



AN EMPIRICAL STUDY ON ASPECTS OF GENDER  
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## SUMMARY

The status of women all over the world is a cause for grave concern. Women in all societies experience various forms of discrimination and oppression. Women are singled out for one form of oppression or the other. In all societies men are superior to women.

Fifty-two years after the coming into effect of the Universal Declaration on Human Rights, governments all over the world are yet to acknowledge the pervasive violations of women's rights. Many governments fail to reform laws that are discriminatory against women and practices that deny women's rights.

Women's rights are now being acknowledged as human rights. The Convention on the Elimination of all Forms of Discrimination against women was adopted in 1979 and came into effect in 1981. Human rights of women are now firmly placed on the world agenda.

This thesis compares some aspects of gender equality under Nigerian and South African law. The work examines the human rights of women internationally the equality provisions of the Nigerian and South African Constitutions are compared. Social and economic rights of women, political rights, and the African customary law marriages and rule of intestate succession including widowhood rites are discussed and compared. Violence against women is becoming endemic in all societies of the world in this regard violence and causes of violence are examined. A jurisprudential examination of the root causes of women's oppression was undertaken. The question whether biology is truly the destiny of women did not pass scrutiny. The study came to the conclusion that the oppression of women is rooted not only in biology but also in culture, patriarchy and gender stereotyping

Reproductive rights of women are also examined. Poor rural women are subject to high fertility rates, inadequate pre-natal and post-natal cares, deficient nutrition and closely spaced pregnancies. Abortion and female genital mutilation are also discussed.

The diversity of women's needs and interests vary from basic survival to aspirations of power and prestige. These diversities hinder the collective participation of women in politics. Sporadic progress has been made in realising human rights of women, but in spite of the few progress that have been made towards the emancipation of women, power remains a male prerogative, with men retaining economic, political and religious control. Women's space is restricted to the spheres of reproduction and household tasks. The public space is still limited to men and a few elite women.

The study found that there are similarities between the position of women in Nigeria and South Africa. However, women in South Africa are better protected in terms of laws and policies compared to their Nigerian counterparts, but the myriads of law does not translate to adequate protection for women in South Africa. There are many lacuna in Nigerian laws regarding the protection of women, yet women in Nigeria are still safer than their South African counterpart. The study comes to the conclusion that for law to be effective as an instrument of change, it must be combined with education.

The study comes to the conclusion that more still has to be done in order to achieve full gender equality in Nigeria and South Africa. In this respect recommendations are offered towards improving the status of women in Nigeria and South Africa.

## DECLARATION

I declare that “A Comparative Study of Aspects of Gender Equality under Nigerian and South African Law” is my own work and that all the sources I have used or quoted have been acknowledged by means of complete reference.

Mosunmola Imasogie

November 2001



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*To GOD be the glory*

*Great things HE has done*

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I hereby declare that this work is my own work, both in conception and execution and that the opinions expressed and conclusions reached are mine and mine alone. I take responsibility for any error or mistake.

Mosunmola Imasogie

November 2001



## LIST OF ABBREVIATIONS

|         |  |
|---------|--|
| AC      | Appeal Cases (England)   |
| ACHPR   | African Charter on Human and Peoples Rights                                |
| AD      | Appeal Division (South Africa)   |
| All ER  | All England Law Reports  |
| ALL NLR | All Nigerian Law Reports   |
| BCLR    | Butterworths Constitutional Law Reports                                    |
| CA      | Court of Appeal  |
| CAT     | Convention against Torture   |
| CCHCJ   | Cyclostyle copies High court of Justice (Nigeria)                          |
| CEDAW   | Convention on the Elimination of All Forms of Discrimination against Women |
| CERD    | Committee on Elimination of Racial Discrimination                          |
| CILSA   | Comparative and International Law Journal (South Africa)                   |
| CRC     | Convention on the Rights of the Child                                      |
| CRLP    | Centre for Reproductive Law and Policy                                     |
| CSVR    | Centre for the study of Violence and Reconciliation                        |
| DEVAW   | Declaration on Violence against Women                                      |
| EALR    | East African Law Reports   |
| ECHR    | European Convention on Human Rights  |
| ECOWAS  | Economic Community of West African States                                  |
| ECSLR   | East Central State Law Report  |
| FGM     | Female Genital Mutilation  |
| FSC     | Federal Supreme Court Cases (Nigeria)                                      |
| ICCPR   | International Covenant on Civil and Political Rights                       |
| ICESCR  | International Covenant on Economic, Social and Cultural Rights             |
| JAL     | Journal of African Law   |
| LFN     | Laws of Federation of Nigeria  |
| LQR     | Law Quarterly Reports  |
| LRC     | Law Report Constitution (India)  |
| NAC     | Native Administration Court  |
| NAAC    | Native Administration Appeal Court   |
| NCA     | Native Court of Appeal   |
| NCLR    | Nigerian Constitutional Law Reports  |

|       |   |     |
|-------|---|-----|
| NMA   | Nigerian Medical Association  |     |
| NNLR  | Northern Nigeria Law Report   |     |
| NRNLR | Northern Region of Nigeria Law Report                                   |     |
| OAS   | Organisation of American States   | I   |
| PC    | Privy Council   | III |
| QB    | Queens Bench  | IV  |
| SADC  | Southern African Development Community                                  | V   |
| SAJHR | South African Journal on Human Rights                                   | VII |
| SALJ  | South African Law Journal   |     |
| UDHR  | Universal Declaration of Human Rights                                   |     |
| UN    | United Nations  |     |
| UN-SG | United National Secretary General                                       | 1   |
| VVF   | Vesico Vaginal Fistulae   | 1   |
| WACA  | West African Court of Appeal  | 1   |
| WHO   | World Health Organisation   | 4   |
| WLR   | Weekly Law Reports  | 5   |
| WRNLR | Western Region of Nigeria Law Reports                                   | 7   |
| ZLR   | Zimbabwe Law Reports  | 10  |
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