

THE EFFICACY AND SUSTAINABILITY OF NATIONAL AND INTERNATIONAL LAWS IN ERADICATING DISCRIMINATION AND VIOLENCE AGAINST WOMEN IN NIGERIA

JOE, Esther Omotekoro¹

Abstract

Discrimination against the female species of the human race is an age long problem which has occupied center-stage of scholarly philosophy.² The perceived inferiority of girls and women received the support of many ancient scholars, for example, Jean-Jacques Rousseau³ wrote *inter alia*, “always justify the burdens you impose upon girls but impose them anyway ... they must be thwarted from an early age ... they must be exercised to constraint, so that it costs them nothing to stifle all their fantasies to submit them to the will of others .. closed up in their houses ... they must receive the decisions of fathers and husbands like that of the church.”⁴ As human reasoning evolved beyond the era of Rousseau and his cronies, discriminatory practices against women and girls became known as the concept of *Misogyny* which simply means, the hatred of women and the girl child. The prejudice thus, manifests in several conducts, including but not limited to socio-economic exclusion, “sex discrimination, aggression, androcentrism,⁵ patriarchy, male privilege, belittling of women, violence against women,⁶ and sexual objectification.”⁷ It is against the backdrop of the contemporary manifestation of discrimination and violence against women in Nigeria that this paper sets to explore the perverse nature of the problems and to critically evaluate the various international and national legal approaches tailored toward the eradication of the menace and, to chart the way forward.

Keywords: Discrimination, Violence, Women, Human Rights, Nigeria.

1. Introduction

“[The needs to combat violence against women] was acknowledged by the United Nations (UN) Declaration on the Elimination of Violence against Women in 1993 (Rico, 1997). In 1995, the Beijing Declaration and Platform for Action agreed to the UN World Conference on Women. The

¹ LLM, LLB, BL, Lecturer, Faculty of Law, University of Port Harcourt, Choba, Port Harcourt, Nigeria

² Bergman, Gerald (2002-12-01). "The history of the human female inferiority ideas in evolutionary biology". *Rivista Di Biologia*. 95 (3): 379–412

³ Jean-Jacques Rousseau, (1712-1778), He was Swiss-born philosopher, writer, and political theorist whose treatises and novels inspired the leaders of the French Revolution and the Romantic generation.

⁴ Adapted from Jean-Jacques Rousseau treatise, *Emile*.

⁵ Androcentrism is the practice, conscious or otherwise, of placing a masculine point of view at the center of one's world view, culture, and history, thereby culturally marginalizing femininity.

⁶ Gender-based violence

⁷ Violence against women, adapted from wikipedia, 16th December 2017.

platform insisted that violence against women inclusive of gender based violence needed a punishable action as a crime under the law (legal redress). This would be followed by measures to end violence against women on the basis of racial grounds, sex, honor crimes, rape in times of war and among other crimes committed against women.”⁸

The starting point of this exposition is to highlight that, discrimination is a key source of violence. Thus, with regards to the subject-matter of violence and discrimination against women in Nigeria, both violence and discrimination should be jointly construed to aid understanding. Nonetheless, it is vital to provide the working definitions of the two terms.

Discrimination against women constitutes any discrepancy, segregation or constraint made on the basis of gender which has the consequence or tenacity of prejudicing or invalidating the acknowledgment, gratification or exercise by women, regardless of their marital status, and on a basis of egalitarian freedom of both women and men, of their fundamental human rights and freewill in all sphere of human endeavours including political participation, economics, socio-cultural wellbeing, and all other relevant human activities. Discrimination against women principally evolves from two strands namely – traditional practices and laws. Discriminations that are of traditions are known as “*de facto* discrimination”⁹ and, those that streams from laws are commonly classed as “*de jure* discrimination”¹⁰ for example, in *Plessy v. Ferguson*,¹¹ the United States Supreme Court held that, appropriate within the United States Laws for non-whites to be segregated from whites provided that the segregated spaces were equal. The judgment provided a legitimate reason for segregation in public facilities including trains and buses, cinema houses, schools etc.¹² However, in *Brown v. Board of Education of Topeka*¹³ the United States Supreme Court stated that, the state laws that created isolated public schools for black and white students were unconstitutionally discriminatory. As earlier mentioned, discrimination breeds hatred which routinely manifests in violence, hence, it is important to understand what constitutes violence within the context of the rights of women.

Violence human conducts encompasses the use of physical force projected to upset, hurt, cause damage, or to cause the death of another. According to the World Health Organisation violence is “the intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community, which either results in or has high likelihood of resulting in injury, death, psychological harm, maldevelopment, or

⁸ Patience Gulu. The usefulness of human rights framework in addressing gender based violence. A working paper of the “peace women organisation” published, Friday, October 1, 2010. Online at: <http://www.peacewomen.org/node/90004> retrieved on 18 December 2017.

⁹ “De facto discrimination” is discrimination in fact. This means that the conducts amounting to discrimination are not necessarily permitted by law but they may be systematic and widespread. It implies that some segments of the society receive preferential treatment whilst other segments are prevented from receiving the same preferential treatments.

¹⁰ De jure discrimination occur where the law permits certain existence of certain level of prejudice.

¹¹ 163 U.S.537, 16 S. Ct. 1138, 41 L. Ed. 256, 1896 U.S. 3390.

¹² Groves, Harry E. (1951). "Separate but Equal--The Doctrine of Plessy v. Ferguson". *Phylon*. 12 (1): 66–72.

¹³ 347 U.S. 483 (1954)

deprivation.”¹⁴Invariably, violence against women has been a topical subject on an international scale for the few past decades. Violence against women also known as gender-based violence, can be explained as any violent conduct, that is predominantly or entirely committed against women. It is considered as the resultant strand of hate and disrespect occasioned by stereotype. It is targeted at the victims due to their accident of birth, of being women. The UN Declaration on the Elimination of Violence Against Women explains *inter alia*: “violence against women is a manifestation of historically unequal power relations between men and women and violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men.”¹⁵ There several conducts that are intended to humiliate and degrade women which are often rooted in the sturdy patriarchal dogmas of cultures which controls, subdues and subordination of women and girls. It is therefore vital to discuss the concept and implications of patriarchy without which the subject-matter of discrimination and violence against women cannot be properly understood.

2. The Causal Links of Patriarchy and Gender Based Violence

According to Suranjita,¹⁶ patriarchy plainly refers to the beliefs which states that a father is the supreme authority in a male-dominated family system. Therefore, it is a societal and philosophical paradigm which cogitates men (the patriarchs) as greater than women.

“Patriarchy is based on a system of power relations which are hierarchical and unequal where men control women’s production, reproduction and sexuality. It imposes masculinity and femininity character stereotypes in society which strengthen the iniquitous power relations between men and women. Patriarchy is not a constant and gender relations which are dynamic and complex have changed over the periods of history. The nature of control and subjugation of women varies from one society to the other as it differs due to the differences in class, caste, religion, region, ethnicity and the socio-cultural practices.”¹⁷

Therefore, in the context of Nigeria, patriarchy is deeply rooted in the various ethnic cultures and tribal religions hence, legitimised. The indirect and direct acceptance of the principles of patriarchy reinforces the ability of men to control and impose other reinforcing ideologies by way of sustaining the relevant social practices and institutions, including religion, education, media, law, and State apparatuses. A few studies have found evidence to suggest that violence against women¹⁸ are fueled by the traditional beliefs of many cultures which place

¹⁴ See WHO website at: <http://www.emro.who.int/health-topics/violence/index.html> retrieved 17 December 2017

¹⁵ Declaration on the Elimination of Violence Against Women, U.N. Doc. A/48/49 (1993).

¹⁶ Suranjita Ray. Understanding Patriarchy, Human Rights, Gender & Environment, University of Delhi. Online at: http://www.ikhtyar.org/wp-content/uploads/2014/06/Understanding_Patriarchy.pdf retrieved 17 December 2017

¹⁷ Ibid

¹⁸ Also known as Gender Based Violence (GBV)

men as the supreme beings over which women must respect and serve. For example, Igbelina-Igbokwe¹⁹ explained that:

“Patriarchy ensures and maintains the status quo of power over orchestrated by gender roles [and] division of labour where male authority and power[s] are dominant. Men and boys are protagonists as heads of households and breadwinners in the private and public domain while women and girls take secondary position and value in relation to their ability to organize efficiently household social reproduction.”²⁰

Kabwila – Kapasula²¹ also writes, “Although the oppression of the primary and secondary characters of these narratives stems from various sources, it is patriarchy and colonialism that form the spine of the sources. These two factors work together in a dialectic relationship that oppresses many female characters from birth into adulthood up to old age, in private and public spaces, at individual and collective levels.” In essence, the culture of gender violence can be traced back to the inherited system of lives and the nature of colonialism experienced in Nigeria and other colonies. This argument is somewhat clouded. It is not very clear how colonialism influenced or re-affirmed the dogmas of cultures that pre-existed colonialisation. Nonetheless, one prominent view is that, patriarchy is biologically resolute and as the genetic functions of men and women are different, the social roles and tasks for women are expected to be significantly different and inferior to those of men.

The links between patriarchy and gender-based violence is the connecting principle that, violence is a tool of enforcing dominance and ensuring compliance of women to the status quo. This is because, the principles of patriarchy require that the social system must be stratified and differentiated on the basis of gender, which to provide substantial benefits to men while concurrently assigning austere restrictions on the roles and activities of women with specified rules to guarantee compliance. In many countries, the cultures, customs and legal frameworks institutionalises women as second class citizens, thereby limiting their capacities with regard to “nationality and citizenship, health, education, marital rights, employment rights, parental rights, inheritance and property rights. These forms of discrimination against women are incompatible with women’s empowerment.”²²

¹⁹ Nkiru Igbelina-Igbokwe, Contextualizing Gender Based Violence within Patriarchy in Nigeria, 2013. A working paper of pambazuka.org. Online at: <https://www.pambazuka.org/gender-minorities/contextualizing-gender-based-violence-within-patriarchy-nigeria> retrieved on 17 December 2017

²⁰ Igbelina-Igbokwe went further to emphasize thus, “Indeed, patriarchy is at the centre of increasing powerlessness of women and girls to rescue themselves from poverty; and protect themselves from violence and HIV/AIDS infection. It is a key factor in the lack of access to and control over resources (material and financial) through cultures of dis-inheritance; systematic discrimination and exclusion from decision-making.”

²¹ Jessie, Kabwila–Kapasula. Patriarchy and the Oppression of women in 21st Century Africa: A conversation with Adichie and Dangarembga. UNISA PUBLIC LECTURE 12 AUGUST 2009. http://www.unisa.ac.za/static/corporate_web/Content/Colleges/CHS/Documents/Kapasula.pdf

²² Adapted from the documents published by the Office of the Human Rights Commissioner, United Nations. http://www.ohchr.org/EN/Issues/Discrimination/Pages/discrimination_women.aspx retrieved on 16 December 2017

3. Gender-Based Discrimination and Violence in Nigeria

Violence against women and girls, is not only peculiar to Nigeria. On the international scale, it is estimated that about 35 per cent of women have experienced some form of violence in their lifetime. It is a global phenomenon that cuts across several cultures, religions, and geographic areas. It falls within the scope of human rights violation. The consequences of discrimination and violence against women and girls are numerous, including poor educational opportunities, restriction of access to healthcare, unemployment, underemployment, low pay, early death.

The United Nations Human Rights Commission estimates that, most of the poorest people in the world are women. It is also suggested that “the number of women living in rural poverty has increased by 50% since 1975.”²³ It is further reported that, “women work two-thirds of the world’s working hours and produce half of the world’s food, yet they earn only 10% of the world’s income and own less than 1% of the world’s property.”²⁴ Even with the economic marginalisation facing women, the threat to their wellbeing consistently manifests in physical and mental violence throughout the world. It is also observed that women have limited access to justice as a consequence of the societal structure. For example, in Nigeria, it is very difficult for a woman to get a fair hearing in cases of marital rape due to the stigma and discriminatory impediments in the laws and religious beliefs of the various tribes of Nigeria. In some parts of Nigeria, there are restrictions on women’s mode of dressing, they are also prevented from inheriting family properties. In the Islamic parts of Nigeria, there are several discriminatory laws relating to family life, including restraining a woman’s right to decide on her choice of husband. Also, there are standard laws and traditions regulating divorce and polygamy, including sentencing procedures for the offence of adultery which apportion heavier penalties on women than men.

4. An Evaluation of the Current Laws and Efforts by Nigeria

In the recent years, Nigeria started moving remarkably towards the eradication of the discrimination against women and the girl child. One of such significant move was made when the National Assembly created the anti discrimination provisions in the Constitution of the Federal Republic of Nigeria (1999 as amended) provided in Section 42 (1) (a) and (2) as follows: “(1) A citizen of Nigeria of a particular community, ethnic group, place of origin, sex religion or political opinion shall not, by reason only that he is such a person - (a) Be subjected either expressly by or in the practical application of any law... to disabilities or restriction to which citizens of Nigeria of other communities ethnic groups, places of origin, circumstances of birth, sex, religious or political opinions are not made subject...” or Section 4(2) states: “No citizen of Nigeria shall be subjected to any disability or deprivation merely by reason of the circumstances of his birth.”

The aforementioned provisions of the Constitution were reaffirmed by the court in *Igbozuruike v. Onuador*.²⁵ Also, in the case of *Ukeje v. Ukeje*,²⁶ Mr Lazarus Ogbonnaya Ukeje a native of Umuahia in Nigeria, died on 27th December, 1961 intestate. He owned real

²³ *ibid*

²⁴ *ibid*

²⁵ (2015) LPELR - 25530 (CA)

²⁶ (2014) LPELR

properties in Lagos. He was married to the 1st appellant Mrs LiosChituru Ukeje and the marriage produced four children. The 2nd appellant Enyinnaya Lazarus and the respondent, Mrs Gladys Ada Ukeje were among the children. Upon the death of Lazarus OgbonnayaUkeje, the 1st and 2nd appellant (mother and son) obtained letters of administration for and over the deceased estates. Mrs Gladys Ada Ukeje the plaintiff / respondent on knowing of the development filed an action in the Lagos High Court wherein she claimed amongst other, that as a daughter of the deceased that she is entitled to partake in the late father's estate. The court of first instance, ruled in her favour disregarding the Igbo discriminatory principles of customary law that deprives women's rights to inheritance and property. Unsatisfied with the judgment of the High Court, an appeal was brought before the Appeal court by the 1st and 2nd appellant. The Appeal Court upheld the decision of the High Court. 1st and 2nd appellant took the matter to the Supreme Court of Nigeria. It was held that, the customary practices of the Igbo ethnic nationality in Nigeria, which forbids women from inheriting land and properties are contrary to Article 6 of the convention on the *Elimination of all Forms of Discrimination Against Women (CEDAW)*.²⁷ Also, that, it was contrary to Section 42(1) and Section 42(2) of the Constitution of the Federal Republic of Nigeria. The Supreme Court went further to affirm that, the customary practices such as that of the Igbos that discriminate against women and breed violence against women are repugnant to natural justice, equity, and good conscience, and incompatible with local statutes. Section 18(3) Evidence Act 2011, states: "In any judicial proceeding where any custom is relied upon. It shall not be enforced as law if it is contrary to public policy. or is not in accordance with natural justice, equity and good conscience."

It must be clearly noted that, international human rights law forbids any form of sex discrimination, thus all men and women are guaranteed equal access and freedom to relish their cultural, civil, economic, social and political rights equally without interferences. Article 15(1) of the Convention on the Elimination of All Forms of Discrimination against Women unequivocally provides, that all the countries that have ratified the Convention shall guarantee equal rights of both men and women. In the same direction, Article 2 commits States who have ratified the Convention obligate States "to take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women."

Nigeria has also started tackling the menace of violence against women in line with the international laws. Though a relatively old report, Amnesty International observed that in Nigeria, "on a daily basis, women are beaten and ill-treated for supposed transgressions, raped and even murdered by members of their family. In some cases, vicious acid attacks leave them with horrific disfigurements. Such violence is too frequently excused and tolerated in

²⁷ The Convention on the Elimination of All Forms of Discrimination against Women 1979 is the first global mechanism precisely addressing the rights of women in an effort to eliminate gender-based discrimination. It is labelled as an 'international bill of rights for women' which provides detailed description of what constitutes discrimination, and recognises the areas in which women are facing such discrimination and necessitates state parties to adopt proper procedures toward its elimination. Nigeria signed and became a State party to the Convention in 1985.

communities and not denounced. Husbands, partners and fathers are responsible for most of the violence against women”²⁸ For example, Onyemelukwe,²⁹ observed that:

“In Nigeria, 28 per cent of all women, almost a third of all women in the country, have experienced physical violence. This is a significant number in a country of about 170 million, where almost half are women. There is no data for women who have undergone emotional, psychological or abuse, but evidence from the work of my organisation and anecdotal evidence suggest that the figures are likely more considerable than physical violence. Other statistics indicate that this problem remains enduring, with young women between the ages of 15 and 24, being most likely to have experienced physical violence in the past one year.”

There are serious consequences of violence against women in Nigeria. However, it is not possible to accurately measure the degree and magnitude of the incidences of violence against women. For example, the direct and indirect effect of violence and gender discrimination against women and girls is difficult to measure because of the lack of reporting by most of the victims. Uwameiye and Iserameiya,³⁰ observed that, in 2010, the United Nations Children's Fund (UNICEF) found that, 6% of female children were absent from various schools in Nigeria as a result of physical violence. The same UNICEF report shows that, about 7% of girls and 2% of boys were absent from schools in the Northern parts of Nigeria because of domestic violence in 2010. Consistently, most of the students dropped out of school permanently. Uwameiye and Iserameiya further remarked that girls have a higher rates of dropping out of secondary schools due to various forms of violence including forced marriages and rape leading to unwanted pregnancies.³¹ The need to address and tackle the growing problems of violence against women led to the enactment of several laws in Nigeria. For example, the Nigerian Criminal Code, Nigerian Labour Act, and the Penal Code.

Despite the enactment of the aforesaid laws, the prevalence of various forms of violence against girls and women never ceased. Violence are of different dimensions, including Spousal Battery, trafficking in women,³² widowhood practices,³³ Forcefully ejection from

²⁸ Amnesty International, *Nigeria: Unheard Voices* (2005), available at <http://web.amnesty.org/library/index/engaf440042005> retrieved on 18 December 2017

²⁹ Cheluchi Onyemelukwe. *Legislating on Violence Against Women: A Critical Analysis of Nigeria's Recent Violence Against Persons (Prohibition) Act, 2015*. *DePaul Journal of Women, Gender and the Law*. Volume 5 Issue 2 Spring, 2016.

³⁰ B.E Uwameiye and F.E Iserameiya. *Gender Based Violence against Women and Its Implication on the Girl Child Education in Nigeria*. *International Journal of Academic Research in Progressive Education and Development*, Vol. 2, No. 1. January 2013.

³¹ B.E Uwameiye and F.E Iserameiya. *Gender Based Violence against Women and Its Implication on the Girl Child Education in Nigeria*. *International Journal of Academic Research in Progressive Education and Development*, Vol. 2, No. 1. January 2013.

³² According to R.O. Arisi and P. Oromareghake in “Cultural Violence and the Nigerian Woman”. *African Research Review*, Vol. 5 (4), Serial No. 21, July, 2011, pp. 369-381 “In Benin, families pride on sending their daughter abroad for commercial sex. The female trafficking industry in Nigeria has gained so much traction and is now a multimillion naira business” at p.370.

³³ R.O. Arisi and P. Oromareghake also explained that: “In some cultures, women are made to drink the water used in washing the corpse of their deceased husbands to determine if the wife had a hand in the death of the husband. at p.370. In most cases, the women are forced to drink the corpse water.” Also, in many

home, Forced financial dependence or economic abuse, Forced isolation or separation from family and friends, Emotional, verbal and psychological abuse, Stalking, intimidation, abductions, forced marriages, the use of women as suicide bombers and many others.

It should be noted that some of the violence against women are perpetrated by State actors. For example, in 2017, Amnesty International found that in some parts of Nigeria, State authorities consistently and forcibly evicted and rendered people homeless. It also stated that,

“Between 2000 and 2009, authorities across the country forcibly evicted over two million people. Hundreds of thousands more have been evicted since, and hundreds of thousands of others remain at risk in cities across Nigeria. Since 2012, authorities in Lagos State have forcibly evicted over 50,000 residents from informal settlements... Approximately 30,000 residents of Otodo Gbame were forcibly evicted between 9 November 2016 and 9 April 2017, on at least six separate days within this time-frame. These forced evictions were in violation of relevant domestic, regional and international laws binding on Nigeria. These forced evictions were carried out by the Lagos State Government Task force and the Nigeria Police Force using excessive force, including arson. Residents told Amnesty International that they were not consulted, and no written notices were served on them prior to these demolitions, and that no relief, compensation nor resettlement has been provided to them since the demolition of their homes.”³⁴

The crucial issue in the Amnesty’s report is that, the forced evictions inexplicably “affected women’s ability to earn a living and care for their children” contrary to Articles 2, 3, 11, 14, 16 of the Convention on the Elimination of All Forms of Discrimination against Women. Some of the incidence happened even when Section 24 of the Violence Against Persons (Prohibition) Act 2015 is meant to prevent forceful eviction by state actors.

4.1 Violence Against Persons (Prohibition) Act, 2015

The Violence Against Persons (Prohibition) Act was intended to eradicate all forms of violence against persons. It made provisions covering: Rape,³⁵ spousal battery,³⁶ forceful ejection from home,³⁷ forced financial dependence or economic abuse,³⁸ harmful widowhood practices,³⁹ female circumcision or genital mutilation,⁴⁰ abandonment of children,⁴¹ harmful traditional practices,⁴² harmful substance attacks such as acid baths,⁴³ political violence,⁴⁴

instances, widows are forcibly compelled to shave the hairs on their heads as a part of mourning dead husbands.

³⁴ Amnesty. Nigeria: submission to the united nations committee on the elimination of discrimination against women, 67th Session, 3-21 July 2017

³⁵ Section 1

³⁶ Section 19

³⁷ Section 9

³⁸ Section 12

³⁹ Section 15

⁴⁰ Section 6

⁴¹ Section 16

⁴² Section 20

forced isolation and separation from family and friends,⁴⁵ depriving persons of their liberty,⁴⁶ and violence by state actors.⁴⁷

5. The Strengths and Weaknesses of Nigeria's Human Rights Laws

It is unclear why the Violence Against Persons (Prohibition) Act, 2015 did not repeal the pre-existing national laws which legitimises violence against women and children. Section 182 of the Penal Code, which is used in the Northern States of Nigeria, provides inter alia, that: "Sexual intercourse by a man with his own wife is not rape if she has attained puberty." This deprives girls and women the rights to justice. It also reinforces male-dominance and aggression towards girls and women. Similarly, section 55(1) (d) of the Penal Code provides that:

"Nothing is an offence, which does not amount to the infliction of grievous harm upon any person and which is done by a husband for the purpose of correcting his wife. Such husband and wife being subject to any natural law or custom in which such correction is recognised as lawful."

The provision of section 55(1) (d) Penal Code, is a blanket approval, giving men in the Northern Nigeria, the freedom to beat, rape, and inflict injuries on their wives at will. Furthermore, section 221 of the Criminal Code, provides that:

"A person cannot be convicted of the offence of unlawful carnal knowledge of a girl being of or above thirteen years and under sixteen years of age; or knowing a woman or girl to be an idiot or imbecile, has or attempts to have unlawful carnal knowledge of her, upon the uncorroborated testimony of one witness."

The main strength of Nigeria's human rights framework lies in its ability to enact laws such as the Violence Against Persons (Prohibition) Act, 2015 which made reasonable provisions in recognition of gender-based violence which has severe consequences on girls and women. Also, Nigeria's human rights frameworks have made it possible for women to participate in political processes and become recognised within legal configurations of the status quo. Simply put, Nigeria's human rights structures have achieved the little success of highlighting gender-based violence by facilitating "political engagements with governments, lobbying, advocacy and mobilizations through the global technologies and networks and documentation of human rights interest stories of gender based violence in times of war. The issue of gender-based violence has moved from being invisible to being embraced in the human right

⁴³ Section 21

⁴⁴ Section 23

⁴⁵ Section 13

⁴⁶ Section 10

⁴⁷ Section 24

programmes by state parties, human rights organizations and individuals.”⁴⁸ The framework is also driving the demands for tangible accountability by the private and public entities.

However, the weaknesses of the laws outweighs the strengths. This is because, Nigeria’s human rights structures are very contributory in making women unsafe in the society. The laws breed gender inequality and create the enabling grounds for power, oppression and violence against girls and women. The conflicting provisions in the existing laws such as the conflicts between the provisions of the Violence Against Persons (Prohibition) Act, 2015 with the provisions of both Criminal and Penal Codes are clear evidence of legal dilemma. There are also, some signs of weakness in Nigeria’s ability to comply with her obligations under the international human rights laws in that, the national policies and legislation regarding the combating of discrimination and violence against girls and women are very weak and ineffective.

One of the utmost predicaments of Nigeria’s human rights mechanisms, is that the implementation route of the human rights is left wholly in the hands of the very inefficient national institutions notably, the Nigeria Police Force which is tainted with corruption. The same institutions that are supposed to enforce the laws are mostly responsible for violating human rights. There are several cases of police committing violent crimes against persons, including, women and children. Also, as noted earlier, Amnesty International documented the role of state actors (including the police and the military) in the forceful eviction of women and children from their homes contrary to both national and international human rights laws.

6. Conclusion

On the international levels, Sepulveda,⁴⁹ laments that the most power and the “greatest potential violator of human rights” is the government and the public office holders within the apparatuses of the State. There are some progresses in the international laws which have reinforced some of the international conventions, for example, Article 14 of International Covenant on Civil and Political Rights (ICCPR), where gender-based violence in the political and legal scopes are now categorised by the pure departure between the public and private domains and it degrades women's rights when war happens. The women are the most vulnerable group in that, they are deprived of their gratification of human rights because their lives are often affected by forced displacement.

Evidence from this paper suggests that it is not only the government policies and fragmented laws in Nigeria that gives room for the violation of women's human rights, but also that the government ought to be held liable for not bearing the social and political responsibility of

⁴⁸ According to Pateince Gulu, *supra*, at. p. 34 “The human rights discourse has been strengthened by UN language of human rights in regards to combating gender based violence. The gender concept is widely used in most UN documents. Those UN agencies that have not yet incorporated gender have given mandate to national government ministries and human rights organization to carry out the responsibility of giving exposure to women rights. But what actually does this human rights “strong and compelling language mean to world's poor? Where there is a continuous war culture of women's violence. The limitation remains in the budgetary and lack of resource allocations to effectively carry out the tasks of reducing and eradicating gender based violence.”

⁴⁹ Sepulveda, M. et al. (eds), *Human Rights Reference Hand Book*, Ciudad Colon (Costa Rica), University for Peace, Definitions and Classifications, pp. 3-17, 2004, p. 33

eradicating violence against women. Under international law, including all the conventions Nigeria subscribed to. It is the obligation of the government to protect and secure the rights and implement sustainable measures all-encompassing positive actions in the areas of law and to deter the violators of gender-based violence.⁵⁰ This is because, the success and sustainability of any aspect of human rights “depends on the functionality of the country's legal system, the country's judicial and political openness and country's cultural context.”⁵¹

Conclusively, in Nigeria, the human rights laws are still developing. It is hoped that, education and enlightenment campaigns could change the mental attitude of the society towards girls and women. It is foreseeable that, the rapidly increasing number of educated women occupying positions of power shall foster positive changes in policies that shall enhance equality in our society. Gender-based violence occasioned by repugnant cultural practices are fast fading out as illustrated in the earlier discussed case of *Ukeje v. Ukeje*. What is unclear, is to what extent human rights laws in Nigeria can alter the religious variables such as the Islamic doctrines which require that women must remain loyal and lower than men. Therefore, human rights activists in Nigeria should advocate for total overhaul of the cultural, social, economic and political relations within societies in order to address the issue of gender-based violence. In essence, the human rights agenda should be used to spread the successes of women human rights in the social-cultural, political and economic aspects with a special emphasis on violence against women in Nigeria.

⁵⁰ M. Nowak. Indivisibility of Human rights in R. Smith and C. van den Anker (eds) ,*The Essentials of Human Rights*, London, Hodder & Stoughton, pp178-180, 2005.

⁵¹ B. Fortman Gaay. Poverty as a failure of Entitlement: Do rights based approaches make sense? in L. Williams (ed.), *International Poverty Law: An Emerging Discourse*, London, Zed, pp. 34-48, 2006.