

THE RIGHTS OF WOMEN IN NIGERIA: AN OVERVIEW

Rights may be defined as “a power, privilege or immunity guaranteed under a constitution, status or decisional laws or claimed as a respect of long usage”. Under the Nigerian law, all citizens are guaranteed equal rights and there is no law that discriminates against women in the country. Apart from the fundamental rights guaranteed in the 1999 constitution of the Federal Republic of Nigeria to every citizen, the rights of women are clearly spelt out in the nation’s constitution. The constitution clearly states that discrimination on the grounds of sex shall be prohibited and that the social order is founded on the ideals of freedom, equality and justice¹. As it concerns discrimination on the grounds of sex, the nation’s constitution protects women who may be victims when it provided in S.42 that

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/she is such a person
 - i. be subjected either expressly by or in the practical application of any law in force in Nigeria or any executive or administrative action of government to disabilities, or restrictions to which citizens of Nigeria or other communities, ethnic group, places of origin, sex, religion or political opinions are not made subject or
 - ii. be accorded either expressly by or in the practical application of any law in force in Nigeria or any such executive or administrative action any privilege or advantage that is not accorded to citizens of Nigeria or

other communities, ethnic groups, places of origin, sex, religion or political opinions.

2. No citizen shall be subjected to any disability or deprivation merely by reason of the circumstances of his/her birth.

Apart from provisions made under the national constitution, some states have also geared efforts towards achieving gender equity. For example, the Edo state, the House of Assembly passed a law against the practice of female genital mutilation (FGM) in 1999. The objective of the law is to stop female circumcision which sometimes lead to serious bleeding, infection, psychological trauma and in some cases death of the victims². Principal offenders covered by this law include the person who offers herself for circumcision (since consent is required before the operation can be done), anyone who forces, entices or causes any person to undergo FGM, any parent or guardian whose child/ward is being made to undergo the process and the performer of the FGM operation.

Apart from the Nigerian constitution, there are other laws protecting the rights of women in Nigeria. The African Charter on Human and People's Rights which is part of Nigeria's domestic law also contains provisions preventing discrimination in the engagement of the rights which the charter enunciates^{1, 3}. In addition, there are several other instruments that could be used to support application for the enforcement of women's rights such as the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)⁴. Nigeria has signed and ratified this treaty and thereby pledged to pursue by all appropriate means and without delay a policy of eliminating discrimination against women⁵.

In reality however, violations of women's rights in Nigeria persists and are numerous. These violations fall under the following categories: violence in the home; sexual harassment at school and workplace; rape and defilement; harsh and punitive widowhood rites; female genital mutilation; forced childhood marriages; sexual violence in conflict situations and during execution of armed robbery; enforcement of gender biased laws; discrimination against the girl-child; disinheritance of wives and daughters and many other harmful traditional practices. However, violations of women's rights have been identified over time and the law has risen to the task of giving legal protection to women where and when necessary.

REPRODUCTIVE RIGHTS IN NIGERIA: LAWS AND POLICIES

Reproductive rights are well provided for under various policies and laws and penalties are clearly spelt out for would-be offenders. For example, the National Health Policy and Strategy to Achieve Health for all Nigerians was adopted by the government in 1988⁶. This policy among other things is to ensure that all Nigerians achieve socially and economically productive lives. Some of the provisions of the health policy include access to health, access to comprehensive, quality reproductive health care services; access to information on health including reproductive health and family planning services; contraception; abortion; sterilization and HIV/AIDS/STIs. The policy has been well tailored to take care of women's health needs especially married women in their reproductive years.

In like manner, the Nigerian Policy on Population for development, Unity, Progress and Self Reliance adopted in 1988 provided a framework within which quality

reproductive health care services especially family planning services are provided⁷. A whole section of the policy is devoted to ensuring the proper implementation of maternal and child health services. However, the population policy has been revised in 2004 to take care of flaws in the 1988 document. The country now has a National Policy on Population and Sustainable Development. The new policy is designed among other things to improve the standard of living and quality of life of the people, promote maternal, child and reproductive health and prevent the causes and spread of HIV/AIDS pandemic which disproportionately affects women⁸. The principle 8 of the policy emphasizes that “government shall pursue issues relating to gender equality before the law, equity and women empowerment and the elimination of all forms of gender based violence and all forms of harmful practices.

THE STATUS OF WOMEN IN NIGERIA

The status of women is lower than that of men as a result of some predominant cultural practices. For example, women are made to accept the superiority of men in all aspects of socio-cultural life. In some settings, discrimination starts from birth when a child is not loved or accepted because she is a girl. This reflects in the way girl-children are treated. They are not given equal place in some homes neither is the girl-child given the same opportunities for schooling. Women also have less access to credit and economic resources and maternal morbidity and mortality are very high. Some of the factors responsible for these include lack of decision-making power by women, inadequate reproductive health knowledge, poverty, denial of reproductive rights, the poor state of reproductive health services as well as social and cultural factors.

This paper makes use of data from the 2003 DHS to assess the overall status of women in the country. We considered factors such as place of residence, level of education, access to media, occupational status, etc in assessing the status of women. The data shows that the bulk of the female population is in younger age groups in both the urban and rural areas. This reflects the young age structure of the Nigerian population and is indicative of a population with high fertility. An examination of type of place of residence reveals that the proportion of dependants in rural area is slightly higher than that of the urban area. For instance, while 45% and 42% are young dependants for rural and urban areas respectively, 4% and 3% are old dependants. This suggests that the burden or workload of a rural resident will be considerably larger than that of their rural counterparts.

Although access to quality education is guaranteed in the Nigerian law as a right for all its citizens, education is still an illusion for most people, especially the girl child. The distribution of women by highest level of education attained, according to residence and region in the 2003 DHS shows that educational attainment is higher in urban areas. For example, half of the rural women (50%) had no education as against 25% of the urban women; and slightly more than half (56%) of the urban women had completed secondary or higher education as against 27% of the rural women. A consideration of geopolitical zones shows that the North-West and North-East have the highest proportion of women with no education. For example, about 7 in 10 women in North-East, and 4 in 5 women in North-West had no education. Meanwhile, the South-East zone had the lowest percentage (7%) of women with no education.

Decision on use of earnings shows women's autonomy and degree of control over the use of their earnings; and this has implications for the empowerment and right of women. The data shows that more urban women than rural women (78% vs. 71%) claimed that they alone decide how to spend their earnings. An examination of educational attainment shows that there is very little difference by level of education, as 75% of women with no education against 73% of their counterparts with secondary and higher education reported that they alone decide on how to use their earnings. However, the bulk of never-married women (85%) make independent decisions on how to use their earnings.

Responses to the questions on women's attitude toward wife beating by selected background characteristics were also considered. Women were asked whether a husband is justified in beating his wife under a series of circumstances which include: burning of food, argument with husband, going out without informing the husband, neglecting the children and refusal to have sexual intercourse. Slightly more than half (53%) of the women believe that a husband is justified in beating his wife if she goes out without her husband's consent, and about half (49%) reported that a woman should be beaten if she neglects the children. About one-third (31%) of the women agreed that a husband is justified in beating his wife if the food is burnt, while 38 percent agreed that a woman should be beaten if she refuses to have sex with her husband. A consideration of geopolitical zones shows large variations among zones in the attitude of women toward wife beating. Most of the women in North-East (between 51% and 81%) are likely to agree that a man is justified in hitting or beating his wife under any of the specified circumstances compared with far less women in the South-East (between 18% and 35%).

Women who had no education and who reside in rural areas are also most likely to agree that a wife could be beaten for any of the specified reasons. Agreement with any of the reasons ranges from a high of 59 percent among the married women to a low of 21 percent among the never married women. This pattern may be because sex is considered as the right of a man especially in marriage.

Level of respondents' knowledge of contraceptives may partly explain the low levels of contraceptive practice in the country. As is expected, more respondents in the urban areas know at least one method of contraception than those in the rural areas. Both knowledge of any contraceptive method and knowledge of a modern method increase with the level of education. Contraceptive knowledge is highest in the Southern states and is at very low levels in the Northern states. The data on current use of contraceptives show a similar pattern although only about one in ten women is currently using any method.

Lack of access to information is one of the major reasons for the low level of contraceptive practice and low status of women in Nigeria. The 2003 DHS data shows considerable variation in the exposure of women to mass media which is an important source of information in the country. Most of the women (two-thirds) listen to the radio. Radio listenership is however highest among women in urban areas and those with secondary or higher education. Exposure to information from the newspaper is very low (12.1%) while one-fifth of the women do not have access to any mass media.

DISCUSSION

This paper examines the rights of women in Nigeria and whether such rights are a myth or a reality. An examination of data from the 2003 Nigeria Demographic and health survey, shows that a large proportion of women may not know what rights they have due to their low status as measured by their level of education, access to information, low decision making power, etc. The reasons are not far fetched: there are more women in rural area where majority do not have access to information. Besides, more than half of these rural women had no education; and the urban-rural education difference is even more pronounced at the level of secondary or higher education. Also, the Northern regions which have more women have a very large proportion of women with no education. As a result, women in rural areas and especially those in the Northern part of the country are educationally disadvantaged and far less likely to access their rights. The ability to read is an important asset that would enable women to know what is provided in the law and interpret them for their benefits accordingly.

Furthermore, evidences from the survey showed that decision-making is highly dominated by men especially among married women. Meanwhile, the ability of women to make decisions that affect the circumstances of their own lives is an essential aspect of women's autonomy and rights. The majority of women wait for the final say of their husband on issues that affect their own health care, children's health care, education and other important issues. This is regardless of their level of education or status in the society. The only reason that can explain this aspect is that culture has made women to admit the superiority of men in all aspects of life. As a result, women who insist on following certain behavioural patterns face the risk of being stigmatized or even losing

their marriage. The tradition of the people is that the best place for a woman to be is her matrimonial home. This paper is not an attempt to dispute these facts but an effort to draw attention to the underlying factors behind the full realization of women's rights especially within marriage. Women need a re-orientation regarding almost all aspects of their lives. They need serious enlightenment that will help them live a good life without jeopardizing their matrimonial harmony. Only women can do this for themselves. Since it is a problem peculiar to women, women should also be allowed to determine what becomes of them.

In addition, women's attitude towards wife beating is a proxy for women's perception of their status. Women who believe that a husband is justified in beating his wife for any reason at all may also believe themselves to be of low status absolutely and relative to men. Such perceptions by women could act as a barrier to accessing their rights. A large proportion of Nigeria women still hold the perception that a man is justified in beating or hitting his wife for any of the specified reasons. However, this perception could impact negatively on the general well-being of the women; and for many years to come the rights of women in Nigeria would still be a myth if such ugly perception remain unchanged. This may mean that they have legal rights backed up by law but in reality majority of them will be suffering in silence.

CONCLUSION

Discrimination against women permeates all societies. However, this paper is focused particularly on reproductive rights, laws and policies related to such rights, and the realities affecting women's reproductive rights in Nigeria. Reproductive rights are fundamental to women's health and equality and should not be handled with levity. There

is a wide disparity between the legal status and real life situation of the average Nigerian woman.

The rights of women enshrined in the Nigerian constitution are consistent with the ideals of humanism. But unfortunately, the rights and ideals have remained paper tigers, mere theoretical postulations without any practical bearing on the lives and conditions of the average Nigerian woman. It appears that the most serious impediment to the protection of the rights of women in Nigeria under the law is that not much litigation is going on to challenge violations of the rights of women. At least the courts have demonstrated their willingness to strike down practices that undermine the full enjoyment of human rights by women. The major challenge however is for women to wake up to this reality themselves and speak out in any case of violation of their rights regardless of the stigma or consequence that may follow from the family. This is the only way the rights of women as guaranteed by various laws and policies in the country can be a reality and not mere paperwork.

SELECTED INDICATORS OF WOMEN'S STATUS

		Level of education by background characteristics			
		No education	Primary	Secondary or higher	
Type of residence	Urban	24.9	19.6	55.6	
	Rural	50.4	22.3	27.3	
Region	Northeast	71.2	14.5	14.3	
	Northwest	75.0	11.7	13.2	
	Southeast	6.8	27.3	65.9	
	Southwest	11.6	26.5	61.9	
	Central	42.2	27.3	30.5	
		Decision on use of earnings			
		Woman alone	partner	jointly with partner	someone else
Type of residence	Urban	77.7	13.7	1.0	5.5
	Rural	70.5	16.6	1.6	8.8
Education	No education	74.8	14.9	1.7	6.6
	Primary	70.9	16.9	0.8	9.5
	Secondary or higher	72.8	15.2	1.3	7.5
Marital status	Not married	84.8	1.2	3.9	0.1
	Currently married	70.7	18.6	0.8	9.2

	Attitude toward wife beating (husband is justified to hit/beat wife)				
	Burns food	argues	goes out	neglects chd.	Refuse sex
Type of residence					
Urban	22.7	35.4	42.2	41.1	28.1
Rural	35.0	47.8	58.4	53.8	42.5
Education					
No education	42.7	55.8	71.1	60.6	54.2
Primary	30.3	43.6	51.0	49.9	35.5
Secondary or higher	17.6	29.6	33.2	36.6	20.0
Marital status					
Never married	21.0	32.4	35.3	40.5	20.8
Married/living together	34.3	47.3	59.2	52.7	43.4
Divorced/separated/widowed	30.4	46.3	51.3	48.6	39.6
Employment					
Not employed	31.4	43.4	54.7	49.8	39.1
Employed for cash	29.4	43.2	51.3	48.4	36.6
Employed not for cash	33.4	44.3	50.7	52.5	33.1
Region					
Northeast	50.5	63.9	80.6	70.2	61.7
Northwest	30.3	42.5	70.7	49.2	49.0
Southeast	17.8	28.7	33.5	35.4	19.4
Southwest	15.8	36.2	27.3	39.0	15.1
Central	36.5	44.2	48.0	50.9	39.3
Knowledge of contraceptive methods					
Type of residence	Knows any method		knows modern method		
Urban	91.0		90.7		
Rural	72.9		69.8		

Education	66.5		63.3	
No education	87.0		85.2	
Primary	97.3		96.6	
Secondary or higher				
Region				
Northeast	65.4		62.8	
Northwest	81.4		77.1	
Southeast	92.0		90.6	
Southwest	95.2		94.4	
Central	70.3		69.1	
Exposure to mass media				
	None	newspaper	television	radio
Type of residence				
Urban	8.8	21.1	63.1	73.0
Rural	28.5	7.3	21.6	51.8
Education				
No education	36.1	0.1	12.0	47.2
Secondary or higher	5.3	30.3	65.1	75.3
Region				
Northeast	36.5	6.0	19.5	45.5
Northwest	14.3	6.3	25.1	73.8
Southeast	11.6	21.4	52.5	64.4
Southwest	10.8	19.6	61.1	72.1
Central	33.3	7.0	23.4	42.9