

Classification: Women and the Law

Title of Study: Softening the Ground for Compliance with Legislation Banning Harmful Traditional (Widowhood) Practices: The Experience of the Edo State Chapter of the International Federation of Women Lawyers (FIDA) in South-South Zone, Nigeria

Introduction

Through the efforts of women's groups, including CEDPA partner the International Federation of Women Lawyers (FIDA), Edo State Branch, legislation was passed banning two key practices that infringe on the rights of women in the state. On October 26, 1999, the Female Circumcision and Genital Mutilation (Prohibition) Law was passed, making it an offence to "circumcise or mutilate the genital organ of any female" irrespective of whether consent has been obtained. In November 2001, another bill was passed banning harmful traditional practices. But as the FIDA-Edo members found, the biggest challenge lay in raising awareness about the laws, monitoring and enforcing compliance.



A team of women's non-governmental organizations and opinion leaders led by the FIDA-Edo chairperson, Mrs. Josephine Anenih (far right), pay a courtesy visit to the speaker of the Edo State House of Assembly, Hon. T.E. Okosun, and other members of the House on October 27, 1999 to thank them for their support in passing the Female Circumcision and Genital Mutilation Law.

Edo State

Edo State, in the South-South Zone of Nigeria, is one of the more homogenous states in the country with a rich cultural heritage. The main ethnic groups in the state include the Edo, Esan, Afemai, Owan and Akoko. Edo trace their roots to the ancient kingdom of Benin and share common religious



and cultural rites. The state enjoys a blend of both old and modern, housing numerous factories and industries, including flourishing breweries, wood and timber processing plants, and printing and publishing firms, as well as pharmaceutical companies. The state is also blessed with mineral resources such as clay, limestone, gypsum, petroleum and gold. The administrative capital of Edo State is Benin City



Women from Edo state dressed in colorful traditional regalia. (Photo from www.edostateofnigeria.gov.ng)

and the state has 18 local government areas (LGAs).

FIDA - Edo State

With funding provided by CEDPA under the Engendering Legislative Issues (ELI) Project in 1999/2000, FIDA-Edo designed program activities to increase women's awareness of their maintenance rights, with a focus on widows, and mobilized them to fight against the practice of female genital cutting (FGC). The project was implemented in three of the 18 LGAs of Edo State -- Oredo, Egor and Ikpoba Okha.

CASE STUDY No. 2: ENGENDERING LEGISLATIVE ISSUES (ELI) PROJECT, DECEMBER 2002

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...empowering women to be full partners in development...

A baseline survey conducted at the start of the project involved a randomly selected sample of 600 women who were either married, divorced or cohabiting with men. The results indicated that 78.5 percent were subjected to various forms of ill treatment by their husbands'/partners' relatives after the death of their loved ones. It was also clear that 67 percent of those who did nothing to exercise their rights, did so out of sheer ignorance or because they accepted the status quo as "God-given" and therefore were resigned to their fate. The survey also revealed that 56.5 percent accepted FGC as a way of life, especially among the elderly. This provided an entry point for the FIDA-Edo project, which began by sensitizing the target audience on the harmful effects of FGC, widowhood rites and the need for their abolishment.

Successful Strategies

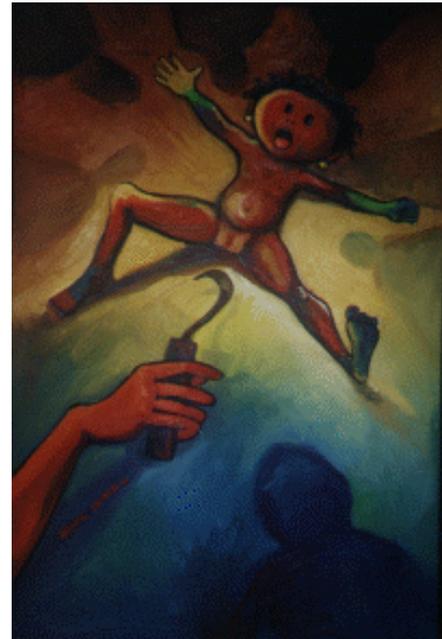
Workshops were organized at the local and community levels to sensitize women and community leaders on the need to stop practices that hurt women and endanger their lives.

Advocacy visits were paid to traditional, political and opinion leaders, especially community leadership and local government council officials. On a particular visit to Ikpobha Okha LGA, the Ebonwonyin of Idogbo, Chief Imade pledged to send the town crier out to neighboring villages to invite community members to a sensitization workshop and canceled market/trading activities during the workshop.

Legal clinics made a significant impact on members of the target communities, especially widows whose rights had been violated or who had fought for their rights to properties left by their deceased spouses. The workshops served to raise awareness among women in the community and motivated them to act. Many became aware, for the first time in their lives, that they could seek redress through legal means. Two legal clinics were established to provide legal backing for women, who under normal circumstances would be unable to pay for the services of a lawyer. To extend the reach of these services, paralegal training was provided to some community members who could meet with women and refer cases to the lawyers at the legal clinics if needed.

Targeted radio and television discussion programs further increased the reach of these clinics. Many more cases were referred to the legal clinics.

Baby tracking was also carried out by the trained paralegals as part of their regular schedule of duties. In the course of raising awareness about FGC and other harmful practices in the communities, paralegals would visit the homes of women who recently gave birth to baby girls to inform them of the health and psychological problems they may cause their daughters if they put them through the circumcision rites. While offering useful advice, they would also remind community members that it was illegal to circumcise a girl-child in Edo State and what the consequences were of flouting the laws of the state.



The Ugly Hand that Maims by Wande George -- FGC through the eyes of a Nigerian artist. (Photo: www.forward.dircon.co.uk)



One of the paralegals, Dorcas Odigie.

Testimonies

Adesuwa Ehigiamuose: Successfully Won Court Case

"I am now a housewife. I retired as a school teacher and I am from Egor Local Government Area, Uselu community in Edo State. I am a widow with five kids. My husband died after a protracted illness upon which I had to commence the series of widowhood rites:

- 1. I was not allowed to have a bath, nor to wash my hands after eating. I was not to change my clothing or underwear.*
- 2. I had to sit and sleep on the bare floor during my period of confinement.*
- 3. At certain times, widows have to go into the thick forest at midnight and recite some incantations. (This is very dangerous and some widows get killed by enemies in the family that lie in wait for them in the forest.)*
- 4. Widows are also made to drink the water used to bathe the corpses of their deceased husbands.*

I performed the first two sets of rites in ignorance. But I could not bring myself to perform the last two stages. I was scared to go through with the last two stages. A paralegal in my community came to my rescue.

I was initially too scared to heed her advice. But my older children, in institutions of higher learning, encouraged me to take the advice of the paralegal. My husband's family was upset, saying that I must have killed my husband.

During the ensuing battle, the paralegal went to the city and brought their lawyer from the legal centre. The lawyer, Barrister (Mrs.) Ufoegbune intervened. She was able to restrain some of the more violent members of the family and shortly after, the court proceedings commenced. The judge ruled in my favor.

What impressed me most was the number of female lawyers who always attended the court sessions.

I became the talk of the community and women came from other villages to see and talk to me, although some still rebuked me that I had smeared my family by dragging their name into a court case.

My husband's estate was given to me and my children because FIDA intervened."



Adesuwa Ehigiamuose

Nkem Uwaifo: Challenged In-Laws to Keep Her House

"My name is Nkem Uwaifo. I live in the Government Reserved Area of Benin City in Edo State. I am a 44-year-old widow and a mother of four. I am of Igbo ethnic origin but my late husband was from Edo State. Bini people have very strong cultural beliefs and largely, women are not to be reckoned with.

I got involved with the Democracy and Governance project of CEDPA through the legal clinic set-up by FIDA in Edo State when a friend directed me there for legal aid.

When my husband died, I went through hell at the hands of my in-laws. I was made to sit on the floor and eat with my left hand unwashed. I was not allowed visitors. I was forced to cry even when I did not feel like crying.

Two days after my husband was buried, our property, including cars, were shared. They tried to take even the one house he willed to me. In addition, I was harassed and asked to move out of the house where I lived with my husband and children.

From the counseling I received at the FIDA centre, I realized I was entitled to a share of my husband's property and I had rights as a widow. With the help of FIDA, I resisted the move to throw me out of the house. I reported to the police and threatened court action.

In the end, I succeeded in retaining the house willed to me but I was unable to recover other properties, including the car I was using before my husband's death."

Engendering Legislative Issues (ELI)

CEDPA's NGO Partners



FIDA -- International Federation of Women Lawyers
NCRSWA -- Northern Cross River State Women Association
NCWS -- National Council of Women Societies

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