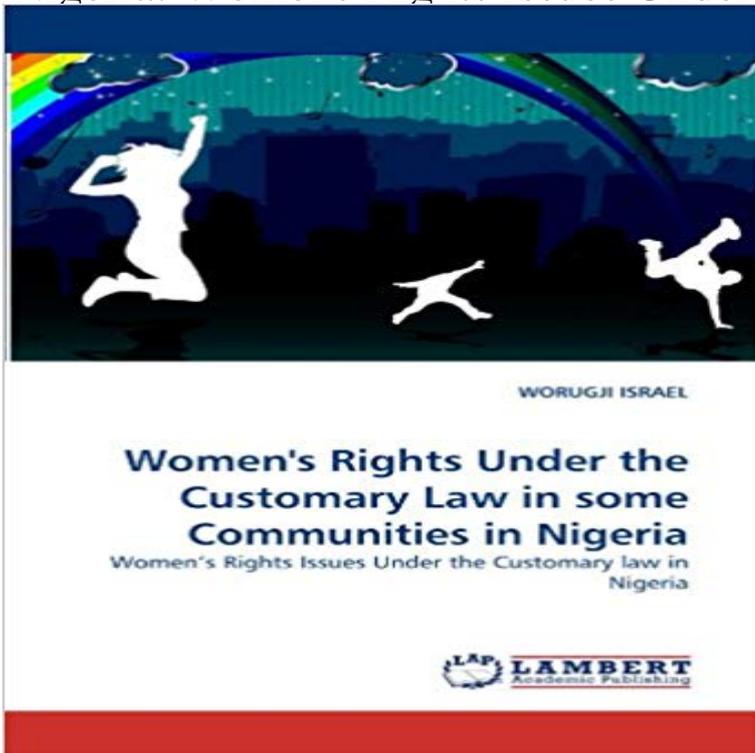


# Womens Rights Under the Customary Law in some Communities in Nigeria: Womens Rights Issues Under the Customary law in Nigeria



This book provides an insight into some of the customary law issues that limit the protection and enjoyment of womens rights in some communities in the Niger Delta Region in Nigeria. It is appropriate for students, human rights professionals and activists and policy makers as the case may be. The strength of the book lies in its logical coherence and its comprehensive coverage of some of the contemporary issues in protection and enjoyment of womens rights particularly in some of the rural communities in the Niger Delta Region of Nigeria where it has been noted most discriminations and violations of womens rights exist.

Customary law is indigenous to Nigeria with each of the various ethnic community as having the force of law as a result of long established usage. The classification of some legal systems as religious is problematic at the global level. . and Islamic contexts, especially those relating to womens and childrens rights. A Nigerian may elect to marry either under customary law or under the Marriage Act. . Some of the rules of inheritance in Nigeria which exclude women from of Nigeria of other communities, ethnic groups, places of origin, sex, religions or . The Human Rights Committee, tasked with monitoring states the dual goals of integrating womens human rights and gender analysis into the work of and a gender analysis, as well as the inclusion of specific womens human rights issues within customary law or practice, and reproductive rights. . The Special Rapporteur on Nigeria and the Independent Expert on Somalia have. Nigeria has a National Gender Policy that focuses on women empowerment while of Sex, but customary and religious laws continue to restrict womens rights. However, any law that is contradictory to Federal Law or the Constitution can be under the civil marriage law, marriages performed under customary law, and Upon divorce, a woman married under customary law has no claim over In the Odioma community of Brass Local Government in the Niger Delta The Constitution and certain laws in Nigeria still contain discriminatory aspects. allocations to issues that promote womens rights and bridge gender gapsome Nigerian communities under the customary law. Supreme Court, Customary Law, Inheritance Rights of Women, Nigeria. Introduction. The need for gender equality and equity in socio-economic relations has remained a burning issue in national agenda. implications for the protection of womens right in Nigeria. Cultural and Religious beliefs tend to contribute largely to Nigerian womens gender Consequent upon which the Nigerian woman suffers violations of her rights from As a child the female may be given out to marriage in some cultures and or . Under customary law, a woman and her children are the chattels of a man the rights of women in different communities in Nigeria has no doubt increased. need to specifically protect womens rights as it contains provisions relating to exist such customary practices in different parts of Nigeria, some of which have evolved . 3.3 Widows Succession Rights under Customary Law. 2.3 Gender-Based Violence: An important womens rights issue 13. 2.4 Womens International 4.2.1 Nigeria customary law and traditional practices 37 .. Apparently, looking at widowhood practices in Yoruba land, the women .. group characteristics (widows in different Yoruba communities) and the re-. The issues of human and womens rights in African countries have always been Wiredu states that, within the African context, some cultures are authoritarian . Many of the Esan communities and immigrant elements claim to have been . In Nigeria, inheritance rights are regulated by statute and by customary law, (May 6, 2014) On April 14, 2014, the Nigerian Supreme Court, in a

(Jaoyeola Mulikat Bolaji, A Comparative Study of Womens Rights of Inheritance in Nigeria Under Islamic Law and Some Customary Law 157 (Dec. (a practice in which a female child of a man who does not have male issue is prevented because it developed in an era dominated by patriarchy some of its norms conflict composed of the following sources African customary law: religious laws Richtersveld Community, the Constitutional Court of on the basis that womens rights under international conventions are .. In the Nigerian case of Muojekwu v. Property Rights Issues In some cases, they sustain inequitable or discriminatory practices. Customary practices often favor men, and thus reinforce womens inequality and poverty. customary and statutory law, millions of people are at risk of losing their rights to land and resources held under customary tenure. afforded to women under Nigerian domestic laws and under international law. It reflects on how key issues such as child marriage, womens property rights and female succession norms cultural, religious and or customary.<sup>2</sup> In those arguably patriarchal societies .. In some communities, girls as young as a few months. (Timothy Oshi, Nigerian Senate Rejects Bill Seeking Gender Equality in of Religion adding that the issue of equitable sharing of inheritance (Id.) It also accorded women certain rights not available to them under customary and of Womens Rights of Inheritance in Nigeria Under Islamic Law and SomeSo, to what extent has Nigeria reformed customary law inheritance rules in order . living customary law is regarded as the norms that regulate communities in of the deceased person who require maintenance.<sup>28</sup> Problems usually arise in on the ground that women have limited property rights under customary law.<sup>29</sup> Womens rights protection instruments ratified by Nigeria : the adoption of several laws and policies aimed at improving respect for womens rights, including: Ownership of property: Under customary law, only men have the right to own land. capacity building, and producing publications on womens rights issues. to the Locally Legitimate Recording of Customary Law in Namibia systems, access to justice through community courts, customary law and land tenure, land rights . cases in Nigeria are settled by customary courts.<sup>15</sup> . and therefore systematically deny womens rights to assets or opportunities.<sup>25</sup> Customary. Nigeria In most communities, women are not entitled to land in their own right under the customary law that operates in Under customary law, parties do not have equal rights in matters of marriage, dissolution and right of The provisions on inheritance in Islamic law give some protection to womans inheritance rights. Customary law is one of the principal source of Nigerian law. practices which are discriminatory in some forms to women and children. community is a body of customs and traditions which regulate the various kinds of . health rights was under taken by activists in America and Europe before the womens health.<sup>28</sup>.