

Implementation of the CEDAW in Nigeria

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ABSTRACT

The Convention on the Elimination of all forms of Discrimination against Women (CEDAW) is an International human rights treaty, which contains the most comprehensive set of rules concerning the situation of women in many different sectors of the society, in which they have been otherwise marginalized. Women for the better part of history have been second class citizens and deeply marginalized until the first wave of feminist movements in the late 19th century, which sought for the enfranchisement of women and the right to property. The CEDAW was/is a major and huge step to combating the social, political, and religious marginalization that women have for so long endured, but sadly still in this 21st century, women in various countries still fight for basic voting rights.

This thesis is concerned with how the treaty requirements is being implemented in Nigeria; who is a signatory to the treaty and have already ratified it. Looking at its domestication and implementation, the objective would be to see the progress made by the country and offer up recommendations. Looking into the position of International Treaties in the Nigerian Legal system, we would see how policies are formed in order to meet with requirements of the treaties, focusing on both the Federal and State level, this paper will explore the measures of implementation of the CEDAW taken by the Nigerian government.

Keywords: CEDAW, Implementation, Domestication of International Law, Nigeria.

ÖZ

Kadınlara Karşı Her Türlü Ayrımcılığın Önlenmesi Sözleşmesi (CEDAW), toplumun çeşitli kesimlerindeki kadınların içinde bulunduğu duruma yönelik kapsamlı kurallar içeren uluslararası insan hakları anlaşmasıdır. Kadınlar tarih boyunca ikinci sınıf vatandaş konumunda olmuş ve 19. yüzyılın sonlarında kadınlara seçme ve seçilme ile mülkiyet hakkı verilmesi için mücadele eden birinci dalga feminizm hareketine kadar ötekileştirilmişlerdir. CEDAW, kadınların uzun yıllardır maruz kaldığı sosyal, siyasi ve dini ötekileştirme ile mücadele anlamında son derece önemli ve büyük bir adımdır, ancak ne yazık ki halen 21. yüzyılda bile dünyadaki birçok ülkede yaşayan kadınlar temel oy hakkı için mücadele etmektedir.

Bu çalışma, imzacı devletlerden biri olan ve anlaşmayı kabul eden Nijerya’da işbu anlaşmanın gereklerinin nasıl uygulandığı üzerine bir incelemedir. Anlaşmayı yerelleştirme ve uygulanış bakımından inceleyerek, ülkenin ne kadar ilerleme gösterdiğini belirlemek ve öneriler sunmak amaçlanmaktadır. Uluslararası Anlaşmaların Nijerya hukuk sistemindeki konumuna bakarak, anlaşmaların gerekliliklerini yerine getirmek için bazı politikaların nasıl oluşturulduğunu görmemiz mümkündür. Bu çalışma bağlamında, hem Federal hem de Eyalet boyutuna odaklanarak CEDAW’ın uygulanmasında Nijerya hükümetinin aldığı önlemler incelenecektir.

Anahtar kelimeler: CEDAW, Uygulama, Uluslararası Hukukun evcilleştirilmesi, Nijerya.

DEDICATION

To Olamma Vania and Ewomazino Munachimso Gabriel

For being my flashlights and my source of strength.

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LIST OF ABBREVIATIONS

CEDAW	Convention on the Elimination of all forms of Discrimination Against Women
EMIS	Educational Management Information System
ESD	Educational Strategic Plan
FGM	Female Genital Mutilation
FMOH	Federal Ministry of Health
GDP	Gross Domestic Product
ICJ	International Court of Justice
ICRW	International Centre for Research on Women
LGA	Local Government Area
NBS	National Bureau of Statistics
NEMIS	Nigerian Education Management Information System
NGO	Non Governmental Organization
PCIJ	Permanent Court of International Justice
PHC	Primary Health Care
RSUBEB	Rivers State Universal Basic Education Boards
STD	Sexually Transmitted Disease
UBE	Universal Basic Education
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNICEF	United Nations International Children Emergency Fund
UNWRC	United Nations Women's Rights Commission
WILPF	Women's International League for Peace and Freedom

Chapter 1

INTRODUCTION

The debate of nature vs nurture is a debate as old as the chicken and egg debate, we as humans often wonder if we are born the way we are or if our environment and experiences have shaped our personality and beliefs. Plato believed that humans are in their purest forms at birth, but as we grow older we begin to go through experiences which shapes us, with formal education making the biggest impact on us, in agreement with Plato and many Christian spiritual leaders, society forms us and all the experiences we have been through has sharpened us as individuals, as families, as societies and as humans.

Race, Gender, Gender Roles, Rights, Human Rights, and Law are all a part of the socialization process, no one is born into this world with preconceived notions of what rights they have or what their skin tones mean and especially not what roles they have to play based on their biological distinction, we grow into all these, through the learning processes at home, school, church and society at large, in essence we become what we are based on the many outside factors which have influenced us.

1.1 What are Rights?

Words are constantly evolving as they are dynamic in nature and society itself is always evolving, leaving behind old norms or ascribing new meanings to old norms of which language is a part of. According to the Stanford Encyclopaedia of Philosophy “rights are entitlements (not) to perform certain actions, or (not) to be in certain states;

or entitlements that others (not) perform certain actions or (not) be in certain states” (Wenar, 2015). The aforementioned definition of rights can be considered broad as the term and concept of rights can very much be interpreted and applied in varying means, depending on the view most predominantly held, to further explain this; we will have to look at the historical development of rights, then ask ourselves questions on who owns these rights and how do we even get them?

Natural Rights are the rights which every man is entitled to without needing the law to confer those rights on them. Locke was a firm believer in natural rights, he believed that certain rights were inalienable as the very existence of man entitles him to those rights, in his own words in his book *Two Treatises of Government* “The state of nature has a law of nature to govern it, which obliges every one: and reason, which is that law, teaches all mankind, who will but consult it, that being all equal and independent, no one ought to harm another in his life, health, liberty, or possessions... when his own preservation comes not in competition, ought he, as much as he can, to preserve the rest of mankind, and may not, unless it be to do justice on an offender, take away, or impair the life, or what tends to the preservation of the life, the liberty, health, limb, or goods of another” (Locke, *Two Treatises of Government*, 1689, p. 108) . Locke argues that the state of nature had a natural law which governed the people in the pursuance of their natural rights and for him the only way ones natural rights can be taken away was in the case of violation of the natural rights of another, in which civil punishment was allowed. On the one hand, we have natural rights which are God Given rights to every man and the other hands we have legal rights which are rights conferred to “citizens” which can vary from society to society and from state to state, while natural rights can be very ambiguous as to whom can claim it, how it can be protected and

transferred, we have legal rights which gives its entitlements to citizens which means that certain requirements need to be met by an individual in order to gain legal civil rights and more often than not, legal rights also require some certain duties of the people to whom it considers eligible enough to claim it.

Rights and Duties often go hand in hand, Fieser gives a detailed explanation of the relationship between Rights and Duties “It is generally accepted that rights and duties are related in such a way that the rights of one person entail the duties of another person” (Fieser, 1992, p. 1). Having Rights means that it is another’s duty to keep it, for example, having the natural right to live means that it is the duty of others not to kill you and also the duty of the state to ensure your life and punish anyone who violates your rights.

As mentioned earlier, words evolve over time as society itself evolves and either becomes more liberal or far more conservative, all change can be very relative to the world time context. The concept of citizen is a notion that has certainly evolved over time, while in the early times issues; such as rights and individualism were being discussed; these rights were always reserved for citizens in the terms of legal rights and individuals in the terms of natural rights, but one would have to look at the world time context to understand whom exactly were considered citizens and which individuals owned the right to property in the early 15-1700s. To further dive deeper, the ancient Grecians are credited for practicing the earliest form of democracy (classical democracy) whereby the citizens had a right and duty to directly participate in politics, citizens for the ancient Grecians was strictly freeborn males, this system excluded the women from political participation and also denied them the title of citizenship which in turn denied them their legal rights and a certain natural right; the

right to property. While women in later times were considered citizens, they were still classified as second class citizens forever subjected to subordination to her father and in turn her husband, thereby alienating her again from her natural and liberal rights.

1.2 The Evolution of Human Rights

Today, human rights are at the forefront of nearly every issue and The UNs agenda, it covers a wide variety of modern day issues, from the migration population which questions security and state sovereignty to the law covering certain groups in society which can overlap with the norms and values of different societies. By the UN definition. “Human rights are rights inherent to all human beings, regardless of race, sex, nationality, ethnicity, language, religion, or any other status” (Nations, 2019), from this definition one can see that the UN follows the natural rights theory with the use of the word inherent, meaning that every individual is born with this rights and entitled to them, regardless of sex, race or status but this is a contemporary view and ambiguous definition.

Although the UN has clearly defined ‘human rights’; the question “what is human rights” “are there really universal human rights” and “who has these rights”. Human rights as a concept did not just suddenly exist but have rather had an evolutionary development and can go as far back as the Magna Carta. The Magna Carta itself is not a human rights document as it does not necessarily ascribe rights to all citizens, but rather ascribes rights to the nobles and aristocrats of that time period, rather than its scope; the Magna Carta is of significance because of certain provisions of the document which has directly influenced some provisions of the universal declaration of human rights, clause 39 of the document states that “ No free man shall be seized or imprisoned or stripped of his rights or possessions or outlawed or exiled, or deprived

of his standing in any way, nor will we proceed with force against him, or send others to do so, except by the lawful judgment of his equals or by the law of the land” (Magna Carta, 1215), this clause posits that freeborn men shall not be deprived of their rights, have their rights infringed upon and shall not be subjected to torture, a provision which had been translated under the covenant of civil and political rights; as torture is one of the absolute human rights, thereby under no circumstance shall any human being be subjected to torture. The Magna Carta reflects the idea of the concept of citizens at the time period, as only freeborn men of the high class in society were accorded the rights from the Magna Carta. From the Magna Carta we can see that rights belonged only to the freeborn high-class Englishmen and it these rights were ascribed to them by the decree of the king and the ratification of the document, thereby making it law but the freeborn men were also by nature entitled to those rights for no other qualification but their status, as the new law took effect. While the Magna Carta was narrow in its scope, it does highlight the much progress that has been made to this day on the issue of rights.

The Age of Enlightenment, also known as the Enlightenment, was a philosophical movement that dominated the world of ideas in Europe in the 18th century. Centered on the idea that reason is the primary source of authority and legitimacy, this movement advocated such ideas as liberty, progress, tolerance, fraternity, constitutional government, and separation of church and state (Kagan, Ozment, & Turner, 2001, p. 510)

Liberty, Constitutional Government and the Separation of the Church from the state were the main drivers of the French Revolution which saw the abolishment of the monarchy in France and the rise of a constitutional government. Due to this new constitutional government, the French Declaration of the Rights of the Man and Citizen was signed in 1789. Article 1 of the document states that “Men are born and remain free and equal in rights. Social distinctions can only be based on the common

good” (Constitutional Council, n.d.) This article recognized all men as equal and having equal rights whether they be natural or legal rights.

Many other documents allocating rights to its citizens occurred, such as the Bill of Rights, the Australian Bill of Rights and so on. The true contemporary road to the universality of human rights begins with the Universal Declaration of Human Rights by the UN which is not a legally binding text but rather paved way for the two covenants of Human Rights; The Covenant on Civil and Political Rights and the Covenant on Economic, Social and Cultural Rights. The UN is an organization based on universality, therefore it has no regional or geographical requirement for leadership. It performs many functions, of which keeping peace is at the apex; according to article 1 of chapter 1 of the UN Charter “To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace” (United Nations, 2019`), in order to further ensure peace, a branch of the united nations which is the Security Council is tasked with identifying threats to peace and offering legally binding solutions to problems pertaining to peace.

Thomas Hobbes also believed in natural rights, in fact he believed that in a state of nature; everyone had the right to do as they willed, even if it meant infringing on the rights of others as it was our natural right, but he also saw the futility of these natural rights in a state of nature as they did not benefit us in any way, in his words “as long as this natural Right of every man to everything endureth, there can be no security to

any man, (how strong or wise soever he be) of living out the time, which Nature ordinarily alloweth men to live.” (Curran, 2002, p. 67), From Hobbe’s words, we can see that rights (human rights) can be an issue of security, as every man can lay claim to any whatever they desire, to put it in Hobbes’ words “But it was of no use to men to have a common right of this kind. For the effect of this right is almost the same as if there was no right at all. For although one could say of anything, this is mine, still he could not enjoy it because of his neighbour, who claimed the same thing to be his by equal right and with equal force” (Curran, 2002, p. 67), for this reason he advocated for a body with authority (constitutional or monarchy) which would protect the lives and rights of its citizens.

Hobbes’ recognition of rights being a security issue has not been forgone, as another function of the UN is to promote human rights as well, in fact article 1 of the Charter says “To achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion” (United Nations, 2019`).

1.3 Purpose of the Study

So often we hear the words “ignorance is bliss” and some may agree with it while others may not agree but also not refute it. Ignorance truly is bliss, as it shields one from the burden of responsibility, it also clears one’s mind of the burdens of others but in being blind to our responsibilities and the burdens of others, we inadvertently become our own stumbling blocks. This conundrum is the situation going on in today’s world (especially in Nigeria) when it comes to women’s rights, we are not unaware of

the impairment of the rights of women, but we are also not aware of its deeper implications in our societies and also globally.

Society has come a long way, from the time of the dark ages to the 21st century, the world has survived wars, plagues, deaths due to diseases, and so much more, but also the world has seen a sort of evolution in the abstract as well, by abstract I refer to ideas, norms, and concepts, which of course is part and parcel of the organic nature of society. One concept that has widened, is the concept of the word “human”. Boyle uses Aristotle’s view of humans in order to further illuminate us on the definition of ‘human’,

According to a tradition reaching back at least as far as Aristotle, human beings are set apart from other terrestrial creatures by their rationality. Other animals, according to this tradition, are capable of sensation and appetite, but they are not capable of thought, the kind of activity characteristic of the rational part of the soul. (Boyle, 2012, p. 82).

The primary distinction between man and animals is rationality and the possession of a soul (which encompasses consciousness), thereby any creature with a higher cognitive ability, enough to speak and interact socially is considered a human being, This, of course, is a more philosophical and scientific definition of human being, no doubt this definition has had an influence on the social connotation of whom or what a human being is. There occurs societal distinctions amongst humans, based on race, sex, status, sexuality, and religion; these distinctions have inadvertently shaped human history. The distinction of race whereas a certain race saw themselves superior over another, led to the slave trade, slavery, colonialism and racial segregation, the distinction based on status led to societal inequality as some certain humans enjoyed more freedoms over others solely based on birth and the status of family one was born; in feudal systems where the landowners enjoyed more freedom and rights over the

serfs who lived in perpetual servitude to the lords, the distinction based on sexuality has deemed anyone who is not heterosexual as abnormal, thereby leading to the societal ostracization of non-heterosexuals and basic formation of the concept of family, the distinction on sex has led to division amongst societies, but the biggest distinction of them all; is that of sex. The world is made up of males and females, whether it be a human or an animal or even language, it is either one or the other, and there is no clearer distinction than that of sex. Sex-based distinction existed both biologically and philosophically; Freud believed that women envied men due to the superiority of the male genitalia and in order to feel complete, needed the man to procreate as a compensation for her lack of a penis, thereby needing a man in order to feel complete. Society itself has clearly defined the distinction by turning sex into 'gender'; a societal distinction of the sexes which ascribes roles to each sex. The Male gender has been considered the rational gender whereas the female gender has been considered the emotional gender, anything out of this social box is considered abnormal.

Feminists have always argued that this gendered distinction of the sexes has affected the way women have been treated all through history, the rational ascription of the male gender has accorded them certain rights over women as far back as ancient Greece where the only people considered as citizens were the men hence giving them the right to vote, education, own property and participate politically whereas the ascription of emotion and weakness to the female gender has relegated them to the role of homemakers and child bearers. Although the road to attaining equal rights with the male gender has been a long and tumultuous one, there has been progressing as women can now vote, get an education and participate politically.

The aim of this thesis is not to fight for women's rights or convince anyone as to why the female gender deserves equality but rather to explain how well the roles once clearly ascribed to the male and female gender have dissolved and what measures society has taken to ensure the further dissolution of this gendered distinctions. Using the CEDAW and Nigeria as a case study, I intend to see how a once strongly traditional society has adopted the rights of women and institutionalized the effective implementation of the safeguarding of the rights of women, measures taken to ensure equality and also the effectiveness of international law in ensuring the effective implementation. Just like democracy, transitioning into a once deeply traditional society that institutionalized the oppression of women legally and customarily to an open and equal society for both sexes, might prove to be a challenge and might in fact be an impediment to the effective implementation of the treaty, thereby in case of an ineffective implementation, this paper also aims at finding the causal point of an ineffective implementation and also provide probable solutions.

Mills believed that the only way for mankind to improve was by giving both sexes equal rights, thereby increasing human productivity through the education of women. I agree with Mills and that is why this paper is aimed at using a gendered approach to provide alternatives for the improvement of Nigeria as a country. Due to the overarching aim of the paper, it would not take a social direction but a more political and legal direction.

1.4 Methodology

The end goal of the paper is to provide a gendered alternative to the Nigerian political scene in order to foster improvement in the country. In order to achieve this goal, quite a wide variety of sources would be needed.

My primary source for fact-finding would be the document itself (CEDAW), the document encompasses a comprehensive list of women's rights thereby serving as my main source. The provisions of the document will serve as a guideline because it states the duties of the state towards its female population. The 1999 Nigerian constitution is another primary source I intend to use, in order to ascertain the legality of the women's rights and also compare with that of former constitutions. Another primary source would be the report documents made by the countries to the UN annually, this report shows the progress made by the countries and their successes as well as their failures.

When it comes to human rights, NGOs are very effective tools in implementing human rights and also checking states in case of violations of human rights, hence my secondary source. Reports made by NGOs are very essential due to their on ground and extensive fact-checking. Aside NGOs, scholars are who share the same interest in human rights and development, often put into writing their ideas and sometimes these ideas influence the policies made by the state, hence I intend to use articles and reports written by individuals or a group of individuals who have also done their fact-checking.

Intergovernmental organizations are at the forefront of global governance and the UN is the driving force behind the CEDAW, hence its irreplaceable importance in my research. Aside from reports made by the UN, I would also consider the reports made by the UNWRC as well.

This thesis would follow a progressive order, as I would begin with the concept of international law and how it is domesticated into domestic law, seeing as the CEDAW is an international treaty; it is only right to understand how international law is created,

creates and regulates treaties as well as seeing how these treaties which seem so abstract at the beginning can become fully functioning laws within the national domain. Following the introduction of international law, I would delve into the CEDAW; events leading to its formation, its contents, implications, reservations made and its expected relationship with Nigeria; this is essential because a total understanding of the journey of the CEDAW and its expectations, would help us better analyse its implementation and understand how it has influenced policy-making and shifted the political and social dynamics in the country. A proper analysis of the implementation of the CEDAW would follow, to help with understanding how the treaty is being interpreted and implemented; I have chosen two states in the country: Rivers and Kano State, these states have been chosen specifically due to their geographical, traditional, cultural, religious and political differences which are exact opposites of each other.

I believe that due to the traditional and cultural history of Nigeria, as well as its lack of proper democratic institutions and party formation, the CEDAW has not been properly implemented, of course, this is a theory of mine and I would like to find out if that is the case, hence the following chapter after the analysis would be that of alternatives and probable solutions, to further help me with providing probable solutions, I compare Nigeria with Rwanda, comparing empirical and theoretical evidence that show the need for more gender equality and how positively influences the economic growth, political development and social development of a country, also a good comparison would also show where Nigeria has gotten it wrong and how to turn around.

While my theory is solely my belief, I do not intend to write this thesis with a bias, so much more than proving y theory, the desire to fully analyse the implementation of the CEDAW in Nigeria is the goal. As mentioned earlier, the CEDAW came into formation for a reason and has certain expectations that come from adopting the CEDAW, hence if after my analysis I discovered a proper implementation of the CEDAW, I would check for the impact and influence the adoption of the treaty has made in the country.

Chapter 2

CONCEPT OF WOMEN'S RIGHTS

The Enlightenment period ushered us into a very new Era, it was a period characterized with intellectual and philosophical reasoning, championing the dogmatic religious norms of periods before it. Science had become the basis for reasoning through positivism and empiricism, individuality was now the goal in mind, an era where people were allowed to express themselves and choose for themselves what they willed. It brought about a period where the Church and the State were to be separated, as was the norm in the past. During this era, women were still considered inferior to men but the peculiar thing about this era was the adoption of liberal ideas, individualism and progress, so although women were still lower in status, for the first time in society there was an avenue that could pave a way for the progress of women. Mary Wollstonecraft lived in this Era, and although women were still not educated or expected to be, Mary was educated and she saw that Education was the key to the Liberation of the Soul, she became advocate for the education of women, wrote books on the situation of women and talked about Women's Rights in her book titled "A vindication of the Rights of Woman", where she heavily emphasized on education. Women's Rights up until then was not something that was familiar to society, women had been suppressed for so long that they did not know that they could have rights, so of course Mary advocated for the education and rights of women, to a society where the women were not even aware of the fact that they needed those rights and hence resisted. There existed in that Era other women who sort to live outside of the pre-

existing gender roles, such as Olympe de Gouge and Catherine Macaulay. Gender roles continued to exist, even down to the early 20th century, as women and men became more and more divided in their roles, but society had advanced with the industrial revolution, enlightenment, health reformations, breakthroughs with vaccines, etc. Society had evolved, but women were still stuck under the veil of second class citizens, they still could not own property, they could not vote, they could not go to university, they still had marriage and housekeeping the primary reason for their existence, so the patriarchal system still prevailed.

Symonides makes a very notable comment where she discusses on the realization of gender, sex and how the former creates the basis of discrimination, she states that “Perhaps the most important accomplishment of the past decades has been the realization that women are not being discriminated against of their sex alone, and hence the change from ‘sex’ to ‘gender’ in standard setting instruments aimed at the eradication of discrimination against women” (Symonides, 2000, p. 233)

2.1 Women’s Activism and its Role in the Formation of the CEDAW

The Suffragettes movement which started in the early 20th century, was not the first time a woman tried to advocate for women’s rights or education rights, but it was the first time that women collectively and directly sought for rights, especially civic rights. The movement is considered the very first feminist movement, it had the ideals of liberal feminism, women were asking for their rights to vote, to own property and economic independence, it was a social phenomenon, occurring in a time where society was becoming more liberal, but the struggle for these rights to be conferred to women, rights which their male counterparts did not have to struggle for, was not an easy one. The Suffragettes in England adopted a strategy which entailed them having to prove that they could reason on the same scale as men and could be beneficial to

society, hence they adopted more pacifist form of protest and protest by example, in France the suffragettes were not that pacifist, but in the end by the mid-20th century, women in England and France had gotten their voting rights and gradually it swept throughout Europe and eventually, the world. After the suffragettes, feminism as an ideology and theory began to rise and touch on many other aspects of patriarchy which were not as obvious as civic rights.

The winners get to write history and the rest of the world accepts that, same thing for society make up, Tickner argued that patriarchy does not just exist because it does, but because even our way of learning has been through the eyes of men. Men wrote history, they were the ones actively taking part and they were the ones writing history, so what we know about history is from their point of view, so it leaves the question “where are/were the women”, we all know what roles Adolf Hitler , Roosevelt, Churchill, Thomas Edison, Shakespeare, Plato, Darwin, Freud, etc. played in history, but what about the women? Feminism gave rise to this question, what about the women, where were the women? In seeking answers to these questions, feminism began to grow as a theory, and branch out, challenging the social, economic, political, religious, conscious, unconscious, build-up of society concerning gender, gender roles, expectations, double standards, limitations, separations and so on. Also as time moved, the Western world was evolving to be more liberal, after years of suffering many wars, they were looking for a way to deter possibility of wars through economic integration, international organization, interconnecting the world and so on, hence the rise of the League of Nations, which failed at preventing the Second World War, but did usher us into the Era of the United Nations. The United Nations as an organization sought to promote peace amongst members in order to deter future conflicts, and as time went

by, the UN increased in membership and competence, so its scope became wide and considered social welfare of individuals in the planet.

The Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) is an international treaty headed by the UN, which lists a set of rules and rights which women were entitled to. In theory, the CEDAW should not be in existence because we already have the International Convention of Civil and Political Rights & the International Convention of Economic and Social Rights, which make up the two human rights treaties still headed by the UN, so why do we need a treaty specifically for women, the treaty talks about civic rights as well, economic and social rights too. While the two covenants exist and in fact makes up as the blueprint or foundation of the CEDAW, there was a need to further specify these rights, address certain rights which are handled at a domestic level (rather than a more global level) and also to further cement the legality and legitimacy of these rights.

In order to understand the need for CEDAW, we have to understand that not only the Western countries made up the UN, as newly decolonized countries became members (countries which had not gone through the years of societal evolution as Europe had) and also the extreme patriarchy which had plagued the world, did not just exist socially but psychologically as well, hence the reason why it was hard for society to emancipate women. African nations to be very precise, were still going through political reforms and were still struggling with the traditional roles of men and women.

2.2 CEDAW in the Literature

Nigeria, the most populous country in Africa, was/is a heavily traditional society, which like many African countries had/has expectations of their female and male

population, whereas the men were seen as the superior gender with their role of provision and security and women were seen as the inferior sex with their role of being good daughters and good wives to their husbands, although much of the European and Western World had already recognized the civic and economic rights of women, the African continent was still struggling with this. CEDAW also makes provision on issues that concern the private sphere, issues such as the equality in marriage, right to choose whom to marry, right to choose a name to adopt, sexual rights, and reproductive rights. These are rights that otherwise were not only being infringed upon in Nigeria (African Nations) but also in the Western World, the treaty also challenges expectations society had of women in terms of behaviour and appearance, hence challenging the psychological war that entailed gender separation. Finally, just like human rights were already being adopted in the Western World, turning it into a treaty which states were to sign and ratify, made it a legal obligation of the state, having legal consequences if faulted on, and this also applies to the CEDAW, by making it a treaty, states which signed and ratified it are bound by it and are held responsible for any violations, it also gives organizations the capacity to regulate and enforce the principles of the treaty.

Nigeria's relationship with women is somewhat tumultuous, the nation is stuck between upholding the traditional integrity of the different geo-political zones and also modernizing, thereby turning away from some certain traditional norms and becoming more inclusive of the sexes. Tradition is something hard to break away from, especially when you consider the fact that Nigeria as a federal state also recognizes the authority of village heads, kings, etc. in all 36 states and 774 local government areas.

The Women's International League for Peace and Freedom (WILPF) is a non-profit NGO which aims at bringing women together from all different political spectrums and around the world, in order to study the politics of war, thereby discussing peace initiatives and also eliminating oppression and exploitation of the female sex. As part of their bid to eliminate oppression and exploitation, they write annual reports on the implementation of CEDAW in countries, as part of the UN review mechanism. In their most recent report, the WILPF realized that more action needed to be taken by the Nigerian government in order to effectively implement the CEDAW (see WILPF June 2017) . Violence with the use of conventional weapons was still very much a big issue in the country, and a high proportion of these violent attacks were gender based, they urged the Nigerian government to ensure an efficient regulation of conventional arms. The committee also realized the lack of emancipation of women, lack of institutions which promoted and created awareness on the points of the CEDAW, thereby seeing a flaw in the institutional system.

In 2014, Olatokun, Ahmad and Wahab whom are all scholars in the field of international law, commented on the need for the Nigerian government to domesticate the CEDAW into the domestic legal system, since they have already ratified the treaty but have failed to formerly convert that international treaty into their domestic legal system. For them the most important issue was the area concerning health and women's reproductive rights, they saw the need for these rights to be embedded in the legal system, which will give women the ability to make choices on issues concerning their body and also promote the entire well-being of women's health, but an impediment to this provision of the CEDAW is the fact that Nigeria lacks universal health care or even a working health care system, of which a large proportion of the

victims are women and children. Again for them, the lack of institutions which will allow this process to move smoothly was the main problem and till today, Nigeria lacks a good health care system as well as transparent, capable, effective and focused institutions which aim at tackling these issues.

The Committee on the CEDAW also carries out biannual reports of progress made by members who signed and ratified the treaty, in ensuring the implementation of the CEDAW and their latest report on Nigeria was in 2017. Again in their reports they worried about the fact that Nigeria had still not domesticated the CEDAW both at federal and state level, which was only elevated by the customary and statutory laws of the different states within country. All 36 states in the country have different tribes which adds up to a little over 200, further divided into 774 local government areas with many different culture and religions, this proved quite hard for the implementation of the CEDAW since most (if not all) of these cultures, tribes, religions were based on a form of patriarchy, although at different degrees, hence states only adhered to provisions of the CEDAW which suited their beliefs and even at that, did not make it a legal obligation of the states to follow through with the provisions, especially in the legislative process.

The CEDAW as a treaty is not without its limitations, in fact the 57th session of the commission of the status of women in Australia; Elizabeth Broderick (who was the sex discrimination commissioner at the time) emphasized on the fact that the treaty did not explicitly define the violation of the requirements of the treaty as a violation of human rights, thereby leaving a gap which creates a lack of legal accountability on the part of the states, since a violation of the treaty does not translate to a violation of human rights. This gap in technicality further impedes on the full and effective

implementation of the treaty, the treaty itself obliges states to make reforms domestically which fall in line with the principles of the treaty but the treaty alone cannot be used to force states to actually make these reforms or punish states which do not make certain reforms.

In recent times we have seen a changing dynamic in the definition of gender and sex, as the term itself does not represent the former gender binary of male and female classification which the treaty is based on. This specific issue has been raised as a flaw of the CEDAW by recent gender studies scholars, Darren Rosenblum saw this flaw in the scope of the treaty's definition of gender as a limitation to gender equality as it does not cover the rights of the Trans-sexual and Transgender community. While this binary scope of gender can be detrimental to the transgender and trans-sexual community, we have to understand that the broadening of gender and sex is a fairly recent phenomenon and still very much undeveloped in many parts of the world, especially in African nations. Also while the CEDAW is seen as a win to many feminists; especially the liberal feminists, constructivist feminists have raised the issue of identity and interests. Lisa Baldez disagrees with the idea of women globally having the same interests and political interests based on their shared gender identity, highlighting the fact that this presumption ignores other identities which women individually acquire and also the differences women have globally, based on their different identities on race, nationality, religion and social status. This new dimension brings into light the question "Does the CEDAW cover the interests of all women" and in answering this question, we can see how women across the world view the CEDAW and in turn react to the CEDAW, this can adversely affect the implementation of the CEDAW as lack of coverage in interest by the CEDAW can lead to a lessened interests

for the women, hence leading to less pressure on the government to actually implement the CEDAW.

For most of the discussion on the implementation of the CEDAW, many NGOs, Scholars and Policy Makers in the country have identified the inability of the country to domesticate the CEDAW, due to socio-political (religion, culture, gender make-up of the political sphere) inadequacies. I do not disagree with these findings, as Nigeria lacks effective institutions, but the problem is not just top-down, as I have noticed that many Nigerian women are opposed to the idea of equality and therefore the CEDAW, this makes implementation especially hard because no one has the incentive to push for the rights of women, including the women. Another issue is the lack of technocracy and ideology in the nation, we have political parties which lack basic ideology, so you really cannot identify them as leftist or rightist or centrist and this makes it hard for voters to fully know what to expect from a government and also gives these parties a form of freedom that does not attach them to any principles. So for this thesis, I want to also usher in the idea of technocracy and the need for it, the idea of political ideology and its importance in shaping policy, the lack of acceptance of feminism even amongst the women in the society and how it affects the living conditions of women in the society as well.

Chapter 3

THE CEDAW

Existentialist notions of consciousness stems from Hegel's portrayal of the human psyche as 'self-alienated spirit'. Hegel prescribes consciousness as residing in a divided state: on the one hand is the transcendent or observing ego; on the other, the fixed self, or the observed ego. Sartre was later to call these selves the "pour-soi" and "en-soi"—the for-itself and the in-itself. In Hegel's view self-consciousness forever needs or desires other people to prove or validate its existence, if only by the negative proof that it is not the other consciousness. This affirmation-denial, Hegel argues, takes the form of a master-slave relationship: on the one hand there is "the independent consciousness whose essential nature is to be for itself, the other is the dependent consciousness whose essential nature is simply to live or to be for another."

Simone de Beauvoir's contribution to feminist theory was her use of the existentialist vision to explain the cultural and political status of women. De Beauvoir recognized that the dialectic mode exists within a culture and within the individual: For her, the patriarchal culture in which the male is pedestaled as the positive or the norm, where the female considered as the negative, the unessential, the abnormal, in short, as the Other. The man in terms of likened to the transcending self, the observing ego while the woman is likened to the fixed self, the observed ego, the other. Therefore, women who know themselves to be the subject, find themselves in a world where they are forced to assume the status of the other. In the struggle described by Sartre as that

between pour-soi and ensoi, women are cast in the role of en-soi, while men take the independent transcending position of the pour-soi. Men. De Beauvoir, argues that women have a moral choice, which involves her refusing femininity, in which her success as a woman is tied to, since the 'true woman' is required to make herself object, to be the Other". Women can only be liberated in her choice to become the pour-soi, and this can be done by increasing our critical faculty- Education.

The values of liberalism, including the core belief in the importance and autonomy of the individual, developed in the seventeenth century. In fact liberal political theory began as a rejection of patriarchal political theory; the view that certain people – the monarchs – were inherently superior to others – the subjects –... In opposition to patriarchalism, liberals advanced a belief in the natural equality and freedom of human beings and advocated the creation of a social structure that would recognize the uniqueness of individuals and provide them with equality of opportunity (Tuana & Tong, 1995, p. 5).

3.1 Formation of the CEDAW

The CEDAW is a comprehensive international human rights treaty\document on the rights of women, not only highlighting the rights of women but defining gender, gender based discrimination and outlining the sources of discrimination. The treaty covers all spheres of 'the female gender's' life, from political and civil rights to social and reproductive rights. The treaty was adopted in 1979, signed by 189 states and ratified by 185 states of which Nigeria is among. The overarching aim of the CEDAW is to end discrimination of women in the society and internationally as well, The treaty ascribes rights to women in the society, as well as ascribing duties to the states in order to accommodate and provide an environment where these rights are met, he treaty requires every state which have ratified it to take social, political, economic and cultural measures to ensure that these rights are enjoyed by the women in the society.

Due to the Universality of the UN, the drafters of the CEDAW were faced with the issue of drafting a bill which was inclusive and considerate of the diverse cultures and religions which the UN represented, while still trying not to downplay the importance of the elimination of all forms of discrimination faced by women. In his book, Symonides addresses this issue, “the drafters had to face the difficult task of preparing a text applicable to societies of different cultural characteristics and traditions” (Symonides, 2000, p. 234), Symonides knowing this difficulty also agreed that the discrimination itself varied across countries and cultures, some countries had a much higher degree of discrimination against women than others and some cultures\religions internalised and normalised discrimination against women.

Human Rights is not a new phenomenon and has in fact been a gradual process which had begun the enlightenment period; an era where individualism and the rejection of monarchy was prevalent, although a very gradual process. The United Nations is a pioneer in the growth of human rights laws and norms, and although these norms are not truly universal, they have become a reference to what is humane and what is not across many different states and cultures.

The true definition of human rights being an international norm can be seen in the adoption of the Universal declaration of Human Rights; which was a non-legally binding document on the rights of all human beings. Although the UDHR is not legally binding, it is a very significant and essential milestone in terms of human rights, the document ascribed political, civil, economic, cultural and social rights to 'all' human beings, irrespective of their status in society, their gender, race and religion and the acceptance of the document (with some exceptions from even Russia and USA) created a norm cascade which gave it a form of legitimacy and near customary

international law status. The UDHR was a milestone but it was not enough, states had reservations and some countries were divided on certain parts of the document.

When the Universal Declaration of Human Rights was adopted in 1948, the original intention was to establish a Bill of Rights in the form of a trinity: a Declaration, a Covenant and a monitoring body. However, shortly after the adoption of the Universal Declaration, the Cold War became heated ... Western countries, under the leadership of the US, increasingly focused on civil and political rights, to the exclusion of economic, social and cultural human rights. The Soviet bloc and its allies adopted the opposite position (Schrijver, 2016, p. 458).

The Human Rights Commission drafted the two covenants as two separate treaties. The two covenants did not discriminate based on sex and gender but there was still a need for documents which specifically ascribed rights to women and tackled more societal and biological issues faced by women. The UDHR and the two human rights conventions, gave women more negotiating power and political power, as a result of the definition of human covering both sexes. “As women gain conviction of the legitimacy of their rights, demands arise for international and national mechanisms through which they can claim these rights. In this context, the Convention takes on added significance, as it is the principal legal instrument addressing women’s rights and equality” (Bringing Equality Home, 1998), the CEDAW was needed to further give a blueprint for institutions and democratization which legitimized women’s rights and created an avenue where states could be held accountable for violation of women’s rights and could be checked.

The CEDAW was adopted by the UN on December 18 1979 and the treaty came into force in 1981, the treaty was signed by Nigeria in 1984 and was ratified in 1985. The treaty starts out by defining what discrimination against women was, according to the treaty, discrimination against women is “Any distinction, exclusion or restriction made

on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on the basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field” (United Nations, Convention on the Elimination of All Forms of Discrimination Against Women)

The basis of equality required by the CEDAW does not only ascribe formal equality to women, but it also aims at providing women access to equal opportunities as to their male counterparts in their public and private lives. The Convention measures the specific issues concerning disadvantages concerning women and defines the scope of equal treatment according to how their male counterparts are treated in the society, due to the specifically gendered nature of discrimination against women, the treaty is able to identify and address these issues. As mentioned earlier, ascribing rights to someone usually means ascribing duties to another, whether it be the duties of other citizens not to infringe on the rights of others or duties to the government to ensure the rights of citizens are met and protected, the CEDAW is not an exception, as realization of women’s issues and the ascription of rights to women also ascribes duties to the government, and to this effect, the treaty recognizes three stages of the government’s involvement; the first stage is the recognition of fundamental human rights belonging to all citizens equally irrespective of gender, the second stage is the abolishment of discriminations which affects the ability of women to enjoy their right and also the availability of equal opportunities for both men and women and finally the third stage is the removal of all obstacles that are gender based in order for equal rights to be enjoyed.

The issue with gender discrimination is the historical normalization and socialization of gender roles and strata in society, this can prove quite difficult in the sudden change of laws which ascribes rights to women, rights which were not socially and formally existent before and this does not guarantee that at the grass root level, such laws can and will prove to be effective, hence the requirement of states to identify and eliminate gender based obstacles.

3.2 Contents of the CEDAW

The text of the convention is divided into 7 parts, with each part focusing on certain criteria and follows a progressing path. The first part of the text is the introduction; this part discusses the historical formation of the treaty, then discusses the significance of the treaty and finally the aims and objectives of the treaty. One overarching aim of the treaty, is to broaden the concept of human rights in so that it covers a wide spectrum of society's inhabitants,

The third general thrust of the Convention aims at enlarging our understanding of the concept of human rights, as it gives formal recognition to the influence of culture and tradition on restricting women's enjoyment of their fundamental rights. These forces take shape in stereotypes, customs and norms which give rise to the multitude of legal, political and economic constraints on the advancement of women (United Nations, Convention on the Elimination of All Forms of Discrimination Against Women).

Throughout the text of the convention, we see an opening of societal woes which have constrained women and the treaty identifies these woes and requires states to tackle them. Personally, I consider the treaty as transformational, as it seeks to break down certain stereotypes and norms in society, in order to reestablish new norms which allows for more equality in the society and this is further stressed in the preamble of the treaty, "that a change in the traditional role of men as well as the role of women in society and in the family is needed to achieve full equality of men and women" (United

Nations, Convention on the Elimination of All Forms of Discrimination Against Women)

Following the introduction, the text becomes a bit more theoretical as the second part of the text identifies and defines what it means by discrimination, the sexual roles and stereotypes of the women in society, exploitation of women; especially in areas such as prostitution and most importantly, this part refers to the policies measure required of states. The policy measures do not only require the state governments to take certain actions in order to eliminate discrimination against women, but it also requires these same state governments to reformulate their own thinking of the traditional gender roles, “To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle” (United Nations, Convention on the Elimination of All Forms of Discrimination Against Women), the Constitution is the collation of the binding laws of a nation and these laws reflect the principles and beliefs of that nation, by requiring states to reform their constitution; the states themselves need to reform their ideas of gender roles as well.

Part 3 through to Part 5 of the treaty focuses on these said constraints to women’s rights in society, it focuses on both the public and private spheres. Part three looks at the Political and Civil Rights of the women, stating their rights and also stating certain limitations women have met in this area as well, “States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right”, (United Nations, Convention on the Elimination of All Forms of

Discrimination Against Women), the right to vote and enter public offices were highlighted, also women's citizenship rights and privileges were also mentioned. Part 4 and 5 focuses on the Economic, Social and Cultural Rights of women, the treaty itself discusses more on the social and economic dynamics of women in the society and this covered a wide span of issues; such as Education, Health, Marriage Life, Employment and much more. As opposed to part three, part four and five specifically requires states to ensure the specific rights in its specific criteria for women, for example on the case of employment, "States Parties shall take appropriate measures: (a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status", (United Nations, Convention on the Elimination of All Forms of Discrimination Against Women).

Part 6 and 7 are more operational parts of the treaty, which obligates the ratified members to submit reports at least every four years, this is an essential tool of the committee which also allows the states to look back on the progress they have made and what still needs to be done. This mechanism also gives a chance for the NGOs to monitor activities going on in the respective states and make shadow reports on their observations, stand as a middleman between the Committee and the ratified members as well as push for the prioritizing of the CEDAW in respective states.

3.3 Impacts and Criticisms of the CEDAW

The International Center for Research on Women (ICRW), publishes annual data on the impacts and effects of the adoption of the CEDAW across the globe and in their 2010 report, they started off with their view of the CEDAW,

CEDAW promotes women's full participation in economic, political and social life, which has enormous benefits for societies at large. Women's

health, education and economic status has numerous benefits for household members, particularly children. Women's participation in the workforce leads to the growth of individual businesses and to the economy at large. Women's leadership of social movements and participation in government can foster peace, justice and security for people around the world. ² In order to guarantee women's full participation in these spheres, however, their rights must be protected, respected and fulfilled (International Center For Research on Women, 2010, p. 4).

In agreement with the International Center for Research on Women, the benefits of women's participation in society can be essential and numerous; full participation in the labour force increases the productivity level of the nation which in turn increases the revenue of the nation through the increase in tax revenue which thereby in turn promotes the development of the nation also, full participation of women can affect development in certain areas of the nation which were otherwise neglected or not prioritized; areas such as health care, environmental care, education, development of rural areas and much more.

Although violence is not just gender based, gender based violence is concerning issue; it can be seen in societies across the globe and it can occur on a daily basis but it is concentrated mostly in African and Middle Eastern countries, some very alarming cases of gender based violence occurs in form of rape as a tool of war, honour killings in certain predominantly Muslim countries and high rates of daily rape in countries like South Africa which sees statistics of 1 in 2 girls having been raped at some point in their lives,

Violence against women and girls is both exceptionally destructive and extraordinarily common. The United Nations estimates that one in three women around the world will be beaten, raped, or otherwise abused during her lifetime. Violence in the home, workplace, and public spaces is the most extreme form of discrimination against women (International Center For Research on Women, 2010, p. 5).

The CEDAW recognizes gender based violence and makes provision of the elimination of violence against women; General Recommendation 19 of the CEDAW committee defines gender based violence, stating that “The definition of discrimination includes gender-based violence, that is, violence that is directed against a woman because she is a woman or that affects women disproportionately. It includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty” (Committee on the Elimination of Discrimination Against Women, 1992), in order to tackle gender based violence, the committee suggests that states to encourage statistical collation of gender based violence, ensure that media promotes the rights, ensure that states take lawful measures in ensuring the elimination of gender based violence and so on, although this are just recommendations of the committee; upon ratification and domestication, states are bound by these recommendations.

Having discussed some important impacts of the CEDAW, it is not without its limitations are criticisms, unlike law’ international law is only as strong as states make it to be, it lacks enforcers and watchers of the law such as the police in the domestic legal system, hence often having no real implication when it comes to violation, of course treaties which make provisions for this can be an exception, and the CEDAW lacks any tangible enforcement mechanism which will ensure states take adequate measures. The CEDAW has its reports mechanism, whereby states give reports on their progress at least every four years, also a shadow report system which NGOs and the committee also makes their reports and progress of elimination of discrimination against women but there are no real consequences for a lack of progress or policies ensuring CEDAW requirements, in line with the lack of real consequences, the

CEDAW also lacks a time frame which will guide states actions and also ensure that within a certain frame of time, some issues are dealt with.

Another limitation of the CEDAW is its binary definition of gender, the modern definition of gender has broadened and does not just entail man and women but also includes transgender men and women, gender fluid people and intersex people, the CEDAW's binary understanding of gender closes itself the gender based violence that trans women and gender fluid men\women face, also its binary scope of gender promotes and reaffirms the arguments which stand in favour of binary terms of gender, hence the lack of need for the protection of the rights of trans men and women, this affects their economic, health and representational rights.

A major question the CEDAW faces is its effectiveness, whether or not the treaty itself has been effective in eradication discrimination. The treaty has effectively defined and successfully pointed out discrimination and the varying forms it takes, which is the first step but it has been relatively slow in full eradicating discrimination against women globally. The CEDAW allows for reservations from states signatory to it, thereby allowing them to pick and choose certain parts of the CEDAW which they agree with and only being accountable for them, this in itself is a structural flaw of the CEDAW, Minor also observes this flaw and further discusses on it,

Effects of the Convention have been diluted, with at least twenty-five parties making a total of sixty-eight reservations to substantive provisions. This large number of reservations makes the Convention among the most heavily reserved of international human rights instruments. The Convention allows reservations that do not conflict with the "object and purpose" of the treaty, but it contains no objective criteria to determine if this requirement has been met (Minor, 1994, p. 144).

This accommodation for reservation can deeply undermine the relevance and effectiveness of the convention, Buergenthal also sees the allowance of reservations as stumbling block to the effectiveness of the treaty, in his words “ The effectiveness of the CEDAW in its first twenty-five years in promoting the protection of the rights it guarantees was undermined to a significant degree by the many reservations made by states” (Buergenthal, 2009, p. 94) especially in countries where Islamic law prevails, for example most Islamic nations held reservations, Iraq had reservations when it came to article two (f) and (g) of the convention, the article states that, “take all appropriate measures including legislation to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women, and Article 2(g) requires repeal of penal laws that discriminate against women” (United Nations, Convention on the Elimination of All Forms of Discrimination Against Women), and aside Islamic countries, even western nations has their reservations, France has a reservation against Article 14 Section 2 (C) which states “To benefit directly from social security programmes” (United Nations, Convention on the Elimination of All Forms of Discrimination Against Women),

the French government implied that the rural women would only access this right if they met certain conditions, “The Government of the French Republic declares that article 14, paragraph 2 (c), should be interpreted as guaranteeing that women who fulfil the conditions relating to family or employment required by French legislation for personal participation shall acquire their own rights within the framework of social security” (United Nations, 2006, p. 12).

The treaty faces more criticisms, such as the noticeable lack of ratification by the United States of America and its ability to eliminate discrimination against women in

war torn countries such as Yemen but amidst the criticisms, the CEDAW still remains the most significant text in the women's rights regime and the only text which explicitly broadens the variety of issues faced by women and solutions to these issues.

3.4

Chapter 4

INTERNATIONAL LAW AND THE NIGERIAN LEGAL SYSTEM

The CEDAW is an international treaty which is governed by the rules and norms of the international law system, hence the need to fully understand what the law is and more importantly, what international law is and how it works within the already existing domestic law system.

Societies have always evolved, kingdoms have risen and fallen alongside early civilizations that have laid out the foundations of contemporary ethics, law, order and justice. Nothing we see today is a new phenomenon, for a long time; humans have lived under some form order, whether it be beneficial or not, Before the colonial era in Africa, what is currently known as Nigeria used to be settlements of clans (families which expanded) under the headship of the eldest male, a patriarch or a king, also before the concept of democracy became popular, authoritarian and monarchical leadership existed.

Whether the government be democratic, authoritarian or monarchical, there were sets of rules and norms guiding these kingdoms and societies. These rules are formerly known as law, but quite often law, justice, norms and ethics are usually confused and used in place of each other, of course one can see where the confusion rises from but these concepts are very different although they do compliment and supplement one

another, the definition put forward by Hames and Ekern best describes the concept of law, “The law is a set of rules, enforceable by the courts, which regulate the government of the state and govern the relationship between the state and its citizens and between one citizen and another” (Hames & Ekern, 2018, p. 1), from this definition we can see how the correlation between the courts, governments and the citizens. As a humans, we encounter many rules which can either restrict or constitute our behaviour, but what makes ‘law’ different from other rules is the involvement of the court, as the violation of social rules or the rules of a basketball game isnt backed by the court or imposed on all citizens equally

4.1 International System and International Law

The 1648 treaty of Westphalia created the notion of states independent from the clergy and the concept of Sovereignty; which today is the characteristic of a state, sovereignty can be defined internally and externally, with the former being the power of the state to act within its borders and the latter meaning the non-interference of other states in the domestic affairs of the state, to further understand these concepts, De Benoist describes them in the following way “The first definition applies to supreme public power, which has the right and, in theory, the capacity to impose its authority in the last instance... On the international level, sovereignty means independence, i.e., non-interference by external powers in the internal affairs of another state” (De Benoist, 1999, p. 99), one notable word in De Benoist’s definition is the word power, which he further aligns with the word authority; these are important concepts in understanding sovereignty, whereas states have the power through authority to make and enforce laws within its borders. Waltz discusses on the structure of the international system,

whereby he gives an important illustration on how sovereignty fits into the wider international system.

“Waltz on his part defines system as composed of a structure and of interacting units, and a structure by the arrangement of its parts... He contends that the units are sovereign states in international politics. And it is structure that defines the arrangement, or the ordering, of the parts of a system. Thus the structure of international politics is an ordering principle to position or arrange sovereign states in their interactions. Describing the nature of the structure, he notes that international systems are decentralized and anarchic, and stresses that states are to seek to ensure their survival” (Waltz, 2010, p. 31).

The international system is made up of sovereign states which interact with one another in order to survive in an anarchical world and also serve their interest, of course how we view the international system is dependent on which perspective we agree with,

For Realists, the world is anarchical in a chaotic type of way and the international system consists primarily of states which seek to gain power and serve their interest while the Liberals see the international system as made up of states and institutions in an anarchical world which isn't necessarily chaotic but lacking of central authority whereby through interaction, states seek to achieve absolute gain and co-operation. The Liberal and Realist views are the mainstream theories which is the overarching international structure as that of anarchy and self-help but there is another school of thought which completely differs from that of the Liberal and Realists views, which is the constructivist view. According to Wendt,

Identities are the basis of interests. Actors do not have a "portfolio" of interests that they carry around independent of social context; instead, they define their interests in the process of defining situations ... An institution is a relatively stable set or "structure" of identities and interests ... Self-help is an institution, one of various structures of identity and interest that may exist under anarchy. Processes of identity-formation under anarchy are concerned first and foremost with preservation or "security" of the self. Concepts of

security therefore differ in the extent to which and the manner in which the self is identified cognitively with the other (Wendt, 1992, p. 398).

For Wendt, the international system wasn't inherently anarchic, but rather a system based on the identities and roles of actors which in turn defines their interest and how they interact with one another, thereby making anarchy not the structure of international system but rather a component in the system derived from state interactions with one another, so some states could be anarchic with some other states while being cooperative and friendly with others.

The international system today is made up of many different actors; states, individuals, institutions, organizations, corporations and much more, who all interact through the many different institutions that make up the system, The international System has its norm dynamics which in my opinion has been divided into four parts; International Trade, International Monetary System, Global Governance and International Law.

International Law just like Law, is the set of rules which govern the behaviours of states in their interaction with one another, attaining legal personalities and bearing consequences through the international courts when in violation. To further put it in Besson's words "International law is the legal order which is meant to structure the interaction between entities participating in and shaping international relations" (Besson, 2010, p. 2).

As discussed earlier, we saw the concept of law, its necessity and its sources and international law isn't bereft of this. Often people see international law as an abstract entity; it is there but not really there, probably because international law and its

organizations only have the power conferred unto it by states and will only be effective to the extent states allow it to but not withstanding international law is in fact very much real and regulates the behaviour of states in their relationship with one another.

From a Realist Perspective, the anarchic structure of the international system, sees states constantly struggling to achieve their interests which all boils down to power, because the more powerful a state is; the more their interests become a reality and eventually their values and norm become predominant in the international system. “Realism aligns international law with power in so far as international law is considered a tool at the disposal of the most powerful. Yet international law and power are also frequently contrasted. A realist perspective deems international law to have no significance in its own right and so seeks to ascertain why it is that States obey international law” (Scott, 1994). In contrast to the realist perspective, the liberal school of thought also see the international system as anarchic but not chaotic, for them states which are not the only actors, tend to cooperate through institutions, hence their firm belief in and added importance on International institutions, for liberals; International law is powerful tool in ensuring that international norms are observed and states as well behave expectedly in their interaction with one another.

Although International Law exists due to conferred power; just like domestic law, it does have sources which go through legal codification. Customary International law is one of the many sources through which international law is made, “In particular, the requirement—for identification of customary international law—to ascertain “a general practice” that is “accepted as law” reflects the fact that rules of customary international law evolve through a general practice and *opinio juris*” (Wood, 2018, p. 728). From Wood’s words, we can see that Customary international Law requires a

general practice which means an action constantly carried out by states which is not against the law (codified law) and is legally binding to states; with the exception of states which persistently objected, meaning that from the beginning of the practice, these states had persistently objected to the practice and haven't practiced it either. General Principles of Law also serves as a source of international law, while there could be certain confusions in seeking to understand General Principles of Law and how they differ from Customary International Law, I find Bassiouni's take on the concept quite simple yet informative; he stated that,

The terms used to describe this source of international law appear to posit two separate requirements: one, "General Principles," and two, recognition by "civilized nations." ... "General Principles" are, first, expressions of national legal systems, and, second, expressions of other unperfected sources of international law enumerated in the statutes of the PCIJ and ICJ; namely, conventions, customs, writings of scholars, and decisions of the PCIJ and ICJ. It is obvious that if these legal sources are perfected, they are ipso facto creative of international legal obligations. When they are not perfected, however, such as when a custom is not evidenced by sufficient or consistent practice, or when States express *opinio juris* without any supportive practice, these manifestations, singularly or cumulatively with others, may possibly be considered to be expressions of a given principle (Bassiouni, 1990, p. 768).

Bassiouni's definition of the General Principles of Law, shows that although consistent practice might be lacking but the existence of an *opinio juris* can overtime manifest into a General Principle of Law.

While the aforementioned sources of International Law are substantial and conditionally legally binding, one primary and very important source of international Law is Treaty; the 1969 Vienna Convention on the Law of Treaty is a comprehensive treaty on the rules and norms guiding treaty as a source of international law and according to the document "Treaty means an international agreement concluded between States in written form and governed by international law, whether embodied

in a single instrument or in two or more related instruments and whatever its particular designation” (United Nations, Vienna Convention on the law of treaties (with annex).Concluded at Vienna on 23 May 1969, 1969), treaties are very effective and powerful sources of international legally binding laws, they can be enacted bilaterally, multilaterally and transcends state to state relation. Many aspects of the treaty differentiates it from other sources of international and these are its strong enforcement measures and regulative measures, international law is based on consent of its actors and while consent is needed in the customary international law and general principles of law, they are constitutive in nature, unlike the treaty which requires full consent and legal domestic processes before ratification; “Ratification: "acceptance", "approval" and "accession" mean in each case the international act so named whereby a State establishes on the international plane its consent to be bound by a treaty” (United Nations, Vienna Convention on the law of treaties (with annex).Concluded at Vienna on 23 May 1969, 1969). The 1969 Vienna Convention is full of regulative measures from the entrance of a treaty to the termination of a treat, under many different circumstances. According to the convention, treaties cannot overlap with customary law (if a party or parties to the treaty are not persistent objectors) and general principles of law, as stated in article 4 of the convention “If a new peremptory norm of general international law emerges, any existing treaty which is in conflict with that norm becomes void and terminates” (United Nations, Vienna Convention on the law of treaties (with annex).Concluded at Vienna on 23 May 1969, 1969). Treaties also resonate a norm in international law; which is ‘pacta sunt servanda’, and this is clearly stated in section 1 article 26 of the convention “Every treaty in force is binding upon the parties to it and must be performed by them in good faith”. As mentioned earlier, the enforcement measures of treaties differentiates it from other sources, treaties are

entered into force after the treaties are ratified or at a time stipulated by the treaty and cannot be withdrawn from (unless the treaty has a stipulated expiry date), unless the defaulting party is willing to pay reparations or consequences as stipulated in the treaty.

From a realist perspective, one might wonder why states oblige to international law and norms, as it can sometimes not align with your interests and most times (if not all) requires you give up a bit of your sovereignty. And this can be seen as folly, considering the fact that unlike domestic law, international law lack enforcement measures such as a police force and its main institution; the international court of justice; is still solely based on consent. Firstly, the consent based nature of international law shows that the state is willing to abide by the law, hence there will be no need not to comply, secondly, states work based on interactions and make actions which in turn creates good reactions or otherwise, according to Moravcsik “States maintain international legal regimes to enhance their capacity for elaborating and enforcing regime norms by enhancing reciprocity, reputation, and retaliation” (Moravcsik, 2012, p. 18).

4.2 Domestication of International Law into the Nigerian Legal System

States are sovereign over their territories externally and internally and governments are tools used by the states to carry out its functions, then state has authority over its citizens and democratically elected governments have the legitimacy ad authority to codify and enforce law, but this is possible due to the central authority which the government provides.

International law can be quite different when it comes to application, due to the anarchic (lack of central authority) structure of the international system, bilateral and economic treaties do not have much of a problem when it comes to application but in treaties concerning human rights, international security and so on, states do have different approaches to applying these treaties and domesticating them.

Article 46 of the 1969 Vienna conventions states that,

A State may not invoke the fact that its consent to be bound by a treaty has been expressed in violation of a provision of its internal law regarding competence to conclude treaties as invalidating its consent unless that violation was manifest and concerned a rule of its internal law of fundamental importance (United Nations, Vienna Convention on the law of treaties (with annex). Concluded at Vienna on 23 May 1969, 1969)

This implies that once a treaty is signed and ratified, a state cannot claim that the treaty goes against its internal laws, hence its inability to adopt the treaty. There are three approaches to domesticating international law, and they are the monist, dualist and hybrid approach.

Ferreira & Ferreira-Snyman describes the monist approach as such, “According to a monist approach public international law is therefore directly enforceable before municipal courts without any need for incorporation into municipal law” (Ferreira & Ferreira-Snyman, 2014, p. 1471), from this definition we can see that the monist system sees international law and domestic law as one and the same, hence no need for further domestic procedures before the law becomes incorporated into the domestic legal system. The dualist system on the other hand, sees international law as very different from the domestic law, hence the need for certain domestic procedures before

international law can become part and parcel of the domestic legal system. The importance of the domestication of the international law cannot be underestimated, as domesticating international law allows the law to come under the jurisdiction of the municipal courts. The ICJ is the main judicial branch of international and it is tasked with interpreting international law and norms and also presiding over cases of violation, but the major problem with the ICJ is that international legal personality is not given to individuals, rather these individuals are represented through the state and the states are the signatories of these treaties and partakers of the customary law system. States being recognized as the ones with legal personality can be quite problematic when it comes to international human rights, this is due to the fact that states can default on their internationally recognized duties to their citizens and these citizens cannot take their cases to the ICJ, hence the need for the domestication of the international law. Another need for the domestication of international law is the implementation process of the law; having the international part and parcel of the legal system gives it more legitimacy and gives a sense of accountability to the government which seeks to ensure the enforcement of the laws of the state. While the monist and dualist approach are the main approaches, in recent times we see a more hybrid approach where states adopt both approaches depending on the international law.

The Nigerian Legal system stems from the 1999 Nigerian constitution. Although remnants of the past constitutions still exists. Nigeria's relationship with international law has been quite transformative, due to the fact that the country itself has gone through transformation. Colonialism robbed most African states of their international legal personality and in the 1960s, occurred a wave of decolonization in Africa. With Nigeria as one of the foremost countries to be decolonized. Due to her history of

colonization, Nigeria's foreign policy at the time was to liberate Africa from colonization and they were willing to work with international forces. Following the wave of decolonization, Nigeria's relationship with international law has been quite cordial, although there is no clearly defined mechanism as to how the domestic law and international law integrates, "Quite unlike some states whose constitutions make clear what the relationship between international law and municipal law would be, the Nigerian constitutions have not clarified the matter" (Okeke, 1997, p. 336).

The previous Constitutions of Nigeria still provide some insight into the disposition of Nigeria towards international law, even if insufficient. The current Constitution of Nigeria shows the foreign policy of Nigeria to include the promotion of African integration and support for African unity, promotion of international co-operation for the consolidation of universal peace and mutual respect among all nations and elimination of discrimination in all its manifestations, respect for international law and treaty obligations, and prioritization of settlement of international disputes by negotiation, mediation, conciliation, arbitration, and adjudication (Okeke, 2015, p. 405)

Constitutionally, Nigeria, adopts the dualist approach, this can be seen in the constitution of the country in section 23 which discusses the domestication of treaty law. Section 12 states that "No treaty between the federation and any other country shall have force of law except to the extent to which any such treaty has been enacted into law by the National Assembly" (Constitution of the Federal Republic of Nigeria, 1999). The Supreme Court of Nigeria is the highest court in the country and one of its primary functions is the interpretation of the constitution as well as its relation to international law, to that effect, the court cemented the dualist approach of the country in one of its court proceedings where it stated that "An international treaty to which Nigeria is a signatory does not ipso facto become a law enforceable as such in Nigeria. Such a treaty would have the force of law and therefore justiceable only if the same

has been enacted into law by the National Assembly” (The Supreme Court of Nigeria, 2000, p. 45)

Chapter 5

IMPLEMENTATION OF THE CEDAW IN NIGERIA

Having looked at the CEDAW, the Nigerian Society and its relationship with its women. We would now have a thorough look at how this international treaty is being translated into the Nigerian legal system or domestic domain and see how it is implemented. The adoption of the CEDAW has its desired effects in the society's public and private realm when fully implemented and in this chapter we will look its implementation, considering both the Political\Civil and Economic\Social\Cultural Rights; with more focus on the latter. Due to the broad nature of the treaty, I will narrow my research down to Political Representation, Citizenship, Education, Employment and Health Care. At the end of this chapter we would have had more insight on how Nigeria has domesticated this treaty and how the treaty has been implemented. While Nigeria is federation with 36 states, we cannot completely look at the entire country at a federal level because every state has its own approaches to certain policies, I will use Rivers State and Kano State as our case studies when needed in order to see some implementation at the state level; these states have been chosen because they represent very different norms and ideals, with the former being a predominantly Igbo and Christian society and the latter being a predominantly Hausa and Muslim society, they give a full representation of the norm and traditional dynamics in the country, they also represent the evolution into metropolitan cities as well, and this I believe gives a full representation of Nigeria as a traditional, secular and metropolitan country.

As mentioned earlier, I divided the Treaty into the Civic \Political Rights and the Economic\Social\Cultural Rights and this is how I will section this chapter with the former coming first and the latter following after, we would look at the federal level policies and how they are interpreted between the Northern and Southern zones and for specificity, I will look at the state level when necessary, using Kano and Rivers State as my case studies.

5.1 Nigeria and its Women

As mentioned earlier, Nigeria is a party to the CEDAW and has ratified the treaty; so by theory its relationship with its women should be positive, and this is what we are going to find out. Although Nigeria is a country with many religions and spiritual practices, it is a secular state. As a federation, Nigeria has 36 states at the state level and one state as the seat of federal activities, the federal government is in charge of immigration, citizenship, education, labor, security and so on, as it its competences while at the state level issues such as marriage and health care are within its competences. As a federation, the country is divided into 6 geopolitical zones which divides the countries along tribal, religious and ideological lines and this makes it difficult for cooperation and coherence of laws and policies to exist in the country, International Legal Personality is given to states and officers at the federal level in a federation can enact treaties, officers at the state level cannot enter international treaties of their own, but how these treaties are implemented internally is solely based on the states (units).

As a historically traditional and highly religious society, there are certain norms and values which clearly creates distinctions between men and women, what they can and

cannot be and what they should and should not be, again these norms and distinctions vary along the lines of the geopolitical zones.

Christianity and Islam are the two major religions in the country, and the further you go north, the more concentration of the Muslim population and the farther down the East you go, the higher the concentration of Christians. According to Abubakar, “women’s roles are initially leading by their respective ethnic differences, which have basement from the religious teachings. In the north for example, Islamic norms are generally shaping the common way of life of the people, women are confinement to the households, and they are not allowed to willingly perform unnecessarily roaming beyond premises nearby” (Abubakar, 2017, p. 293), in recent times the roles of women are shifting due to better access to education and social media but the traditional norms and etiquette still hold a significant value in the Nigerian society.

5.2 The Nigerian Constitution

The Laws and Code of Ethics of a Country are codified and embedded in the Constitution, it contains the laws by which a country is bound by and it is the first step to make when trying to see how International Law is being domesticated and interpreted in a country.

The Nigerian 1999 Constitution is the current iteration of the constitution being used, after so many changes to the constitution and this is befitting opportunity to look at the changes made, since the constitution was revised in 1999 and the CEDAW was signed in 1984 and ratified in 1985 by Nigeria.

The Constitutions of Nigeria reflects the era in which they were created and reflects Nigeria’s growth as a whole, this is the reason they are also known as the Republics.

The first Constitution which was the 1960 Constitution, reflected the independence of Nigeria although still under the headship of the British Queen; the second Constitution in 1963 was the first republic also reflected its time, as Nigeria became a Republic adopting the Westminster System as its form of government; the third Constitution in 1979 reflected Nigeria's return to democracy after the Military rule following the coup of 1966, the third republic also reflected Nigeria's shift from Westminster system to the Presidential system and required political party formation to exist reflecting the country as a federation rather than ethnic formations; the fourth constitution in 1993 also known as the fourth republic, reflected the reestablishment of democratic institutions in Nigeria but unfortunately this didn't last long as the military took over shortly after; finally the current 1999 Constitution also known as the fourth republic, re-established and stabilized the democratic institutions in Nigeria, the Constitution made modifications especially to individual rights and human rights.

One principal problem with the Nigerian Constitution is the use of language; constantly the country uses only male pronouns in its texts, "However, references to grammatical conventions of gender in language have prompted contemporary concerns over the power of language to shape social stereotypes about gender, and perhaps ultimately shape status distinctions between men and women" (Prewitt-Freilino, Caswell, & Laakso, 2012, p. 268), language has a profound effect on gender socialization and while using male pronouns might not seem like a significant issue, it internalizes the idea of male superiority, especially when the document does not clearly define its definition of 'person' but constantly uses 'he', 'his' and other male pronouns in broadening a statement. Chapter 4 section 33 subsection 1 of the 1999 Constitution states,

Every *person* has a right to life, and no one shall be deprived intentionally of *his* life, save in execution of the sentence of a court in respect of a criminal offence of which *he* has been found guilty in Nigeria”, the article start out by saying persons and further broadens the statement with his and he pronouns, this is one of many cases, “Recent theorizing suggests that language not only reflects the conventions of culture and particular patterns of thought, but systems of language can actually shape our cognitive understanding of the world around us (Deutscher, 2010, p. 9).

While the Constitution made no significant changes in regards to the CEDAW. It did become a bit more inclusive in its employment and citizenship laws.

5.3 Implementation of the Political and Civil Rights

Democracy in its original form, allows for the participation of citizens either directly or through representation, although for the better part of history; women have either not been considered citizens or been considered second class citizens, thereby inhibiting on their Political and Civil Rights, fortunately; due to the Suffragette Movement, the rights of women to vote, be voted for, inherit property and gain equal citizenship status, has been an evolving phenomenon that has cascaded much of the world today.

“Women’s participation in public life, as voters, community leaders and political representatives, has important benefits for societies and nations. Evidence has shown that more women in government can improve overall governance performance, and can help ensure that the voices of women and other marginalized groups are heard and that the state addresses their needs” (International Center For Research on Women, 2010, p. 11).

5.3.1 Political Representation

Article 7 the CEDAW discusses on the political participation of women in the, while section (a) and (c) are fairly operational in the country, the problem lies section (b)

which states “To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government” (United Nations, Convention on the Elimination of All Forms of Discrimination Against Women), party formation is quite a controversial issue, firstly at the early stages; party formation starts informal, “At the level of political party formation, it is usually in form of club and informal meetings initiated by male friends and business partners” (Arowolo & Aluko, 2010), this kind of formation leaves the women out of the initial stages of party formation, principles and objectives and while this might not seem as the role of the government to tackle; it does impede on the women’s ability to participate in formulation of policies at the party level. At the legislative level of policy making, the lack of females in the formation of the parties is reflected because the legislator are elected by their constituents but each legislator represents a party, a party which was formed by men.

The government has a role in ensuring that even at the formation level; equality is reflected, although they cannot ban already existing parties but they can make requirements on a threshold for membership, requiring parties to have a certain percentage of women, to revise their charter in order to be more inclusive of not just women but other minorities such as the youths and also the government can raise awareness on this foundational issue and encourage more women to be pioneers of party formation as well. All these can be done by the government but none of these initiatives or any other has been taken to ensure that women duly represented, and one cannot expect representation of women in power if at the foundational level they are found wanting.

Table 1: Representation of Women in House of Assembly, House of Representatives

Year	Houses of Assembly		House of Representatives		The Senate	
	Seats available	No. of women	Seats available	No. of women	Seats available	No. of women
1999	978	12	360	13	109	3
2003	951	39	339	21	109	4
2007	990	54	358	25	109	9

(International Federation for Human Rights, 2008)

The figure above shows the representation of women at the federal and state level, from the table we can see a huge gap between the male population and female population at the seats, this is occurring although the National Gender Policy of the country has policies against this, “As a means of improving women’s participation in politics in Nigeria, 30% affirmative action is provided for in the National Women Policy. This percentage has been increased to 35% in the National Gender Policy, 2006” (International Federation for Human Rights, 2008)

Table 2: Women and Geopolitical Zone Representation: The Senate

Geo-political zone	Number of available seats	Number of seats occupied by women	The percentage in Proportion to allocated seats
Northern Region			
Northern	58	1	1.7%
North Central	19	0	0%
North West	21	0	0%
North East	18	1	5.6%
Southern Region			
Southern	51	6	11.8%
South-South	18	1	5.6%
South West	18	4	22.2%
South East	15	1	6.7%
TOTAL	109	7	6.4%

Source: CDD 2018

The table above shows the recent make-up of the house of senate under the leadership of President Buhari, firstly we see no significant improvement in the representation of

women since 2007 and also we can see that at the national level, political representation of women is close to non-existent.

5.3.2 Citizenship

When discussing earlier on rights, we discussed how these rights are given and who gets them, although there are certain human rights which are universal and there are some which leaves states to interpret who they provide and protect these rights for and more often than not, citizenship is the basis on which they provide and protect rights. Citizenship is a form of membership to a community (state) and more often than not, cultural membership laps with civil membership, “Citizenship is both a cultural and anti-cultural institution, by which I mean that citizenship positions itself as oppositional to specific cultures, even as it is constituted by quite specific cultural values. The citizen is assumed to be modern and motivated by reason; the cultural other is assumed to be traditional and motivated by culture. In order to be assimilated into citizenship, the cultural other needs to shed his excessive and archaic culture. Citizenship emerges through its distinction from the cultural other, who is measured and found wanting for citizenship. We should therefore understand that the cultural other is constitutive of the citizen” (Volpp, 2007), Volpp’s view of citizenship is reflected in the Nigerian society as there are deep roots and connections between cultural identity and Nigerian citizenship but also due to democracy and an evolving nature of the state, one does not need to have deep cultural roots in order to become a citizen.

Article 9 of the CEDAW required equal treatment of men and women in regards to nationality, “States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an

alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband” (United Nations, Convention on the Elimination of All Forms of Discrimination Against Women).

The Nigerian constitution gives the right of citizenship to both men and women whose parents and grandparents were born in Nigeria

5.4 Implementation of Economic, Social and Cultural Rights

The CEDAW makes provisions for many economic and social rights, these include; Education, Employment, Health, Economic and social Benefits, Rural Women and Marriage and Family Life, although social rights can be quite problematic for states (especially non-welfare states like Nigeria) to implement, due to religious, cultural differences and internalization certain socialization processes. According to Steiner and Alston, “The status of women within the international human rights regime and the task of ensuring human rights for women are incomprehensible without taking into account the social and economic conditions that characterize women’s lives” (Steiner & Alston, 2000, p. 163), for them social differences such as the burden of child bearing and child rearing alongside economic differences which were latter effects of social differences such as low employment rate and low wages, are all part of the vicious cycle when it comes to addressing women’s rights.

Treaties and Codified International Laws are much easier to regulate and pull out off than Customary International Law, this is due to the codification of the formerly mentioned sources of international law, and customary law stems from general practice and can be very organic, for example it was a norm to have colonies as this was common practice among the powerful nations, but in the era of decolonization and rise of American imperialism, there was a shift from the already accepted norm of colonization. Just like customary law, regulation of social laws can be difficult and organic. However, states have a duty to protect their citizens and ensure that all citizens enjoy their rights freely, without any infringement.

5.4.1 Education

Article 10 of the CEDAW deals with the education rights of women and the article requires the state to put measures which ensure that discrimination did not exist in the educational field, “States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women” (United Nations, Convention on the Elimination of All Forms of Discrimination Against Women).

Nigeria’s education policies has been through much reformation over the years, this started as the education policy of the country after independence was not working, “Prior to 1977 Nigeria operated an educational policy inherited from Britain at independence. The inability of this policy to satisfy the national aspirations of the country rendered it unpopular” (Okoroma, 2006, p. 249)

Nigeria’s education policies have evolved since 1977 and she has now adopted a universal basic education system (UBE),

The UBE programme is designed to remove distortions and inconsistencies in basic education delivery and to reinforce the implementation of the National Policy on Education. It is also to provide greater access to basic education and ensure its quality throughout the country. The Universal Basic Education Act (2004) defines Universal Basic Education as early childhood care and education, the nine years of formal schooling, adult literacy and non-formal education, skills acquisition programmes and the education of special groups such as nomads and migrants, girl-child and women, almajiri, street children and disabled groups (Anaduaka & Okafor, 2013, p. 44)

As mentioned above, one of the aims of the UBE is to remove distortions of the education of the girl child and women, but the UBE was adopted in 2004 and Nigeria still has many obstacles to combat when it comes to the education of the girl child. According to findings by UNICEF, “Children under the age of 15 make up the 40.9 percent out of the 195 million population hence, the burden on education has become overwhelming” (UNICEF, 2018), from the same UNICEF infographic, they stated that 40% of the boy child were not enrolled and 60% of the girl child were not enrolled in school. The UNICEF’s findings were on a national level, and the statistics become even more alarming when we look at it geopolitically and at the state level.

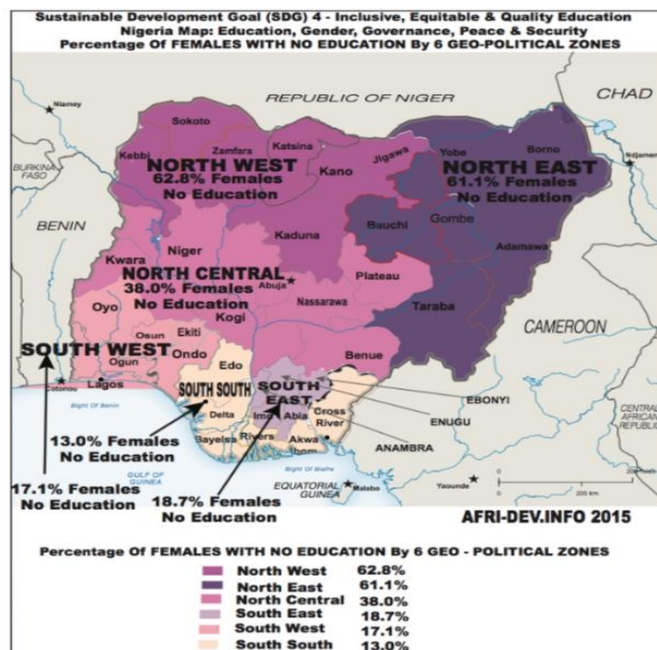


Figure 1: Percentage of Females with No Education by Geopolitical Zones

Source: Afri-Dev 2015

Above is a 2015 data on the percentage of the girl child without Education, as we can see the figures become higher the farther north we go and becomes lower the further south we go, the Northern states are predominantly Hausa's practicing Islam and the southern states comprise of many different tribes and religions but the South-Southerners are predominantly Christian.

Kano state is located in the North West geo-political zone, which is notably the zone with the highest percentage of girls without education. The state adopted the Education Strategic Plan (ESP) policy, "The purpose of the ESP is to assist in poverty reduction and economic development efforts through the enhancement of Kano State's human resources. Ultimately the aim is to enable all citizens to access education in order to develop as individuals, to improve their social and economic well-being and to play their part in the development of the State and the country as a whole" (Ministry of Education for Kano State, 2008).

Table 3: Education Enrolment Rates in Kano 2005\2006

	Gross enrolment rates			Net enrolment rates		
	male	female	total	male	female	total
EMIS						
Primary	112	93	103	83	73	78
Junior secondary	36	21	29	21	12	16
Senior Secondary	26	12	19	14	7	11
Secondary	32	17	24	n.a.	n.a.	n.a.
Household survey						
Primary	81	66	74	49	44	47
Secondary	51	40	46	28	26	27

Source: NEMIS 2006

The table above, gotten from the Nigerian Education Management Information System (NEMIS) shows the enrolment rates of boys and girls in Kano before the adoption of the ESP

Table 4: Primary School Net Enrolment Rate 2019

Project Development Objective Indicators

► Primary School Net enrollment rate (NER) disaggregated by gender (Percentage, Custom)				
	Baseline	Actual (Previous)	Actual (Current)	End Target
Value	48.00	51.00	46.40	52.00
Date	30-Apr-2015	16-Jun-2017	15-Dec-2017	29-Jun-2019
Comments This indicator measures the primary school net enrollment rate across the five NIPEP-targeted states. It is calculated as follows: number of children enrolled in project schools in the state/the number of children of that age-group in that state. The values by state are as follows: Kaduna: Total: 71.34; 36.94(M)/34.41(F); Katsina: Total 32.59; 17.78 (M)/14.82(F); Jigawa: Total: 27.03; 14.62(M)/12.41(F); Kano: Total: 73.72; 37.58(M)/ 36.15(F); and Sokoto: Total: 27.30; 17.33(M)/9.98(F).				

Source: World Bank Nigeria Partnership for Education

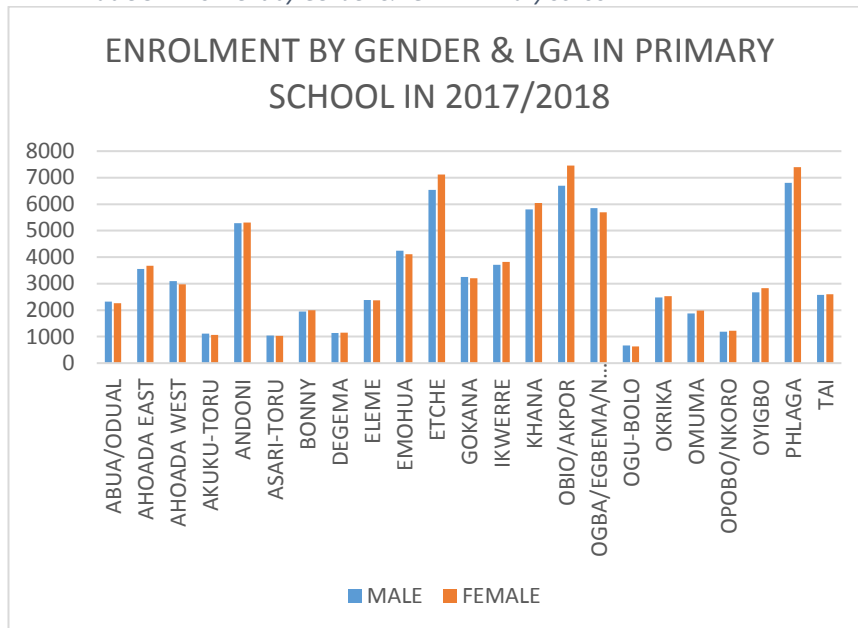
The table above is gotten from the World Bank Nigerian Partnership for Education Project, and we can see an improvement in the enrolment rates between boys and girls, in Kano there's a 73:72 boy: girl enrolment ratio.

Rivers State; located in the South-South geopolitical zone, also seeks to achieve the Universal Basic Education policies and goals, and as a state has adopted many policies aimed at equalizing the enrolment ratio of boys to girls, ensuring that qualified teachers are retained and trained, enduring the age grade of the primary and secondary students and also largely moving towards total free primary and secondary school across the state.

The state has adopted policies specifically for combatting the gender gap in school enrolment, through many awareness programs carried out by the EMIS department of the Rivers State Universal Basic Education Boards (RSUBEB). The states itself has made it illegal for children of school age to not be enrolled in either a public or private

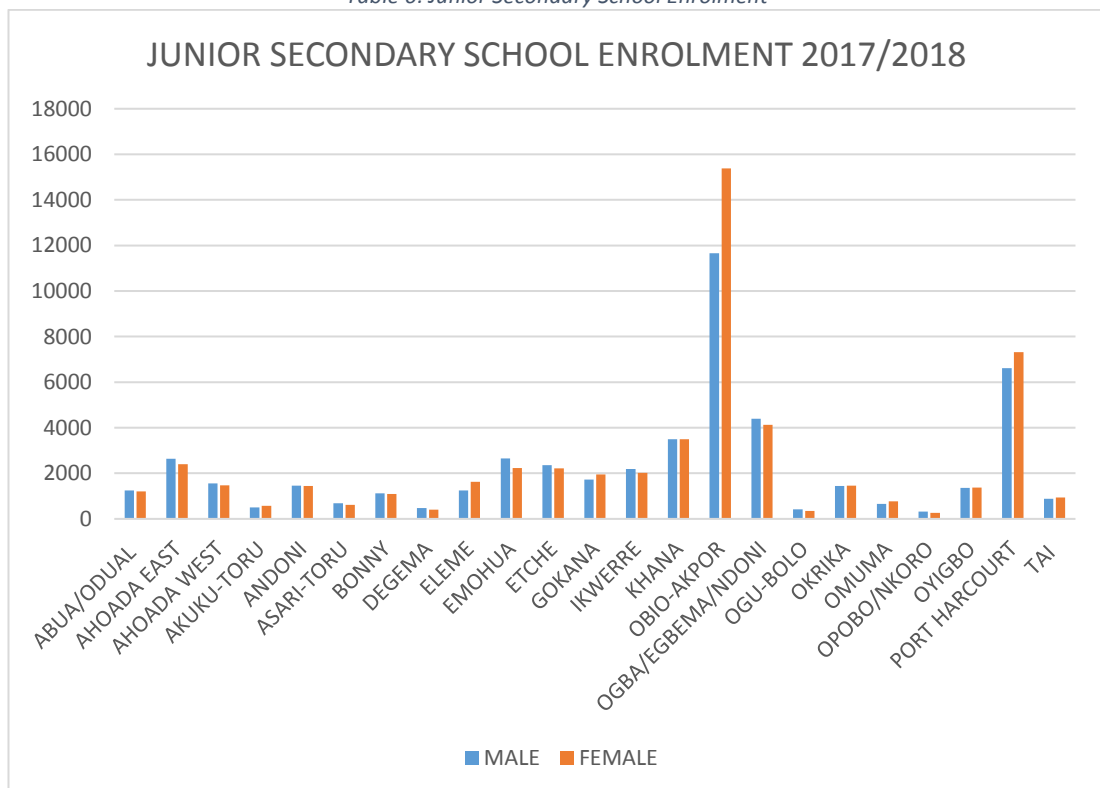
school, no matter the gender. Below I will provide data on the enrolment ratio of boys to girls in the primary and secondary schools.

Table 5: Enrolment by Gender & LGA in Primary School



Source: EMIS Rivers State 2018

Table 6: Junior Secondary School Enrolment



Source: EMIS Rivers State 2018

From the tables above, we can see better enrolment ratios between boy and girls at the primary level while results show a more negative progression at the secondary level. Although at both levels, we still see a higher enrolment of boys than girls but this can also be reflective of the general higher male population in Nigeria.

5.4.2 Employment

Article 11, section 1 of the CEDAW states “States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular” (United Nations, Convention on the Elimination of All Forms of Discrimination Against Women). There has been so many hinderances to women in the workforce globally, hinderances varying from the belief of women not being rational and capable enough to handle some certain jobs to more biological issues such as pregnancy, for reasons within this spectrum, women have been disadvantaged at work with low employment rates, lower pay and more vulnerability to downsizing,

In the professional world, men are breaking more barriers when it comes to jobs that were considered traditionally feminine, we see men become nurses, caregivers, teachers (elementary and pre -school) and much more but we don’t see this same trend when it comes to women, breaking through traditional barriers of masculine jobs is still an issue for women, we don’t see a wave of female engineers, construction workers and more.

Nigeria is the largest economy in Africa with a GDP of about 375 billion USD, the growth of metropolitan cities such as Lagos have contributed tremendously to the Nigerian economy as well as the Large population of the country which contributes to tax revenues. Nigeria has the highest number of billionaires (in dollars) in Africa, as

well as the largest market in Africa. Nigeria has so many economic growth indicators but there is still an unprecedented high rate of employment which steadily grows every year.

The graph below, gotten from National Bureau of Statistics (NBS) shows the national unemployment rate in the country from the year 2014 and there has been a constant rise in the unemployment rate.

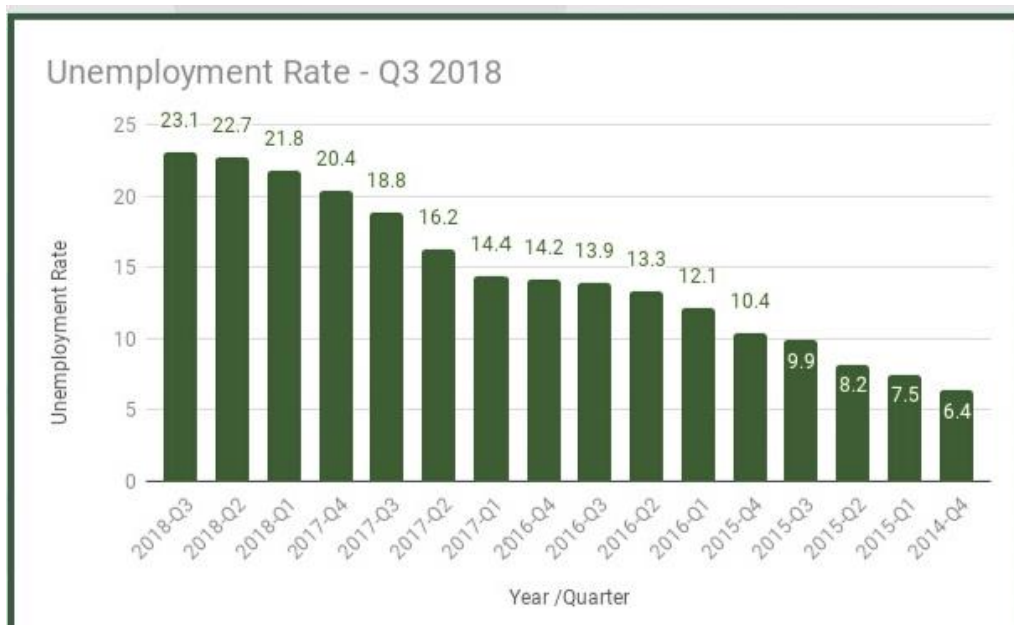


Figure 2: Q3 Unemployment Rate
Source: National Bureau of Statistics 2018

A deeper look into the gender demographic of the unemployment rate shows a high gender disparities which just like the national unemployment rate has been on a steady rise. The infographic below also gotten from the NBS shows the percentage ratio of female unemployment to male unemployment.

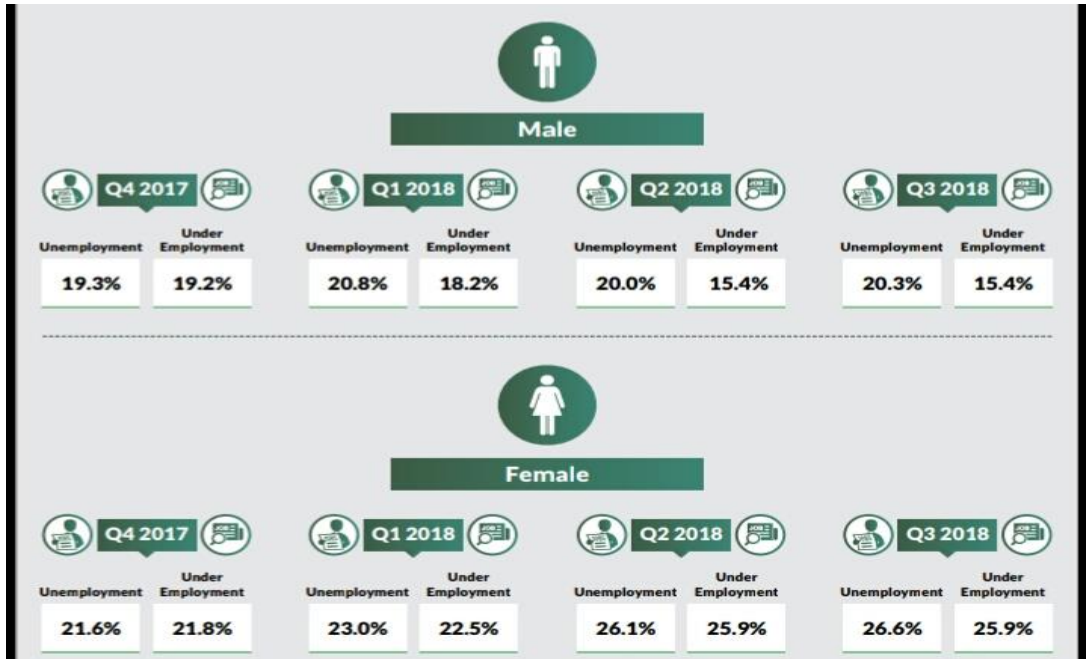


Figure 3: Gender Unemployment Rate
Source: National Bureau of Statistics 2018

Looking at figure 7, we can see wide disparities between the male and female unemployment rate, which only grows wider and wider as the year goes on but the male unemployment rate is a bit more steady than the female rate which is more volatile. From the 1st Quarter to the 4th quarter, the male unemployment rate only increases by 1 percent while in the same year, the female unemployment rate increases by about 6.6%.

Section 2 of Article 11 protects the working rights of pregnant women and mothers, requiring states to eliminate discrimination against married and pregnant women and to this effect, the country put up labor laws which do not only prohibit discrimination but requires employers to offer benefits to ladies on maternity leave,

In any public or private industrial or commercial undertaking or any branch thereof, or in any agricultural undertaking or any branch thereof, a woman shall have the right to leave her work if she produces a medical certificate given by a registered medical practitioner stating that her confinement will probably take place within six weeks; shall not be permitted to work during

the six weeks following her confinement; if she is absent from her work in pursuance of paragraph (a) or (b) of this subsection and had been continuously employed by her then employer for a period of six months or more immediately prior to her absence, shall be paid not less than fifty per cent of the wages she would have earned if she had not been absent; and shall in any case, if she is nursing her child, be allowed half an hour twice a day during her working hours for that purpose (Federation of Nigeria, 1990).

5.4.3 Health Care

Article 12 of the CEDAW deals with the health care rights and requirements of the women in society “States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning” (United Nations, Convention on the Elimination of All Forms of Discrimination Against Women).

Due to the fact that Nigeria is a federation which also recognizes the communities within the states, the health care system is divided into sectors, “The Nigerian healthcare system is organised into primary, secondary and tertiary healthcare levels. The Local Government Areas (LGAs) are responsible for primary healthcare, the State Governments are responsible for providing secondary care while the Federal Government is responsible for policy development, regulation, overall stewardship and providing tertiary care” (Pharm Access Foundation, 2015). At the Federal level, the Federal Ministry of Health (FMOH) makes policies and regulates these policies while the financing and structure of the health care system is left to the states, so the real health care system is dependent on the state and quality of good health care depends on the state as well.

What is most important in determining how women benefit from the health care system, is to look at the health carer system from the primary sector; which is the LGA competence level, because this is the level where women are not just citizens but also members of the community. The main aim of the primary health care (PHC) was to bring health care to the grass root level and further implement a more universal health care system, “From 1986 to 1990, Professor Olikoye Ransome-Kuti expanded PHC to all local governments, achieved universal child immunization of over 80%, and devolved responsibility for PHC to local government areas” (Aregbeshola & Khan, 2017, p. 1), also

“Secondary health care provides specialized services to patients through outpatient and inpatient services of hospitals under the control of state governments. Patients are referred from PHC facilities to secondary care hospitals... At the primary level, which is the lowest level and the entry point to health care services, are the health posts and clinics, health centres and comprehensive health centres providing basic primary care services, spanning promotive, preventive, curative and rehabilitative services. LGAs own and fund PHC facilities and have overall responsibility for this level of care” (Prof Uzochukwu, 2017).

Ante Natal, Post Natal. Infant Care all fall under the responsibilities of the PHCs. Local Government Areas are not as reach as the states, and some LGAs are more rural than others; coupled with lack of sufficient funds, the primary health care system in Nigeria is seriously dilapidated and not adequate enough to provide sufficient health care to its community and most especially the women and children in the community. Putting aside the lack of sufficient funding, we can see varying results from LGA to LGA based on the geo political zone, religion and traditional practices.

Maternal Mortality Rates are alarmingly high in Northern Nigeria, and many reasons contribute to this; firstly, child marriage is rampant in the north and this affects the mortality rate of this child brides when they become pregnant, “child marriage is

extremely prevalent in some regions such as among the predominantly Mus-lim Hausa-Fulani of the Northwest and North-East (of which Gombi is a part) where 48% of girls are married by age 15, and 78% are married by age 18” (Adedokun, Adeyemi, & Dauda, 2016), this child marriage leads to young girls (whose bodies are still developing) getting pregnant thereby increasing their maternal mortality rate. Also due to poverty in Northern Nigeria, many women opt to have their babies at home either alone or with traditional midwives, “Increasingly, women in the northern city of Gusau are choosing to save money by having their babies at home. A trouble-free delivery at the privately owned hospital costs the equivalent of \$11, according to Saraki. That makes a hospital delivery unaffordable for most Nigerians” (Fick, 2016), this practice makes it much easier for women to die at birth and sometimes the ladies do not go for ante natal care as well due to cost, PHCs are limited to the traditional and religious beliefs of the community and this breeds the child bride and lack of maternal care problem. The Federal Government should have a more active role in the health care system, they need to fund these PHCs and supervise the funding, and they also need to increase awareness programs for communities laden in poverty.

Article 14 section 2 (a) of the CEDAW states “To have access to adequate health care facilities, including information, counselling and services in family planning;” (United Nations, Convention on the Elimination of All Forms of Discrimination Against Women), the statement brings about the question of women’s reproductive rights and how they are protected in Nigeria. Nigeria’s deep culture is most evident in the traditional marriage rites, once a man intends to marry a lady; he must pay what is known as the bride price and the dowry which can vary according to tribe, the bride price is given to the girl’s family but this bride price system has always been

controversial, from the high prices to the entitlement it gives a man to the status of women as property. According to the World Health Organization,

“Reproductive rights rest on the recognition of the basic right of all couples and individuals to decide freely and responsibly the number, spacing and timing of their children and to have the information and means to do so, and the right to attain the highest standard of sexual and reproductive health. They also include the right of all to make decisions concerning reproduction free of discrimination, coercion and violence.” (World Health Organization, 2018).

Firstly, Nigeria is strictly anti-abortion, having a penal code in the Northern part of the country and a criminal code in the Southern part of the country which prohibits abortion, the criminal code states that,

Any person who, with intent to procure miscarriage of a woman whether she is or is not with child, unlawfully administers to her or causes her to take any poison or other noxious thing, or uses any force of any kind, or uses any other means whatever, is guilty of a felony, and is liable to imprisonment for fourteen years. Any woman who, with intent to procure her own miscarriage, whether she is or is not with child, unlawfully administers to herself any poison or other noxious thing, or uses any force of any kind, or uses any other means whatever, or permits any such thing or means to be administered or used to her, is guilty of a felony, and is liable to imprisonment for seven years. A person is not criminally responsible for performing in good faith and with reasonable care and skill a surgical operation upon any person for his benefit, or upon an unborn child for the preservation of the mother's life, if the performance of the operation is reasonable, having regard to the patient's state at the time and to all the circumstances of the case (The Federation of Nigeria, 1990).

Although I am personally anti-abortion, I do believe that every woman should be given the choice to decide on what she wants to do with her body and these laws above do not take into cognisance the multiple reasons why a woman would be left with the choice of abortion aside it being detrimental to her or the baby's health, “There are many reasons why women, young women being in the majority, opt to have abortions—such as wanting to complete their education, having conceived the child through rape, or lacking socioeconomic resources to raise a child.

In many cases, the burden of caring for children born out of wedlock falls squarely on the shoulders of women, in addition to public ridicule and the loss of social standing in a community that now sees them—but not their sexual partners—as people of questionable character” (Ajiboye, 2017). In a country where teen pregnancy amounts to the girl losing out on her education (as most teen girls drop out of school), a country where young ladies are abandoned by their parents due to the ‘shame’ teen pregnancy and wedlock pregnancy brings, a country where rape is paramount and rather than tackle the rapist; the young girl is socially stigmatized for being raped, but rather than teach proper sex education and provide proper counselling to young students; parents rather shy away from the topic and the government does not invest in sex education nor preventive methods for STDs and unwanted pregnancy neither does the country have any law penalizing young men\men who get ladies pregnant and abandon them. The social stigma and the lack of institutions which provide for preventive and curative measures often leave young girls and women with no option, and more often than not, many ladies die from abortion due to the lack of regulation and the market of fake doctors which the strict laws have opened the society to.

Chapter 6

CONCLUSION

The structural functional theory considers society as a whole containing parts which are all essential to its stability,

Following Durkheim's insight, and structural functionalism sees society as a structure with interrelated parts designed to meet the biological and social needs of individuals who make up that society. In this respect, society is like a body that relies on different organs to perform crucial functions. In fact the English philosopher and biologist Herbert Spencer (1820–1903) likened society to a human body. He argued that just as the various organs in the body work together to keep the entire system functioning and regulated, the various parts of society work together to keep the entire society functioning and regulated (Little & McGivern, 2014)

Aside the CEDAW, Nigeria is a signatory to many other international treaties which protects and promotes women's rights, treaties such as the AU 2003 Protocol, treaties which requires Nigeria to eliminate all forms of discrimination against women and promote the rights of the women in all areas.

In order to eliminate discrimination and promote women's rights, the country would need to create laws which ban discrimination against women; especially in areas such as employment and political representation\participation, abolition of cultural laws and norms which discriminate against women; especially in areas of marriage and property rights and create avenue for the proper institutionalization of the equality of rights of men and women across all ages and social statuses.

Today Nigeria's women enter the workplace, but their labor force participation ratio is much significantly lower than that of their male counterparts whilst their unemployment ratio is much higher than that of their male counterparts, this is considerably alarming when you consider the fact that the female population is lower than that of the male population. Women also participate politically but their representation in public offices has been extremely low as well as their exercise of their voting rights. Female school enrolment has steady been rising on the national level, but a deeper look into the data shows that this rise is deeply concentrated in specific southern states and much further look into the issue shows that the female school completion rate is much lower than that of their male counterparts. One can say that the biggest failure of the Nigerian governments from time past until now; is their total neglect of the Health Care system, as the years go by, the health care facilities of the country worsens, we have dilapidated buildings, overcrowding, insufficient health care staff, unpaid doctors and nurses for years and so much more, this neglect has also affected the infant mortality rate, the maternal mortality rate and women's reproductive rights.

6.1 Hinderances to the Effective Implementation of the CEDAW in Nigeria

Despite ratifying the treaty without any reservations, the treaty has not yet been domesticated by the nation, it is neither part and parcel of the constitution nor has there been any policy specifically targeted at domesticating or institutionalizing the treaty. Domesticating an International Treaty is the first step to incorporating that treaty into your public and private spheres and while the lack of domestication can be a result of certain cultural or political factors, the lack of domestication also feeds these said cultural and political factors as well, as mentioned earlier, there exists a form of power

sharing among the central and the units and this can prove quite difficult in cases such as domesticating treaties such as the CEDAW, due to the different values, norms and interests of the states within the federation.

“There are several factors inhibiting the domestication of women’s rights instruments in Nigeria. There are many harmful cultural practices that are entrenched in many Nigerian communities and societies. Some of these practices are early marriages, male child preference, female genital mutilation (FGM), wife inheritance, violence against women, inheritance problems, widowhood rites, violence against women, and unequal law relating to divorce among others” (Imasogie & Onabanjo, 2014, p. 6). Nigeria’s historical traditional and cultural norms, play a very huge role to the ineffective implementation of the CEDAW, practices such as early marriages often leaves young girls in servitude to their often much older husbands, depriving them of their reproductive, political and economic rights; as their minds are often young and impressionable. Although the legal age in Nigeria is 18, not much has been done to stop the child bride problem in Nigeria, in fact due to the geopolitical zone and the states, the case of the child bride can be considered legal based on religious and cultural rights\rites,

The Child Rights Act of 2003 amended the Constitution to set the minimum age of marriage at 18 for both sexes, but only 24 of Nigeria’s 36 States have adopted the Act.¹³ As a result, State laws on the minimum age for getting married vary: in Southern Nigeria, the minimum legal age of marriage is between 18 and 21 years of age, depending on the region; in the North, it ranges from 12 to 15 years (CEDAW Committee, 2017, p. 6)

Political participation of women in Nigeria is still extremely low, the unequal representation of women comes across both the state and federal levels, and this has

impeded on women's representational rights and their ability to be involved in the decision making processes which eventually affects them.

A number of barriers are imposed on women active participation in politics by cultural practices. Nigerian society is permeated by patriarchy whereby women are expected to conform to and confine themselves to male dominance and female subservience. Women are seen to belong to the home, be incapable of making sound decisions and it is unbecoming of women to expose themselves in public for political activities such as campaign rallies. Men often find it incredible and impracticable to see their participating in politics (Iloh & Ikenna, 2009, p. 124).

The preconceived notion of what women are and all they can be, affects the affects women's political participation and most especially their right to be voted for.

Education is one of the strongest points of a nation, an educated society means better productivity both internally and externally, but sadly, society has mostly neglected the education of its daughters. One main impediment to the education of women; especially in the northern part of Nigeria, is the preference of the male child which inversely leads to better opportunities for the male child, most families rather invest in the male child who can inherit his father's property and bears his father's family name. "Religion: Some religious sects in Nigeria still believe and teach that women shall not acquire western education as seen in the Boko Haram sect in northern Nigeria" (Akubuilu & Omoje, 2012, p. 3), religion plays a vital role in the limitation of women's education; especially in the northern part of Nigeria.

In addition, the cultural perceptions of girls as child minders, marriage material and a burden to the family influences their educational attainment the contemporary society. Also some parents decided in many cultures that, education is not worthwhile for their daughters who will move into their husbands' families when they marry and that the gains in productivity or income due to education will accrue to the families of the sons-in-law rather than to them (Okorie, 2017, p. 51).

The traditional naming system where as a child takes on the name of the father, has perpetuated the second class/ inferior nature of the girl child for a very long time now; it is the causal reason for women's historical inability to inherit property and a huge hindrance to the education of the girl child, the thought of wasting money in educating a child who will marry and bear another family's name is burdensome.

Obligations and the expectations of the girl child also impedes on her access to education and limits her learning adequacy as opposed to her male counterparts. Certain parts of Nigeria have heavily relied on the economic benefits of the girl child staying at home, not only does it save costs in poor families but it they can also stay back hawking on the streets, going into homes as maids or staying back to tend to their younger ones and elderly ones at home, more often than not, she is expected to mind to the household chores and keep the home in the absence of a mother and in order to prepare her for the greatest achievement she is perceived to ever achieve 'marriage', "In addition, women and girls often spend significantly more time on household chores and caring duties, such as child-rearing or attending to the sick, than male counterparts. This obligation inevitably limits the time available for education and other activities" (Okorie, 2017, p. 52)

Although Women's labour rights are well defined in the constitution, we still see very low labour force participation and high unemployment of women, even though women make up 49% of the Nigerian population according to World Bank. "In the land of Ogugu, in Kogi state, women are only allowed to work and earn money with their husband's permission, and revert such generated income back to their husbands.²¹ This practice is also present in other communities in Nigeria" (CEDAW Committee, 2017, p. 9), such marital limitations on women's ability to work does only affect the

decision to work or not; but also affects what kind of jobs they can have. Putting the marital limitation aside, one very huge impediment to women's economic equality across the globe, is our own biological makeup, findings from the CEDAW committee report also highlights this, "At the workplace, men are employed over equally qualified women. This is justified by implicit assumptions that female workers cannot dedicate sufficient time to their job, as they are distracted with family and maternity issues. Moreover, men prefer to work under the leadership of a man rather than a woman, with the belief that a woman does not have the power or right to preside over a man or his affairs" (CEDAW Committee, 2017, p. 9), although the law bans discrimination against women based on pregnancy and in fact requires employers to ensure paid maternity leave, many married women find it more difficult to get jobs than the unmarried women and many women also go on without a paid maternity leave.

After marriage, child birth and weaning the child, women are often still faced with the burden of taking care of the child and this can affect their work productivity levels, as well as affect their employment and promotion opportunities.

The health care system in the country is very complicated and allows for too much bureaucracy, women in the rural are ore affected than women in the urban areas because urban cities have more resources and ability to finance better health care, this leaves women in the rural areas with bad health care and bad living standards, "Rural women lack access to adequate healthcare, family planning services, counseling and education. There are few existing family/health care centers; they are located far from villages and are poorly maintained, supplied with bad road networks. Women's lack of access to adequate healthcare is partly because of its high cost but also because in most cases they would have to trek for long distances to neighboring villages due to

the absence of healthcare facilities in their own communities” (CEDAW Committee, 2017, p. 16). Due to preceding issues mentioned earlier, such as child marriage and wife inheritance; women’s reproductive rights in Nigeria is close to being non-existent, “Young girls being forced to keep unwanted pregnancies could lead to eviction from school, forced marriage, rejection by friends and family members, dishonor from friends and community, forced single parenthood, prostitution, unsafe abortion and other health complications. In the case of married women they are coerced into breeding more children than they are economically and mentally capable to cater for, when they are denied access to family planning methods while in marriage” (Nwosu-Juba, Ojo, Musa, & Ighorodje, 2013, pp. 8-9), women face a double edged sword when it comes to their health; on the one hand they have to deal with a poor health care system and on the other hand, women are mostly left out from the decision making process of whom they marry and the spacing of children in marriage, “The issue of bride price further makes a woman more submissive, as this is seen as representing the bride's value to her husband. In societies where bride price is very high, a woman is often seen as the man's property and as such has no right to refuse sexual advances under any circumstances, as she is quickly reminded of how much was spent marrying her by the husband” (Nwosu-Juba, Ojo, Musa, & Ighorodje, 2013, p. 11).

6.2 Impact of Efficient Implementation of the CEDAW in Nigeria

Having discussed the CEDAW and how it is being implemented in Nigeria, one might wonder what exactly an effectively implemented CEDAW will contribute to the society and to Nigeria as a nation. Women’s rights is an important issue in the globe today, in fact scholars try to find a more gendered perspective in the dealing of global issues. Traditional theories such as Realism and Liberalism, have all been accused by feminists for being too masculine and male dominated thereby, neglecting certain issues in politics considered low politik; issues which mostly affect women. In her article, in which she reformed Morgenthau’s 6 principles

of political realism, Tickner sought to find out why women were so underrepresented in the global political sphere, and according to her, “Moreover, if it is primarily men who are describing these issues and constructing theories to explain the working of the international system, might we not expect to find a masculine perspective in the academic discipline also? If this were so, then it could be argued that the exclusion of women has operated not only at the level discrimination but also through a process of self-selection which begins with the way in which we are taught about international relations” (Tickner, 1988, p. 430)

You see, Tickner brought to my attention a realization that never really occurred to me, women are highly under-represented in the global politics because we naturally learn about the international system from a masculine perspective, but this underrepresentation is not just political, but also in the academic realm, because the theories, history, concepts, science have all been written by men from the male perspective, and we learn this. Our subconscious inherent by pass of the masculine view of International society, can be likened to that of orientalism. Orientalism, makes us know that most of the things we know about the Middle East, are based on the knowledge we have gathered from the European perspective, knowledge which was written by the Europeans, for the Europeans, had somehow become the only version of the truth there is, and eventually has shaped history and constructed our view on the ‘orientals’ and how we relate with them.

You see women have all these rights, but that lack of consciousness has deeply affected the way categorize masculine and feminine qualities, and this has saturated so much in our minds that even in the political realm; amidst all these rights, that notion of masculinity and femininity has created and maintained a glass ceiling that has put a

barrier on what positions men can attain and women can attain, and the very few women who break that ceiling, still have to struggle with those inherent misconceptions of femininity, for example Kirkpatrick; who was the Ambassador of the United States to the UN, saw herself as ‘a mouse in a man’s world’.

Rwanda is one of the most successful countries when it comes to female political participation, the country boasts of having half of its cabinet population being women, “Rwanda has become the second African nation in a week to announce a gender-balanced Cabinet with 50 per cent of its members being women. The east African nation announced that women now make up half of the slimmed-down, 26-seat Cabinet” (Ssunna, 2018), the move to equalize the male: female cabinet ratio was to promote development; especially in the health care system, “In April of 2003, speaking about the upcoming parliamentary elections, President Paul Kagame said, “We shall continue to appeal to women to offer themselves as candidates and also to vote for gender sensitive men who will defend and protect their interests.” He continued, “Women's underrepresentation distances elected representatives from a part of their constituency and, as such, affects the legitimacy of political decisions ... Increased participation of women in politics is, therefore, necessary for improved social, economic and political conditions of their families and the entire country.” (Powley, 2006, p. 4),

Although, development in Rwanda is not at peak levels, the accommodation and encouragement of women in the parliament has had positive effects in certain areas of the nation, Firstly, it opens the society to the thought of women being capable to handle certain public offices, therefore dealing with the gender stereotype issue and arousing the consciousness of men in the society, of the important role women can play, while

still encouraging more and more women to be actively involved in decision making processes, “In the last 11 years many women have shown themselves to be exemplary leaders at the policy level as well as the community level. The mere presence of women in cabinet, parliament, the judiciary, and all spheres of life served as role models and also helped to develop confidence among other women. This opened up possibilities for increasing women’s role in decision making” (Izabiliza, 2005, p. 3).

As mentioned earlier, there are certain issues in society which are considered low politik but women are the hugest losers when it comes to these issues, by accommodating women in the Rwandan Parliament, certain gender based issues were put at the fore front and targeted through policies, “In her work, Elizabeth Powley points to the early legislative achievements of women deputies, including the revoking of laws that prohibited women from inheriting land. Additionally, in a recent article, Powley and Pearson demonstrate the impact of women deputies on the drafting of the 2006 bill to combat gender-based violence” (Devlin & Elgie, 2008, p. 241).

6.3 What Difference Would Gender Perspective Bring To Nigeria and IR?

Like Rwanda, Nigeria has a lot to gain from the domestication of the CEDAW and full implementation, not only would the lives of the other half of the population be better but it also opens doors to the promotion of other minority rights, such as Rights of Children, Rights of the Youths and also the Rights of the Disabled and Disadvantaged, it would not only promote their rights, but put problems which they face at the fore front. One issue most states have been facing is the equality of opportunities amongst its citizen and the equality of outcomes, with the former being the provision of opportunities for the disadvantaged through positive discrimination and the latter also

entails the provision of outcomes for the disadvantaged in society who even with the same opportunities as the advantaged, still cannot get the same results as they, due to the connections and power available to the advantaged, creating more diversity in the public offices would lead to such positive discrimination which would in turn lead to more productivity in the society; most of the youths who are unemployed in the country are in such situation due to the lack of connections.

There are many issues facing the globe today, which challenge the traditional beliefs on what poses as threats to state interests and security. We live in an ever growing and interconnected world, so no issue affects just one state but rather the globe as a whole. One such issue would be the climate change and the threat it poses to the human race. Traditional strategies of nuclear weaponry, war, technological advancement, cannot solve this issue anymore, so what other solutions exist?

Ruddick coined the term 'maternal thinking', "Ruddick describes 'maternal thinking' as focused on the preservation of life and the growth of children; to foster a domestic environment conducive to these goals, tranquillity must be preserved by avoiding conflict where possible, engaging in it non-violently and restoring community when it is over", (Ruddick, as cited in Tickner 1988 p.435-436). Ruddick's maternal thinking opposes the realist idea of the inevitability of war, the need to constantly arm yourself either as offense as Mearsheimer suggested or defense as Waltz suggested. Ruddick also argued that this maternal thinking wasn't synonymous to women alone but also to men, as it entails the need of finding common humanity grounds with both friends and foes, in this nuclear age and why do we need to find common ground rather than just fighting with each other?, well we live in a nuclear age in which there are no winners, just losers, a view that opposes the traditional thinking of Zero-Sum game,

whereby in a conflict one side wins over the other, for example the Cold War, 1st and 2nd World Wars, the Napoleonic Wars, etc.

Merchant also talks about how women and the environment are both the same, they are both aspects of history which have been neglected, aspects of society which have suffered the brunt of wars and technological innovations, both have a nurturing factor, hence the reason why feminists and ecologists fight for the same things. If both women and the Environment were being considered or at least women were at the negotiating table, half the wars which occurred would be non-existent, because women, like nature seek to nurture and preserve life.

Feminism and Women's Rights Activism is not just a movement anymore, but rather has transformed into an identity, a necessity and also an element which offers something more effective to the table. Traditional perspectives of IR, argue that due to anarchy we cannot trust other states, but in his book, the social construction of politics, Wendt argues that anarchy is what states make of it, as some states have more anarchical relationships with certain states, as opposed to others, for example the relationship between US and Canada is less anarchical, than the relationship between US and Cuba, because of the historical interaction they have had with each other. Wendt's theory proves that anarchy and distrust is not a given, and co-operation is possible, depending on the way we relate with each other, so the gender perspective can actually be implemented in international relations, because there is no given system in the international arena, but rather new perspectives on the way we view ourselves, can go a long way in the effectiveness of the international politics and domestic politics.

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