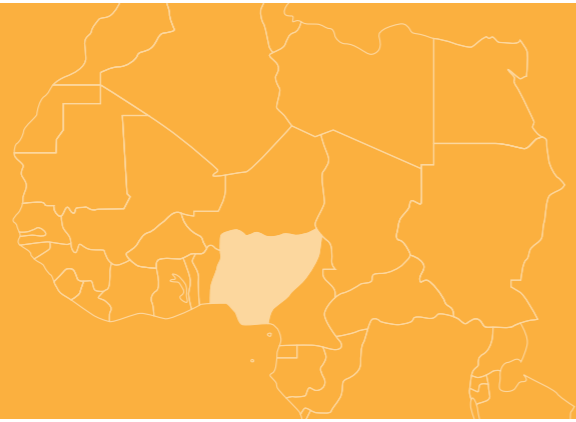


NIGERIA



Nigeria has multiple legal systems: common law derived from the British, customary law, a statutory penal code and *Shari'ah* law, introduced in 1999-2002 in twelve out of eighteen states in the north of the country. In *Shari'ah* states, there are separate religious courts that administer and apply personal laws. Nigeria's *Shari'ah* system received international attention in 2001 and 2002 when a 13-year-old girl was flogged within the *Shari'ah* justice system even though the case had been appealed to the Court of Appeal. Death sentences by stoning for two women accused of *zina* were quashed at State Appeal Courts (Sokoto and Katsina). The first was quashed based on the 'sleeping embryo' theory under Maliki jurisprudence, because the courts had rejected the use of a DNA test to prove that the woman had been raped. In the second case, the sentence was overturned on the basis that the act happened before the law was enacted. Women's groups and human rights groups led the defence and succeeded in getting these convictions overturned.

Equality in the Family is Necessary

- ▶ The *ulama* and traditional leaders claim that women are not and cannot be equal in Islam. They insist that Islam guarantees justice, yet use patriarchal and 'biological' arguments that men and women are not equal. Women are seen as impudent if they argue against this position by quoting verses that uphold equality.
- ▶ Women are increasingly becoming breadwinners in their families, but men still feel they have the divine right or privilege to be in charge and make decisions on behalf of the family. This affects women and girls negatively:
 - **Right to work:** Many men believe they have a religious right to stop women from working. Women have been socialised to accept this and believe that they are going against their religion if they disobey their husbands.
 - **Right to education:** Many men believe it is their right to decide whether their daughters and wives can pursue an education. They believe that educated women would challenge the authority of their husbands and fathers, or that education is a waste of time and money because women belong in the home.
 - **Freedom of expression:** Muslim women are often silenced because they are raised to believe that their voices should not be heard by men.
- **Access to justice:** Many women don't know they have a right to access justice or are denied justice because of discrimination in the courts.
- **Ownership of property:** The belief that male relatives can control women's property means that women are effectively denied ownership of assets, especially landed property.
- ▶ Women and girls are assuming economic responsibilities for the family. Because of limited education and skills, some are forced to do housework, sell their bodies, accept jobs that might require submission to sexual advances, or produce small items that their daughters can sell for them.
- ▶ Child and forced marriages are common and are justified as a practice of the Holy Prophet. The provision that the consent of the bride must be sought is ignored unless the girl has the support from a strong family member or NGO.
- ▶ *Qadis* often use conservative interpretations or rationale for their decisions. For instance, when *Shari'ah* was introduced, there were a number of cases in which women were found guilty of committing *zina* because they were pregnant. Although the courts could have used DNA testing to learn the identity of the partners, they refused to do so because DNA testing was not available at the time of the Prophet.

Equality in the Family is Possible

- ▶ Two high profile *zina* cases were fought and won by women's organisations. Women engaged lawyers and experts in Islamic law and jurisprudence, used similar cases in countries such as Pakistan and contacted international links such as the Women Living Under Muslim Laws (WLWML) network to search for relevant information and strategies. Since then, not a single case of *zina* has succeeded in being implemented at the second level of appeal.
- ▶ Women in Muslim communities are part of the larger Nigerian women's movement. In July 2008, organisations such as BAOBAB for Women's Human Rights (BAOBAB), the Centre for Women and Adolescent Empowerment (CWAE), and Women's Rights Advancement and Protection Alternative (WRAPA) joined such networks as the Nigerian Feminist Forum (NFF) to successfully fight against a bill aimed at stopping 'indecent dressing' in public.
- ▶ WRAPA has done extensive work in harmonising eight bills, including those from the previous National Assembly, to produce a bill that a coalition of women's rights organisations believe can lead towards domestication of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Women's Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol).
- ▶ Research and training efforts are being undertaken within the Muslim communities, including with both conservative and progressive *ulama*, to understand the needs of the community and particularly of Muslim women. A progressive religious leader has made a public challenge on the gross neglect and abuse of the rights of women in the Muslim family. The Jigawa State Government is funding the training of members of judiciary to upgrade and broaden their knowledge to ensure that they meet the contemporary needs of Muslim women.
- ▶ An increasing number of judges and *qadis* are ruling against the norms within their societies. For instance, in a case pursued and won by CWAE, a child marriage was annulled in Yola because the juvenile judge accepted that the consent of the girl was not sought.
- ▶ Although discussion of reform of inheritance laws is not allowed, in some communities fathers give their daughters assets such as land and property or gold and jewellery while they are living to get around the inheritance rules.
- ▶ Women's rights activists are overcoming accusations and antagonism against them and building allies by 'walking the walk': working with both conservative and progressive religious leaders and communities and calling upon the common needs of women.

Source: Report submitted to Musawah in English by the Nigerian National Consultation Committee for Musawah: Equality and Justice Before Allah, in the Muslim Family, the Nigerian national campaign that is part of Musawah. The Committee is made up of five women from five organisations, including Federation of Muslim Women Association in Nigeria (FOMWAN), BAOBAB for Women's Human Rights, Women's Rights Advancement and Protection Alternative (WRAPA), and the Centre for Women and Adolescent Empowerment (CWAE).