordinance'.<sup>138</sup>

While the first part of this directive is a gross violation of women's rights to employment in the teething stage of Nigeria's independence, the second part of it placed non-Nigerian women over and above Nigerian women. While Nigerian women were no longer to be employed by their own government, non-Nigerian women were being put in the same breadth on a higher pedestal.

Another one from the Federal Government went thus,

'It is lawful for a female officer to be called upon to retire on marriage. A female officer can also of her own volition opt to retire for the reason that she has married or she is about to marry. In such circumstances, she can be granted a marriage gratuity of 1/8<sup>th</sup> of a month's pensionable emoluments for each complete month in the public service...' the award is subject to the following conditions

1. The female officer has been confirmed in her appointment
2. She has served not less than 5 years
3. That she is not otherwise qualified for grant of any pension other than gratuity under the Act.
4. Produces satisfactory evidence of her marriage within 6 months of her retirement'<sup>139</sup>

*This is the height of legal gender inferiority.*

Subsequent rulers as was seen in the case of General Murtala Mohammed continued this practice. He ignored the civil service rules and to embark on massive retrenchment of Nigerians under every available excuse - old age, subjective incompetence and so forth. General Olusegun Obasanjo followed suit. He accelerated the violation of labour rights in Nigeria. The State usurped the autonomy of Nigerian workers to impose unions on them. Some of which are;

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<sup>137</sup> Ibid, pps. 22-23

<sup>138</sup> Nov 21, 1966, Daily Sketch, Temporary jobs for Women, , no 823, p. 1

<sup>139</sup> Notes for Guidance, As authorized by the Permanent Secretary of the Min. of Establishment as applicable to officers holding pensionable positions, PENSIONS AND GRATUITIES, 1968 s. 9 (2), P. 6 Marriage Gratuities

- a) Trade Union (Central Labour Organisations) Special Provisions Decree No. 44 of 1976
- b) Trade Union (Disqualification of Certain Persons) Decree No. 15 of 1977

Some commercial banks now have a policy of 'get pregnant, get fired'. A lot of women now get sacked if they get pregnant in banks and other financial institutions. *Quality magazine* carried a news item in 1991 about a woman working in a commercial bank on Broad Street. She joined the bank when she was single and got pregnant a year later. When her pregnancy became noticeable, she was sacked. The explanation they gave her was that she had to have been at least three years old as a member of staff before getting pregnant.

In a similar vein, a lady was employed by the Korean Embassy in Nigeria as Secretary to the Military Attaché. In 1994, she got pregnant and was sacked due to 'ineffective service as a result of pregnancy'.

## **7. RECOMMENDATIONS**

In view of the above observations in the Nigerian society, BAOBAB, as a women's human rights organisation strongly recommends the following to ensure the promotion of an equal society:

1. There should be a re-orientation of the members of our security forces in the nation in the following areas:
  - The security forces especially the police should be trained in the elimination of gender, class and ethnic bias. This is an area where BAOBAB and the Network on Police Reform in Nigeria (NOPRIN) are already working on. They should also have a standard course on domestic violence, rape and other such gender based violence. It will not do to stop at just a seminar.
  - There should be government protection for survivors of violence and they should not be treated as if they have to sit back and take their lot. The abusers' access to them must be seriously restricted.
  - Proper investigation must be carried out in such instances especially with regards to forensic evidence.
2. Existing laws on violence against women are very porous while penalties are even weaker. If anything, laws like the S.55 of the Penal Code (which, if not encouraging it, supports it) should be done away with. There should be legal enactments on different forms of violence, clear and concise definitions of each form of violence, prompt arrests, prosecutions, and adequate penalty for such offenders.
3. There should be the establishment of rape reporting and crisis centres for abused women where such women can be given adequate counseling and medical treatment. The state of our laws on issues of locus should be reconsidered so that human rights organisations can take up actions against perpetrators of violence against women where the victim is unwilling to do so.
4. All concerned government establishment should have adequate and up to date records of the violations of women's human rights. In other words, reliable national data should be available to facilitate research into these violations and to serve as a yardstick in preparing a 'report card'. The government or its agencies should fund such research.
5. On a general note, government and non-governmental organizations should bring it to the attention of all Nigerians that there has to be a paradigm shift in our thinking if the society is to be equal in all its ramifications.

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**APPENDIX A****LRRDC 1995 SURVEY****Acts Recognized as Violations of Women's Rights**

	EAST	WEST	NORTH
Wife Beating	29.5	34.5	35.6
Sexual Abuse	21.2	35.2	33.5
Inhuman Widowhood rites	32.4	31.8	1.3
Lack of Maintenance	32.5	32.1	30.9
Lack of Reproductive rights	30.5	26.9	28.6
Lack of Property rights	33.7	30.1	29.5
Lack of Consent Before marriage	33.7	24.9	26.9
Female Genital Mutilation (FGM)	28.6	23.6	28.0
Lack of Access to facilities	25.9	35.4	30.5
Lack of Economic rights	27.6	28.8	27.9
Denial of Freedom Of religion	33.7	29.1	28.0
Denial of Child custody	30.5	27.5	29.3

**APPENDIX B****Distribution of Women by Knowledge of STDs AIDS According to Current Age Group**

Age Group	No of Respondents	Know STD	%	Know AIDS	%	Know how AIDS is Contracted	%
12-14	1978	1554	78.6	17	0.9	2	0.1
15-19	3424	2332	68.1	66	1.9	3	0.1
20-24	3115	2099	67.4	107	3.4	9	0.3
25-29	2911	1923	66.1	147	5.0	12	0.4
30—	2290	1518	66.3	118	5.2	11	0.5
34	1775	1156	65.1	75	4.2	5	0.3
35-39	1278	872	68.2	67	5.2	8	0.6
40-44	727	492	67.7	26	3.6	1	0.1
45-49	268	201	7.0	8	3.0	-	-
50	17766	12147	68.4	631	3.6	51	0.3
All ages							

Source: (Ibid.)