

G. DISCRIMINATORY POLICIES

1.0. BAIL

The law provides that any person can take a suspect out on bail, once he or she fulfills the requirements of bail. The findings, however, reveal that, in the entire Country, women are often not allowed to stand as sureties for suspects by the Police, often on the ground that they wanted to avoid the consequences of harassing female sureties if the suspects they are standing sureties for should jump bail.

Furthermore, it was found that several women were not aware of this legal position, as a lot of them had erroneously taken the practice to be the legal policy on bail in the Country. Many were not even aware of the existence of any policy. Only educated women, who were living in the urban centres, actually knew that the law provides that women can stand surety for the purpose of Bail.

This Study has revealed the existence of the discriminatory Policy of not allowing women to take out suspects on bail. It appears that the Police do not like dealing with women, because they always demand that a woman should be supported by a man before she could be allowed to stand surety for a suspect, even when she is wealthy or educated enough for the purpose.

2.0. DRESS CODE

Dress Codes were found in **Akwa Ibom, Cross River** and **Edo States**. But the **Edo Dress Code** was for teachers only. All the **Dress Codes, written and unwritten (South East, Enugu) prohibited the wearing of trousers by women to government functions**. Similarly, *in the areas without written Codes, trousers are disallowed in the communities*. In areas like **Bekwara, Cross River North, trousers are for wayward women**. Thus, from the findings of the Study, women dress according to religious, cultural and official dictates, except in the **South West Zone**, especially in the Lagos, and

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Abeokuta areas, where women are free to dress as they please, and they are not sanctioned for whatever they wear. On the average, in Nigeria, women are generally expected to dress decently, and not wear men's clothes. This has been interpreted, in a lot of places in Nigeria, to mean that trousers are men's clothes. Thus; trousers are not allowed during traditional occasions. On such occasions, women must wear their traditional attires, (that is, **two wrappers and a blouse**, with their heads covered, in the **South South** and the **South East**, or Islamic dress in most of the communities in the **Northern Zones**, where the women are to cover their entire body, leaving only their faces exposed, except those in *purdah*, who also cover their faces, or the **wrapper[Iro] and top [buba] and headties** in the **South West** . Similarly, women are not allowed to wear trousers in many Churches. Women are expected to dress decently and conservatively. It should be mentioned, however, that there are no sanctions for women for non-compliance in the Dress Code-free Zones. The only consequences it attracts are social sanctions. For example, in some areas, the indecently dressed women could be mob-stoned, booed or embarrassed in public by their fellow citizens. Thus, it appears that females are more socially bound to observe conservative modes of dressing than men.

3.0 CHILDREN

No particular dress code was found for children. They wear what their parents provide for them. However, in the **North Western State of Sokoto**, Christians and Moslem female children are compulsorily required to wear the *hijab*.

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4.0. IMMIGRATION (INCLUDING PASSPORT)

Citizenship rights are conferred on the woman automatically through registration upon marriage to a Nigerian man. But such rights are not granted to a woman with a foreign husband. Women have a right to travel to any country of their choice. But, in practice, there are limitations. For example, the law provides that any citizen of Nigeria can obtain the Nigerian passport. But, in practice, Immigration

officials require a husband's written consent before a woman can be issued with a Nigerian passport. Even visa officials of Foreign Embassies also request for the husband's written consent before they grant women visas, yet such officials never request for such written consent from the wife. Also whereas a man can apply for a passport for himself and for his child or children, without recourse to his wife's consent; but a married woman must obtain a written consent from her husband before her child's or children's application(s) can be considered. Single women obtain passports easily, but are denied visas by the Foreign Embassies outright on the grounds that such ladies are migrating and would not come back.

The above situation does not generally occur in the **Northern part of the Country** due to religious reasons. There is usually no opportunity for a woman to apply for a passport on her own, nor for a single woman to apply for a passport or a visa on her own. The application is usually made by an adult male on her behalf, and her presence may not be required at all.

However, a good majority of the citizens are not aware of Immigration practices, especially in places such as **Zamfara State in the North West Zone, Ejagham in Cross River State, and Annang in Akwa Ibom State of the South-South Zone.**

Majority of women in the South, however, find it discriminatory that women are required to obtain from their husbands written consent for visas and passport for themselves and their children. Women should be able to travel freely. Secondly,, the issue of single females being denied visas should be properly examined before they are denied visas. This will require official representation to the Foreign Embassies to put a stop to such discriminatory practices.

5.0. EMPLOYMENT/LABOUR PRACTICES

There are administrative and procedural constraints to the development of women in the Public and Private Sectors employment in Nigeria. These constraints, which face women in their development in the work environment, and which limit women's advancement in their places of work, can be classified as biologically and socio-culturally generated. Generally, these constraints were found to be similar in both the Public and Private Sector employment. However, the level of the severity of constraints differs in both Sectors.

These constraints include:-

- (i) Male dominance
- (ii) Lack of recognition of women's ability to lead
- (iii) Level of literacy
- (iv) Family responsibilities
- (v) Negative labour laws
- (vi) Women's own consent

5.1. Negative Aspects of Labour Laws

Although maternity leave is granted for a period of 12 weeks (84 days) both in the Public and Private Sector employment to women who have put to bed, the regulation stipulates that whenever a female worker undertakes her annual leave before the maternity leave, she will normally forfeit her salary for that period of annual leave. When she goes on maternity leave first, she forfeits her annual leave.

In the Private Sector, what the Study found discriminatory are the issues of rent and medical facilities.

The regulation stipulates that a female officer, who would otherwise be eligible to receive a rent supplement, but is married to an officer who already draws a rent supplement, is excluded from receiving rent supplement. Similarly, the children of female employees are not deemed to be entirely dependant on her, unless the father of the child is dead, or a court has granted custody to the mother in the event of a divorce or separation, or she can show sufficient proof that her husband is physically or mentally incapacitated.

This is discriminatory, as some women, although their husbands are physically and mentally not incapacitated, have no jobs, and such women then become the sole breadwinners. Women do not have equal opportunities, as men are given undue advantage in terms of promotion and responsibilities. Certain jobs are, even, reserved for men.

Married women are even worse off than unmarried women. Some employers do not want to employ women at all. Some banks do not allow pregnancy at work. Banking and nursing jobs have been a source of conflict with couples in their homes. It is trite knowledge that unmarried mothers are not allowed maternity leave. In fact, in the **South South State of Cross River**, unmarried Judges are given two years within which they must get married. The argument that female lawyers and doctors are not as good as their male counterparts is certainly discriminatory, wherever it is advanced.

Young women undergoing nursing and midwifery training are made to discontinue their training when they become pregnant. Similarly, a single female who becomes pregnant in the Police stands to be dismissed at once.

It was found that sexual harassment is becoming so rampant in some of the States that some think that it is normal. Women decried this in the **South-South**, as both the employed females and female job seekers, having compromised, still do not have any guarantee for their employment, as they could still be sacked or not employed at all.

With regard to children, poverty has made it possible to perpetuate the practice of employment of children in the worst forms of labour, despite the *Anti-trafficking Law*²⁰⁴ and the *Labour Act*.²⁰⁵ Children are employed as house helps without being sent to school, and their remuneration collected on their behalf by their parents or guardians. Consequently, the children do not even get to spend and enjoy the fruit of their labour. Therefore, the prohibition against child labour can be said to have failed, as children below 18 are engaged in labour in such areas as agricultural production, construction industry, domestic labour, etc.

6.0. FOREIGN SERVICE POSTING

The Study findings have revealed that the consensus among the respondents is that women are not posted out to foreign countries by the Ministry of Foreign Affairs, like men; and that single women are not reckoned with in such postings. On the other hand, there is a general belief that, even when married women are posted out to foreign countries, they find it difficult to convince their husbands to

²⁰⁴ Trafficking in Persons (Prohibition *Law Enforcement and Administration Act, 2003*), for example.

²⁰⁵ *Ibid.*

accompany them, especially as majority believe you must get the husband's consent, or better still, they both go together. Surprisingly, some communities would not allow their daughters to be posted out, e.g., the **Bekwarra in North Cross River**. So, such women would not even accept any foreign posting, for their community will see the woman as going to prostitute abroad. Children naturally accompany their parents on foreign postings, as the parents' desire.

7.0. KOLA NUT BREAKING/LIBATION

Kola Nut breaking is regarded as an acknowledgement of leadership, headship and respect. It is an exclusive preserve of men. Usually, the oldest person in the South East (**Anambra and Imo**) or a Chief (**Bini of Edo State**) breaks the Kola. Even where the pouring of libation is equivalent to kola nut breaking, as with the **Kalabari of Rivers State**, women do not pour libation.

In **Onitsha, in Anambra State, South East**, only old women who are initiated into the **Odu Society**, are allowed to break kola nut, the status of manhood having been conferred on them, upon their taking the title. However, in **Rivers and Akwa Ibom States**, women do not libate. Furthermore, the practice of Kola nut breaking is not applicable to the entire **Northern part of Nigeria**. They eat Kola nut, without any breaking ceremony.

It should be mentioned here that certain uses of kola nut are peculiar to the **Ibos of the South East**. *Kola nuts are grown in the South West, eaten in the North and celebrated in the South East*. It is sometimes said that the only language that the kola nut understands is the Ibo language; although the Yorubas, who grow the kola nut, are certain that kola nut very much understands their language.

Children do not break Kola nut in the South.

Photo: NCWD Photo

III. SUMMARY OF FINDINGS OF DISCRIMINATORY LAWS, PRACTICES AND POLICIES AND RECOMMENDATIONS

A. FEDERAL LAWS

1. Constitution

(a) Findings:

(i) Section 42(3) of the *Constitution* has denied the right to freedom from discrimination in appointments to public offices. Even though this is not directed specifically against women, however, it has removed their right to freedom from discrimination in appointment to public offices.

(ii) Section 26 of the *Constitution* provides that only a *woman who is or has been married to a citizen of Nigeria* can become a Nigerian citizen by registration. However, the husband of a Nigerian (female) citizen cannot so become a Nigerian citizen. This is discriminatory against a Nigerian woman, who has been thereby denied the opportunity of her foreign husband being able to acquire Nigerian citizenship by registration in consequence of his marriage to her. That means that a wife is incapable of conferring such a status on her husband, when a husband can confer it on his wife.

(b) Recommendation:

(i) Section 42(3) should be repealed from the *Constitution*.

(ii) Amendment to section 26(2) of the *Constitution* to read *person who is or has been married to a citizen of Nigeria*.

This will confer equal rights on both male and female foreign spouses of citizens of Nigerians to be able to acquire Nigerian citizenship by registration.

2. Electoral Laws

(a) Finding:

There is no law or regulation which reserves any specific per centage of elective offices to women, be it in government or the Political Parties. Only the National Policy on Women, 2000 provides for a target of 30% to be reserved for women in the Legislative and Executive branches of government, as well as in the Political Parties.

(b) Recommendation:

The *Affirmative Action* Policy of 30% should be supported by legislation, with a time frame for the achievement of the target.

3. Police Regulations

(a) Findings:

(i) Women are recruited into the General Duties Branch in clerical, telephone and office orderly duties, *in order to relieve male police officers from these duties.*

(ii) Women police officers are restricted not to be called upon *to drill under arms* or take part in any *baton* or *riot* exercise.

(iii) Women police officers, who wish to get married, unlike their male counterparts, must apply for permission to get married and be so permitted before they can get married.

(iv) An unmarried police officer who gets pregnant shall be discharged from the Force, and shall not be re-enlisted except with the approval of the Inspector-General of Police.

(b) Recommendations:

(i) Women should be recruited to normal police duties, like their male counterparts and they should not be employed in any position *to relieve* their male counterparts.

(ii) Women should be allowed to *drill under arms*, and take part in *baton* and *riot* exercises.

(iii) Women police officers should no longer be singled out for obtaining permission before getting married.

(iv) Unmarried police women should never again be discharged from the Force.

It is recommended that the recommendations be achieved through the repeal of the relevant police regulations.

3. Tax Laws

(a) Findings:

Legal provisions treat both men and women equally. However, the **Policy** of the **Joint Tax Board** discriminates against women as follows:

(i) Allowable deductions for dependent children are given to the husband, but not the wife, unless the woman can actually prove the dependency of the children upon her.

(ii) Single mothers are denied allowable deductions for their dependent children because of their inability to produce marriage certificates.

(b) Recommendations:

(i) Women, in accordance with the provisions of the law, should be allowed to enjoy allowable deductions for their dependent children without having to prove the dependency of the children upon them specifically, and the children should be distributed between the husband and wife equally for this purpose.

(ii) Single mothers should no longer be required to produce any marriage certificate before they can claim the allowable deductions for their children.

4. Labour Laws

(a) Findings:

(i) (Section 34(1) and 44 of the *Labour Act* allow an employed person to be accompanied by members of his family, including up to two wives and children under the age of sixteen years. This interprets *family* to mean wives and children, without contemplating husbands.

(ii) Women are not to be employed on night work in industrial and agricultural undertakings positions, except in nursing or supervisory management positions.

(iii) Women are not to be employed in underground manual work in mines.

(b) Recommendations:

(i) A woman should be entitled to be accompanied to her place of employment by her family, including her husband and dependent children. Accordingly, sections 34(1) and (44) of the *Labour Act* should be amended to give effect to this.

(ii) As regards findings (ii) and (iii), women should not be prohibited from being engaged on night work or underground manual work in mines, as it tends to restrict employment opportunities for them. Rather, women should be employed in all fields of employment. However, appropriate protection should be provided for them in terms of equipments and facilities. Accordingly, sections 55 and 56 of the *Labour Act* should be so amended.

5. Land Use Act

(a) Finding:

Section 24 of the *Act* has provided the applicability of customary laws of the locality of the land or of the deceased occupier to the devolution of landed property of the deceased on his death, excepting that such customary laws shall not operate to deprive any person

of the beneficial interest in the land or the proceeds of sale. It, however, preserves the prohibition, restriction or regulation of the right to occupy of the land, in which case, a woman may not be allowed to inherit the land and occupy it, even though she may be entitled to inherit the beneficial interest therefrom, as has been held in the cases of *Folarin V. Cole* and *Coker V. Coker*.

(b) Recommendation:

Amendment of section 24(b) to enable a woman to be entitled to inherit and occupy the land itself.

6. National Commission For Women's Act

(a) Finding:

The provisions of this *Act* seek to promote the full utilization of women in the development of human resources, and to bring about their acceptance as full participants in every phase of human development. The positive provisions of the *Act* do not, in any way, discriminate against women.

(b) Recommendation:

There should be vigorous implementation of the objectives of the legislation itemized in its sections 2 and 5. There should also be a policy tantamounting to an *Affirmative Action*, whereby a certain per centage, at least, thirty per cent (30%) of all credit schemes, (micro and otherwise) should be reserved exclusively for women.

7. Other Laws

(a) Finding:

All laws relating to economic development, financial and fiscal policies, banking and other financial institutions, contain no discriminatory provisions against women.

(b) Recommendation:

Affirmative Action should be employed to enable special assistance be given to women in order to accelerate their pace of participation in national development.

8. Marriage Act

(a) Finding:

Parental consent to marriage required for a minor is specified as being the consent of the father, unless *he be dead or of unsound mind or absent from Nigeria*, when the consent of the mother will be acceptable according to section 18.

(b) Recommendation:

Section 18 should be amended to require the joint consent of the two parents.

9. Child's Rights Act

(a) Finding:

Section 21 of the *Act* fixes eighteen years as the minimum age for marriage and betrothal, thereby prohibiting child marriages, in which the greatest victims are girl-children.

(b) Recommendation:

Eighteen years should be widely legislated as the minimum age for marriage in Nigeria.

10. Matrimonial Causes Act

(a) Findings:

In instancing the employment of violence by the respondent spouse as a situation which the abused spouse finds it intolerable to continue to live with the petitioner, as provided for in section 15(2)(c), section 16(e) provides that -

(i) the abusive violence must reach the dimension of attempted murder, inflicting grievous harm or intent to commit either or both of them.

(ii) the abusive spouse must actually have been convicted of the offence in question.

The provisions of section 16(e) mean that only extreme violence will be acceptable as a ground for divorce and, even then, the abusive spouse should first have been convicted of the serious offences instanced before the abusive violence can ground a divorce. As a result of this provision, the court has held that not all violence are intolerable - /se *Akinbuwa V. Akinbuwa* and *Otti V. Otti*.

(b) Recommendations:

Section 16(e) should be amended to provide that -

(i) Constant employment of violence, (that is, any amount of violence), should be a ground for divorce, and

(ii) the respondent/abusive spouse need not have been convicted of any of the listed offences. The abused spouse/petitioner should simply be required to provide evidence of such abusive violence, and prove same beyond reasonable doubt.

11. Education

The legal provisions contain no discriminatory provisions. However, there is need to implement an *Affirmative Action Policy* in education, in order to improve the share of the girl-child in the educational process.

12. Criminal Code

(a) Findings:

(i) The provisions of sections 34, 36 and 10, conferring the defence of **spousal exemption** in respect of offences of conspiracy, stealing and accessory after the fact, have restricted this defence to only spouses of monogamous marriages, thereby leaving the vast majority of Nigerian women, who are polygamously married, unprotected, and thereby discriminated against.

(ii) The provisions of sections 353 and 360, on indecent assaults on males and females, are more protective of males than females, in that they provide higher penalties for these offences when they are committed against males than when they are committed against females, thereby giving the impression that such offences, when committed against males are more serious than when they are committed against females.

(iii) The provisions of section 283 and 284 on provocation, as regards the elements of the **reasonable man** and **spontaneity**, as interpreted by the cases, tend to give the impression that only male characteristics are considered, without any accommodation for females as a **class** or **status**, even though such an approach has been conceded to **youths** as a **class** or **status**. The result is that women have largely lost out in cases of domestic violence, where the male oriented tests have imposed male oriented standards of the **reasonable man** in the application of the test of **spontaneity**.

(b) Recommendations:

(i) Sections 34, 36, and 10, as well as the definitions in section 1(i) must be amended to make the defences available to all wives of all marriages, with the proviso that the defence will not be available where the offence is against another wife or any of the children.

(ii) Sections 353 and 360 should be harmonized, and only one gender neutral offence should be created, with one punishment for the offence, whether it affects males or females.

(iii) Sections 283 and 284 should be specifically amended to recognize classes of the **reasonable man**, which should include level of civilization/education, youth, and females in such a way as to consider the establishment of a standard for the **reasonable female**, which will relax the rules on **spontaneity**, for female offenders, and there will be no need to grope for other defences to save females from being convicted when they react to prolonged abusive treatment.

13. Penal Code

(a) Finding:

The provision of section 55(1)(d) appears to sanctions the application of violence by the husband on a wife *for the purpose of correcting his wife*. This amounts to a terrible discriminatory legal sanction of wife battery, *provided it does not amount to infliction of grievous hurt*. This is a clear violation of the right of a woman to the sanctity and dignity of her person provided for in section 34(1)(a) of the *Constitution*.

(b) Recommendation:

The provision should be repealed and the offence abolished, in order to enable Nigeria implement her treaty obligations under *CEDAW*.

14. Evidence Act

(a) Findings:

(i) The *Act* has put impediments in the way of proving offences of defilement of girls (sections 218 and 221 of *Criminal Code*), and procuration of a woman to be a common prostitute, etc. (section 223 of the *Criminal Code*), or procuring defilement of a woman by intimidation or false pretence or by applying stupefying or overpowering thing (*Criminal Code*, section 224), by requiring corroboration before the offender can be convicted (section 179 (5) of the *Evidence Act*), when no such corroboration is even required for murder, attempted murder or infliction of grievous harm.

(ii) Section 211 of the *Evidence Act* allows the introduction of questions tending to suggest that the female victim of a rape, attempted rape or indecent assault, is of a generally **immoral character**, whether she has had connection with other men or with the accused person on other occasions. This would amount to secondary victimization of the female victim of these offences, and it will tend to put very great obstacle in the way of successful prosecution of the cases.

(iii) Spouses of monogamous and Islamic marriages are protected from being compellable to testify against their husbands or wives, except in the specified cases; whereas no such protection is given to the spouse of a Customary Law marriage.

(iv) Spouses of monogamous and Islamic marriages are also protected from been compellable to disclose in evidence before a court trying the other spouse spousal/marital communication during marriage without the application of the other spouse. Such protection does not exist for the wife of a Customary Law marriage.

(b) Recommendations:

(i) The requirement of corroboration required for these female targeted offences should be abolished by the deletion of these offences from section 179(5).

(ii) Section 211 of the *Act* should be repealed in its entirety so that a woman's right to her body and to consent to sexual intercourse or lesser sexual advances can be maintained.

(iii) Section 2 of the *Act* should be amended to make the terms **wife** and **husband** apply to spouses of all marriages.

(iv) The Proviso to section 162 should be repealed.

15. Interpretation Act

(a) Finding:

Nigerian legal provisions are drafted only in the masculine gender, because section 14 of the *Act* provides that *words importing the masculine gender includes the feminine*. This clearly violates the principles of legislative equality of men and women, thereby violating Article 2(a) of *CEDAW*.

(b) Recommendation:

Section 14 should be abolished, and all legislations should be drafted to be **any person, his or her, him or her** henceforth, in order to reflect gender equality in our legislations.

B. STATE LAWS

1. Political Laws

(a) Findings:

(i) Even though there are no discriminatory laws against appointments of women to public offices, yet practices have varied among the **Zones**. In the **Northern Zones** and some **Southern Zones**, like the **South-South** and part of the **South-East**, very few women are appointed to high government posts. The clear exceptions are in the South-West, with Lagos, Ogun and Oyo States predominating in the wide appointments of women to high Executive positions in the Public Service.

(ii) However, throughout Nigeria when it comes to cabinet appointments to the posts of Commissioner, very few women are appointed to these posts.

(iii) Women fare better only in the judiciary in some of the states.

(b) Recommendations:

The situation reflected in findings should be rectified and improved *Affirmative Action* of a minimum per centage of 30% should be implemented vigorously, in those States where women are still discriminated against in political and other public appointments.

2. Tax Laws

(a) Finding:

Women in the various States claimed that they paid a higher per centage of their income in tax than their male counterparts, except for the **Mbula** and **Bachama** people of **Numan LGA of Adamawa State**, where women above the age of 50 years of age and unmarried women are exempted from paying taxes.

(b) Recommendations:

(i) Same taxation principles/formula should apply for equal taxation of both males and females, as discussed at the Federal level.

(ii) All other States and LGAs should consider adopting the policy of not taxing the 50 year old and above, except where they are business women.

3. Labour Laws

(a) Findings:

(i) No discriminatory labour laws were found in the States, as the *Labour Act* is a Federal legislation.

(ii) Discriminatory practices, however, have been found to exist as follows:

- Refusal of jobs to pregnant women
- No employment for married women in some financial institutions, and when employed, they are prohibited from becoming pregnant for the first three years of their employment
- Women in the Agricultural sector were paid only one third (1/3) of the earnings of their male counterparts
- In most **Northern States**, women are discriminated against in relation to promotion to decision-making positions
- In the **Private Sector**, women are denied receipt of **Rent Supplements**, where their husbands receives the **Rent Supplements**
- Children of female employees are not deemed to be dependents of their mothers unless the father has died, is of unsound mind or is out of Nigeria
- Wives supporting jobless husbands have no deductible allowances on that ground

(b) **Recommendations:**

(i) **Labour Act** should be duly amended and proposed under **Federal Laws**, should be strictly enforced, particularly as regards the issue of maternity leave.

(ii) All discriminatory practices against women should be abolished, with legislative sanctions, for such practices as

-
- Refusal of jobs to pregnant women
- Imposition of no-pregnancy conditions for married women

(iii) An equal pay for equal work policy must be established for both males and females

(iv) Rent subsidies should be paid to both husband and wife, since each employee, who should be is an individual employee entitled to his or her own Conditions of Service.

(v) Children of female employees should be regarded as dependant children of their mothers for purposes of deductible allowances, in accordance with the rule of apportionment for joint parental maintenance of the children.

(vi) Wives should be given deductible allowances for the maintenance of their jobless husbands.

4. Other Laws

(a) **Finding:**

Women in the **North-East Zone** are not giving professional driving licences.

(b) **Recommendation:**

Qualified/competent women should be given professional driving licences.

5. Property Laws

(a) **Findings:**

(i) In the **South-West, South-East** and **North-Central Zones**, any woman, married or single can acquire, hold and dispose of any property.

(ii) In the **North-East Zone**, only married women can acquire, hold and dispose of any property.

(iii) In **Rivers State** in the **South-South Zone**, only women married monogamously under the *Marriage Act* can own property on their own.

(b) **Recommendation:**

All women, married or single, should be given the capacity to acquire, hold and dispose of movable and immovable property on their own.

6. Marriage Laws

(a) **Findings:**

(i) Girl-child's consent to marriage was found to be largely irrelevant in the **North-East, North-West** and **North-Central Zones**.

(ii) In **Zamfara State** of the **North-West**, the *Infants Law* encourages child marriages and infant marriage settlements.

(iii) In the **South-South, South-East** and **South-West**, only adults, who have consented, can get married. Adulthood is fixed at sixteen years in the **South-East**, whilst there was no age in the **South-West**, except **Ogun State**, which has fixed its marriageable age at eighteen years under its *Child's Rights Law, 2004*.

(iv) In the **South-East**, dowry is limited to N60 by law, which is observed only in its breach.

(v) In the **South-West**, families are moving away from accepting dowries for their daughters, on the ground that their daughters are not for sale.

(b) Recommendations:

(i) Marriageable age should be legislatively fixed at eighteen years, in accordance with the provisions of the *Child's Rights Act/Laws*.

(ii) Consent of the parties must be essential for marriage.

(iii) Dowry should be made merely symbolic, or even, be abolished.

7. Education Laws

(a) Findings:

Laws exist for -

(i) Promoting girl-child education, e.g. the *Withdrawal of Girls from School for Marriage (Prohibition) Law, 1985, No. 17 of Bauchi State*.

(ii) Promoting boys education in Schools, e.g. the *Juveniles Accompanying Koranic Mallams Law, 1985, No. 76 of Bauchi State*.

(iii) *Banning Hawking for School-age Children During School Hours Law, 2000 of Ebonyi State*.

(iv) Making education from primary to junior secondary schools free and compulsory in **Ebonyi State**.

(b) Recommendations:

(i) Laws, prohibiting withdrawal of children from school for any purpose should be enacted in all States

(ii) Laws prohibiting hawking by school-age children at any time should be enacted in all States.

(iii) All States must pass laws making education free and compulsory for primary and junior secondary schools.

(iv) All such existing laws, including the *Universal Basic Education Act*, should be vigorously enforced.

8. Chieftaincy Laws

(a) Findings:

(i) In most Nigerian communities, women are sidelined in traditional chieftaincy matters.

(ii) In the **South-West Zone**, women are appointed to certain traditional chieftaincies.

(iii) No community in Nigeria has provision for women to become rulers of their communities, although women can be regents in the **South-West Zone**.

(b) **Recommendation:**

Chieftaincy is a traditional matter, accordingly, those communities not currently having the practice, should be encouraged to initiate traditional chieftaincy positions for women, who can sit in Kings' – Councils.

9. Reproductive Rights Laws

(a) **Finding:**

Only **Edo** and **Rivers States** in the **South-South Zone** have any laws relating to reproductive rights.

(b) **Recommendation:**

All States should seriously consider passing laws granting reproductive rights to women.

10. Criminal Law

(a) **Findings:**

(i) **Criminal Codes** and **Penal Codes** apply, respectively, in the **Southern** and **Northern States**. All the discriminatory provisions considered under **Federal Laws** are also existing in the States.

(ii) Twelve **Northern States** have also introduced the **Sharia Penal Codes**, which, strictly speaking, do not contain any provisions which are discriminatory against women, as the offences of adultery and fornication, for instance, are created for both male and female partners in the act.

(b) **Recommendations:**

(i) All amendments recommended for the **Criminal Codes** and the **Penal Code** under the **Federal Laws** are recommended for the States to adopt and implement.

(ii) No recommendation is made about **Sharia Penal Codes**, excepting that their constitutionality should be challenged by women, in view of their draconian penalties.

11. Interpretation Laws

(a) **Finding:**

The Laws of States, e.g. the **Interpretation Law, Cap. 64, Laws of Akwa Ibom 2000**, like the **Federal Act**, also provide that *words importing the masculine gender shall include the feminine*.

(b) **Recommendation:**

Gender equality should be promoted in States' legislations, as recommended in respect of the **Federal legislation**.

12. Law of Evidence

(a) **Findings:**

(i) Some States, like Rivers State have amended their *Criminal Procedure Laws*, to enable trials for rape to be conducted *in camera*.

(ii) Some other States, like Edo and Akwa Ibom, however, still try rape cases in open court.

(iii) Some States are proposing legislation to enable rape cases be tried in Chambers.

(iv) *Islamic Law of Evidence* implies that evidence of two female witnesses cannot credibly prove a claim without the evidence of a male witness.

(b) **Recommendations:**

(i) The *Evidence Act* is a Federal legislation. Therefore, all observations and recommendations made regarding it are applicable to the States and should be adopted by them, in order to eliminate discrimination against women under the *Act*.

(ii) All States should be encouraged to conduct trial of rape cases *in camera* or in Chambers, which also accommodates (iii) above.

(iii) Correspondingly, States should be encouraged to move away from public trial of rape cases, in order to avoid secondary victimization of rape victims.

(iv) The Islamic evidentiary rule that requires male evidence to credibly prove a claim should be abolished by legislation. The evidence of all witnesses, male and female, should be treated equally, without any weight being attached to the gender of a witness.

13. Exclusion of Principle of Non-discrimination from Legislations

(a) **Findings:**

(i) In most **Northern States** legislations, there is express exclusion of the operation of the principle of non-discrimination to legislations passed by the States.

(ii) In the **Southern States**, there is evidence of considerable legislative activism towards the recognition of the rights of women and children.

(b) Recommendations:

(i) All States should repeal all provisions which expressly or impliedly exclude the operation of the principle of non-discrimination to legislations passed by them.

(ii) All States should be encouraged to quicken the pace of their legislative, and even judicial, activism towards the recognition of the rights of women and children.

C. LOCAL GOVERNMENT BYE-LAWS

1. Licensing Bye-Laws

(a) Findings:

No licensing bye-law was found to be discriminatory against women in any of the Local Government visited.

(b) Recommendation:

No recommendation is made as none is required.

2. By-Laws on Acquisition of Shops

(a) Findings:

No bye-law is discriminatory.

(c) Recommendation:

No recommendation is required.

3. Tax Levies

(a) Findings:

(i) Women who are not government workers, are generally exempted from payment of taxes on the assumption that a woman does not earn an income e.g., in the Local Government of the **South East, Ibadan Local Governments** in the South-West, where Local Government levies are generally considered to be gender sensitive.

(ii) In **Numan Local Government** in the **North-East Zone**, women above 50 years of age and unmarried women are exempted from paying tax.

(iii) However, for women Local Government employees, the taxing of women is discriminatory in the sense that they do not receive deductible allowances for their dependent children, etc., unlike their male counterparts.

(b) Recommendation:

(i) The human practice of not taxing old women and women who are not earning any income should be more generally adopted by Local Governments.

(ii) Discriminatory taxing of women should give way to equitable taxation system which will not discriminate between males and females.

4. Indigeneship

(a) Findings:

(i) Women (wives) are discriminated against in relation to elective posts or high government or judicial appointments. The women (a wife) is usually referred by to her home state of origin. This practice was notable in **Akwa Ibom**, even though the wife is assumed to have lost her nativity at marriage and becomes subsumed in her husband's home.

(ii) **Lagos State** is a shining example of a clear exception to such discriminatory practices, as it appoints both indigenes and non-indigenes to high elective, appointive and judicial posts in the state.

(b) Recommendation:

All States and Local Governments should adopt the non-discriminatory policy of Lagos State in their appointments processed.

D. CUSTOMARY LAWS

1. Women as Spouses

(a) Findings:

(i) Women are not accorded the benefits of the membership of their matrimonial families, as they are, at such points, regarded as strangers from some other families, notwithstanding the fact that a woman is deemed to have lost her separate identity and have been subsumed into her husband's home. However, when it comes to carrying duties and responsibilities, they are then regarded very much as members of their husbands' families. **South-East** and **South-South Zones** are very predominant in such practices.

(ii) Husbands still reject (i.e., drive away) their wives who give birth to twins. This is a relic (in fact, a modified version) of the old barbaric practice of killing twins, which has been treated with the application of the law on murder. Such practice of wife rejection on giving birth to twins is still very much in vogue in **Ikot-Ekpenne** in **Akwa Ibom State** and **Bianu Town in Khana LGA and Ogoni in rivers State**, where the traditional rulers still reject their wives for giving birth to twins.

(b) Recommendations:

(i) States should pass legislations which will ensure that wives are fully and fairly subsumed into their husbands' families, and all benefits of family membership be legally bestowed upon them, so that they can enforce their rights to such benefits within their husbands' homes and families.

(ii) States still practicing twin/wife rejection should enact legislations outlawing such practices forthwith.

2. Women as Community Members

(a) Findings

(i) Married women, who are not members of the communities of their husbands (i.e., indigene married women), are considered not to be members of the communities in question. They remain visitors to the communities, no matter the number of their years of settlement in the area. The most prominent in this practice are the **Bekwara** people in the **Northern part to Cross Rivers State**.

(ii) Married women in the **South-West Zone** are accepted as members of their communities. They have even been conferred with traditional chieftaincy titles, usually along with their husbands, in such communities.

(iii) Some communities have so believed in this type of absorption into the husband's community that they then deny their own daughters married into other communities such benefits as elective, high public or judicial appointive posts, in the belief that it is their husband's community which should cater for them. In such a situation, the woman may be lost both ways if the husband's community believes that she should get such elective or appointive posts from her own home community.

(b) Recommendation

(i) Legislation should be enacted in all states conferring state and community membership on women who have married into any community in any state in Nigeria, and that such women should be entitled to all rights and benefits accruing to other members of their marital communities by reason of their membership of those communities. Discrimination against non-indigene wives in their marital communities should be expressly prohibited.

(ii) Legislation must be without prejudice to the right of such women to enjoy dual membership of their marital and indigenous home communities. After all, every Nigerian is also entitled to dual citizenship. Accordingly, the legislation should prohibit all discrimination against a woman who has married outside her home community by both her home community and her marital community.

3. Dowry/Bride Price

(a) Findings

(i) This is a universal concept in Nigeria, although some communities particularly in the **South-West**, are now moving away from dowry/bride price on the ground that their daughters are not for sale.

(ii) Communities in the **South-East**, which have sought to curtail the exorbitance of bride price by legislation, have seen that the law has totally failed, as the price now varies with the quality of the bride, particularly as regarded her level of education.

(b) Recommendation

Total abolition of dowry/bride price, as a requirement for contracting any marriage, Customary or Islamic, by legislation is seriously and urgently recommended, particularly as its attempted regulation/control has totally failed in the **South-East**. Such prohibition should be on pain of a serious sanction. It is high time that anything smacking of —sale of daughters be brought to an immediate end in Nigeria. It is certainly not a civilized concept as it is comfortably close to **trafficking on human persons**. Abolition of dowry/bride price will remove all other incidents/significance of dowry/bride price, particularly about its return or non-return on dissolution of marriage.

4. Spousal Relationship

(a) Findings:

(i) Supremacy of husband, as head of the family has been found to be the norm in all the communities of Nigeria. Female influence on their husbands' decisions are usually exerted behind the scenes, in order not to portray their husbands in public as weaklings.

(ii) In **Akwa Ibom State**, the supremacy of the husband is not in doubt in the sense that where he reports his wife to Council of Elders of the village, his wife is made to apologise and to pay a fine, even if the man is found to be at fault. This is an injustice of the highest order.

(b) Recommendations

As this is a delicate human relationship issue, it cannot be solved by legislation. However, serious advocacy is recommended for effecting attitudinal change in this area.

5. Age of Marriage

(a) Findings:

The findings here are the same as those reported for the **States Laws** (item no. 6)

(b) **Recommendations:**

The recommendations made for item number 6 under **States Laws** should be adopted here.

6. Divorce

(1) **General**

(a) **Findings**

(i) In some communities, only men can initiate divorce proceedings. A woman who initiates divorce proceedings is considered to be wayward, e.g., communities in **Akwa Ibom** and **Rivers State**. The only exceptional circumstances when a woman is permitted to initiate divorce proceedings is when it is obvious that her life is endangered.

(ii) In the **South-West**, women, like men, are free to initiate divorce proceedings whenever they desire it.

(b) **Recommendation**

All states should legislate to confer the right to initiate divorce proceedings at Customary Law upon wives, so that they will not be trapped to remain in undesirable marriages, and to be discardable only at the will of their husbands.

(2) **Causes for Divorce**

(2.1) **Adultery**

(a) **Findings**

(i) In all the communities, without any exception, only adultery by a woman is frowned upon and can constitute a cause for divorce. Adultery by a man is not considered to be an offence, but rather, an expression of his virility.

(ii) In the **South-East**, adultery is not necessarily a cause for divorce, as the woman will be required to appease her husband and his ancestors through the provision of an animal, usually a goat in most of the communities.

(b) **Recommendation:**

In as much as adultery is penalized only where it is committed by a woman, the principle of customary law in question is violating the principle of equality between men and women which Article 2(a) enjoins all State Parties to embody in their national constitutions or other appropriate legislation, and **to ensure, through law and other appropriate means, the practical realization of this principle**. Accordingly, it is recommended that all states should legislate to make adultery a cause of divorce for both spouses under Customary Law.

(2.2) Violence

(a) Findings:

- (i) Moderate violence is acceptable in virtually all communities for purposes of correcting the wife.
- (ii) Excessive violence is accepted as a cause for divorce in most communities except in **Akwa Ibom** and **Cross River States**.

(b) Recommendation:

All States should pass legislation to outlaw violence within the marriage, should be made a cause for diverse for both spouses.

(2.3) Failure to Provide

(a) Findings

- (i) In the **South-West** and **the North**, women are supposed to be provided for by their husbands; and failure to do so by him is a good cause for divorce.
- (ii) In **Akwa Ibom, Cross River** and **Ebonyi States** (particularly the Abakaliki area) failure by the woman to support or even provide for the husband is a cause for divorce)

(c) Recommendation:

A legislative provision should be enacted in each State, which will enable the consideration of spouses actual economic capacity, in the ascription of the responsibility to provide or supplement the provision for maintenance of the home. Failure to discharge such responsibility by whichever spouse on a significant or prolonged bases can then be made a cause for divorce.

(2.4) Impotence

(a) Findings

- (i) Impotence is generally accepted as a ground for divorcee, particularly in the **South-West** where it is used in open court.
- (ii) In the **South-East**, arrangements are made by the husband and/or his family for the wife to be copulating with another man in order that she may conceive and bear children for the family. This may be with or without the knowledge of the husband. Inn such cases, impotence is not used as a cause for divorce; otherwise, it is.

take another wife or wives.

(b)
Recommendation:

No recommendation will be advanced, as the state of the law is acceptable.

(ii) In the **South-East**, the woman may take a **surrogate wife** who will be giving birth to issue or issues for her, and the family. Usually this step is taken by widows or women who have moved out of their husband's house. The children so born are regarded at Customary Law, as her own, children, not the children of the **surrogate wife**, who is recognized as her own wife. This practice still endures despite the decision in **Edet v. Essien**

(b) Recommendations

(i) No recommendation will be advanced to make infertility a cause for divorce.

(ii) In as much as our law recognizes adoption of children, cases of children through **surrogate wives** should be merely regularized by adoption, whereby the **surrogate mother** will formally adopt the **surrogate children**.

(2.6) Frigidity

(a) Finding:

This is not a cause for divorce at Customary Law.

(2.5) Infertility Finding

(a) General finding is not a cause for divorce, as the husband may

(b) Recommendation

No recommendation is required.

(2.7) Other Reasons for Divorce

(a) Findings

(i) Desertion by the wife or husband;

(ii) Cruelty by the husband;

(iii) Failure by wife to cook meals regularly for the husband, except that this is not a ground for divorce under Islamic marriages;

(iv) Failure by the wife to give due respect to husband or senior members of his family;

(v) Refusal of the wife to have sexual relationship with her husband;

(vi) Refusal of the husband to have sexual relationship with his wife;

(vii) Infecting the other party with venereal diseases;

(viii) habitual stealing by either party;

(ix) A wife practising witchcraft.

(b) Recommendations:

(i) No recommendation for changes in the law are deemed necessary for reasons (i), (iii) and (v) too (viii).

(ii) As regards reason number (iv) relating to respect for husband or senior members of his family, this reason is being considered from two angles:

- It connotes lack of manners on the part of the woman, which may well make her not to be a suitable wife and mother in the home;

- It emphasizes the customary notion of marriage as being a union, not only between the man and the woman, but also a union between the two families, which, therefore, imposes obligation on the woman to respect the senior members of her husband's family.

However, because there is need for equality and decent treatment between the husband and his wife, this reason must be **applicable in the case of both husband and wife that is, the husband must also respect his wife and the senior members of her family.**

Accordingly, appropriate legislation which effect this should be enacted in all the states.

(iii) Reason number (ix), witchcraft is not a ground that can be verified by legally admissible and credible evidence in any court of law. Accordingly, it should be abolished as a cause for divorce.

7. Consent

(a) Findings

(i) Consent of female parties to a marriage are today required and mandatory for marriages, excepting in **Akwa Ibom** and **Northern part of Cross River State**.

(ii) In the **North**, consent of the female party for the first marriage is **required but not mandatory**; but for subsequent marriages, it is **both required and mandatory**.

(iii) Parental consent for Customary Law marriages is an **essential**, and therefore, both **required** and **mandatory**, in view of the concept of union between two families.

(b) Recommendation

(i) Consent of the male and female parties to any marriage must be **both required and mandatory**. This must be established by a legal provision in all States, particularly in **Akwa Ibom and Cross River States**.

(ii) The recommendation that will be made about parental consent is that it should not invalidate any marriage to which two adult parties have consented. Accordingly, in such cases, consent of the parties should override lack of parental consent.

8. Inheritance/Succession

(8.1) Inheritance of by a woman as a *Femme Sole*

(a) Findings

(i) Sons are favoured to inherit their father's property, than females, except in the **South West**, where daughters are entitled to inherit beneficial interest in the father's property.

(ii) In the **South-East**, a woman is kept back in her father's house to raise son for him, can inherit from his property, that is a woman subject to the **custom** of *Nrachi Nwanyi* a custom declared to be repugnant to natural justice, equity and good conscience in *Mojekwu V. Ejikeme* by the Court of Appeal.

(b) Recommendation

(i) Legislative provision should be enacted in all States to enable both male and female children inherit their parents' properties.

(ii) The Customary practice of *Nrachi Nwanyi* should be abolished by legislation. The fathers in such situation should be free to adopt male children, including male children of his daughters.

(8.2) **Inheritance by a Married Woman**

(a) **Findings:**

- (i) A married woman has no right to succeed to her father's landed property.
- (ii) A married woman has the right to succeed to her mother's landed property.

(b) **Recommendation**

A legislative provision should be enacted, which will entitle married women to inherit their parents' property, (both fathers' and mothers') along with their siblings, and they should take preference over their uncles and male cousins.

(8.3) **Inheritance by a Widow**

(a) **Findings:**

- (i) Except in the **South-West**, widow has no right to inherit her husband's property, especially where there is an heir, or heirs, in male children, or male siblings of her late husband.
- (ii) Widows, except in the **South-West**, only have rights of occupation to their rooms in their matrimonial homes, or to use of farm lands to farm to support herself and her children.

(b) **Recommendation**

- (i) Legislative provisions giving right of inheritance to their husband's property, along with their children should be enacted for widows in all the States of the federation.
- (ii) In such legislation, succession **per stripes**, (i.e. *Idigi*) should be abolished, and all succession should be **per capita (Ori Ojori)**, which guarantees equal treatment of all children should become the universal basis for sharing property to children, with no gender distinction.

9. Single Parenthood

(a) **Findings:**

Single parenthood is frowned upon and the child is deemed to belong to the mother's family, unless there is acknowledgement of paternity by the father, or if dead, by his family, or dowry is paid on the girl, when the child can then belong to the father's family.

(b) Recommendation

Legislative provision should be enacted to remove all discrimination against single mothers and their children, and such children should be entitled to inherit/or inherit from their father's property.

10. Custody of Children

(a) Finding:

Custody of children is given to their fathers, unless the children are at a very tender age, when custody is awarded to the mother until they are six years old, I order that they may enjoy the emotional and psychological support of their mothers.

(b) Recommendation:

(i) Custody of children are best awarded to their mothers, in view of the adverse effect of step-motherhood on children, unless she is found not to be responsible.

(ii) Fathers must be made to support and maintain such children whose custody has been awarded to their mothers.

11. Control of Family Assets

(a) Finding

Women, not being heads of families, except in the **south-West** do not exercise control over family assets.

(b) Recommendations

Legislative provision should be enacted which will permit a responsible man or woman to control family assets; whilst the same provision should disentitle any man or woman, on the ground of proven irresponsibility, from controlling family assets.

12. Control of Community Property

(a) Findings

Women generally belong to the traditional chieftaincy group, which controls community property, together with Chiefs, Kings, Obis, Igwes or Obas – in – Council.

(b) Recommendation:

It had earlier been recommended that women should be admitted to the ranks of traditional chiefs. This will bring them into the group which controls community property.

13. Chieftaincy

(a) Findings

(i) Chieftaincy titles are generally male dominated

(ii) In **Benin, Edo State**, the Oba's mother is give the traditional title of **Iyoba**.

(iii) In **South West**, there are traditional titled chiefs who sit in the **King's Council**.

(iv) In the **South-West** and **Afikpo**, a woman can be a **regent**.

(v) Among the **Kanuri's of Borno State**, women are appointed to positions of leadership in the traditional set up, albeit insignificant ones.

(b) Recommendation:

A law should be enacted to open up traditional chieftaincy titles for women, as recommended for the States.

14. Other Forms of Political Participation

(a) Findings

Number of women who participate in politics is still very small

(b) Recommendation

The **Affirmative Action** policy of achieving a minimum of 30% should be legislatively implemented.

15. Women Economic Participation

(15.1) General

(a) Findings

(i) Women in the **South-West** have unfettered access to economic participation.

(ii) In the **South-East**, women are not allowed to cultivate yams, although they freely participate in trading, farming and other jobs not within the male domain.

(iii) In **Akwa Ibom and Cross River States**, the girl-child is trafficked, whilst they alternatively marry the girl off for a price.

(b) Recommendations:

(i) Legislative provision should be enacted to enable women participate freely in any form of legitimate economic activity.

(ii) Anti-Trafficking laws should be passed in all the states and be seriously monitored.

(15.2) Manufacture/Production

(a) Findings:

(i) Women in the **South-West** are involved in cocoa plantation and breaking stones in quarries.

(ii) In the **South-West** and **Edo State**, rich women get involved with production.

(iii) In **Rivers State** and **Akwa Ibom**, oil dominated the area.

(b) Recommendation:

Women should be encouraged to participate in the manufacturing sector.

E. TRADITIONAL

This section relates to Customary practices, not customary laws.

1. Property

(a) Findings

(i) Generally and in patrilineal societies, except in the **South-West**, where both gender inherit.

(ii) In matrilineal societies a woman's children inherit through their matrilineal lineage e.g., **Okpekpe, Etsako East of Edo, Akap areas of Cross River** and **Amasiri and Edola areas of Afikpo in Ebonyi States**.

(iii) In **Edo State**, the **promogenitive rule**, whereby only the first son inherits, is the practice.

(iv) In case of buildings and farms only men can own and inherit buildings, except in the **South-West** and the **North**. But in **Rivers State** even where a woman buys and builds a building, her sons inherit and where it is a farm, it belongs to the husband. In **Ogoja**, a woman cannot own a farm separate from her husband.

(v) Clothes of a woman belong to her.

(b) **Recommendation:**

A legislative provision should be enacted in all states to enable women, married, single or widowed to own and inherit any property, and all their children, male and female to be able to inherit any property from them.

2. **Marriage**

2.1) **Consent**

(a) **Findings**

Same as under Customary Law.

(b) **Recommendation:**

Same as under Customary Law.

(2.2) **Age of Marriage**

(a) **Findings**

Same as under Customary Law.

(b) **Recommendation:**

Same as under Customary Law.

(2.3) **Spousal Relationship**

(a) **Findings**

Same as under Customary Law.

(b) **Recommendation:**

Same as under Customary Law.

(2.4) **Dowry/Bride Price**

(a) **Findings**

Same as under Customary Law.

(b) **Recommendation:**

Same as under Customary Law.

(2.5) **Divorce**

(2.5.1) **Initiator/Applicant**

(a) **Finding:**

Same as under Customary Law, except that in the **Kalabari Kingdom of Rivers State**, there is no divorce in ***Inya-marriage***, where the marriage is for life; and where it exists in ***Igna – marriage***, just mere cohabitation.

(b) **Recommendations:**

- (i) All parties to a marriage should be able to initiate a divorce.
- (ii) Every marriage should be divorceable.

(2.5.2) **Effect of Divorce on Dowry/Bride Price**

(a) **Findings**

Same as under Customary Law.

(b) **Recommendation:**

Same as under Customary Law.

(2.5.3) **Grounds for Divorce**

(a) **Findings**

Adultery, frigidity ad impotence – same as under Customary Law.

(b) **Recommendation:**

Same as under Customary Law.

(2.5.4) **Widowhood Practices**

(a) **Findings:**

(i) In **Ikot Ekpene** and **Eket** in the **South-South**, the widow is locked up in the room alone with the corpse of her husband.

(ii) She is made to drink the water used to bathe the remains of her late husband to prove her innocence in his death.

(iii) She is sometimes made to swear on the corpse of her late husband that she did not kill him.

(iv) She is compelled to choose one of her brothers-in-law in widow inheritance

(v) She cannot re-marry unless she pays a fine determined by her late husband's family.

(vi) She is made to undergo a period of confinement as a widow.

(vii) In the **South-East**, she is made to shave her head during the mourning period.

(viii) In some societies, she is made to sleep on bare floor during mourning period, when she is expected to weep and wail, the louder the better.

(b) **Recommendation:**

In as much as a man/widower is not made to undergo any of these on the death of his wife, all these practices must be abolished by legislation in those states practicing them.

(2.5.5) **Custody of Children**

(a) **Findings**

Same as under Customary Law, excepting that age for returning male child to the father is 7 years and 16 years for the girl child in the **North**.

(b) **Recommendation:**

Same as under Customary Law

3. Control of Family

(a) **Findings**

Same as under Customary Law.

(b) **Recommendation:**

Same as under Customary Law

4. Succession and Inheritance

(a) **Findings**

Same as under Customary Law.

(b) **Recommendation:**

Same as under Customary Law

5. Chieftaincy

(a) **Findings**

Same as under Customary Law.

(b) **Recommendation:**

Same as under Customary Law

6. Economic Participation

(a) **Findings**

Same as under Customary Law.

(b) **Recommendation:**

Same as under Customary Law

F. RELIGIOUS LAWS

1. Christianity

(1.1) Property Rights

(a) Findings:

(i) Spouses are entitled to own property separately.

(ii) In order to protect the wife against relatives in the event of the husband's demise, both husband and wife decide to ac

(b) Recommendation:

Legislative provision should be enacted entitling only the wife or wives of a man and his children to inherit his property on his death, to the exclusion of his other relatives. Provision should, however, be made for his aged parents.

(1.2) Marriage

The marriage is monogamous, where the man is enjoined to have his wife to the point of laying down his life for her; whilst she is enjoined to submit to him everything.

(1.2.1) Dowry/Bride Price

(a) Findings

The church does not concern itself with this. It is traditional. Consequently, the earlier findings are applicable.

(b) Recommendation:

Earlier recommendations apply here.

(1.2.2) Spousal Relationship

(a) Findings

The Bible prescribes that the man should love his wife to the point of being able to lay down his life for her. Whilst the wife is enjoined to submit to him in all things.

(b) Recommendation:

The laws currently governing Christian marriages should be retained, with the amendments earlier proposed.

(1.2.3) **Divorce**

(a) **Findings**

Divorce is disapproved of in Christian marriages, except for adultery. In the Catholic Church, the marriage can only then be annulled.

(b) **Recommendation:**

The existing law on divorce should be retained, together with the recommended amendments.

(1.2.3.1) **Other Grounds for Divorce**

(a) **Findings**

- (i) Failure to provide for wife and family is a breach of biblical injunction.
- (ii) Violence is a breach of biblical injunction of love and harmony.
- (iii) Impotence is a challenge, not a ground for divorce in Christianity.

(b) **Recommendation:**

These should be grounds for divorce, as earlier accepted.

(1.2.4) **Property Rights (Inheritance)**

(a) **Findings**

Inheritance rights are exercisable by either spouse, who succeeds the deceased partners; whilst children two can inherit along with their parents, although extended family intrusion is still a problem.

(b) **Recommendation:**

The law should uphold the rights of women and children to inherit their husband's/father's property.

(1.2.5) **Widowhood**

(a) **Findings**

Harmful widowhood practices are incompatible with Christian marriages and teachings, even though they still creep in into Christian marriages.

(b) **Recommendation:**

These widowhood practices should be legislatively abolished.

(1.3) **Single Parenthood**

(a) **Findings**

The church disapproves of single parenthood.

(b) Recommendation:

The law should uphold the reality when it exists and protect both single mothers and their children, with all the rights to maintenance and to Inheritance from their fathers and mothers.

(1.4) Chieftaincy

(a) Findings

Chieftaincy is traditional and alien to Christianity, which employs different order for recognition, e.g. Knighthood. However, some churches are recognizing and even adopting it, e.g. the African Church and the Anglican Communion in the Southwest, which now confer their own chieftaincy titles on their deserving members. Even here men predominate.

(b) Recommendation

None is required here.

(1.5) Other Forms of Political Participation

(a) Findings

The Church encourages its members to aspire to and occupy appointive and elective posts in Nigeria.

(b) Recommendation

No recommendation is required here.

(1.6) Economic Participation

(a) Findings

The Church does not, in any way, restrict, women economic participation in any way.

(b) Recommendation

No recommendation is required here.

(1.7) Burial Practices

(a) Findings

The Church determines the burial rights to be accorded to its dead members according to its own doctrines.

(b) Recommendation

No recommendation can be made to compel the Church to alter its burial activities. But advocacy is required to persuade the Catholic Church to accord full burial rites to a non-wedded woman, who is a member of the Church.

(1.8) Custody of Children

(a) Findings

Since neither divorce nor separation is accepted to the Church, it does not concern itself with rules for custody.

(b) Recommendation

The earlier recommendation on secular law should be adopted to govern the situation here.

(1.9) Control of Family Assets

(a) Findings

The Church does not normally interface.

(b) Recommendation

The earlier recommendation on applying secular law, based on sense of responsibility of the spouses, should be applied here.

2. ISLAM

2.1 Marriage

(a) Findings

One man can marry up to four wives

(b) Recommendation

No recommendation is proposed here.

2.1.1 Movable/Immovable Property

(a) Findings

A woman has the right to acquire and own any property – buildings, farms, clothes, jewelry, etc. without any restrictions.

(b) Recommendation

No recommendation is required.

2.1.2 Consent in Marriage

(a) Findings

The consent of a woman to marriage is vital. Children are incapable of legally consenting. This means that child marriages are at variance with this injunction on consent.

(b) Recommendation

No recommendation is required.

2.1.3 Age of Marriage

(a) Findings

There is a misconception in the states visited that Islam permits child marriage. All available evidence, however, point to the contrary. But the states in the North-West visited have gone on to back this practice up with their *infant laws* in *Kaduna*, *Sokoto* and *Zamfara* states.

(b) Recommendation

2.1.4 Dowry/Bride Price

(a) Findings

This was found to be the only payment sanctioned by the Quran.

(b) Recommendation

In as much as it is said to mean the price for the bride, returnable on divorce, the recommendation for its abolition by legislative enactment is hereby re-affirmed.

2.1.5 Spousal Relationship

(a) Findings

The Islamic injunction is to maintain and treat a wife well. However, multiplicities of wives have troubled the marriage, with inter-wives' jealousy.

(b) Recommendation

No recommendation is made as the form of a marriage is a matter of choice.

2.1.6 Divorce

2.1.6.1 Adultery

(a) Findings

A ground of divorce when committed by the wife only.

(b) Recommendation

Should be a ground for divorce when committed by either spouse.

2.1.6.2 Violence

(a) Findings

Islam permits a man to minimally chastise his wife.

(b) Recommendation

The right of a husband to apply violence on his wife must be statutorily abolished including the repeal of section 55(1)(d) of the Penal Code.

2.1.6.3 Failure to Provide for a Spouse

(a) Findings

This is a ground for only a wife to divorce their husband.

(b) Recommendation

Earlier recommendation, based on the spouse ability, is re-affirmed here.

2.1.6.4 Impotence

(a) Findings

This is a ground of divorce for a wife.

(b) Recommendation

No recommendation is here recommended.

2.1.6.5 Frigidity

(a) Findings

This is not really a ground for divorce.

(b) Recommendation

No recommendation is made here.

2.2 Succession

(a) Findings

Succession is well regulated and the proportion are well worked out in favour of sons over and above wives and daughters.

(b) Recommendation

Equal sharing for the children and widows recommended.

2.3 Widowhood

(a) Findings

A widow is expected to keep a chaste period of 4 months and 10 days, in order to preserve her mourning period and to clear all doubts about possible pregnancy for her late husband.

(b) Recommendation

No recommendation is proposed here.

2.4 Chieftaincy

(a) Findings

Chieftaincy is not an Islamic institution. Islam does not concern itself with it.

(b) Recommendation

The earlier recommendation of a legal provision to appoint women to chieftaincy positions is hereby re-affirmed..

2.5 Other Forms of Participation

(a) Findings

Islam allows its adherents to participate in politics.

(b) Recommendation

No further recommendation is required here.

2.6 Economic Participation

(a) Findings

Women are free to participate in every lawful economic activity.

(b) Recommendation

No further recommendation is required here.

2.7 Single Parenthood Outside Matrimony

(a) Findings

As this constitutes evidence of fornication it will attract punishment of death.

(b) Recommendation

The Capital offence here should be abolished.

2.8 Custody of Children

(a) Findings

Islam permits children below 18 years to stay with their mothers, or where she is dead, with her relations.

(b) Recommendation

Recommendation for applying domestication of sense of responsibility by a parent is here repeated.

2.9 Control of Community Property

(a) Findings

This is left for Community Leaders and traditional Chieftains to control.

(b) Recommendation

Earlier recommendation re-affirmed.

G. DISCRIMINATORY POLICIES

1. Bail

(a) Findings

The Law does not prohibit a woman from standing surety for bail, but police refuse women from standing surety to bail suspects from police custody.

(b) Recommendation

The Law should be enforced to the letter to allow women stand surety for suspects.

2. Dress Code

(a) Findings

Different communities, religions, establishments and institutions prescribe modes of dressing for their female members or employees for different occasions.

(b) Recommendation

Women should be allowed to wear what they like, provided they are decent and appropriate for the particular occasions.

3. Immigration (Including Passport)

(a) Findings

(i) Even though a married woman has the right to travel out of Nigeria, she cannot obtain an international passport without the written consent of her husband.

(ii) A married woman cannot obtain passport for her children without her husband's consent.

(iii) Visa sections of foreign Embassies in Nigeria are now demanding husband's written consent to their wives' application for visa.

(iv) Single women are usually denied visas by foreign embassies in Nigeria.

(b) Recommendation

(i) A married woman should be able to obtain a passport without the requirement of a written consent from her husband as the practice violates the constitutional right of the woman to freedom of movement and to own a passport.

(ii) Written consent of the father should continue to be required for obtaining passport for children, provided that the written consent of mothers should also be required where it is the husband applying for the passport.

(iii) Federal Government should make a very strong representation to the foreign embassies for refusing our single women visas.

4. Employment/Labour Practices

(a) Findings

- (i) Findings are similar to those treated under *Federal and State Laws*.
- (ii) Nursing and midwifery students have their training terminated on becoming pregnant.
- (iii) Some banks exploit female officers prostitution to secure deposits.
- (iv) Sexual harassment at places of work is quite noticeable.
- (v) Female children and adults are trafficked in for child labour and for prostitution.

(b) Recommendation

- (i) All unfair and discriminatory labour/employment practices should be legislatively abolished, such that pregnancy should never again terminate any training or employment, sexual exploitation of employers for corporate or institutional advantage should be outlawed.
- (ii) Legislative provision against sexual harassment at the the workplace should be enacted.
- (iii) The Anti-trafficking Laws should be vigorously and consistently enforced.

5. Foreign Service Posting

(a) Findings

Whereas a wife can accompany her husband on his diplomatic posting abroad, no provision is made for a husband to accompany his wife who is given a foreign posting abroad.

(b) Recommendation

Provision should be made to ensure that the other spouse is able to accompany the spouse posted out to a foreign country on diplomatic posting.

6. Kolanut Breaking/Libation

(a) Findings

As a rule, only men usually the oldest men, perform these rituals, except in the case of old women in Onitsha, who have been initiated into the *Odu* Society.

(b) Recommendation

No recommendation is made, as this not a proper province for the Law.

IV. CONCLUSION

In the preceding section, appropriate recommendations have been advanced to enable discriminatory laws and practices against women be eliminated. It is important that the process of legislation should be accelerated by advocacy, which should also be employed to ensure consistent and rigorous implementation. It is important that citizens be enlightened as to the reasons for the wrongness of the discriminatory practices, in order to enable them appreciate the need for their elimination. It is important that their support should be secured in this way, so that both the legislations and their implementation/enforcement can have very wide and strong citizens' support and understanding. This is essential in a democracy, and also for ensuring successful passage of the laws and their effective implementation.

LISTS OF MATERIALS CONSULTED

I. INTERNATIONAL INSTRUMENTS

1. *Universal Declaration of Human Rights (UDHR)*
2. *International Covenant on Civil and Political Rights (ICCPR)*
3. *International Covenant on Economic, Social and Cultural Rights (ICESCR)*
4. *African Charter on Human and Peoples' Rights (ACHPR)*
5. *Convention on the Elimination of Discrimination Against Women (CEDAW)*
6. *United Nations Convention on the Rights of the Child (CRC)*
7. *African Union Charter on the Rights and Welfare of the Child (CRWC)*
8. *ILO Conventions and their Protocols.*

II. FEDERAL LEGISLATIONS

1. *Constitution of the Federal Republic of Nigeria (Promulgation) Act, 1999*, Cap. C23, Vol.3, *Laws of the Federation of Nigeria, 2004.*
2. *Electoral Act, 2002*, Cap. E6, Vol.5, *Laws of the Federation of Nigeria, 2004.*
3. *Police Act, 1967*, Cap. 19, Vol.13, *Laws of the Federation of Nigeria, 2004.*
4. *Personal Income Tax Act, 1993*, Cap. P8, Vol. 13, *Laws of the Federation of Nigeria, 2004.*
5. *Income Tax Management Act, 1961*, Cap. 174, *Laws of the Federation of Nigeria, 1990, (Now Repealed by Cap.P8.)*
6. *Labour Act, 1971*, Cap. L1, Vol.8, *Laws of the Federation of Nigeria, 2004.*
7. *National Commission for Women Act, 1989*, Cap. N23, Vol. 10, *Laws of the Federation of Nigeria, 2004.*
8. *Land Use Act, 1978*, Cap. L5, Vol. 8, *Laws of the Federation of Nigeria, 2004.*
9. *Marriage Act, 1914*, as variously amended up till 1971, Cap. M6, Vol. 8, *Laws of the Federation of Nigeria, 2004.*
10. *Matrimonial Causes Act, 1970*, Cap. M7, Vol. 8, *Laws of the Federation of Nigeria, 2004.*
11. *Criminal Code Act, 1916*, as variously amended up till 1972, Cap. C38, Vol. 4, *Laws of the Federation of Nigeria, 2004.*
12. *Penal Code (Northern States) Federal Provisions Act, 1960*, Cap.P3, Vol. 13, *Laws of the Federation of Nigeria, 2004.*
13. *Penal Code Law, 1959*, Cap. 89, *Laws of Northern Nigeria, 1963* (Re-enacted for the Federal Capital Territory, Including Abuja).
14. *Criminal Procedure Act, 1945*, Cap. C41, Vol. 4, *Laws of the Federation of Nigeria, 2004.*

15. *Criminal Procedure Code Law, 1959*, Cap. 30, *Laws of Northern Nigeria, 1963* (Re-enacted for the Federal Capital Territory, including Abuja).
- 16 *Evidence Act, 1945*, Cap. E14, Vol. 6, *Laws of the Federation of Nigeria*, 2004.
17. *Interpretation Act, 1964*, Cap. I23, Vol. 8, *Laws of the Federation of Nigeria*, 2004.
18. *Trafficking in Persons (Prohibition) Law Enforcement and Administration Act*, 2003.

III. LIST OF STATE LAWS

North - West Zone

1. *Married Women Property Law*, Cap 91.
2. *Infants Laws*, Cap. 68, *Sokoto State Laws, 1996*, also currently applicable in **Zamfara State..**
3. *Infants Law, Laws of kaduna State, 1991..*
4. *Legitimacy Law*, Cap 79, *Laws of Kaduna State, 1991.*
5. *Penal Code Law*, re-enacted in all the **Northern States**.
6. *Married Women Property Law*, Cap. 91, *Laws of Sokoto State, 1996*, also currently applicable in **Zamfara State.**
7. *Marriage (Customary Practices) Control Law*, Cap. 90, *Laws of Sokoto State, 1996*, also currently applicable in **Zamfara State.**
8. *Marriage (Customary Practices) Control Law*, Cap. 91, *Laws of Kano State, 1991.*

North East Zone

1. *Married Women's Property Law*; Laws of Bauchi State, 1985
2. *Withdrawal of Girls from School for Marriage (Prohibition) Law, No. 17 of 1985*; *Laws of Bauchi State, 1985*
3. *Neglect of Children's Law*, Part VII (No.33), *Laws of Bauchi State*
4. *Hawking by Children (Prohibition) Laws of Bauchi State, 1985*, (CAP 58)
5. *Juveniles Accompanying Koranic Mallams Law*, Chapter 76, *Laws of Bauchi State, 1985*
6. *Children and Young Persons Law, 1959*, *Laws of Bauchi State, 1985*
7. *Penal Code*
8. *Legitimacy Law*, Cap 79
9. Islamic Family Law relating to Custody of Children.
- 10 Islamic Law of Evidence
- 11 Islamic Law of Inheritance

North Central Zone

1. *Penal Code* , Cap 89 LFN ,1963, Section 55 (1) (d)
2. *Married Women Property Law, Kaduna, 1991.*

Sout South Zone

1. *Personal Income Tax Act 1993, No. 104, Cap. P8 , Vol. 13, Laws of the Federation of Nigeria, 2004* – A Federal legislation applicable in **Akwa Ibom State.**

2. *Interpretation Law, 2000*, Cap 40, Vol. II, *Laws of Akwa Ibom State, 2003*.
3. *Laws of Akwa Ibom State, 2003*, Cap 8, Vol I.
4. *Customary Marriages (Special Provisions) Law*, Cap. 8, *Laws of Akwa Ibom State, 2003*.
5. *Female Circumcision or Genital Mutilation Law, No.2, 2000*, *Laws of Cross River State*.
6. *Female Circumcision Law , No. 2 of 2001, Laws of Rivers State*
7. *Chieftaincy Law of Rivers State (Amendment) Law, 1978, No. 2*
- (c) *Rivers State Council of Chiefs Law, 1987*
- (d) *Passenger Welfare Law, Laws of Edo State, 2000*
- (e) *Parking Lots for Mechanically Propelled Trucks in Edo State Law, 2002*.
- (f) *Anti-prostitution Law , Cap 48, Laws of Edo State, 2000*
- (g) *Inhuman Treatment of Widows (Prohibition Law) of 12 Nov. 2001, Laws of Edo State .*
- (h) *Maternal Mortality Monitoring, Law of 7th March, 2001*.

South-west Zone

1. Caps. 29 & 30, *Laws of Oyo State, 2000*
2. *Criminal Procedure Law* Cap 39, *Laws of Oyo State 2000*.
3. *Married Woman's Property Act 1882, as amended in 1893*.
4. *Oyo State Married women's Property Law, 2000*
5. *Administration of Estates (with Succession, Inheritance and Distribution) Law, which* codified the Customary Law, as modernized, in S.49 (1) — *Laws of Oyo State, 2000*.
6. *Administration of Estate Law*, Cap 1, *Laws of Ogun State 1979*.
7. *Lagos State independent Electoral Commission Law, 2000*
8. *Bill on Administration of Estates (Small Payments) and Other Connected Matters*
9. *Married Women's Property Law*, Cap 83 *Laws of Oyo State, 1990*.
10. *A Bill on Protecting the Inheritance Rights of Windows, Prohibition, Harmful Traditional Practices Against Widows & Other Related Matters, Oyo State*.
11. *Ogun State Electoral Law, 1990*
12. *A Bill on Harmful Traditional Practices Affecting the Health of Women and Children and Other Matters Incidental Thereto and Connected Therewith, Ondo State*

South-East Zone

1. *Married Women Property Law. 1994*.
2. *Contract Law, 1994*.
3. *Infants Law*
4. *Administration of Estates Law 1994*.
5. *Wills Law of 1994*
6. *Electoral Law*
7. *Poverty Alleviation Law*
8. *Abolition of Osu System Law*
9. *Adoption Law* Cap 6 of 1965
10. *Children and Young Persons Law, 1958*
11. *Registration of Births, Deaths and Burials Law*, Cap.14 of 1966.
12. *Age of Marriage Law,1956,, Cap. 6, Laws of Eastern Nigeria,1963*.

13. Day Care Centre (Establishment and Management) Law
14. Education Law
15. Legitimacy Law
16. Interpretation Law
17. Motherless Babies Home (Establishment and Management)
18. Evidence Law
19. Educational Trust Fund of Anambra State, 2003
20. Poverty Alleviation Law – 2000.
21. Education and Control Measures for the Sickle Cell Disease and for Related Matters. 2000.
22. Criminal Procedure Law
23. The Prohibition of Infringement of a Widow's and Widowers Fundamental Rights – 2000
24. A Law (2003) to Prohibit Secret Cult Activities and Carrying Weapons in Ebonyi State.
25. Free and Compulsory Primary and Ebonyi Secondary Education Law of 2000
26. Ebonyi State Women Development Centre Law 1999.
27. *Ebonyi State Law Abolishing Harmful Traditional Practices Against Women and Children – 2001.*
28. Banning Hawking for School-Age Children Law, Ebonyi State, 2000

IV. LIST OF LOCAL GOVERNMENT BYE-LAWS WHICH THE LOCAL GOVERNMENT AUTHORITIES MADE AVAILABLE TO THE RESEARCH TEAMS

NORTH WEST: No Local Government Bye-law was made available to the Research Team that covered this Zone..

SOUTH WEST: This Zone, particularly Oyo State, has several Local Government Bye-Laws, dating back to 1956/ 1957.

NORTH EAST: Reported the non-availability of Bye-laws in the areas of Tax, Licensing, Shops and Indigeneship.

SOUTH SOUTH:

Rivers State

a Public Notice – The Eastern/Regional Government law, 1955 E.R. No.26 of 1955) The Port-Harcourt Municipality (Offensive Trades) and Bye-laws, 1958 Public Notice.

(b) The Eastern Region Local Government Law (Traffic), and (Traffic Amendment), Bye-laws, 1957 and 1959 – This Bye-Law is discriminatory.

(c) Public Notice the Eastern Region Local Government Law 1955, (Market) and Market Amendment Bye-laws 1959.

(d) Local Government Bye-laws on Local Government Revenue Bye-laws of 2001 & 2002, considered not discriminatory.

(e) Street Names & Numbers Bye Laws 1959 considered discriminatory.

(f) Bicycle license Charge 1958 (discriminatory)

(g) Adulteration of Goods Bye-laws 1958 (discriminatory)

(h) Conservancy Bye-laws 1946 (discriminatory)

(i) Sale of Food Bye-Laws, 1971

(j) Slaughter House Bye-Laws 1964

(k) Control of Advertisement Bye-laws, 1959

(l) Native Liquor Sales Bye-laws, 1959

(m) Truck and Truck Amendment Bye-laws, 1959

South East

Imo State

Local Government (Hawkers) Adoptive Bye-laws Order of 1978, which outlawed hawking without a permit, and stated that no child or young female will be given a permit.

V. CASES DECIDED ON NIGERIAN AND ENGLISH LEGISLATIVE PROVISIONS

- 1 *Aumeeruddy-Cziffra V. Mauritius (Mauritian Women's Case)* , (35/78), CCPR/C/12/d/35/197.
3. *Unity Dow V. A-G of Botswana* (1991) 13 *Human Rights Quarterly* , 614.
3. *Ajiboye V. Dresser Nigeria Ltd.* (1972) 7 CC HCJ, 57
- 4 *Coker V. Coker* (1938) NLR , 83
- 5 *Akinbuwa V. Akinbuwa* (1998) CA/B/6/94, 13 (Benin CA 1998).
- 6 *Otti V, Otti* (1992) CA/J/164/89, 136 (Jos CA 1992).
- 7 *R. V. Adekanmi* (1944) 17 NLR , 99
- 8 *R. V. Igiri* (1948) !2 WACA , 377.
- 9 *Oladiran V. State* (1986) 2 NWLR (Pt.14), 75.
- 10 Olaleye V. State (1970) 1 All. N. L. R., 300.
- 11 State V. Ogwudiegwu (1968) N. M. L. R., 113.
- 12 *DPP V. Camplin* [1978] AC,705;[1978]2All ER,168; [1978] 2 W. L. R, 679.
- 13 *R. V. Ahluwalia* (1993) Crim. L. R. , 83.
- 14 *R. V. Thornton* (1993) 96 Cr. App. R, 112.
- 15 *R. V. Thornton (No. 2)* (1996) 2 Cr. App. R. .83.
- 16 *Parker V. Queen* [1964] 3 WLR , 10.
- 17 *R. V. Green* (1955) 15 WACA , 73.
18. *Stephen V. C. O. P.* (1986) % NWLR , 57.

VI. CASES DECIDED IN RELATION TO CUSTOMARY LAWS

1. *Edet V. Essien* (1932) 11 NLR , 47.
2. *Mojekwu V. Mojekwu* (1997) NWLR , 28.
3. *Mojekwu V. Ejikeme* [2000] 5 NWLR , 403.
4. *Lopez & Ors. V. Lopez* (1923-24) 5 NLR , 52.
5. *Folami V. Cole* [1986] 2 NWLR (Pt.22) , 326.
6. *Danmole V. Dawodu* [1962] All NLR , 692.
7. *Lawal-Osula & Ors. V. Lawal-Osula* [1995] 9 NWLR (Pt. 25) , 276.

VII. CASES IN RELATION TO ISLAMIC LAW

1. *Wadatau V. Tama* (2002) NNLR, 461, at pages 468-470.
2. *Funmilayo Ejide V. Alhaji Kareem* (2002) NNLR, 206, at page 208.
3. *Alhaji Dikko Setto V. Motsibbe* (2002) NNLR, (Part 762), 121.

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