Women's Rights as Human Rights: A Spotlight on Women's Reproductive Rights and Structural Violence in Nigeria

Dominique C. Blakely

University of San Francisco, dominiqueblakely@gmail.com

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WOMEN'S RIGHTS AS HUMAN RIGHTS: A SPOTLIGHT ON WOMEN'S REPRODUCTIVE RIGHTS AND STRUCTURAL VIOLENCE IN NIGERIA
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Under the guidance and approval of the committee, and approval by all the members, this thesis project has been accepted in partial fulfillment of the requirements for the degree.

APPROVED:

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ABSTRACT

My research aims to shed light on the injustices that women and girls are facing in Sub-Saharan Africa (SSA). Furthermore, my research intends to reveal how international human rights law and human rights law are confronting these violations and show the shortcomings of these laws. Women in SSA have continued to be at the forefront of devastation due to their exposure to gender-based violence (GBV) such as rape (including marital rape), domestic violence, femicide, “feminization” of HIV/AIDS, early/child marriage, and maternal mortality, in addition to lack of access to proper and sufficient reproductive health care. I will use women's rights and human rights discourses to discuss and analyze the interrelationships between power, patriarchy, Western hegemony, and gender oppression. I will examine a case study of child/early marriage practices in Nigeria and the prevalence of obstetric fistula cases in these young girls to show the severity of human rights violations in SSA. Child marriage is a global issue and a fundamental human rights violation that is rooted in gender inequality. I will use this case study to critique the shortcomings of international human rights law and, most importantly, to advocate for women's rights. Moreover, my intentions are to promote women's empowerment and the obtaining of control over their sexual and reproductive health rights.
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CHAPTER I: INTRODUCTION

Women are at the forefront of devastation in many African countries, especially in the Sub-Saharan region. More women across the globe are being afforded basic human rights such as education, access to healthcare, voting rights, and freedom from violence; however, there is still a long way to go for many African nations. Women in Sub-Saharan Africa (SSA) are bound together by shared experiences of discrimination, abuse, violence, political marginalization, and economic deprivation. Being a female in these countries has meant being placed in repeating cycles of gender-based violence such as rape (including marital rape), domestic violence, femicide, “feminization” of HIV/AIDS, early/child marriage, and maternal mortality, in addition to lack of access to proper and sufficient reproductive health care.

Gender-based violence against women has been recognized globally as a violation of basic human rights. Gender-based violence, or GBV, is a pervasive problem and is one of “the most oppressive forms of gender inequality, posing a fundamental barrier to the equal participation of women and men in social, economic, and political spheres” (The World Bank, 2019). Due to the high prevalence of violence committed against women, international organizations such as UN Women often interchangeably refer to GBV as “violence against women” and “violence against women and girls” (The World Bank, 2019). The UN Declaration on the Elimination of Violence against Women, adopted by the United Nations General Assembly in 1993, defined these terms as “any act of gender-based violence that results in or is likely to result in physical, sexual, or psychological harm or suffering to women, including threats of such acts, coercion, or arbitrary deprivation of liberty, whether occurring in public or in private life” (The United Nations).
Violence against women and girls includes, but is not limited to, physical violence, emotional abuse, sexual violence, female genital mutilation/cutting (FGM/C), child/forced marriage, and denial of resources, services, and opportunities (Arango et al. 2014).

In Nigeria, gender-based violence against women has been a longstanding crisis and continues to be on the rise. The Nigeria Demographic Health Survey (NDHS) 2018 indicates that 31% of women between the ages of 15-and 49 have experienced some form of physical or sexual abuse. In addition, the survey suggests that 36% of ever-married women have experienced spousal physical, sexual, or emotional violence. Furthermore, the survey indicates the rise in GBV, stating that the “prevalence of one or more of these forms of spousal violence was higher in 2018 than in 2008 (31%) and 2013 (25%).” And of these cases, more than half of these women (55%) who have experienced physical or sexual violence have never sought help to stop the violence, reporting that only 32% have sought help (NPC and ICF International, 2019).

Although the data collected from this report is relatively recent, studies in the last two years have revealed a rapid increase in GBV in Nigeria due to the COVID-19 pandemic. Referred to as the “Shadow Pandemic,” the sharp rise in GBV during the pandemic has become a global trend. A report from the United Nations on the effects of COVID-19 on GBV in Nigeria documents:

Data on reported incidents of GBV cases in Nigeria based on preliminary information from 24 states shows that in March, the total number of GBV incidents reported were 346, while in the first part of April, incident reports spiked to 794, depicting a 56 percent increase in just two weeks of lockdown. Some of these incidents of violence have tragically resulted in the death of victims, the rape of children, including incestual rape, and tenant-landlord assault (UN Women, 2020).

This drastic rise in domestic violence and other forms of GBV, prompted by governmental lockdowns during the pandemic, has negatively impacted the well-being of women and young girls and has placed a further burden upon them and the efforts that were being made to end GBV in Nigeria before COVID-19.
Nigeria is located in West Africa and is Africa's largest country by population, with about 215 million people (World Population Review, 2022). It is the leading oil producer and the country with the largest economy in Africa (CRS Report, 2020). The Federal Republic of Nigeria consists of 36 states divided by 19 northern states and 17 southern states. Consisting of almost 400 ethnic groups, the most populous and politically influential groups are the Hausa-Fulani (30%) concentrated in the North, Yoruba (15.5%) in the South-West, and Igbo (Ibo) (15.2%) in the South-East. “Ethnicity is particularly important in the context of Nigeria – a nation with 374 identifiable ethnic groups with substantial variation in ethnic, cultural beliefs and practices” (Mobolaji et al., 2020). While the country has over 500 languages, English is the official language. Religion is heavily immersed throughout Nigeria, with Islam and Christianity being the two primary religions. The split between the two plays a significant role in political divisions throughout states. A CIFORB Country Profile reports that:

It is difficult and perhaps not sensible to separate religious, ethnic and regional divides in Nigerian domestic politics. In simplified terms, the country can be broken down between the predominantly Hausa-Fulani and Kunari, and Muslim, northern states, the predominantly Igbo, and Christian, south-eastern states, the predominantly Yoruba, and religiously mixed, central and south-western states, and the predominantly Ogoni and Ijaw, and Christian, Niger Delta region. Or, even more simply, the ‘Muslim north ’and the ‘Christian south – ’finely balanced in terms of numbers, and thus regularly competing for ‘a winner-take-all fight for presidential power between regions. Although Nigeria’s main political parties are pan-national and secular in character, they have strong regional, ethnic and religious patterns of support (CIFORB, 2016).\(^1\)

Furthermore, it contends that:

Managing this diversity and developing a national identity has been, and continues to be, a challenge for Nigerians and the Nigerian government, especially between its ‘Muslim north ’and ‘Christian south’. Fears of ethnic and religious domination are longstanding. Given that religious identity frequently falls along regional, ethnic, political, and socioeconomic lines, it routinely provides flashpoints for violence. Moreover, religious practice is pervasive and churches and mosques operate independently of state control.

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This extensive background on the religious distinctions between the North and the South is vital for the purpose of understanding customary laws and GBV, more specifically, child marriage.

The case study that I will examine is child/early adolescent marriage practices in Nigeria and the prevalence of obstetric fistula cases in these young girls. Child marriage is a fundamental injustice and violation of human rights. Currently, 43% of girls in Nigeria are married before their 18th birthday, and 16% are married before 15. Furthermore, Nigeria has the 11th highest prevalence of child marriage globally and the third-highest absolute number of women married or in a union before the age of 18 in the world (Girls Not Brides.) As for predictions on the effects of the “Shadow Pandemic” on GBV progress, data reports have indicated that if “pre-pandemic trends continue, 150 million more girls will be married by 2030. Because of the COVID-19 pandemic, this may increase by a further 13 million girls” (Girls Not Brides). Child marriage is a cross-cutting issue that must be analyzed by looking at various sectors. This paper will explore the driving factors behind child marriage, such as poverty, gender inequality, social and cultural norms, and patriarchy which must be discussed to understand the extent of why it occurs entirely. This is also a crucial aspect of finding immediate solutions and a final resolution to the problem.

Child/early adolescent practices impede girls' education and increases early pregnancy and the risk of maternal mortality, obstetric complications, gender-based violence, and HIV/AIDS (USAID, 2014.) My research will reveal the detrimental effects of child marriage by looking at the prevalence of obstetric fistulas cases in Nigeria's young girls/adolescent women. In addition to the physical impacts, young girls suffering from obstetric fistulas experience severe psychological and emotional effects. This paper will attempt to draw a strong correlation
between child marriage and the occurrences of obstetric fistula in Nigeria. I hope that this case study can spotlight structural violence against women in Nigeria and throughout Africa. Furthermore, I hope that my research will emphasize the significance of recognizing child marriage as a women’s rights violation and the necessity to establish legally binding protection of rights implementations. It is essential to critically analyze child rights laws and the factors continuing to create barriers throughout state and sub-state level initiatives.

In addition, my research will center around sexual and reproductive rights/health violations. I will attempt to address how human rights laws and organizations confront these issues and other structural violence against women. To do this, I will be using the case study approach to help provide an in-depth analysis of the more complex and larger issues hindering women from gaining freedom over their sexual and reproductive rights, freedom from violence, and denying them of their fundamental human rights.

In the last several decades, women’s rights discourse has given rise to an evolutionary process of social, economic, cultural, and political change. The recognition of “women's rights as human rights” has been at the forefront of human rights initiatives and has become a pioneering call to action fueled by the work of NGOs, the UN, human rights activists, feminist discourses, and other progressive movements. However, while the fight for women's rights and the elimination of injustice has made a substantial breakthrough globally, many parts of the world still face extreme challenges.

The Universal Declaration of Human Rights was adopted in 1948 by the United Nations General Assembly. It was a universal document that “articulated the rights and freedoms to which every human being is equally and inalienably entitled” (United Nations). In 1967, United Nations Member States adopted the Declaration on the Elimination of Discrimination against
Women, which states that discrimination against women is an offense against human dignity and calls on States to “abolish existing laws, customs, regulations, and practices which are discriminatory against women, and to establish adequate legal protection for equal rights of men and women.”

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) is the first major international treaty protecting women's rights. It was adopted in 1979 by the United Nations General Assembly. It is a legal instrument that requires countries to eliminate discrimination against women and girls in all areas, promoting the equal rights of women and girls. Despite the adoption of human rights laws and treaties from both the international and state levels, many obstacles continue to persist, creating significant barriers for laws to be fully implemented. However, the last three decades have reached several monumental markers that have provided a legal foundation for women's rights. Of these critical achievements was the recognition of women's rights as human rights at the World Conference on Human Rights in Vienna, 1993. This World Conference addressed the previous disregard of human rights violations against women and "significantly expanded the international human rights agenda to include gender-specific violations." In addition to providing and identifying "particular examples of gender-specific abuses as human rights violations,” it also called for the "integration of women's human rights throughout the United Nations activities." One of the most critical aspects of the conference was that it “crystallized a political consensus that various forms of violence against women should be examined within the context of human rights standards and in conjunction with gender discrimination” (Sullivan, 1994, p. 152).

Following the World Conference on Human Rights, the Beijing Conference in 1995 placed further emphasis on women's rights and issues of gender justice and the role it should have in
international relations (Wanitzek, 2002.) These milestones played a part in setting forth an agenda that would focus specifically on the obligation to protect women's rights for international human rights law and the adoption of human rights laws in Africa. There has been a continual struggle for the protection of rights and to eliminate discrimination against women in Africa and, more specifically, in the Sub-Saharan African (SSA) region. This research paper will discuss specific laws/treaties that have been implemented in Africa to expunge previous discriminatory laws, gender inequality, and violence against women. It will address the subject of international law by looking closely at CEDAW, and it will look further into The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, also known as the Maputo Protocol. My paper will analyze the implementations of women’s protective and anti-discriminatory laws and the extent to which they are enforced and holding states accountable. This analysis hopes to reveal some of the most prominent weaknesses of international human rights laws and the shortcomings of national and sub-national implementations.

Lastly, throughout this paper, I will highlight the importance of contextualizing systems of hierarchy and the relationship between power and human rights. Various feminist critiques and bodies of literature have scrutinized “women’s rights as human rights” discourse by using a theoretical framework that exposes the underlying intersection of power, patriarchy, androcentrism, and race. I will use this framework as a theoretical model for this paper.

Structural violence and gender inequality remain at an all-time high in Nigeria and throughout SSA, significantly prohibiting the progression of the attainment of rights for women. Following this introduction, this paper will produce a literature review incorporating feminist perspectives, gender studies, and medical and legal anthropology studies. It will then introduce child marriage and the prevalence of obstetric fistulas in young girls as a case study and
methodology. Furthermore, this will be supported by data that will analyze specific human rights laws. Lastly, I will discuss the results of my research, followed by a conclusion. Throughout this paper, I will express the importance of women’s empowerment, liberation, advocacy for sexual and reproductive freedoms, and women’s autonomy over their rights.

CHAPTER II: LITERATURE REVIEW
Throughout history, women have been seen as "wounded subjects" or symbols of oppression. In the past several decades, women have fought hard to rid themselves of this identity and unearth the barriers that have kept them in the status of second-class citizens. Feminist perspectives and critiques have trailblazed through modern literature and modern thought. The intersection between women's rights discourse, international human rights law, and the deconstruction of systems of patriarchy have become part of an overarching theme of analysis throughout feminist ideologies. My review begins with reviewing literature related to Feminist Studies, Gender Studies, and African Studies to help analyze the challenges of equality. Furthermore, I will use these bodies of literature to explore the positionality of feminists throughout feminist discourses. While many feminists have adopted similar ideologies through shared experiences of womanhood and oppression, it is crucial to examine the differences between these lived experiences in the context of race. This literature review will incorporate and pay exceptional attention to Black feminist literature and perspectives. This is a very significant aspect of my research and will be used to carefully analyze structural violence, women's reproductive and sexual rights, gender discrimination, and sexual violence. In addition, I will incorporate the work of African feminist scholars to help me attempt to draw parallels between the struggles of black women globally.

The progression of women's empowerment and women's rights movements in Nigeria is far behind compared to other places around the world. The disproportionate risk of violence, exposure to violence, and lack of protection demand the adoption of a more progressive state and a new configuring of thought based on women's rights. The exploration of this is essential throughout the literature I will be analyzing. This will be especially important for the discussion  

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2 "Wounded subjects;" in Intimate Justice: The Black Female Body Politic (2016); her theory see black women not as wounded subjects or symbols of oppression.
of law and modern theory. As I mentioned in my introduction, there must be a strong emphasis placed upon international human rights law and the ensuring of protection of women's sexual and reproductive rights and freedom from violence, discrimination, social isolation, and any other injustices that women are grappling with daily. Implementing laws that are binding to States who are accountable and free from impunity is crucial to this conversation.

Feminist and legal scholars have all begun to engage with notions of power and its relationship to concepts such as culture, identity, race, institutions, history, politics, law, justice, and liberty. I believe that it is critical to analyze and discuss power and its relationship with other entities. Political theorist, Wendy Brown, contends that “power is one of those things we cannot approach head-on or in isolation from other subjects if we are to speak about it intelligently” (Brown, 1988, p. 207). Regarding structural violence and women's rights, the institution of power is something that is heavily embedded. In Nigeria and the continent of Africa as a whole, power dynamics, of course, must be analyzed in their current state, but close attention must be paid to the historical aspect as well. Understanding the history of colonialism in Africa and, more specifically, in Nigeria is necessary for being able to analyze the political, economic, and socio-economic state of present-day Nigeria. Furthermore, this is important in terms of addressing the historical and current state of power dynamics in relation to international human rights law.

While medical anthropology is a relatively new field among other social sciences that study health and disease, it has already made “significant theoretical and empirical contributions to our understanding of the cultural embeddedness of medical knowledge and practice” (Joralemon 2017, xi). Furthermore, medical anthropology and critical medical anthropology have introduced a theoretical perspective that underlines the significance of how politics and economic powers take part in the influence of welfare and sickness and the human experience of
health and illness (Singer & Baer, 1995, p. 5). My analysis of obstetric fistula cases in Nigeria will incorporate an anthropological framework necessary to investigate how childbirth-related illnesses are affected by the interrelationships between cultural norms, social institutions, politics, and socio-economic and environmental factors.

In my exploration of scholarly literature, I found it essential to highlight the significance of reconstructing power dynamics in Nigeria. Men use power as an effective way of control over women. Women's empowerment is substantially lacking, and they have little opportunity to become powerholders. Women deserve to have rights that will ensure their safety and protection from harm and rights that allow them control over the choices that affect their bodies. Various organizations and NGOs are working hard to accomplish this goal and to advocate for more women to be represented in legislative and public positions. It is important to note that this thesis is not meant to portray Nigerian women as “wounded subjects” or victims but instead express the necessity to transition them from being “wounded subjects” to “freedom dreamers.”

**Feminist Perspective on Human Rights:**

"Women's rights as human rights" has become a pioneering call to action across the world in recent decades. Many feminist movements have provided groundbreaking perspectives to human rights discourse from a feministic standpoint. At the forefront of feminist scholarship has been the recognition of gender and the interaction that gender has with other hierarchies of power. Many of the discussions and critiques that have been pertinent to the realm of this scholarly feminist research stress the androcentric construction of human rights and the institutionalization of human rights; all of which have provided substantial insight into the

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3 Critical medical anthropology is a "theoretical perspective in medical anthropology which stresses the importance of political and economic structures, especially global capitalism, on the health of human populations (also known as the political economy of health)” (Joralemon, 2010).

factors of patriarchy, Western hegemony, race, law, and the ways that these factors intertwine with the “women's rights as human rights” discourse.

Dana Collins et al. (2010) highlight a collective of feminist research in, *New Directions in Feminism and Human Rights*, that focuses on the “transformative potential” of a “feminist human rights praxis” that embraces collective justice by creating a framework that seeks to achieve antiracist and social justice-oriented initiatives. In this work, she and other feminist scholars outline the contradictions that emanate from the “institutionalization of human rights among imperial nations and global governmental bodies.” The critiquing of human rights in the legal, political, and social context allows for recognizing the role that Western Hegemonic ideologies have played in the social construction of what has become the framework for human rights. Many of the laws that have derived from this discourse do not fully reflect the experiences of those who are at the heart of rights violations. Collin et al. bring these critiques to the historical development of a dominant human rights framework and the following of the “complicity of universalist ‘human rights’ frameworks with imperial feminism” (Talcott, 2010, p. 300):

The nation-state's subject, whose ‘rights’ were to be protected, implicitly reflected the experience and subjectivity of a masculine, rational, individual, who was not rooted in a significant way to community or social structure. Hence human rights laws were designed to protect those subjects who fit neatly into such legalistic categories and at the same time silence those subjects whose human rights were being violated along the lines of gender, 'race'/ethnicity and sexual identity. If an abuse falls outside of the contract between the individual and the nation-state then such abuses will not be regarded as an abuse of human rights (Collins et al., p. 304).

This collective of feminist research offers new perspectives that illuminate the fact that human rights and its frameworks remain “Eurocentric in many of [their] assumptions and goals”

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5 Imperial feminism: known as imperialist feminism, colonial feminism, or intersectional imperialism refers to instances where, critics argue, feminist rhetoric is used to justify empire-building or imperialism.
(Grewal, 1998, p. 505). It also points out that because of the “dispersal of geopolitical power and corporate globalization,” UN policies and mandates have “disproportionately favored the First World at a heavy cost the Third World” (Collins et al. p. 307). Drawing from their background and experience of researching and studying the Global South, Collins, Talcott, Falcón, and Lodhia accentuate the significance of conceptualizing human rights by focusing on grassroots movements, steering away “false universalisms:”

As feminists of the Global South have pointed out, the false universalisms and cultural essentialisms of dominant human rights debates ignore the diverse experiences of women's oppression, especially those who are indigenous, Third World, women of color, poor, rural, disabled and queer. Feminist human rights research critically explores the applicability of international human rights guarantees, while remaining attentive to the particular local social contexts from which human rights issues and potential solutions arise (p. 308).

Rights are constituted in social structural relations of multiple positionalities:

Thus, in the tradition of feminists who have been at the center of critiquing human rights paradigms for their implicit masculinist bias, transnational feminists seek to produce innovative engagements to alter thinking and practice around human rights issues. Transnational feminists address the complexities that emerge when invoking human rights at the international level and when accounting for the intersections of ‘race, ’racism, class, gender, sexuality and nation (Collins et al., p. 309).

Feminists have provided substantial insight into their critical approaches to reshaping human rights discourses. They have argued that struggles for justice for women, in the context of human rights and law, can’t be delineated through one single lens. Feminist perspectivism continues to challenge universalistic applications to human rights laws.

Many important contributions to human rights discourse from feminist literature have been based on critiques of the androcentric construction of human rights. In her feminist perspective on human rights, Laura Parisi goes into an in-depth discussion about androcentrism and what is to be understood about the degree to which society is “male-dominated, male-
identified, and male-centered.” Furthermore, Parisi highlights the contemporary feminist analyses of human rights laws, institutions, and practices and how they are grounded in critiques of the broader construct of patriarchy (Parisi, 2010, p. 2159). Feminist literature that is embedded in this type of perspectivism brings close attention to the social construction of rights, historically, culturally, socially, and economically and the way it is used as an effective analytical tool (Donelly, 1999, p. 81). This claim of “androcentrism in the development of human rights” serves as a solid basis to examine “law-making institutions of the international legal order” and how it has always been and continues to be dominated by men or influenced by “masculinist ideologies” (Parisi, p. 2159). Androcentrism greatly exacerbates women's subordination, and these critical analyses of human rights law highlight the fact that men and women have a different relationship with the state. In addition, feminist literature that critiques the social construction of human rights laws is heavily immersed in notions of the “public-private distinction” and the conceptions of citizenship for men and women (Parisi, p. 2160). This is a proclamation that declares that human rights laws are gendered male and are designed to protect the male subject. A male subject is a representation of public spaces that are largely male-dominated. The question of what is considered citizenship in the context of the construction of human rights laws arises:

Since the public sphere is associated with masculinity, “the duties and activities of citizenship have strongly depended on manliness.” As citizens, men are/were accorded certain rights that women, relegated to the private sphere, are/were not. The association of the feminine with the private sphere has historically identified and still continues to identify women as non-citizens, and, hence, as less than fully autonomous beings…The emphasis on the public sphere as the proper realm of human rights depoliticizes women's experiences in the private and reinforces androcentric constructions of human rights (Parisi, p. 2160).6

The distinction between the public and private sphere is important especially in the context of human rights law. Women are delegated to be subjects that are a representation of private spaces. As mentioned above, human rights laws have been constructed in a way that prioritizes the male subject and creates an artificial distinction between the public and private spheres that "masks how formal legal equality in the public sphere contributes to states' complicity in facilitating gender hierarchies in the private sphere" (Parisi). International law has been framed in a way that does not promote or support the intervening of states in the private sphere:

The result is that states are held accountable only for the human rights abuses they perpetuate and not for the conduct of individuals in the private sphere, where most gender-based violence occurs. Hence, gender-based violence in the home, until recently, was not considered to be a human rights abuse (p. 2160).

Parisi uses the example of marital rape to further support this notion of the private-public distinction. "Marital rape has historically often not been considered a criminal act by the state, and this idea is still prevalent in many countries, such as the Bahamas and Zambia, where marital rape has yet to be criminalized." Even with the advancement and progression of women's rights movements, women remain unprotected in the private sphere making them susceptible to gender-based violence, marital rape, and domestic abuse. Men and women should be able to enjoy the same legislative protection, and women need laws that criminalize these violations in both their public and private lives.

**The Black Feminist Perspective:**

In evaluating the most prominent feminist critiques on human rights, as touched upon in the Collins et al. piece, race has become a foundational part of my personal research and various approaches to feminism. Expressions of Black feminist thought go as far back as the 1830s, beginning with prominent Black nineteenth-century activists such as Sojourner Truth. Black
feminism is an “intellectual, artistic, philosophical, and activist practice grounded in black women's lived experiences.” Furthermore, it is a philosophy centered around the experiences of Black women that tries to “understand their position in relation to racism, sexism, and classism, as well as other social and political identities” (Peterson, 2019.) Black feminism has given rise to a broad perspectivism that stems from the “long-term and widely shared resistance among African-American women” that “only have been sustained by an enduring and shared standpoint among Black women about the meaning of oppression and the actions that Black women can and should take to resist it” (Collins, 1989, p. 746). Mainstream feminist movements and philosophies led by white women failed to distinguish the differing struggles towards the fight for freedom, equality, and justice. The lived experiences of Black women were excluded from these early women’s rights discourses because Black women were not fighting the same as white women. Black feminist intellectuals developed a consciousness that was a self-defined standpoint on their own oppression (Collins, p. 747). Black feminism provided a breakthrough in feminist thought that gave way to a new conceptualizing of race, identity, and gender inequality.

Shatema Threadcraft (2016) gives a truly enriching lens into the origins of Black feminist perspectives and brings together the insights of Black feminist thinkers and feminist political theorists, specifically relating to the conversation of Black women's experiences of sexuality, maternity, and reproduction. Threadcraft refers to an Intimate Justice, as a theoretical framework that "charts the long and still incomplete struggle for freedom and equality for the embodied black female subject, the struggle to use the powers and capacities of the body freely and equally and black feminist theory's commitment to reproductive justice” (Threadcraft, 2016, p. 6). It is important to comprehend what is exactly meant by “Intimate” and what it means in the in the context of this framework:
Here and elsewhere, I use the phrases “intimate sphere” and “sphere of intimate relations” to refer to one among the three realms that have been considered to be private in Western political thought. Benhabib notes that the term “private” refers to three distinct concepts or zones of privacy in the Western tradition. The first is the sphere of moral and religious conscience, set apart from public power in the modern era. The second refers to economic liberties. The final sense refers to the “domain of the household, of meeting daily needs of life, of sexuality, reproduction, care of the young, the sick and elderly.” It is this third notion of privacy that concerns me here and that feminist critique most targets (Threadcraft, p. 22).7

As discussed in Laura Parisi’s, Feminist Perspectives on Human Rights, private or “intimate” spaces are widely accepted as supposed notions of femininity. Threadcraft highlights this in the context of race to show how the Black female body in the body politic is wholly disregarded as something of value but instead a symbol of oppression.8 Drawing from the experiences of racism and subordination of Black women throughout American history, she says:

I hold that it is the American state and those that so long empored to define the meaning of black womanhood, of the black woman as she who could not be raped, as she who was the proper target of violence and that state must be held accountable.

She exemplifies this furthermore:

Black women, who only gained legal recognition of their bodily integrity after black feminist activism in support of this in the 1970s, after suffering decades of systemic sexual assault and sexual terrorism, continue to face harms that stem from the racist social construction of the meaning of black womanhood, of the black woman as someone who could not be raped (Threadcraft, p. 67).

The term “intimate” should be recognized as a crucial site of black women's experiences of injustice. Threadcraft, therefore, believes that theories of injustice must also draw close attention to injustices of black women that happen both “privately” and “publicly.” The meaning behind “private” forms of injustice is a reflection of the abuse, violence, and suffering that Black women face in their everyday lives. This provides a very interesting perspective that challenges racial

7 Benhabib, Situating the Self, 107-108.
8 “Body politic;” in Intimate Justice: The Black Female Body Politic (2016; refers to the practices and policies through which powers of society regulate the human body—well as the struggle over the degree of individual social control of the body,
ideologies of the Black female body. The National Association of Colored Women came “to challenge the widespread belief that black women could not be victims of sexual violence because they were incapable of refusing demands for sex—that they were always willing” (Threadcraft, p. 11).

I think that it’s also important to highlight what she refers to as “racialized space.” She explains that one important aspect of “women’s unequal constraints across race” is the problem of “racialized spaces.” Meaning that “conditions in black spaces are far more marked by violence and the threat of violence” (Threadcraft, p. 65). Threadcraft and many other Black feminist thinkers and political theorists catalyzed the advancement of feminist political theory that critically analyzed the experiences of Black women, the intersectionality of race and gender-based oppression, and the struggle for freedom and equality “for the embodied Black female subject.”

Before going any further, it is an essential part of my research to define the term “Black woman” in the context that I wish it to be seen as throughout my paper. I have read various volumes of Black feminist traditions of collaborating stories and perspectives that explore overarching themes of womanhood and identity. Inspired by this feminist tradition of collaboration, Rodriquez et. al. (2015) developed a joint body of literature and expression through a framework called, Transatlantic Feminisms. A theoretical framework that is embedded in the tradition of bringing women together “as builders of communities and as creators of knowledge” through an interdisciplinary collection of studies on women’s lives in Africa and the African diaspora (Rodriquez et. al, 2015).

As highlighted in Threadcraft’s work, Transatlantic Feminisms, seeks to characterize the experiences of Black women’s “public” and “private” lives throughout the world. I mentioned the
significance of defining the term “Black woman” for the purpose of developing a theoretical framework that will analyze and reveal the interconnectedness of lived experiences of Black women across the globe. The definition that I think is appropriate to use, in the context of my research comes from Rodriguez et. al.; believing to be a foundational contribution to Black feminism and collaborative scholarship:

*The Black Woman Cross-Culturally* (1981), which broke new ground as interdisciplinary collection of work on black women's lives in Africa, the Caribbean, South America, and the United States...While the term, “the black woman” essentializes the concept of black womanhood and suggests a one-dimensional paradigm for thinking about black women's lives, Steady maintains that the volume does not present a monolithic image of black women. Rather, the collection presents common themes that were considered significant and relevant to the majority of black women in various parts of the world. The themes include a common African heritage, economic exploitation and marginalization, negative literary images, self-reliance as a necessary ideology, and the creation of imperatives” (Rodriquez et. al. viii).9

Contributions to the emerging field of African diaspora and women’s studies has given Black feminist thought a realm of space to understand the experiences that link Black women together around the world. I hope my research endeavors can highlight the significance of transnational theory in relation to Africa and African diasporas and its contributions to advancements in Black feminist research.10

While transnational theory has enhanced the understanding of feminist experiences, it has also illuminated the complexities of “Black feminist thought as a global phenomenon” (Rodriquez et al. 2015). Despite advancements in politically and socially progressive Black feminist movements and ideologies there are still large gaps in this body of literature and theoretical framework. Perhaps one of the most prominent challenges in this expansion of

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10 Transnational theory; A field of study focusing on cross-boundary political space, arguing that states are not the only significant actors.
scholarly research has been the difficulty in deciding how to go about analyzing Black women’s experiences that are culturally, historically, and regionally different. There is a great deal of research that can be done to explore the interconnectedness between Black women’s lived experiences across the African diaspora and the relationship this has with race and international human rights law. However, I wish to have highlighted some of the aspects that have shown the significance of using a transnational framework for my research. And most importantly, that I have emphasized the substance that can be brought to the establishing of a transnational Black feminist solidarity. Sociologist, Rose Brewer, draws from Black feminist analyses that commonly refers to the principle of “simultaneity of oppression” (James & Busia, 1993). In the Combahee River Collective, Black feminist Barbara Smith and others explore the concepts of “simultaneity,” “intersectional feminism,” and oppression. The simultaneity of oppression was a conceptual anchor of Black feminist theorizing that understood race, class, culture, and gender as simultaneous forces (James & Busia, 1993).

I think that it is critical to develop a theoretical framework that investigates the interrelationship between lives and social structure. I believe that it is crucial to rethink the social structure of inequality in the context of race, class, and gender intersections. Black feminist perspectives have outlined many of these significant debates within contemporary feminist frameworks across a range of subjects such as literature, political theory, sociology, history, anthropology, gender studies, etc. Furthermore, I will use some of these perspectives to think about the relationship between laws and race in the context of Nigeria.

Power and Human Rights Laws:

The relationship between power, agency and social structure should always be at the forefront of one's mind when thinking about international human rights law. In relation to my topic, analyzing human rights laws will require me to focus critically on power structures that will serve as another foundation for my overall research. In the last several decades, there have been significant contributions to the study of institutionalized power; however, one that I firmly believe is an excellent body of literature and something that I must revisit is Laura Nader’s, *Up the Anthropologist: Perspectives Gained from Studying Up* (1972).

Coming from an anthropological background, Nader first introduced the idea of "studying up" in the late 1960's, during a time when anthropologists were grappling with a number of high-profile controversies, which called into question the post-war model of the social sciences as an objective and value-neutral enterprise (Barabas, 2020). She believed that anthropologists in the past had been too preoccupied with studying their subjects from an approach that studied “the downtrodden and the marginalized,” groups of people or members of society from isolated cultures in distant lands — whose material reality was disconnected from larger structural forces of domination and power (Barbados, 2020). The idea of "studying up,” brought about a theoretical framework in anthropology that would question the extent to which people or disciplines “understand those who shape attitudes and actually control institutional structures” (Nader, 1972: 1).

In this essay, Nadar is invested in discussing the developing phenomenon that studied major institutions and organizations that affect the everyday lives of people, which had not been commonly done prior. The essential question that she brought forth was: “What if, in reinventing anthropology, anthropologists were to study the colonizers rather than the colonized, the culture
of power rather than the culture of the powerless, the culture of affluence rather than the culture of poverty?” (Nader, 1972: 5-6). Furthermore, she explains that:

“Studying up” as well as down would lead us to ask many “common-sense” questions in reverse. Instead of asking why some people are poor we would ask why other people are so affluent? How on earth would a social scientist explain the hoarding patterns of the American rich and middle class? If, in reinventing anthropology, we were principally studying the most powerful strata of urban society our view of the ghetto might be largely in terms of those relationships larger than the ghetto. We would study the banks and the insurance industry that mark out areas of the city to which they will not sell insurance or extend credit” (p. 6).12

Nader’s vision of “studying up” is still as relevant as it was in the 70’s, 50 years later. The rapid growth of political, economic, and cultural global relations has prompted the development of new theoretical tools to apply to “studying up.” For example, Chelsea Barabas presents her findings on what can be gained from "studying up” by using her own experience as a case study. In this write-up, “Studying Up: Reorienting the field of algorithmic fairness around issues of power,” Barabas discusses the building of algorithmic interventions in the criminal legal system and the challenges that data scientists face in trying to pursuit fair algorithmic systems. She reflects on the work that her team of data scientists and the data scientist community in general and the tendency of the field to “uncritically inherit dominant modes of seeing and understanding the world when conceiving of their projects. In doing so, they reproduce ideas which normalize social hierarchies and legitimize violence against marginalized groups” (Barabas, 2020). She believes there has been a major struggle in the data science and many other fields to contextualize issues in terms of larger structural forces. In this case, Barabas proposes that it is necessary to analyze this problem through Nader’s critical approach of “studying up.” Barabas

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proclaims that it is the lack of understanding of how to address controversies that involve larger political and social struggles, stating that:

Within this community, the default tendency is for data scientists to cast their gaze “downward,” to focus on the relatively poor and powerless factions of society… Data scientists tend to study disadvantage in a one-dimensional way, divorced from the broader social conditions which produce complementary systems of advantage and privilege. This downward orientation holds widespread appeal, because it creates discursive ghettos around marginalized populations via statistical discourse in ways that disconnect their plights from structural forms of oppression. It’s what happens when we create crime hotspot maps that focus only on “street crimes” while completely ignoring white collar crime.

Furthermore, she explains:

The tendency to frame outcomes in individual terms, disconnected from larger structural forces, is due to the fact that data science is often based on extremely asymmetrical power relations, where those with power and privilege are often the only ones with the resources necessary to collect and analyze data. But as D’Ignazio and Klein have argued, these gatekeepers “have overwhelming incentives to ignore the problem, precisely because addressing it poses a threat to their dominance” (Barabas, 2020).\(^{13}\)

I shared Barabas’s case study to take a quick glance of “studying up” outside the context of theory and to provide a real-life example of the way in which research can confront institutions and cultures of power. Throughout my research, I have been able to recognize strong linkages between this notion of “studying up” and international and human rights law that have served as theoretical frameworks for legal anthropologists, political scientists, and other social sciences. However, I have found extensive gaps in this body of research pertaining to women’s rights. I believe that a great deal can be gained from using this method to examine the intersectionality between international human rights law, power, and marginalization in the context of women’s rights. When researching and studying gender-based violence, sexual

violence, gender discrimination, and gender oppression, as Nader points out, there is the tendency to always focus “downward” or the “powerlessness” of women, especially women in Africa. While a large part of my thesis is, in fact, centered in this casted gaze “downward,” Nader argues that it is equally as important to develop an epistemological foundation for “studying up” that is relevant to the context of research. Asserting that “we aren’t dealing with an either/or proposition; we need simply to realize when it is useful or crucial in terms of the problem to extend the domain of study up, down, or sideways.” (Nader: 8).

It is an essential part of my research to understand and to show the complexities of the power dynamics that are intertwined with international law, human rights, state actors, customary laws, and the attainment of women’s rights. As I have laid out, a large aspect of my research does involve the dissection of international and state-level human rights laws that are failing to confront structural violence against women. Furthermore, I believe that this investigation requires me to analyze power structures such as Western hegemony, patriarchy, politics, and law using the method of “studying up.” I hope that this will reveal the power dynamics that are embedded in the construction of international human rights law and the part that they have in further exacerbating socially marginalized groups. I think that it is critical to seek to understand the operations and effects of international human rights law.

The other part of my research will be using a more “downward” approach which is necessary to effectively illuminate the harsh realities of what young girls and women in Africa go through daily and to emphasize the significance of women gaining autonomy over their rights.

*Medical Anthropology Contributions:*
While the focus on human rights will be a large part of my research, providing medical background to the context of my case study will also be essential. Most of the scholarly research that I use in my research, is the providing of case studies in Nigeria related to women's reproductive health. Analyzing these case studies has allowed me better understand inequality and how factors such as gender, sexual-based violence, discrimination, and law intersect with health. A study conducted by Ijaiya et al. (2010) outlines the most prominent causes of vesicovaginal fistula in Nigeria in comparison to other countries. Early marriage and pregnancy were one of the primary causes in certain parts of Nigeria, while unskilled birth attendance was common nationwide. This study also outlines other significant contributory factors, such as poverty, illiteracy, lack of knowledge, restriction of women’s movement, non-permission from husbands, and transportation. Another cross-sectional study conducted by Fehintola et al. (2019) provides substantial background on the prevalence of obstetric fistula in Nigeria as well as the psycho-social and medical consequences of obstetric fistula. It provides a great deal about the methodology of the study as well as the contributing factors to the condition. The study shows not only the health-related stressors of this condition but also the social stressors. Women and young girls face rejection by their husbands, family members, and friends, the loss of their babies, stigmatization, and social isolation.

As shown in both of these studies, child and early marriage have been attributed to many health-related factors. A study conducted by Nour (2006) shows the detrimental effects that childhood and early marriage have on girls' health. These effects include the increased risk for sexually transmitted diseases, cervical cancer, malaria, death during childbirth, and obstetric fistulas. It also points to poverty as the primary reason for the occurrence of child marriage. This study recognized child marriage as a human rights violation that needs to be re-evaluated in
relation to international law. This study and the other studies not only provide medical background for my research but also really help to examine how the health of women intersects with larger social formations, cultural norms and social institutions, and human rights laws.

CHAPTER III: METHODOLOGY/ DATA ANALYSIS

Case-Study Approach

The research that I have conducted has been done using a case study methodological approach. Because I could not travel to conduct research in the field, I found that a case study approach would be best to obtain an in-depth exploration of structural violence against women and international human rights law throughout Sub-Saharan Africa. While my research focuses on a wide range of topics involving GBV and sexual/reproductive health, I decided it would be necessary to analyze child marriage closely to explore the complex issues of women's subordination.

Today, more than 650 million women are suffering the consequences of child marriage. It is a common practice in many parts of the world, such as Africa, Asia, and South America, that affects children as young as nine years old (Nnadi, 2014). Although the rates of child marriage have been on a slow decline globally, post-COVID-19 trends indicate that rates will rapidly increase in the next ten years. Child marriage is a global issue and human rights violation and a form of gender-based violence (GBV) that “robs children of their ability to make decisions about their lives, disrupts their education, subjects them to become more vulnerable to violence and discrimination, and prevents their full participation in economic, political, and social spheres” (Mamo et al., 2021). It is defined as any formal marriage or informal union where one or both parties are under 18 years of age. Child marriage is strongly rooted in gender inequality. Gender inequality is the belief that women and girls are inferior to men and boys; thus, they are treated as second-class citizens, valued less because of their sex, and denied their basic human rights (Girls Not Brides). Fueled by patriarchal systems of control, women are criminalized due to their
sexuality, having their value in society being placed upon their virginities, and lack of sexual freedom. Cultural norms and beliefs prohibit women and girls from any form of sexual expression limiting their access to reproductive health services and information.

In many ways, girls are viewed as burdens to their families. In Nigeria, girls who have relationships or become pregnant outside of marriage are frowned upon and shamed for the belief that they have brought dishonor to their family. In these circumstances, “parents may see early marriage as a way to protect their daughters and their families” due to the fear of her becoming " (Girls Not Brides). In addition, early marriage “is seen as a way to ease the family’s monetary struggles and a way to have the husband’s family assume financial support” (Fletcher, 2021). In many places:

Those who support child marriage say it is a way to create relationships between households who can then rely on each other, sharing each other’s assets like food, money, and even seeds to plant a garden. When people live in poor conditions, it is challenging to feed a family (Fletcher, 2021).

Poverty is one of the most prominent factors regarding the prevalence of child marriage. Girls Not Brides reports that nearly 40% of girls in the world's poorest countries are married as children, twice the global average. It further explains that:

When experiencing acute poverty, families – and sometimes girls themselves – see marriage as a way to reduce family costs and gain financial security. This idea is reinforced by patriarchal norms that devalue and commodify girls. Because girls have less access to education and low social, political and economic status, they are often economically dependent on men. They may see marriage as their only option.

Despite financial reasons, early marriage practices largely affect women and girls’ mental and physical health. They are refused the opportunity to go on with their education and must accept the values that have been placed upon them by society and the exertion of control and authority from their husbands. They are also more likely to experience physical or sexual abuse, have early pregnancies, and have an increased risk of sexually transmitted diseases such as HIV, death during childbirth, infant mortality, obstetric fistulas, and other birth-related complications (Nour, 2006).
Child Marriage in Nigeria

Child marriage is a common practice in Nigeria that is rooted in “traditional, economic, religious, and legal conditions that disproportionately affect girls and women” (Human Rights Watch, 2022). Currently, it is reported that 43% of women are married by the age of 18 and 16% by the age of 15. Furthermore, Nigeria is documented to have the 11th highest prevalence of child marriage in the world and the third-highest absolute number of women married before the age of 18 (Girls Not Brides). This practice is common throughout Nigeria; however, it is most prevalent in the Northern regions. The rate of early marriage practices varies significantly by geo-political zones in Nigeria, ranging from 39.0% to 67.6% for the Northern zones compared to the much lower rates of 13.9-21.6% for the Southern zones (Mobolaji et al., 2020).

Child marriage in Nigeria is a complex issue that has multifaceted dimensions and consequences (Itumoh, 2020). As I mentioned in my introduction, it is crucial to understand the religious distinctions throughout Nigeria's northern and southern states. It is also imperative to understand the culture of religion in the country. Religious beliefs play a significant role in the “shaping of gender-related behaviors and practices” (Mobolaji et al., 2020). Religion is a huge part of the culture in the northern part of Nigeria. Child marriage is most prominent in the North because it is viewed as a traditional cultural practice which is heavily influenced by Islam. In the North, which is predominately ethnically Hausa-Fulani, 48% of girls are married by the age of 15, and 78% are married by the age of 18 (Braimah, 2014). Studies have found child marriage in the North to be about 15–18 times higher than that of the Southern major ethnic groups (Yoruba and Igbo) (Mobolaji, 2020). The high prevalence of child marriage is due to the associated belief in Conservative Muslim communities that a girl is allowed to marry once she reaches puberty or has started menstruation (Sisters in Islam (SIS), 2018). This is based on the belief that the Quran
allows girls to marry at any age, as the Prophet Muhammad's wife was nine years old at the age of marriage. It is essential to analyze child marriage in Northern Nigeria in the context of religion, given that there is a significant intersection between Islam and politics (Falola, 2009).

Josephine Ngozi Akah states:

Three ways in which religion can influence politics namely by “direct involvement of religious men in politics, by fusing the two (religion and politics) as one and by subjecting politics or government along the line of religious doctrines, ideals or laws” …all these are obvious in Nigerian politics and this makes religion and politics inseparable (Akah, 2019: 81).14

In addition to religion, cultural and traditional norms, poverty is amongst the most primary causes of child marriage in Nigeria. Women and girls who live in the north are significantly more likely to be married earlier than those who are not. Nonyelum Ujam, who works with the Central Bank of Nigeria, contends that:

Poverty and underdevelopment have been identified as enablers of this deplorable practice, and child marriage is more than twice as likely to occur in rural areas and over three times more common among the poorest demographic: 80 percent of young women from the poorest families marry in childhood as compared to 10 percent from the richest. Nigeria's child marriage is most prevalent in the North, where the poverty rate is highest, averaging 77 percent, where child marriage is most prevalent, explains human rights (Ujam, 2019).

In addition, child marriage has a strong impact on the health of a girl-child and her opportunity to escape poverty.

The impacts of early marriage are pervasive, from health risks associated with childhood pregnancy, delivery, and parenting to mental health issues due to isolation and stress. Studies have found that child brides are at greater risk of contracting sexually transmitted diseases and confronting reproductive challenges: Girls under age 15 are five times more likely to die in childbirth than those in their twenties, and girls under 18 are 60 percent more likely to lose their child. Victims of child marriage are more susceptible to domestic violence, including marital rape, an act not recognized as a crime in many patriarchal societies – perpetuated freely and without consequence. Girls are less likely to remain in school, limiting opportunity to accumulate skills, savings, or endowments, according

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to Joan-Johnson Freese, thus promoting the cycle of poverty, illiteracy and child marriage. Ultimately, victims are confined to domestic roles without agency, blocked from opportunities that could translate to improved economic productivity. The cycle further diminishes young women’s confidence and reinforces their inability to participate in society.

**Prevalence of Obstetric Fistula and Early Marriage Practices**

In addition to the socio-economic impacts of child marriage, there are a substantial number of physical effects that this practice has on the health of women and girls. Child marriage places women and girls at an increased risk for sexually transmitted diseases, maternal mortality, infant mortality, and other birth-related complications. The National Demographic of Health Survey (2018) reports that of the 43% of women in Nigeria married before the age of 18 about a fifth (19%) of the adolescent women aged 15-19 years of age are already mothers or pregnant with their first child. According to Save the Children International, “complications during pregnancy and childbirth represent the number one killer of girls ages 15-19 worldwide” (Save the Children). In a recent analysis, it is reported that more than an estimated 22,000 girls a year are dying from pregnancy and childbirth resulting from child marriage. Moreover, it states that “with the highest rate of child marriage in the world, West and Central Africa account for nearly half (9,600) of all estimated child marriage-related deaths globally, or 26 deaths a day. In addition, the regional teenage maternal mortality rate is four times higher than anywhere else in the world” (Save the Children, 2021).

Among the various risks of birth-related complications, is the development of obstetric fistula. Obstetric fistula is a very serious and detrimental injury that can develop after childbirth. This condition, also known as VVF (vesicovaginal fistula), is a hole between the vagina and bladder and/or rectum most commonly resulting from obstetric trauma. Furthermore, it is caused by prolonged—obstructed labor primarily due to the lack of access to adequate or timely health care services during and after childbirth (UNFPA). During her prolonged labor, “the mother’s
contractions continually push the baby’s head against her pelvis. Soft tissues caught between the baby’s head and her pelvic bone become compressed, restricting the normal flow of blood.” The lack of blood supply causes sections of tissue to soon die, thus leaving a hole (known as “fistulae”) between the vagina and the bladder or rectum. If left untreated, these holes can lead to incontinence or the uncontrollable leakage of urine (VVF) or feces (RVF or rectovaginal fistula) and sometimes both (Fistula Foundation). While obstetric fistulas can be treated with a relatively “simple” surgery, depending on the severity of the damage, many women do not have access to adequate healthcare services or hospitals that are equipped to treat their condition (Odheimbo, 2013). Obstetric fistula remains the prevalent cause of maternal morbidity in the developing world as it “affects 200 million women worldwide, with at least 50,000 to 100,000 new cases occurring annually” (Bashah et al., 2018). Most obstetric fistula cases are reported to be from poorer countries in Africa and Asia, usually in the more rural parts of the country.

In addition to the physical detriments of this condition, studies have shown that the psychological effects of obstetric fistula have had almost an equal, if not more, negative impact on the lives of women and girls. The report from BMC Women’s Health contends that:

Beyond the medical conditions, the social consequences are severe, and affected women are often ostracized from their community, divorced, abandoned, and remain childless. Women living with fistula may be blamed by the community members for their condition, viewing it as punishment for sin or a venereal disease or curse. The women are unable to participate in religious activities and social gatherings, and are considered unhygienic (Bashah et al., 2018).

Expanding on the psychological effects of obstetric fistula, another analysis reports that women suffering from condition experience significant challenges such as low self-esteem, depression, stress, anxiety, feelings of rejection, post-traumatic stress disorders, loss of dignity and self-worth any many other mental health related issues (Bello, 2020). Further this analysis explains that due to the physical ailments that is caused by this condition, such as incontinence:
Often results in women experiencing extensive social stigma and related mental health issues, with these women either marginalized by households and communities, or marginalizing themselves. Such isolation and stigma acts to decrease their chances of seeking treatment. Women often feel unfit to live with the rest of their family members and isolate themselves or are isolated by their families and communities. In many cases, women with fistula are divorced by their husbands. Social exclusion and lack of recognition experienced by women during the time they suffer from fistula (varying from a few months to many years) leads to a diminished sense of self-worth. Due to physical impairment, the stigma and myths associated with the condition, a number of such women end up living apart and without economic support from their husbands or families. These coupled with the demise of their babies (most women with obstetric fistula resulting from prolonged obstructed labor have still birth or early neonatal death), results in psychological distress (Bello, 2020).

Obstetric fistula cases are prominent consequences of early marriage practices. Among many other things, the problem with child marriage is that young girls are forced to have marital sex likely resulting in pregnancy (if she has reached puberty). Due to the underdevelopment of their bodies, deliveries often result in prolonged or obstructed labor because the pelvis is still too small to deliver a fetus. In addition, young girls are at a significantly higher risk than older women for debilitating illness and even death:

Compared with women >20 years of age, girls 10–14 years of age are 5–7 times more likely to die from childbirth, and girls 15–19 years of age are twice as likely. Furthermore, girls ages 10–15 years are especially vulnerable because their pelvic bones are not ready for childbearing and delivery. Their risk for fistula is as high as 88% (Nour, 2006).

In Nigeria, there is the burden of many poor health indicators, one of them being the prevalence of obstetric fistula. “It has the world’s highest rate of HIV/AIDS-related deaths and high rates of maternal and infant mortality. Only 43% of births in the country are attended by a skilled medical professional. It is not surprising, then, that Nigeria also has the world’s heaviest burden of obstetric fistula” (Fistula Foundation). Over one million women are affected by obstetric fistula in Nigeria, which is why it remains a source of public health concern to the United Nations and its member states. Furthermore, the prevalence of obstetric fistula is reported to be
3.2 per 1000 birth, and it was estimated that about 13,000 new cases occur annually, “suggesting that the backlog of unrepaired cases may take about 83 years to clear at the present rate of repair” (Bello et al, 2020). Throughout my research I have attempted to highlight the multidimensional association of factors that play a role in women's rights abuses. In this case study I have found that it is crucial to emphasize this analysis due to the fact there are various factors such as illiteracy, poverty, and lack of adequate health care services that are strongly associated with the prevalence of obstetric fistula.

The burden of obstetric fistula is exacerbated by poverty and the factors that influence poverty. Various studies have shown a strong correlation between poverty and child marriage and its impact on obstetric fistula cases. Rural areas and areas where cultural norms and traditional practices largely dominate the structure of society demonstrate the highest rates of this condition as well increases the risks of it. As I have mentioned, northern states in Nigeria have the highest rates of poverty and are both heavily governed by religious and traditional values making it extremely difficult for girls to have access to education. It was reported that “among girls in Northeast and Northwest, 67 percent of girls classified as “poorest” on the wealth index were married by age 15, compared to 46 percent of “richer” girls and 25 percent of the “richest” girls” (Erulkar & Bello, 2007).15 In addition, studies have highlighted the association between low levels of education and high rates of child marriage. These factors greatly increase girls' risk of child marriage and teenage pregnancy. In the National Demographic of Health Survey (2018), it reports that:

Women with no education begin childbearing 4.5 years earlier than women with a secondary education (18.0 years versus 22.5 years). Teenagers in rural areas are three times as likely to have begun childbearing as their urban peers; 27% of rural teenagers have had a live birth or are pregnant, as compared with 8% of urban

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15 Bello refers to the “wealth index,” a variable created by the DHS using the battery of questions on household amenities and possessions.
teenagers. Teenagers in the Northwest are almost five times as likely to have begun childbearing as their peers in the Southwest (29% versus 6%). Teenage childbearing decreases with increasing education. The percentage of teenagers who have begun childbearing rises from 1% among those with more than a secondary education to 23% among those with a primary education and 44% among those with no education.

The report on the burden the obstetric fistula, conducted by Bello et al., further outlines the key drivers relating to child marriage practices, specifically in the northern regions:

A study in Northwest Nigeria reported that almost all the married female adolescents interviewed are aware of fistula cases among their peers, had their marriage arranged by their father, and that marriage timing is dictated by tradition and religion. Also, in Northeastern Nigeria, 83.8% of the women with obstetric fistula developed it before the age of 15 years and 93.7% of them had obstructed labor with average age at marriage of 14 years. These young women are not only faced with the horror of obstetric fistula but are disempowered and denied the right to make decisions on when to give birth, how many children to give birth to, how to give birth, and to practice child spacing at will which further predisposes them to recurrence of obstetric fistula in future. Additionally, almost half of the young women with no education have begun childbearing, and majority of them were from the poorest households in the national survey (Bello et al., 2020).

As I have mentioned throughout my paper, child marriage is widely viewed as a human rights violation that “prevents girls from obtaining an education, enjoying optimal health, bonding with others their own age, maturing, and ultimately choosing their own life partners” (Nour, 2006). In addition to this, child marriage is a significant health concern because of its impact on early/teenage pregnancy and the association with higher risks of morbidity and mortality for both the mother and child. I use this case study to examine the linkage between child marriage and obstetric fistula cases in Nigeria to reveal the harm that traditional customs, religion, and culture have on women and girls in Nigeria and throughout Africa. I have also explored the key drivers behind child marriage and obstetric fistula to analyze the scale of women’s subordination and injustice in different areas throughout Nigeria. I have used this analysis to expose the rights violations that women face and consider where human rights laws
are failing the most. This case study has shown that toleration of early marriage practices, in the context of law, has largely been justified by patriarchal customs that continue to expose women to structural violence. Furthermore, traditional norms, which are customary, cultural, and religious, are primarily responsible for harmful practices such as child marriage that undermine the well-being of women and girls and deny them their rights to happiness, liberty, and freedom from violence and discrimination, sexual and reproductive freedoms, and access to quality healthcare and information.

**International Human Rights Law**

International human rights law (IHRL) is a later addition to the international body of law. While the origins of international law date back to the seventeenth and eighteenth centuries, human rights law is a relatively recent body of law that emerged after The Second World War. IHRL was designed to promote the protection of human rights on social, regional, and domestic levels (United Nations). Adopted in 1948, the Universal Declaration of Human Rights (UDHR) is said to be the foundation of international human rights law, inspiring a rich body of legally binding international human rights treaties. Strengthened by the UDHR international human rights law established the regulation of the relationship between states and individuals and is based on a set of treaties and agreements between sovereign states, international laws, and international declarations and conventions. The objective of the United Nations was to essentially put in place an effective international organization that would be built upon a system of collective security with strong enforcement powers. The significance of this is that:

International human rights law lays down obligations which States are bound to respect. By becoming parties to international treaties, States assume obligations and duties under international law to respect, to protect and to fulfil human rights. The obligation to respect means that States must refrain from interfering with or curtailing the enjoyment of human rights. The obligation to protect requires
States to protect individuals and groups against human rights abuses. The obligation to fulfill means that States must take positive action to facilitate the enjoyment of basic human rights.

Furthermore:

Through ratification of international human rights treaties, Governments undertake to put into place domestic measures and legislation compatible with their treaty obligations and duties. The domestic legal system, therefore, provides the principal legal protection of human rights guaranteed under international law. Where domestic legal proceedings fail to address human rights abuses, mechanisms and procedures for individual and group complaints are available at the regional and international levels to help ensure that international human rights standards are indeed respected, implemented, and enforced at the local level (United Nations.)

Building on the successes of the UDHR, human rights treaty bodies have adopted new procedures, and additional protocols have been agreed upon to enhance protection and compliance. These additions such as the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the Convention on the Rights of the Child (CRC), which “provide a complaints procedure for violation of economic, social and cultural rights and children’s rights respectively,” and the Optional Protocol to Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment CAT, have put in place various international preventive mechanisms (Bantekas & Oette, 2016). In addition to this, the goal of human rights law was to address the weaknesses of state laws and to establish the implementation of laws that would be binding to states. While the IHRL created a developmental regime that would force states to consider the fundamental human rights of all people, there were and are still many shortcomings and challenges of international human rights as a body of law. Moreover, the primary critiques of IHRL throughout the human rights discourse strongly question the effectiveness of the overall system and the limits on the promotion of protection approach (Bantekas & Oette). Of these critiques, one of the most overarching concerns throughout human
rights discourse has been the addressing of women’s rights violations. Up to a certain point, the specific nature of violations and injustices that women were facing were not being properly considered and/or were almost left out completely.

Earlier stages of international law neglected issues pertaining to women’s human rights until relatively recently. Instruments composing the International Bill of Human Rights contained “general non-discrimination clauses which include the prohibition of discrimination on the basis of sex or gender, whereby the rights within these instruments are held to apply to everyone, regardless of, inter alia, sex” (Bantekas & Oette). However, critiques of human rights law pointed the generic nature of non-discrimination clauses that failed to fully capture the essence of women’s sufferings. International women’s rights movements and coalitions have shed great light on the inadequacies of the international human rights system. They have emphasized the importance of addressing human rights issues pertaining to women, such as gender-based violence, discrimination, and oppression throughout the international human rights framework. The “culmination of the 1976-1985 United Nations (UN) Decade for Women with the 1995 Beijing Fourth World Conference was instrumental in bringing key issues to the fore, and was followed by the Beijing Declaration and Platform for Action ten years later.” Discussions and recommendations were made on a wide range of issues pertaining to women and girls and the overall concerns related to women’s rights such as “poverty, education, health, violence against women, armed conflict, and political rights” (Bantekas & Oette).

CEDAW

At the foundation of women’s human rights protective initiatives has been that of non-discrimination and equality. This approach has been embodied in the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). CEDAW, or Women’s
Convention, adopted in 1979 by the United Nations General Assembly, is the first major international treaty on the protection of women’s rights. This treaty highlighted notions of inequality and discrimination against women as harmful and serious human rights violations.

Article 1 of CEDAW states that:

For the purposes of the present Convention, the term 'discrimination against women' shall mean 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.

In articles 2 and 3, CEDAW elaborates on the obligations of states to enforce a policy that condemn discrimination against women through legislative measures or any other measures deemed to be appropriate to guarantee the equal rights of women. The Declaration on the Elimination of Discrimination against Women states that:

Article 2

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;

(c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;

(d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;

(e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;

(f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;
(g) To repeal all national penal provisions which constitute discrimination against women.

And in:

Article 3

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men (United Nations).


The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, better known as the Maputo Protocol, is an international human rights instrument established by the African Union that went into effect in 2005. The protocol is a regional agreement that was created to safeguard and advance the rights of women across Africa “including the right to participate on an equal footing with men in political processes and social life, greater autonomy when making decisions related to health and prohibition of female genital mutilation” (Kane, 2019). Currently, 42 countries that have signed and ratified the Maputo Protocol. As of now only 13 countries are yet to ratify for the Protocol to achieve universal ratification.

The Protocol is comprised of 31 Articles that form a series of provisions for the protection of specific rights of women and girls in Africa, taking account of the sociocultural environment. In addition, the Protocol condemns and prohibits female genital mutilation, proclaims the right to sexual self-determination and reinforces the rights of married women as it recognizes the equal rights of men and women to possess and acquire property (Kane, 2021). Inspired by CEDAW, the Maputo Protocol was developed to further improve the legal mechanism for the rights of women in Africa.
The Maputo Protocol requires the signatories to guarantee women fundamental rights, including an extensive catalogue of civil and political rights as well as economic, social and cultural rights (the rights to life, integrity and security of the person, prohibition of discrimination, the right of access to justice, the right to participate in public life, the right to education, the right to social protection, the right to health, right to food security, right to adequate housing, etc.); prohibition of harmful traditional practices (excision, levirate marriage sororate marriage, child marriage, forced marriage, etc.); special protection of women in armed conflicts. The Protocol represents significant progress when it comes to reproductive rights (Kane, 2021).

While most countries have ratified the Protocol, some have placed reservations on it, “which continue to impede its full application. Reservations limit the full domestication and implementation of the Protocol, thereby denying women and girls the full enjoyment of the rights” (Equality Now, 2021). However, these reservations are not meant to remain in place in perpetuity. Member States are obligated to take necessary steps to address the issues of concern and eventually lift the reservations.

The Protocol is also very specific on the issue of child marriage. In Article 6(c) it states that the minimum age of marriage is 18, which effectively rules out the practice of child marriage. Article 6(a) also states that no marriage should take place without the free and full consent of both parties. When one or both parties is under 18, their circumstances may dictate that they are not in a position to give consent, which is why we assert that child marriage cannot be free and consensual (Girls Brides).

**Human Rights Laws in Nigeria**

Nigeria's Federal Government ratified CEDAW without any reservations in 1985. The government signed the Optional Protocol to the Convention in 2000 and ratified it in 2004. Despite ratification CEDAW, there has been an ongoing struggle for the enforcement that are primarily due to constitutional constraints. I have emphasized throughout my paper, some of the primary challenges to the implementation of human rights law has been the establishment of laws that are legally binding to states. Section 12 of the Constitution of the Federal Republic of Nigeria “specifically requires legislative domestication through the National Assembly of
international conventions before they can be legally enforced” (Ijeoma, 2006.) In Nigeria, various discriminatory practices have been excused if not promoted under the guise of customary laws. In the context of international human rights law in Nigeria, it is essential to evaluate customary norms in the context of human rights because legal norms capture and greatly reinforce deep cultural norms and traditional practices (Ndulo, 2011).

**Child Rights Act**

Nigeria ratified the Convention on the Rights of the Child in 1991 and domesticated it in 2003 through the *Child Rights Act 2003* (CRA) to give effect to the obligations contained in the convention and the African Union Charter on the Rights and Welfare of the Child 1990 (Braimah, 2014). Nigeria’s federal government has enacted various laws to ensure the protection of children’s rights. These rights include the protection of their well-being and access to education. Nigeria has taken a step to reduce child marriage through the Child Rights Act (CRA); however, 11 states in the Northeast and Northwest are yet to implement these laws despite the documented benefits. Furthermore:

But as Nigeria operates a federal system of government, the law does not automatically become applicable in all of its 36 states. In terms of the constitution, children’s issues are the preserve of the constituent states. Each state legislature must make the national law applicable within its territory. And only 25 of the 36 states in Nigeria have localized the Child's Rights Act.

Currently, 11 states, all in northern Nigeria, have yet to domesticate the Child's Rights Act. There are no records of discussions or debates about the Act in these state legislatures. It has been argued that other laws, including the constitution, are able to protect children. But children in those states are still subject to practices like early marriage, female genital mutilation and begging (2020).

The primary reason that this act has failed to be adopted in the north is due to the heavy impact of religion, as I have discussed above. The dominant religions in Nigeria are Christianity and Islam, with a significant population being adherents of traditional African religions. The Child
Rights Act prohibits marriage below the age of 18; however, the Nigerian constitution contains “provisions which appear to conflict with this position. States with Islamic legal systems have also failed to adopt both the federal law and 18 as the age of majority for marriage. Some southern states that adopted this position have failed to take adequate steps to carry it out” (Girls Not Brides). Religious states have placed their values over the well-being of children:

Child marriage contravenes the Nigerian constitution as well as the African Charter on the Rights and Welfare of the Child and the United Nations Convention on the Rights of the Child, which affirm 18 as the age of majority, and guarantee a child’s right to be free from coercion and violence, and to get health care and education.

It is disturbing that almost two decades after the Child Rights Act was passed, Nigerian girls are still being forced into child marriages,” said Mausi Segun, Africa director at Human Rights Watch. “Nigerian states should urgently act to adopt, implement, and align existing laws with the provisions of the Child Rights Act, which criminalizes marriage before the age of 18 and protects girls ’rights (Girls Not Brides).

CHAPTER IV: RESULTS/ FINDINGS
Effects of Child Marriage

The case study of child marriage is a great example, showing the human rights violations women face in Nigeria and many parts of the world. Over the last three decades, data has shown a slight decline of about 1% in child marriage per year, and at this pace, the total number of child brides is expected to double by 2050 (Bello et al., 2020). Various studies have also shown the strong linkage between poverty, education, and child marriage. Uneducated girls are at a much greater risk of marrying early than girls who are educated. Studies have shown that “when girls are supported to stay in school, and complete secondary school, they are less likely to be forced into early marriages, are empowered to shape their life choices, and are more likely to access employment options that enable them to secure their financial futures” (HRW). The UNICEF reported that Nigeria has the highest dropout rate from school, with one in every five of the world’s out-of-school children and about 16 million children, especially girls aged 5-14 years, being out of school (UNICEF, 2013). Furthermore, research has shown that women/girls are suffering on a much larger scale in rural and less educated areas. Child marriage eliminates the possibility of obtaining or furthering a girl’s education. When a girl gets married, the expectation of dropping out of school to look after the home, children, and extended family is placed upon her. In addition, sometimes, because of official school or national policies – it is difficult for married girls, pregnant girls, and young mothers to return to school (Girls Not Brides).

Northern Nigeria has a higher prevalence of child marriage due to factors such as poor nutrition, poverty, and lack of education. As I have discussed, girls in this area are also more at risk due to the culture of religion. Furthermore, these areas that favor socio-cultural beliefs and practices over the well-being and health of women and girls continue to prevent women from accessing healthcare services and information. This could be why Nigeria is one of the countries...
with the highest burden of obstetric fistula because maternal education has been reported to be a protective factor against the risk of obstetric fistula (Bello et al., 2020). While studies have shown the linkage between child marriage and obstetric fistula in Nigeria, there is a substantial lack of the amount of research on this topic. As a result, the lack of reliable data “for prevalence and incidence has hampered efforts to formulate an appropriate and coordinated response to obstetric fistula considering the challenges in collecting accurate and comprehensive maternal morbidity data, particularly for obstetric fistula in low-income countries” (Bello).

**Shortcomings of International Human Rights Law**

In the last few decades, women's rights movements have created a public outcry for women's rights to be truly considered human rights in the context of international law. While there has been a great amount of achievement in the reshaping of international in relation to women's rights, my research has shown that there are still challenges throughout the international human rights framework. International human rights have developed into an “impressive body of law and an increasingly mature regime characterized by specific rights, obligations, and supervisory mechanisms;” however, the institutionalization of it has hindered the efficacy of the overall legal framework” (Bantekas & Oette, 2016: 23). Furthermore, I have found that some of the main challenges to human rights in the context of law have been the universality of human rights that, in many ways, still remain. Critiques of the universalism of human rights law argue that this framework is embedded in 'Western 'nature or in a Western hegemonic culture of preferences of what is believed to be human rights. My literature review has provided a great discussion of Western ideologies that have and continue to be at the forefront of the development of the shaping of human rights laws. Furthermore, the literature that I have I have chosen has
provided an in-depth analysis of the relationship between power, patriarchy, Western hegemony, and women's human rights.

Another critical point to highlight is that human rights laws such as the Maputo Protocol were much more effective in Nigeria than CEDAW because:

African-led and African-driven process. It is progressive because it captures the challenges that African women and girls face every day. For example, in a continent where women have experienced political volatility and conflict, Article 10 of the Protocol enshrines a woman's right to live in peace, and the right to participate in the promotion and maintenance of peace. Article 15 talks about women's right to food security, a huge issue on our continent. The Protocol's provisions are diverse. It includes protections for elderly women, women living with disabilities and women living with HIV/AIDS. It also explicitly addresses issues such as violence against women in Article 4 and the right of girls and women to access sexual and reproductive health services, including safe abortion care. These last two are rights that aren't explicitly mentioned in the Protocol's international counterpart, The Convention on the Elimination of Discrimination Against Women (CEDAW) (Girls Not Brides).

A significant critique that I have developed of international human rights law is the shortcomings of the system or body of law is becoming more culturally specific and effectively enforced. I have found that the interdisciplinary relationship between international human rights law and women's rights in Nigeria is extremely complex in nature. One of the greatest shortcomings of human rights law is the failure to fully consider the gender-based violence and oppression that women predominantly face in the private sphere of their lives. This neglect creates even more barriers to obtaining rights for women and girls. The fact that the private sphere is not being addressed as a primary domain of interest has further shaped laws that promote or support the private-public divide.

**Private-Public Divide**

I have attempted to reveal the significance of bringing to light the private forms of injustice that women and girls face daily. In developing countries, such as Nigeria, where
cultural customs/norms, traditional beliefs, and religion still play a crucial role in the influence over government and political and economic power, it is difficult to address this notion of ‘private’. I have used Shatema Threadcraft’s, *Intimate Justice*, to greatly reflect on what ‘private’ forms of injustice mean in the context of being a woman. A significant aspect of this is the intricate relationship between violence, abuse, sexual and reproductive health, and the female body. Due to patriarchal ideologies of tradition and values that prohibit any expression of sexual freedom, ‘private’ forms of women's suffering become taboo. Because of this, domesticate and customary laws have been able to triumph over the international ‘standard’ of rights that should be equally afforded to women in the name of respecting cultural tradition.

The relationship that culture has to this public-private divide is crucial to understand.

Article 5 of CEDAW states:

States Parties shall take all appropriate measures: (a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women (United Nations).

I believe that placing greater focus and energy on policies that will enforce the points that are outlined in this article, can both address the shortcomings of international human rights law and provide effective solutions towards filling in the gaps between structural injustice and women’s attainment of rights and liberty. While respecting culture, tradition, and customs are important, this respect should not be at the expense of women’s human rights.

Using child marriage as an example, we can see the detrimental effects that cultural and traditional norms on the livelihoods of young girls. I have discussed in my analysis the impact that religious values have on the influencing of practices that are extremely harmful to women. It
is argued that in Islam, a girl is allowed to marry once she reaches puberty, thus, no law that sets a minimum age of marriage can apply to Muslims (Sisters in Islam SIS). Furthermore:

- The ongoing practice and high prevalence of child marriage in Northern Nigeria point to the Nigerian government’s failure to comply with its international and regional human rights obligations. As a signatory to the Convention on the Elimination of All Forms of Discrimination Against Women, CRC, the African Children’s Charter and the African Women’s Protocol, Nigeria is bound to uphold its contract for the protection of women, which includes the girl child. Therefore, for the Nigerian government to observe its treaty obligations in good faith, it must make a concerted effort to realize the implementation of the provisions pertaining to child rights in order to combat the adverse consequences of child marriage (Braimah, 2014).

While substantial efforts have been made to influence remaining northern states to domesticate the Child’s Rights Act within Nigeria, international human rights law must take more responsibility in proposing more effective solutions that challenge customary laws in the state or enforce policies that reflect greater consequences to hold states accountable.

**Shortcomings of Human Rights Law in Nigeria**

I have had the opportunity and privilege to conduct an interview with someone from Nigeria who is a strong advocate for women’s rights. Dr. Tijani Salami is a Nigerian physician who has been practicing for over a decade working on advancing sexual and reproductive health rights. Dr. Salami’s work includes working in family planning and other reproductive health services. His advocacy work is extensively embedded in the attainment of rights for young girls and ending child marriage. He is a partner of the *Girls Not Brides* organization and the founder of the Sisters Caregivers Project Initiative, which seeks to end child marriage and violence against women and promote access to equitable healthcare and gender equality in Nigeria. This interview was conducted via zoom. Dr. Salami’s knowledge and passion for ending GBV have given me great insight into my topic. Furthermore, he has provided me with a firsthand account of the challenges that NGOs and other women’s rights movements are currently facing.
In the interview I had with Dr. Salami, he also addressed some of the shortcomings of international law that I have found to pose the greatest challenges to implementing legally binding protocols or treaties. One of the things that stood out to me during the interview was the ineffectiveness of human rights law in African countries. Dr. Salami states that:

International laws are to protect women around the world; these laws are more useful in first world countries (dominated by whites), in Africa, these laws don’t have effects. He challenged the UN with questions are ineffective in Africa, the implementation of the law is more effective in white population. International laws are not automatically ingrained; the people at the Nation are responsible to make sure their government is accountable to follow the law. There are reproductive laws that Nigeria signed with the UN but implementation is zero. The Child Act law is implemented from the UN, there is some progress. There’s a racial aspect to it, it works for some certain race and slow in some other races.

When I asked him whether he thinks that race plays a factor in the negligence or lack of attention being paid to women's rights in Africa, he replied:

Yes. What I see is that international laws, in the aspect of women and reproductive health, are made to protect women all around the world. But when you look at it, you discover that these laws become more effective and become more useful and it being implemented more in countries or places that are dominated by whites. When you come to Africa with blacks or even nations with Arabs, you do not really see much effect. [This] causes for worry. I once challenged the UN and confronted them with some questions asking, “why is it that your laws become so weak and ineffective in Africa?” Implementation in the West is more; the law becomes effective. But it does not work in the black nations or people of color. And they just replied that it is a very, very good question. And a question that is true. What they say is that international laws, United Nations laws that are crafted in Geneva, do not automatically become binding on nations. It is left for human rights organizations in various countries to now hold their government accountable to make sure that they respect international law. They don’t have the power to come and enforce law in the United Nations. But it is a platform for human rights organizations to use and hold their government accountable.

**Awareness of Sexual Reproductive Rights in Nigeria: A Brief Overview**

Reproductive health rights (RHRs) are vital to women’s attainment of the highest standards of mental and physical health. Their enjoyment is integral to human development and realization of Millennium Development Goals and Healthy People 2020 objectives. Yet, women in Nigeria and other sub-Saharan countries continue to suffer in silence due to their heightened
exposure to economic and social barriers to reproductive health (Makinde & Adebayo, 2020). In these countries, limited awareness aggravated by severe underfunding and discriminatory cultural values is constraining women's expression and enjoyment of reproductive rights.

Though women of reproductive age are victims of violations of RHRs, many cannot protect themselves or seek help due to their limited awareness of their rights. When knowledge about sexual and reproductive health is limited, women's ability to protect themselves is severely constrained. In a mixed-methods study, Makinde and Adebayo (2020) investigated Nigerian women's awareness of their RHRs. They surveyed 423 women from the Ibadan city in Nigeria. Makinde and Adebayo (2020) discovered that though 45% of the respondents claimed that they were aware of their RHRs, 81% of them performed poorly in RHRs knowledge tests. A subsequent focus group interview with the respondents revealed that many could not explain the meaning of RHRs (Makinde & Adebayo, 2020). These results suggest that the knowledge gap prevents and undermines women's ability to protect themselves from violations of those rights.

Funding shortages have also undermined women's RHRs by heightening their exposure to fistula. Diseases like fistula disproportionately affect women in low-income countries like Nigeria due to their incapacity to get timely access to high-quality obstetric care (Sripad et al., 2021). Policies in these countries inadequately tackle many of the barriers that undermine access to healthcare interventions (Sripad et al., 2021). As such, women are forced to suffer in silence and endure stigma, isolation, and humiliation because they cannot access surgery and the requisite follow-up services (Sripad et al., 2021). In the ideal world, the healthcare system can help them attain liberty and security of the person by revealing the relationship between prolonged labor and fistula (Fistula Foundation, 2020). It can also facilitate their assistance by connecting them with community health care workers, giving them access to fistula screening services, and availing fistula repair surgery and medical rehabilitation services (Fistula Foundation, 2020). However, Nigeria’s severely underfunded healthcare system continues to
curtail women’s ability to enjoy their RHRs.

Discriminatory cultural values have also constrained women’s enjoyment of their RHRs. Specifically, socially legitimized cultural values have prevented women’s enjoyment of the right to liberty and security of person, the right to information, and the freedom of thought. Nigeria’s fistula burden underscores the indirect link between fistulas, discriminatory cultures, and women’s enjoyment of these reproductive rights. Today, Nigeria accounts for half of the global cases of obstetric fistula because the country is teeming with child brides. Statistics indicate that 43% of all Nigerian girls in Nigeria marry before they celebrate their 18th birthday (Amodu, Salami, & Richter, 2018). Another 17% marry before their 15th birthday. In Northwest Nigeria, 76% of all girls marry before they turn 18 (Amodu, Salami, & Richter, 2018). For many of these girls, incontinence is the primary trigger for contact with the healthcare system (Amodu, Salami, & Richter, 2018). However, discriminatory cultural practices prevent these girls from understanding how early marriages increase their fistula exposure. Enjoyment of the right to liberty and security of person, the right to information, and the right to freedom of thought would have enhanced these women’s access to the relevant health information and limited their exposure to fistula. In addition, after having birth:

Girls in Northeast and Northwest regions have very little medical support for their first pregnancies. Roughly half of the pregnant girls in the North (49 percent in Northeast and 56 percent in Northwest) receive no prenatal care. The vast majority of these girls deliver at home (79 percent in Northeast and 86 percent in Northwest), and most have only friends or relatives assisting the delivery (52 percent in Northeast and 42 percent in North West). More than one out of five girls in the Northwest (22 percent) deliver their first baby alone in sharp contrast to their counterparts in the Southwest where almost none delivered alone (Erulkar & Bello, 2007).

Limited awareness of RHRs coupled with severe underfunding and discriminatory cultures are undermining Nigerian women’s enjoyment of these rights. However, organizations like the Fistula Foundation mitigate the healthcare challenge by enhancing access to screening and surgical repair services. Timely interventions have reduced women’s exposure to fistula and improved their ability to enjoy the right to life, information, the right to security of person, the
right to privacy, and many other RHRs. Improving service delivery by increasing the uptake of family planning, delaying marriage and early births, and increasing access to quality maternal health services is an important national response to obstetric fistula (Chukwu, 2012).

Furthermore:

The Federal Ministry of Health (FMOH) in collaboration with development partners recognized that fistula efforts should not be addressed in isolation, but as part of an integrated effort to improve sexual and reproductive health in the country. The FMOH then commenced exercises that culminated in the development of the National Strategic Framework for Eradication of Fistula in Nigeria (2005-2010). It was developed to ensure a holistic approach to implementation of fistula interventions across a broad continuum of prevention, treatment, and care as well as rehabilitation and reintegration.

Women Rights as Human Rights/ Women’s Empowerment

While great progress has been made in ensuring justice and protection of women’s rights in Nigeria, women and girls are still met with significant barriers. In the interview, Dr. Salami expanded on the current condition of women’s rights:

Women’s rights are not pronounced in the northern part of Nigeria. In the northern part of Nigeria, this is where you have this huge gap in adolescent reproductive health. In the southern part, they are more educated. Women are more empowered. They are both educationally and economically empowered. But then we still have some restrictions [due to culture].

Nigeria is a male-dominated society. It is a patriarchal society. Men are the leaders. Men are the ones that decide. Men are the ones that are protected. Men take over the leadership from home to institutions to politics.

In every home men are the ones who are given preference. For example, if you have two children, a boy, and a girl, the boy is the one who will be seen as the king.” They are seen as someone who naturally] inherits the father. He inherits the name, and he inherits the property.

So, women are seen as someone who does not have any say. For example, women would have to get permission from her husband before she could do anything, anything at all, including medical services. So, you can see a woman who is sick at home and her husband has gone out. She would have to wait for the husband to come before she can go to the hospital. So, it is a patriarchal society. That is the culture. That is the norm. That is the cultural norm that you will see.
For the sake of elaborating on the intentions of my paper and to help readers understand what I truly mean when I say that it is imperative for women to become the narrators of their own destinies, I have provided an excerpt from Laura Nadar's, *Up the Anthropologist*, piece. In this selection, she is discussing a case study from Love and Eaton (1970) on Bay Area air pollution. Their findings were:

Our approach was, at first, guarded due to our doubts. We pretended innocence, and in fact found out that we really were innocent. We then began to realize that we were “outsiders.” We were the public who did not understand the professional language being spoken. The avenues we approached were those the public generally approached. Gradually, a picture of the agency and its position in the legal system emerged. Its structures, the personalities of the decision makers, the limitations reality places on any ideal system, and finally the kinds of uses made it become clearer.

When the citizen goes to the agency, he is translated into statistical data which separates him from the actual procedure or use of the agency...assumed in this is the notion that since agency is supposed to be protect the public interest, the public will seek to access to it. The reality of the situation is very different. The agency acts as autonomously as possible to combat air pollution and in so doing, comes into close contact with the industry officials who speak the same technical and logical language. It is industry who has the greatest access to the agency, especially at the legislative level. It is industry who makes the greatest use of the agency to protect its interests.

I chose to include this excerpt because it is an exemplary model of how women have been incorporated into international, domestic, and state law. Women in Nigeria and throughout Africa and other parts of the world have been “outsiders” to their own rights. The structures of law that have been designed to protect the rights of women have viewed women as subjects that must be given fundamental rights but have not ever truly addressed what it is that these women need. Women in Nigeria have become accustomed to accepting the rights that have been given to them without fully understanding the systems of law and decision-making policies that affect them. The only way for women to feel secure in the protection of their rights is for women to
have influence over decision-making processes and the carrying out of laws on their behalf. To do this, more women need to be in positions of power. Dr. Salami:

Most laws are made from patriotic decisions. 95% of their laws are made from men. Women's voices are mute, which affects women's empowerment, early marriage, promote gender inequality.

Males shaping women's rights laws, that is the problem. Even now currently we are still facing the same problem. Most of these laws are made from patriarchy. [About] 95.1% of our legislators are men. Women's voices are not heard in the legislation. Most of these laws come from a patriarchal point of view, and it is affecting reproductive health law. It is affecting child marriage laws. It is affecting women’s empowerment. It is actually prompting gender inequality.

Collaborative efforts with other civil society organizations are great. They are doing a lot of work. Political power can change anything. More women becoming legislators will have more hope in the future. [Right now] more men are in charge, and more diverse legislation will drive a more progressive society. Encourage women to take political positions.

I've come to realize essentially that political power is powerful too. When we have more women going into leadership. More women becoming a member of legislators. Taking executive positions. You are likely to have more hope in the future. Because some of these laws have come from bias. Bias that comes from men. More men are in charge of the political space, so they are crafting these laws. So, when we have women taking leadership positions we can have a lot of hope in the near future. We need to encourage women to take political positions seriously. And we also need more women to voice out.

Women have increasingly been exercising their rights and obligations to actively participate in politics and become visible in governance. If more women are in power, they will be able to relate to and better understand the needs of one another through shared experiences. Women can both empower each other and strategically plan how to effectively implement laws that can further eliminate GBV and promote reproductive and sexual freedoms because they will be able to understand the political structures that have framed domestic and international relations.

Furthermore, women can implement strategies of awareness of rights and community empowerment.
CONCLUSION:

As visionary freedom dreamers, women are allowed to think wider than the scope of the world we live in now. Women should be inspired by those “who make sense of the complexities of the past and imagine possibilities for the future” (Francisco, 2021). We live in a time where we can reflect upon our history and have seen the evolution of women's rights and how these rights have come such a long way in so many places. I became very interested in the stories of
these women and the reasons behind their oppression and objectification. I wrote this paper to identify this oppression and to explore the reasons behind why women and girls are still struggling to obtain their basic human rights. I wanted to tell the story of these women and ultimately come up with a solution that would allow women in Africa to define “womanhood” on their own terms. The essence of “womanhood” has been defined in the eyes of society for too long. Because women do not have the privilege of deciding it for themselves. Because women live in a society that tells them that only men have that right. And that men have the inherent right to control their bodies and the choices that effect it. They are shown that they have no control over this narrative and that they must accept a lower quality of life because they are not afforded their fundamental human rights and the rights that they desperately deserve. They must deal with the constant threat of being raped, abused, and violated because there are no legally binding laws that are ensuring their protection. Furthermore, they cannot decide to become educated or have liberty and freedom over their own sexual and reproductive rights because they are entirely stripped from determining their own idea of “womanhood.” Threadcraft’s theory of Intimate Justice is grounded in seeking justice for black women but also for them to be able to have their own voice and to be able to make decisions on behalf of themselves; no longer at the hands of people who have put them in a box and have made them out to be an epitome of weakness because of their black skin color and their gender. Threadcraft implies that “This kind of theory of intimate justice sees black women not simply as always wounded subjects, as symbols of oppression, but as visionary freedom dreamers.”
References:


Nader, L. (1972). *Up the Anthropologist: Perspectives gained from studying up*.


Appendix A: Interview Guides


I. **Interview Guides for Non-Governmental Organizations**

Semi-Structured Interview: For Dr. Tijani Salami (Medical Doctor/Founder of Sisters Caregivers Project)

1. Can you tell me a little bit about yourself? (i.e., background, profession)
2. How or what got you into this field of work?
3. From your perspective, what would you say is the current state of adolescent women’s sexual and reproductive rights in Nigeria?
4. In your opinion, what are the most prominent barriers to adolescent girls and women obtaining freedom over their reproductive rights?
5. What is the prevalence of child/early marriage in Nigeria?
6. What are the most prominent factors that play a role in the prevalence of early marriage practices? (i.e., poverty, culture, etc.)
7. What are the most detrimental effects of early marriage practices?
8. What would you say the impact of cultural and societal norms to this issue? (i.e., patriarchy, male dominance, etc.)
9. How are human rights laws confronting child marriage practices?
10. Could you give me more of your thoughts on the intersection between patriarchal ideologies and the framing of women’s rights laws? (Especially regarding sexual/reproductive health)
11. In the context of law, what is being done to help end this issue?
12. What should be done that is not being done?
13. In your opinion, would you say that race has any impact on carrying out of international human rights law?
14. What else do you think should be done to ensure that women will obtain control over their reproductive rights?