

Widowhood Practices and the Justice System in Nigeria

Introduction

Widowhood is a universal social reality, but in Nigeria it has historically been accompanied by harmful cultural practices that violate women's dignity and human rights. A widow is commonly defined as a woman whose husband has died and who has not remarried. While bereavement itself is difficult, widows in Nigeria often face additional burdens such as discriminatory customary practices, property dispossession, and degrading mourning rituals.

Despite constitutional and international legal protections, widows continue to experience systemic violations of their rights. This paper examines widowhood practices in Nigeria, the legal framework designed to protect widows, and the role of the justice system in addressing abuses.

Widowhood Practices in Nigeria

In many Nigerian communities, widowhood is accompanied by rituals and customs rooted in traditional beliefs. Practices imposed on widows can include: shaving of head/body hair, confinement with the corpse of the deceased husband, compulsory ritual cleansing, loud wailing, drinking water used in washing the corpse, or forced levirate marriages (marriage to a relative of the deceased husband) (Mathias, 2015). Such practices may escalate, especially in cases where the widow lacks male children. These rituals are often justified by cultural or prescriptive traditional norms, but they conflict with legal protections.

Constitutional and International Legal Protections

1. Constitution of the Federal Republic of Nigeria, 1999 (as amended)

- Section 42: Right to freedom from discrimination. It provides that "a citizen of Nigeria of a particular community, ethnic group, place of origin, sex, religion or political opinion shall not, by reason only that he is such a person, be subjected to any disability or deprivation of any rights...."

- Supremacy clause, and fundamental rights provisions, emphasize that laws which are inconsistent with constitutional rights are void to the extent of inconsistency.

2. International Treaties

- Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW): Nigeria is a state party, obligating elimination of discrimination against women in all forms.
- African Charter on Human and Peoples' Rights (ACHPR): Articles relevant to non-discrimination and protection of women's rights.
- Protocol to the African Charter on the Rights of Women in Africa (Maputo Protocol, 2005): Ratified by Nigeria; provides specific protections for women, including issues like harmful practices, inheritance, property, etc.

3. Landmark Judicial Decisions

- ANEKWE V. NWEKE (2014) SC: The Supreme Court unequivocally condemned the Awka native law and custom that disinherits a married woman without a male child from her late husband's property.
 - Per OGUNBIYI, J.S.C.: "The custom and practices of Awka people... is hereby outrightly condemned in very strong terms. In other words, a custom of this nature in the 21st century societal setting will only tend to depict the absence of the realities of human civilization. It is punitive, uncivilized and only intended to protect the selfish perpetration of male dominance which is aimed at suppressing the right of the womenfolk in the given society... For a widow of a man to be thrown out of her matrimonial home... by her late husband's brothers on the ground that she had no male child, is indeed very barbaric, worrying and flesh skinning."
 - The Court ruled that the custom is "barbaric and repugnant to natural justice, equity and good conscience and ought to be abolished." This decision powerfully affirms the supremacy of constitutional rights over discriminatory customary practices.

State-Level Legislative Interventions

Anambra State: Malpractices Against Widows and Widowers (Prohibition) Law, 2005

* Enacted by the Anambra State House of Assembly in 2005. Purpose: to prohibit discriminatory and harmful practices related to widowhood in the state.

* The law affirms that widows/widowers are entitled to the fundamental human rights enshrined in the Nigerian Constitution. It explicitly prohibits many harmful practices (such as forced rituals, depriving mourning rights, property dispossession) tied to widowhood status

The Role of the Justice System and Challenges

- Though the laws are in place, enforcement remains weak. Many widows are unaware of legal remedies; stigma and social pressure discourage complaints. Academic works note that the gap between law and practice is substantial, particularly in rural communities.
- The courts have been reluctant or inconsistent in interpreting discrimination under Section 42 beyond enumerated grounds (sex, ethnicity, religion, etc.), which limits claims around widowhood practices that may not neatly fit into those categories. However, landmark cases like *Anekwe v. Nweke* (2014) demonstrate the Supreme Court's willingness to use the "repugnancy test" to strike down discriminatory customs.

Conclusion

Widowhood practices in Nigeria represent a critical intersection of culture, law, and human rights. While Nigeria has ratified key international treaties (CEDAW, ACHPR, Maputo Protocol) and enacted constitutional protections (Section 42) plus state laws such as Anambra's 2005 law Enugu state laws passed in 2001, and VAPP (Violence against persons) which has been passed in many states enforcement and awareness remain weak. The Supreme Court's bold condemnation in *Anekwe v. Nweke* (2014) provides a powerful legal tool against discriminatory inheritance customs. Strengthening the justice system, raising awareness, securing legal aid for widows, and reforming cultural norms are essential steps toward ensuring these legal provisions are not merely symbolic.

References

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- Attached are related court cases.

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