

The rights of a girl-child and women in Nigeria

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ABSTRACT

Past and present stories have revealed the nature and scope of rights afforded to a girl-child and women in society. This article examined the scopes of rights available to a girl-child and women under Nigeria domestic laws and international laws. It examined the issue of gender injustice such as child marriages, discrimination and lopsided nature of inheritance and succession practices. The problem of violation of girl-child and women right is caused by poverty and illiteracy. Courts have declared many customary law practices to be void, and set aside any Law promulgated to abrogate and breach the provision of the constitution and repugnancy test. Despite the provision of child right Act 2003, still people engage in this obnoxious practice.

Keywords: Girl-child, women, rights, laws and Nigeria.

Women and girl-child rights

Right is an individual legal entitlement to do anything subject to the provisions of the law. The features of these rights include¹:

1. It is inalienable
2. It is not discriminatory
3. It protects individuals from exploitation and abuses
4. It gives individual full access to cultural, family and social life.
5. It accords punishment to its violators.

Girl-child rights and women rights are aspect of human right that generally protect the right of minors. Internationally and under the child right Act 2003, a minor is a person under the age of 18years.

These rights include²:

1. Rights to free, compulsory and universal primary education

2. Right to parental care, protection and maintenance.
3. Rights to health and health services
4. Right to private and family life
5. Right to survival and development
6. Freedom of movement
7. Freedom from discrimination
8. Freedom of association and peaceful assembly
9. Freedom of thought, conscience and religion.

All these rights preclude parents from seeing their girl-child as chattel. It automatically prevents girl-child marriage, and any marriage contracted with a minor is null and void³. A minor is a person under the age of 18⁴. Any parent who violates the provisions of this law

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1. Chapter four of the 1999 Constitution of Federal Republic of Nigeria, International Treaties and Conventions, Universal Declaration of Human Rights and Child Rights Act.
 2. Part 2 of the provisions of child rights Act
 3. Section 21 of child rights Acts
 4. ibid

is guilty and triable for a fine of 500,000 thousand naira or imprisonment for five years or both. These rights have been subjected to ridicule, abuse, neglect and violations in Nigeria. History reveals the imbalance between men and women in Nigeria, which has affected the present-day perception on the role of women. The natural right of a girl child starts from the moment the child is in the womb. This right has been violated, especially in the North where a girl who is prematurely and compulsorily betrothed to a man is deprived of her right to education. The religion, culture and social norms highly contributed to great violation of these rights. The archaic practices yelled to the popular quote that “*a woman’s job ends in the kitchen*”. Child marriage can be formal or informal. This marriage is predominant in sub-Saharan Africa, southern Asia and Latin America. In Nigeria, researches have shown that Nigeria engage in this practice; under the three dominant cultures in Nigeria. It is common to Hausa culture in northern states. Child marriage robs girls their childhood-time necessary to develop physically, emotionally and psychologically. This is associated with many health complications⁵, such as

vesical-vaginal fistula (VVF), Rectum vaginal-fistula (RVF) and death. In Nigeria, 150,000 women are victims; and out of this, 80-90 percent of wives with VVF are divorced by their husband⁶. The Islamic law does not fix any age for marriage, and this explains the high incidence of child marriage in north including the sharia implementing states. The contractual capacity begins at puberty⁷ or physical maturity⁸. The practice of child marriage is firmly rooted in the Koran and the *caveat* that copulation should be delayed until maturity is always violated. The investigating members of the senate passed a resolution retaining the provisions of section 29(4)(b) of the 1999 constitution. The import of this section stipulates that an under-age marriage is deemed to be adult. This has been condemned by several quarters⁹. Despite the provisions of Child Right Act 2003 that declared child marriage to be null and void, many Northern state have refused to adopt this provision. Funnily, it is only Jigawa state child rights law, under section 15 that prohibited child marriage but a child for the purposes of this section is a person below the age of puberty.

5. Annabel S.E. and Mairo B., “*the experience of married adolescents’ girls in northern Nigeria,*” the study is collaboration between the population council and adolescent health and information Project (AHIP) kano, Nigeria (publication of population council 2007).
6. Blance A.K and Way A.A, “*Sexual behavior, contraceptive knowledge and user*”, studies in family planning vol. 29, no. 2,1998.
7. Labinjo v. Labake (1924)5 NLR 33
8. Folata v. Dawomo (1970) NWLR 103
9. A us- based online activist Eme Awa collected more than 15,000 signatures needed to petition to the united nation over the senate’s passage of the resolution to retain this provision of the constitution, page 14 of punch Newspaper.
10. Article 26 of the International Covenant on Civil and Political rights (ICCPR), Article 2(3) and 3 of International Covenant on Economic Social and Cultural Rights (ICESCR) adopted 16 December 1966, entered into force 23 march 1976,UNTS 171(ICCPR) and Article 1,2,3,4 and 5 of the

Convention on the Elimination of Racial Discrimination(CERD).

11. Article 2,4 and 7 of the universal declaration of human right (UDHR).
12. Smith M. G, “*Hausa inheritance and succession*”, oxford university press1965,230
13. Ogunkoya v. Ogunkoya No. CA/L/46/88,56(Unreported)

The international treaties and domestic laws enshrined the principle of equality, and equity¹⁰. The discrimination against women is still the order of the day. The discriminatory act trends against women in Nigeria and all-over African countries. Article 1 of the universal declaration of human rights (UDHR) also provides that “*all human beings are born free and equal in dignity and rights*”¹¹. The right of succession and inheritance of female children have been devalued by different provisions of our customary laws. A woman married under the marriage Act enjoys adequate legal protection in the distribution of assets¹²; unlike a woman married under the customary law, where the deceased’s wife is regarded as part of the chattel or property to be inherited, and as such, she has no inheritance rights in her husband’s property.¹³ Also under the customary law female children are excluded from inheriting from their father¹⁴. This act has been declared by the provision of the constitution under combination reading of sections 42 and 1(3) of the constitution to be unconstitutional, null and void; repugnant to natural justice, equity and good conscience¹⁵.

CONCLUSION

The problem of violation of girl-child and women right is caused by poverty and

illiteracy. Courts have declared many customary law practices to be void, and set aside any Law promulgated to abrogate and breach the provision of the constitution and repugnancy test. Despite the provision of child right Act 2003, still people engage in this obnoxious practice. It reveals that the issue is not that there is no law but its enforceability. United nation is reaching out, and amending the cracked bricks of these violations but there is a call on other social institutions, non-governmental organizations and government to be employed to sensitize the public on the effect of these practices and for the sake of humanity.

14. Davis v. Sogunro (11929)8 NLR79, Ugbomia v. Ibeneme (1967) FNLR 257, Nzekwu v. Nzekwu (1989) 3 SCNJ 167
15. Mojekwu v. Ejikeme (2000)5 NWLR (PT 657)403,429, Mjokwu v. Mjokwu(1997)7NWLR(pt 512)283, Meribe v. Egwu(1976)1All NLR 266.

