

GENDER INEQUALITY: JUSTICE FOR WIDOWS IN NIGERIA

By

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Abstract

This paper discusses the plight of widows in Nigeria which continues to be deplorable despite the establishment of the United Nations International Widows Day since June 23rd 2011, and despite national and state legislations against widowhood practices. Using the descriptive, conceptual and applied methods of legal research this study finds that the plight of widows in Nigeria include dehumanizing traditional practices, desocialisation, deprivations, and poverty amongst others, whereas, widowers face no such problems. Eliminating harmful and discriminatory practices against widows, therefore, is of paramount importance in this work, due to its consequences against the widow, her children and the society at large. Effective legislation and pragmatic actions are, therefore, necessary ways forward.

1.0 Introduction

Widows in Nigeria often go through a lot of difficulties after the death of their husbands due to discriminatory and harmful traditional practices against women, and this cuts across all Nigerian cultures regardless of the social strata, education or class of the widow involved.¹ These women are denied their fundamental human rights and are put through degrading and inhumane situations, along with their children, and efforts to access justice are sometimes stifled or denied, which makes such acts continue with impunity.

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¹Annamaria Milazzo and Dominique Van de Walle, 'Nutrition, Religion, and Widowhood in Nigeria', *Development Research Group* (World Bank: Washington DC, August 2018)
<<https://documents1.worldbank.org/curated/en/386641534166582375/pdf/WPS8549.pdf>>
accessed 27 March 2022

While huge strides have been made in this area due to the influence of the Christian religion,² and through regulation by national, regional and international laws, discriminations against the widow still thrives in many forms and degrees in Nigeria. This paper therefore, aims to find more practicable solutions to ending this trend against widows and the ripple effects on their children and the society at large.

In discussing this topic, this work will be divided into four major parts. The first part is this introduction, which will also include a definition of key terms that are used within this work. The second part will provide an overview of widowhood practices, and its implications for widows in Nigeria. Next will be a discussion about the national and international framework and conventions that provide for widowhood rights, and finally, the last part of this work will make recommendations towards an increased advocacy for a national consensus to end all forms of discrimination against widows.

2.1 Definition of Terms

The concepts that are worthy of defining in this paper are as follows:

2.1.1 Gender Inequality

Generally, the term 'inequality' refers to 'an unfair situation in which some people have more rights or better opportunities than other people'. Gender equality, therefore, means that women and men have equal conditions for realizing their full human rights and for contributing to, and benefitting from, economic, social, cultural and political development. In this case, it also means the absence of discrimination against women.

2.1.2 Widow

In this context, a widow refers to a woman who is lawfully married to a man under any of the recognized forms of marriages in Nigeria or a woman who has cohabited with a man, and has given birth to children for him, and with whom a man has lived with as family to the knowledge of kith and kin, and she is now bereaved of him and is single.

2.1.3 Justice

In this context justice means, the principle of fairness or quality of being just, conformity to law, legal validity, or the administration of law

²Adaina Ajayi and Others, 'Gendered Violence and Human Rights: An Evaluation of Widowhood Rites in Nigeria', (2019) (6) (1) *Cogent Arts & Humanities*, 10.

according to prescribed and accepted principles. This conformity to law and legal validity is especially important, in order to highlight the fact that justice in this work isn't calling for the same inhumane actions to be meted out against the men as well, but instead asks for fairness and dignity in the treatment of all bereaved people.

3.0 Overview of Widowhood Practices and its Implications for Widows in Nigeria

There are various customs and traditions in different parts of the country that relate to widowhood and its rites. What is common to these cultures, however, is that the widow often bears the brunt of her husband's death, which is not usually the case if it were the wife that died.³ Various perceptions, beliefs and practices propel these widowhood rites, which ultimately result in the widow going through hardship and difficulties as a result of these societal burdens that are placed on her. Some of these perceptions and beliefs include, the need for the separation of the wife from her husband's spirit; the need for the widow to prove the absence of infidelity or guile; the absence of bloodlines for the woman either through the lack of children, a male child, or just by the mere fact that she was married into the family rather than born into the family bloodline.⁴ Surprisingly, the man often doesn't need to go through these and would not even go through this if any of these were found to be true, for instance, infidelity. This shows that these cultures are not for the 'good' of the woman, like they try to claim, but rather for other purposes.

For the widow, it is often the beginning of a new life of unpredictable accusations, stigmatism, animosity, trials, verbal, physical and psychological violence⁵ as she is often blamed for the death of her husband, while the possibility of other natural and obvious causes are dismissed. In line with these perceptions, widows are made to go through harmful and dehumanising treatments such as the shaving of hair, the separation from society like something dirty, the drinking of water from a dead body, to prove innocence and many other unimaginable treatments.

³Aderibigbe Sunday Adedeji and Others, Practice and Correlates of Widowhood Rites in A City in North Central

Nigeria, (2019) (7) (3) *Texila International Journal of Public Health*, 1.

⁴Mary Imelda Obianuju Nwogu, 'The Legal Anatomy of Cultural Widowhood Practices in South Eastern Nigeria: The Need For A Panacea', (2015) (3) (1) *Global Journal of Politics and Law Research*, 80.

⁵ See 'Plight of Widows', *Vanguard* (Nigeria May 23 2022)

<<https://www.vanguardngr.com/2019/05/plight-of-nigerian-widows/>> Accessed 27 March 2022

Additionally, inheritance and property rights under these traditions also often dispossess the widow of her and her husband's hard earned property and wealth and she is left alone to fend for herself, or sometimes, even viewed as a piece of property to be inherited. So basically, in addition to the pains and trauma of losing a husband, father, head of family, breadwinner and defender, the deceased husband's family live for a good part of their lives at the pleasure, whims and caprices of in-laws, traditions and customs that are dehumanizing and unjust. Unfortunately, some of these practices were in times past and in some cases still presently recognised and even given credence to by our courts⁶ and persons at different levels of authority, including law enforcement agents.

Fortunately, the influence of the Christian religion has helped to put a damper on some of these practices, and many laws have been made in relation to this issue. For instance, in Rivers State, a lot of these practices have been listed in the Dehumanizing and Harmful Traditional Practices Law of 2003. These are enumerated in sections 1 (a)-(d), 2(1)(a)-(t) and 3(1)(a)-(e) and include the following; forcing her to drink water used in washing the corpse, sleeping on same bed with corpse, remaining naked for a specified period as part of burial rites, or making her sit on broken coconut or other harmful objects shaving of hair, sitting and sleeping on bare floor, forced re-marriage to an in-law, ejection from matrimonial home, abstinence from personal hygiene, discrimination, denial of inheritance and several other barbaric customs. Similar laws also exist in some states of the Federation.

It is important to note here, that there are varying levels and degrees of widowhood experiences, depending on the educational background of the woman, economic and family status, religion in dominance in the locality, and type of law governing the marriage, however, difficulties in widowhood happen more often than not. Thus, despite the existence of better laws and influences, there is still much work to be done.

3.1 Implications of Widowhood Practices in Nigeria

There are many negative implications that result from the continuation and upholding of widowhood practices, which includes health implications, economic implications and even legal implications, many of which have further ripple effects on the children and on the Nigerian society eventually. There is, therefore, a strong case for a more pragmatic action to end the injustice of widowhood practices in Nigeria.

⁶ *Suberu v Sumonu*(1957) JELR 80170 (SC) Supreme Court

3.1.1 Health Implications

Widowhood practices often affect the physical, mental, spiritual, emotional and social health of the widow. Physically, her body suffers through the abusive treatments that she may be made to bear, including lack of good sleep, exposure to the dead body, and the scraping of her hair or body with unsterilized objects. Mentally and emotionally, in addition to losing a husband, she now has more burdens to bear, and where she still has to fight for her husband's goods and property which ought rightfully to belong to her and her children, that worsens her mental and emotional health. These also lead to a decline in her social health, as the support system from the husband's family sometimes wanes, as they become aggressors to her, leaving her to face loneliness and rejection, amongst others. These could result in physical ailments like high blood pressure and mental ailments and even death. This poor state of health in turn, affects the health, education and wellbeing of the children of the marriage.

3.1.2 Economic Implications

In many Nigerian homes, the man is usually the breadwinner, while the woman becomes a full time housewife or stay-at-home mother. Thus, the woman often has no money or savings of her own and relies absolutely on the husband for sustenance. Therefore, upon the death of her husband, she turns into a beggar overnight. When this happens, no one remembers her hours of labour in the home that allowed for her husband to have enough time to work to make money, and sometimes she even did some side businesses to help to make ends meet. Instead, everyone sees the properties that have been accrued during the marriage as the man's property, and the relatives often come in to dispossess her of these properties, sometimes, even including her own personal belongings.

Unfortunately, in the past, our courts did not help matters as judgments favoured some of these repugnant traditions and cultures. For instance, in the cases of; *Suberu v Sumonu*⁷, *Nezianya v Okagbue*,⁸ *Fakoya v Asemonu*. The court in all these cases and many more, held that a woman was not entitled to inherit her husband's property. In many of the cases the reasoning was that devolution follows the blood and a wife or widow is not of the blood. Hence, brothers, sisters and parents and other blood relations are to inherit in preference to the wife. They discountenanced the

⁷ (1957) JELR 80170 (SC) Supreme Court.

⁸ CWLR (1963) 19; FSC 398/1962.

fact that by marriage, a man and woman become one and therefore, have blood ties with each other. The bane of gender inequality is at the root of these decisions.

There appeared to have been a little deviation from the earlier decisions, in *Nzekwu v Nzekwu*⁹ where it was held that subject to good behaviour, the Plaintiff (widow) has the right of possessing her husband's property at least in her lifetime and no member of the deceased family has the right to dispossess her of it. The troubling question is, who judges the behaviour and what criteria is to be used? Having regard to the animosity against wives, greedy or aggressive family members of a deceased husband are more likely to see a wife as bad or stubborn, irrespective of how well she has lived with them, as soon as she refuses to give in to their demands. Hence, subjecting her to a criterion of good behaviour has not bettered her position in any way. By marriage, a couple becomes one. They covenant to endow each other with the others worldly goods. Why then does a widow lose her rights upon her spouse's death, whereas, a widower does not? Justice Niki Tobi gave a classic judgment in *Mojekwu v Mojekwu*¹⁰ where he held regarding widows that;

Such a custom is inconsistent with equity and fair play in an egalitarian society such as ours where the civilised sociology does not discriminate against women... All human beings' males and females are born into a free world and are expected to participate freely without any inhibition on grounds of sex and that is constitutional. We need not travel all the way to Beijing to know that some of our customs including the Nnewi 'olikepe' custom are not consistent with the civilised world in which we all live today, including the appellant'. He therefore held that the olikepe custom was repugnant to natural justice, equity and good conscience.

His obiter in *Mojekwu v Ejikeme*¹¹ on widowhood practices is notable, to wit:

It is however now a matter of grave or serious concern, whether it is now time that courts of law considered the predicaments and deprivation of widows in the guise of customary laws! It is discriminatory and therefore against the Constitution of Nigeria and CEDAW.

⁹ (1989) NWLR (Pt. 104) 373.

¹⁰ *Mojekwu v Mojekwu* (1997) NWLR (PT.512) 283 AT 304

¹¹ *Mojekwu v Ejikeme* (2000) 5 NWLR (PT.607) 402 at 436

These economic implications have ripple effects on widows and their children which include, the withdrawal of children from school; child labour/trafficking; prostitution or vulnerability to prostitution by widows or their girl-children; involvement in criminal activities; and hatred or vengeance against the 'wicked society' that acquiesced in allowing such practices. In view of the above, the issue of widowhood practices cannot be taken with levity.

3.1.3 Violations of Human Rights

Widowhood practices violate the fundamental human rights of widows which are guaranteed under Chapter IV of our Constitution¹² and under regional and international conventions. These violations include:

- a. The Right to human dignity as guaranteed under section 34 (1)(a) of Constitution.

This prohibits subjecting a person to torture or cruel inhuman and degrading treatments or punishments.

Torture and inhuman treatment according to the Court in the case *Uzoukwu v Ezeonu*¹³ means:

- To put a person in some form of pain which could be extreme, it also means to put a person in some form of anguish or excessive pain... could be a physical brutalization of the human person. It could also be a mental torture in the sense of mental agony.

Article 1(9) of the Protocol to African Charter¹⁴ also defines inhuman practices as:

- 'All behaviour, attitude or practices which negatively affect the fundamental rights of women and girls such as their rights to life, health, dignity, education and physical integrity'.

The above descriptions aptly describe the plight that many widows undergo upon the death of their husbands. The dignity of the human person is also affected when they are degraded physically, mentally or socially through accusations and ostracization.

¹²*Constitution of the Federal Republic of Nigeria* [Nigeria], Act No. 24, 5 May 1999 [the Constitution]

¹³*Uzoukwu v. Ezeonu II* (1991) 6 NWLR (Pt 200), 708.

¹⁴African Union, *Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa*, 11 July 2003 <<https://www.refworld.org/docid/3f4b139d4.html>> accessed 27 March 2022.

- b. The Right to Life as guaranteed by section 33 of the Constitution is also violated.

Widowhood practices as discussed above, could lead to a lot of health issues such as depression, hypertension, and other serious illnesses. Actual exposure to the dead body or water used to wash the dead body, also puts the widow at risk of developing physical and mental illnesses that could eventually lead to death. These therefore, violate the widow's right to life.

- c. The Right to Freedom of Association and from Discrimination as guaranteed by sections 40 and 42 of the constitution are also infringed upon by widowhood practices.

Just like a widower, a widow has the right to freely associate with anyone of her choosing, after mourning her husband as she desires. She also has the right to re-marry any man of her choice or to refuse to remarry, without being discriminated against for her choices. Unfortunately, while men are often seen as needing a woman to take care of them as soon as possible, women are often expected to remain chaste and unmarried. Where, however, women are urged to remarry, it is often for the purpose of being acquired by a person, rather than a choice made by the widow's freewill, calculated to be for her own best interest. Freedom of Association and from discrimination would work here, to ensure that the widows needs, rather than cultural encumbrances, are exercised in line with her desires and personal choices, as would be the case if it were a widower.

- d. The Right to Personal Liberty is provided for in sections 35(1) of the Constitution and section 365 of the Criminal Code¹⁵ which both prohibit any act of confinement or detention of a person against their will.

Unfortunately, this criminal act is often carried out against a widow by the physical confinement or restriction in movement and association as sometimes required by widowhood rites. Thus, widowhood practices are illegal actions that must be discontinued.

¹⁵Criminal Code Act [Nigeria], Cap C38 LFN 2004, 1 June 1916 [Criminal Code]

3.1.4 Inheritance Rights

Another problematic area of widowhood practices, and one that still continues presently, is in the area of inheritance rights. As discussed above under economic implications, the widow is often disinherited of her husband's properties, regardless of her contributions to the marriage due to customary laws and practices that apply to women in general and to wives. Some of these practices have been called out by our courts and laws and there are now laws that regulate Administration of Estates.

Administration of Estates Laws of most of the States provide a pattern of distribution as follows:

- Where the deceased leaves no issue, parent, brother or sister of the whole blood the entire estate will be held in trust for the surviving wife.
- Where the deceased leaves a wife and issue the widow shall inherit all personal effects, a sum of money equivalent to the value of one-third of the estate will be paid to the surviving spouse with interest at the rate of two and half percent from the date of death till the money is paid.
- Subject to providing for that sum and the interest thereon, one third of the residuary estate is held in trust for the children.

In addition, sections 42(2), 72(1) & (2) of the Matrimonial Causes Act, Cap 220, Laws of the Federation of Nigeria, section 36(1) Marriage Act, cap 115, Laws of the Federation of Nigeria 1958 and in Rivers state, section 7 of the Dehumanizing and Harmful Traditional Practices Law No. 2 of 2003 provides for inheritance rights. Unfortunately, some of these laws are discriminatory against widows as the same provisions often do not apply to men.

There are many homes today in Nigeria where the husband and wife make equal financial contributions and sometimes, the wife even more. However, the financial contributions should never be the yardstick for inheritance by a widow because, her carrying the pregnancy for the children of the home and all the discomforts and risks that go with it, her taking care of the home and the children in ways the husband could never have and so on, cannot be quantified in terms of pecuniary values.

4.0. Widowhood Rights Within Regional and International Framework and Conventions

There are a plethora of international laws which aim to protect women generally. However, hardly any made specific reference to widows. Nevertheless, it may be argued that since widows are human, they are entitled to all fundamental rights and freedoms. Also, as women they are further entitled to women specific rights regardless of their state of marriage.

Some of the international laws which aim to protect women include:

- a. The United Nations Charter which came into force on 24th October, 1945 with the main aim of achieving international peace and security through respect for human rights and fundamental freedoms of all human beings anchored on principles of equal rights and self-determination without distinction as to race, sex, language or religion.
- b. The Universal Declaration of Human Rights, which is one of the greatest achievements of the General Assembly. It was adopted on 10th December, 1948, hence, the adoption of that day as International Human Rights Day. It is the first human rights instrument which established that all men are born free and equal. Thus, establishing fundamental rights and freedoms as contained in most constitutions of the world.

It is about the only instrument that made reference to widows in its Article 25 in relation to the vulnerable group that are entitled to a standard of living adequate for their health and wellbeing. Caroline Moorehead, a human Rights writer, observed that even the women's own document from the 1995 Fourth World Conference on Women-The Global Platform of Action did not have widows in contemplation

- c. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)¹⁶
CEDAW entered into force on 3rd September, 1981. It aims at achieving gender equality and eliminating all forms of discrimination against women (because it saw discrimination as the bane of gender inequality which works injustice against women)

¹⁶UN General Assembly, *Convention on the Elimination of All Forms of Discrimination Against Women*, 18 December 1979, United Nations, Treaty Series, vol. 1249, 13, <<https://www.refworld.org/docid/3ae6b3970.html>> accessed 23 March 2022.

through the creation of Treaty obligations which state parties are obligated to implement locally. By ratifying the Convention, States commit to undertake a series of measures to end discriminatory practices against women in all its form through:

- i. Abolition of all discriminatory laws, including cultural laws which it targeted a chief source of discriminatory practices.
- ii. Establishment of tribunals and other public institutions to ensure the effective protection of women against discrimination.

It covers three important areas of discrimination against women, namely:

- i. Civil and legal rights
 - ii. Reproductive role of women
 - iii. Impact of cultural factors on gender relations
- d. The Committee on CEDAW was established pursuant to Article 17 Of the CEDAW with the major task of supervising the implementation of the Convention. By Article 18 of CEDAW, state parties are to submit reports showing how they are giving effect to provisions of CEDAW. The Committee makes Recommendations to state parties on elimination of discrimination against women.
- e. The Optional Protocol to CEDAW was adopted by the UN Commission on the status of Women as a complaints mechanism that permits women from member states to make complaints to the UN where local remedies are exhausted. That committee is empowered to investigate systematic violations. NGOS Are allowed to submit shadow reports which helps the Committee to make concluding observations and recommendations.
- f. Optional Protocol to the African Charter on Human and People's Right (APW)
This was adopted in July, 2003. This provided extensively for the rights of widows. For example,
- Article 2(1)(b) prohibits discrimination which endangers the health and general wellbeing of women.
 - Article 2(2) deals with the elimination of harmful traditional and cultural practices

- Articles 3 and 4 deal with the right to dignity, right to life, right to integrity and security of person.
- Articles 20 and 21(1) deal with amongst other things, issues peculiar to widows. Art. 20 seeks to prevent denial of right to custody of their children, forced marriages and inability in some places of remarriage.

Article 20 provides that:

- (a) That widows are subjected to inhuman, humiliating and degrading treatment
- (b) A widow shall automatically become the guardian and custodian of her children, after the death of her husband, unless this is contrary to the interests and welfare of the children
- (c) A widow shall have the right to remarry, and in that event, to marry a person of her choice.

Article 21(1) further provides that:

- A widow shall have the right to an equitable share in the inheritance of the property of her husband.
- A widow shall have the right to continue to live in the matrimonial house.
- In case of remarriage she shall retain this right if the house belongs to her or she has inherited it.

These provisions appear laudable. But do they really reciprocate what happens when a woman dies? Thus, even the laws are subtly discriminatory.

5.0. Recommendations to End All Forms of Discrimination against the Rights of Widows

1) Creating Solidarity Groups and Sensitized stakeholders

Solidarity groups are people who unite for a common interest in order to provide mutual support for each other. They create strength through their number and through increased networks of people, information and resources. Such groups and resources, if properly channeled, could really help in providing pragmatic actions that both support the widow, as well as, make a movement towards the elimination of difficulties faced by widows.

This could include the formation of a Widows' Association backed by NGOs, Faith Based Organisations, and Community Based Organisations, and such other groups made up of men and women who will always, as a social corporate responsibility, go en masse to troublers of widows, to call them to order. However, a note of caution must be sounded to women generally to do unto others what they want others to do to them if they find themselves in the shoes of widowhood. Women who mastermind and or encourage the humiliation and dehumanizing treatment of widows to their brothers or within their families cannot sow thorns and expect peace in their own time. Women must desist from being the troublers of their daughters or sisters' in-laws.

Also, there is no doubt that some wives, as well as husbands, could be callous and act as very wicked wives or husbands against their spouse's family. This should be discouraged as such attitudes make it difficult to fight for the cause of widows.

2) **Sensitisation and Lobbying of Stakeholders**

Stakeholders must also be sensitized and lobbied in order to make them aware of the existence of the problem, and the need for their support to end such practices. These stakeholders include: traditional rulers, youth councils, judges, legislators, Ministries of Women Affairs and the Press, amongst several others. There cannot be any sustainable success without genuine support from stakeholders in our society, hence, these stakeholders need to be paid advocacy visits, lobbied, and sensitized, to secure the support and cooperation of all concerned to make them understand the plight of widows and to lend their support to ending such discriminations.

3) **Enlightenment Campaigns**

There is also the need for the enlightenment of all persons (including the young ones) in schools, colleges and universities through talks and the dissemination of information on the true life experiences of widows and their children, in order to appeal to the conscience of society. It is also important to openly applaud those who take positive actions to settle widows in their families and communities.

- 4) Enlightenment and Sensitisation of Religious Bodies
Religion is one weapon that has been so used to discriminate against women generally. However, a deeper understanding of most of the provisions of the major religions in Nigeria reveals the need for care for widows. The Bible, for instance, presents God as the defender of the widows.¹⁷

In the Bible book of Deuteronomy Chapter 16 verse 14, the Bible provides as follows:

- And thou shalt rejoice in thy feast, thou, and thy son and thy Daughter, and thy manservant, and thy maidservant, and the Levite, the stranger, and the fatherless, and the widow, that are within thy gates.

In the book of Jeremiah Chapter 22 verse 3, God also called upon the leadership of Israel (and by necessary implication, the Church), to ensure that no violence was done to certain classes of vulnerable persons, and widows were included.¹⁸ The Bible further warned about repercussions that shall follow the breach of these rules and commands. Also, in Isaiah Chapter 10 verses 1-3, the Holy Bible decreed woe to them that decree unrighteous decrees for the purpose of turning aside the needy from judgment, to take away the right of widows and orphans!¹⁹ Thus, widows are not to be isolated nor deprived of their rights. They are to enjoy full participation in their feasts.

In the Bible book of 1 Timothy Chapter 5, the Bible admonished extensively about widows.²⁰ However, the Apostle Paul talked about two types of widows – the younger and the older ones, and instructed that relations should assist and be responsible for the younger widows while the Church should also care for the older ones. According to the book of James Chapter 1 verse 27, true religion has to do with visiting the widows and orphans in their trouble.²¹ Thus, Jesus condemned the scribes who “devour widows houses”²².

¹⁷The Holy Bible: Psalms Chapter 88 Verse 5

¹⁸ Jeremiah Chapter 22 verse 3

¹⁹ Isaiah Chapter 10 verses 1-3

²⁰ 1 Timothy Chapter 5

²¹ James Chapter 1 verse 27

²² The Bible Books of Mark 12:40 And Luke 20:47. In The Two Passages, Jesus Warned Against Those Who Devour Widows Houses Which In Other Words By The New Living Translation

On the other hand, the rights of widows in Islam are defined in both the Quran and in the Hadiths. Al-Bukhari states as follows:

The one who looks after a widow or poor person is like Mujahid (warrior) who fights for Allah's cause, or like him performs prayers all the night and fasts all the day.

The Quran provides that a widow without a child is entitled to one-fourth of the estate of her deceased husband. If she has children, they are entitled to one-eighth after liabilities.²³ Basically, all widows in Islam are required to do is mourn their late husbands for four months and ten days:

- And those who are taken in death among you and leave wives behind- they, the wives shall wait for four months and ten days and when they have fulfilled their term, then there is no blame upon you for what they do with themselves of women in an acceptable manner and Allah is fully acquainted with what you do.²⁴

From facts gathered from these two religions, it could be safely concluded that the plight of widows witnessed in Nigeria has nothing to do with religion. The two major religions in Nigeria are clearly not in favour of oppressing widows and their children. Unfortunately, because these provisions of the religious books are not in favour of oppressing the widows, families prefer the dictates of culture which are traditions put in place by men and women loyal to patriarchy to gratify their selfishness and greed. Meanwhile, they hold to scriptural references in the holy books which seem to encourage the subjugation of women and interpret such to suit their purposes.

Version Of The Bible Means They Shamelessly Cheat Widows Out Of Their Property And Pretend To Cover It Up By Making Long Prayers. Jesus Concluded His Statement By Saying That Such Persons Shall Have Greater Condemnation Or Punishment.

²³Surah An- Nisa, Verse 12

²⁴Surh L-Bqrh, Verse 234

- 5) Increasing Access to Justice by making effective legislation against dehumanizing widowhood practices, and eliminating barriers to litigation.

There are a lot of laws already in place which should ordinarily suffice to put an end to discrimination against women, such as the ones quoted above. However, while the provisions are laudable, there are vacuums unfilled by these laws which make the laws toothless. These include the fact that no institutions are provided or set up for the execution and implementation of these laws. The Dehumanizing and Harmful Traditional Practices Laws or Widowhood laws operative in different States in Nigeria for example, cover every conceivable injustice against widows. However, the remedies and punishments under the law are toothless because no mechanism for implementation has been put in place by the law other than the Courts. A mechanism that is cheap, accessible and devoid of excessive bureaucracy, where a traumatized widow can feel comfortable to approach without much ado. A body with branches in every Local Government to monitor and compel implementation otherwise, if the widow has to depend on litigation to obtain redress, she might not even survive it.

In relation to litigation, there is the need to encourage litigating the rights of widows. With more judicial pronouncements and defeat of repugnant traditions and cultures, perpetrators will be hindered. When such cases are in court, solidarity in the form of court attendance on days of hearing will further serve as a deterrent.

6. Preparation of Wills and Oral Declarations or Desires and Harmonising all forms of Marriages with Marriage under the Act

In some parts of the country, inheritance rights of widows follow the type of marriage. For instance, in *Obusez v Obusez*²⁵ the court held that where a person subject to native law and custom marries under the Marriage Act and dies intestate, the applicable law for the distribution of his estate would be the Marriage Act and not the Administration of Estate Law or

²⁵(2007) 2 All N.L.R. 458

customary law. There is the need to either harmonize statutory and traditional marriages and stipulate what should be in cases of intestacy of either of the spouses or an unambiguous stipulation of inheritance rights according to what is manifestly just.

In the meantime, Spouses should be advised to make their wills, formally or orally. Men who think they love their wives, must learn to speak out while they are alive against passing their wives through barbaric widowhood practices. They must express their will on what should obtain should they pass away before their wives, or better still prepare their wills.

7. Eliciting The Support of the Male Gender and Women in Authority

To make required progress we need to incorporate the male gender in this battle for justice. Justice is not gendered. What is just is just and is obvious to all. The bitter truth is selfishness and greed is the root of all these evils against widows and women generally.

6.0 Conclusion

Rome was not built in a day, however, Rome was eventually built. In the same vein, the struggle to end the plight of widows will come to an end someday with continuous and consistent strides and concerted effort by the State and its apparatus, individuals, corporate bodies and all stakeholders in our customary settings towards eliminating the dehumanizing practices against widows and the ripples effect on their children and society.

Culture is not sacrosanct and many barbaric traditions- for instance, the killing of twins- have given way to better practices. Karibi -Whyte JSC observed in All Nigerian Judges Conference Papers (1993) that customary law 'is resilient and adjusts positively to changing social conditions and, for this reason, where it fails to respond to changing social conditions, it loses its character of law and is portentous of ominous consequences'

Surely, when there is political will power and all apparatus necessary to attain justice for widows, the arguments for traditions and cultures will give way to a sound and better reasoning and judgment in our society.