

An Analysis of the Legal Framework for the Protection of Women Against Discriminatory Practices in Nigeria

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Abstract:

The protection of women's rights in Nigeria remains a critical issue despite the adoption of international treaties and national laws aimed at combating gender discrimination. This research paper critically examines the legal frameworks in place for the protection of women against discriminatory practices in Nigeria, focusing on their effectiveness, gaps, and challenges. It highlights the historical evolution of women's rights in Nigeria, noting significant legislative progress alongside persistent challenges such as weak enforcement, cultural norms, and public awareness gaps. The analysis identifies key issues, including the non-domestication of international treaties and gender biases in existing laws, which undermine women's rights. Recommendations include the domestication of CEDAW, legislative reforms to address marital rape and harmful traditional practices, and the need for public awareness campaigns and collaboration with civil society. By addressing these challenges, Nigeria can make substantial progress toward achieving gender equality. This study aims to contribute to ongoing discourse on gender equality and provide insights for policymakers and stakeholders on effective strategies for eliminating discriminatory practices against women in Nigeria.

Keywords: Gender discrimination, women's rights, human rights, sexual violence, traditional practices

Suggested Citation: M. M. Kazi (2024), 'An Analysis of the Legal Framework for the Protection of Women Against Discriminatory Practices in Nigeria,' *East. Af. JLP&G*. Vol. 1. No.1. pp. 81-101

Peer Reviewed

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1. INTRODUCTION

The protection of women's rights is a global imperative, driven by the need to ensure equality, dignity, and freedom from discrimination for all individuals. Gender discrimination, defined as the unfair treatment of individuals based on their gender, is a pervasive issue that affects women in various aspects of life, including education, employment, and personal rights.¹ In Nigeria, the struggle against gender discrimination has been long and arduous, influenced by cultural, religious, and socio-economic factors that perpetuate inequality.²

Over the years, numerous international and national legal frameworks have been established to protect women's rights and combat discriminatory practices. The adoption of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) by Nigeria in 1985 marked a significant milestone in the country's commitment to gender equality.³ Additionally, the Nigerian Constitution provides a fundamental legal basis for the protection of women's rights, explicitly prohibiting discrimination on the grounds of sex.⁴

Despite these legal frameworks, the implementation and enforcement of women's rights protection in Nigeria face significant challenges. Cultural practices, weak legal institutions, and inadequate public awareness continue to hinder progress.⁵ The Criminal Code Act and the Penal Code Act, which are intended to protect women from various forms of violence, are often undermined by traditional norms and practices.⁶

This paper aims to critically examine the legal framework for the protection of women against discriminatory practices in Nigeria. It will explore the effectiveness of the framework, identify gaps and challenges, and propose recommendations for strengthening the protection of women's rights in the country. By doing so, it seeks to contribute to the ongoing discourse on gender equality and the eradication of discriminatory practices in Nigeria.

This paper begins with an introduction outlining the importance of protecting women's rights in Nigeria and the challenges faced despite existing legal frameworks. In section 2, the paper undertakes a clarification of concepts like gender discrimination and human rights. This is followed in section 3 by an analysis of the structures, forms, and

¹ J. Smith, 'Understanding Gender Discrimination.' *Human Rights Quarterly*, (2018) (40)(2), 345-367.

² A. Afolabi, 'Gender Equality and the Nigerian Legal System: An Appraisal of the Role of the Judiciary.' *Journal of African Law*, (2017) (61)(1), 1-20.

³ United Nations, 'Convention on the Elimination of All Forms of Discrimination Against Women.' (1979) <<https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-elimination-all-forms-racial>> accessed 25 July 2024.

⁴ Constitution of the Federal Republic of Nigeria, 1999.

⁵ C. Okeke, 'Challenges in the Enforcement of Women's Rights in Nigeria.' *African Human Rights Law Journal*, (2020) (20)(2), 513-532.

⁶ J. Ezeilo, *Women, Law and Human Rights: Global and National Perspectives*, (Enugu: Fourth Dimension Publishing Co, 2011).

causal factors contributing to gender inequality. Section 4 discusses the historical development of the protection of women's rights in Nigeria, while section 5 examines the legal instruments for the protection of the rights of women, including the constitution of Nigeria; criminal laws, and cybercrimes laws. While section 6 examines non-legal solutions to discrimination against women, such as education and economic empowerment, section 7 concludes the paper.

2. CONCEPTUAL CLARIFICATION

The conceptual clarification section sets the foundation for understanding the key terms and concepts central to this research. It is imperative to delineate these concepts to avoid ambiguity and to ensure a comprehensive understanding of the framework within which women's rights protection operates in Nigeria.

2.1 Gender discrimination

Gender discrimination refers to the unfair treatment of individuals based on their gender, resulting in unequal opportunities, rights, and social standings between men and women. The Black's Law Dictionary defines discrimination as "a practice that denies privileges to a certain class because of race, age, sex, nationality, religion or handicap or differential treatment, especially a failure to treat all persons equally when no reasonable distinction can be found between those favoured and those not favoured."⁷ Specifically, gender discrimination occurs when individuals are treated differently solely based on their gender, rather than their individual skills or capabilities. This form of discrimination manifests in various ways, including disparities in employment, education, healthcare, and political participation.⁸

The CEDAW provides a comprehensive definition of gender discrimination. According to Article 1 of CEDAW, gender discrimination refers to "any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any field."⁹ This definition emphasizes the broad and multifaceted nature of gender discrimination, highlighting its impact on various aspects of women's lives.

Gender discrimination is deeply rooted in societal structures and cultural norms, often perpetuated through both overt and subtle practices. It is reinforced by legal frameworks

⁷ B. A. Garner, *Black's Law Dictionary* (11th ed. 2019).

⁸ A. Smith, 'Understanding Gender Discrimination.' *Gender Studies Journal* (2017) (22), 45.

⁹ CEDAW, Convention on the Elimination of All Forms of Discrimination Against Women (1979): CEDAW, (adopted 18 December 1979, entered into force 3 September 1981) 1249 UNTS 13.

that fail to provide equal protection and by institutional practices that marginalize women.¹⁰

2.2 Concept of human rights

Human rights are fundamental rights and freedoms inherent in all individuals, regardless of nationality, sex, ethnicity, religion, or any other status. They are considered universal, inalienable, and indivisible, forming the bedrock of international human rights law and numerous national legal frameworks.¹¹ The concept of human rights gained prominence after World War II, leading to the establishment of the United Nations and the adoption of the Universal Declaration of Human Rights (UDHR) in 1948. The UDHR, drafted by representatives from diverse legal and cultural backgrounds, proclaims that "all human beings are born free and equal in dignity and rights."¹² The declaration outlines various civil, political, economic, social, and cultural rights, which member states pledge to uphold.

Article 3 of the UDHR states that "everyone has the right to life, liberty, and security of person," and Article 25 asserts that "everyone has the right to a standard of living adequate for the health and well-being of himself and of his family." These articles highlight the need for global cooperation and shared responsibilities to address common challenges. Article 7 of the UDHR provides that all are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination. In Article 23 (2), the UDHR states that everyone, without any discrimination, has the right to equal pay for equal work. Human rights are enforced through various international treaties and national laws. Key international instruments include the International Covenant on Civil and Political Rights (ICCPR)¹³ and the International Covenant on Economic, Social and Cultural Rights (ICESCR). Together with the UDHR, these covenants form the International Bill of Human Rights.¹⁴

3. STRUCTURES, FORMS, AND CAUSAL FACTORS OF DISCRIMINATION AGAINST WOMEN

Discrimination against women is a dynamic issue deeply rooted in various structural, social, cultural, and economic factors. Understanding these structures and

¹⁰ K. Jones, 'Strategies for Combating Gender Discrimination' *Journal of Gender Equality* (2018) (10), 101.

¹¹ J. Donnelly, *Universal Human Rights in Theory and Practice* (3rd edn, Cornell University Press 2013).

¹² Universal Declaration of Human Rights (adopted 10 December 1948 UNGA Res 217 A(III)).

¹³ United Nations General Assembly, *International Covenant on Civil and Political Rights* (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171.

¹⁴ International Covenant on Economic, Social and Cultural Rights (adopted 16 December 1966, entered into force 3 January 1976) 993 UNTS 3.

causal factors is crucial in developing effective strategies to combat gender discrimination and promote gender equality. Patriarchy is one of the most pervasive structures that engender discrimination against women. Patriarchal systems are characterized by male dominance in power, authority, and social privileges, leading to systemic inequality between men and women. This system is maintained through cultural norms, legal frameworks, and institutional practices that privilege men while marginalizing women.¹⁵ For instance, in many Nigerian communities, patriarchal norms dictate gender roles, where men are seen as breadwinners and women as caregivers, leading to limited opportunities for women in education, employment, and political participation.¹⁶

Cultural practices and beliefs play a significant role in perpetuating gender discrimination. In many parts of Nigeria, cultural norms that favour male superiority are still prevalent. Practices such as child marriage, female genital mutilation (FGM), and widowhood rites continue to undermine women's rights and perpetuate their inferior status in society.¹⁷ These cultural practices are often justified by tradition and religion, making them deeply ingrained and difficult to eradicate. The persistence of these practices is a major barrier to achieving gender equality, and requires both legal reform and cultural transformation.¹⁸

Economic factors also contribute to the discrimination against women. Women in Nigeria are disproportionately affected by poverty and have limited access to economic resources. Economic dependency on men exacerbates women's vulnerability to discrimination and violence.¹⁹ In many cases, women's economic activities are confined to the informal sector, where they have little legal protection and are often subject to exploitation. Additionally, the lack of access to education and training further limits women's economic opportunities, reinforcing the cycle of poverty and dependence.²⁰

Political marginalization is another significant factor contributing to gender discrimination. Despite the legal framework that guarantees equal rights to political participation, women remain underrepresented in political and decision-making positions in Nigeria.²¹ This underrepresentation is partly due to socio-cultural norms that discourage female participation in politics, as well as institutional barriers such as gender-biased electoral processes and political violence against female candidates. The lack of

¹⁵ G. A. Makama and G. M. Allanana, 'Patriarchy and Gender Inequality in Nigeria: The Way Forward.' *European Scientific Journal*, (2013) (9) (17), 115-144.

¹⁶ Ibid.

¹⁷ M. O. Okome, 'Domestic, Regional, and International Protection of Nigerian Women against Discrimination: Constraints and Possibilities.' *Journal of International Women's Studies*, (2014) (15)(2), 65-80.

¹⁸ A. G. Kangiwa, 'Cultural and Legislative Constraints Militating Against Women's Rights in Nigeria: The Way Forward.' *African Human Rights Law Journal*, (2020) (20)(1), 45-67.

¹⁹ L. L. Maigoro, 'History, Gender, Sexuality, and Women's Development in the Global South: The Case of Nigeria.' *Journal of African History*, (2015) (56)(3), 255-273.

²⁰ A. K. Garba, 'Gender Discrimination and Feminism in Nigeria.' *African Journal of Gender and Development*, (2021) (3) (1), 23-39.

²¹ O. C. Okongwu, 'Are Laws the Appropriate Solution? The Need to Adopt Non-Policy Measures in Aid of the Implementation of Sex Discrimination Laws in Nigeria.' *Journal of African Law*, (2018) (62)(1), 89-108.

female representation in politics further perpetuates policies and laws that do not adequately address gender inequality.²²

Education is a key determinant of gender equality, yet significant disparities exist in educational attainment between men and women in Nigeria. Factors such as cultural biases that prioritize male education, early marriage, and poverty contribute to the lower enrollment and retention rates of girls in schools²³. Without adequate education, women are less likely to gain employment in formal sectors, limiting their economic independence and reinforcing their subordination in society.²⁴ Addressing these educational disparities is essential to breaking the cycle of discrimination and promoting gender equality.

Gender-based violence is both a cause and consequence of gender discrimination. Women in Nigeria face various forms of violence, including domestic violence, sexual harassment, and harmful traditional practices like FGM and forced marriage²⁵. These forms of violence are often rooted in power imbalances and societal norms that devalue women. Legal frameworks to protect women from such violence exist but are inadequately enforced, allowing perpetrators to act with impunity²⁶.

4. HISTORICAL EVOLUTION OF WOMEN'S RIGHTS PROTECTION IN NIGERIA

The historical evolution of women's rights protection in Nigeria has been a multifaceted journey, deeply influenced by cultural, political, and social transformations. In the pre-colonial era, various ethnic groups in Nigeria had distinct roles and statuses for women, with some communities recognizing the significant contributions of women in both the family and the wider community. However, these roles were often constrained by patriarchal customs and traditional practices that limited women's autonomy.²⁷

The colonial period marked a turning point in the status of women in Nigeria. British colonial rule introduced new legal frameworks that often disregarded the existing traditional structures. The colonial policies frequently reinforced patriarchal norms, further entrenched gender disparities.²⁸ However, it was during this period that some of the earliest organized efforts to advocate for women's rights and political participation emerged. One of the most notable early events in the campaign for women's rights in

²² E. O. Ekhaton, 'Women and the Law in Nigeria: A Reappraisal.' *Journal of International Women's Studies*, (2015) (16)(2), 285-297.

²³ Okome (n 17).

²⁴ Garba (n 20).

²⁵ Kangiwa (n 18).

²⁶ Ekhaton (n 22).

²⁷ C. Ogbuagu, 'Gender and development in Nigeria: Issues and challenges.' *African Journal of Political Science*, (2019) (17)(2), 219-231.

²⁸ N. Nzegwu, *Family matters: Feminist concepts in African philosophy of culture*, (Albany: State University of New York Press, 2006).

Nigeria was the Aba Women's Riots of 1929. Also known as the Aba Women's War, this protest was a response to the imposition of colonial taxes and the exclusion of women from political processes. Thousands of Igbo women mobilized themselves, demonstrated against colonial policies and demanded greater political representation and economic opportunities.²⁹ This significant event highlighted the capacity and willingness of Nigerian women to challenge oppressive systems and advocate for their rights.

In the post-independence era, women's rights advocacy gained further momentum through the efforts of pioneering figures like Funmilayo Ransome-Kuti and Margaret Ekpo. Funmilayo Ransome-Kuti was a leading feminist and political leader who played a crucial role in the struggle for women's rights and suffrage in Nigeria. She was instrumental in the formation of the Abeokuta Women's Union, which fought against unfair taxation and advocated for women's political representation.³⁰ Similarly, Margaret Ekpo was a prominent politician and women's rights activist who worked tirelessly to increase female participation in Nigerian politics and promote gender equality.³¹ The Nigerian women's movement continued to gain strength in the 1960s and 1970s, influenced by global feminist movements and the efforts of local activists. Organizations such as the National Council of Women Societies (NCWS) emerged as key platforms for advocating for legal reforms and gender equality. These organizations lobbied for legislative changes and worked to raise awareness about women's rights issues across the country.³²

The ratification of international treaties and conventions has also played a significant role in shaping the evolution of women's rights in Nigeria. Nigeria's ratification of the CEDAW in 1985 was a landmark moment. This commitment to international standards required Nigeria to introduce national laws and policies aimed at eliminating gender discrimination and promoting women's rights.³³ In recent decades, Nigeria has enacted several important laws to protect women's rights. The Constitution of the Federal Republic of Nigeria 1999, is a critical instrument that guarantees fundamental human rights, including the right to freedom from discrimination based on sex.³⁴ The Violence Against Persons (Prohibition) Act (VAPP) of 2015 is another significant legislative

²⁹ J. Van Allen, 'Aba Riots or the Igbo Women's War? Ideology, Stratification, and the Invisibility of Women.' *Ufahamu: A Journal of African Studies*, (1975) (6)(1), 12-38.

³⁰ C. Johnson-Odim, *Funmilayo Ransome-Kuti: Nigerian feminist and political leader*, (Heinemann, 2009).

³¹ A. O. Olutayo, 'The role of women in Nigerian politics.' *International Journal of Sociology* (1999) (30)(2), 68-78.

³² N. E. Mba, *Nigerian Women Mobilized: Women's Political Activity in Southern Nigeria, 1900-1965*, (Berkeley: Institute of International Studies, University of California, 1982).

³³ E. Durojaye, 'Woman, But Not Human': Widowhood Practices and Human Rights Violations in Nigeria.' *International Journal of Law, Policy and The Family*, (2013) (27)(2), 176-196.

³⁴ O. Olomola, 'Adoption of Convention on the Elimination of all forms of Discrimination against Women (CEDAW) and Women Rights in Nigeria – a Wild Goose Chase?' *African Journal for the Psychological Study of Social Issues*, (2008) (11) (1&2), 92-104.

achievement, addressing various forms of violence against women and providing legal recourse for victims.³⁵

Despite these advancements, challenges remain in the effective implementation and enforcement of women's rights laws in Nigeria. Social and cultural norms, inadequate legal infrastructure, and limited awareness continue to hinder the full realization of women's rights. Nevertheless, ongoing efforts by civil society organizations, international bodies, and the Nigerian government aim to address these challenges and further strengthen the legal and institutional frameworks for the protection of women's rights.³⁶

The historical evolution of women's rights protection in Nigeria reflects a dynamic interplay between traditional practices, colonial legacies, and contemporary legal reforms. Figures like Funmilayo Ransome-Kuti and Margaret Ekpo, along with significant events such as the Aba Women's Riots, highlight the resilience and activism of Nigerian women in their quest for equality. While significant progress has been made, continued advocacy and legislative efforts are necessary to ensure that women's rights are fully protected and promoted in Nigeria.³⁷

5. LEGAL FRAMEWORKS FOR THE PROTECTION OF WOMEN'S RIGHTS IN NIGERIA

The legal framework for the protection of women's rights in Nigeria is a dynamic system comprising domestic laws, international treaties, and statutory regulations designed to safeguard women against discrimination and abuse. This framework aims to promote gender equality and ensure that women enjoy the same rights and opportunities as men. These laws provide a foundation for addressing gender-based violence, ensuring equal rights within marriage and family life, protecting children, and combating human trafficking and cybercrimes.

5.1 The Constitution of the Federal Republic of Nigeria 1999

The constitution contains several provisions aimed at protecting the rights of women. Section 17 of the Constitution, under the "social objectives" clause, recognizes the right to equal pay for equal work without discrimination based on sex or any other reason. This section also emphasizes the sanctity of the human person, human dignity, and equality of every citizen concerning rights, obligations, and opportunities before the law. However, the enforceability of these provisions is open to debate because of the effect of

³⁵ G. A. Arowolo, 'Protecting Women from Violence through Legislation in Nigeria: Need to Enforce Anti-Discrimination Laws.' *International Journal of Discrimination and the Law*, (2020) (20)(4), 245-288.

³⁶ E. Amadi, 'Women's Rights in Nigeria: A Historical Overview.' *Journal of Gender Studies*, (2020) (29)(3), 345-359.

³⁷ A. O. Dagunduro and A. A. Adenugba, 'Failure to Meet up to Expectation: Examining Women's Activist Groups in the Post-Colonial Period in Nigeria.' *Open Cultural Studies*, (2020) (4), 23-35.

Section 6(6)(c) of the Constitution, which limits the judiciary's ability to enforce the directive principles of state policy.³⁸

Despite these limitations, there are pathways to render the fundamental objectives and directive principles justiciable, especially when they are connected to enforceable rights in Chapter IV of the Constitution or the domesticated African Charter on Human and Peoples' Rights.³⁹ The Constitution also addresses citizenship rights, where Section 25 ensures equal citizenship by birth for both men and women. However, this equality does not extend to citizenship by registration, as foreign women married to Nigerian men can become citizens by registration, but foreign men married to Nigerian women do not have this option. Instead, they must undergo naturalization, which involves different procedures.⁴⁰

Furthermore, section 29 (1) provides equal opportunity for any citizen of full age to renounce their Nigerian citizenship. However, the dual interpretation of "full age" within this section promotes early girl-child marriage. While one interpretation defines "full age" as eighteen years or older, the other deems any married woman to be of full age, allowing girls as young as thirteen who are married to be considered adults. This is inherently discriminatory and calls for constitutional amendment to remove the clause deeming any married woman to be of full age.⁴¹ Also, the Constitution has provisions for freedom from discrimination under the fundamental rights chapter. Section 42 prohibits discrimination based on sex, but this anti-discriminatory provision is undermined by Section 42(3), which permits laws that impose restrictions regarding appointments to certain offices, including those in the armed forces, police, and state services. This exemption has led to discriminatory practices, such as those that were found in the repealed Police Act, which persisted despite the constitutional prohibition.⁴²

Although the constitutional provisions on citizenship by birth are non-discriminatory, they are silent on the issue of state of origin for married women, particularly regarding employment, elective positions, or political appointments. This ambiguity has led to significant issues, as illustrated by several high-profile cases. For instance, in 2012, Chief Justice Maryam Aloma Mukhtar declined to administer the oath of office to a female Justice of the Court of Appeal due to her marriage to a man from a different state.⁴³ Similar challenges were faced by Dr. (Mrs.) Ngozi Okonjo-Iweala and

³⁸ N. Obiajulu, 'Social Objectives and the Enforceability of Human Rights in Nigeria.' *Journal of Constitutional Law*, (2019) (14)(1), 35-59.

³⁹ J. N. Ezeilo, 'The impact of the Nigerian National Human Rights Commission on women's rights.' *Journal of Human Rights Practice*, (2011) (3)(2), 245-263.

⁴⁰ O. S. Oladipo, 'The Role of the Nigerian Constitution in Promoting Gender Equality.' *Nigerian Journal of Gender and Development*, (2019) (4)(1), 15-28.

⁴¹ U. U. Ewelukwa, 'Post-Colonialism, Gender, Customary Injustice: Widows in African Societies.' *Human Rights Quarterly*, (2002) (24)(2), 424-486.

⁴² A. O. Akinola, 'Constitutionalism and the Challenge of Gender Equality in Nigeria.' *African Human Rights Law Journal*, (2018) (18)(2), 462-484.

⁴³ C. N. Okeke, 'Gender Equality Under the Nigerian Constitution: A Critical Analysis.' *Nigerian Journal of Legal Studies*, (2012) (14)(1), 35-59.

Mrs. Josephine Anenih, whose appointments were contested based on their marital status and perceived state of origin. These instances highlight the need for a clear constitutional or statutory definition of the state of origin of married women to prevent such discriminatory practices.⁴⁴

5.2 The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) provides a comprehensive definition of discrimination against women and establishes a framework for national policies to eradicate such practices. It mandates states to undertake measures to eliminate discrimination against women in all spheres of life, including political, economic, social, cultural, civil, and other domains.⁴⁵ By ratifying CEDAW in 1985, Nigeria committed itself to undertake a series of measures to end discrimination against women in all forms, incorporating the principles of equality and non-discrimination in its legal and policy frameworks.⁴⁶

One of the core principles of CEDAW is the prohibition of discrimination against women and the promotion of gender equality through legal and policy reforms. Article 1 of CEDAW defines discrimination against women as any distinction, exclusion, or restriction made on the basis of sex, which has the effect or purpose of impairing or nullifying the recognition, enjoyment, or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.⁴⁷ This broad definition ensures that discrimination is understood in both its direct and indirect forms, encompassing practices that may appear neutral but have disproportionately negative effects on women.⁴⁸

CEDAW also emphasizes the importance of substantive equality, which goes beyond formal equality. Substantive equality requires states to take positive measures to address the underlying social and cultural barriers that perpetuate discrimination against women. Articles 2 and 3 of CEDAW mandate states to condemn discrimination against women in all its forms and pursue by all appropriate means and without delay a policy of eliminating discrimination against women, including through legislative measures and

⁴⁴ Oladipo (n 25).

⁴⁵ Convention on the Elimination of All Forms of Discrimination Against Women (adopted 18 December 1979, entered into force 3 September 1981) 1249 UNTS 13 (CEDAW), art 1.

⁴⁶ UN Women, 'Gender Equality and the UN General Assembly: Facts and History to Know: UN Women Headquarters.' (2024). <<https://www.unwomen.org/en/news/stories/2024/7/gender-equality-and-the-un-general-assembly-facts-and-history-to-know>> accessed 25 July 2025.

⁴⁷ S. Liebenberg, 'Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); In Encyclopedia of the UN Sustainable Development Goals.' (2021) <<https://www.ohchr.org/Documents/ProfessionalInterest/cedaw.pdf>> accessed 25 July 2025.

⁴⁸ M. A. Freeman, *CEDAW Commentary*, (Oxford University Press, 2012).

the establishment of legal protections for women's rights. This entails not only the removal of discriminatory laws, but also the enactment of laws that proactively promote gender equality.⁴⁹

Another significant aspect of CEDAW is its focus on the role of culture and tradition in shaping gender roles and perpetuating discrimination. Article 5 of CEDAW requires states to take appropriate measures to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women. This provision highlights the necessity of addressing deeply ingrained societal norms and practices that hinder women's equality.⁵⁰

Education and employment are also critical areas addressed by CEDAW. Article 10 obligates states to ensure equal rights for women in education, including access to the same curricula, examinations, and scholarships. This provision recognizes the pivotal role of education in empowering women and promoting gender equality. Similarly, Article 11 requires states to eliminate discrimination against women in the field of employment, ensuring equal opportunities and benefits, and addressing issues such as equal pay for equal work, maternity protection, and the right to work in safe and healthy conditions. These articles underscore the interconnectedness of various spheres of life and the comprehensive approach needed to achieve gender equality.⁵¹

CEDAW also places a strong emphasis on political participation and representation. Article 7 obligates states to ensure women's equal rights to vote, hold public office, and participate in non-governmental organizations and associations concerned with the public and political life of the country. This is crucial for ensuring that women's voices are heard in decision-making processes and that policies reflect the needs and interests of both women and men.⁵² Despite the robust framework provided by CEDAW, the lack of domestication in Nigeria remains a significant hurdle. This gap means that the principles and protections offered by CEDAW are not fully enforceable within Nigeria's legal system, limiting the Convention's effectiveness in addressing gender discrimination and promoting women's rights. For Nigeria to fully realize the benefits of CEDAW, it is imperative to incorporate the Convention into national legislation, ensuring that its provisions are legally binding and enforceable within the country.⁵³

⁴⁹ R. J. Cook, 'Women's International Human Rights Law: The Way Forward.' *Human Rights Quarterly*, (1990) (12)(1), 161-173.

⁵⁰ D. Otto, 'The Exile of Inclusion: Reflections on Gender Issues in International Law over the Last Decade.' *Melbourne Journal of International Law* (2002) (3)(1), 195-215.

⁵¹ H. Charlesworth, *The Women's Convention: CEDAW*, (Routledge, 2011).

⁵² A. M. Tripp, 'Women and Democracy: The New Political Activism in Africa.' *Journal of Democracy*, (2001)(12)(3), 141-155.

⁵³ G. M. Olatokun, R. Ahmad and H. A. Wahab, 'Making a Case for the Domestication of CEDAW in Nigeria: Empirically and Conceptually Justified.' *Journal of Law, Policy and Globalization*, (2014) (22), 43.

5.3 The Criminal Code Act

A critical provision in the Criminal Code Act for the protection of women is Section 357, which explicitly criminalizes rape. Under this section, any individual who engages in unlawful carnal knowledge of a woman or girl without her consent, or with consent obtained through force, threat, intimidation, or deceit, commits the offense of rape. The penalty for this crime is life imprisonment, with or without caning. This provision underscores the seriousness with which the law treats the offense of rape, recognizing the profound physical and psychological impact it has on victims. However, critics argue that the requirement for corroboration in rape cases often makes it difficult for victims to obtain justice, as it places an additional burden on the prosecution to provide evidence beyond the victim's testimony.⁵⁴

Furthermore, the Act addresses offenses related to assault and battery, which are often perpetrated against women. Sections 351 to 355 outline various forms of assault and prescribe corresponding punishments, ranging from imprisonment to fines. These provisions are crucial in addressing domestic violence, a pervasive issue in Nigeria that predominantly affects women.⁵⁵ The Act contains specific penal statutory provisions directed at protecting the sexual and reproductive rights of women. These include provisions on rape, indecent assault, defilement, abduction, seduction, and prostitution. However, this Act has been criticized for various reasons. Firstly, the discriminatory treatment of unlawful indecent assault of a woman or girl as a misdemeanor, with the prescribed punishment of two years imprisonment, contrasts sharply with the imposition of seven years imprisonment for a similar offense involving a male victim. This disparity in sentencing is seriously criticized, and highlights gender biases within the legal system.⁵⁶

Furthermore, the narrow interpretation of the concept of rape under the law, which is limited to penile-vaginal penetration, is not consistent with contemporary understandings of sexual violence globally. This limited definition excludes other forms of sexual penetration that can equally constitute rape, thereby failing to provide comprehensive protection for all victims of sexual violence.⁵⁷ Additionally, the Act's restrictions on abortion are considered a violation of women's sexual and reproductive health rights as protected under global and regional treaties such as CEDAW and the

⁵⁴ A. O. Akinola, 'Addressing the Corroboration Requirement in Rape Cases: A Critique of the Nigerian Criminal Code.' *African Human Rights Law Journal*, (2018) (18)(2), 462-484.

⁵⁵ O. Oluduro, 'Domestic Violence and the Law in Nigeria: A Critical Analysis.' *Journal of African Law* (2018) (62)(3), 289-310.

⁵⁶ O. S. Oladipo, 'Human Trafficking in Nigeria: Issues and Challenges.' *Nigerian Journal of Gender and Development* (2019) (4)(1), 15-28.

⁵⁷ B. Akinrimisi, 'The Status of Marital Rape in Nigeria: Legal and Cultural Perspectives.' *Nigerian Journal of Legal Studies*, (2014) (12)(1), 112-130.

Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa.⁵⁸ These treaties entitle women to available, accessible, and acceptable abortion care.

Additionally, the Act provides protection against trafficking and exploitation. Section 223 criminalizes the procurement of girls under the age of eighteen for the purpose of prostitution or unlawful carnal knowledge, with penalties including imprisonment. This section is aligned with Nigeria's commitment to international conventions such as the United Nations Convention on the Rights of the Child, which mandates the protection of children, including girls, from all forms of exploitation.⁵⁹ However, the effectiveness of this provision is often undermined by inadequate enforcement and corruption within law enforcement agencies.⁶⁰

Despite the protective provisions within the Criminal Code Act, there are significant gaps and limitations in the law that hinder its effectiveness in protecting women's rights. One such limitation is the lack of specific provisions addressing marital rape. The Criminal Code does not recognize marital rape as a crime, reflecting societal attitudes that view sexual relations within marriage as a private matter and a husband's prerogative.⁶¹ This legal gap leaves married women vulnerable to sexual violence from their spouses without legal recourse.

5.4 The Penal Code Act

One of the critical areas addressed by the Penal Code Act is sexual violence. Section 282 of the Penal Code criminalizes rape, defining it as sexual intercourse with a woman against her will, without her consent, with consent obtained by putting her in fear of death or hurt, or with consent obtained under false pretenses. The penalty for rape under the Penal Code is imprisonment for life or for any lesser term, and it may include caning. However, the requirement for strict evidence and the cultural stigma associated with reporting rape often discourage victims from coming forward, resulting in underreporting and low conviction rates.⁶²

The Act also addresses offenses related to indecent assault. Sections 354 and 355 of the Penal Code criminalize acts of indecent assault against women, prescribing penalties ranging from imprisonment to fines. Indecent assault is defined as an assault that includes any act that is intended to outrage the modesty of a woman. Despite these provisions, the punishment for indecent assault, which is often considered less severe

⁵⁸ Ibid.

⁵⁹ I. Ogunniran, 'Forward Looking or Backward Stepping: Evaluating Child Protection from Sexual Exploitation in Nigeria.' *Journal of Human Trafficking*, (2017) (3), 167-181.

⁶⁰ M. Ajanwachuku, H. Nwachuku and P. Faga, 'Perpetration of the Offence of Rape by Minors in Nigeria: A Call for Legislative Restatement of the Law.' *US-China Law Review*, (2016) (13), 585-596.

⁶¹ Akinrimisi (n 43).

⁶² F. Adamu, 'Gender and the Penal Code in Northern Nigeria: Challenges and Prospects.' *Journal of African Law*, (2019) (63)(2), 287-308. n

than other forms of sexual violence, has been criticized for not adequately reflecting the gravity of the offense and for being an insufficient deterrent.⁶³

The Act also contains provisions aimed at protecting women from harmful traditional practices. Section 247 prohibits causing grievous hurt, which can include practices such as female genital mutilation (FGM).⁶⁴

Furthermore, the Act contains a controversial provision that allows a husband to assault his wife for the purpose of correcting or chastising her. Section 55(1)(d) of the Penal Code of Northern Nigeria provides that an assault by a man on a woman is not an offense if they are married, if native law or custom recognizes such "correction" as lawful, and if there is no grievous hurt. This provision is inconsistent with the obligations stipulated under CEDAW and the 1995 Beijing Declaration and Platform for Action, which enjoin state parties to condemn all forms of violence against women and not to invoke any custom, tradition, or religious considerations to avoid their responsibility regarding such elimination.⁶⁵ Therefore, it is suggested that the provision of Section 55(1)(d) of the Penal Code, which allows for wife-beating, should be expunged from the statute. This provision is not only discriminatory but also humiliating, treating a wife as a mere "housemate" or a "child of the marriage" rather than as an equal partner in the relationship.

5.5

Marriage Act

The Marriage Act is a fundamental piece of legislation that regulates statutory marriages in Nigeria. It outlines the legal requirements for a valid marriage, the procedures for solemnization, and the rights and obligations of married parties. The Act is crucial in protecting the rights of women within the matrimonial context, ensuring that marriages are entered into voluntarily and with full consent.⁶⁶ However, unlike international frameworks such as the CEDAW and the Protocol to the African Charter on the Rights of Women in Africa, the Marriage Act does not specify the minimum age of marriage for women, although it penalizes marriages with minors without obtaining the relevant parental consent.⁶⁷

One of the critical provisions of the Marriage Act is the requirement for consent. Section 18 stipulates that a marriage is void if either party is under the age of 21 years and has not obtained the requisite consent from their parents or guardians. However, the Act

⁶³ Ibid.

⁶⁴ J. N. Ezeilo, 'Traditional Practices and Legal Protections for Women in Nigeria.' *Journal of Human Rights Practice*, (2011) (3)(2), 245-263.

⁶⁵ A. Aina-Pelemo, O. Olujobi and E. T. Yebisi, 'A Socio-legal Imperative of Domestic Violence Prohibition in Africa vis-a-vis Nigerian Legal Structure for Sexually Abused Women (2023) <<https://pubmed.ncbi.nlm.nih.gov/37396050/>> accessed 25 July 20254.

⁶⁶ A. Rahmatian, 'Termination of Marriage in Nigerian Family Laws: The Need for Reform and the Relevance of the Tanzanian Experience.' *International Journal of Law, Policy and The Family*, (1996) (10)(3), 281-316.

⁶⁷ Marriage Act, section 48.

specifies that the requisite parental consent is primarily that of the father unless the father is dead, of unsound mind, or outside Nigeria, in which case the mother's consent is required. This provision is discriminatory as it prioritizes the father's consent over the mother's, reflecting a patriarchal society that views a child as belonging more to the father than the mother. This requirement contradicts Article 16(1)(d) of CEDAW, which advocates for equal rights in marriage and family relations.

The Marriage Act also addresses the issue of monogamy and the prohibition of bigamy. Section 47 states that any person who is married under this Act or any enactment repealed by this Act, and who during the continuance of such marriage contracts a marriage with any person, shall be liable to imprisonment for five years. This provision aims to uphold the sanctity of marriage and protect women from the emotional and financial hardships associated with polygamy.⁶⁸

5.6 The Child's Right Act

One of the core principles of the Child's Right Act⁶⁹ is the protection of children from all forms of abuse and exploitation. Section 11 of the Act guarantees every child the right to protection from physical, mental, or emotional injury, abuse, neglect, or maltreatment, including sexual abuse and exploitation. This provision is critical for safeguarding girls from sexual violence, trafficking, and other harmful practices that disproportionately affect them,⁷⁰ The CRA also addresses child marriage, a prevalent practice in some parts of Nigeria that has a significant negative impact on the rights and well-being of girls. Section 21 explicitly prohibits the marriage of persons under the age of 18 years, and any person who marries a child or to whom a child is betrothed is liable to a fine or imprisonment, or both. This provision is in line with international standards set by CEDAW and the African Charter on the Rights and Welfare of the Child, which call for the elimination of child marriage.⁷¹

Education is another critical area covered by the Child's Right Act. Section 15 states that every child is entitled to free, compulsory, and universal basic education, and it is the duty of the government to provide such education. This provision aims to ensure that girls have equal access to education, which is essential for their empowerment and development.⁷² Education plays a pivotal role in breaking the cycle of poverty and discrimination, enabling girls to achieve their full potential and contribute to society.

⁶⁸ Ezeilo (n 50).

⁶⁹ Cap. C50, Laws of the Federation of Nigeria, 2004.

⁷⁰ I. Ogunniran, 'Forward Looking or Backward Stepping: Evaluating Child Protection from Sexual Exploitation in Nigeria.' *Journal of Human Trafficking*, (2017) (3)(2), 167-181.

⁷¹ O. Azubike and O. Adeniyi, 'Sexual Abuse and Child Marriage: Promise and Pathos of International Human Rights Treaties in Safeguarding the Rights of the Girl Child in Nigeria.' *Child Abuse Research in South Africa*, (2015) (16)(2), 78-87.

⁷² I. Enemo, 'Challenges Still Facing the Domestication and Implementation of Key Provisions of Nigeria's Child Rights Act of 2003.' *Nordic Journal of Human Rights*, (2021) (39)(3), 358-372.

The Child's Right Act also includes provisions for the protection of children from harmful traditional practices. Section 11(b) protects children from being subjected to torture, inhuman or degrading treatment, and from being held in slavery or servitude. This includes practices such as female genital mutilation (FGM), which is still practiced in some communities despite being illegal.⁷³ The Act provides a legal basis for prosecuting individuals who engage in such practices. However, it is worth noting that not all states in Nigeria have adopted the CRA as a state legislation. The adoption of this law by States is essential as child matters come within the residual list in the 1999 Constitution, which gives states the prerogative to legislate on the subject matter. In addition, even in states where the CRA has been domesticated, there are variations regarding the definition of a "child." Some States have reduced the "eighteen years" stipulated under the CRA.⁷⁴

5.7 Trafficking in Persons (Prohibition) Law Enforcement and Administration Act 2003

One of the key provisions of the revised Trafficking in Persons (Prohibition) Law Enforcement and Administration Act 2003 is the establishment of the National Agency for the Prohibition of Trafficking in Persons (NAPTIP). Section 1 of the Act mandates the creation of NAPTIP, which is responsible for the enforcement and administration of the provisions of the Act. NAPTIP plays a critical role in coordinating efforts to combat human trafficking, providing support to victims, and prosecuting offenders. The agency also engages in public awareness campaigns to educate the public about the dangers of human trafficking and the legal repercussions for those involved.⁷⁵

The Act explicitly criminalizes various forms of trafficking. Section 13 provides that any person who recruits, transports, transfers, harbors, or receives another person for the purpose of exploitation by means of threat, use of force, or other forms of coercion, abduction, fraud, deception, abuse of power, or a position of vulnerability, is guilty of an offense and liable to imprisonment for a term not less than two years and a fine. Additionally, the Act provides specific protections for women and children, who are the most vulnerable to trafficking. Section 21 stipulates severe penalties for trafficking children, including imprisonment for a term not less than five years and a fine not less than N2, 000, 000 for anyone who engages in trafficking for the purpose of sexual exploitation, forced labor, or other exploitative purposes.

⁷³ F. D. Nzarga, Impediments to the Domestication of Nigeria Child Rights Act by the States. *Journal of Culture, Society and Development*, (2016) (19), 123-130.

⁷⁴ T. Ajala, 'Gender Discrimination in Land Ownership and the Alleviation of Women's Poverty in Nigeria.' *International Journal of Discrimination and the Law*, (2017) (17)(1), 51-66.

⁷⁵ L. Akor, 'The Role of NAPTIP in Combating Human Trafficking in Nigeria.' *African Journal of Criminology and Justice Studies*, (2011) (5)(2), 119-135.

5.8 Violence Against Persons (Prohibition) Act, 2015(VAPP Act) 2015

The VAPP Act, which is the most recent and comprehensive legislation on violence against persons in Nigeria, represents a significant step towards fulfilling Nigeria's global responsibilities as required by CEDAW and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa. This legislation has partially addressed existing gaps in the protection of women and provides remedies for women who have suffered various harms due to gender-based violence.⁷⁶ In its effort to establish a robust and coordinated legal framework against violence targeting women, the VAPP Act addresses a range of issues, including domestic or intimate partner violence, such as spousal battery,⁷⁷ rape⁷⁸, incest,⁷⁹ forceful ejection from home,⁸⁰ physical abuse, emotional or psychological abuse,⁸¹ and attacks involving harmful substances, for example, acid-baths.⁸² Additionally, the Act covers female genital mutilation,⁸³ harmful widowhood practices,⁸⁴ coerced financial dependence or economic abuse,⁸⁵ and abandonment of spouses and children.⁸⁶ Each offense criminalized under the Act attracts penalties. Apart from a term of imprisonment for rape, the law also provides for compensation to victims,⁸⁷ and the creation of a register for convicted sexual offenders, which should be accessible to the public.⁸⁸

The VAPP Act significantly broadens the definition of rape beyond the traditional concept of penile-vaginal penetration, as found in the criminal and penal codes⁸⁹ Under the Act, rape now includes the penetration of the "anus or mouth of another person with any other part of his or her body or anything else" without the victim's consent.⁹⁰ This expanded definition also covers situations where consent was fraudulently obtained or secured through force or the use of substances that can affect a person's will. On what

⁷⁶ C. 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*, (2016)(5)(2), 4. <<http://via.library.depaul.edu/jwgl/vol5/iss2/3>> accessed August 2nd 2024.

⁷⁷ Sections 19 and 46.

⁷⁸ Section 1.

⁷⁹ Section 25.

⁸⁰ Section 9

⁸¹ Section 14.

⁸² Sections 21 and 22

⁸³ Section 6.

⁸⁴ Section 15 and 20.

⁸⁵ Section 12.

⁸⁶ Section 16.

⁸⁷ Section 1(3). It is submitted further that victims of violence contemplated under the Act are further entitled to all the justiciable rights provided for under chapter 4 of the 1999 Constitution of the Federal Republic of Nigeria (as amended) as well as the rights and remedies recognised under global human rights instrument to which Nigeria is a party to-see section 38(1) of the VAPP Act 2015.

⁸⁸ Section 1(4).

⁸⁹ Onyemelukwe (n 62).

⁹⁰ Section 1.

constitutes a "sexual organ" for the offense of rape under the Act, there are differences in interpretation. Scholars like Ekhaton,⁹¹ in alignment with Ukhuegbe,⁹² argue that even a forceful kiss could amount to rape if it involves the tongue penetrating the mouth of a non-consenting person. Additionally, any non-consensual insertion of one's mouth or hand into a woman's vagina qualifies as an offense under the Act.

5.9 Cybercrimes (Prohibition, Prevention, Etc.) Act 2015

Although the Cybercrimes (Prohibition, Prevention, Etc.) Act 2015 primarily focuses on combating various forms of cybercrimes, some of its provisions can also be relied upon to protect the dignity of women and girls, ensuring their safety and privacy in the digital landscape. For example, Section 24(1) of the Act specifically prohibits cyberstalking, defining it as the act of deliberately sending a "message or other matter" electronically that is capable of being "grossly offensive, pornographic, or of an indecent, obscene or menacing character." The penalties for such offenses include a prison term of up to three years, a fine of up to seven million Naira, or both imprisonment and a fine.

The application of the Act can be illustrated through case law. For example, a Federal High Court in Ado Ekiti convicted a defendant named Ayan Olubunmi for publishing nude photographs of his estranged lover after she informed him of her decision to end their relationship⁹³. The learned trial judge described the defendant's actions as "highly disgraceful, very despicable, and barbaric to say the least." The court noted that the defendant, who had a wife and children, exhibited meanness by attempting to tarnish the reputation of his ex-lover, Monica Asare, highlighting the potential widespread harm caused by such digital misconduct. The judge emphasized that in today's interconnected world, the repercussions of sharing such images could extend far beyond the immediate parties involved. This case underscores the importance of the provisions within the Cybercrimes Act and the commendable stance taken by the judiciary in addressing cyberstalking and digital abuse.

6. BEYOND LEGAL REGIMES

While legal frameworks are crucial for addressing gender discrimination, they are not sufficient on their own. In Nigeria, legal measures often fail to achieve their intended impact due to cultural, social, and institutional barriers. As such, alternative solutions that go beyond legal regimes are essential to effectively combat gender discrimination and promoting gender equality. These alternatives include education and awareness

⁹¹ E. Ekhaton, "Protection and Promotion of Women's Rights in Nigeria: Constraints and Prospects" (14 October 2018), <<https://www.researchgate.net/publication/328276496>> accessed on 27 July 2024.

⁹² S. Ukhuegbe, 'Recent Legislation against Sexual and Gender-Based Violence in Nigeria,' *University of Benin Law Journal*, (2015) (16)(1) 304.

⁹³ *Attorney-General of the Federation v. Ayan Olubunmi*, FHC/AD/17C/2017 (unreported).

campaigns, economic empowerment initiatives, community engagement, and institutional reforms.

Education is a powerful tool for changing attitudes and behaviors that perpetuate gender discrimination. Public awareness campaigns can challenge and dismantle the harmful stereotypes and cultural norms that underpin gender inequality. Educational programs that promote gender equality from an early age can help shift societal perceptions of gender roles and create a culture of respect and equality. In Nigeria, organizations have successfully implemented educational campaigns that address issues such as domestic violence, gender-based violence, and the importance of women's education.⁹⁴ Such initiatives are vital for fostering long-term societal change and must be supported and expanded.

Economic empowerment is critical to reducing gender discrimination, as financial independence allows women to have greater control over their lives and decisions. In many parts of Nigeria, women are economically marginalized, with limited access to resources, education, and formal employment opportunities. Economic empowerment programs that provide women with skills training, access to credit, and entrepreneurship opportunities can help to bridge this gap. For example, microfinance initiatives have been effective in empowering women by providing them with the financial resources needed to start and sustain their businesses.⁹⁵ These programs not only enhance women's economic status but also contribute to their overall empowerment and reduce their vulnerability to discrimination and violence.

Community engagement is essential for addressing the deeply rooted cultural practices that contribute to gender discrimination. In many Nigerian communities, traditions and customs that discriminate against women are upheld by social norms and community leaders. Engaging these communities through dialogue, education, and advocacy is crucial for changing harmful practices such as female genital mutilation (FGM), child marriage, widowhood, and discriminatory inheritance practices.⁹⁶ Working with religious and traditional leaders to advocate for gender equality can also be effective in changing attitudes and behaviors within communities. Programs that involve men and boys as allies in promoting gender equality have been particularly successful in challenging patriarchal norms and reducing gender-based violence.⁹⁷

Finally, institutional reforms are necessary to ensure that laws and policies aimed at promoting gender equality are effectively implemented. This includes training law enforcement officers, judges, and public officials to handle gender-related cases with sensitivity and fairness.⁹⁸ Building the capacity of institutions to enforce existing laws and provide support services for victims of gender-based violence is critical for gender

⁹⁴ Makama and Allanana (n 15).

⁹⁵ Garba (n 20).

⁹⁶ Kangiwa (n 18).

⁹⁷ Okome (n 17).

⁹⁸ Ekhaton (n 22).

equality. For instance, establishing specialized units within the police force to handle domestic violence and sexual assault cases can improve the response to such crimes and encourage more victims to seek justice. Additionally, reforms that ensure equal representation of women in decision-making positions within government and public institutions can help to address gender biases in policy-making and implementation.⁹⁹

7. CONCLUSION

The legal frameworks established in Nigeria for the protection of women against discriminatory practices are comprehensive, encompassing domestic laws and international treaties. While these frameworks represent significant progress in the formal recognition of women's rights, substantial challenges remain in their implementation and enforcement. Cultural and religious norms, weak institutional capacities, and gaps in public awareness continue to undermine the effectiveness of these legal protections. The commitment to international standards, as seen through the ratification of treaties like CEDAW, underscores Nigeria's dedication to gender equality. However, the lack of domestication and the persistence of discriminatory practices within legal provisions highlight the need for continued advocacy, reform, and enforcement to ensure that women's rights are fully realized and protected in Nigeria.

To effectively combat gender discrimination and enhance the protection of women's rights, several measures need to be implemented. Firstly, the full domestication of the CEDAW should be prioritized. This will ensure that its principles are legally binding and enforceable within the national legal system, providing a stronger foundation for gender equality. Legislative reforms are necessary to amend discriminatory provisions within existing laws. For instance, provisions that allow early girl-child marriage and prioritize paternal consent over maternal consent should be revised to ensure equal protection and rights for women. The recognition of marital rape as a crime is also essential to provide legal recourse for married women and align with international standards on sexual violence.

Combating harmful traditional practices such as female genital mutilation (FGM) and discriminatory widowhood practices require stringent enforcement and community engagement. Laws against these practices should be strictly enforced, and community-based programs should be implemented to educate and discourage these harmful customs. The comprehensive implementation of the Violence Against Persons (Prohibition) Act across all states in Nigeria is vital. This includes establishing support systems for victims, such as shelters and counseling services, and conducting public awareness initiatives to inform citizens about the provisions of the Act and their rights under it.

⁹⁹ Okongwu (n 21).

Strengthening collaboration between the government, civil society organizations, and international bodies can enhance the effectiveness of women's rights protection. Such partnerships can facilitate policy advocacy, legal aid, and monitoring of compliance with international standards. Civil society organizations, in particular, play a crucial role in providing support services to victims of discrimination and violence, and in holding the government accountable.