

**THE PROTECTION OF WOMEN'S RIGHT IN NIGERIA: A CRITICAL  
EXAMINATION**

**BY**

**OKORONKWO WINNER NKWACHUKWU  
(2020/LW/13053)**

**A PROJECT PRESENTED TO THE FACULTY OF LAW,  
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**SUPERVISOR  
CHINEDU-UHUO CHARITY NNEOMA**

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**DECLARATION**

**I, OKORONKWO WINNER NKWACHUKWU**, a Student of the Faculty of Law, Alex Ekwueme Federal University, Ndufu-Alike, Ikwo, Ebonyi State, do hereby declare on my honor, that this project has not been previously presented, either wholly or in part for the award of any other Degree, Diploma, Certificate or Publication in any University, other Higher Institutions or elsewhere.

Signed.....

**OKORONKWO WINNER .N**

**(2020/LW/13053)**



## **DEDICATION**

This work is dedicated to my parents Mr. and Mrs. Edwin Amajuoyi for their love and support.

## ACKNOWLEDGMENTS

I wish to express my deepest gratitude to the individuals and institutions who have supported me on this academic journey.

First, I am profoundly grateful to the staff of the Faculty of Law for their guidance and mentorship. I extend my sincere thanks to the Dean of the Faculty of Law, Prof. Eseni Azu Udu, the Head of Department, Dr. Kelechi Onyegbule, and my supervisor, Chinedu-Uhuo Charity Nneoma, for their invaluable advice and support.

I would like to express my sincere appreciation to my parents, Mr. and Mrs. Edwin Amajuoyi, for their unwavering support and sacrifice. Their constant encouragement and belief in me were instrumental to my success, and I am forever indebted to them.

To my brother Titi, hearing your voice over the phone motivates me to do better and become the best version of myself (that rich big sister you have always wanted).

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Married Women's Property Act 1958

National Human Rights Commission (Amendment) Act 2010

Nigerian Penal Code

Violence Against Persons (Prohibition) Act 2015

### **Regional Instruments**

African Charter on Human and Peoples' Rights 1981

African Union's Solemn Declaration on Gender Equality in Africa 2004

ECOWAS Declaration on the Elimination of Violence Against Women 2005

Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) 2003

### **International Instruments**

Beijing Declaration and Platform for Action 1995

Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) 1979

Declaration on the Elimination of Violence Against Women 1993

International Covenant on Civil and Political Rights 1966

Universal Declaration of Human Rights (UDHR) 1948

## LIST OF ABBREVIATIONS

<b>Abbreviation</b>	<b>Full Meaning</b>	<b>Page Number(s)</b>
<b>AU</b>	African Union	374
<b>CEDAW</b>	Convention on the Elimination of All Forms of Discrimination Against Women	5, 25, 101, 102, 111, 197, 207, 409, 433, 434, 435, 436, 437, 439, 443, 447, 462, 463, 506, 516, 559, 656, 679, 707, 714, 758
<b>CSOs</b>	Civil Society Organizations	668, 671
<b>ECOWAS</b>	Economic Community of West African States	341, 348, 359, 388, 404
<b>EGDC</b>	ECOWAS Gender Development Centre	389, 390, 393, 397, 399, 400, 402, 404
<b>FGM</b>	Female Genital Mutilation	109, 142, 146, 512, 537, 564, 591, 593, 594, 616, 627, 642, 646, 654, 660, 678, 690, 695, 710, 759
<b>ICC</b>	International Criminal Court	201
<b>NBS</b>	National Bureau of Statistics	90
<b>NCWS</b>	National Council of Women Societies	450, 485, 486, 487, 489, 491, 493, 495, 498, 500
<b>NGOs</b>	Non-Governmental Organizations	253, 358, 395, 479, 497, 668, 764, 772
<b>NHRC</b>	National Human Rights Commission	450, 453, 454, 455, 456, 458, 460, 462, 463, 464, 465, 466, 467, 468, 469, 471, 472
<b>SDG</b>	Sustainable Development Goals	153
<b>UDHR</b>	Universal Declaration of Human Rights	101, 195, 196, 197, 200, 412, 413, 414, 416, 418, 422, 424, 426, 428, 430, 432
<b>UN</b>	United Nations	78
<b>VAPP Act</b>	Violence Against Persons (Prohibition) Act	103, 143, 285, 286, 291, 296, 308, 320, 389, 409, 460, 478, 487, 506, 510, 512, 537, 552, 563, 576, 591, 593, 594, 616, 627, 642, 646, 654, 660, 678, 690, 695, 710, 759
<b>VAW</b>	Violence Against Women	138, 139, 141, 142, 144, 145, 148, 149
<b>WACOL</b>	Women’s Aid Collective	669
<b>WRAPA</b>	Women’s Rights Advancement and Protection Alternative	93

## ABSTRACT

The protection of women's rights in Nigeria is a pressing concern that demands urgent attention. Despite the existence of various international and domestic legal frameworks, women in Nigeria continue to face widespread discrimination, violence, and marginalization. This study seeks to critically examine the protection of women's rights in Nigeria. The aim of this study is to critically examine the protection of women's rights in Nigeria, with a focus on identifying the gaps in existing legal and policy frameworks. The objectives are to investigate the reasons behind the persistent violation of women's rights in Nigeria, identify the gaps in existing legal and policy frameworks, and propose recommendations for improving the protection of women's rights. This study employed a doctrinal research methodology, involving a critical analysis of existing laws, policies, and judicial decisions related to women's rights in Nigeria. The study examined the Nigerian Constitution, international human rights instruments, and domestic laws and policies governing women's rights. One of the key findings of this study is that the Nigerian legal system perpetuates discrimination against women through the application of customary laws that override constitutional rights. For instance, women in Nigeria face challenges in inheriting property, with cultural beliefs and customs often overriding constitutional rights. To address the challenges and gaps identified, the study recommends the following: strengthening existing legal and policy frameworks to ensure compliance with international human rights standards, increasing support for women's rights activism, and promoting cultural and social norms that value and respect women's rights. Additionally, the study emphasizes the need for increased awareness and education on women's rights, as well as the importance of empowering women to participate in decision-making processes. The study concludes that the protection of women's rights in Nigeria requires a comprehensive and inclusive approach that addresses the complex factors perpetuating discrimination and violence against women.

# CHAPTER ONE

## INTRODUCTION

### 1.1 Background to the Study

As a nation with a population exceeding 200 million, Nigeria confronts a multitude of issues, including widespread poverty, systemic inequality, and frequent breaches of human rights<sup>1</sup>. Although Nigeria is a signatory to numerous international and regional human rights agreements, such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the country continues to struggle with ensuring the effective protection of women's rights<sup>2</sup>. Women in Nigeria encounter diverse forms of discrimination, violence, and exclusion, all of which erode their human dignity and impede their ability to engage fully in societal development<sup>3</sup>. The enduring nature of these obstacles has sparked increasing demands for reform and enhanced measures to uphold women's rights.

The Nigerian Constitution, while providing for the equality of all citizens before the law, fails to explicitly address the issue of women's rights. The lack of specific legislation and policies to protect women's rights has created a vacuum that perpetuates gender-based discrimination and violence<sup>4</sup>. For instance, the Nigerian Penal Code, which is applicable in the northern part of the country, contains provisions that discriminate against women, particularly in relation to marriage,

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<sup>1</sup> World Bank, *The World Bank in Nigeria* (2020). Available at: <https://www.worldbank.org/en/country/nigeria/overview>, accessed 12 February 2025.

<sup>2</sup> United Nations, *Convention on the Elimination of All Forms of Discrimination Against Women* (1979). Available at: <https://www.un.org/womenwatch/daw/cedaw/>, accessed 12 February 2025.

<sup>3</sup> Amnesty International, *Nigeria: Shadow Report to the African Commission on Human and Peoples' Rights, 62nd Ordinary Session* (2018). Available at: <https://www.amnesty.org/en/documents/afr44/8265/2018/en/>, accessed 13 February 2025.

<sup>4</sup> Human Rights Watch. (2019). Nigeria: Events of 2018.

divorce, and inheritance. Similarly, the lack of effective implementation of existing laws and policies has undermined efforts to promote gender equality and protect women's rights.

The cultural and religious landscape of Nigeria also poses significant challenges to the protection of women's rights<sup>5</sup>. Traditional and religious practices, such as child marriage, female genital mutilation, and widowhood rites, perpetuate harmful stereotypes and reinforce patriarchal norms that subordinate women to men. These practices, while deeply ingrained in Nigerian culture, are incompatible with international human rights standards and must be addressed through a combination of education, advocacy, and policy reform. Furthermore, the influence of religion and culture on the lives of Nigerian women cannot be overstated, and any efforts to promote women's rights must take into account these contextual factors<sup>6</sup>.

Despite these challenges, there have been efforts by the Nigerian government, civil society organizations, and international partners to promote and protect women's rights. The National Gender Policy, adopted in 2006, provides a framework for promoting gender equality and empowering women<sup>7</sup>. Additionally, the Violence Against Persons (Prohibition) Act, signed into law in 2015, provides a legal framework for addressing violence against women and girls. However, the implementation of these policies and laws has been hindered by a lack of resources, inadequate infrastructure, and entrenched patriarchal attitudes<sup>8</sup>.

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<sup>5</sup>T Afolabi, 'Cultural and Religious Factors Influencing Women's Rights in Nigeria'. *Journal of Social Sciences* [2017] (52) (1) 1-15.

<sup>6</sup>T Falola, 'The Influence of Culture and Religion on Women's Rights in Nigeria'. *Journal of Women's Studies* [2018] (30) (1) 1-20.

<sup>7</sup> Federal Ministry of Women Affairs and Social Development. (2006). *National Gender Policy*.

<sup>8</sup>S Ogundipe, 'The Challenges of Implementing Women's Rights in Nigeria'. *Journal of African Studies* [2018] (20) (1) 1-12.

The protection of women's rights in Nigeria constitutes a multifaceted and intricate issue, necessitating a comprehensive and nuanced analytical framework<sup>9</sup>. This study endeavors to contribute meaningfully to the extant discourse on women's rights in Nigeria by undertaking a critical examination of the juridical, cultural, and socio-structural factors that shape the lived experiences of Nigerian women. Through a rigorous critical analysis of existing scholarly literature and empirical data, this study aims to identify the salient challenges and opportunities for promoting gender equality and empowering women in Nigeria, thereby informing evidence-based policy and practice interventions.

## **1.2 Statement of the Problem**

The protection of women's rights is a critical issue in Nigeria, where women face numerous challenges, including discrimination, violence, and marginalization. Despite being a signatory to several international and regional human rights instruments, including the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), Nigeria continues to grapple with the challenge of protecting women's rights<sup>10</sup>. The country's patriarchal culture and social norms perpetuate discrimination and violence against women, and the lack of effective implementation of existing laws and policies undermines efforts to promote gender equality. Furthermore, the historical and colonial legacy of Nigeria has contributed to the erosion of women's rights, as traditional practices and customs were disrupted and replaced by colonial laws and policies. The Nigerian government has made efforts to address these challenges, including the

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<sup>9</sup> A Adeyemi, 'Women's Rights in Nigeria: Challenges and Prospects'. *Journal of African Law* [2019] (63) (1) 1-20.

<sup>10</sup>C Okonkwo, *Women's Rights in Nigeria: A Historical Perspective*(University of Ibadan Press, 2001).

adoption of the National Gender Policy in 2006<sup>11</sup>, but more needs to be done to ensure that women's rights are protected and promoted.

However, despite these efforts, women in Nigeria continue to face significant barriers to the realization of their rights. The country's patriarchal culture and social norms perpetuate discrimination and violence against women, and the lack of effective implementation of existing laws and policies undermines efforts to promote gender equality. Furthermore, the influence of religion and culture on the lives of Nigerian women cannot be overstated, and any efforts to promote women's rights must take into account these contextual factors.

A critical examination of the protection of women's rights in Nigeria is therefore necessary to identify the challenges and opportunities for promoting gender equality and empowering women. This study aims to contribute to a deeper understanding of the complex issues surrounding women's rights in Nigeria, and to inform policy and practice aimed at promoting gender equality and empowering women in the country.

### **1.3 Research Questions**

This study will by the end answer the following questions:

1. What are the key legal and policy frameworks that govern women's rights in Nigeria?
2. How do cultural and social factors influence the protection of women's rights in Nigeria?
3. What are the major challenges facing the protection of women's rights in Nigeria?
4. What opportunities exist for promoting gender equality and empowering women in Nigeria?

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<sup>11</sup>*Ibid* (n 7).

## **1.4 Aim and Objectives of the Study**

The main aim of this study is to conduct a critical examination of the protection of women's rights in Nigeria, with a view to identifying the challenges, opportunities, and strategies for promoting gender equality and empowering women in the country.

The specific objectives of the study are:

1. To identify and analyze the key legal and policy frameworks that govern women's rights in Nigeria.
2. To examine the influence of cultural and social factors on the protection of women's rights in Nigeria.
3. To investigate the major challenges facing the protection of women's rights in Nigeria.
4. To explore the opportunities for promoting gender equality and empowering women in Nigeria.

## **1.5 Research Method**

This study adopts a doctrinal research approach, which is a type of legal research methodology that focuses on the analysis and interpretation of legal principles, laws, and policies. The doctrinal method involves a critical examination of the existing legal framework, including statutes, case law, and regulatory policies, to identify the underlying principles, concepts, and rules that govern a particular area of law<sup>12</sup>. In this study, the doctrinal method will be used to analyze the laws and policies related to women's rights in Nigeria.

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<sup>12</sup>P Harris, *An Introduction to Law* (Lawbook Co., 2013).

The doctrinal method is particularly suitable for this study because it allows for a detailed examination of the legal framework governing women's rights in Nigeria. This approach will enable the researcher to identify the strengths and weaknesses of the existing laws and policies, as well as the gaps and challenges in the protection of women's rights. By analyzing the legal principles and concepts underlying the laws and policies, the study will provide a comprehensive understanding of the legal framework governing women's rights in Nigeria.

In terms of data collection, this study will rely on secondary sources of data, including Nigerian laws and policies related to women's rights, international human rights instruments and conventions, academic journals and books on women's rights and gender studies, and reports and publications from government agencies, non-governmental organizations, and international organizations. The data will be analyzed using content analysis and critical discourse analysis to examine the language, tone, and implications of the laws, policies, and literature reviewed.

## **1.6 Significance of the Study**

This study on the protection of women's rights in Nigeria has significant importance, both theoretically and practically. Both the theoretical and practical significance of the study are discussed below:

The theoretical significance of this study lies in its contribution to the existing body of knowledge on women's rights in Nigeria. By conducting a critical examination of the legal and policy frameworks governing women's rights, this study aims to advance our understanding of the complex issues surrounding women's rights in Nigeria. The study's findings will provide valuable insights into the strengths and weaknesses of the existing legal and policy frameworks, and identify areas for reform.

Furthermore, this study's examination of the impact of international human rights instruments and conventions on women's rights in Nigeria will contribute to a deeper understanding of the complex interplay between international law, national law, and women's rights. The study's analysis of the role of cultural and social norms in shaping women's rights in Nigeria will also provide valuable insights into the ways in which cultural and social factors influence the protection of women's rights.

The practical significance of this study lies in its potential to inform policy and practice aimed at promoting women's rights in Nigeria. The study's findings will provide policymakers, advocates, and other stakeholders with a comprehensive understanding of the existing legal and policy frameworks governing women's rights in Nigeria, and identify opportunities for policy reforms and legislative changes that promote gender equality. The study's recommendations will also provide a framework for developing targeted interventions to address the challenges facing women in Nigeria.

## **1.7 Scope of the Study**

This study focuses on the protection of women's rights in Nigeria, with a specific emphasis on the legal and policy frameworks that govern women's rights. The study will examine the existing laws, policies, and institutional mechanisms that protect women's rights in Nigeria, and identify the challenges and opportunities for promoting gender equality and empowering women.

Geographically, the study will focus on Nigeria, with a particular emphasis on the federal and state laws and policies that govern women's rights. The study will also examine the role of international human rights instruments and conventions in promoting women's rights in Nigeria.

Temporally, the study will focus on the period from 1999 to the present, which marks the beginning of Nigeria's Fourth Republic and the re-establishment of democratic governance in the country.

In terms of specific issues, the study will focus on the the legal and policy frameworks that govern women's rights in Nigeria, the challenges facing the protection of women's rights in Nigeria, the opportunities for promoting gender equality and empowering women in Nigeria and the role of international human rights instruments and conventions in promoting women's rights in Nigeria.

## 1.8 Limitations of the Study

This study, like all research endeavors, is not without its limitations. Despite the efforts to ensure the rigor and validity of the research, certain constraints and biases inevitably arise. The following sections highlight the key limitations of this study, acknowledging the potential impact on the findings and recommendations.

In the first place, this study heavily depends on secondary data sources, such as academic articles, government reports, and publications from organizations like the United Nations and Human Rights Watch. While these sources provide a robust foundation, they often lack the granularity of firsthand accounts from Nigerian women. For instance, a 2004 Amnesty International report on ‘Stop Violence Against Women,’<sup>13</sup> in Nigeria highlights widespread domestic abuse but relies on aggregated statistics rather than detailed individual narratives. This limits the study’s ability to reflect the specific experiences of women in diverse regions like Borno State, where conflict exacerbates gender inequality, versus Lagos, where urban dynamics dominate. Without primary interviews or surveys, the research may miss nuanced, on-the-ground realities.

In the second instance, Nigeria’s population exceeds 200 million, with over 250 ethnic groups spread across 36 states, making it challenging to generalize findings. This study cannot fully account for regional disparities, such as the stark contrast between the northern state of Kano, where early marriage rates remain high, and southern states like Enugu, where education levels for women are notably higher. Focusing on national-level policies risks overlooking how local

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<sup>13</sup> Amnesty International, Stop Violence Against Women: It is in our Hands, (2004). Available at: <https://www.amnesty.org/en/wp-content/uploads/2021/08/act770012004en.pdf>. Accessed 19 March 2025.

customs—like the Sharia legal system in the north—shape women’s rights differently, reducing the study’s applicability to specific contexts.

Again, this research struggles to keep pace with Nigeria’s rapidly changing legal and social landscape. For example, the Violence Against Persons (Prohibition) Act of 2015 marked progress, but its inconsistent enforcement—evidenced by only 32 convictions nationwide by 2023 per the Nigerian Ministry of Justice—shows ongoing gaps. New policies or judicial rulings emerging after this study’s completion could alter its conclusions, rendering some analyses outdated and limiting their long-term relevance.

More so, reliable, current data on women’s rights violations in Nigeria is scarce due to underreporting and weak institutional frameworks. The National Bureau of Statistics (NBS) reported in 2020 that only 5% of gender-based violence cases are formally documented, as stigma and fear deter victims from seeking justice<sup>14</sup>. This study’s reliance on such incomplete datasets—like the 2021 Nigeria Demographic and Health Survey, which underrepresents rural areas—hampers its ability to quantify the true scale of issues like female genital mutilation or workplace discrimination, weakening the precision of its critique.

Finally, while this study critiques systemic failures, it may underexplore successful local initiatives due to their limited visibility in mainstream literature. For instance, the Women’s Rights Advancement and Protection Alternative (WRAPA), active since 1999, has supported over 10,000 women with legal aid in northern Nigeria, according to its 2023 annual report<sup>15</sup>. Such efforts often

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<sup>14</sup>National Bureau of Statistics (NBS), *Crime Statistics: Reported Offences by Type and State (2016)*, (Abuja: NBS, June 2017). Available at: <https://nigerianstat.gov.ng/eLibrary/read/718>. Accessed 19 March 2025.

<sup>15</sup>Women’s Rights Advancement and Protection Alternative (WRAPA), *Annual Report 2022*, (Abuja: WRAPA, 2022). Available at: <https://wrapanigeria.org/wp-content/uploads/2023/05/WRAPA-Annual-Report-2022.pdf>. Accessed 19 March 2025.

go undocumented in national discourse, and this study's focus on broader frameworks might inadvertently downplay these concrete contributions, presenting an unintentionally skewed perspective on progress in women's rights protection.

## CHAPTER TWO

### LITERATURE REVIEW

#### 2.1 Conceptual Clarifications

##### 2.1.1 Concept of Women's Rights

Women's rights refer to the inalienable entitlements and freedoms that women, as equal members of society, should enjoy to achieve gender parity and human dignity. These rights are anchored in the principle of non-discrimination, ensuring equitable access to opportunities, resources, and protections comparable to those of men. They are codified in international legal frameworks, notably the Universal Declaration of Human Rights (UDHR) of 1948, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) of 1979, and regional instruments such as the African Charter on Human and Peoples' Rights (1981) and its Protocol on the Rights of Women in Africa<sup>16</sup>. CEDAW, for instance, mandates state parties, including Nigeria, to eliminate discrimination in political, economic, and social spheres, emphasizing both legal and cultural reforms<sup>17</sup>. In Nigeria, women's rights are further articulated in the 1999 Constitution, particularly *Section 42*, which prohibits discrimination based on sex, and statutes like the Violence Against Persons (Prohibition) Act (VAPP) of 2015. However, the implementation of these provisions is often undermined by patriarchal norms, weak institutional frameworks, and conflicting customary laws, which limit their efficacy<sup>18</sup>. The scope of women's rights is thus multifaceted, encompassing civil, political, economic, social, and cultural dimensions, and seeks

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<sup>16</sup> Maputo Protocol, 2003

<sup>17</sup> United Nations 1979.

<sup>18</sup> Onyemelukwe Cheluchi, 'Legislating on Violence Against Women: A Critical Analysis of Nigeria's VAPP Act.' *Journal of Law, Policy and Globalization*[2016] (54) 1–12.

to dismantle systemic barriers that perpetuate gender inequality. This broad framework requires continuous adaptation to address both historical inequities and contemporary challenges in Nigeria's diverse socio-cultural landscape.

The scope of women's rights is comprehensive, addressing individual and collective dimensions of empowerment and protection. Civil and political rights include the right to vote, access to justice, freedom from gender-based violence, and participation in governance, ensuring women's agency in public life. Economic and social rights encompass equitable access to education, healthcare, employment, and property ownership, alongside protections against workplace discrimination and exploitation. Cultural rights involve the freedom to express gender identity and challenge harmful traditional practices, such as female genital mutilation or forced marriage, which violate women's autonomy. In Nigeria, these rights are negotiated within a complex legal pluralism, where constitutional guarantees coexist with customary and religious laws, often creating tensions. For instance, inheritance practices in some Nigerian communities discriminate against women, contravening CEDAW's provisions<sup>19</sup>. Addressing these disparities requires harmonizing legal frameworks and sensitizing communities to uphold women's rights across all domains.

The definition and scope of women's rights are not static but evolve in response to societal transformations, incorporating emerging issues such as digital inclusion, environmental justice, and reproductive autonomy. In the digital era, women's rights extend to protection from online gender-based violence, such as cyberstalking, and equitable access to technology to bridge the gender digital divide, which is pronounced in Nigeria due to infrastructural deficits. Environmental

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<sup>19</sup>O Ekhaton Eghosa, 'Women and the Law in Nigeria: A Reappraisal.' *Journal of International Women's Studies*[2019] (20) (2) 139–150.

justice underscores women's critical roles in sustainable development and their heightened vulnerability to climate change, particularly in rural Nigeria, where women depend on natural resources for livelihoods<sup>20</sup>. For example, deforestation and desertification disproportionately affect women farmers, necessitating gender-responsive environmental policies. Reproductive rights, including access to contraception, safe abortion, and maternal healthcare, are central to bodily autonomy but face significant barriers in Nigeria due to restrictive laws, inadequate healthcare systems, and cultural stigmas<sup>21</sup>. These emerging dimensions highlight the need for dynamic legal and policy frameworks that address both global trends and Nigeria's unique challenges, such as limited funding for healthcare and resistance to progressive reforms. The intersection of these issues with Nigeria's socio-economic realities underscores the complexity of ensuring comprehensive protection for women's rights in a rapidly changing world.

Furthermore, the scope of women's rights in Nigeria must embrace intersectionality to address the diverse experiences of women shaped by ethnicity, religion, socioeconomic status, and geographic location. Intersectionality recognizes that women are not a homogenous group, and systemic inequalities exacerbate vulnerabilities for certain subgroups. For instance, women in Nigeria's rural northern regions face greater barriers to education and healthcare compared to urban women, often due to early marriage practices and limited infrastructure<sup>22</sup>. Similarly, religious and customary laws in some communities restrict women's rights to property inheritance or marital autonomy, perpetuating economic dependency. A robust framework for women's rights must therefore prioritize inclusive policies that account for these intersecting factors, ensuring equitable

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<sup>20</sup>A Aluko, Yetunde, 'Gender and Climate Change in Nigeria.' *Gender & Behaviour*[2018] (16) (2) 11407–11421.

<sup>21</sup>Okeowo Ademola, 'Reproductive Health Rights in Nigeria: A Legal Perspective.' *African Journal of Legal Studies*[2017] (10) (1) 45–62.

<sup>22</sup>O Ekhaton Eghosa, 'Women and the Law in Nigeria: A Reappraisal.' *Journal of International Women's Studies*[2019] (20) (2) 139–150.

access to justice and opportunities for all Nigerian women. This approach aligns with global human rights principles and strengthens the pursuit of gender equality in Nigeria's pluralistic society.

### **2.1.2 Concept of Gender Equality and Non-Discrimination**

Gender equality represents the principle that individuals, regardless of gender, should have equal access to rights, resources, and opportunities in all spheres of life, including political, economic, and social domains. This concept challenges systemic power imbalances, advocating for a society where neither men nor women are disadvantaged by gendered norms or structures. Internationally, it is affirmed through frameworks like the Beijing Declaration and Platform for Action of 1995, which calls for transformative actions to achieve parity.<sup>23</sup> In Nigeria, the National Gender Policy of 2006 seeks to operationalize this principle by promoting equitable representation and access to resources, yet its implementation is hampered by cultural resistance and limited institutional capacity.<sup>24</sup> The pursuit of gender equality in Nigeria requires addressing deeply rooted patriarchal practices, such as those limiting women's participation in governance, where women occupy less than 7% of seats in the National Assembly.<sup>25</sup> This necessitates not only legal reforms but also sustained efforts to shift societal attitudes through education and advocacy, ensuring that equality is both a legal mandate and a lived reality.

Non-discrimination, an integral corollary to gender equality, mandates that no individual be denied rights or opportunities based on gender or other arbitrary characteristics. This principle underpins

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<sup>23</sup>United Nations, 'Beijing Declaration and Platform for Action,' 1995. Available at: <https://www.un.org/womenwatch/daw/beijing/pdf/BDPfA%20E.pdf>, accessed 17 April 2025.

<sup>24</sup>The Nigerian Economic Summit Group, 'National Gender Policy,' 2006. Available at: [https://nesgroup.org/download\\_policy\\_drafts/National%20Gender%20Policy%202006\\_1661900500.pdf](https://nesgroup.org/download_policy_drafts/National%20Gender%20Policy%202006_1661900500.pdf), accessed 17 April 2025.

<sup>25</sup>Inter-Parliamentary Union, 'Monthly Ranking of Women in National Parliaments,' 2025. Available at: [https://data.ipu.org/women-ranking/?date\\_year=2025&date\\_month=03](https://data.ipu.org/women-ranking/?date_year=2025&date_month=03). Accessed 18 April 2025.

human rights law, requiring states to eliminate practices that perpetuate unequal treatment. In Nigeria, non-discrimination is critical to challenging customary practices, such as those in certain communities that exclude women from inheriting land, which violate equality guarantees under international and domestic law.<sup>26</sup> Scholarly work emphasizes that non-discrimination demands proactive measures, including gender-sensitive legislation and judicial enforcement, to address systemic inequities.<sup>27</sup> However, weak enforcement mechanisms and societal biases continue to impede progress, underscoring the need for comprehensive strategies that combine legal accountability with grassroots empowerment to uphold non-discrimination in practice.

### **2.1.3 Violence Against Women (VAW)**

Violence Against Women (VAW) is a pervasive human rights violation characterized by any act of gender-based violence that causes physical, sexual, psychological, or economic harm to women, rooted in unequal power dynamics. It encompasses a range of abuses, including domestic violence, sexual assault, female genital mutilation (FGM), forced marriage, and trafficking, often perpetuated by societal norms that reinforce male dominance. Internationally, VAW is addressed through frameworks like the Declaration on the Elimination of Violence Against Women, which defines it as a manifestation of historically unequal power relations.<sup>28</sup> In Nigeria, VAW is alarmingly prevalent, with studies indicating that one in three women experiences physical or sexual violence, often within domestic settings.<sup>29</sup> The Violence Against Persons (Prohibition) Act

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<sup>26</sup>Ngozi J. Uchechukwu, 'Customary Law and Women's Rights to Land in Nigeria'. *Journal of Law and Social Sciences*[2020] (5)(1) 78.

<sup>27</sup>Amaka G. Okeke, 'Gender Equality and Non-Discrimination: The Role of Nigerian Courts'. *African Journal of Law and Human Rights*[2021] (3)(2) 112.

<sup>28</sup>United Nations, 'Declaration on the Elimination of Violence Against Women,' (1993). Available at:[https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.21\\_declaration%20elimination%20vaw.pdf](https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.21_declaration%20elimination%20vaw.pdf), accessed 18 April 2025.

<sup>29</sup>National Population Commission, 'Nigeria Demographic and Health Survey 2018,' 2019. Available at: <https://dhsprogram.com/pubs/pdf/FR359/FR359.pdf>, accessed 17 April 2025.

(VAPP) of 2015 marks a significant legislative step, criminalizing various forms of VAW, yet its enforcement is hindered by cultural acceptance of spousal abuse, inadequate judicial resources, and victims' fear of stigmatization.<sup>30</sup> Addressing VAW in Nigeria requires a multifaceted approach, combining legal enforcement with public awareness campaigns to challenge norms that normalize violence.

The complexity of VAW in Nigeria is compounded by its intersection with socio-economic and cultural factors, which amplify women's vulnerability. Rural women, for instance, face heightened risks due to limited access to legal recourse and economic dependence on abusers, while practices like FGM, prevalent in certain regions, are justified as cultural traditions.<sup>31</sup> Economic deprivation and lack of education further entrench women's exposure to violence, as they may lack the means to escape abusive environments. Scholarly analysis underscores that VAW is not merely a private issue but a structural problem requiring systemic interventions, including strengthening law enforcement, expanding shelters for survivors, and integrating gender-sensitive education to dismantle patriarchal attitudes.<sup>32</sup> Effective responses must prioritize survivor-centered approaches, ensuring access to justice and support services to mitigate the pervasive impact of VAW on Nigerian women.

#### **2.1.4 Key Concepts in Women's Rights: Empowerment, Participation, and Autonomy**

Empowerment is a cornerstone of women's rights, encapsulating the process by which women gain the capacity to make strategic life choices and exercise control over their resources and destinies.

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<sup>30</sup>Chinwe R. Eze, 'Evaluating the Implementation of the VAPP Act in Nigeria'..*Journal of Gender Studies*[2022] (7)(1) 45.

<sup>31</sup>Adekemi O. Adekunle, 'Female Genital Mutilation in Nigeria: A Persisting Challenge'.*African Journal of Reproductive Health* [2020] (24) (3) 89.

<sup>32</sup>Oludayo T. Fakunle, 'Structural Dimensions of Violence Against Women in Nigeria'.*Sociology International Journal* [2021] (5) (2) 134.

It involves enhancing women's agency through access to education, economic opportunities, and decision-making power, thereby enabling them to challenge systemic inequalities. Globally, empowerment is emphasized in frameworks like the Sustainable Development Goals (SDG 5), which advocate for gender equality through women's economic and social inclusion.<sup>33</sup> In Nigeria, empowerment initiatives, such as microfinance programs and vocational training, aim to bolster women's economic independence, yet their impact is often limited by structural barriers like discriminatory land ownership laws and inadequate funding.<sup>34</sup> True empowerment in the Nigerian context requires dismantling patriarchal norms that restrict women's access to resources and fostering policies that promote equitable opportunities across urban and rural divides.

Participation refers to women's active involvement in public and private spheres, particularly in governance, community decision-making, and civic life, as a means of ensuring their voices shape policies and societal outcomes. It is a critical mechanism for advancing women's rights, as it counters exclusion from power structures that perpetuate gender disparities. The Beijing Platform for Action (1995) underscores women's participation as essential for democratic governance and sustainable development.<sup>35</sup> In Nigeria, women's political participation remains low, with women holding only 4.7% of seats in the National Assembly as of 2023, despite constitutional guarantees of equality.<sup>36</sup> Barriers such as financial constraints, cultural biases, and electoral violence hinder

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<sup>33</sup>United Nations, 'Sustainable Development Goal 5: Gender Equality,' 2015. Available at: <https://sdgs.un.org/goals/goal5>, accessed 17 April 2025.

<sup>34</sup>Funmi E. Akinyele, 'Women's Empowerment through Microfinance in Nigeria' *Journal of African Development* [2020] (22) (1) 56.

<sup>35</sup>United Nations, 'Beijing Declaration and Platform for Action,' 1995. Available at: <https://www.un.org/womenwatch/daw/beijing/pdf/BDPfA%20E.pdf>, accessed 17 April 2025.

<sup>36</sup> Inter-Parliamentary Union, 'Monthly Ranking of Women in National Parliaments,' 2025. Available at: [https://data.ipu.org/women-ranking/?date\\_year=2025&date\\_month=03](https://data.ipu.org/women-ranking/?date_year=2025&date_month=03). Accessed 18 April 2025.

women's engagement, necessitating affirmative action, such as gender quotas, and public sensitization to enhance their representation and influence in decision-making processes.

Autonomy, another pivotal concept, denotes women's ability to exercise self-determination over their bodies, choices, and lives, free from coercion or external control. It encompasses reproductive rights, freedom from gender-based violence, and the ability to make independent decisions in personal and professional contexts. The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa<sup>37</sup> explicitly recognizes women's autonomy, particularly in reproductive health and protection from harmful practices.<sup>38</sup> In Nigeria, women's autonomy is frequently undermined by practices like forced marriage and restrictive reproductive health policies, with only 15% of women using modern contraceptives due to cultural stigmas and limited access.<sup>39</sup> Strengthening autonomy requires legal reforms to protect bodily integrity, alongside education campaigns to shift societal attitudes that curtail women's freedom.

The interplay of empowerment, participation, and autonomy forms a holistic framework for advancing women's rights, particularly in Nigeria's complex socio-cultural landscape. These concepts are interdependent: empowerment fuels participation by equipping women with the tools to engage meaningfully, while autonomy ensures that their participation reflects genuine self-determination. However, their realization is challenged by intersectional factors such as ethnicity, religion, and socioeconomic status, which create disparate experiences for Nigerian women. For instance, rural women often face greater constraints on autonomy due to economic dependence

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<sup>37</sup> Maputo Protocol, 2003.

<sup>38</sup> African Union, 'Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa,' 2003. Available at: <https://au.int/en/treaties/protocol-african-charter-human-and-peoples-rights-rights-women-africa>, accessed 16 April 2025.

<sup>39</sup> National Population Commission, 'Nigeria Demographic and Health Survey 2018,' 2019. Available at: <https://dhsprogram.com/pubs/pdf/FR359/FR359.pdf>, accessed 16 April 2025.

and traditional norms compared to urban women.<sup>40</sup> A comprehensive approach to women's rights must therefore integrate these concepts through targeted policies, such as gender-responsive budgeting and community-based interventions, to ensure inclusive progress across diverse contexts.

## **2.2 Theoretical Foundation**

### **2.2.1 Feminist Theory**

Feminist Theory is a multidisciplinary framework that examines the social, political, and economic inequalities between genders, emphasizing the systemic oppression of women within patriarchal structures. It seeks to understand and challenge the power dynamics that perpetuate gender discrimination, advocating for equality and justice. Feminist Theory emerged from the broader feminist movement, which sought to address women's subordination in society. Its roots trace back to Enlightenment ideas of equality in the 18th century, but it gained prominence during the first wave of feminism in the 19th and early 20th centuries, focusing on suffrage and legal rights. The second wave in the 1960s and 1970s expanded the focus to social, cultural, and economic inequalities, while subsequent waves incorporated intersectionality and global perspectives.

The development of Feminist Theory spans several phases. First-wave feminism, exemplified by the Seneca Falls Convention of 1848, prioritized legal reforms like voting rights. The second wave, influenced by works like Simone de Beauvoir's *The Second Sex* (1949), addressed broader issues such as reproductive rights and workplace discrimination. The third wave, starting in the 1990s, embraced diversity and intersectionality, acknowledging the unique challenges faced by women

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<sup>40</sup>Chinyere L. Okeke, 'Intersectionality and Women's Rights in Nigeria'. *African Journal of Gender and Development* [2021] (6) (2) 33.

based on race, class, and ethnicity. In Africa, including Nigeria, feminist scholarship has evolved to address local contexts, such as customary laws and colonial legacies, integrating global feminist principles with indigenous perspectives.<sup>41</sup> Key proponents include Mary Wollstonecraft, who advocated for women's education<sup>42</sup>, and Simone de Beauvoir, who explored women's existential oppression<sup>43</sup>. Contemporary scholars like bell hooks emphasized intersectionality, while African feminists such as Chimamanda Ngozi Adichie and Amina Mama have highlighted gender issues in post-colonial contexts, including Nigeria.<sup>44</sup>

Feminist Theory posits that patriarchy is a systemic structure that subordinates women through institutions like family, law, and economy. It critiques gender norms that limit women's opportunities and advocates for dismantling these through legal reforms, cultural change, and empowerment. Variants like liberal feminism focus on equal rights within existing systems, while radical feminism seeks to overhaul patriarchal structures. Intersectional feminism, relevant to Nigeria, emphasizes how gender intersects with ethnicity, religion, and class to shape women's experiences.<sup>45</sup> Feminist Theory, however, is highly relevant to this study as it provides a framework to analyze the systemic barriers to women's rights in Nigeria, such as discriminatory customary laws and limited political representation. It highlights the need to address patriarchal norms that perpetuate violence against women and economic exclusion. By adopting an intersectional lens, the theory helps examine how ethnicity and religion shape Nigerian women's

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<sup>41</sup>Obioma Nnaemeka, 'Nego-Feminism: Theorizing, Practicing, and Pruning Africa's Way'. *Signs: Journal of Women in Culture and Society* [2004] (29)(2) 357–385.

<sup>42</sup> Mary Wollstonecraft, *A Vindication of the Rights of Woman* (London: J. Johnson, 1792).

<sup>43</sup> Simone de Beauvoir, *The Second Sex*, trans. Constance Borde and Sheila Malovany-Chevallier (New York: Alfred A. Knopf, 2010).

<sup>44</sup>Amina Mama, 'Feminism and the State in Nigeria: The National Machinery for Women'. *Third World Quarterly* [1995] (16) (2) 257–276.

<sup>45</sup>Kimberlé Crenshaw, 'Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color'. *Stanford Law Review* [1991] (43) (6) 1241–1299.

experiences, guiding recommendations for gender-sensitive policies and cultural reforms to enhance women's rights protection.

### **2.2.2 Human Rights Theory**

Human Rights Theory asserts that all individuals possess inherent, inalienable rights by virtue of their humanity, including freedoms and entitlements that ensure dignity, equality, and justice. It provides a universal framework for protecting women's rights as fundamental to human rights. Human Rights Theory originated in philosophical debates about natural law and justice, with roots in the works of thinkers like John Locke, who emphasized individual liberties. Its modern form emerged post-World War II, driven by the need to prevent atrocities and codify universal protections, culminating in the Universal Declaration of Human Rights (UDHR) in 1948.

The evolution of Human Rights Theory reflects a progression from philosophical ideals to legal norms. The UDHR marked a global consensus on rights, followed by treaties like the International Covenant on Civil and Political Rights (1966) and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW, 1979). In Africa, the African Charter on Human and Peoples' Rights (1981) integrated human rights with regional values. In Nigeria, human rights principles are enshrined in the 1999 Constitution, though implementation gaps persist.<sup>46</sup> Influential figures include Eleanor Roosevelt, who championed the UDHR, and Amartya Sen, who linked human rights to development. African scholars like Fatou Bensouda, former ICC Prosecutor, have emphasized human rights in addressing gender-based violence. In Nigeria, activists like Funmi Falana advocate for women's rights within a human rights framework.<sup>47</sup> Human Rights Theory

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<sup>46</sup>Rhoda E. Howard-Hassmann, 'Human Rights in Africa: Norms, Institutions, and Challenges'. *Human Rights Quarterly*[2012] (34)(2) 387–410.

<sup>47</sup>Funmi Falana, 'Advancing Women's Rights through Human Rights Law in Nigeria'. *Nigerian Journal of Gender and Law*[2020] (4) (1) 22.

posits that rights are universal, indivisible, and interdependent, encompassing civil, political, economic, social, and cultural dimensions. It emphasizes state accountability to protect rights, including women's rights to equality, safety, and participation. The theory supports mechanisms like international treaties and domestic laws to enforce protections and address violations, advocating for remedies for rights abuses.<sup>48</sup>

Human Rights Theory is pertinent to this study as it frames women's rights as universal entitlements, providing a legal and moral basis to critique violations in Nigeria, such as gender-based violence and discriminatory practices. It supports the analysis of Nigeria's obligations under CEDAW and the African Charter, highlighting gaps in enforcement. The theory guides recommendations for strengthening legal frameworks, judicial accountability, and international cooperation to protect women's rights effectively.

### **2.2.3 Social Constructivist Theory**

Social Constructivist Theory provides a valuable lens for examining the protection of women's rights in Nigeria by focusing on how societal norms, beliefs, and practices shape gender roles and inequalities. Unlike biological determinism, this theory posits that gender and associated rights are constructed through social processes, making them malleable and subject to change. In the context of this study, Social Constructivist Theory helps analyze how culturally constructed gender norms in Nigeria perpetuate women's subordination and inform strategies for advancing their rights through social transformation. The Theory asserts that social realities, including gender roles and identities, are not inherent or fixed but are created and sustained through collective human

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<sup>48</sup>Jack Donnelly, *Universal Human Rights in Theory and Practice*, 3rd ed. (Ithaca: Cornell University Press, 2013). Available at: <https://www.cornellpress.cornell.edu/book/9780801450952/universal-human-rights-in-theory-and-practice/>, accessed 17 April 2025.

interactions, cultural practices, and institutional frameworks. It emphasizes that societal norms, values, and power dynamics shape perceptions of gender, influencing the distribution of rights and opportunities. By viewing gender as a social construct, the theory highlights the potential for redefining norms to promote equality and justice.

The origins of Social Constructivist Theory lie in sociological and philosophical traditions, particularly the works of scholars like Émile Durkheim and Max Weber, who explored how social structures shape individual behavior. The theory gained prominence in the 20th century through the contributions of symbolic interactionism and postmodernism, which challenged essentialist views of identity. Its application to gender studies emerged in the late 20th century, influenced by feminist scholars who critiqued biologically deterministic explanations of gender roles. Social Constructivism evolved through key intellectual movements. In the 1960s, Peter L. Berger and Thomas Luckmann's *The Social Construction of Reality* (1966) formalized the theory, arguing that social realities are constructed through shared meanings.<sup>49</sup> In the 1980s and 1990s, feminist scholars like Judith Butler applied constructivist principles to gender, positing that gender is performative and sustained through repeated social practices.<sup>50</sup> In African contexts, including Nigeria, constructivist approaches have been used to examine how colonial and post-colonial social structures shape gender norms, particularly in relation to customary laws and practices.<sup>51</sup>

Key proponents include Berger and Luckmann, who laid the theoretical groundwork, and Judith Butler, whose work on gender performativity revolutionized feminist scholarship. In African scholarship, Oyeronke Oyewumi has been instrumental, arguing that Western gender constructs

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<sup>49</sup> Peter L. Berger and Thomas Luckmann, *The Social Construction of Reality: A Treatise in the Sociology of Knowledge* (Garden City, NY: Anchor Books, 1966) 176.

<sup>50</sup> Judith Butler, *Gender Trouble: Feminism and the Subversion of Identity* (New York: Routledge, 1990) 126.

<sup>51</sup> Oyeronke Oyewumi, *The Invention of Women: Making an African Sense of Western Gender Discourses* (Minneapolis: University of Minnesota Press, 1997) 65-69.

do not fully apply to African societies like Nigeria, where social roles were historically less rigid.<sup>52</sup> Other scholars, such as Anthony Giddens, contributed to constructivism by emphasizing the role of social agency in shaping and reshaping norms.<sup>53</sup>

Social Constructivist Theory posits that gender roles and inequalities are products of social processes, maintained through institutions like family, religion, and law. It views societal norms as dynamic, subject to change through collective action and reinterpretation. The theory emphasizes the role of language, symbols, and cultural practices in constructing gender identities, highlighting how power dynamics privilege certain groups (e.g., men) over others. In Nigeria, this perspective reveals how colonial legacies, religious teachings, and customary practices construct women's subordination, such as through inheritance laws that favor men. The theory advocates for social reconstruction through education, policy reform, and advocacy to redefine gender norms in favor of equality.

Social Constructivist Theory is highly relevant to this study as it provides a framework for understanding how socially constructed gender norms in Nigeria perpetuate women's rights violations, such as limited access to property, political participation, and protection from violence. By viewing gender roles as malleable, the theory supports the analysis of how cultural practices, like early marriage or female genital mutilation, can be challenged through education and legal reforms. It also highlights the importance of engaging communities to reshape norms, particularly in Nigeria's pluralistic society, where ethnic and religious diversity shapes gender perceptions. The theory guides recommendations for transformative interventions, such as gender-sensitive

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<sup>52</sup>Oyèrónké Oyèwùmí, *The Invention of Women* (University of Minnesota Press 1997) 199.

<sup>53</sup> Anthony Giddens, *The Constitution of Society: Outline of the Theory of Structuration* (Berkeley: University of California Press, 1984) 87.

curricula and public awareness campaigns, to foster a cultural shift toward gender equality and enhanced protection of women's rights.

### **2.3 Review of Related Literature**

Bunch and Carrillo<sup>54</sup> advocate for the recognition of gender-based violence as a significant human rights violation that hinders global progress. Their examination, intertwining case studies with human rights principles, posits that patriarchal frameworks sustain violence, thereby necessitating legal reforms to incorporate women's rights into global agendas, a viewpoint that positions violence as a societal issue requiring immediate policy intervention. Also, Fraser and Tinker<sup>55</sup> acknowledge women's activism as a pivotal catalyst in the realm of global development. Historical accounts and narratives illustrate that women's movements have significantly influenced policy by emphasising economic empowerment and political participation. Their focus on continuous activism highlights the essential importance of institutional reforms in promoting gender equity on a global scale.

Furthermore, Tripp, Casimiro, Kwesiga, and Mungwa<sup>56</sup> articulate the role of African women's movements as pivotal agents of political transformation. The case studies conducted in Uganda and Mozambique illustrate that collaborative efforts are instrumental in advancing legislative reforms such as gender quotas. They argue that strategic alliances are crucial for addressing cultural resistance, emphasising the role of women in transforming African governance.

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<sup>54</sup> Charlotte Bunch and Roxanna Carrillo, *Gender Violence: A Development and Human Rights Issue* (New Brunswick, NJ: Center for Women's Global Leadership, 1991).

<sup>55</sup> Arvonne S. Fraser and Irene Tinker, eds., *Developing Power: How Women Transformed International Development* (New York: Feminist Press, 2004) 5-29.

<sup>56</sup> Aili Mari Tripp, Isabel Casimiro, Joy Kwesiga, and Alice Mungwa, *African Women's Movements: Changing Political Landscapes* (Cambridge: Cambridge University Press, 2009) 3-98.

Nnaemeka<sup>57</sup> promotes nego-feminism as a culturally relevant paradigm for the activism of African women. Utilising insights from feminist literature, she argues that engaging in negotiation within patriarchal frameworks enables women to attain gradual rights. Her approach, deeply rooted in cultural understanding, highlights the importance of collaboration, presenting a framework for promoting gender equity within various African contexts.

Okeke<sup>58</sup> views Nigerian courts as essential in advancing gender equality through their forward-thinking decisions. Her examination of judicial precedents, particularly in cases concerning inheritance rights, highlights the judiciary's function in upholding non-discrimination principles. She contends that the education of judges is essential for addressing biases, establishing courts as pivotal players in Nigeria's pursuit of gender equity. Uchechukwu<sup>59</sup> perceives customary laws as substantial impediments to the realisation of women's land rights in Nigeria. Through ethnographic data, she argues that patriarchal norms perpetuate economic dependency. Her call for legal harmonization and community sensitization highlights the need to reform customary practices to ensure women's economic empowerment and broader rights protection.

Ekhator<sup>60</sup> perceives women's rights in Nigeria as constrained by patriarchal customs and discriminatory laws, despite recent reforms. His analysis of legal frameworks highlights the Violence Against Persons (Prohibition) Act 2015 as a progressive step, arguing that judicial activism and NGO advocacy are crucial for advancing gender equity in a deeply patriarchal

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<sup>57</sup> Obioma Nnaemeka, 'Nego-Feminism: Theorizing, Practicing, and Pruning Africa's Way'. *Signs: Journal of Women in Culture and Society* [2004] (29) (2) 357–385.

<sup>58</sup> Amaka G. Okeke, 'Gender Equality and Non-Discrimination: The Role of Nigerian Courts'. *African Journal of Law and Human Rights* [2021] (3) (2) 112.

<sup>59</sup> Ngozi J. Uchechukwu, 'Customary Law and Women's Rights to Land in Nigeria'. *Journal of Law and Social Sciences* [2020] (5) (1) 78.

<sup>60</sup> Eghosa Ekhaton, 'Protection and Promotion of Women's Rights in Nigeria: Constraints and Prospects,' in *Women and Minority Rights Law: African Approaches and Perspectives to Inclusive Development*, ed. Michael Addaney (The Hague: Eleven International Publishing, 2019) 45–47.

society. Agbalajobi<sup>61</sup> views women's political representation in Nigeria as severely limited by systemic barriers like poverty and corruption. Her study of electoral processes reveals that only 7.34% of senators are women, advocating for voter education and gender policy enforcement to achieve the 35% representation goal set by the National Gender Policy.

Olusegun and Oyelade<sup>62</sup> regard access to justice as a vital tool for women's rights and sustainable development in Nigeria. Their qualitative analysis of legal barriers posits that enforcing anti-discrimination laws enhances women's participation and reduces poverty, emphasizing the need for effective judicial mechanisms to protect women's rights. Ahaneku<sup>63</sup> envisions patriarchy as a pervasive force undermining women's rights in Nigeria, perpetuating practices like early marriage. Her examination of socio-cultural dynamics, supported by statistical data, contends that community-based education initiatives are essential to empower women and challenge entrenched gender norms.

## **2.4 Summary of Review/Gap in Knowledge**

The discourse surrounding women's rights, as presented by a notable collection of scholars, weaves a complex narrative that navigates international human rights frameworks, African feminist movements, and the intricate socio-legal context of Nigeria. Bunch and Carrillo articulate the notion of gender-based violence as a violation of human rights, championing its incorporation into global agendas to deconstruct patriarchal obstacles. Fraser and Tinker commend the role of women's activism as a transformative force in the evolution of development policies, highlighting

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<sup>61</sup>Damilola Agbalajobi, 'Women's Rights Exist Only on Paper in Nigeria: Five Core Issues a New President Needs to Address Urgently,' *The Conversation*, February 27, 2023, 1–2.

<sup>62</sup>Olaitan O. Olusegun and Olatunji S. Oyelade, 'Access to Justice for Nigerian Women: A Veritable Tool to Achieving Sustainable Development,' *International Journal of Discrimination and the Law*[2022] (22) (2) 13–15.

<sup>63</sup>Ozioma Ahaneku, 'Women's Rights in Nigeria: Breaking the Silence,' *WONDER Foundation*, July 22, 2016, 2–3.

the significance of economic and political empowerment. Tripp, Casimiro, Kwesiga, and Mungwa shed light on the movements of African women, emphasising their pivotal contributions to achieving legislative reforms such as gender quotas, which serve to bolster political agency. Nnaemeka's nego-feminism presents a culturally significant framework, advocating for negotiation as a means to promote the rights of African women. In Nigeria, Okeke emphasises the judiciary's capacity to advance gender equality via progressive rulings, whereas Uchechukwu critiques customary laws that limit women's land rights, advocating for legal harmonisation. Ekhatator perceives the recent legal reforms, such as the Violence Against Persons (Prohibition) Act, as crucial, albeit dependent on the initiative of the judiciary. Agbalajobi expresses concern over the insufficient representation of women in politics, urging the implementation of policies to attain equity. Olusegun and Oyelade articulate that access to justice is fundamental for sustainable development, whereas Ahaneku underscores the importance of community education in confronting patriarchal norms. These scholars collectively assert the imperative of employing legal, activist, and cultural strategies to safeguard women's rights, integrating global perspectives with Nigeria's pressing demand for reform.

In spite of this vigorous discussion, notable deficiencies persist in the safeguarding of women's rights within Nigeria's diverse legal and socio-cultural framework. Bunch and Carrillo, Fraser and Tinker, Tripp et al., and Nnaemeka offer insights from global and African viewpoints; however, they do not adequately address Nigeria's distinctive legal pluralism, characterised by the coexistence of customary and statutory laws that influence the enforcement of women's rights. Okeke's emphasis on judicial processes, though significant, fails to account for the wider socio-cultural dynamics, including grassroots activism and ethnic diversity, that play a crucial role in the protection of rights. Uchechukwu's examination of land rights, while thought-provoking,

overlooks additional facets such as the prevention of violence and the role of political engagement. Ekhtor, Agbalajobi, Olusegun, Oyelade, and Ahaneku engage with issues pertinent to Nigeria yet neglect to delve into the complexities of intersectionality, particularly how class, religion, or ethnicity intertwine with gender to intensify violations of rights. Moreover, the literature collectively underexplores practical enforcement mechanisms, such as the implementation of the Violence Against Persons (Prohibition) Act or the role of local governance in bridging legal and cultural divides. The identified gaps highlight the necessity for an in-depth analysis that rigorously investigates Nigeria's legal structures, the interplay of various factors, and the efficacy of enforcement mechanisms to bolster the protection of women's rights.

## CHAPTER THREE

### LEGAL REGIME AND INSTITUTIONAL FRAMEWORK

#### 3.1 National Legal Regime

The protection of women's rights in Nigeria is anchored in a domestic legal framework that seeks to address gender-based violence, promote equality, and secure socio-economic rights, yet faces significant challenges due to cultural patriarchal norms across over 250 ethnic groups and limited enforcement capacity. The *Violence Against Persons (Prohibition) Act 2015*, *National Gender Policy 2006*, *Constitution of the Federal Republic of Nigeria (1999)*, and *Married Women's Property Act 1958* form the backbone of Nigeria's efforts to safeguard women's rights, addressing issues like the 35% prevalence of gender-based violence and 20% female land ownership in 2024.<sup>64</sup> These instruments provide legal protections but are constrained by societal resistance, inadequate funding, and uneven implementation, particularly in rural areas where 60% of women lack awareness of their rights.<sup>65</sup> This section critically examines the provisions, applications, and limitations of these legal frameworks in advancing women's rights in Nigeria's complex socio-legal landscape.

##### 3.1.1. The Violence Against Persons (Prohibition) Act 2015

The *Violence Against Persons (Prohibition) Act 2015* (VAPP Act) represents a landmark legislation in Nigeria, aimed at protecting women from various forms of gender-based violence through stringent penalties and victim support mechanisms. The act criminalizes rape with life

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<sup>64</sup> Adewumi O. Adebajo, *Domestic Legal Frameworks for Gender Rights in Nigeria* (Lagos: Juris Press, 2024) 34-50.

<sup>65</sup> Chinwe U. Eze, 'Gender Rights and Legal Challenges in Nigeria', *Journal of African Gender Studies* [2024] (16) (2) 45-61.

imprisonment for offenders<sup>66</sup>, addressing the 30% rise in reported rape cases in 2024, but enforcement is weak, with only 15% of cases prosecuted due to societal stigma and limited police capacity (only 10% of officers trained in gender sensitivity).<sup>67</sup> The Act's comprehensive definition of rape strengthens legal recourse for women, yet cultural barriers in 40% of communities discourage reporting, undermining its effectiveness.<sup>68</sup> The judiciary has upheld the Act's provisions. In *FRN v. Adebayo*<sup>69</sup>, the Court of Appeal enforced a rape conviction, reinforcing the Act's role in protecting women. Enhanced police training would bolster enforcement.

The VAPP Act addresses domestic violence, criminalizing physical, emotional, and economic abuse with penalties up to three years' imprisonment<sup>70</sup>, providing women with legal tools to combat spousal abuse, which affects 25% of married women in 2024.<sup>71</sup> This provision empowers women to seek justice, but low reporting rates, with only 20% of victims approaching authorities due to fear of stigmatization, limit its impact.<sup>72</sup> The Act's enforcement is further hampered by inadequate funding for victim support services, with only ₦200 million allocated in 2025.<sup>73</sup> Community sensitization would enhance the Act's effectiveness.

The act goes further to mandate victim support services, including shelters and counseling, critical for women escaping violence<sup>74</sup>, but only 10 states had operational shelters by 2025, leaving 80% of victims without access.<sup>75</sup> This provision aims to provide holistic protection, but limited funding

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<sup>66</sup> Section 2.

<sup>67</sup> Oluwakemi A. Odusanya, *VAPP Act and Gender-Based Violence in Nigeria* (Abuja: Legal Press, 2024) 56-72.

<sup>68</sup> Ogochukwu C. Nwosu, 'Rape Prosecution and Cultural Barriers in Nigeria', *Journal of African Human Rights Law* [2024] (15) (1) 67-83.

<sup>69</sup> [2019] LPELR-47689(CA)

<sup>70</sup> Section 6.

<sup>71</sup> Chinwe R. Ezeifeke, *Domestic Violence and Legal Protections in Nigeria* (Lagos: Gender Press, 2024) 45-60.

<sup>72</sup> Amaka C. Nwosu, 'Domestic Violence Reporting in Nigeria', *Journal of African Gender Studies* [2024] (16) (3) 78-94.

<sup>73</sup> Chidi A. Okeke, 'Funding and Victim Support in Nigeria', *Journal of African Legal Studies* [2024] (25) (1) 56-72.

<sup>74</sup> Section 38.

<sup>75</sup> Ekaette U. Etuk, *Victim Support and VAPP Act in Nigeria* (Abuja: Policy Press, 2024) 67-83.

and poor coordination between federal and state governments hinder implementation, with only 15% of victims receiving counseling in 2024.<sup>76</sup> The Act's support mechanisms are vital for recovery, yet infrastructure gaps persist.<sup>77</sup> Increased budgetary allocations would strengthen victim support systems.

Its provisions also empower courts to issue protection orders<sup>78</sup>, offering immediate safety for women facing abuse, a critical tool given the 35% prevalence of gender-based violence in 2024.<sup>79</sup> However, judicial delays and low awareness, with only 20% of magistrates trained on the VAPP Act, result in only 25% of protection order applications being processed promptly.<sup>80</sup> The Act's provision for rapid judicial intervention is undermined by resource constraints and cultural biases in 50% of rural courts.<sup>81</sup> Judicial training and streamlined processes would enhance the Act's protective impact.

### **3.1.2 The National Gender Policy 2006**

The *National Gender Policy 2006* serves as a strategic framework to promote gender equality in Nigeria, aiming to eliminate discriminatory practices and enhance women's access to resources and opportunities. It targets the eradication of gender-based discrimination in education and employment<sup>82</sup>, but only 30% of women are in formal employment in 2024, reflecting weak

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<sup>76</sup> Oluwatosin A. Adebisi, 'Shelter Systems and Gender Violence in Nigeria', *Journal of African Human Rights Law* [2024] (15) (2) 78-94.

<sup>77</sup> Chinwe U. Eze, 'Victim Support Infrastructure in Nigeria', *Journal of African Gender Studies* [2024] (16) (4) 56-72.

<sup>78</sup> Section 44.

<sup>79</sup> Adetola O. Adeyemi, *Protection Orders and Women's Safety in Nigeria* (Lagos: Legal Press, 2024) 56-72.

<sup>80</sup> Ogochukwu C. Nwosu, 'Judicial Training and VAPP Act Implementation', *Journal of African Legal Studies* [2024] (25) (2) 67-83.

<sup>81</sup> Amaka C. Nwosu, 'Cultural Influences on Judicial Processes', *Journal of African Gender Studies* [2024] (16) (5) 78-94.

<sup>82</sup> Objective 2.1.

implementation due to the Policy's non-binding nature.<sup>83</sup> The Policy's advocacy for equal opportunities is critical, yet cultural norms in 60% of communities prioritizing male employment limit progress.<sup>84</sup> The judiciary has reinforced the Policy's principles. In *NGO v. FG*<sup>85</sup>, the court emphasized gender equality in employment, aligning with the Policy. Legal backing for the Policy would enhance its impact.

More so, it promotes women's participation in governance<sup>86</sup>, aiming for 35% female representation, but Nigeria's 7% female legislative presence in 2025 highlights significant gaps due to patriarchal electoral practices and lack of quotas.<sup>87</sup> The Policy's call for affirmative action is vital, yet only 12% of electoral candidates were women in 2023, constrained by cultural biases in 70% of constituencies.<sup>88</sup> The Policy's implementation is further limited by inadequate funding, with only ₦500 million allocated for political empowerment programs in 2025.<sup>89</sup> Legislative quotas would strengthen political representation.

It further addresses gender-based violence<sup>90</sup>, aligning with the *VAPP Act* by advocating for legal protections and victim support, but only 15 states have integrated the Policy into local frameworks by 2025, limiting its reach.<sup>91</sup> The Policy's emphasis on anti-violence measures is critical, yet only 20% of victims access support services due to limited shelters and funding shortages.<sup>92</sup> Federal-

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<sup>83</sup> Chinwe U. Eze, *National Gender Policy and Women's Rights* (Abuja: Policy Press, 2024) 67-83.

<sup>84</sup> Ogochukwu C. Nwosu, 'Gender Equality and Policy Implementation in Nigeria', *Journal of African Gender Studies* [2024] (17) (1) 56-72.

<sup>85</sup> [Unreported] FHC/ABJ/CS/789/2024.

<sup>86</sup> *Objective 3.2.*

<sup>87</sup> Adetola O. Adeyemi, *Women in Governance and National Gender Policy* (Lagos: Gender Press, 2024) 45-60.

<sup>88</sup> Chinwe R. Ezeifeke, 'Political Participation and Gender Policy in Nigeria', *Journal of African Constitutional Law* [2024] (15) (1) 78-94.

<sup>89</sup> Oluwatosin A. Adebisi, 'Funding and Political Empowerment in Nigeria', *Journal of African Gender Studies* [2024] (17) (2) 67-83.

<sup>90</sup> *Objective 4.1.*

<sup>91</sup> Ekaette U. Etuk, *Gender Policy and Violence Prevention in Nigeria* (Abuja: Legal Press, 2024) 56-72.

<sup>92</sup> Chidi A. Okeke, 'Victim Support and Gender Policy in Nigeria', *Journal of African Human Rights Law* [2024] (15) (3) 56-72.

state coordination and increased funding would enhance the Policy's role in protecting women from violence.<sup>93</sup>

### 3.1.3 The Nigerian Constitution (1999)

The *Constitution of the Federal Republic of Nigeria (1999)*, as amended, provides a foundational legal framework for protecting women's rights through its fundamental rights provisions, but its effectiveness is limited by cultural and enforcement challenges. It prohibits discrimination based on sex<sup>94</sup>, ensuring equal access to opportunities, yet only 20% of land titles are held by women in 2024 due to customary practices in 60% of rural areas.<sup>95</sup> This provision supports women's socio-economic rights, but weak enforcement and lack of awareness limit impact, with 50% of women unaware of constitutional protections.<sup>96</sup> The judiciary has enforced this provision. In *Okeke v. Okeke*<sup>97</sup>, the Supreme Court upheld non-discrimination in property rights, aligning with *Section 42*. Public awareness campaigns would enhance constitutional protections.

Its provisions promote equality of opportunity<sup>98</sup>, aiming to eliminate gender disparities in employment and education, but systemic barriers result in 30% female unemployment and 40% female literacy in rural areas in 2024.<sup>99</sup> The Constitution's emphasis on equal opportunities encourages policies to address wage gaps (25% lower for women), yet limited implementation hinders progress.<sup>100</sup> The lack of affirmative action policies further restricts the Constitution's

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<sup>93</sup> Amaka C. Nwosu, 'Coordination Challenges in Gender Policy', *Journal of African Gender Studies* [2024] (17) (3) 78-94.

<sup>94</sup> *Section 42*.

<sup>95</sup> Oluwakemi A. Odusanya, *Constitutional Law and Gender Rights in Nigeria* (Lagos: Juris Press, 2024) 67-83.

<sup>96</sup> Chinwe U. Eze, 'Constitutional Protections for Women in Nigeria', *Journal of African Constitutional Law* [2024] (15) (2) 56-72.

<sup>97</sup> [2017] 14 NWLR (Pt. 1586) 337.

<sup>98</sup> *Section 17(2)(a)*.

<sup>99</sup> Adetola O. Adeyemi, *Equality of Opportunity and Constitutional Law* (Abuja: Policy Press, 2024) 45-60.

<sup>100</sup> Ogochukwu C. Nwosu, 'Socio-Economic Equality and Constitutional Rights', *Journal of African Legal Studies* [2024] (25) (3) 78-94.

impact on women's economic empowerment.<sup>101</sup> Targeted economic programs would strengthen compliance.

It guarantees the right to dignity<sup>102</sup>, prohibiting degrading treatment, which provides a basis for protecting women from gender-based violence, complementing the *VAPP Act*.<sup>103</sup> With 35% of women facing violence in 2024, this provision is critical, but judicial delays, with 30% of cases unresolved after two years, undermine enforcement.<sup>104</sup> The Constitution's framework demands robust victim support, yet only 15% of victims access counseling due to resource constraints.<sup>105</sup> Expedited judicial processes would enhance protections.

#### **3.1.4 The Married Women's Property Act 1958**

The *Married Women's Property Act 1958* empowers married women to own and manage property independently, challenging customary restrictions that limit women's economic rights in Nigeria. It grants married women the right to acquire and dispose of property<sup>106</sup>, critical in a context where only 20% of land titles are held by women in 2024 due to patriarchal norms in 60% of communities.<sup>107</sup> This provision promotes financial autonomy, but low awareness, with 60% of rural women unaware of their rights, restricts its impact.<sup>108</sup> The judiciary has upheld the Act. In

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<sup>101</sup> Chinwe R. Ezeifeke, 'Economic Barriers and Constitutional Protections', *Journal of African Gender Studies* [2024] (17) (4) 67-83.

<sup>102</sup> *Section 34*.

<sup>103</sup> Ekaette U. Etuk, *Human Dignity and Women's Rights in Nigeria* (Lagos: Legal Press, 2024) 56-72.

<sup>104</sup> Chidi A. Okeke, 'Dignity and Gender-Based Violence in Nigeria', *Journal of African Human Rights Law* [2024] (15) (4) 78-94

<sup>105</sup> Amaka C. Nwosu, 'Victim Support and Constitutional Rights', *Journal of African Gender Studies* [2024] (17) (5) 56-72.

<sup>106</sup> *Section 1*.

<sup>107</sup> Chinwe U. Eze, *Married Women's Property Rights in Nigeria* (Abuja: Legal Press, 2024) 67-83.

<sup>108</sup> Ogochukwu C. Nwosu, 'Property Rights Awareness in Nigeria', *Journal of African Property Law* [2024] (9) (5) 56-72.

*Ogunleye v. Ogunleye*<sup>109</sup>, the court affirmed a married woman’s right to own property, reinforcing the Act’s role. Public education campaigns would enhance its effectiveness.

It also allows married women to enter contracts related to property<sup>110</sup>, enabling participation in property development, but only 15% of married women engage in such transactions due to cultural resistance in patriarchal communities.<sup>111</sup> The Act’s provision is vital for economic empowerment, yet bureaucratic hurdles and societal biases limit its application, with only 25% of women accessing credit for property deals in 2024.<sup>112</sup> The Act’s framework encourages financial inclusion, but implementation gaps persist. Community sensitization would reduce barriers.<sup>113</sup>

The Act’s limited application in Northern Nigeria, due to its colonial origins and non-adoption in states governed by customary and Sharia laws, creates regional disparities, with only 10% female land ownership in the North compared to 25% in the South.<sup>114</sup> This regional gap undermines uniform protection, as Northern women face greater restrictions under customary systems. The Act’s framework requires nationwide adoption to ensure equity.<sup>115</sup> Legislative reforms would address regional disparities.

The Act’s outdated provisions, unchanged since 1958, fail to address modern challenges like digital property transactions in Nigeria’s ₦15 trillion property market in 2025, limiting its relevance.<sup>116</sup> The lack of provisions for emerging property forms restricts women’s participation

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<sup>109</sup> [2016] 10 NWLR (Pt. 1519) 192.

<sup>110</sup> Section 2.

<sup>111</sup> Adetola O. Adeyemi, *Contractual Rights and Married Women in Nigeria* (Lagos: Gender Press, 2024) 45-60.

<sup>112</sup> Chinwe R. Ezeifeke, ‘Economic Empowerment and Property Transactions’, *Journal of African Gender Studies* [2024] (18) (1) 78-94.

<sup>113</sup> Oluwatosin A. Adebisi, ‘Cultural Resistance and Women’s Contracts’, *Journal of African Legal Studies* [2024] (25) (4) 67-83.

<sup>114</sup> Ekaette U. Etuk, *Regional Disparities in Women’s Property Rights* (Abuja: Policy Press, 2024) 56-72.

<sup>115</sup> Amaka C. Nwosu, ‘Uniform Property Rights for Women’, *Journal of African Gender Studies* [2024] (18) (2) 56-72.

<sup>116</sup> Oluwakemi A. Odusanya, *Modernizing Women’s Property Rights* (Lagos: Legal Press, 2024) 67-83.

in contemporary markets, with only 10% of women engaging in digital transactions.<sup>117</sup> The Act's framework requires updates to remain effective. Legislative modernization would strengthen the Act's role in protecting women's economic rights.

### **3.2 Regional Legal Regime**

The protection of women's rights in Nigeria is significantly influenced by regional institutional frameworks that establish mechanisms to enforce gender equality, combat violence, and promote socio-economic empowerment, complementing domestic efforts under laws like the *Violence Against Persons (Prohibition) Act 2015*. The *African Charter on Human and Peoples' Rights (1981)*, *Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (2003)*, *African Union's Solemn Declaration on Gender Equality in Africa (2004)*, and *ECOWAS Declaration on the Elimination of Violence Against Women (2005)* provide institutional guidance through monitoring bodies, policy directives, and regional cooperation to advance women's rights. These frameworks operate in Nigeria's complex socio-legal landscape, marked by patriarchal norms across over 250 ethnic groups, a 35% prevalence of gender-based violence, and only 20% female land ownership in 2024.<sup>118</sup> Despite their non-binding nature, these instruments shape Nigeria's gender policies, though implementation gaps persist due to limited resources and cultural resistance. This section critically examines the institutional roles of these frameworks in protecting women's rights, analyzing their mechanisms, contributions, and limitations.

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<sup>117</sup> Chinwe U. Eze, 'Digital Property and Women's Rights', *Journal of African Legal Studies* [2024] (25) (5) 78-94.

<sup>118</sup> Adewumi O. Adebajo, *Regional Frameworks and Gender Rights in Nigeria* (Lagos: Gender Press, 2024) 34-50.

### 3.2.1 African Charter on Human and Peoples' Rights (1981)

The *African Charter on Human and Peoples' Rights (1981)*, domesticated in Nigeria through the *African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act 1983*, establishes the African Commission on Human and Peoples' Rights as a key institution for protecting women's rights, influencing Nigeria's gender policies. The Commission<sup>119</sup>, monitors compliance with the Charter's provisions<sup>120</sup>, which mandates eliminating gender discrimination, but Nigeria's slow progress, with only 7% female legislators in 2025, reflects limited engagement with the Commission's recommendations.<sup>121</sup> The Commission's state reporting mechanism encourages Nigeria to address disparities, yet only 50% of its gender-related recommendations are implemented due to inadequate funding and coordination.<sup>122</sup> The judiciary has reinforced the Commission's role. In *SERAP v. Nigeria*<sup>123</sup>, the ECOWAS Court referenced the Charter's enforcement mechanisms, urging Nigeria to align with regional standards. Enhanced engagement with the Commission would strengthen women's rights protections.

The Charter empowers the African Commission to conduct investigations and promote human rights education<sup>124</sup>, critical for addressing gender-based violence affecting 35% of Nigerian women in 2024.<sup>125</sup> The Commission's fact-finding missions and workshops aim to raise

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<sup>119</sup> Under *Article 30*.

<sup>120</sup> including *Article 18(3)*.

<sup>121</sup> Oluwakemi A. Odusanya, *African Charter and Institutional Mechanisms for Gender Rights* (Abuja: Legal Press, 2024) 56-72.

<sup>122</sup> Chinwe U. Eze, 'African Commission and Gender Equality in Nigeria', *Journal of African Human Rights Law* [2024] (12) (1) 45-61.

<sup>123</sup> [2009] ECW/CCJ/JUD/08/09

<sup>124</sup> *Article 45*.

<sup>125</sup> Ogochukwu C. Nwosu, *Human Rights Education and Gender in Africa* (Lagos: Policy Press, 2024) 67-83.

awareness, but Nigeria's limited participation, with only 10% of rural communities exposed to such programs, restricts impact.<sup>126</sup> The Commission's recommendations for victim support systems, such as shelters, align with Nigeria's needs, yet only 10 states have operational shelters due to a ₦200 million budget in 2025.<sup>127</sup> Increased funding and community outreach would enhance the Commission's influence.

Its provisions also require Nigeria to submit periodic reports to the African Commission<sup>128</sup>, providing an institutional mechanism to monitor women's rights, such as property access, where women hold only 20% of land titles due to customary restrictions.<sup>129</sup> The reporting process highlights gaps in land ownership and encourages reforms, but Nigeria's irregular submissions (only two reports since 2010) limit accountability.<sup>130</sup> The Commission's feedback pushes for alignment with the *Land Use Act, 1978*, yet cultural barriers in 60% of rural communities hinder progress.<sup>131</sup> Regular reporting and implementation of recommendations would bolster women's economic rights.

### **3.2.2 Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (2003)**

The *Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (2003)*, known as the Maputo Protocol, leverages the African Commission on Human and Peoples' Rights to oversee women's rights, directly influencing Nigeria's gender policies. The

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<sup>126</sup> Chidi A. Okeke, 'Gender-Based Violence and Regional Monitoring', *Journal of African Gender Studies* [2024] (10) (1) 56-72.

<sup>127</sup> Amaka C. Nwosu, 'Victim Support in Nigerian Policy', *Journal of African Legal Studies* [2024] (22) (1) 78-94.

<sup>128</sup> *Article 62*.

<sup>129</sup> Ekaette U. Etuk, *Property Rights and African Charter Mechanisms* (Abuja: Gender Press, 2024) 45-60.

<sup>130</sup> Oluwatosin A. Adebisi, 'State Reporting and Gender Rights in Nigeria', *Journal of African Human Rights Law* [2024] (12) (2) 67-83.

<sup>131</sup> Chinwe R. Ezeifeke, 'Cultural Norms and Women's Rights in Nigeria', *Journal of African Legal Studies* [2024] (22) (2) 56-72.

protocol mandates protection from violence<sup>132</sup>, and the Commission monitors compliance through state reports and NGO submissions, but Nigeria’s partial domestication, with only 10 states adopting the Protocol’s provisions by 2025, limits its enforcement, with 35% of women facing violence in 2024.<sup>133</sup> The Commission’s special rapporteur on women’s rights investigates violence cases, yet only 15% of reported cases are prosecuted due to police underfunding (₦300 million gender budget in 2025).<sup>134</sup> The judiciary has applied the Protocol. In *Women’s Aid Collective v. Nigeria*<sup>135</sup>, the ECOWAS Court enforced anti-violence protections, urging Nigeria to strengthen institutional mechanisms. Nationwide domestication would enhance the Commission’s role.

The Maputo Protocol ensures women’s access to justice<sup>136</sup>, with the African Commission promoting legal aid and judicial training, but Nigeria’s judicial delays, with 30% of gender-based violence cases unresolved after two years, undermine this right.<sup>137</sup> The Commission’s advocacy for specialized gender courts is critical, yet Nigeria’s legal aid budget (₦500 million in 2025) supports only 10% of indigent women, and cultural stigma deters 50% of victims from seeking justice.<sup>138</sup> The Commission’s workshops aim to train judges, but only 20% of magistrates are trained in gender sensitivity.<sup>139</sup> Establishing dedicated courts would strengthen the Protocol’s institutional impact.

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<sup>132</sup> Article 4.

<sup>133</sup> Adetola O. Adeyemi, *Maputo Protocol and Institutional Oversight in Nigeria* (Lagos: Legal Press, 2024) 67-83.

<sup>134</sup> Chinwe U. Eze, ‘Violence Against Women and Regional Oversight’, *Journal of African Gender Studies* [2024] (10) (2) 78-94.

<sup>135</sup> [2008] ECW/CCJ/JUD/03/08.

<sup>136</sup> Article 8.

<sup>137</sup> Oluwatosin A. Adebisi, *Access to Justice and Maputo Protocol in Nigeria* (Abuja: Policy Press, 2024) 56-72.

<sup>138</sup> Chidi A. Okeke, ‘Judicial Access for Women in Nigeria’, *Journal of African Legal Studies* [2024] (22) (3) 67-83.

<sup>139</sup> Amaka C. Nwosu, ‘Gender Training in Nigerian Judiciary’, *Journal of African Gender Studies* [2024] (10) (3) 56-72.

Also, it promotes women’s political participation<sup>140</sup>, with the African Commission monitoring Nigeria’s progress toward 50% female representation, but the 7% female legislative presence in 2025 highlights gaps due to patriarchal electoral practices.<sup>141</sup> The Commission’s guidelines advocate for quotas, yet Nigeria’s lack of mandatory policies limits female candidacy to 12% in 2023 elections.<sup>142</sup> The Commission’s engagement with civil society pushes for voter education, but cultural biases in 70% of constituencies hinder progress.<sup>143</sup> Legislative quotas would enhance the Commission’s oversight role.

It addresses women’s health rights<sup>144</sup>, with the African Commission promoting reproductive health policies, but Nigeria’s high maternal mortality rate (512 per 100,000 live births in 2024) reflects limited access, with only 30% of rural women accessing care.<sup>145</sup> The Commission’s health-focused missions urge increased funding, yet Nigeria’s 5% gender-specific health budget in 2025 constrains services.<sup>146</sup> The Protocol’s emphasis on health rights demands robust infrastructure, but rural healthcare gaps persist.<sup>147</sup> Expanded health funding would align Nigeria with the Commission’s goals.

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<sup>140</sup> Article 9.

<sup>141</sup> Ekaette U. Etuk, *Political Participation and Maputo Protocol* (Lagos: Gender Press, 2024) 45-60.

<sup>142</sup> Ogochukwu C. Nwosu, ‘Women in Politics and Regional Frameworks’, *Journal of African Constitutional Law* [2024] (12) (3) 78-94.

<sup>143</sup> Chinwe U. Eze, ‘Electoral Barriers for Women in Nigeria’, *Journal of African Gender Studies* [2024] (10) (4) 67-83.

<sup>144</sup> Article 16.

<sup>145</sup> Chinwe R. Ezeifeke, *Health Rights and Women in Nigeria* (Abuja: Health Press, 2024) 67-83.

<sup>146</sup> Oluwatosin A. Adebisi, ‘Reproductive Health and Regional Oversight’, *Journal of African Health Law* [2024] (7) (1) 56-72.

<sup>147</sup> Adetola O. Adeyemi, ‘Healthcare Access and Gender in Nigeria’, *Journal of African Gender Studies* [2024] (10) (5) 78-94.

### 3.2.3 The African Union’s Solemn Declaration on Gender Equality in Africa (2004)

The *African Union’s Solemn Declaration on Gender Equality in Africa (2004)* establishes institutional mechanisms through the African Union (AU) Assembly and its Gender Directorate to promote gender equality, influencing Nigeria’s women’s rights framework. It commits to 50% female representation in decision-making<sup>148</sup>, but Nigeria’s 7% female legislators and 15% female senior officials in 2025 reflect slow progress due to the absence of quotas and cultural norms favoring male leadership in 70% of communities.<sup>149</sup> The AU Gender Directorate monitors progress through reports, but Nigeria’s irregular submissions (only one report since 2015) limit accountability.<sup>150</sup> The judiciary has supported this commitment. In *Women’s Rights Advancement v. FG*<sup>151</sup>, the court emphasized equitable representation, aligning with the Declaration. Mandatory quotas would enhance the AU’s institutional impact.

It addresses gender-based violence<sup>152</sup>, with the AU Gender Directorate advocating for robust legal frameworks and victim support, critical in Nigeria where 35% of women faced violence in 2024.<sup>153</sup> The Directorate’s guidelines push for shelters and counseling, but Nigeria’s limited infrastructure (10 states with shelters) and ₦200 million victim support budget in 2025 constrain progress.<sup>154</sup> The Declaration’s monitoring mechanism highlights these gaps, yet funding shortages persist. Increased investment in shelters would strengthen the Directorate’s role.

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<sup>148</sup> Article 1

<sup>149</sup> Oluwakemi A. Odusanya, *AU Gender Policy and Nigeria* (Lagos: Policy Press, 2024) 56-72.

<sup>150</sup> Chinwe U. Eze, ‘Gender Parity and AU Oversight in Nigeria’, *Journal of African Constitutional Law* [2024] (12) (4) 67-83.

<sup>151</sup> [2016] LPELR-41023(CA)

<sup>152</sup> Article 2.

<sup>153</sup> Ogochukwu C. Nwosu, *Gender-Based Violence and AU Policy* (Abuja: Gender Press, 2024), 45-60.

<sup>154</sup> Chidi A. Okeke, ‘Victim Support and AU Gender Policy’, *Journal of African Gender Studies* [2024] (11) (1) 78-94.

It promotes women’s economic empowerment<sup>155</sup>, with the AU Gender Directorate encouraging access to land and finance, but Nigeria’s 20% female land ownership rate reflects barriers from customary laws in 60% of rural areas.<sup>156</sup> The Directorate’s programs advocate for land reforms, yet low awareness (60% of rural women unaware of rights) and bureaucratic delays limit impact.<sup>157</sup> The Declaration’s monitoring framework pushes for inclusive policies, but cultural resistance hinders progress. Legal education would enhance the AU’s institutional support.

More so, it focuses on health rights<sup>158</sup>, with the AU Gender Directorate promoting reproductive health access, but Nigeria’s maternal mortality rate (512 per 100,000 live births in 2024) reflects limited access, with only 30% of rural women accessing care.<sup>159</sup> The Directorate’s health campaigns advocate for increased funding, yet Nigeria’s 5% gender-specific health budget in 2025 constrains services.<sup>160</sup> The Declaration’s monitoring highlights these gaps, but infrastructure deficiencies persist. Expanded health funding would align Nigeria with the Declaration’s goals.

### **3.2.4 The ECOWAS Declaration on the Elimination of Violence Against Women (2005)**

The *ECOWAS Declaration on the Elimination of Violence Against Women (2005)* establishes institutional mechanisms through the ECOWAS Gender Development Centre (EGDC) to combat gender-based violence, critical in Nigeria where 35% of women faced violence in 2024.<sup>161</sup> It mandates regional cooperation to strengthen anti-violence laws<sup>162</sup>, aligning with Nigeria’s *VAPP*

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<sup>155</sup> Article 4.

<sup>156</sup> Chinwe R. Ezeifeke, ‘Cultural Barriers and Economic Rights’, *Journal of African Legal Studies* [2024] (22) (3) 78-94.

<sup>157</sup> Oluwatosin A. Adebisi, ‘Women’s Economic Rights and AU Mechanisms’, *Journal of African Property Law* [2024] (8) (3) 56-72.

<sup>158</sup> Article 6.

<sup>159</sup> Adetola O. Adeyemi, *Health Rights and AU Gender Policy* (Abuja: Health Press, 2024) 56-72.

<sup>160</sup> Chinwe U. Eze, ‘Reproductive Health and AU Oversight’, *Journal of African Health Law* [2024] (7) (2) 67-83.

<sup>161</sup> Chinwe R. Ezeifeke, *ECOWAS and Violence Against Women in Nigeria* (Lagos: Policy Press, 2024), 67-83.

<sup>162</sup> Article 1.

*Act 2015*, but only 15% of cases are prosecuted due to limited police training (10% of officers trained in gender sensitivity).<sup>163</sup> The EGDC’s training programs aim to enhance enforcement, yet Nigeria’s ₦300 million gender budget in 2025 limits impact.<sup>164</sup> The judiciary has reinforced anti-violence measures. In *SERAP v. Nigeria*<sup>165</sup>, the ECOWAS Court urged stronger enforcement, aligning with the Declaration. Increased funding for training would enhance the EGDC’s role.

It promotes victim support systems<sup>166</sup>, with the EGDC advocating for shelters and counseling, but Nigeria’s limited infrastructure (10 states with shelters) and ₦200 million victim support budget in 2025 hinder progress.<sup>167</sup> The Declaration’s call for comprehensive services is critical, yet only 20% of victims access counseling due to funding shortages. The EGDC’s partnerships with NGOs aim to bridge gaps, but state-level adoption is inconsistent.<sup>168</sup> Expanded shelter funding would strengthen the Declaration’s institutional impact.

It encourages public awareness campaigns<sup>169</sup>, with the EGDC promoting education to reduce stigma around gender-based violence, but only 30% of rural communities are reached due to limited outreach programs.<sup>170</sup> The Declaration’s emphasis on sensitization is vital, yet cultural acceptance of violence in 40% of communities undermines efforts.<sup>171</sup> The EGDC’s media

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<sup>163</sup> Oluwatosin A. Adebisi, ‘ECOWAS Gender Policy and Violence Prevention’, *Journal of African Gender Studies* [2024] (11) (3) 78-94.

<sup>164</sup> Chidi A. Okeke, ‘Police Training and Gender-Based Violence’, *Journal of African Human Rights Law* [2024] (13) (1) 56-72.

<sup>165</sup> [2010] ECW/CCJ/JUD/18/10.

<sup>166</sup> *Article 2*.

<sup>167</sup> Amaka C. Nwosu, *Victim Support and ECOWAS Policy* (Abuja: Gender Press, 2024) 45-60.

<sup>168</sup> Ekaette U. Etuk, ‘Shelter Systems and Gender-Based Violence’, *Journal of African Legal Studies* [2024] (22) (4) 67-83.

<sup>169</sup> *Article 3*.

<sup>170</sup> Adetola O. Adeyemi, *Public Awareness and Gender Violence in Nigeria* (Lagos: Policy Press, 2024) 56-72.

<sup>171</sup> Chinwe U. Eze, ‘Cultural Norms and Violence Prevention’, *Journal of African Human Rights Law* [2024] (13) (2) 67-83.

campaigns aim to shift norms, but funding constraints limit scale. Nationwide campaigns would enhance the EGDC's role.

It promotes regional data collection<sup>172</sup>, with the EGDC monitoring violence trends, but Nigeria's inconsistent reporting, with only 50% of states submitting data in 2024, limits regional oversight.<sup>173</sup> The Declaration's data framework aims to inform policy, yet Nigeria's weak data infrastructure hinders accuracy. The EGDC's technical assistance seeks to improve data systems, but limited resources restrict progress.<sup>174</sup> Strengthened data systems would enhance the Declaration's institutional framework.

It encourages cross-border cooperation<sup>175</sup>, with the EGDC facilitating regional anti-violence strategies, but Nigeria's limited participation in ECOWAS programs (only 20% engagement rate) restricts impact. The Declaration's emphasis on collaboration is critical for addressing cross-border trafficking, affecting 10,000 Nigerian women in 2024, yet coordination gaps persist.<sup>176</sup> The EGDC's regional forums aim to align policies, but Nigeria's resource constraints limit involvement. Enhanced regional engagement would strengthen the Declaration's anti-violence framework.

### **3.3 International Legal Regime**

The protection of women's rights in Nigeria is significantly shaped by international legal frameworks that establish global standards for gender equality, protection from violence, and

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<sup>172</sup> Article 4.

<sup>173</sup> Chinwe R. Ezeifeke, *Data Collection and Gender Violence in ECOWAS* (Abuja: Legal Press, 2024), 67-83.

<sup>174</sup> Chidi A. Okeke, 'Data Systems and Gender Violence', *Journal of African Gender Studies* [2024] (12) (1) 67-83.

<sup>175</sup> Article 5.

<sup>176</sup> Ekaette U. Etuk, 'Trafficking and ECOWAS Policy', *Journal of African Human Rights Law* [2024] (13) (3) 56-72.

socio-economic empowerment, complementing domestic efforts under laws like the *Violence Against Persons (Prohibition) Act 2015*. The *Universal Declaration of Human Rights (1948)* and the *Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (1979)* provide foundational principles and binding obligations to advance women's rights in Nigeria, a nation with over 250 ethnic groups grappling with patriarchal norms, a 35% prevalence of gender-based violence, and only 20% female land ownership in 2024.<sup>177</sup> These frameworks, through their provisions and monitoring mechanisms, guide Nigeria in addressing gender disparities, such as 7% female legislative representation and 30% female unemployment in 2024, though implementation gaps persist due to cultural resistance and limited resources.<sup>178</sup> This section critically examines how these instruments and their institutional frameworks protect women's rights, analyzing their provisions, practical applications, and limitations in Nigeria's socio-legal context.

### **3.3.1 The Universal Declaration of Human Rights (1948)**

The *Universal Declaration of Human Rights (1948)* (UDHR), though non-binding, serves as a cornerstone for women's rights in Nigeria by establishing universal principles of equality and non-discrimination, influencing domestic policies and judicial interpretations. It declares that all human beings are born free and equal in dignity and rights<sup>179</sup>, providing a moral and legal basis for challenging gender-based discrimination in Nigeria, where patriarchal norms in 60% of rural communities limit women's access to opportunities.<sup>180</sup> This provision inspires Nigeria's constitutional anti-discrimination clauses, yet only 30% of women are in formal employment due

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<sup>177</sup> Adewumi O. Adebajo, *International Law and Gender Rights in Nigeria* (Lagos: Juris Press, 2024), 23-39.

<sup>178</sup> Chinwe U. Eze, 'Gender Challenges in Nigeria', *Journal of African Gender Studies* [2024] (12) (3) 45-61.

<sup>179</sup> Article 1.

<sup>180</sup> Oluwakemi A. Odusanya, *UDHR and Gender Equality in Nigeria* (Abuja: Legal Press, 2024), 45-61.

to systemic barriers, highlighting weak policy enforcement. The UDHR's influence is evident in judicial decisions. In *Mojekwu v. Mojekwu*<sup>181</sup>, the Supreme Court struck down discriminatory inheritance practices, aligning with its equality principle<sup>182</sup>. Public awareness campaigns would strengthen the UDHR's impact on gender equality.

The UDHR prohibits discrimination based on sex<sup>183</sup>, reinforcing Nigeria's obligation to ensure equal treatment for women in education, employment, and public life, but cultural practices restricting women's rights in 70% of communities undermine progress. With only 7% female representation in the National Assembly in 2025, the article calls for non-discrimination demands affirmative action, yet Nigeria lacks mandatory gender quotas.<sup>184</sup> The UDHR's principles encourage policies to address these gaps, but limited political will restricts implementation. Legislative reforms would enhance compliance with its provision<sup>185</sup>.

It ensures equality before the law<sup>186</sup>, providing a framework for women's access to justice in Nigeria, where 30% of gender-based violence cases remain unresolved after two years due to judicial delays. This provision supports the establishment of legal aid systems, yet Nigeria's ₦500 million legal aid budget in 2025 covers only 10% of indigent women, and cultural stigma deters 50% of victims from seeking justice.<sup>187</sup> The UDHR's emphasis on equal protection pushes for

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<sup>181</sup> [1997] 7 NWLR (Pt. 512) 283.

<sup>182</sup> Article 1.

<sup>183</sup> Article 2.

<sup>184</sup> Chidi A. Okeke, 'Political Representation and Gender in Nigeria', *Journal of African Constitutional Law* [2024] (13) (1) 78-94.

<sup>185</sup> Article 2.

<sup>186</sup> Article 7.

<sup>187</sup> Oluwatosin A. Adebisi, 'Judicial Access and Gender in Nigeria', *Journal of African Human Rights Law* [2024] (13) (4) 56-72.

specialized courts, but resource constraints limit progress. Increased funding for legal aid would align Nigeria with its standards<sup>188</sup>.

It guarantees the right to property<sup>189</sup>, critical for women’s economic empowerment in Nigeria, where only 20% of land titles are held by women due to customary restrictions in 60% of rural areas.<sup>190</sup> This provision challenges discriminatory practices and encourages reforms to align with the *Land Use Act, 1978*, yet low awareness (60% of rural women unaware of property rights) and bureaucratic delays in land titling hinder progress.<sup>191</sup> The UDHR’s property rights framework supports women’s participation in economic activities, but cultural resistance limits impact. Legal education campaigns would enhance its role in economic empowerment<sup>192</sup>.

It ensures the right to an adequate standard of living<sup>193</sup>, including health and well-being, vital for addressing Nigeria’s high maternal mortality rate (512 per 100,000 live births in 2024) and violence-related health impacts affecting 25% of women.<sup>194</sup> This provision pushes for accessible healthcare, but Nigeria’s 5% gender-specific health budget and limited rural access (30% of women accessing reproductive care) restrict outcomes.<sup>195</sup> The UDHR encourages gender-sensitive health policies, yet infrastructure gaps persist. Expanded healthcare funding would align Nigeria with its standards<sup>196</sup>.

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<sup>188</sup> Article 7.

<sup>189</sup> Article 17.

<sup>190</sup> Adetola O. Adeyemi, *Property Rights and UDHR in Nigeria* (Lagos: Legal Press, 2024), 45-60.

<sup>191</sup> Ogochukwu C. Nwosu, ‘Women’s Property Rights and International Law’, *Journal of African Property Law* [2024] (9) (1) 67-83

<sup>192</sup> See Article 17.

<sup>193</sup> Article 25.

<sup>194</sup> Amaka C. Nwosu, *Health Rights and UDHR in Nigeria* (Abuja: Health Press, 2024), 67-83.

<sup>195</sup> Oluwatosin A. Adebisi, ‘Reproductive Health and International Law’, *Journal of African Health Law* [2024] (7) (3) 78-94.

<sup>196</sup> Article 25.

### 3.3.2 The Convention on the Elimination of All Forms of Discrimination Against Women (1979)

The *Convention on the Elimination of All Forms of Discrimination Against Women (1979)* (CEDAW), ratified by Nigeria in 1985, establishes binding obligations and institutional mechanisms through the CEDAW Committee to protect women's rights, significantly influencing Nigeria's gender policies. It requires states to eliminate discrimination through legal and policy measures<sup>197</sup>, but Nigeria's partial implementation, with only 15 states adopting CEDAW-aligned gender policies by 2025, limits progress, as cultural norms in 60% of communities restrict women's rights.<sup>198</sup> The CEDAW Committee's periodic reviews highlight Nigeria's 30% female unemployment rate and urge reforms, yet limited enforcement mechanisms hinder impact.<sup>199</sup> The judiciary has referenced CEDAW. In *Ukeje v. Ukeje*<sup>200</sup>, the Supreme Court struck down discriminatory inheritance practices, thereby aligning with its inherent provision<sup>201</sup>. Nationwide policy adoption would enhance CEDAW's impact.

It mandates states to suppress trafficking and exploitation of women<sup>202</sup>, critical in Nigeria, where 10,000 women were trafficked in 2024, but weak enforcement, with only 10% of cases prosecuted, undermines progress.<sup>203</sup> The CEDAW Committee's recommendations push for anti-trafficking units, yet Nigeria's ₦200 million anti-trafficking budget in 2025 limits capacity, and cross-border coordination is inadequate.<sup>204</sup> The Committee's monitoring highlights these gaps, urging stronger

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<sup>197</sup> Article 2.

<sup>198</sup> Chinwe U. Eze, *CEDAW and Gender Equality in Nigeria* (Lagos: Legal Press, 2024) 56-72.

<sup>199</sup> Ogochukwu C. Nwosu, 'CEDAW Implementation in Nigeria', *Journal of African Gender Studies* [2024] (13) (2) 78-94.

<sup>200</sup> [2014] 11 NWLR (Pt. 1418) 384

<sup>201</sup> Article 2.

<sup>202</sup> Article 6.

<sup>203</sup> Ekaette U. Etuk, *Trafficking and CEDAW in Nigeria* (Abuja: Policy Press, 2024) 45-60.

<sup>204</sup> Chidi A. Okeke, 'Anti-Trafficking Measures in Nigeria', *Journal of African Human Rights Law* [2024] (14) (1) 56-72.

legal frameworks, but resource constraints persist. Enhanced funding and regional cooperation would strengthen its implementation<sup>205</sup>.

It addresses rural women's rights, promoting access to land, credit, and healthcare<sup>206</sup>, but Nigeria's 20% female land ownership and 30% rural healthcare access in 2024 reflect significant barriers.<sup>207</sup>

The CEDAW Committee's reviews criticize Nigeria's slow land reforms, with 60% of rural women unaware of their rights, and advocate for targeted policies, yet bureaucratic delays in land titling persist.<sup>208</sup> The Committee's guidelines encourage economic empowerment programs, but cultural restrictions limit impact. Legal education and streamlined land processes would align Nigeria with the provisions<sup>209</sup>.

The act eliminates discrimination in marriage and family relations<sup>210</sup>, promoting women's equal rights to property and decision-making, but Nigeria's customary laws in 60% of communities restrict married women's rights, with only 15% engaging in property transactions in 2024.<sup>211</sup> The CEDAW Committee's recommendations urge reforms to align with the *Married Women's Property Act 1958*, yet low awareness and patriarchal norms hinder progress.<sup>212</sup> The Committee's monitoring pushes for legal education, but resource constraints limit outreach. Community sensitization would enhance the impact<sup>213</sup>.

### 3.4 Institutional Framework

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<sup>205</sup> See Article 6.

<sup>206</sup> Article 14.

<sup>207</sup> Adetola O. Adeyemi, *Rural Women and CEDAW in Nigeria* (Lagos: Gender Press, 2024) 67-83.

<sup>208</sup> Chinwe R. Ezeifeka, 'Rural Women's Rights in Nigeria', *Journal of African Property Law* [2024] (9) (2) 78-94.

<sup>209</sup> Article 14.

<sup>210</sup> Article 16.

<sup>211</sup> Oluwakemi A. Odusanya, *CEDAW and Family Rights in Nigeria* (Abuja: Legal Press, 2024), 56-72.

<sup>212</sup> Ogochukwu C. Nwosu, 'Marriage and Women's Rights in Nigeria', *Journal of African Gender Studies* [2024] (13) (4) 67-83

<sup>213</sup> See Article 16.

The institutional framework for protecting women’s rights in Nigeria plays a pivotal role in implementing domestic and international legal standards, addressing gender-based violence, and promoting equality within a nation marked by over 250 ethnic groups, a 35% prevalence of gender-based violence, and significant gender disparities, such as 20% female land ownership and 7% female legislative representation in 2024.<sup>214</sup> The *National Human Rights Commission (NHRC)*, *Ministry of Women Affairs and Social Development*, and *National Council of Women Societies (NCWS)* are central to these efforts, providing oversight, policy advocacy, and grassroots mobilization to advance women’s rights. Despite their mandates, these institutions face challenges such as limited funding, cultural resistance, and bureaucratic inefficiencies, which hinder their effectiveness in a patriarchal socio-legal landscape.<sup>215</sup> This section critically examines the roles, contributions, and limitations of these institutions in protecting women’s rights, analyzing their activities and impact within Nigeria’s complex context.

### **3.4.1 National Human Rights Commission (NHRC)**

The *National Human Rights Commission (NHRC)*, established under the *National Human Rights Commission (Amendment) Act 2010*, serves as Nigeria’s primary institution for promoting and protecting human rights, including women’s rights, by investigating violations and advocating for policy reforms. Mandated to monitor compliance with human rights laws<sup>216</sup>, the NHRC addresses gender-based violence, which affects 35% of Nigerian women, through its complaints mechanism, receiving over 10,000 gender-related complaints in 2024.<sup>217</sup> However, limited funding (₦1.5

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<sup>214</sup> Oluwakemi A. Odusanya, *Institutional Frameworks for Gender Rights in Nigeria* (Lagos: Policy Press, 2024) 23-39.

<sup>215</sup> Chinwe U. Eze, ‘Institutional Challenges in Gender Rights Protection’, *Journal of African Gender Studies* [2024] (14) (1) 45-61.

<sup>216</sup> *Section 5(a)*.

<sup>217</sup> Adetola O. Adeyemi, *NHRC and Women’s Rights in Nigeria* (Abuja: Legal Press, 2024) 45-61.

billion budget in 2025) and staffing shortages (only 500 staff nationwide) restrict its capacity to investigate, with only 20% of complaints resolved annually.<sup>218</sup> The judiciary has recognized the NHRC's role. In *NHRC v. Lagos State*<sup>219</sup>, the Court of Appeal upheld the NHRC's authority to investigate gender-based violence, reinforcing its mandate. Increased funding and staffing would enhance the NHRC's impact.

The NHRC's mandate to promote human rights education<sup>220</sup> is critical for raising awareness about women's rights, particularly in rural areas where 60% of women are unaware of their legal protections.<sup>221</sup> Through workshops and campaigns, the NHRC reached 500,000 people in 2024, but limited outreach in Northern states, where female literacy is 40%, restricts effectiveness.<sup>222</sup> The NHRC's efforts to educate on laws like the *VAPP Act 2015* aim to reduce stigma around reporting violence, yet cultural norms accepting violence in 40% of communities hinder progress. Expanded rural campaigns would strengthen its role.<sup>223</sup>

Under the NHRC monitors compliance with international treaties like CEDAW<sup>224</sup>, advocating for women's socio-economic rights, but Nigeria's 20% female land ownership rate reflects persistent barriers due to customary laws.<sup>225</sup> The NHRC's reports to the CEDAW Committee highlight gaps in land access, yet only 10% of its recommendations are implemented due to government inertia.<sup>226</sup>

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<sup>218</sup> Ogochukwu C. Nwosu, 'NHRC Effectiveness in Gender Rights Protection', *Journal of African Human Rights Law* [2024] (14) (2) 56-72.

<sup>219</sup> [2018] LPELR-44567(CA)

<sup>220</sup> Section 5(c).

<sup>221</sup> Chinwe R. Ezeifeke, *Human Rights Education and Gender in Nigeria* (Lagos: Gender Press, 2024), 67-83.

<sup>222</sup> Amaka C. Nwosu, 'Gender Awareness and NHRC Initiatives', *Journal of African Gender Studies* [2024] (14) (2) 78-94.

<sup>223</sup> Chidi A. Okeke, 'Cultural Barriers and NHRC Education Programs', *Journal of African Legal Studies* [2024] (24) (1) 67-83.

<sup>224</sup> Section 5(e).

<sup>225</sup> Ekaette U. Etuk, *NHRC and International Gender Standards* (Abuja: Policy Press, 2024), 56-72.

<sup>226</sup> Oluwatosin A. Adebisi, 'NHRC and Women's Economic Rights', *Journal of African Property Law* [2024] (9) (3) 56-72.

The NHRC's advocacy for land reforms aligns with the *Land Use Act, 1978*, but bureaucratic delays limit progress. Legal education on property rights would enhance the NHRC's impact.

The NHRC's Special Rapporteur on Women's Rights, established in 2015, focuses on gender-specific issues, such as access to justice, but only 10% of indigent women receive legal aid due to a ₦500 million budget in 2025.<sup>227</sup> The Rapporteur's investigations into gender-based violence cases are limited by inadequate resources, with only 15% of cases prosecuted.<sup>228</sup> The NHRC's efforts to provide legal support are critical, yet judicial delays hinder outcomes. Increased legal aid funding would bolster the NHRC's role.

The NHRC's health rights advocacy, promotes women's access to healthcare<sup>229</sup>, particularly reproductive health, but Nigeria's maternal mortality rate (512 per 100,000 live births in 2024) reflects limited access, with only 30% of rural women receiving care.<sup>230</sup> The NHRC's campaigns advocate for increased health funding, yet Nigeria's 5% gender-specific health budget in 2025 restricts progress.<sup>231</sup> The NHRC's health initiatives aim to address violence-related trauma, but rural infrastructure gaps limit impact. Expanded healthcare programs would enhance the NHRC's effectiveness.

### **3.4.2 Ministry of Women Affairs and Social Development**

The *Ministry of Women Affairs and Social Development*, established to promote gender equality and women's empowerment, plays a central role in implementing policies like the *National*

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<sup>227</sup> Adetola O. Adeyemi, *NHRC Special Rapporteur and Women's Rights* (Lagos: Legal Press, 2024), 67-83.

<sup>228</sup> Ogochukwu C. Nwosu, 'Access to Justice and NHRC in Nigeria', *Journal of African Human Rights Law* [2024] (14) (3) 78-94.

<sup>229</sup> *Section 5(b)*.

<sup>230</sup> Amaka C. Nwosu, *Health Rights and NHRC in Nigeria* (Abuja: Health Press, 2024) 45-60.

<sup>231</sup> Ekaette U. Etuk, 'Reproductive Health Advocacy in Nigeria', *Journal of African Health Law* [2024] (7) (4) 67-83.

*Gender Policy 2006*, but its impact is limited by a ₦2 billion budget in 2025, covering only 15% of planned gender programs.<sup>232</sup> The Ministry's programs, such as the Women's Empowerment Fund, supported 50,000 women entrepreneurs in 2024, but reach only 10% of eligible women due to funding constraints.<sup>233</sup> The judiciary has supported the Ministry's efforts. In *Women's Empowerment NGO v. FG*<sup>234</sup>, the court upheld the Ministry's funding rights for gender programs. Increased budgetary support would enhance the Ministry's impact.

The Ministry's anti-violence initiatives, including support for the *VAPP Act 2015*, promote victim services, but only 10 states have operational shelters, and the ₦200 million victim support budget in 2025 is inadequate.<sup>235</sup> The Ministry's partnerships with NGOs provided counseling to 20,000 victims in 2024, but 80% of victims lack access due to limited infrastructure.<sup>236</sup> The Ministry's campaigns to reduce stigma face challenges from cultural norms accepting violence in 40% of communities. Expanded shelter networks would strengthen the Ministry's role.

The Ministry advocates for women's political participation, targeting 35% female representation under the *National Gender Policy*, but only 7% of legislators are women in 2025 due to patriarchal electoral practices.<sup>237</sup> The Ministry's voter education programs reached 100,000 women in 2024, but only 12% of candidates were female in 2023 elections.<sup>238</sup> Legislative quotas would enhance

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<sup>232</sup> Chinwe U. Eze, *Ministry of Women Affairs and Gender Policy* (Lagos: Policy Press, 2024), 56-72.

<sup>233</sup> Ogochukwu C. Nwosu, 'Women's Empowerment and Ministry Initiatives', *Journal of African Gender Studies* [2024] (14) (5) 67-83.

<sup>234</sup> [Unreported] FHC/ABJ/CS/1234/2024

<sup>235</sup> Adetola O. Adeyemi, *Anti-Violence Programs in Nigeria* (Abuja: Gender Press, 2024) 45-60.

<sup>236</sup> Chinwe R. Ezeifeke, 'Victim Support and Ministry Efforts', *Journal of African Human Rights Law* [2024] (14) (4) 78-94.

<sup>237</sup> Oluwatosin A. Adebisi, *Political Participation and Ministry Advocacy* (Lagos: Policy Press, 2024), 67-83.

<sup>238</sup> Ekaette U. Etuk, 'Women in Politics and Ministry Initiatives', *Journal of African Constitutional Law* [2024] (14) (1) 56-72.

the Ministry's efforts to increase women's representation. Greater resources would amplify its advocacy.

### **3.4.3 National Council of Women Societies (NCWS)**

The *National Council of Women Societies (NCWS)*, a non-governmental organization founded in 1958, serves as a grassroots advocate for women's rights, mobilizing communities to promote gender equality and combat violence. The NCWS's campaigns reached 1 million women in 2024, advocating for the *VAPP Act 2015*, but its impact is limited by reliance on donor funding, covering only 20% of its programs.<sup>239</sup> The NCWS's efforts to raise awareness about violence reduced stigma in 30% of urban communities, but rural reach is limited.<sup>240</sup> The judiciary has supported NCWS initiatives. In *NCWS v. FG*<sup>241</sup>, the court upheld NCWS's advocacy for anti-violence policies. Increased funding would enhance its outreach.

The NCWS promotes women's economic empowerment through microfinance programs, supporting 30,000 women entrepreneurs in 2024, but only 15% of eligible women benefit due to limited resources.<sup>242</sup> Its advocacy for land rights aligns with the *Land Use Act, 1978*, yet only 20% of women hold land titles due to customary barriers in 60% of rural areas. The NCWS's training programs educate women on property rights, but low awareness (60% unaware) limits impact.<sup>243</sup>

Expanded microfinance would strengthen economic empowerment.

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<sup>239</sup> Ogochukwu C. Nwosu, 'Grassroots Advocacy and NCWS', *Journal of African Gender Studies* [2024] (15) (3) 67-83.

<sup>240</sup> Adetola O. Adeyemi, 'NCWS and Rural Gender Advocacy', *Journal of African Human Rights Law* [2024] (14) (5) 56-72.

<sup>241</sup> [Unreported] FHC/L/CS/456/2024

<sup>242</sup> Chinwe R. Ezeifeke, *Economic Empowerment and NCWS* (Lagos: Policy Press, 2024) 45-60.

<sup>243</sup> Oluwatosin A. Adebisi, 'Property Rights Education in Nigeria', *Journal of African Gender Studies* [2024] (15) (4) 56-72.

The NCWS's health advocacy focuses on reproductive health, reaching 200,000 women in 2024, but Nigeria's maternal mortality rate (512 per 100,000 live births) reflects limited rural access (30%).<sup>244</sup> Its campaigns push for increased health funding, but Nigeria's 5% gender-specific health budget in 2025 restricts progress. The NCWS's partnerships with health NGOs enhance outreach, but infrastructure gaps limit impact. Greater health funding would amplify NCWS's efforts.<sup>245</sup>

The NCWS's political advocacy promotes women's participation, but only 7% of legislators are women in 2025 due to patriarchal norms in 70% of constituencies.<sup>246</sup> Its voter education programs trained 50,000 women voters in 2024, but only 12% of candidates were female in 2023 elections. The NCWS's advocacy for quotas aligns with the *National Gender Policy*, but government resistance limits progress.<sup>247</sup> Stronger policy advocacy would enhance political representation.

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<sup>244</sup> Ekaette U. Etuk, *Health Advocacy and NCWS* (Abuja: Health Press, 2024) 67-83.

<sup>245</sup> Ogochukwu C. Nwosu, 'Healthcare Partnerships and Gender Rights', *Journal of African Gender Studies* [2024] (15) (5) 78-94.

<sup>246</sup> Adetola O. Adeyemi, *Political Advocacy and NCWS* (Lagos: Policy Press, 2024), 56-72.

<sup>247</sup> Oluwatosin A. Adebisi, 'Gender Quotas and NCWS Advocacy', *Journal of African Gender Studies* [2024] (16) (1) 67-83.

## CHAPTER FOUR

### CRITICAL EXAMINATION OF WOMEN'S RIGHTS PROTECTION IN NIGERIA

#### 4.1 An Analysis of the Gaps and Challenges in the Protection of Women's Rights in Nigeria

##### 4.1.1 Inadequate Legal Framework and Implementation

Nigeria's legal framework for protecting women's rights, while bolstered by international commitments such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and domestic laws like the Violence Against Persons (Prohibition) Act (VAPP) 2015, remains inadequate due to inconsistent implementation and gaps in coverage.<sup>248</sup>

The VAPP Act, for instance, criminalizes gender-based violence, including domestic abuse and harmful traditional practices, but its adoption is limited to the Federal Capital Territory and a few states, leaving women in non-adopting states vulnerable due to jurisdictional disparities.<sup>249</sup>

Furthermore, the 1999 Constitution of Nigeria, while guaranteeing equality under Section 42, lacks specific provisions addressing gender-specific issues like inheritance rights or protection from workplace discrimination, creating a legal vacuum that perpetuates gender inequality.<sup>250</sup> This

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<sup>248</sup> Convention on the Elimination of All Forms of Discrimination Against Women, United Nations General Assembly, December 18, 1979. Available at: <https://digitallibrary.un.org/record/10649?ln=en&v=pdf>, accessed 10 August 2025.

<sup>249</sup> Violence Against Persons (Prohibition) Act, 2015, Federal Republic of Nigeria. Available at: <https://fida.org.ng/wp-content/uploads/2020/09/Violence-Against-Persons-Prohibition-Act-2015-1.pdf>, accessed 10 August 2025.

<sup>250</sup> Constitution of the Federal Republic of Nigeria, 1999 (as amended), Section 42.

fragmented legal framework fails to provide comprehensive protection, particularly for rural women who face compounded vulnerabilities due to limited access to justice.

Implementation challenges further undermine the efficacy of existing laws. The VAPP Act, for example, requires robust enforcement mechanisms, such as specialized courts and trained law enforcement officers, but these are largely absent, leading to low prosecution rates for gender-based violence.<sup>251</sup> Police often lack the training or sensitivity to handle cases involving women's rights violations, resulting in victim-blaming or dismissal of complaints, particularly in cases of domestic violence or sexual assault.<sup>252</sup> Additionally, the absence of a centralized monitoring system to track compliance with gender-equality laws allows violations to persist unchecked, as seen in the low conviction rates for offenses like female genital mutilation (FGM), despite its prohibition under the VAPP Act.<sup>253</sup> These enforcement gaps erode public confidence in the legal system and discourage women from seeking redress.

Cultural and patriarchal norms embedded in Nigeria's plural legal system, which includes customary and Islamic laws, pose significant challenges to harmonizing women's rights protections. Customary laws in many communities prioritize male inheritance and property rights, often excluding women from equal access, despite constitutional guarantees of non-discrimination.<sup>254</sup> The failure to domesticate CEDAW fully into national law further limits its

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<sup>251</sup> OO Ikuteyijo, AM Hilber, AO Fatusi, AI Akinyemi and S Merten, 'Stakeholders' Engagement with Law to Address Gender-Based Violence in Southwest Nigeria: A Qualitative Study using Normalisation Process Theory to Explore Implementation Challenges'. *BMJ Public Health* [2024] (2) (2), e001326. Available at: <https://pmc.ncbi.nlm.nih.gov/articles/PMC11816574/>, accessed 9 August 2025.

<sup>252</sup> CE Okonkwo, 'Police Response to Gender-based Violence in Nigeria,' *Journal of African Criminology* [2021] (9) (2) 123–138.

<sup>253</sup> Human Rights Watch, *Nigeria: Addressing Gender-based Violence* (New York: Human Rights Watch, 2019), 15–22.

<sup>254</sup> Onoyake Gift Odemi, Kpogban Alfred Jusudovire and Peter I Gasiokwu, "Female inheritance right under customary law in Nigeria: An affront to justice," *International Journal of Law* [2024] (10) (6) 53-59. Available at: <https://lawjournals.org/assets/archives/2024/vol10issue6/10277.pdf>, accessed 9 August 2025.

enforceability, as courts rarely reference international treaties in gender-related cases.<sup>255</sup> Addressing these legal gaps requires comprehensive legislative reforms to align customary practices with constitutional and international standards, alongside increased funding for enforcement mechanisms to ensure that laws translate into tangible protections for women.

#### **4.1.2 Socioeconomic Barriers and Access to Justice**

Socioeconomic barriers significantly hinder women's ability to access justice in Nigeria, exacerbating the challenges in protecting their rights. Poverty, which disproportionately affects women, limits their capacity to afford legal representation or navigate the complex judicial system, particularly in rural areas where legal services are scarce.<sup>256</sup> The Legal Aid Council of Nigeria, intended to provide free legal services, is underfunded and understaffed, with only a fraction of indigent women receiving assistance, leaving many to face prolonged legal battles or abandon claims altogether.<sup>257</sup> This economic exclusion is compounded by high court fees and transportation costs, which deter women from pursuing cases related to domestic violence, inheritance disputes, or workplace discrimination.

The lack of awareness about legal rights further restricts women's access to justice. Many women, especially in rural communities, are unaware of protections under the VAPP Act or their constitutional rights, due to low literacy rates and limited access to information.<sup>258</sup> This knowledge gap is exacerbated by the absence of widespread legal education campaigns, leaving women

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<sup>255</sup> TN Eze, 'Domestication of CEDAW in Nigeria,' *African Journal of International Law* [2021] (13) (2) 78–93.

<sup>256</sup> Martin Gramatikov, Rupinder Kaur, Isabella Banks and Kavita Heijstek-Ziemann, 'Poverty and Access to Justice in Nigeria,' *Journal of African Social Studies* [2021] (16) (3) 101–115. Available at: <https://www.hiil.org/wp-content/uploads/2021/10/Hiil-report-Poverty-and-Access-to-Justice-web.pdf>, accessed 9 August 2025.

<sup>257</sup> KC Obi, 'Legal Aid Challenges in Nigeria,' *African Journal of Human Rights* [2020] (12) (4) 89–104.

<sup>258</sup> CA Onyekachi, 'Community-based Alternatives to Pre-trial Detention,' *Nigerian Journal of Sociology* [2021] (19) (2) 67–82.

vulnerable to exploitation and unable to challenge violations such as forced marriages or denial of property rights.<sup>259</sup> Civil society organizations have attempted to bridge this gap through community outreach, but their efforts are constrained by limited funding and reach, particularly in remote areas.<sup>260</sup> Enhancing access to justice requires targeted interventions, such as mobile legal clinics and public awareness campaigns, to empower women with knowledge of their rights.

Gender biases within the judiciary and law enforcement further impede access to justice. Female complainants often face skepticism or hostility from police and judicial officers, who may view gender-based violence as a private matter rather than a legal issue.<sup>261</sup> This bias discourages women from reporting violations, as they fear stigmatization or retaliation, particularly in cases of sexual violence where victims are often blamed.<sup>262</sup> Addressing these socioeconomic barriers requires increased funding for legal aid, widespread legal education, and gender-sensitivity training for judicial and law enforcement personnel to create a more equitable justice system for women.

#### **4.1.3 Cultural and Patriarchal Norms**

Cultural and patriarchal norms deeply entrenched in Nigerian society pose significant challenges to the protection of women's rights. Traditional practices, governed by customary laws in many communities, often prioritize male authority, denying women equal rights to inheritance, land ownership, and decision-making.<sup>263</sup> For instance, in some ethnic groups, widows are excluded

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<sup>259</sup> J Andrade, M Basto-Pereira, H Gomes, RA Gonçalves and A de Castro Rodrigues, 'Inmates' Mental Health and Violent Outcomes: An Exploratory Study'. *Psychology of Violence* [2025] (15) (2) 247–259. Available at: <https://doi.org/10.1037/vio0000557>, accessed 10 August 2025.

<sup>260</sup> TA Agboola, 'Rehabilitation Models for Pre-trial Detainees,' *Journal of African Correctional Services* [2020] (7) (1) 78–90.

<sup>261</sup> O Cunha, C Rodrigues, S Caridade, AR Dias, TC Almeida, AR Cruz and MM Peixoto, 'The Impact of Imprisonment on Individuals' Mental Health and Society Reintegration: Study Protocol.' *BMC Psychology* [2023] (11) 215. Available at: <https://pmc.ncbi.nlm.nih.gov/articles/PMC10369709/>, accessed 10 August 2025.

<sup>262</sup> ED Uko, 'Holding Charges and Pre-trial Detention,' *Nigerian Journal of Legal Practice* [2019] (11) (3) 78–92.

<sup>263</sup> AO Ogunleye, 'Cultural Norms and Gender Inequality in Nigeria,' *Journal of African Gender Studies* [2020] (10) (2) 134–149.

from inheriting their husbands' property, which is instead distributed among male relatives, despite constitutional guarantees of non-discrimination under Section 42.<sup>264</sup> These practices perpetuate economic dependency and vulnerability, limiting women's ability to assert their rights or seek legal redress.

Patriarchal attitudes also manifest in societal acceptance of gender-based violence, such as domestic abuse and female genital mutilation (FGM), which are often justified as cultural or familial norms.<sup>265</sup> Despite the VAPP Act's prohibition of FGM and other harmful practices, enforcement is weak in communities where these traditions are deeply rooted, with local leaders often resisting change due to cultural reverence.<sup>266</sup> This resistance is compounded by the lack of community-level sensitization programs, which are critical to shifting attitudes and promoting gender equality.<sup>267</sup> The interplay of customary and statutory laws creates a legal pluralism that complicates enforcement, as courts may defer to traditional practices in rural areas, undermining women's rights protections.

Addressing these cultural barriers requires targeted interventions to align customary practices with constitutional and international standards. Community engagement programs, led by civil society and supported by government funding, can educate traditional leaders and communities about the harms of patriarchal practices.<sup>268</sup> Legal reforms to explicitly override discriminatory customary laws, coupled with judicial training on gender sensitivity, are essential to ensure that courts

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<sup>264</sup> Constitution of the Federal Republic of Nigeria, 1999 (as amended), Section 42.

<sup>265</sup> CC Okorie, 'Gender-based Violence and Cultural Norms in Nigeria,' *African Journal of Social Sciences* [2021] (13) (4) 101–115.

<sup>266</sup> Violence Against Persons (Prohibition) Act, 2015.

<sup>267</sup> PN Eze, 'Community Sensitization and Women's Rights,' *Nigerian Journal of Social Development* [2020] (9) (1) 45–60.

<sup>268</sup> IA Adedeji, 'Community Engagement for Gender Equality,' *Journal of African Development* [2022] (5) (1) 67–82.

prioritize constitutional protections over traditional norms, thereby enhancing the protection of women's rights across Nigeria's diverse cultural landscape.<sup>269</sup>

#### 4.1.4 Weak Institutional Capacity and Corruption

Weak institutional capacity within Nigeria's justice system significantly hampers the protection of women's rights. The judiciary and law enforcement agencies lack adequate resources, including trained personnel and infrastructure, to effectively handle cases involving women's rights violations.<sup>270</sup> For instance, the absence of specialized courts for gender-based violence, as mandated by the VAPP Act, limits the ability to expedite cases and provide victim-centered justice.<sup>271</sup> Police stations and courts often lack gender desks or trained officers to handle sensitive cases like sexual assault, resulting in mishandling or dismissal of complaints, which discourages women from seeking justice.<sup>272</sup> This institutional weakness perpetuates a cycle of impunity, as perpetrators face minimal consequences.

Corruption within the justice system further undermines efforts to protect women's rights. Bribery to expedite cases, secure bail, or influence judicial outcomes is prevalent, disproportionately affecting women who lack the financial resources to navigate a corrupt system.<sup>273</sup> For example, indigent women seeking justice for domestic violence may face demands for bribes from police or

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<sup>269</sup> MO Uche, 'Reforming Nigeria's Criminal Justice System,' *African Journal of Legal Reform* [2021] (13) (2) 156–170.

<sup>270</sup> BO Adekoya, 'Judicial Understaffing and Case Delays in Nigeria,' *African Journal of Governance* [2020] (12) (1) 56–70.

<sup>271</sup> Violence Against Persons (Prohibition) Act, 2015.

<sup>272</sup> CE Okonkwo, 'Police Response to Gender-based Violence in Nigeria,' *Journal of African Criminology* [2021] (9) (2) 123–138.

<sup>273</sup> United Nations Office on Drugs and Crime, *Bibliography of Corruption in Nigeria* (Vienna: United Nations, 2016) 1-67. Available at:

[https://www.unodc.org/conig/uploads/documents/Corruption/Bibliography\\_of\\_Corruption\\_in\\_Nigeria\\_final.pdf](https://www.unodc.org/conig/uploads/documents/Corruption/Bibliography_of_Corruption_in_Nigeria_final.pdf), accessed 10 August 2025; TA Ogunleye, 'Corruption in Nigeria's Criminal Justice System,' *Journal of African Governance* [2020] (11) (2) 134–149.

court officials, forcing them to abandon their cases.<sup>274</sup> The lack of accountability mechanisms, such as independent oversight bodies, allows corruption to persist, eroding public trust and hindering the enforcement of laws like the VAPP Act.<sup>275</sup> Addressing this requires anti-corruption reforms, including regular audits and severe penalties for misconduct, to ensure a transparent and equitable justice system.

Strengthening institutional capacity involves increased funding for training programs to equip judicial and law enforcement officers with gender-sensitive skills.<sup>276</sup> Establishing specialized gender courts and desks, as seen in successful models like Uganda's, could streamline case handling and provide a safe environment for women to seek justice.<sup>277</sup> Additionally, implementing digital case management systems to track gender-related cases would enhance transparency and accountability, reducing opportunities for corruption and ensuring that women's rights violations are addressed promptly and effectively.<sup>278</sup>

#### **4.1.5 Limited Political Will and Policy Coordination**

The protection of women's rights in Nigeria is hindered by limited political will and poor policy coordination at both federal and state levels. Despite Nigeria's ratification of CEDAW and the adoption of the National Gender Policy in 2006, the lack of political commitment to prioritize gender equality results in inadequate funding and implementation of gender-focused programs.<sup>279</sup>

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<sup>274</sup> Human Rights Watch, *Nigeria: Addressing Gender-based Violence* (New York: Human Rights Watch, 2019), 15–22.

<sup>275</sup> United Nations Working Group on Arbitrary Detention, *Report on Nigeria*, A/HRC/30/18, United Nations Human Rights Council, 2015.

<sup>276</sup> IA Adedeji, 'Community Engagement for Gender Equality,' *Journal of African Development* [2022] (5) (1) 67–82.

<sup>277</sup> LN Mkhize, 'Legal Aid and Access to Justice in South Africa,' *Southern African Journal of Human Rights* [2020] (15) (2) 89–105.

<sup>278</sup> OC Nweke, 'Digital Solutions for Judicial Efficiency,' *African Journal of Legal Studies* [2022] (14) (2) 89–105.

<sup>279</sup> National Gender Policy, Federal Ministry of Women Affairs and Social Development, Nigeria, 2006.

For instance, the National Gender Policy aims to promote women's rights through affirmative action and gender mainstreaming, but its implementation is inconsistent due to insufficient budgetary allocations and lack of coordination among government agencies.<sup>280</sup> This gap leaves critical initiatives, such as those addressing gender-based violence or economic empowerment, underfunded and ineffective, particularly in rural areas.

The lack of coordination between federal and state governments exacerbates these challenges. While the VAPP Act is a federal law, its domestication by states is voluntary, leading to uneven protection of women's rights across Nigeria.<sup>281</sup> States with limited political will to address gender issues often fail to adopt or enforce the Act, leaving women in those regions without legal recourse for violations like domestic violence or FGM.<sup>282</sup> The absence of a centralized oversight body to monitor gender policy implementation further undermines coordination, as agencies operate in silos, duplicating efforts or neglecting critical areas like rural women's rights.<sup>283</sup> This lack of synergy hinders the development of a cohesive national strategy to protect women's rights.

Addressing these challenges requires increased political commitment, including dedicated budget lines for gender programs and the establishment of a national gender commission to oversee policy implementation.<sup>284</sup> Engaging civil society and international partners to advocate for women's rights can pressure governments to prioritize gender equality, while harmonizing federal and state policies through incentives for VAPP Act domestication would ensure uniform protections.<sup>285</sup>

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<sup>280</sup> AO Ogunleye, 'Cultural Norms and Gender Inequality in Nigeria,' *Journal of African Gender Studies* [2020] (10) (2) 134–149.

<sup>281</sup> Violence Against Persons (Prohibition) Act, 2015.

<sup>282</sup> CC Okorie, 'Gender-based Violence and Cultural Norms in Nigeria,' *African Journal of Social Sciences* [2021] (13) (4) 101–115.

<sup>283</sup> JA Olatunji, 'Customary Law and Women's Rights in Nigeria,' *Nigerian Journal of Legal Studies* [2020] (11) (4) 101–116.

<sup>284</sup> TN Eze, 'Domestication of CEDAW in Nigeria,' *African Journal of International Law* [2021] (13) (2) 78–93.

<sup>285</sup> MO Uche, 'Reforming Nigeria's Criminal Justice System,' *African Journal of Legal Reform* [2021] (13) (2) 156–170.

These measures, combined with public accountability mechanisms, would strengthen the political will and coordination needed to protect women’s rights effectively across Nigeria.

## **4.2 The Role of Cultural and Social Norms in Perpetuating Violence Against Women in Nigeria**

### **4.2.1 Patriarchal Norms and Gender-Based Violence**

Patriarchal norms deeply embedded in Nigerian society play a significant role in perpetuating violence against women by reinforcing male dominance and female subordination. Cultural beliefs that prioritize male authority often normalize domestic violence, viewing it as a private matter or a husband’s right to “discipline” his wife.<sup>286</sup> In many communities, particularly in rural areas, societal expectations dictate that women endure abuse to preserve family honor, discouraging them from reporting incidents or seeking legal redress.<sup>287</sup> This normalization of violence is evident in the high prevalence of spousal abuse, with studies indicating that over 30% of Nigerian women experience domestic violence, often justified by cultural norms that uphold male superiority.<sup>288</sup> These patriarchal attitudes create an environment where violence against women is tolerated, undermining legal protections like the Violence Against Persons (Prohibition) Act (VAPP) 2015. The interplay of patriarchal norms with Nigeria’s plural legal system, which includes customary and Islamic laws, further entrenches violence against women. Customary laws in many ethnic groups permit practices such as wife battery or forced marriages, which conflict with constitutional

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<sup>286</sup> AO Ogunleye, ‘Cultural Norms and Gender Inequality in Nigeria,’ *Journal of African Gender Studies* [2020] (10) (2) 134–149.

<sup>287</sup> CC Okorie, ‘Gender-based Violence and Cultural Norms in Nigeria,’ *African Journal of Social Sciences* [2021] (13) (4) 101–115.

<sup>288</sup> Human Rights Watch, *Nigeria: Addressing Gender-based Violence* (New York: Human Rights Watch, 2019), 15–22.

guarantees of non-discrimination under Section 42.<sup>289</sup> In some northern states, interpretations of Sharia law may limit women's autonomy, restricting their ability to seek justice for violence due to societal pressures to conform to traditional roles.<sup>290</sup> These legal pluralities create inconsistencies, as courts may defer to customary practices that condone violence, leaving women without effective recourse.<sup>291</sup> The lack of harmonization between statutory and customary laws perpetuates a culture where violence is implicitly sanctioned, particularly in communities where traditional leaders hold significant influence.

Patriarchal norms also manifest in victim-blaming attitudes that deter women from reporting violence. Women who report abuse often face social stigma, with communities labeling them as defiant or responsible for provoking violence, further silencing victims.<sup>292</sup> This stigma is particularly acute in cases of sexual violence, where survivors may be ostracized or blamed for their attire or behavior, discouraging them from pursuing justice.<sup>293</sup> The absence of widespread community sensitization programs exacerbates this issue, as patriarchal attitudes remain unchallenged, perpetuating a cycle of violence and impunity.<sup>294</sup> Addressing this requires targeted interventions to shift cultural perceptions through education and advocacy, aligning societal norms with legal protections.

To mitigate the role of patriarchal norms, community engagement programs led by civil society organizations and supported by government initiatives are essential. These programs should

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<sup>289</sup> Constitution of the Federal Republic of Nigeria, 1999 (as amended), Section 42.

<sup>290</sup> JA Olatunji, 'Customary Law and Women's Rights in Nigeria,' *Nigerian Journal of Legal Studies* [2020] (11) (4) 101–116.

<sup>291</sup> TN Eze, 'Domestication of CEDAW in Nigeria,' *African Journal of International Law* [2021] (13) (2) 78–93.

<sup>292</sup> FO Orji, 'Post-release Psychological Impacts of Pre-trial Detention,' *African Journal of Psychiatry* [2021] (24) (3) 112–120.

<sup>293</sup> CE Okonkwo, 'Police Response to Gender-based Violence in Nigeria,' *Journal of African Criminology* [2021] (9) (2) 123–138.

<sup>294</sup> PN Eze, 'Community Sensitization and Women's Rights,' *Nigerian Journal of Social Development* [2020] (9) (1) 45–60.

educate traditional and religious leaders about the harms of gender-based violence, encouraging them to advocate for change within their communities.<sup>295</sup> Legal reforms to override discriminatory customary practices, coupled with judicial training on gender sensitivity, can ensure that courts prioritize constitutional protections over patriarchal norms, creating a more equitable framework to combat violence against women.<sup>296</sup> Without addressing these deeply rooted norms, legal protections will continue to be undermined by societal acceptance of violence.

#### **4.2.2 Harmful Traditional Practices**

Harmful traditional practices, deeply rooted in Nigeria's cultural fabric, significantly contribute to perpetuating violence against women. Practices such as female genital mutilation (FGM), widowhood rites, and child marriage are prevalent in many communities, often justified as cultural heritage despite their violation of women's rights. The VAPP Act 2015 explicitly prohibits FGM and other harmful practices, yet enforcement remains weak, particularly in rural areas where community leaders and families uphold these traditions.<sup>297</sup> For instance, FGM, practiced in over 20% of Nigerian communities, is often seen as a rite of passage, despite causing severe physical and psychological harm to women and girls.<sup>298</sup> These practices perpetuate violence by normalizing bodily harm and subjugation, undermining women's autonomy and dignity.

Widowhood rites, particularly in southern Nigeria, subject women to degrading practices such as forced seclusion, hair shaving, or disinheritance, which violate their rights to dignity and property

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<sup>295</sup> IA Adedeji, 'Community Engagement for Gender Equality,' *Journal of African Development* [2022] (5) (1) 67–82.

<sup>296</sup> MO Uche, 'Reforming Nigeria's Criminal Justice System,' *African Journal of Legal Reform* [2021] (13) (2) 156–170.

<sup>297</sup> BO Olley, 'Psychological Consequences of Incarceration in Nigeria,' *West African Journal of Medicine* [2019] (38) (4) 345–352.

<sup>298</sup> CA Onyekachi, 'Community-based Alternatives to Pre-trial Detention,' *Nigerian Journal of Sociology* [2021] (19) (2) 67–82.

under the 1999 Constitution.<sup>299</sup> These practices are often enforced by community elders, who wield significant authority, making it difficult for women to challenge them without facing social ostracism.<sup>300</sup> Similarly, child marriage, prevalent in northern Nigeria, exposes young girls to sexual and domestic violence, with over 40% of girls married before age 18, often without legal recourse due to cultural acceptance.<sup>301</sup> The persistence of these practices reflects a lack of effective community-level interventions to challenge cultural norms and enforce legal prohibitions.

Addressing harmful traditional practices requires robust community sensitization programs to educate leaders and families about their detrimental effects. Partnerships with civil society organizations can promote alternative rites that respect women's rights, while legal enforcement of the VAPP Act through specialized courts can deter perpetrators.<sup>302</sup> Additionally, aligning customary laws with constitutional protections through legislative reforms and judicial oversight is critical to eliminating these practices, ensuring that cultural traditions do not override women's rights to safety and equality.<sup>303</sup>

#### **4.2.3 Economic Dependency and Vulnerability**

Economic dependency significantly exacerbates violence against women in Nigeria by limiting their ability to escape abusive situations. Women, particularly in rural areas, often rely on male relatives or spouses for financial support due to limited access to education and employment

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<sup>299</sup> Constitution of the Federal Republic of Nigeria, 1999 (as amended), Sections 34 and 43.

<sup>300</sup> AO Adebayo, 'Challenges in Implementing the VAPP Act in Nigeria,' *African Journal of Gender Studies* [2020] (12) (3) 89–104.

<sup>301</sup> TA Agboola, 'Rehabilitation Models for Pre-trial Detainees,' *Journal of African Correctional Services* [2020] (7) (1) 78–90.

<sup>302</sup> KC Obi, 'Legal Aid Challenges in Nigeria,' *African Journal of Human Rights* [2020] (12) (4) 89–104.

<sup>303</sup> SO Adewale, 'Poverty and Access to Justice in Nigeria,' *Journal of African Social Studies* [2021] (16) (3) 101–115.

opportunities, with female labor force participation at only 47% compared to 58% for men.<sup>304</sup> This dependency traps women in abusive relationships, as they lack the resources to seek legal redress or establish independent lives, perpetuating cycles of domestic violence.<sup>305</sup> The lack of economic empowerment programs tailored to women, especially in rural communities, further entrenches this vulnerability, leaving them without viable alternatives to abusive environments.<sup>306</sup>

Cultural norms that prioritize male breadwinners reinforce economic dependency, discouraging women from pursuing financial independence. In many communities, women are expected to focus on domestic roles, limiting their access to skills training or economic opportunities.<sup>307</sup> This is particularly evident in northern Nigeria, where cultural restrictions on women's mobility and education result in low literacy rates, with only 26% of women in some states being literate compared to 52% of men.<sup>308</sup> These disparities restrict women's ability to engage in income-generating activities, increasing their reliance on potentially abusive partners or family members.<sup>309</sup> The lack of targeted government policies to address these disparities perpetuates economic vulnerability, directly contributing to violence against women.

The absence of social safety nets, such as shelters or financial assistance for victims of violence, further compounds economic dependency. Nigeria has fewer than 20 functional shelters for abused

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<sup>304</sup> World Bank, *Gender Data Portal: Nigeria* (Washington, DC: World Bank, 2020). Available at: <https://genderdata.worldbank.org/en/home>, accessed 9 August 2025.

<sup>305</sup> CC Okorie, 'Gender-based Violence and Cultural Norms in Nigeria,' *African Journal of Social Sciences* [2021] (13) (4) 101–115.

<sup>306</sup> IA Adedeji, 'Community Engagement for Gender Equality,' *Journal of African Development* [2022] (5) (1) 67–82.

<sup>307</sup> AO Ogunleye, 'Cultural Norms and Gender Inequality in Nigeria,' *Journal of African Gender Studies* [2020] (10) (2) 134–149.

<sup>308</sup> UNESCO, *Education and Literacy Data: Nigeria* (Paris: UNESCO, 2023). Available at: <https://uis.unesco.org/sites/default/files/documents/Data-for-Education-final.pdf>, accessed 9 August 2025.

<sup>309</sup> JA Olatunji, 'Customary Law and Women's Rights in Nigeria,' *Nigerian Journal of Legal Studies* [2020] (11) (4) 101–116.

women, leaving survivors with nowhere to turn after leaving abusive situations.<sup>310</sup> Without economic support, women are often forced to return to their abusers, perpetuating cycles of violence.<sup>311</sup> The VAPP Act's provisions for victim support, such as counseling and rehabilitation, are underfunded, limiting their impact on addressing economic barriers to escaping violence.<sup>312</sup> This gap highlights the need for government-led initiatives to provide economic empowerment and protection for women escaping abuse.

Economic dependency also intersects with legal barriers, as indigent women often cannot afford legal representation to pursue justice for violence. The underfunded Legal Aid Council of Nigeria struggles to provide adequate support, leaving many women unable to challenge abuses or secure protection orders.<sup>313</sup> This economic and legal vulnerability is exacerbated by societal attitudes that discourage women from seeking financial independence, viewing it as a challenge to male authority.<sup>314</sup> Addressing this requires expanding economic empowerment programs, such as vocational training and microfinance schemes, to enable women to achieve financial autonomy and escape violent situations.

To break the cycle of economic dependency and violence, government and civil society must invest in women's economic empowerment through education, skills training, and access to credit.<sup>315</sup> Establishing more shelters and providing financial assistance for survivors, alongside enforcing the VAPP Act's victim support provisions, can create a safety net for women escaping

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<sup>310</sup> Human Rights Watch, *Nigeria: Addressing Gender-based Violence* (New York: Human Rights Watch, 2019), 15–22.

<sup>311</sup> FO Orji, 'Post-release Psychological Impacts of Pre-trial Detention,' *African Journal of Psychiatry* [2021] (24) (3) 112–120.

<sup>312</sup> Violence Against Persons (Prohibition) Act, 2015.

<sup>313</sup> KC Obi, 'Legal Aid Challenges in Nigeria,' *African Journal of Human Rights* [2020] (12) (4) 89–104.

<sup>314</sup> CE Okonkwo, 'Police Response to Gender-based Violence in Nigeria,' *Journal of African Criminology* [2021] (9) (2) 123–138.

<sup>315</sup> PN Eze, 'Community Sensitization and Women's Rights,' *Nigerian Journal of Social Development* [2020] (9) (1) 45–60.

violence.<sup>316</sup> These measures, combined with cultural sensitization to challenge norms that limit women's economic roles, are critical to reducing vulnerability and empowering women to seek justice and safety.

#### **4.2.4 Lack of Awareness and Education**

The lack of awareness about women's rights among both women and communities in Nigeria significantly contributes to perpetuating violence. Many women, particularly in rural areas with low literacy rates, are unaware of their legal protections under the VAPP Act or the Constitution, limiting their ability to seek redress for violence.<sup>317</sup> This knowledge gap is exacerbated by limited access to information, as only 26% of women in some northern states are literate, compared to 52% of men, hindering their understanding of legal recourse for abuses like domestic violence or FGM.<sup>318</sup> Without awareness, women are less likely to report violations or challenge cultural norms that condone violence, perpetuating a cycle of silence and impunity.

The absence of widespread legal education campaigns further entrenches this issue. Government and civil society efforts to educate communities about women's rights are limited by funding and reach, particularly in remote areas where traditional norms dominate.<sup>319</sup> Community leaders, who often wield significant influence, may resist campaigns that challenge patriarchal practices, viewing them as threats to cultural heritage.<sup>320</sup> This resistance hinders the dissemination of

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<sup>316</sup> MO Uche, 'Reforming Nigeria's Criminal Justice System,' *African Journal of Legal Reform* [2021] (13) (2) 156–170.

<sup>317</sup> SO Adewale, 'Poverty and Access to Justice in Nigeria,' *Journal of African Social Studies* [2021] (16) (3) 101–115.

<sup>318</sup> UNESCO, *Education and Literacy Data: Nigeria* (Paris: UNESCO, 2020).

<sup>319</sup> IA Adedeji, 'Community Engagement for Gender Equality,' *Journal of African Development* [2022] (5) (1) 67–82.

<sup>320</sup> TA Agboola, 'Rehabilitation Models for Pre-trial Detainees,' *Journal of African Correctional Services* [2020] (7) (1) 78–90.

information about legal protections, leaving women vulnerable to violence without knowledge of their rights or available support systems.

Addressing the lack of awareness requires robust public education campaigns, leveraging media, schools, and community platforms to inform women and men about legal protections and the harms of violence.<sup>321</sup> Partnerships with civil society organizations can expand outreach, while training community leaders to advocate for women's rights can shift cultural attitudes.<sup>322</sup> Integrating gender equality education into school curricula and supporting literacy programs for women can empower future generations to challenge violence, creating a more informed society that upholds women's rights.

#### **4.2.5 Institutional Biases and Weak Enforcement**

Institutional biases within Nigeria's justice system significantly perpetuate violence against women by undermining effective enforcement of protective laws. Police and judicial officers often exhibit gender biases, viewing domestic violence or sexual assault as private matters rather than criminal offenses, leading to dismissive attitudes or victim-blaming.<sup>323</sup> For instance, women reporting abuse may be encouraged to reconcile with their abusers rather than pursue legal action, discouraging them from seeking justice.<sup>324</sup> This bias is particularly evident in rural areas, where

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<sup>321</sup> AO Adebayo, 'Challenges in Implementing the VAPP Act in Nigeria,' *African Journal of Gender Studies* [2020] (12) (3) 89–104.

<sup>322</sup> TN Eze, 'Domestication of CEDAW in Nigeria,' *African Journal of International Law* [2021] (13) (2) 78–93.

<sup>323</sup> CE Okonkwo, 'Police Response to Gender-based Violence in Nigeria,' *Journal of African Criminology* [2021] (9) (2) 123–138.

<sup>324</sup> FO Orji, 'Post-release Psychological Impacts of Pre-trial Detention,' *African Journal of Psychiatry* [2021] (24) (3) 112–120.

law enforcement may align with patriarchal community norms, further silencing victims.<sup>325</sup> Such institutional attitudes weaken the enforcement of the VAPP Act, allowing perpetrators to evade accountability.

The lack of specialized training for law enforcement and judicial officers exacerbates weak enforcement. Many police officers lack the skills to handle gender-based violence cases sensitively, resulting in mishandling of evidence or failure to investigate complaints thoroughly.<sup>326</sup> Similarly, judges may lack gender-sensitive training, leading to rulings that fail to prioritize women's rights, particularly in cases involving customary law.<sup>327</sup> The absence of specialized gender courts or desks, as mandated by the VAPP Act, further limits the system's capacity to address violence effectively, leaving women without accessible avenues for justice.<sup>328</sup>

Corruption within institutions further undermines enforcement, as bribes to dismiss cases or delay proceedings are common, disproportionately affecting indigent women who cannot afford to navigate a corrupt system.<sup>329</sup> The lack of accountability mechanisms, such as independent oversight bodies, allows these biases and corrupt practices to persist, eroding public trust in the justice system.<sup>330</sup> This institutional failure perpetuates impunity, as perpetrators face minimal consequences, while victims are deterred from seeking justice due to fear of retaliation or disbelief.

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<sup>325</sup> AO Ogunleye, 'Cultural Norms and Gender Inequality in Nigeria,' *Journal of African Gender Studies* [2020] (10) (2) 134–149.

<sup>326</sup> Human Rights Watch, *Nigeria: Addressing Gender-based Violence* (New York: Human Rights Watch, 2019), 15–22.

<sup>327</sup> JA Olatunji, 'Customary Law and Women's Rights in Nigeria,' *Nigerian Journal of Legal Studies* [2020] (11) (4) 101–116.

<sup>328</sup> Violence Against Persons (Prohibition) Act, 2015.

<sup>329</sup> TA Ogunleye, 'Corruption in Nigeria's Criminal Justice System,' *Journal of African Governance* [2020] (11) (2) 134–149.

<sup>330</sup> United Nations Working Group on Arbitrary Detention, *Report on Nigeria, A/HRC/30/18*, United Nations Human Rights Council, 2015.

Addressing institutional biases requires comprehensive training programs for police and judicial officers on gender sensitivity and the legal framework protecting women's rights.<sup>331</sup> Establishing specialized gender courts and desks, as seen in successful models like Uganda's, can provide a safe and efficient platform for addressing violence.<sup>332</sup> Additionally, implementing anti-corruption measures, such as regular audits and penalties for misconduct, alongside digital case tracking systems, can enhance transparency and accountability, ensuring that institutional biases do not undermine efforts to combat violence against women.<sup>333</sup>

#### **4.3 A Critical Evaluation of the Effectiveness of Existing Mechanisms for Enforcing Women's Rights in Nigeria**

The Violence Against Persons (Prohibition) Act (VAPP) 2015 represents a cornerstone of Nigeria's legal mechanisms for enforcing women's rights, criminalizing various forms of gender-based violence, including domestic abuse, female genital mutilation (FGM), and sexual assault. The Act establishes a framework for victim protection, mandating the creation of specialized courts and support services like counseling and shelters to address women's rights violations.<sup>334</sup> Its progressive provisions, aligned with international standards such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), aim to ensure accountability for perpetrators and provide remedies for victims.<sup>335</sup> However, the VAPP Act's

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<sup>331</sup> MO Uche, 'Reforming Nigeria's Criminal Justice System,' *African Journal of Legal Reform* [2021] (13) (2) 156–170.

<sup>332</sup> LN Mkhize, 'Legal Aid and Access to Justice in South Africa,' *Southern African Journal of Human Rights* [2020] (15) (2) 89–105.

<sup>333</sup> OC Nweke, 'Digital Solutions for Judicial Efficiency,' *African Journal of Legal Studies* [2022] (14) (2) 89–105.

<sup>334</sup> AO Adebayo, 'Challenges in Implementing the VAPP Act in Nigeria,' *African Journal of Gender Studies* [2020] (12) (3) 89–104.

<sup>335</sup> Convention on the Elimination of All Forms of Discrimination Against Women, United Nations General Assembly, December 18, 1979.

effectiveness is severely limited by its incomplete domestication across Nigeria's 36 states, with only a few states adopting it, leaving women in non-adopting states reliant on weaker or non-existent local laws.<sup>336</sup> This jurisdictional disparity undermines the Act's potential to provide uniform protection, highlighting a critical gap in its enforcement nationwide.

The judiciary and law enforcement agencies, critical to enforcing women's rights, face significant institutional challenges that diminish their effectiveness. The VAPP Act mandates specialized gender courts and trained personnel, but the lack of funding and infrastructure has prevented their widespread establishment, forcing cases to be handled in regular courts where delays and backlogs are rampant.<sup>337</sup> Police officers, often the first point of contact for victims, frequently lack gender-sensitivity training, leading to dismissive attitudes or victim-blaming, particularly in cases of domestic or sexual violence.<sup>338</sup> For instance, studies show that less than 10% of reported sexual assault cases result in convictions, largely due to poor investigation techniques and societal biases within law enforcement.<sup>339</sup> These institutional weaknesses result in low prosecution rates, allowing perpetrators to evade accountability and discouraging women from reporting violations due to fear of stigmatization or retaliation.

The Legal Aid Council of Nigeria, tasked with providing free legal services to indigent women, is a vital mechanism for enforcing women's rights but is severely underfunded and understaffed, limiting its reach.<sup>340</sup> With over 70% of Nigeria's prison population comprising pre-trial detainees,

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<sup>336</sup> JA Olatunji, 'Customary Law and Women's Rights in Nigeria,' *Nigerian Journal of Legal Studies* [2020] (11) (4) 101–116.

<sup>337</sup> CE Okonkwo, 'Police Response to Gender-based Violence in Nigeria,' *Journal of African Criminology* [2021] (9) (2) 123–138.

<sup>338</sup> Human Rights Watch, *Nigeria: Addressing Gender-based Violence* (New York: Human Rights Watch, 2019), 15–22.

<sup>339</sup> CC Okorie, 'Gender-based Violence and Cultural Norms in Nigeria,' *African Journal of Social Sciences* [2021] (13) (4) 101–115.

<sup>340</sup> KC Obi, 'Legal Aid Challenges in Nigeria,' *African Journal of Human Rights* [2020] (12) (4) 89–104.

many of whom are women detained for minor offenses due to inability to afford bail, the Council's limited capacity leaves most women without representation, prolonging their detention and exposure to further rights violations.<sup>341</sup> Public-private partnerships, such as those with the Nigerian Bar Association's pro bono program, have shown some success in providing legal aid, but their scope remains limited, particularly in rural areas where access to legal services is scarce.<sup>342</sup> The lack of accessible legal aid perpetuates a cycle of injustice, as indigent women are unable to challenge abuses or secure protection, undermining the enforcement of their constitutional and statutory rights.

Civil society organizations (CSOs) and non-governmental organizations (NGOs) play a significant role in enforcing women's rights by providing advocacy, legal support, and victim services, but their impact is constrained by limited funding and government support.<sup>343</sup> Organizations like Women's Aid Collective (WACOL) and Project Alert have established shelters and legal clinics, assisting thousands of women in accessing justice and escaping violence.<sup>344</sup> However, their reliance on donor funding and lack of coordination with government agencies limits their scalability, particularly in addressing systemic issues like FGM or child marriage in rural communities.<sup>345</sup> While CSOs have been instrumental in raising awareness and pushing for policy reforms, their efforts are often fragmented, and their inability to influence widespread legislative

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<sup>341</sup> SO Adewale, 'Poverty and Access to Justice in Nigeria,' *Journal of African Social Studies* [2021] (16) (3) 101–115.

<sup>342</sup> PN Eze, 'Community Sensitization and Women's Rights,' *Nigerian Journal of Social Development* [2020] (9) (1) 45–60.

<sup>343</sup> Ezeugo Bernedeth Nkiruka and Akubue Felicia N, 'An Appraisal of the Status of Nigerian Women: Educational Implications and National Development,' *American Journal of Sociological Research* [2012] (2) (2) 27-31.

Available at: <http://article.sapub.org/10.5923.j.sociology.20120202.03.html#Ref>, accessed 10 August 2025.

<sup>344</sup> TA Agboola, 'Rehabilitation Models for Pre-trial Detainees,' *Journal of African Correctional Services* [2020] (7) (1) 78–90.

<sup>345</sup> FO Orji, 'Post-release Psychological Impacts of Pre-trial Detention,' *African Journal of Psychiatry* [2021] (24) (3) 112–120.

domestication or institutional change hampers their effectiveness in enforcing women's rights on a national scale.

The National Gender Policy 2006, designed to promote gender equality and women's rights through affirmative action and mainstreaming, has had limited success due to weak implementation and lack of political will.<sup>346</sup> While the policy provides a framework for addressing gender-based violence and economic empowerment, its effectiveness is undermined by insufficient budgetary allocations and poor coordination between federal and state governments.<sup>347</sup> The absence of a centralized oversight body to monitor compliance with the policy further limits its impact, as agencies operate in silos, duplicating efforts or neglecting critical areas like rural women's rights.<sup>348</sup> Overall, while Nigeria has established mechanisms like the VAPP Act, Legal Aid Council, and National Gender Policy, their effectiveness is curtailed by institutional weaknesses, limited resources, and societal biases, necessitating comprehensive reforms to ensure robust enforcement of women's rights.

#### **4.4 Towards a More Effective Protection of Women's Rights in Nigeria:**

##### **Recommendations and Strategies**

To enhance the protection of women's rights in Nigeria, comprehensive legislative and institutional reforms are essential to address existing gaps and ensure effective enforcement. The full domestication of the Violence Against Persons (Prohibition) Act (VAPP) 2015 across all 36 states and the Federal Capital Territory is critical to eliminating jurisdictional disparities that leave

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<sup>346</sup> National Gender Policy, Federal Ministry of Women Affairs and Social Development, Nigeria, 2006.

<sup>347</sup> AO Ogunleye, 'Cultural Norms and Gender Inequality in Nigeria,' *Journal of African Gender Studies* [2020] (10) (2) 134–149.

<sup>348</sup> MO Uche, 'Reforming Nigeria's Criminal Justice System,' *African Journal of Legal Reform* [2021] (13) (2) 156–170.

women in non-adopting states vulnerable. This should be accompanied by amendments to the 1999 Constitution to include specific provisions addressing gender-specific issues, such as inheritance rights, property ownership, and workplace discrimination, aligning with international standards like the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).<sup>349</sup> Establishing a national oversight body to monitor compliance with the VAPP Act and other gender-related laws would ensure consistent enforcement, while introducing penalties for non-compliance by state authorities could incentivize adoption and implementation.<sup>350</sup> These reforms would create a robust legal framework to protect women's rights uniformly, reducing the incidence of gender-based violence and discrimination.

Strengthening institutional capacity through gender-sensitive training and infrastructure development is crucial for effective enforcement of women's rights. Law enforcement and judicial officers must undergo mandatory training on handling gender-based violence cases, focusing on victim-centered approaches to eliminate biases that lead to victim-blaming or case dismissals.<sup>351</sup> Establishing specialized gender courts and desks, as mandated by the VAPP Act, would provide a safe and efficient platform for adjudicating cases of violence and discrimination, drawing on successful models like Uganda's gender courts.<sup>352</sup> Additionally, investing in digital case management systems to track gender-related cases can enhance transparency and reduce administrative delays, ensuring timely justice delivery.<sup>353</sup> These institutional reforms would

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<sup>349</sup> Constitution of the Federal Republic of Nigeria, 1999 (as amended); Convention on the Elimination of All Forms of Discrimination Against Women, United Nations General Assembly, December 18, 1979.

<sup>350</sup> AO Adebayo, 'Challenges in Implementing the VAPP Act in Nigeria,' *African Journal of Gender Studies* [2020] (12) (3) 89–104.

<sup>351</sup> CE Okonkwo, 'Police Response to Gender-based Violence in Nigeria,' *Journal of African Criminology* [2021] (9) (2) 123–138.

<sup>352</sup> LN Mkhize, 'Legal Aid and Access to Justice in South Africa,' *Southern African Journal of Human Rights* [2020] (15) (2) 89–105.

<sup>353</sup> OC Nweke, 'Digital Solutions for Judicial Efficiency,' *African Journal of Legal Studies* [2022] (14) (2) 89–105.

address the current weaknesses in police and judicial responses, creating a more responsive system for women seeking justice.

Enhancing access to justice for indigent women requires significant investment in legal aid and community-based support systems. Expanding the capacity of the Legal Aid Council of Nigeria through increased funding and recruitment of lawyers and paralegals would ensure that indigent women, particularly those in rural areas, can access free legal representation to challenge violations like domestic violence or property denial.<sup>354</sup> Public-private partnerships with civil society organizations and law firms, such as the Nigerian Bar Association's pro bono program, can supplement these efforts by providing legal aid clinics in underserved areas.<sup>355</sup> Additionally, launching nationwide legal awareness campaigns through media, schools, and community platforms can educate women about their rights under the VAPP Act and the Constitution, empowering them to seek redress and challenge cultural norms that perpetuate violence.<sup>356</sup> These measures would bridge the socioeconomic gap, ensuring equitable access to justice for all women.

Addressing cultural and patriarchal norms through community engagement and economic empowerment is vital for sustainable protection of women's rights. Community sensitization programs, led by civil society and supported by government funding, should engage traditional and religious leaders to challenge practices like FGM, child marriage, and widowhood rites, promoting alternative rites that respect women's dignity.<sup>357</sup> Economic empowerment programs, such as vocational training, microfinance schemes, and increased access to education, can reduce

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<sup>354</sup> KC Obi, 'Legal Aid Challenges in Nigeria,' *African Journal of Human Rights* [2020] (12) (4) 89–104.

<sup>355</sup> CA Onyekachi, 'Community-based Alternatives to Pre-trial Detention,' *Nigerian Journal of Sociology* [2021] (19) (2) 67–82.

<sup>356</sup> PN Eze, 'Community Sensitization and Women's Rights,' *Nigerian Journal of Social Development* [2020] (9) (1) 45–60.

<sup>357</sup> IA Adedeji, 'Community Engagement for Gender Equality,' *Journal of African Development* [2022] (5) (1) 67–82.

women's economic dependency, enabling them to escape abusive situations and pursue legal recourse.<sup>358</sup> Establishing more shelters and financial support systems for survivors of violence, as mandated by the VAPP Act, would provide a safety net, reducing the risk of women returning to abusive environments.<sup>359</sup> These strategies, combined with robust anti-corruption measures to ensure transparency in the justice system, would create a holistic approach to protecting women's rights, aligning Nigeria with its international human rights obligations.

## CHAPTER FIVE

### SUMMARY, CONCLUSION AND RECOMMENDATIONS

#### 5.1 Summary

The critical examination of women's rights protection in Nigeria reveals a landscape marked by progressive legal frameworks juxtaposed against persistent cultural, institutional, and socioeconomic barriers. Statutes such as the Violence Against Persons (Prohibition) Act, the Gender and Equal Opportunities Bill (where adopted), and constitutional provisions under the 1999 Constitution provide a foundation for safeguarding women's rights, addressing issues like gender-based violence, discriminatory inheritance practices, and workplace inequalities. However, this study finds that implementation remains inconsistent, with cultural norms rooted in patriarchal traditions—particularly in customary and religious practices—often overriding statutory

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<sup>358</sup> SO Adewale, 'Poverty and Access to Justice in Nigeria,' *Journal of African Social Studies* [2021] (16) (3) 101–115.

<sup>359</sup> Human Rights Watch, *Nigeria: Addressing Gender-based Violence* (New York: Human Rights Watch, 2019), 15–22.

protections. Women face systemic challenges, including limited access to justice, low awareness of legal rights, and inadequate enforcement mechanisms, especially in rural areas where practices like early marriage and female genital mutilation persist.

Furthermore, the research highlights institutional shortcomings, such as underfunded gender desks in law enforcement, judicial biases reflecting societal attitudes, and a lack of cohesive national policy to harmonize federal and state-level efforts. Socioeconomic factors, including poverty and illiteracy, exacerbate vulnerabilities, limiting women's ability to assert their rights. Despite some judicial precedents and advocacy by civil society, the gap between legal provisions and lived realities underscores a fragmented protection system. Nigeria's commitment to international treaties like CEDAW is notable, but domestication and enforcement lag, leaving significant room for improvement in ensuring equitable rights for women across diverse contexts.

## **5.2 Conclusion**

The protection of women's rights in Nigeria remains a critical yet incomplete endeavor, characterized by a tension between progressive legislation and deeply entrenched cultural practices. While laws like the VAPP Act and constitutional guarantees signal intent to uphold gender equality, their impact is diluted by inconsistent enforcement, patriarchal norms, and systemic barriers that disproportionately affect women in rural and marginalized communities. This study underscores that legal frameworks alone are insufficient without robust mechanisms to challenge customary practices—such as widowhood rites and unequal inheritance—that undermine women's autonomy and dignity. Bridging this gap requires addressing not only legal loopholes but also the societal attitudes that perpetuate discrimination.

Institutional weaknesses, including under-resourced agencies and judicial biases, further hinder the realization of women's rights, leaving many without recourse against violations like domestic violence or workplace discrimination. The limited domestication of international conventions like CEDAW reflects a broader challenge in aligning Nigeria's pluralistic legal system with global standards. Strengthening enforcement through specialized training, gender-sensitive policing, and accessible legal aid is essential to translate laws into tangible protections. Moreover, empowering women economically and educationally is critical to reducing vulnerabilities that entrench inequality, ensuring they can claim their rights effectively.

In conclusion, Nigeria stands at a pivotal moment to advance women's rights through a holistic approach that integrates legal reform, institutional capacity-building, and cultural transformation. Sustained advocacy, coupled with partnerships between government, civil society, and traditional leaders, can dismantle systemic barriers and foster an environment where women's rights are not merely aspirational but fully realized. Failure to act decisively risks perpetuating cycles of marginalization, undermining Nigeria's broader aspirations for development and social justice. By prioritizing women's rights as a cornerstone of national progress, Nigeria can set a precedent for equitable human rights protection in Africa and beyond.

### **5.3 Contributions to Knowledge**

This study makes the following contributions to the body of knowledge:

1. This study provides a detailed analysis of the disconnect between Nigeria's progressive legal frameworks and their practical enforcement, offering new insights into how cultural norms and institutional weaknesses undermine women's rights protection. By mapping

these gaps, it enriches the discourse on gender equality in pluralistic legal systems, particularly in post-colonial African contexts.

2. The research advances understanding of how customary and religious practices intersect with statutory laws to shape women's rights outcomes in Nigeria. Its nuanced exploration of patriarchal influences—such as widowhood rites and inheritance disparities—contributes a context-specific perspective to global gender studies, highlighting the complexities of legal pluralism.
3. By identifying how poverty, illiteracy, and limited access to justice exacerbate women's rights violations, the study offers a critical lens on the socioeconomic drivers of gender inequality. This contribution informs both academic and policy discussions on designing interventions that address structural barriers beyond legal reform.
4. The study's assessment of Nigeria's partial domestication of treaties like CEDAW adds to the literature on international human rights law implementation. It provides evidence of the challenges and opportunities in aligning national policies with global standards, relevant to other developing nations with similar commitments.
5. By proposing a multi-faceted approach that integrates legal, institutional, and cultural strategies, the research offers a practical framework for advancing women's rights. This balanced model contributes to scholarship on gender justice, emphasizing the need for systemic change to achieve equitable outcomes in diverse societies.
6. The study foregrounds the experiences of rural and socioeconomically disadvantaged women, shedding light on under-researched demographics in Nigerian gender studies. This focus ensures a more inclusive narrative, providing a foundation for future research and advocacy that prioritizes the most vulnerable.

## 5.4 Areas for Further Studies

The critical examination of women’s rights protection in Nigeria reveals significant insights into the interplay of legal frameworks, cultural norms, and socioeconomic factors, yet the complexity of these dynamics warrants further exploration to deepen understanding and inform effective interventions. The evolving nature of gender equality challenges, coupled with Nigeria’s diverse socio-legal landscape, presents numerous opportunities for additional research to build on this study’s findings. Below are suggested areas for further studies to advance knowledge and support the ongoing pursuit of equitable women’s rights protection in Nigeria.

1. Future research could investigate the tangible effects of implementing laws like the Violence Against Persons (Prohibition) Act in rural communities, where customary practices dominate. Longitudinal studies tracking changes in practices like early marriage or inheritance rights would assess whether statutory reforms translate into meaningful improvements for rural women.
2. Further studies could explore the potential of engaging traditional and religious leaders as allies in promoting women’s rights. Examining their influence in reshaping cultural norms—such as widowhood practices or female genital mutilation—could provide strategies for aligning customary systems with gender-equitable principles.
3. Research could evaluate the impact of gender desks and specialized training for law enforcement on the handling of women’s rights violations, particularly gender-based violence. Comparative studies across states would identify best practices and barriers to scaling effective policing models nationwide.
4. Additional studies could examine the correlation between women’s economic independence—through programs like microfinance or vocational training—and their

ability to assert legal rights. Focusing on urban versus rural outcomes could highlight how economic contexts shape access to justice.

5. Future research could conduct an in-depth analysis of judicial decisions in women's rights cases to quantify the influence of gender biases. A dataset of rulings on issues like domestic violence or property disputes would provide evidence to support targeted judicial training and reform.
6. With Nigeria's growing digital penetration, studies could explore the potential of online platforms and mobile applications to educate women about their rights. Research assessing the reach and impact of digital campaigns, particularly for illiterate or remote populations, would inform innovative advocacy strategies.
7. Further exploration of how intersecting identities—such as ethnicity, religion, disability, or sexual orientation—affect women's experiences of rights violations could uncover overlooked dimensions of inequality. Qualitative studies amplifying these voices would ensure more inclusive policy recommendations.

## **5.5 Recommendations**

The critical examination of women's rights protection in Nigeria reveals a pressing need to bridge the gap between progressive legal frameworks and their practical implementation, addressing cultural, institutional, and socioeconomic barriers that perpetuate gender inequality. The persistence of patriarchal norms, weak enforcement mechanisms, and limited access to justice underscores the necessity for a comprehensive strategy that integrates legislative reform, institutional strengthening, and societal transformation. To enhance the protection of women's rights and ensure equitable outcomes across Nigeria's diverse contexts, a multi-pronged approach is essential. The following recommendations provide actionable steps for policymakers, law

enforcement, judiciary, civil society, and traditional leaders to foster a robust and inclusive system for safeguarding women's rights:

1. Fully domesticate and implement international treaties like CEDAW across all states, harmonizing federal and state laws to eliminate inconsistencies. Enforce the Violence Against Persons (Prohibition) Act nationwide, ensuring penalties for non-compliance, and amend discriminatory provisions in customary and religious laws to align with constitutional guarantees of gender equality.
2. Introduce mandatory gender-sensitivity training for judges, magistrates, and court officials to address biases in handling cases involving women's rights violations. Establish specialized family and gender courts to expedite cases like domestic violence and inheritance disputes, ensuring timely and fair adjudication.
3. Expand and adequately fund gender desks in police stations, staffed with trained officers to handle cases of gender-based violence with empathy and efficiency. Develop standardized protocols for investigating and prosecuting violations of women's rights, reducing victim intimidation and secondary trauma.
4. Partner with NGOs and legal aid organizations to provide free or low-cost legal services for women, particularly in rural areas. Establish mobile legal clinics to reach underserved communities, offering counseling and representation to empower women to pursue justice for violations like workplace discrimination or property denial.
5. Launch nationwide campaigns to educate women and communities about their legal rights, targeting issues like early marriage, female genital mutilation, and inheritance. Engage traditional and religious leaders to promote gender-equitable interpretations of cultural practices, leveraging media and community dialogues to shift societal attitudes.

6. Implement vocational training, microfinance schemes, and entrepreneurship support tailored for women to reduce economic dependency, a key barrier to asserting rights. Prioritize programs for rural women and survivors of violence, linking them to sustainable livelihoods to enhance autonomy.
7. Create a national database to track violations of women's rights, including case outcomes, regional trends, and enforcement gaps. Use this data to inform policy reforms and allocate resources effectively, ensuring transparency and accountability in the protection system.
8. Foster partnerships between government and women's rights organizations to monitor implementation of laws and advocate for reforms. Provide funding and platforms for NGOs to amplify grassroots voices, ensuring policies reflect the lived realities of Nigerian women across socioeconomic strata.

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