VIOLATION OF DIGNITY OF VULNERABLE WOMEN IN AFRICAN CUSTOMARY LAW AND SOCIO-RELIGIOUS MYTHOLOGY*

Abstract

African customary law and socio-religious mythology are manifest in superstitious beliefs, myths, customs, rites, mindsets, local traditions and sometimes, religion. They are largely unwritten, ancient in origin and inherited across generations. They sync with patriarchy and define human dignity on the basis of gender and vulnerability. This paper is a socio-legal discourse. It uses random examples to explore the violation of dignity of vulnerable women and girls in African customary law and socio-religious mythology. It argues that by the practical application of myths and customs, little or no premium is placed on the human dignity of vulnerable women and girls, to wit, widows, women with albinism, unmarried spinsters, lesbians, barren and childless women, as well as women who have only daughters and no sons. It concludes that African myths and customs dehumanize, demean and devalue vulnerable women and girls contrary to standard guarantees of right to human dignity in domestic and international law. The paper significantly underlines the gap between the rhetoric and reality of gender equality in Africa.

Keywords: *Human dignity, vulnerable women, customary law, Socio-religious mythology, Africa.*

1. Introduction

African Mythology is manifest in customary law which comprises superstitious beliefs, myths, customs, as well as religious and cultural traditions inherited from time immemorial and prevalent in individual societies. It is largely unwritten, unscientific, ancient in origin, and passed from one generation to another. These myth symbolize the African traditional allegiance and belief in the unchangeable wisdom of their ancestors as their 'gods' or unseen divine.[1] They also accentuate the decisive role of ancestors as formidable spiritual forces for directing and determining the affairs of the living.[2] This is the extent to which customary law and socio-religious mythology impact in the beliefs, habits, rites and practices of people in African societies including the latitude of dignity which vulnerable women and girls can be entitled to. It is therefore understandable that in *Kharie Zaidan v. Fatima Khalil Mohssen*[3] Teslim Elias (then CJN) defined customary law as: 'the system of law not being a law enacted by any competent legislature in Nigeria, but which is enforceable and binding within Nigeria as between the parties subject to its sway'. Of a truth, African customary law and mythology place little or no premium on the dignity of vulnerable women and girls, especially widows, women with albinism, unmarried women (older spinsters), lesbians, childless women, barren women as well as women who have only daughters and no sons. These violations to dignity come in diverse forms and compounded by prevalent patriarchy which support discrimination and inequality contrary to standard guarantees of the right to human dignity in domestic and international law.[4]

2. Meaning of Human Dignity

Simply put, human dignity means 'human worth'. The word, *dignity* is derived from the Latin word *'dignitas'* meaning 'worth' or 'self-respect'.[5] It underlines the intrinsic value of the human person irrespective of vulnerability in terms of race, gender, disability, marital status, sexual orientation, caste, skin pigmentation or other status. Michael Rosen and W. Parent rightly described dignity as the

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[1] Ojilere, A., 'African Mythology in the Violation of Life and Dignity of Albino Minorities in Nigeria' (2018) *1*(1) *University of the Gambia Law Review*, 235-247.

[2] Uchendu, V. C. (1976). Ancestorcide! Are African Ancestors Dead? *Ancestors*, 283.

[3] (1973) 11 SC 1 at 21.

[4] Ojilere, A., 'Quest for a sustainable legal framework for the protection of women's right to dignity in Nigeria: Lessons from India and South Africa' (2015) (Doctoral dissertation, University of Malaya). http://studentsrepo.um.edu.my/6384/1/ALOY_OJILERE-_2015_SUBMITTED_FINAL_PHD_THESIS.pdf (18/5/2021).

[5] www.latin-dictionary.org/dignitas *(14/5/2021).*

'absolute, priceless, unconditional worth' of human beings.[6] Article 4 of the African Charter on Human and Peoples' Rights, 1981[7] state that: 'Human beings are inviolable. Every human being shall be entitled to respect for his life and the integrity of his person. No one may be arbitrarily deprived of this right.' Its Article 5 similarly state that: 'Every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of his legal status. All forms of exploitation and degradation of man particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment shall be prohibited.' Section 34 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) guarantees of the right to human dignity by providing that 'every person is entitled to the dignity of his/her person and no one shall be subjected to torture, inhuman or degrading treatment.'[8] The right to human dignity, equality and non-discrimination are also provided in core UN Documents and human rights instruments,[9] particularly the Universal Declaration of Human Rights (UDHR) and the United Nations Charter.[10] The cumulative import of these instruments is the compound guarantee of gender equality and dignity of all persons including women and children.

For the avoidance of doubt, the violation of dignity of vulnerable women in African mythology takes one or more of several forms depending on the nature of vulnerability but the commonest forms include: humiliation, discrimination, isolation, ostracization, murder, jesting and verbal abuse, physical violence, abandonment, refusal of intermarriage, organ harvest, traditional widowhood rites, derogatory nicknames or demeaning referencing. This paper posits that irrespective of form or pattern, it is illogical to violate or compromise the dignity of vulnerable women and girls or anybody at all on the basis of mere customs, superstitions or myth.[11]

Women and Girls

Unarguably, women's dignity is the core of women's rights in human rights discourse. It is encased in gender equality which is listed as No. 5 of the UN Sustainable Development Goals (SDGs).[12] The 1993 Vienna Declaration of the UN World Conference on Human Rights states clearly that *the human rights of women and of the girl-child are an inalienable, integral and indivisible part of human rights*. Nonetheless, prevalent mythology and customary law in most African societies view women and girls as an addendum to men and boys. A common reasons for this is wrong notion is the belief in patriarchy and male primogeniture which promote the thinking that the world is typically 'a man's world' and

[6]See Parent, W., 'Book Review: Dignity: Its History and Meaning, written by Michael Rosen' (2014) *11*(3) *Journal of Moral Philosophy*, 361-363, at 361, referring to the famous Kantian definition.

[7] Adopted 27 June 1981 and came into force 21 October 1986, OAU Doc. CAB/LEG/67/3 rev. 5; 1520 UNTS 217; 21 ILM 58 (1982). Domesticated in Nigeria as African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act, Chapter A9 Laws of the Federation of Nigeria 2004.

[8]Section 33 thereof guarantees the right to life while section 42(1) (a) guarantees the right to non-discrimination against any private, public, legislative or administrative action or any law, on the basis of ethnic group, place of origin, sex, religion or political opinion. Section 43 guarantees the right to acquire and own immovable property.

[9]Allied provisions on human dignity, gender equality, prohibition of torture, degrading treatment and non-discrimination are contained in the Convention Against Torture and other Cruel Inhuman or Degrading Treatment or Punishment 1984, the International Covenant on Economic, Social and Cultural Rights (ICECSR) 1966, the Convention on the Rights of the Child (CRC) 1989, the International Covenant on Civil and Political Rights (ICCPR) 1966, Slavery Convention of 1926 (as amended), and Supplementary Convention on the Abolition of Slavery, Slave Trade, and Institutions and Practices Similar to Slavery.

[10] See Articles 1, 8, 13, 55, 56, 62, 68 and 76 of the UN Charter wherein the UN is variously obliged to promote equality and to perform its functions and responsibilities of solving international socio-cultural problems as well as respect for human rights and for fundamental freedoms for all without distinction as to race, creed or sex, among others. **Article 1.3** and 1.4 specifically mandate the UN 'to achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion' as well as 'to be a Centre for harmonizing the actions of nations in the attainment of these common ends.' **Article 13.1.b** enjoins the UN General Assembly to promote international co-operation in the social, cultural, religious and health fields, among others, and 'assist in the realization of human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion'.

[11] Ojilere, A., & Gan, C. C., 'Learning from the Indian Judiciary: New Directions for Securing Nigerian Women's Right to Dignity' (2015) *31*(1) *Asian Women*, 81-106; Ojilere, A., & Nnadi, I., 'Judicialization of the Fundamental Rights and the Directive Principles of State Policy in India: Road Map for the Globalization of Women's Dignity and Other Rights in Nigeria' (2018) *13*(1) *University of Jos Law Journal*, 150-163.

[12] United Nations Development Programmes (UNDP) Sustainable Development Goals. www.undp.org/content/dam/undp/library/corporate/.../SDGs_Booklet_Web_En.pdf *(8/5/2021).*

family ancestry follows the male lineage, hence, society can dispense with women and girls.[13] By this unfounded thinking, human rights are seen as men's rights while women's rights are believed to ensue from the benevolence of men.[14] Metaphorically, men are also likened to gold while women are likened to silver, and the question is often asked to disparage women: How many silver make one gold? This is a subtle way of inferring, albeit erroneously, that no number of female children is equal to a male child.[15] As such, among Africans, the birth of a son is heralded with much excitement and considered as a much greater blessing than the birth of a daughter. By the culture of 'son preference' common in most African societies, baby girls are sometimes starved of food so that baby boys will have enough to eat.[16] The practice of female genital mutilation (FGM) is also a myth-belief meant to reduce the propensity of girls to become promiscuous when they grow up, albeit, it is unfounded, without medical or scientific proof, and merely superstitious.[17] Core African societies also assume that a married woman is, literally, yet 'standing on one leg' in the marriage until she gives birth to a son. Worse still, in some *Igbo* communities, people go to the extent of declaring that a woman that has given birth to only female children is still childless**.**[18] This Afrocentric notion of son-preference has endured from time immemorial and continues to promote gender inequality and discrimination against women and girls across patriarchal Africa.[19] It has equally pushed some men into polygamy, even against their ordinary wish. This is also the African trado-religious philosophy that educating or training a girl-child is as futile as watering a neighbor's garden, because she will eventually be married out to someone else. The violation of the dignity of girls in African customary law extends to the unfounded myth-belief that sexual intercourse with a virgin girl can cure serious infections like HIV/AIDS.[20] Before the 2014 landmark decisions of the Supreme Court of Nigeria in *Anekwe v. Nweke*[21] and *Ukeje v. Ukeje*[22] prevalent *Igbo* customary law disentitled women and girls from inheriting land or landed property of a deceased husband or father.[23] This practice was also prevalent among the Yoruba, hence, in the old case of *Suberu v. Sunmonu*[24] *t*he Nigerian Supreme Court upheld the Yoruba customary law which disentitled a wife from inheriting her deceased husband's property.[25]

Prevalent African customary law and socio-religious mythology generally recognize men as 'head' of every family even where the man is virtually an invalid, younger in age than the women in the family, and even in circumstances where the wife or a woman is the de facto 'breadwinner' of the family. This is based on the Afrocentric patriarchal inequality whereby women are considered inferior to men, and

[13] Ojilere, A., 'The Implication of Customary Law and Socio-religious Mythology on the Rights of Women in Nigeria' (2008) *1*(1) *Nigerian Journal of Public Law,* 257-266.

[14] Charlesworth, H., 'Human rights as men's rights' In *women's rights human rights* (2018) pp. 103-113. Routledge.

[15] Ojilere, A., 'Socio-Cultural Mythology on Women Dignity and the Rhetoric of Globalization of Human Rights in Nigeria' In Chapter 25 of U.S.F. Nnabue (Ed.), *Thematics on the Law of Development,* (2017) pp. 396-406.

[16] Oyekanmi, F. D., 'Socioeconomic Dimensions of Gender Equality in Nigeria' In S. O. Akinboye (Ed.), *Paradox of Gender Equality in Nigerian Politics: Essays in Honour of Dr. (Mrs.) Veronica Adeleke* (2004) pp. 41-61. Lagos, Nigeria: Concept Publications Ltd.

[17] Ekpatt, A. O., 'Female Genital Mutilation and the Influence of Traditional Cultural Practices against Women: Experience from Ibibio, Akwa Ibom State of Nigeria' In *Handbook of Research on the Impact of Culture in Conflict Prevention and Peacebuilding* (2020) IGI Global, pp. 26-44.

[18] Anyanwu, O., & Ugo-Ochulo, N., 'Contemporary Discriminatory Linguistic Expressions against the Female Gender in the Igbo Language'. Available at: http://lass.suda.edu.cn/_upload/article/files/32/3d/a95bef7b4312aaedcb31884adf43/e5bb500e-8042-4b65-b587-a3ed1b3f9557.pdf (17/5/2021).

[19] Ojilere, A., & Gan, C. C., (n. 14).

[20] Ojilere, A., 'The Socio-legal Implications of the Fight against HIV/AIDS in Nigeria' (2008) *1*(1) *Nigerian Journal of Food, Drug and Health Law,* 84-106; Ojilere, A., & Chukwumaeze, U. U., 'CEDAW and Gender-Based Discriminations against Women in Nigeria' (2010) *3*(1) *Nigerian Journal of Food, Drug and Health Law,* 95-105.

[21] (2014) 234 LRCN 34.

[22] (2014) 11 NWLR (part 1418) 384; (2014) 234 LRCN 1.

[23] Under the extant customary law and socio-religious mythology prior to these two judgements women were not recognized as independent personality but rather as the appendage of a father or mother, and therefore could not enjoy inheritance right or succession to the estate of a deceased husband or father because she is even considered as a part of the deceased's estate to be inherited by male family members.

[24] *(1957) 2FSC.*

[25] In today's world, this would be a violation of local and international law including Article 16 of the Convention on the Elimination of all forms of Discrimination against Women (CEDAW), which empowers women to own or alienate immovable property anywhere.

it is permissible for a man to *dominate*, threaten, chastise, beat, or even rape his wife.[26] Instead, when a man beats or rapes his wife customary law simply considers it an appropriate way for him to 'recount his money' to ensure that it is 'complete.'[27] This patriarchal myth underlines a man's authority to exercise control and proprietary right over his wife. As such, a man can *donate* his wife for the sexual pleasure and comfort of a special guest or august visitor as a sign of utmost hospitality and respect. This may not be unconnected to the patriarchal customary belief that by paying a woman's *bride price* in marriage, she absolutely becomes *the property* of her husband.[28] On the other hand, however, it is a taboo for a woman to stand up to, beat, or disrespect her husband in public or at home before family members.[29] Women are also forbidden to eat chicken rump. When drinking palm wine in the presence of men, custom requires women to show respect by stooping down low and not stand. Customary law and mythology do not also recognize the sexual or reproductive dignity of women. As such, it is forbidden for a wife of a customary law marriage to negotiate sexual convenience, number or spacing of children in the marriage, or insist on any form of safer sexual relation with her husband. Instead, she is to act as his servant and to do all his biddings including sex whenever he demands of it, and not to refuse to get pregnant whenever he decides.[30] No doubt, these myths are unfounded, obnoxious and based on mere superstitions which roundly dehumanize and demean the utmost pride and dignity of women and girls. Some Islamic socio-religious practices also violate the dignity of women[31] and girls given relevant Quranic injunctions on wife beating/chastisement,[32] wife confinement (*Purdah*),[33]

[26] In Nigeria for instance, spousal rape is endorsed by section 357 of the Criminal Code Act Cap 77, Laws of the Federation of Nigeria, 1990 (applicable in the Southern part of Nigeria) which defines rape as unlawful carnal knowledge of a woman or girl by *any person* without her consent, or with her consent, if it was obtained unlawfully. However, its section 6 illogically define unlawful carnal knowledge as 'carnal connection which takes place otherwise than between husband and wife.'

[27] Antai, D., 'Controlling behavior, power relations within intimate relationships and intimate partner physical and sexual violence against women in Nigeria' (2011) *11*(1) *BMC public health*, 511.

[28] See Staveren, I. V. and Ode bode, O., 'Gender norms as asymmetric institutions: A case study of Yoruba women in Nigeria' (2007) 41(4) *Journal of Economic Issues*, 903-925.

[29] See Olong, M. A., 'Cultural Practices and Traditional Beliefs as Impediments to the Enjoyment of Women's Rights in Nigeria' (2009) *1* (1) *Journal of Contemporary Legal Issues*, 117-131.

[30] Ojilere, A., (n. 16).

[31] Arabian, A., 'The Rights and Duties of Spouses in Viewpoint of Koran and Jurisprudence' (2016) *6*(1) *International Journal of Academic Research in Business and Social Sciences*, 196-209.

[32]Qur'an 4: 34, interpreted literally, suggests that some form of beating is an appropriate punishment for a husband to administer to a disobedient wife. Contemporary Muslim scholars, however, interpret this provision differently. See: Dunn, S., & Kellison, R. B., 'At the intersection of scripture and law: Qur'an 4: 34 and violence against women' (2010) *26*(2) *Journal of Feminist Studies in Religion*, 11-36; Jalajel, D. S., & Azid, T., 'Wife Beating in Islamic Law: Re-Evaluating the Illocutionary Force of the Imperative Verb in Qur'an 4: 34' (2020) *World Scientific Book Chapters*, 579-594.Section 55 (1) (b) of the Nigerian Penal Code (Cap C3 Laws of the Federation 2004) also permits a husband to beat/chastise his wife as long as it does not cause her grievous bodily harm. This provision was endorsed by a Nigerian Court of Appeal in *Akinbuwa v. Akinbuwa*, (1998) 9 NWLR (Pt 564)100.

[33] *Purdah*, means curtain. It is the word most commonly used for the system of secluding Muslim women and enforcing high standards of female modesty in Islam. See Papanek, H., 'Purdah: Separate worlds and symbolic shelter' (1973) *15*(3) *Comparative studies in society and history*, 289-325. By this practice, a man is permitted to lock-up his wife at home and away from public interaction or socialization. The practice has also become controversial, hence, it has been described as the extreme manifestation of the moral double standard which requires strict virginity and fidelity of women. See White, E. H., 'Purdah' (1977) *Frontiers: A Journal of Women Studies*, 31-42.

child/forced marriage,[34] verbal divorce/instant divorce (Triple *Talaq*)[35] and the insistence on *Hijab*[36] as dress code for Muslim women and girls.[37]

On the basis of the foregoing, Islamic scholar Rafatu Abdul Hamid insists that 'one of the major obstacles that have impeded the progress of man towards freedom and peace is that of the bondage to his tribal customs and traditions, some of which have continuously ignored the basic human rights of others.'[38]

Other forms of degrading treatment and practices which violate the human dignity of women and girls include: polygamy, forced shaving of hair, widow inheritance, female genital mutilation, ear piercing, *nrachi nwanyi* custom (among the Ibos) where a father keeps any of his daughters in the family to remain unmarried and bear him male children who can be his heirs.[39] Such custom is dehumanizing and outright demeaning because it interferes with the dignifying right of the girl to marry and found a family.[40] They also promote violence against women and girls thereby justifying the often-held view that African culture is not only oppressive and rigid to women but also archaic and altogether retrogressive.[41] As such, the central argument of this paper is true, namely, that African mythology and customary law are based on mere superstition compounded by patriarchy, and grossly violate the right to dignity of vulnerable persons including women and girls.[42] The general violation of dignity of women under customary law and socio-religious mythology was ably underscored by former Chief Judge of Imo State when he wrote that: 'Women all over the world and from time immemorial have been objects of discrimination by men and the laws men make' and that 'this discrimination is inherent in the myths and folklore, in the culture, in the tradition and in the way of life of many human communities.' [43]

The failure of African governments to achieve gender equality and human dignity in sync with relevant Sustainable Development Goals (SDGs) has also been blamed on intractable patriarchal cultures.[44]

[34] Ordinarily, marriage is the voluntary union of one man and one woman to the exclusion of all others, wherein the mutual consent of the parties is *sine qua non*. However, Islam permit parents and guardians to choose husbands for their underage or virgin daughters, irrespective of their own choices or opinion. As such, young or teenage girls can be forced into an unacceptable marriage, possibly for the economic or other benefit/interest of her family. This practice is also controversial and contested. See: Fayokun, K. O., 'Legality of child marriage in Nigeria and inhibitions against realisation of education rights' (2015) *12 US-China L. Rev.*, 812; Braimah, T. S., 'Child marriage in Northern Nigeria: Section 61 of Part I of the 1999 Constitution and the protection of children against child marriage' (2014) *14*(2) *African Human Rights Law Journal*, 474-488.

[35] Triple *talaq* is the Islamic practice under which a Muslim man can divorce his wife instantly and verbally by simply uttering '*talaq*' three times, that is, 'I divorce you, I divorce you, I divorce you'. This practice demeans womanhood and compromises the dignity of a wife. This practice is also controversial and highly contested. See: Ahmad, N., 'A critical appraisal of 'triple divorce' in Islamic law' (2009) *23*(1) *International Journal of Law, Policy and the Family*, 53-61; Hussain, S., 'Triple talaq: A socio-legal analysis' (2010) *1*(1) *ILI Law Review*, 130.

[36] Islamic robe/flowing gown which covers the entire body of a female and sometimes the face, in order to conceal her beauty (for married Muslim women) and make them her 'invisible' to other men.

[37] This practices has, however, become controversial in recent times, partly because the Qur'an offers so little guidance on proper dress even though the hijab may actually depict modesty in the 'covering' of women. See Abdul Hamid, R., 'Islam and Cultural Interferences in the Lives of the Nigerian Women' (2014) *4*(17) *Research on Humanities and Social Sciences,* 1-7.

[38] *Ibid.*

[39] Igwenyi, B. O., & Udu, E. A., 'Ukeje v. Ukeje: Settling Other Issues on Inheritance in Nigeria' (2020) *4*(2) *African Journal of Law and Human Rights*, 22-32.

[40] *Ibid.*

[41] Ngira, D. O., 'The Implication of an African Conception of Human Rights on the Women Rights Movement: A Bottom-up Approach to Women's Human Rights Protection' (2018) *E. Afr. LJ*, 128.

[42] Sewpaul, V., 'Social work and human rights: An African perspective' In *Human rights and social equality: challenges for social work* (2016) pp. 35-50. Routledge.

[43] See Hon. Justice G.G.I. Orjiako (Rtd), Opening address presented at a seminar on Discriminatory Laws And Practices Against Women In Nigeria held in Owerri in 1995; (Lagos: Constitutional Rights Project, 1995) at p.43. There are, however, contrary findings that sometimes men are the actual victims of domestic violence perpetrated by women. See: Ojilere, A., Nkwoh, J., & Obiaraeri, N. O., 'Domestic Violence Victimization in Nigeria: The Often Ignored Perspective' (2019) *5* (1-2) *International Journal for Intersectional Feminist Studies,* 29-40.

[44] Merry, S. E., 'Constructing a Global Law-Violence against Women and the Human Rights System' (2003) *28*(4) *Law & Social Inquiry*, 941-977 at 947.

Widows

Another vulnerable group whose right to human dignity is compromised by customary law and socio-religious mythology is widows. By the prevalent customary law in some communities, a widow is to be inherited as 'wife' by her stepson or any male family member or brother of her deceased husband, otherwise, she may be denied appropriate care or forced out of the family especially if she has no son or if her children are still young. The traditional widowhood rite in some cultures compel a widow to drink the bath water of her husband's corpse before his burial, as a form of traditional 'oath taking' that she had no hand in his death. It is also customary in most parts of *Igboland* that when a man dies his widow is taken to the backyard where the hair on her head, pubic area and arm pit will be shaved clean by another widow. The widow is also made to sit on a mat or bare floor dressed in some tattered clothing, and would not have a proper or full bath until after her husband's burial. Within the period of mourning the widow is also considered unclean, isolated and compelled to stay at home and seated in a particular corner of the house daily until her husband is buried.[45] Regrettably, these rites apply irrespective of the widow's academic, financial or socio-political standing, otherwise, she may be expelled or ostracized from the village or community and ejected from her matrimonial home. Her children may also be denied the right to inherit their late father's estate.[46] It is, however, ironical that oftentimes, these dehumanizing rites are superintended by the elderly widows in the family or community who also ensure compliance therewith.[47] It is therefore understandable why the discourse on widow inheritance across Africa has been dominated by the concepts of patriarchy, male chauvinism, and oppression of women.[48] The dehumanization of widows in African mythology extends to discrimination in the right of succession and inheritance of property. Prior to the 2014 decision of the Supreme Court of Nigeria in *Anekwe v. Nweke*[49] widows were not entitled to inherit the estate of their late husband under customary law.[50] Instead, they were considered as chattels and part of the deceased's estate to be inherited by the males. There are also comparative findings that across Africa, widows face more restrictions, and endure the most humiliating rituals in relation to dress codes, personal hygiene, eating food, sexual activity, ritual seclusion, isolation, discrimination, and oppression than widowers.[51] For instance, in Uganda, widowhood is highly stigmatized among younger adults because of its associations with possible HIV infection.[52] Also, while the sexual choices of widows are relatively restricted even when they are still of reproductive age, there is a general consensus that widowers are expected, and even encouraged to renew their sexual activity or remarry soon after mourning their dead spouses.[53] This paper therefore concedes that African traditional widowhood rites lack empirical essence and are simply meant to demean the widow and compromise her human dignity.[54]

[45] Ohiaege, M. R. B., 'Widowhood Practices in South-Eastern Nigeria: An Aspect of Women Exclusion in Leadership, Governance and Development' (2017) 3(1) *GOUNI Journal of Management and Social Sciences*, 35–52.

[46] Ajayi, L. A., Olanrewaju, F. O., Olanrewaju, A., & Nwannebuife, O., 'Gendered violence and human rights: An evaluation of widowhood rites in Nigeria' (2019) *6*(1) *Cogent Arts & Humanities*, 1676569.

[47] Akinbi, J. O., 'Widowhood practices in some Nigerian societies: A retrospective examination' (2015) *5*(4) *International journal of humanities and social science*, 67-74.

[48] Amone, C., 'Widow Inheritance in Northern Uganda' (2021) *Patriarchy and Gender in Africa*, 95.

[49] (2014) 234 LRCN 34.

[50] Ojilere, A., Onuoha, R., & Igwe, T. I., 'New Directions for Securing African Women's Right to Property under Customary Law: The Case of Nigeria' (2019) *35*(1) *Asian Women*, 95-119; Enabulele, A. O., & Ewere, A. O., 'Liberating Nigerian Widows from Prejudiced Rules of Succession upon Intestacy-Whither the Supreme Court of Nigeria?' (2019) *2 GLR*, 92; Uwaezuoke, C. N., 'Inheritance Rights to Real Property under Igbo Land Customary Law: Did the Supreme Court Ever Symmetrize Gender?' (2019) *1*(1) *Nigerian Journal Online-Published Articles*. Available at: https://nigerianjournalsonline.com/index.php/published_Articles/article/viewFile/486/477 (20/5/2021).

[51] Sossou, M. A., 'Widowhood practices in West Africa: the silent victims' (2002) *11*(3) *International Journal of Social Welfare*, 201-209; Ewelukwa, U. U., 'Post-colonialism, gender, customary injustice: Widows in African societies' (2002) *24 Hum. Rts. Q.*, 424.

[52] Nyanzi, S., Emodu-Walakira, M., & Serwaniko, W. (2009). The widow, the will, and widow-inheritance in Kampala: revisiting victimisation arguments. *Canadian Journal of African Studies/La Revue canadienne des études africaines*, *43*(1), 12-33.

[53] Nyanzi, S., Emodu-Walakira, M., & Serwaniko, W. (2009). The widow, the will, and widow-inheritance in Kampala: revisiting victimisation arguments. *Canadian Journal of African Studies/La Revue canadienne des études africaines*, *43*(1), 12-33.

[54] Manala, M. (2015). African traditional widowhood rites and their benefits and/or detrimental effects on widows in a context of African Christianity. *HTS theological studies*, *71*(3), 01-09.

Women with Albinism

Albinism, which is more scientifically known as Oculocutaneous albinism, is a natural birth defect[55] which occurs as a result of lack of melanin pigment.[56] It typically changes the colour of the skin,[57] eyes and hair texture,[58] and sometimes causes blurred or impaired vision due to high sensitivity to the sun.[59] Experts opine that the commonest form of albinism is the inherited oculocutaneous albinism (OCA).[60] Persons with albinism are commonly called *albinos*, a term which some international human rights advocates consider rather inhuman and derogatory.[61] This paper concedes that using the phrase, *albino women* somehow victimizes affected persons because it places their 'status', condition or physical challenge before their person. Instead, the phrase *women with albinism* seem more appropriate as it rightly places the person before their status or condition.[62] Although albinos are human beings and albino rights are human rights, African customary law and socio-religious mythology include the belief that albinism is 'a curse' and that albinos women are witches, mystery beings of special spiritual, magical and mystical consequences, [63] and that being 'different' from other human beings, they are suitable for ritual sacrifice.[64] It is further believed that sleeping with an albino woman is a sure cure for serious infections including HIV/AIDS,[65] hence, women and girls with albinism are particularly vulnerable to predatory men for rape and sexual molestation.[66] There are findings that the proportion of albino women who are married is 'very low' in Nigeria because male suitors are reluctant to marry them.[67] In Burundi, Uganda and Tanzania, they are treated as witches, and often kidnapped for organ harvest, killed for rituals or otherwise simply murdered to ensure extermination of future albinos.[68] Albinos are stigmatized, prejudiced and resented[69] alongside their parents and family members.[70] As

[55] Okulicz, J., Shah, R., Schwartz, R., & Janniger, C., 'Oculocutaneous albinism' (2003) *17*(3) *Journal of the European Academy of Dermatology and Venereology,* 251-256.

[56] Murray, B. H. 'Albinism in Africa: A Medical and Social Emergency' (2015) *7 International Health,* 223-225; Benyah, F., 'Equally able, differently looking: discrimination and physical violence against persons with albinism in Ghana' (2017) *30*(1) *Journal for the Study of Religion,* 161-188.

[57] Kiprono, S. K., Chaula, B. M., & Beltraminelli, H., 'Histological review of skin cancers in African Albinos: a 10-year retrospective review' (2014) *14*(1) *BMC cancer,* 157.

[58] Kinnear, P., Jay, B., & Witkop, C., 'Albinism' (1985) *30*(2) *Survey of ophthalmology,* 75-101; Witkop, C. J., 'Albinism' (1989) *7*(2) *Clinics in dermatology,* 80-91; Jablonski, N. G., & Chaplin, G., 'The evolution of skin pigmentation and hair texture in people of African ancestry' (2014) *32*(2) *Dermatologic clinics,* 113-121.

[59] Creel, D., O'Donnell, F. E., & Witkop, C. J., 'Visual system anomalies in human ocular albinos' (1978) *201*(4359) *Science,* 931-933.

[60] King, R. A., Creel, D., Arvenka, J., Okoro, A. N., & Witkop, C. J., 'Albinism in Nigeria with delineation of new recessive oculocutaneous type' (1980) *17*(4) *Clinical genetics,* 259-270.

[61] Note: The term albino (or albino women) used in this paper are merely for convenient writing and easier comprehending and not intended to disparage or compromise the dignity of affected persons.

[62] Ojilere, A., (n. 4); Ojilere, A., & Saleh, M. M., 'Violation of Dignity and Life: Challenges and Prospects for Women and Girls with Albinism in Sub-Saharan Africa' (2019) 4(3) *Journal of Human Rights and Social Work,* 147-155

[63] Bryceson, D. F., Jønsson, J. B., & Sherrington, R., 'Miners' magic: artisanal mining, the albino fetish and murder in Tanzania' (2010) *48*(3) *The Journal of Modern African Studies,* 353-382.

[64] Oyewole, S., 'Kidnapping for Rituals: Article of Faith and Insecurity in Nigeria' (2016) *9*(9) *Journal of Pan African Studies,* 35-53.

[65] Baker, C., Lund, P., Nyathi, R., & Taylor, J., 'The myths surrounding people with albinism in South Africa and Zimbabwe' (2010) *22*(2) *Journal of African Cultural Studies,* 169-181.

[66] Aceves, W. J., 'Two Stories about Skin Color and International Human Rights Advocacy' (2015) *14 Wash. U. Global Stud. L. Rev.,* 563; Ntinda, R. N., (2010). *Customary practices and children with albinism in Namibia: A constitutional challenge? http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.616.6635&rep=rep1&type=pdf* (21/5/2021)

[67] Okoro, A. N., 'Albinism in Nigeria' (1975) *92*(5) *British Journal of Dermatology,* 485-492.

[68] Aquaron, R., Djatou, M., & Kamdem, L., 'Sociocultural aspects of albinism in Sub-Saharan Africa: Mutilations and ritual murders committed in east Africa (Burundi and Tanzania)' (2009) *69*(5) *Medecine tropicale: revue du Corps de sante colonial,* 449-453. Remarkably, in Tanzania, few albino killers have been sentenced to death but not much has been done to protect albino women or other albinos from future attacks. See: Bucaro, S., 'A black market for magical bones: the current plight of east African albinos' (2009) *15 Pub. Int. L. Rep.,* 131 (cited in Possi, A., & Possi, A. 'The Identity Question Versus Appropriateness of Legal Anti-Discrimination Measures: Endorsing the Disability Rights Approach to Albinism' (2017) *5 African Disability Rights Yearbook,* 118-140, 120. Available at: http://www.adry.up.ac.za/images/adry/volume5_2017/Chapter%207_2017.pdf (1/6/2021).

[69] Ikuomola, A. D., 'Socio-Cultural Conception of Albinism and Sexuality Challenges among Persons with Albinism (PWA) in South-West, Nigeria' (2015) *4*(2) *AFRREV IJAH: An International Journal of Arts and Humanities,* 189-208; Cruz-Inigo, A. E., Ladizinski, B., & Sethi, A., 'Albinism in Africa: stigma, slaughter and awareness campaigns´ (2011) *29*(1) *Dermatologic clinics,* 79-87; Braathen, S. H., & Ingstad, B., 'Albinism in Malawi: knowledge and beliefs from an African setting' (2006) *21*(6) *Disability & Society,* 599-611; Baker, C., Lund, P., Nyathi, R., & Taylor, J., (n. 68).

[70] Aquaron, R., Djatou, M., & Kamdem, L. (n. 71).

such, some pregnant women opt to abort female albino fetuses,[71] otherwise albino children are killed at birth or abandoned to die.[72] The foregoing confirm the finding that the murders, amputations and trafficking in body parts of persons with albinism in Nigeria and parts of Africa is an affront to the dignity and sanctity of the human body as guaranteed under international human rights law.[73]

Africans also compromise the dignity of persons with albinism including women and girls by calling them ignoble names. For instance, in Nigeria, the Easterners deride them as 'unfortunate Europeans',[74] the Hausa of the Northern region call them *Bature Ntuda,* meaning 'fake white man'[75] while the Yoruba people of the South West ignobly refer to them as *Afin* or *eni-orisa,* that is, 'one who belongs to the deity.'[76] In Mali, they are derided as *gomblé* or *gombolé*, which literally means 'red monkey' [77] Worse still, prevalent myth in some African societies include the belief that albinism is contagious, hence, in Zimbabwe, even educated albino women never get employed for jobs as employers always believed that 'an albino secretary would hurt the company's reputation'.[78] In South West Nigeria such women are constrained to undertake menial outdoor work only.[79] The stigmatization and segregation of albino girls and children in Africa have also prevented some of them from attending schools.[80] No doubt, all these acts demean womanhood and particularly violate the right to human dignity of vulnerable women and girls in patriarchal societies like Nigeria.[81]

Unmarried Women (Older Spinsters) and Singlehood

In most African value systems, the word, 'spinster' can carry a whiff of impoliteness in certain circumstances. The cliché describes a single woman who is old enough to be married but isn't, and isn't likely to get married.[82] It is therefore a derogatory noun for an unmarried woman or older spinster who has manifestly crossed the socially perceived age for marriage. Traditional Africans societies despise and disparage singlehood, especially in women, as a mark of irresponsibility and dishonor.[83] In the case of older single women in Nigeria, some authors rightly posited thus: 'Singleness for women beyond the age considered conventional for marriage is regarded as a misnomer in Nigeria. Such women are pitied and blamed for their status. Often the blame is based on assumed personal character defect of the women.'[84] Instead, Africans view marriage with honor, respect and dignity, hence, the proverbial notion that it is only natural for females to 'grow from 'whose daughter' to **'**whose wife'?, and that anything

[71] Oyekanmi, F. D., 'Socioeconomic Dimensions of Gender Equality in Nigeria' In S. O. Akinboye (Ed.), *Paradox of Gender Equality in Nigerian Politics: Essays in Honour of Dr. (Mrs.) Veronica Adeleke* (2004) pp. 41-61. Lagos, Nigeria: Concept Publications Ltd.

[72] *Ibid.*

[73] Thuku, M., 'Myths, discrimination, and the call for special rights for persons with albinism in sub-Saharan Africa' (2011) *Amnesty International editorial review on Special Programme on Africa https://albinismawareness.or.tz/wp-content/uploads/2017/04/Calls-for-special-Right-to-People-with-Albinism-Report.pdf* (31/5/2021).

[74] Ojilere, A., (n. 65).

[75] Olagunju, O. S., 'Towards a Biblical Response to Myth and Discrimination against the Human Right of Albinos in Yorubaland' (2012) *1*(1) *Journal of Studies in Social Sciences,* 46-58.

[76] *Ibid.*

[77] Imperato, G. H. and Imperato, P. J., 'Beliefs and practices concerning twins, hermaphrodites, and albinos among the Bamana and Maninka of Mali' (2006) *31*(3) *Journal of community health,* 198-224.

[78] Kuster, R., 'White Skin, Black Souls' (2000) *382 New African,* 40-41; Cruz-Inigo, A. E., Ladizinski, B., & Sethi, A. (n. 72).

[79] Okulicz, J., Shah, R., Schwartz, R., & Janniger, C. (n. 58).

[80] Baker, C., 'Writing over the illness: the symbolic representation of albinism' (2008) *Social studies of health, illness and disease: perspectives from the social sciences, eds. PL Twohig and V. Kalitzkus,* 115-128.

[81] In Nigeria, they not only violate the constitutional rights to dignity of human person, gender equality and non-discrimination, among others, they also violate the Discrimination Against Persons with Disabilities (Prohibition) Act, 2018 which seeks the full integration of persons with disabilities into the society and establishes the National Commission for Persons with Disabilities vested with the duty of ensuring the education, healthcare, social, economic and civil rights of persons with disabilities in Nigeria.

[82] Merriam-Webster Dictionary. Available at: https://www.merriam-webster.com/words-at-play/spinster-meaning-origin (14/5/2021).

[83] Hertel, J, Schütz, A., DePaulo, B. M., Morris, W. L., & Stucke, T. S., She's single, so what? How singles are perceived compared with people who are married? (2007) *19, Journal of Family Research,* 139-158.

[84] Ntoimo, L. F., & Isiugo-Abanihe, U., 'Patriarchy and singlehood among women in Lagos, Nigeria' (2014) *35*(14) *Journal of Family Issues,* 1980-2008, p. 1. Available at: https://www.researchgate.net/profile/Lorretta_Ntoimo/publication/261471914_Patriarchy_and_Singlehood_Among_Women_in_Lagos_Nigeria/links/0a85e53454bea917a7000000/Patriarchy-and-Singlehood-Among-Women-in-Lagos-Nigeria.pdf (26/5/2021).

to the contrary is a misnomer. This is, however, without prejudice to social implications of empowerment whereby some women attain elevated economic heights without necessarily dependent on a husband or spouse.[85] Sometimes the disregard, stigma and indignity suffered associated with old spinsterhood among African Christians is justified by reference to the Biblical verse in Isaiah *4: 1* that: **'**In that day seven women will take hold of one man and say, 'We will eat our own food and provide our own clothes; only let us be called by your name. Take away our disgrace!'[86] Another translation reads thus: 'In that day so few men will be left that seven women will fight for each man, saying, 'Let us all marry you! We will provide our own food and clothing. Only let us take your name so we won't be mocked as old maids.'[87] The *Good News Translation* of the Bible also offers a most expressive and simplistic translation of the said verse, thus: 'When that time comes, seven women will grab hold of one man and say, 'We can feed and clothe ourselves, but please let us say you are our husband, so that we won't have to endure the shame of being unmarried.'[88] The underlined phrases in these translations confirm the socio-religious stigma of singlehood in women,[89] more so, given Goffman's definition of stigma as any personal attribute that is 'discrediting' to its possessors and that reduces such a person 'from a whole and usual person to a tainted and discounted one.'[90]

Lesbians

The term *lesbian* refers to female-identified women who indulge in romantic or sexual relationships with other female-identified transgender or intersex women. They may be *bisexual,* that is, female-identified women who seek caring, supportive and sexual relationships with other women and men, whether or not they are biological male or female, transgender or intersex.[91] They are part of the LGBTIQ (lesbian, gay, bisexual, transgender, intersex and queer) community, that is, persons whose gender presentation or sexual orientation do not conform to the norm, or who are convinced that their gender identity contrasts with the biological characteristics of their sex.[92]

Whichever way, African customary law and socio-religious mythology reject and denounce LGBTIQ practices for being 'a taboo', ungodly,[93] 'homonegative',[94] 'un-African',[95] 'unnatural', 'immoral',[96] and 'against the order of nature'[97] even though Dlamini argues against homosexuality being 'un-African' and 'unnatural'[98] Aside South Africa,[99] most African countries currently reject lesbianism and other

[85] Sodi, T., Esere, M. O., Gichinga, E. M., & Hove, P., 'Marriage and counselling in African communities: Challenges and counselling approaches' (2010) *20*(2) *Journal of psychology in Africa,* 335-340.

[86] New International Version. Available at: https://www.biblestudytools.com/isaiah/4-1.html (26/5/2021).

[87] New Living Translation. Available at: https://www.biblestudytools.com/nlt/isaiah/4-1.html (26/5/2021).

[88] Good News Translation: Available at: https://www.biblestudytools.com/gnt/isaiah/4-1.html (26/5/2021). The underlined statement in the verse emphasize that it is shameful to be unmarried.

[89] Byrne, A., & Carr, D., 'Caught in the cultural lag: The stigma of singlehood' (2005) *16*(2/3) *Psychological Inquiry*, 84-91.

[90] Goffman, E., *Stigma: notes on the management of spoiled identity* (1963) Englewood Cliffs, NJ: Prentice Hall, p. 3.

[91] Ojilere, A., 'Securing the Human Rights of LGBTIQ Persons across Africa: The Problem Within' (2020) *2*(1) *International Review of Law and Jurisprudence,* 189-196.

[92] *Ibid.*

[93] Vincent, L., & Howell, S., ''Unnatural', 'Un-African' and 'Ungodly': Homophobic Discourse in Democratic South Africa' (2014) 17(4) *Sexualities,* 472-483.

[94] Van Zyl, M., 'Are Same-Sex Marriages UnAfrican? Same-Sex Relationships and Belonging in Post-Apartheid South Africa' (2011) 67(2) *Journal of Social Issues,* 335-357.

[95] Reddy, V., & Baduza, U., 'Black, Gay and Out/In: Interview with Utando Baduza' (2006) 20(67) *Agenda,* 93-99.

[96] Kaoma, K., 'The Paradox and Tension of Moral Claims: Evangelical Christianity, the Politicization and Globalization of Sexual Politics in Sub-Saharan Africa´ (2014) 2(3) *Critical Research on Religion,* 227-245.

[97] The Holy Quran 7:80-81 states: 'Do ye commit lewdness such as no people in creation (ever) committed before you? 'For ye practice your lusts on men in preference to women: ye are indeed a people transgressing beyond bounds.' Similarly, the Christian Holy Bible states in Leviticus 18:22 thus: 'If there is a man who lies with a male as those who lie with a woman, both of them have committed a detestable act; they shall surely be put to death.' This paper posits that the core of these religious verses is the rejection of same-sex relationships in men, and it logically applies to women too.

[98] Dlamini, B., 'Homosexuality in the African Context' (2006) *20*(67) *Agenda*, 128-136.

[99]Ojilere, A., 'Homosexuality and Same-Sex Marriage: The Dilemma of Human Rights in Sub-Saharan Africa' (2016) *6, IMSU Journal of Commercial and Contemporary Law,* 159-169.

LGBTIQ practices in line with Islam,[100] Christianity,[101] and African Traditional Religion (ATR).[102] Africa's political leadership also deride and reject LGBTIQ rights as unacceptable 'new rights'[103] propagated by Western democracies and the international human rights community to contaminate African piety, morality and sanctity.[104] Consequently, in Nigeria and most African countries, lesbianism, gayism and same-sex marriages are criminalized by legislation despite Western/international blackmail and threat of Homocapitalism.[105] Till date, the LGBTIQ community in the sub-region continues to endure indignity, dehumanization, reproach, segregation, violence, and murder. There are reports that some countries deny lesbians and LGBTIQ persons access to healthcare because society views them as perverts.[106] In Nigeria, the police use the strategy of violent repression against these sexual minorities.[107] In Kenya sometimes, when sexual minorities report incidents of sexual violation, assault or rape, the merits of their complaint is ignored by the police. Instead, they are arbitrarily arrested and subjected to degrading treatments on the basis of their sexual orientation[108] thereby compromising their right to dignity, non-discrimination, equality, fair procedure and equal protection of the law.[109]

Barren and Involuntarily Childless Women

Assuredly, children are a blessing to marriage. However, core patriarchal myth-belief in pronatalist African societies[110] rather view children as *the essence* of marriage.[111] Christianity and Islam equally place prominence of fertility based on the religious injunction of 'increase and multiply'. This is underscored by the endorsement of polygamous marriages in both customary law and Islam. More specifically, Islam lays 'strong and unequivocal emphasis to high fertility' and 'many Moslems believe that it is their religious duty to multiply and populate the earth'.[112] It is however, regrettable that among most Africans, infertility and involuntary childlessness are not only despised and stigmatized but are also feminized, meaning that women are naturally blamed for childlessness in marriage even when male

[100] Mahomed, N., 'Islam and Homosexuality' (2013) 33 *Journal for Islamic Studies*, 235; Ahmadi, S., 'Islam and Homosexuality: Religious Dogma, Colonial Rule, and the Quest for Belonging' (2015) 26(3) *Journal of Civil Rights and Economic Development*, 2.

[101] Subhi, N., & Geelan, D., 'When Christianity and homosexuality collide: Understanding the potential intrapersonal conflict' (2012) 59(10) *Journal of homosexuality*, 1382-1402; Mathibe, R., 'The Conflicts: Christianity and Homosexuality' (2015) 29(1) *Agenda*, 81-84.

[102] Ward, K., 'Religious Institutions and Actors and Religious Attitudes to Homosexual Rights: South Africa and Uganda.' (2013) *Human rights, sexual orientation and gender identity in The Commonwealth: Struggles for decriminalisation and change*, 409-427, at 411.

[103] Addressing the UN General Assembly on Africa's stand on LGBT, former President Robert Mugabe of Zimbabwe described homosexuality and same-sex marriage as 'new rights' which are alien to Africa and contrary to African 'values, norms, traditions, and beliefs.' The Speech made 28 September, 2015 is available at: http://www.slate.com/blogs/the_slatest/2015/09/28/zimbabwe_s_mugabe_u_n_speech_on_gay_human_rights.html (17/5/2021).

[104] Ojilere, A., 'Jurisprudence of Homosexuality and Same-sex Marriage in South Africa and the United Kingdom: Human Rights Protection or Political Correctness?' (2016) *1 IMSU Journal of International Law and Jurisprudence*, 54-61.

[105] This terminology describes the practice of global capital conspiracy whereby Western and international aid and donor groups threaten to withdraw or deny aid to countries that officially reject same-sex relationships. See Rao, R., 'Global Homocapitalism' (2015) *194 Radical Philosophy*, 38-49; Ojilere, A., 'The Diplomacy of Homocapitalism against Africa: Same-Sex Marriage and the West's Promotion of Homosexuality' (2018) *22*(1) *World Affairs-The Journal of International Issues*, 152-163.

[106] Mukora, A. W., *Giving rights to the outlawed among us: decriminalizing Kenya's anti-sodomy laws* (Doctoral dissertation, Strathmore University), (2017) p. 14.

[107] Giwa, S. A. O., Logie, C. H., Karki, K. K., Makanjuola, O. F., & Obiagwu, C. E., 'Police violence targeting LGBTIQ+ people in Nigeria: Advancing solutions for a 21st century challenge' (2020) *1*(1) *Greenwich Social Work Review*, 36-49.

[108] PEMA-Kenya, *The Issue is Violence: Attacks to LGBT People at the Kenyan Coast,* at 22-23; Human Rights Watch, '*Kenya: Court Upholds Forced Anal Tests',* 16 June 2016.

[109] Human Rights Watch, '*Kenya: Court Upholds Forced Anal Tests',* 16 June 2016.

[110] That is, one which promote policies and social attitudes that positively favour and reinforce respect for those who parent children.

[111] Dyer, S., 'The value of children in African countries: insights from studies on infertility' (2007) *28 J Psychosom Obstet Gynaecol*, 69–77.

[112] Schenker, J. G., 'Women's Reproductive Health: Monotheistic Religious Perspectives' (2000) *70 International Journal of Gynecology and Obstetrics,* 77-86, p. 84.

infertility is the certified reason thereof.[113] This negative Afrocentric presumption obviously demeans and dehumanizes womanhood for no reason other than superstitious belief in customary law and socio-religious mythology. Africans believe that women who are infertile and involuntarily childless are a reproach and 'a curse or bad luck' to her family.[114] While some societies disparage them as 'women who eat without producing fruit'[115] others consider them sexually dysfunctional,[116] physically dysfunctional,[117] or assumed by traditional religionists to have been made barren by the gods as a result of their own 'wickedness'.[118] In Yoruba communities, infertile women are described by the term *'agon'* which literally means 'to despise or hold in contempt'[119] while the *Igbos* describe them as '*Nwanyi-iga*' which literally means 'the barren woman' or *'*the sterile woman', and more disparagingly, 'a sterile monster whose sexual or maternal organs are for mere decoration'.[120] Yet, in some localities, the husband of an involuntary childless woman is ridiculed as 'having married his fellow man' or that the woman's barrenness is as a result of series of 'abortions' which she committed.[121] These and more confirm that African customary law and socio-religious myth violate the right to human dignity of vulnerable women.

Women who have only Daughters and no Sons

A stigma is a mark of infamy, a symbol of disgrace, a sign of moral blemish or reproach caused by dishonorable conduct or reproachful characterization. When people are stigmatized, they are roundly devalued in integrity and persona, and they receive disproportionately negative interpersonal outcomes.[122] Such is the fate of African women who give birth to only daughters and no sons, given the patriarchal belief in male primogeniture, that is, the notion that succession, inheritance, reincarnation, and the continuity of family ancestry is only possible through the male. As such, for most Africans, a wife who bears only daughters and no son is yet considered to be 'standing on one leg' (meaning that her position as a wife in the family is still insecure and not permanent).[123] In the circumstance, customary law permits a man to marry a second wife who can bear a son for him, and if the woman opposes such move she is considered mischievous and can be sent packing.[124] This is certainly a demeaning and dehumanizing approach to marriage given the heavy social and psychological burden it places on affected women.

3. Conclusion

Dignity is the basis of life, and both are inseparable. As such, a life without dignity is almost worthless, hence any right, value, or public interest that conflict with human dignity must yield to dignity.[125] Unfortunately, in more ways than one, African customary law and socio-religious mythology particularly compromise and violate the human dignity of vulnerable persons and groups contrary especially women and girls. Unfortunately, they are far-reaching in the lives of the people even as they

[113] Ojilere, A., Adekilekun, K., & Ojilere, I. C., 'Social Stigmatization and Negative Feminization of Infertility and Involuntary Childlessness in Sub-Saharan Africa' (2020) *9 Nigerian Journal of Food, Drug and Health Law,* 132-145; Hollos, M., 'Profiles of infertility in southern Nigeria: Women's voices from Amakiri' (2003) 7 *Afr J Reprod Health,* 46–56.

[114] D Cohen- Mor, *Arab women writers: An anthology of short stories* (State University of New York Press, New York), (2005) p 13.

[115] Lock, M., & Kaufert, P., *Pragmatic women and body politics* (Cambridge, Cambridge University Press), (1998) pp. 140-1.

[116] Gannon, K., Glover, L., & Abel, P., (2004). Masculinity, infertility, stigma and media reports. *Soc Sci Med 59*, 1169-1175.

[117] Miall, C. E., 'The stigma of involuntary childlessness' (1986) 33(4) *Social problems,* 268-282.

[118] Johansson, M., & Berg, M., 'Women's experiences of childlessness 2 years after the end of in vitro fertilization treatment' (2005) *19 Scand J Caring Sci,* 58-63.

[119] See the early text of Abraham RC., Dictionary of Modern Yoruba (London: University College Press, 1958) cited in Ember, C., & Ember, M., *Encyclopaedia of Medical Anthropology: Health and Illness in the World Cultures*. (London: Springer), (2004), p 1038.

[120] Okereke, D., *Africa's Quiet Revolution: Observed from Nigeria* (Northampton: Paragon), (2012), p. 294.

[121] Ugwu, A. U., 'Lopsided Infertility Blames On Nigeria Women: An Evaluation of Gender Issues in The Theatrical Performance of Ezenwanebe's Egg Without Yoke' (2012) *Theatre, Creativity and Democratic Practice in Nigeria*, 378.

[122] Schneider, M. E., Major, B., Luhtanen, R., & Crocker, J., 'Social stigma and the potential costs of assumptive help' (1996) 22 *Pers Soc Psychol Bull*, 201-209.

[123] Okonofua, F. E., Harris, D., Odebiyi, A., Kane, T., & Snow, R. C, 'The social meaning of infertility in Southwest Nigeria' (1997) *Health transition review*, 205-220, at 215.

[124] Ojilere, A., & Gan, C. C., (n. 22).

[125] Shulztiner, D., & Carmi, G. E., 'Human dignity in national constitutions: functions, promises and dangers' (2014) *62*(2) *The American Journal of Comparative Law*, 461-490.

are fundamentally unscientific and based on mere superstition handed down across generations from time immemorial. Most of all, these myths and customs make mess of basic human rights guarantees expressed in the Constitution of the Federal Republic of Nigeria, 1999 (as amended), , the Nigerian National Gender Policy, as well as international and continental commitments such as the Beijing Platform for Action, the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), Millennium Development Goals (MDGs), Sustainable Development Goals (SDGs), and the AU Solemn Declaration for Gender Equality, to eliminate gender inequality.[126] Responding to these human dignity violations and bridging the gap between rhetoric and reality in securing the dignity of women and girls as well as other vulnerable persons and groups in Nigeria and beyond requires myriad approaches, especially broad civic education on gender equality and disability inclusion at national, state, local government and family levels, particularly for families who have children with albinism or other disabilities.[127]

[126] Ntoimo, L. F., & Isiugo-Abanihe, U., (n. 87).

[127] Likumbo, N., de Villiers, T., & Kyriacos, U., 'Malawian mothers' experiences of raising children living with albinism: A qualitative descriptive study' (2021) *10 African Journal of Disability*, 1-11. Available at: https://www.ncbi.nlm.nih.gov/pmc/articles/pmc8063528/ (1/6/2021); Ojilere, A., 'Legislative and Policy Framework for Promoting Women's Dignity in Nigeria: Gaps and Recommendations' In Chapter 4 of Uwem Udok and Isaac Essien (Eds.), *New Frontiers in Nigerian Law: Essays in Honour of Prof. Enefiok Essene* (Vice-chancellor, University of Uyo) (2016), pp. 52-61.