

TREATY IMPLEMENTATION AND WOMEN RIGHTS PROTECTION IN NIGERIA: A CASE STUDY OF CONVENTIONS FOR THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW)

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Abstract

The study attempts the interpretation and application of international treaties in Nigeria, with a particular focus to women's space in political and public life, the situation of rural women and the women citizen right in Nigeria on the convention of the Eliminations of all forms of Discrimination against Women (CEDAW). The paper using secondary related literature data and CEDAW reports was analysed; using the empirical method of both quantitative and qualitative analysis. The feminist theory was adopted as a theoretical framework because of its focus on advocacy rights for women and freedom of all forms of discrimination in line with CEDAW elimination of all forms of discrimination against women. The finding shows there are domestic and international obstacles against the implementation of CEDAW provision in Nigeria. The study also found out that, some of the rules are indeed in conflict with some religious, cultural values and even the constitution of Nigeria, for example, women political representations in decision making linking CEDAW Implementation on the Political Affirmative Action to Beijing Platform for Action is still unfeasible. The paper concludes that the domestication of CEDAW and all other international instruments on women's right in Nigeria, which she has been ratified, should be a legal framework and foundation for the application of CEDAW provision in Nigeria. The domestication of these international instruments is imperative in view of the fact that section 12 of the Nigeria constitution has specifically rendered these international instrument non – justifiable, except they are domesticated as part of Nigerian municipal law, Nigeria should therefore domesticate the laws to respect her rectification of the treaty.

Key Words: Treaty Implementation, Women Rights, Discrimination against Women, CEDAW, Feminist Theory

Introduction

The Convention on Elimination of All Forms of Discrimination Against Women (CEDAW, 1979), otherwise known as the Women's Convention, is a landmark Convention in the promotion and protection of women's rights worldwide. The Nigerian government is a State Party to this important Convention (ratified in 1985) and in fulfilment of its obligation under *Article 18*, which prescribes the measures to be taken to ensure that women are able to enjoy the rights to which they are entitled under the Convention. Consisting of a preamble and thirty articles it defines what constitutes discrimination against women and sets up an agenda for national action to end such discrimination. The Convention provides the basis for realizing equality between men and women through ensuring women's access to equal opportunities in all spheres of life- Political, Economic, Social, and Cultural. Importantly, State parties have the obligation to make a report to the Committee on CEDAW charged with supervision monitoring of the implementation of the convention standards.

According to Ezeilo (2008) experience has shown that governments including that of Nigeria frequently do not present the complete picture of situation of human rights of women, hence the need for an alternative or shadow report. The shadowed report by NGOs nationally and internationally highlights some obstacles that serve as constraints in the implementation of CEDAW. It is however, important to note that supervising, monitoring and implementation can bring about enforcement of any policy. While, it is true that treaty agreements are used for the creation of new international standards for political reasons, State are decreasingly and less willing to go into or agree to new international legal matters,

because of implementation issues. Accordingly, a need not satisfactorily met by customary law, for example in many field of activity, we can seriously question whether the creation of 'international law' is at all possible; considering also that the number of States capable of drafting and concluding treaties seems to be growing and as treaties are concluded for more frequently than ever before the implementation seems difficult. Thus, the effects and benefits of CEDAW are also challenged as it has become evident in the national policy and practices of Nigeria government in area like women representation in decision making.

In several ways, this is a development that should have been met with approval. By implications, in ensuring written agreements, States are supposed to avoid the difficulties inherent in customary to suit the international law entered into. The contradictions therefore, is the more the number of treaties concluded, the more rules that will have to be applied, and the more rules that are applied, the more often the questions will arise in relations to peculiarities of individual state. Instances can be seen when questions are raised on the extent, and on what specific conditions should such an application occur, should it be on all crisis situations within a country or between countries or even among citizens of same countries, as many question arise? Naturally, questions such as how rules should be interpreted come to play? (Ashiru, 2010).

Furthermore, issues of treaty interpretation and application demands the time and skills of many different authorities such as national courts, police, immigration authorities, civil servants, diplomatic personnel, international courts, and arbitration tribunal and international organizations. Indeed, few issues are important to most countries at each particular time and depend on the situation at hand. For instance, in the practice of international courts and tribunals has shown often times, that when an international court or arbitration tribunal is requested to settle a dispute between two or more states concerning the interpretation and application of treaty, it is precisely difficult, because these States have different opinions about the meaning by the instrument of agreement. Similarly, it is precisely because judges and arbitrators often disagree on matters of interpretation and application than conformity, as separate opinion are so common in international Jurisdiction. This hold out promise and shows a large gap exist between normative policy and social practice, the implementations of laws are also complex within the State, in many times the rule of law does not favour all citizens equally, even when it is said that nobody is against the law of the state.

The Legal Policy Framework and Women

The concept of human rights flows from the philosophical concept of natural rights is timeless based on divine injunctions; they are everyday rights of all human beings which should be evident in all levels of human interactions. While these rights exist within and among states in different forms in all societies, their evolution and articulation gained international recognition in 1948 through the Universal Declaration of Human Rights (UDHR) in it *Article 25* in 1948 (UN, 1948). The consciousness, scope and protection of human rights are ever increasing the UDHR is not enforceable but its principles have attained the status of *Jus Cogen* in international law. The unenforced capability of UDHR gives rise to the enactment of treaties upholding and advancing its standards. The UDHR has from inception envisaged women's rights but the articulation of women's right framework came into being in 1979 with the international convention on Elimination of all forms of discrimination Against Women CEDAW. In Nigeria the Section 77 (2) of her constitution confers upon all citizen equal rights to all human citizen rights politically aside other rights for all citizens.

The promise of the jure and the facto equality for women cannot be fulfilled by law and philosophy alone. It remains to translate the formulation and commitment into political, economic and social action, which will secure women's capacity to participate as equal actors in the public sphere, to have equal opportunity in the economy, and to live in a state of equal autonomy to that of men in the family and society. Indeed, the substantive equality provisions of convention for the discrimination for Elimination of all forms of Discrimination Against Women (CEDAW) provides a theatrical and

normative tools to contend with the growing challenges of traditional culture and religious, patriarchy and neoliberal exploitation of women in many countries of the world.

Methodology

It is an empirical study using both the quantitative and qualitative method of analysis. Use studies already researched upon, the evidence was observed and analyzed by answering some empirical questions raised in the study.

Conceptual Review of Literature on Treaties

The Vienna convention of 1969 defines a treaty as an international agreement concluded between states in a written form and governed by international law, which are embodied in a single instrument or in two or more related instrument and whatever its particular designation. The above definitions are restrictive as they do not take into cognizance treaties entered into between international organizations and states; implying the inability of collective agreement by independent states on a group of collective citizens among various state.

A treaty comprehensively defines the consensual engagement which subjects of international law have undertaken towards one another with the intent to create legal obligations under international law UNICEF (2017). The covenant, exchange of letter, act, charter, concordat etc. irrespective of the designation used in identifying an international agreement, shows the fundamental principle of international agreements, and that it is binding upon all parties to them and practice in good faith. John (2017) is of the opinion that over the years, the need for treaties has grown as the world's interdependence has intensified. Treaties thus form the bedrock of contemporary international law as their importance cannot be over emphasized. The power of a nation to enter into a binding agreement at international level is as a result of the honor of its sovereignty. This right of state to enter into treaties was laid down in the Montevideo convention of 1933 - on the Rights and Duties of States. The parties to treaty intend to create legal relations between themselves by means of their agreement as acknowledged by True (2005) and Grenville (2009) who identified three incentives for keeping treaty obligations:

First, a treaty contains a balance of advantages and if a country violates the provisions of a treaty such a country must reasonably expect to lose the advantages provided by that treaty. Example, can be seen when a country expels a foreign diplomat, a reciprocal expulsion often follows. Secondly, a treaty may contain a deterrent or warning element. For example, the breach of a provision of a treaty may lead to warfare. Thus, taken actions by political leaders have to decide whether the violation of a treaty is worth the risk of the possible counter measure taken by the aggrieved state or states. Thirdly, a nation usually considers its international credibility before acting in breach of a treaty to which it is a party, failure to fulfill the provision of a treaty may weaken the defaulting country's international position.

Grenville summarized the agreement thus;

"Treaties are landmarks which guide nations in their relations with each other. They express intentions, promise and normally appear to contain reciprocal advantages. Treaties represent attempts to reduce the measure of uncertainty inherent in the conduct of International affairs (Wilson 2018)."

While most literature emphasizes on the treaties among states CEDAW recognizes the experience discrimination on the basis of multiple and intersecting identities of citizens of the various groups that make up a State, acknowledging population as one of the core features of a State. In other word population of a State is a key component to fulfill the feature of State laws. Moreover, all treaties entered into is to protect the interest of the citizen, within the state and internationally. CEDAW has observed the weak position of women among other vulnerable group and the inability of the global world to address their problems; emphasizing that ethnic minority women, elderly, disable and migrant women in prison, women and girls on the street, women in conflict zones, women in displaced camps are

particularly vulnerable to disadvantage and discrimination in all societies. The discrimination of these women is not "fully described by simply adding two kind discrimination together" as analyses by Freidman (2011) rather he emphasized the inter-sectional discrimination. In many national contexts, discrimination must be based on a recognized status ground. This approach to discriminate law has been criticized as being unable to capture the complex reasons why some women with an intersectional identity experiences disadvantage. Crenshaw (1989) is of the view that National court continue to struggle on how to properly evaluate and take account of qualitatively different intersectional discrimination globally.

Despite all efforts, by global signed treaties through United Nation (UN) most women are still lagging behind their male counterparts in virtually all facets of life, they have and still suffer socio-economic marginalization, discrimination and violence. Their important contribution to economic growth and development of their country is not fully recognized or appreciated, for insurances in the area of women's right to education, health, empowerment, women political representations are still lacking behind then men. CEDAW was instituted as a significant act to provide a legal framework to help ease the discriminations against women across the globe, but has not been able to make countries implement most of the agreed treaties, as this paper attempt to highlight low women representation in Nigeria's politics, over two decades into the return to democracy.

Theoretical Framework

The study adopts the theory of cosmopolitan feminism that was propounded by Niamh Reilly in 2009. The theory presupposes some essential views: first the recognition of global patriarchal power relations even if experienced differently by different women at different locations, and a critical commitment to universal norms in the struggle against gender based oppressions. The theory argues that, all women are not oppressed in the same way and some are not oppressed at all and criticize the premise that all women, in capacity of being women, share common agenda. However, the theory recognises the structural patterns that exist globally working to disadvantage women and girls, a gender specific oppression that particularly affect those already marginalized due to location, ethnicity, race etc. It recognizes the need for an opportunity for feminist cooperation over border, global solid and collective action. Reilly (2009) further nightlights the issue of religious fundamentalism and its implication on women's rights and how fundamentalist projects control public and private domains by using legal and political infrastructure. The UN for example, influence the promotion of specific religious practices and beliefs and bring international public policy in course with their particular values. Therefore, underlines that fundamentalism is not something unique for religion. Fundamentalist activity has existed across all religious and regions, through fundamentalist religious movements have been among those with the widest and dramatic impact on women's lives. Lastly, the theory explains the many variations in practice and interpretations of religious and cultural law effect on women, through history and depending on location, an attempt to prove that religious dictates are nothing but reflections of power relations and social and historical conditions; by implementation, attention drawn to the common agendas of fundamentalist movements. The Control of sexual relations is central to culture in women's sexuality, which the theory seen as a root of social disorder. Targeted by fundamentalist movements, women are constructed as the primary barrier of culture. Law is used to undermine democracy and to support gender inequalities as most family law diminishing appears in women relating to child custody, marriage and divorce. Indeed, regardless of religious beliefs all nations globally are united in fundamentalist movement shown in their intense resistance to women's empowerment.

The theory is relevant to the study because the debate over women's human right is often contended that religion is not compatible with human right law and among the religious states that have ratified CEDAW, reservations to its substantive provisions have been on religious grounds (1995); thus, berating cultures and traditions which do not recognize the inherent rights of women. The application of the theory is relevant as it attempts to breach the limitation of religious and culture.

CEDAW Treaty Implementations and Women's Right

The 1979 convention on the "Elimination of all Forms of Discrimination against women" (CEDAW) is an international treaty adopted by the United Nations General Assembly, acknowledged and described as an international bill of rights for women. It was instituted on 3 September 1981 and has been ratified by 189 states. It consists of a preamble and 30 articles defining what constitutes discriminations against women and sets up an agenda for national action to end such discriminations.

The convention clearly defines discrimination against women as any distinction, exclusion or restriction made on the basis of physical difference between men and women which has the effect in purpose of damaging or nullifying the recognition, enjoyment exercise by women, irrespective of their marital status, or on a basis of equality of men and women base on human rights and fundamental freedoms in the political economic, social, cultural civic or any other field of human endeavor (UN, 1982). By Implication the 189 nation states who have signed the treaty have commit themselves to undertake a series of measures to end discrimination against women in all forms including:

- a. To incorporate the principle of equality of men and women in their legal system, abolish all discriminatory law and adopt appropriate one's prohibiting discrimination against women.
- b. To establish tribunals and other public institutions to ensure effective protection of women against discrimination and to ensure elimination of attacks of discrimination against women by person, organization or enterprises.

The convention is the only human right treaty which affirms the reproductive rights of women and targets culture and tradition as influential forces shaping gender role family relations it affirms women's rights to acquire change or retain their nationality and the nationality of their children state parties also agree to take appropriate measures against all forms of traffic in women and exploitation of women. However, the interpretation, application and implementation of the tenets of convention on the Elimination of All Forms of Discrimination against women in Nigeria has continued to be hampered by internal intricacies often ranging from religion to cultural believes and lack of political will, in spite of her commitment to CEDAW.

The Task of Treaty Implementation and CEDAW in Nigeria

CEDAW advocates for the universal women's rights and freedom. The inception of the committee on the elimination of all forms of discrimination against women (CEDAW) in 1979, attempted to deepen the definition and scope of sex based discrimination as a human right issue, because women's right have been viewed very narrowly in terms of legal equality with men and are generally invisible or marginalized within the wider human right machinery. The global campaign highlighted the gendered ways in which traditional approach to human rights privileged male defined aspects of civil and political rights in situations where violations are carried out by the state; for example, denials of freedom of expression, arbitrary arrest, torture and detention, and death penalty. While issues of rapes, status, illiteracy, women empowerment, family violence among other issues around women are discounting importance of the issues. Golder, Crabtree & Dhima (2019) have argued that this constitutes a profound gender bias where in human right are primarily define according to the criterion of "what men fear will happen to them" in their relationship with the state, society and other men.

Nigeria is party to all nine (9) core human rights treaties. It also issued a standing invitation to all thematic special procedures. In her constitution Nigerian women, children and human right are in the residual list, and the Exclusive legislative list contains a list of items such as arms, aviation census citizenship, and implementation of treaties relating to matters on the exclusive legislative list among others, that only the National Assembly may legislate on. The Concurrent Legislative List contains items that both the National and State Assemblies may legislate on. Matters that do not fall within these two lists are considered to be within the residual list. This was aptly reflected in section 12 above and for emphasis, subsection 2 provides that this power of making laws in respect of implementation of treaties shall also include treaties dealing with issues not included in the exclusive legislative list.

Section 12 of the Constitution of Federal Republic of Nigeria, 1999 provides:

- *(1) No treaty between the Federation and any other country shall have the force of law except to the extent to which any such treaty has been enacted into law by the National Assembly.*
- *(2) The National Assembly may make laws for the Federation or any part thereof with respect to matters not included in the exclusive legislative list for the purpose of implementing a treaty.*
- *(3) A bill for an Act of the National Assembly passed pursuant to the provisions of sub-section (2) of this section shall not be presented to the President for assent, and shall not be enacted unless it is ratified by a majority of all the Houses of Assembly in the Federation."*

In other words, a treaty affecting a matter in the exclusive legislative list will come into force in Nigeria with an enactment of the National Assembly. If the matter fell within the concurrent or residual list, the treaty also requires the approval of the majority of the State Houses of Assembly. Women, children and human rights fall within the residual list. Thus, from sub-section 3, no law passed by the National Assembly with respect to the implementation of a treaty dealing with women or children will be applicable to all states of the federation in Nigeria automatically. It will require approval of at least 23 Houses of Assembly. This is why the Child's Rights Act recently domesticated by the National Assembly is not applicable in any other state outside the Federal Capital Territory and State Houses of Assembly will have to be called upon to pass the law in their various states. Because CEDAW is a treaty dealing with the rights of women, it falls within the category of treaties, which must attract "ratification by a majority of all the Houses of Assembly in the Federation" if it must become applicable throughout Nigeria. Therefore, an approach to domestication of CEDAW can be in one of two ways:

- a. *The National Assembly will pass it into law and we will approach the state Houses of Assembly to do the same individually (just as the Child's Rights Act).*
- b. *The National Assembly will refer the final copy of the bill to at least 2/3rds of the state's Houses of Assembly for ratification before enactment.*

For treats to be adopted the procedure first is to approach the National Assembly to pass the bill and subsequently, then approach the states to do the same. The long government bureaucratic procedures hinder the global campaign, especially through the use States law procedures, many states constitutions are not organized alongside major UN forums even when treaties are entered into by states. The demonstrated gender bias served to deny the human rights dimensions of harmful and often fatal forms of gender base violence, because they occur in "Private" contexts of family or community and are generally perpetrated by non-State actors such as spouses and family members as argued by Bunch & Reithy (1994). The state legal rule that differentiates between any nature of violence into private and any form automatically reduces the equal opportunity for gender to the advantage of the other. In most cases women are at the disadvantage because they have little involvement in the design and implementation of legal rules by the State. However, numerous campaign, brought about significant gains in form of new international human right standards, as recognized as a violation of human rights standards. For example, violence against women was recognized as a violation of human rights in the 1993 Vienna declaration and programme of action and in the UN general assembly declaration on the elimination of violence against women. In 1992, the committee monitoring compliance with women's conviction (CEDAW) defined violence Against Women (VAW) as a form of gender base discrimination. In 1999, new grievances and investigation procedures further strengthened CEDAW as an avenue for redress on issues that leaseholder's women. In 1994, a UN special Rapporteur on violence against women was appointed to investigate the issue and encourage effective governmental regional and UN remedial measures to protect women's right.

Furthermore, the 1995, the Beijing platform for action (BPFA) which is still considered by many to be a comprehensive blueprint for women's human rights, is associated with achieving recognition of

violence against women as a global human right issue. And more recently, the women's caucus for gender justice, which seeks to mobilized support for women's network internationally in its campaign to ensure the incorporation of gender perspectives and feminist analyses in the 2001 Rome Statute of the IC and for the first time in international law. The ICC seeks to criminalize sexual abuse as some crimes against humanity.

However, some feminist observers have expressed concern that most of the above measures cannot be inherently be abusive dynamics of adversarial criminal legal systems, which are fundamentally unwelcoming to the pursuit of justice in relation to sexual violence UNIFEM (2010). Even so, the act of seeking gender sensitive legal practice is an important intervention, and if it is unsettled the illegality on women will continue as a normal process in our daily lives and abuse of women's rights is on the increase. The gendered exercise of power, in legal discourses that establishes principles and precedents that can be invoked to advance women's rights in other, "Safer" context will be difficult to implement, this is because the strategic use for popular tribunals by anti-feminist movements, which are framed in terms of international human right law and draw on the expertise and support of sympathetic legal practitioners who demonstrate a critical engagement with international law that represents diverse feminist practice, may not work in favor of women.

Nigeria which ratified CEDAW in 1985 without reservation, consequently, is bound to fulfill all obligations stated in article 2 towards the promotion of principle of CEDAW. The situation of women's right in contemporary Nigeria, however signifies that Nigerian government is not carrying out its obligations as CEDAW requires. The regretful circumstances for many women, is that their right in Nigeria can be attributed to non-domestication of and non-implementation to CEDAW rules. Indeed, the theory of cosmopolitan feminism that emphasis the task of not applying CEDAW treaty in Nigeria shows Nigeria's inability to domesticate the international instrument as part of her municipal law. This has seriously slowed down the pace of women freedom in Nigeria resulting to marginalization and discrimination in virtually all spheres of life. The study used the contemporary gender representation to illustrate women representation in politics. It shows that there are many position in politics that women cannot occupy, for example, since her independence in 1960, no women has ever won the presidential seat and a governorship seats in any of the States. The representation of women in the States house of assemblies in 2015 shows that the total number of seats are 990 and men have 930(93.9%) seat and women occupy 60(6.1) (INEC, 2015). The situation is not too different at National House of representative with 306 seats were men occupy 346 (96.11%) and women 14(3.89%) and in Senate of the 109 seats men have 101(92.66) seats and women 8(7.34) seats. Since the return of Nigeria to civil rule in 1999, the situation of low women representation shows consistent low representation as shown in table 1 below.

Table 1: Women in Nigerian Parliament

Word Ranking	House of Representatives				Senate			
	Election Years	Available Seats	No of Women Elected	%	Election Years	Available Seats	No of Women Elected	%
181	2015	360	20	5.6	2015	109	7	6.5
125	2011	360	24	6.8	2011	109	7	6.4
117	2007	360	25	7.0	2007	109	9	8.3
107	2003	360	17	4.9	2003	109	3	2.8
104	1999	360	12	3.4	1999	109	3	2.8

Source: Inter-Parliamentary Union, Women in National Parliaments

In term of political representation, the table above shows no equal match in gender political representation in Nigeria's politics. The Nigeria government is yet to meet its accord to women equal political right as agreed by her to CEDAW treaty. The Nigeria constitution defined discrimination based on sex, is enclosed in the section 42(1) (a) (b), (2) and (3) of the 1999 constitution of the federal Republic

of Nigeria (CFRC), it is a narrow explanation. Under the CEDAW, the term “discrimination against women” means: *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 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.*

The CEDAW provides:

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

- a. *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;*
- b. *To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;*

Article 2 of the Convention enjoins the state to ensure the practical realization of rights. CEDAW promotes the substantive model of equality and consolidates two central approaches to equality. First, it stresses the importance of equality of opportunity in terms of women's entitlements on equal terms with men to the resources of a country. This has to be secured by a framework of laws and policies, and supported by institutions and mechanisms for their operation. Secondly, the Convention emphasizes that the measure of a state's action to secure the human rights of women and men needs to ensure equality of results. The indicators of state progress, in the eyes of CEDAW convention, lie not just in what the state does, but in what the state achieves in terms of real change for women. Political women representation has indeed made significant progress since independence but yet to meet the required standard as agreed upon and signed into CEDAW treaty by Nigerian Government.

The low representation of women in politics has implication for women's development; women's voice in decision making of States may have a substantial result in women's contribution for significant change in their lives. Also, an opportunity for women to propose and in time makes laws to protect their rights.

The worrisome aspect is gender discrimination has carry on for too long and is now deeply rooted and institutionalized in the system. The gender political representation and the treaties the State has entered into and the inability to rectify them into laws only re-emphasizes the inability of implying CEDAW domestication. More than 27 years after ratification shows the inter-related factors that hinders the process which include lack of political will, polarizing women's rights and the power play, a perceived conflicts between the spirit and letter of CEDAW with cultural and religious norms and other ingrained inequalities between the sexes reflecting in the patriarchy which marks everyday life in Nigeria.

Uprooting the situation would defiantly pose an uphill task, due to several other factors that have advanced in the intense discriminations and marginalization. The Nigeria patriarchal system is embedded in our cultural system, these culture perceives and treats men as superior to women and is well manifested in the “son preferences syndrome” a male child is mostly preferred to a girl child in all cultures in the Nigeria societies. Our culture strictly restricts women to stereotyped role of home keeping, child bearing and home front runners, while a male child is train as a head, to take charge as head of the family and formal public responsibilities. The second point is that of mixed legal system Nigeria is operating. These legal systems consist of the English Common Law inherited from the colonial rule, customary or traditional law and the controversial Islamic Law (Sharia) that 12 States in the Northern part of Nigeria adopted in the recent time. Controversial in the sense that the section 10 of the Nigerian constitution regards the country as a secular state, hence it prohibits adoption of any particular religious' law, or provisions in public life.

It is also believed that in many quarters that Nigerian's continued enforcement of customary and Sharia laws have succeeded in fueling the relegation of women to the background. It is pertinent to note that Nigeria is made up of many ethnic groups, and each operate a peculiar customary law. Most of Nigerian customary laws, especially Igbo customary law which operate in the South East Nigeria for instance, permits forced/child marriage, wife/girl child disinheritance; Polygamy; denies women custodial and maintenance rights, encourages harmful widowhood practices and female genital mutilation (violence) and above all do not encourage women leadership rule. All these are in conflict with the objective of CEDAW and in one way or the other has negatively impacted and slowed down the pace of women emancipation and rule in Nigeria; unfortunately lack of awareness amongst the populace of their right particularly women, by virtue of some treaty enabling statutes. Indeed, a large number of Nigeria populace lacks the knowledge of most of the tenet of the CEDAW treaty which has also affected the smooth application of treaty in Nigeria.

Furthermore is the improper understanding of the convention on the right of women by some states in the northern and eastern part of Nigeria. Thus, the misinterpretation and misapplication of women's rights. Also, the lack of political will to enforce economic, social and cultural rights of women as enshrined in African Charter on Human and Peoples' Rights has also impeded on the application of the CEDAW treaty. Lastly, the unavailability of existence of adequate infrastructure and institutions to effectively apply the provisions of the CEDAW has also contributed to the drawback of the application of CEDAW in Nigeria. Including, inadequate political training for women, non-availability of law enforcement agents like the police and judicial officers to carry out the provisions of CEDAW at that level, is a pertinent shortcoming in the application of the CEDAW treaty in general talk less of women who do not have a say in decision making.

Conclusion

Treaties are so vital in the international sphere that the image of a country could be marred by lack of implementation or poor application of treaty. In ensuring the effective application of CEDAW treaty in Nigeria, the Nigerian government at all levels and several institutions in Nigeria have differing roles to play. Nigeria appears to simply not have ratified the CEDAW treaty and thereafter gone to sleep on the issue of its application. The mechanisms for protecting the rights of women as provided for in the CEDAW Act have not been put in place since women are marginalized in the law making bodies; the ratification of CEDAW by the Nigeria National Assembly is far from reach.

References

- Abugu, J. E. (2009). *A Treatise on the Application of ILO conventions in Nigeria*. University of Lagos Press, Lagos.
- Aguda, T. A. (1998). *Law and Practice Relating to Evidence in Nigeria* (2nd) edition, Lagos: MIT professional Publishers.
- Aniekwu, N. (2009). The Additional Protocol to the African Charter on Human and People's Right.. Indications of Capacity for Africa Municipal Systems. *Law, Democracy & Development* (2), 22-35.
- Ashiru, M. O. A. (2010). A Considerations of Nigeria Laws which are Gender Insensitive: The Female Gender Focus. *University of Benin Journal of Private Law*, 1 (1), 90 -110.
- Charles, A. Kent, A. M. (1984). The Treaty of Greenville, *Journal of Illinois state Historical Society* (1908-1984) Jan 1918, Vol. 10.
- Ekhalor, E. O. (2013). *The Impact of the African Charter on Human and Peoples Rights on Domestic law: A Case Study of Nigeria*. A Paper Presented on the Kings College London Seventh International Graduate Legal Research Conference Forum. 8-9 April 1 2013. London.
- Freidman, M. (2011). *The power of the market – pencil*” <http://www.citecafr/en/milton.frieman-”> power market pencil

- Grevenville, J. (1974). *The Major International Treaties 1914-1973*. Mathew & Co. Ltd London
- Golder, S. N., Crabtree & C., Dhima, K. (2019). Legislative representation and Gender (bias) Political Science. <http://doi.org/10.108/00323187.2019.1632151>. Accessed 20th June 2020.
- John, V. (2017). Many Treaties to Save the Earth but where is the will to Implement them. Retried 18th May 2020 from www.theguardian.com/environment/blog/2012/ju/07/earth-treaties-environmental-agreement
- Oyelade, O. (2006), *Women's Right in Africa: Myth reality*, (UBLJ, 9 (1)) OO.Retried 3rd march 2020 <http://www.nigerianlawguru.com/articles/human%20rights%law/women%20>.
- Reilly, W. (2009). *Women's Human Right*, Polity Press, Cambridge.
- INEC. (2015), "*Women and Political participation in the 2015 Election*" Retried 20th May, 2020" <http://www.bridge.org/Nigeria-workshop-bring-women-and-politics>
- UNICEF: For every Child, "*Health Education, Equality, Protection Advanced Humanity*". Accessed 20 June 2020 from <http://www.un.org>.
- UN CEDAW/c/NGA/CO/7-8 Distr: General 24 July 2017. Concluding Observations on the combined seventh and eighth periodic reports of Nigeria. CEDAW/C/NGA/Q/7-8/Add.1.
- UNIFEM (2010). "*Ending Violence Against Women and Girls*" UNIFEM Pacific ISSN; 2219-7133
- United Nation Population Fund, (2008). "*An Assessment of the State against women in Fiji*".<http://www.un.org/womenwatch/ianwge/taskforces/vaw/Fiji>" VAW Assessment , 2008 pdf
- UN (1982).www.un.org/womenwatch/daw/cedaw/ accessed 10/11/2019.