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The Widow in South- East of Nigeria in Legal and Customary Turbulence: Need for Mandatory Paradigm Shift

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Abstract

Multiple accounts of harrowing and horrifying experiences of women who lose their husbands abound. This time, the emphasis is on the Igbo's of South East of Nigeria. Widows are subjected to painful, agonizing and dehumanising public and private treatments, culminating in different violations of guaranteed fundamental rights to personal dignity, liberty, life, private life, religions beliefs and worships and acquisition of private property and right to freedom from discrimination. There appears to be a tacit acceptance to these customary rules relating to widows. This is obviously very confusing if we realize that Nigeria is one of the countries that signed the Millennium Development Goals, which ought to be achieved by the year 2015. This appears to be a "tall order". This paper will critically look into the import of customary law, its position with the 1999 Constitution with regard to the Fundamental Rights enshrined in Chapter iv, the experiences of widows from the South East (Igbos) with emphasis on the violation of the rights aforementioned, rationales for these practices, the legal context of these rights/disabilities to the widow; the roles of principal players like judiciary, the legislature, executive, the traditional Rulers, in escalating or otherwise resolving these problems . This will be followed by strong intervention strategies and conclusion.

Women, all over the world have been victims of all forms of abuse and to varying degrees. While the incidence of abuse of women in the Western world may have witnessed a dramatic, legislative attack, the story is not quite the same in the less developed countries to which Nigeria unfortunately belongs.

Nigeria is a tradition bound society where women have been socially, economically, physically, psychologically, and sexually exploited from time, sometimes in the name of religion, customs, traditions and social sanctions (Anyogu, 2008). Among these minorities (women), is another group (widows), whose ordeal both legally and culturally, requires an urgent re- visitation. Under the Nigerian legal system, the incidences of marriage, divorce and widowhood are governed by three different forms of law namely the Matrimonial Causes Act for women married under the Act, Customary Law for those who went through Customary marriage, and Islamic Law for Moslem marriages. These forms of law have different standards and yardsticks for treating different issues and situations in marriage including the death of spouses. Due to the long-standing discrimination against women in Nigeria and the patriarchal nature of the society, women in Nigeria have continuously experienced discriminatory treatment. One of the areas where this is grossly manifested is in widowhood/mourning rites. This paper succinctly addresses the legal and customary positions and predicaments of the widow in the South-east of Nigeria.

Who is a Widow

In order to properly define a widow for the purpose of this paper, it is necessary first to talk about death so as to x-ray the futility of some of the things required of a woman at the death of her husband. Death is defined as the cessation of all vital functions of the body including heartbeat, brain activity and breathing. It is the termination of the particular processes of life, as well as to the condition or state of a formerly living body. The nature of death has been for millennia, a central concern of the world's religious traditions and of philosophical enquiry, and acknowledgement of some kind of afterlife or rebirth has been a central aspect of religious beliefs. In modern scientific enquiry, the origin and nature of consciousness is yet to be fully understood; any such view about the existence or non-existence of consciousness after death therefore, remains speculative.

A widow is a woman whose husband is dead. Properly described, she is the former wife of a dead man as death of a spouse puts an end to the marriage between the parties. She is that woman who may now have to shoulder alone the responsibilities that were formerly shared between her and her deceased husband. If there were no children to the marriage, she is the one left to suffer the consequences of childlessness alone, especially in the hands of in-laws. Widowhood therefore includes the observances of certain rites by the widow and how the death of the husband re-aligns

and regulates her life and this of course, depends on the type of marriage celebrated between them, and whether there were children first, and then sons to the marriage. In the south east of Nigeria , the marriages are largely either under the Act, or customary Ibo marriages. A customary Ibo marriage is celebrated in accordance with the tradition of the woman's community of origin. An important feature of this type of marriage is the payment of bride price which must be returned at the termination of the marriage or should the woman remarry at the death of her husband.

Marriage under the Act first witnesses the traditional process since that symbolizes the consent of the bride's people. Subsequently, the couple goes to the registry to take marital vows in accordance with the provisions of the Marriage Act (2004). A marriage celebrated by a Minister in a church dully registered for the celebration of marriages is also, for all legal intents and purposes, deemed to be marriage under the Act.

Customary Expectations

The widowhood practices in Nigeria vary from culture to culture. Nigeria has a customary law system that poses no single customary law applicable to all its people, as each ethnic locality has its own customary observances. Even in the South-East (collectively called Ibos) there are traces of observable differences from one community to another. The issue of widowhood in the South east and indeed other parts of Nigeria is two-dimensional. When a man dies, there is first the mourning rites to be observed and then, consequent fallout of issues after the burial.

Mourning Rites

Many women are faced with unbearable conditions at the death of their husbands. This is the period when a wife's human rights are blatantly violated by cultural agents of the communities including the husband's family members. When a man is pronounced dead whether at home or the hospital, as soon as the news gets to the wife, she is expected to wail with hysteria and show acute vent of grief. She is then expected to sit in seclusion even in her own house. No Ibo man dies for nothing and usually, the wife may be the first suspect. So where she is accused of having a hand in his death, she may have to try and prove her innocence, by going through suicidal ordeals such as drinking the water with which the corpse was washed, eating kola nut (sometimes laced with poison) offered by the elders, or the high priest or being locked in with her husband's corpse (Oloko 1997). In all these, the intermittent loud wailing, gnashing of teeth, and beating of chest to show acute grief at her husband's death must continue. In some cultures, she is forced to pay a fine where she does not comply with these obnoxious responses. At this point, it should be noted that men are not expected to cry in public and so are not expected to show such outward grief as expected from women.

After the burial she is expected to observe the main period of seclusion. This is the particular period when her ordeal gets to a climax, as oppressive and dehumanizing acts are perpetrated against her. This is when her head and body hairs are shaved, and she is now expected to pay fines for her purported miscreants when her husband was alive. In some areas in Igbo land, they demand that she sleeps with the high priest of a deity to separate herself from the spirit of the dead husband as a mark of purification. (This is practiced in areas like Enugu Agidi in Anambra State and it is called *Ajana*).

The purported functions of these practices are to show respect for the dead, to announce mourning status, to facilitate the movement of the husband's spirit to the spirit world and thereby, protect the living from the dead (Anyogu, 2008). This informs why there is such a stigma attached to a woman while in mourning. She gets patronized by anybody and people look at her with pity. The duration of this mourning period varies from culture to culture, and whether she wears black or white depends on the family, and her religious inclination.

While a woman goes through all this at the death of her husband, a man is not expected to do any of these. The real reason for all these is the portrayal of a woman as essentially evil but there is also an element of greed and quest for exploitation in the practice. Some groups cash in on this to satisfy their own interest. Of particular note is the Umuada group. These are the patrilineal daughters of the deceased's family who are themselves married to other families. They constitute themselves into a pseudo-powerful niche and try to retain undue influence over events in the families of their birth. The reasons for their part in this are easily construed as;

1. Venting their spite for the widow
2. Vengeance for their own subjugation and suffering in their husband's families.
3. Acting out the psychology of vanquished people.

The phase two of the trauma of a widow under the customary law is in the area of property rights. The disposition of property is either by writing a valid will or otherwise, depending on the surrounding circumstances. The presence of a valid will dispenses with all cultural attachments. In other words, the intent of the testator must be followed except in relation to extended family properties which are not subject to devolution. A widow under the customary law in Ibo land can only inherit her husband's estate if it is given to her under a will by him. Where the man dies intestate, even farm lands cultivated by her, are held by her in trust for her male children. This unfortunate situation was given effect, and later affirmed respectively in **Nezianya –v- Okagbue** (1963) and **Nzekwu –v- Nzekwu** (1989) where the Supreme Court *inter alia* held that no matter how long a woman held her husband's property, it would neither make her the owner nor be adverse to the deceased's family. She is also not expected to inherit from her father's estate under the Ibo Customary Law of South

Eastern Nigeria. This is to be contrasted with the Yoruba custom where evidently from case like **Dosumu –v- Dosumu** (1952) and **Akinnubi –v- Akinnubi** (1997). The Yoruba wife is excluded from inheriting from her husband's estate based on the fact that under Yoruba custom, property never descends through a wife but through the children, but she shares in her own father's estate equally with her brothers. In some parts of the South East, a female desirous of inheriting her father's estate, would be made to go through the Nrachi ceremony to subrogate her to the position of a male child. This is a ceremony enabling her to live in her fathers compound and have children in her fathers name just like a male will do. This then enables her to inherit his estate. This is practiced in Nnewi axis. There seemed to be a ray of hope in the **Mojekwu –v- Mojekwu** (1997) case where a nephew sought to inherit his uncle's property simply because he had only female children, under the Oliekpe custom. Justice Niki Tobbi in holding against the custom averred;

Nigeria is an egalitarian society where the civilized sociology does not discriminate against women. However there are customs all over which discriminate against women folk, which regard them as inferior to men folk. That should not be so as all human beings male and female are born into a free world and are expected to participate freely without any inhibition on ground of sex. Thus any form of societal discrimination on grounds of sex, apart from being unconstitutional is antithesis to a society built on the tenets of democracy. The "Oli Ekpe" custom which permits the son of the brother to inherit to the exclusion of his female child is discriminatory and therefore inconsistent with the doctrine of equity.

This case has since terminated in the Supreme Court where it was just held that the girl's had a right to inherit their father's property but that the Nrachi is not repugnant as declared by the Court of Appeal.

The influence of Christianity and globalization has watered down the severity of the widowhood practices although they are still practiced in many areas. These days, widows do not have to wear the pitch-black clothes for which they were known and for one year. The conventional thing for many now is white and many wear it for only six months. With the modern and economically necessary trend of working wives, the seclusion periods have also been reduced to suit the dictates of the employers of the widow. These obnoxious practices apart from being against religious tenets (Exodus Ch. 22 vs 21-23), are also medically, legally and psychologically undesirable.

Medically, her system may be poisoned by water used in washing the corpse. She may get prone to physical harm by forced wailing and the dehumanizing condition she is kept in, while anguish could induce stress, depression, and even stroke in her.

Legally her right to personal liberty, the dignity of human person and life are violated all enshrined in Chapter iv of the Constitution of the Federal Republic of Nigeria 1999. If she is in private business, she losses economically by the long seclusion. Psychologically, she gets so drained that she loses the will to challenge anybody even in court where necessary. It should be noted that the widow in the cultural set up of the South East is likened to a chattel subject herself to being inherited. This is why she may, if she consents be inherited by a member of her husband's family. The purification and separation from the spirit of the dead husband is to pave way for a relative of his to marry her or for others to keep her as a concubine. These practices in their diverse ways are discriminatory against women and inimical to their socio-economic and cultural well being.

Legal Confusion

The greed, resentment and ignorance behind the siege on the property of a late male relative, does not allow the perpetrators to observe the relevant rules in any particular circumstance. The result is that widows of Act Marriages are sometimes given the same obnoxious treatment as widows of customary law marriages especially where the widow is ignorant of her rights.

The perceived distinction between the widow of a customary marriage, and that of a marriage under the Act is in the area of property rights. Marriage under the Act is derived from the English Common Law system and so where a man marries a woman under the Act, he is deemed to have chosen the statutory laws to govern his affairs. This form of marriage is monogamous (one man, one wife) and is regularly defined as "the voluntary union of one man and one woman for life to the exclusion of all others. The spouses can inherit each other's property whether there is a will or not, as long as a spouse is not disinherited through the making of such a Will. As earlier stated, once there is a valid Will, it does not matter anymore the type of marriage and the law which should govern inheritance. Inheritance by Will (Testate succession) in Nigeria is governed by the Statutes of general application such as the Will's Amendment Act 1937, 1918 and 1952. The old Western and Bendel States are governed by a re-enactment of the above laws via the Will's Law of 1952.

The Inheritance Rights of the Widow of an Intestate Deceased

The laws governing the inheritance of property by a wife in a statutory marriage in Nigeria are a little complex and may also vary from state to state. The multiple systems of marriage laws has resulted in an equivalent multiple laws of rights and succession to property (Anyogu, 2008). Factors that may determine the administration and succession of a deceased intestate may include,

1. whether or not there was a child to the marriage.
2. the customary law to which the man was subject.
3. the location of the property.

This is despite the fact that women married under the Act are subject to all the advantages offered by English Law, which entitles them to $\frac{1}{3}$ of their deceased husband's estate, while $\frac{2}{3}$ goes to their children in equal shares. On re-enactment of the English laws, Nigeria took account of Equity, legislation and customary laws. In line with this, states like Enugu, Ebonyi, Anambra all have provisions in their deceased intestate inheritance laws (1987) which are grossly discriminatory against widows. By their provisions, a wife under the Act is entitled to $\frac{1}{3}$ of the husband's estate while $\frac{2}{3}$ is shared equally among the children (male and female). Nigeria did not incorporate entirely the intent of the English-laws but introduced elements of the inherent patriarchal nature of the Nigerian society. Where there are no children to the marriage, the wife takes half the estate while the man's next of kin of equal rank takes half. While the wife takes half under this situation, the widower inherits everything if the wife dies without children. These provisions are highly discriminatory against the widow and are therefore undesirable in Nigeria's statute books.

Nigeria's Human Rights Obligation

1) National protection

After the inclusion of human rights provisions in the Independence

Constitution of Nigeria in 1960, subsequent Constitutions of the Federal Republic of Nigeria have all contained Chapters on human rights provision up till the present 1999 Constitution (2004). The human rights provisions in the present constitution are contained in Chapters II and IV. However while the Civil and political rights in Chapter IV are said to be fundamental, the Fundamental Objectives and Directives Principles of State Policy contained in Chapter II are not.

The rationale behind the classification of the human rights into fundamental, non-fundamental, first generation or second generation is not within the ambit of this paper. It is in mourning rites that the fundamental rights of women are mostly trampled upon. It is therefore necessary to relate the activities that form the hall mark of the widowhood rites to the relevant fundamental rights.

The civil/political rights (first generation rights) include the right to life, dignity of human person, personal liberty, fair hearing, private and family life, freedom of thought, conscience and religion. They also include right to freedom of expression and the press, peaceful assembly and association, freedom of movement, freedom from discrimination, to acquire property anywhere in Nigeria and such property not to be compulsorily acquired save under stipulated conditions. The same provision gives another right to citizens to enforce these rights in Court (Chapter iv of the 1999 Constitution as amended).

The Constitution of Nigeria is the grundnorm and all other laws take their validity from it. It is important that the constitution forms a baseline for rights protection. When a widow is made to drink the water used in washing the corpse of her husband just to prove her innocence of his death, her right to life is being trampled upon. Only people who have been found guilty and convicted of capital offence carrying death sentence are so sentenced. Outside that, it is morally reprehensible for one to take another life. Why endanger her life in order to prove her innocence? Sleeping with a high priest who separates the spirit of all dead men from their wives is also a fast conduit for the contraction of HIV/AIDS. When she is made to sit on the bare floor, mat or to go without a bath for days, her right to personal dignity is robbed off her. When she is forced to wail loudly she loses her right to personal liberty promised by the Constitution.

The widow is also liable to be inherited by a male member of her husband's family in some places and this infringes on her right to private and family life which includes the choice of a spouse. Being inherited also further exposes her to the contraction of Sexually Transmitted Diseases including HIV/AIDS. Inheritance is one way of owning property, and when this is foreclosed for the widow of a customary marriage, she loses her constitutional right to own property anywhere in Nigeria. Shaving of body hairs is against some religious beliefs and the right to freedom of thought, conscience and religion is promised by the constitution and should therefore not be violated on any account.

S.42 of the 1999 Constitution of Nigeria, forbids that anybody be discriminated against on account of his or her ethnic group, religion, place of origin, sex, political opinion among other factors. Unfortunately when a woman dies, the widower is not expected to go through the ordeals that widows go through. These rigours are explained away by the fact that she is showing respect to the dead husband. This portrays the erroneous belief that accordance of respect is exclusive to men, while respect to the dead is the job of a woman.

This is discriminatory and urgently needs a paradigm shift. The Constitution in its magnanimity offers another right to enforce one's right in the event of violation. Pursuant to this, the High Court is granted special jurisdiction on matters relating to the violation of the rights promised in Chapter IV thus;

- 1) Any person who alleges that any of the provisions of this Chapter has been, is being, or likely to be contravened in any state in relation to him may apply to High Court in that state for redress.

- 2) subject to the provisions of this Constitution of High Court shall have original jurisdiction to hear and determine any application made to it in pursuance of the provisions of this section and may make such orders, issue such writs and give such directions as it may consider appropriate for the purpose of enforcing or securing the enforcement within that state of any right to which the person who makes the application may be entitled under this chapter.
- 3) The chief justice of Nigeria may make rules with respect to the practice and procedure of a High Court for the purpose of this section.
- 4) The National Assembly –
 - a) May confer upon a High Court such powers in addition to those conferred by this section as may appear to the National Assembly to be necessary or desirable for the purpose of enabling the court more effectively to exercise the jurisdiction conferred upon it by this section; and shall
 - b) Make provisions-
 - i) For the rendering of financial assistance to any indigent citizen of Nigeria where his right under this chapter has been infringed or with a view to enabling him to engage the services of a legal practitioner to prosecute his claim, and
 - ii) For ensuring that allegations of infringement of such rights are substantial and the requirement or need for financial or legal aid is real.

A lot of constraints have made it difficult for women to enjoy all these promises on equal footing with men. The exercise of these rights is threefold;-

1. Recognition
- ii. Enjoyment
- iii. Enforcement.

The widow in question has to be educated enough to recognize her rights, and in the event of a violation, she must possess the wherewithal to enforce it. The wherewithal is made possible by Chapter II of the Constitution, which unfortunately is made non-justifiable by the same Constitution (Section 6 (6) (c) 1999 as amended). This is where the socio-economic, cultural and general well being of the individual is promised, and again due to the long standing discrimination, this is the area where women are most hit.

Other Legislations that protect widows are being put in place. The Prohibition of Infringement of a Widow or Widower's Fundamental Rights Law of Enugu State

2001 is one such law. Anambra State has a similar law protecting widows and widowers. The Enugu Law aforementioned states in its Section 4 that

No person shall compel a widow

- a) To permit the hairs on the head or any part of the body to be shaved
- b) To sleep either alone or on the same bed or be locked in a room with corpse of the husband.
- c) Not to receive condolence visits from sympathizers during the period of the husband's burial rights.
- d) To drink the water used in washing the corpse of the husband.
- e) To weep and wail loudly at intervals at anytime after the death of the husband except at one's own volition or involuntary action.
- f) To remain in confinement after the death of the husband for any given period.
- g) To vacate the matrimonial home.
- h) To do any act that contravenes the fundamental rights entrenched in the Constitution i.e. degrading the person

The same law in its Section 2 also prohibits the dispossession of a widow of any property acquired by the husband during the husband's life time without the widow's consent. This is of course made subject to the Will's Act, Marriage Act, Administration of Estates Law or indeed any customary law that is not repugnant to natural justice, equity and good conscience.

Contravention of this law attracts a fine of five thousand naira or two years imprisonment or both. The original jurisdiction lies with the Magistrate Court while Appeal shall lie as of right from the Magistrate Court to the highest court in Nigeria. The law, is expected to reduce the inhuman treatment apportioned to widows in many places. However one should not lose sight of the fact that recognition, enjoyment and enforcement of this law requires education, and financial backing which come by satisfaction of the rights provided by Section 13-14 of Chapter II of the 1999 Constitution as amended aforementioned.

International Protection

The issue of women's rights has in recent years occupied a greater height in International Agenda. In fact, at the Vienna Declaration and Programme of Action adopted in 1993, it was emphasized that the human rights of women should be considered an important aspect of United Nations wide activity. Since the adoption of the Universal Declaration of Human Rights (1948) in 1948, the United Nations has done a great deal to better the lot of women. The Universal Declaration on Human Rights saw these rights as inherent in man hence its preamble states: "*Recognition of*

the inherent dignity and of the equality and inalienable rights of all members of the human family is the foundation of freedom, justice, and peace in the World”

It also declares in Article 1 that all human beings are born free and equal in dignity and right. It states further in Article 2 that; *Everyone is entitled to all rights and freedoms set forth in the Declaration without distinction of any kind such as race, colour, sex, language, religion....*

Other International Instruments protecting women particularly are the Convention on the Political Rights of Women 1953 (General Resolution 640). The summary of this convention is that women shall be entitled to vote in all elections and are eligible to be voted into all publicly elected bodies established by national laws and hold public offices established by law all on equal basis with men without any discrimination. The International Women’s year was also declared in 1975 while many Conferences on Women have been held by the United Nations in various cities namely Mexico city (1975), Nairobi (1985) and then Beijing in 1995, and each of these produced a platform for action towards the advancement of women through promoting equality. The International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic Social and Cultural Rights (ICESCR) protect basic civil and political rights and the general wellbeing of the individual. Perhaps, the best convention that addresses specifically the cause of women is the Convention of the Elimination of all forms of Discrimination Against Women (CEDAW). This paper does not call for all the achievements of CEDAW or an elaborate expose of the various provisions but suffice it to say that the Convention defined discrimination as

Any distinction exclusion or restriction made on the basis of which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field (Article 1).

The Convention also recognizes the influence of culture and tradition in restricting the enjoyment by women of their fundamental human rights. Culture and tradition have this effect by assigning stereotype roles to men and women. The Convention advocates a change in these roles as it stressed in its preamble thus; *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.*

CEDAW has instigated constitutional changes, national laws, and even court decisions in many countries, producing women friendly results. Regionally, the African Charter on Human and People’s Right (1986) and recently its protocol both stress freedom, equality, justice and dignity as essential objectives for the achievement of the legitimate

aspirations of the African peoples. It is obvious there is a gamut of laws protecting women but traditional observances have made it difficult for these laws to be implicated.

Rationale for a Paradigm Shift

The Evidence Act (2004) maintains that customary laws that are repugnant to natural justice, equity and good conscience should not apply in Nigeria. The case of repugnancy may no longer strongly suffice here as what is repugnant is but a question of fact and relative to specific circumstances. The issue here is that customs although form sources of Nigerian law, cannot override the Constitutional Provision on human rights. Most of the mourning rites are done in aberration of the widows' constitutional rights under Chapter IV. So to allow the situation to persist is an affront on the sovereignty of Nigeria since the Constitution is the grundnorm of the nation. There is therefore the need for urgent paradigm shift.

The world is a global village now. Nigeria cannot continue to be the first among African nations to sign and ratify the provisions of international human rights instruments and not implement them, or be the last to be forced to implement them. Nigeria needs to move along with the rest of the world in what is desirable. Many of the mourning rites are barbaric, life threatening and inimical to progress. The affected women get so embattled that, they lose the will to fight even for their constitutional right. They therefore lose their deceased husband's hard earned acquisitions to greedy relatives, lose their dignity in the process, while their children suffer untold deprivation. It is obvious that nothing is ever done under widowhood rights in the best interest of the child. This calls for a mandatory paradigm shift so as not to destroy the future of the children who fall victim to this obnoxious practice.

The Way Forward

Empowerment of Women

While this applies to women all over the world, women in the South-East need specifically to be empowered. Educational empowerment will help her recognize her rights and how to enforce them. Economic empowerment means she can afford the cost of enforcement of her rights. She can also take care of her children should the need arise. The perpetration of the most heinous widowhood rites are usually on uneducated, underpowered and uninformed women. This is therefore a clarion call for the empowerment of women.

Domestication of International Instruments

Nigeria is always among the first to sign and ratify International instruments. Back home Nigeria put a stricture on itself in the implementation of international treaties and Conventions. Before these can carry the force of law, they have to be re-

enacted into laws in Nigeria. Given the ethnic and religious diversity in Nigeria, it is not easy for issues on women to go through the 2/3 majority of the Houses of Assembly required to pass a Bill in Nigeria. When a country signs and ratifies a document, it has set itself to the application of the contents of the document. In line with this, Nigeria should urgently domesticate CEDAW which is described as a handbook on women. All the other Instruments touching on women's issues should also be domesticated.

Massive Advocacy Campaign

An advocacy on the importance of making a Will should be carried out and along with it, the evil side of obnoxious widowhood rites. People should be made aware of the ills of this practice and the fact that it stems from the notion of a woman as essentially evil.

Elimination of Patriarchy

Patriarchy is control by men. Men are in control even in issues that affect the health and life of a woman. Until patriarchy is eliminated, the gender equality sought for cannot materialize because patriarchy gives men an edge over women which they are not in a hurry to relinquish.

Non Governmental Organizations

The NGOs' have done a great deal to better the lives of women through advocacy and even legal services. While they deserve a pat at the back for their great efforts, like the legendary Oliver Twist, the society wants more action. The governments should also grant these NGOs' conducive atmosphere to operate.

The Constitution as the Baseline for Rights Protection

While Chapter IV of the Constitution provides for civil and political right protection, it should go a step further to protect the individual from persistent and endemic cultural practices that undermine the dignity of the individual especially women. Under Section 42, a sub-section could be created abolishing all cultural practices undermining the dignity of the human person as was done in the Ugandan Constitution. This way, the Constitution is made an express baseline for rights protection and people will not have to continue scratching, looking for laws under which to seek redress for wrongs done to them. In other words, the Constitution should make express and specific provisions protecting women.

Conclusion

This paper has tried to x-ray the various untold misery heaped on a widow all in the name of unfounded mourning or widowhood rites. The national and international protections have also been discussed. Despite these legal protections, the practice still persists in many communities. Total rejection of this debilitating practice

can only be realized by the concerted effort of the law, the church, the NGOs', traditional rulers and indeed, all and sundry.

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