

# Religions and Development Research Programme

## **The Role of Religion in Women's Movements: The Campaign for the Domestication of CEDAW in Nigeria**

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# Religions and Development

## Research Programme

The Religions and Development Research Programme Consortium is an international research partnership that is exploring the relationships between several major world religions, development in low-income countries and poverty reduction. The programme is comprised of a series of comparative research projects that are addressing the following questions:

- How do religious values and beliefs drive the actions and interactions of individuals and faith-based organisations?
- How do religious values and beliefs and religious organisations influence the relationships between states and societies?
- In what ways do faith communities interact with development actors and what are the outcomes with respect to the achievement of development goals?

The research aims to provide knowledge and tools to enable dialogue between development partners and contribute to the achievement of development goals. We believe that our role as researchers is not to make judgements about the truth or desirability of particular values or beliefs, nor is it to urge a greater or lesser role for religion in achieving development objectives. Instead, our aim is to produce systematic and reliable knowledge and better understanding of the social world.

The research focuses on four countries (India, Pakistan, Nigeria and Tanzania), enabling the research team to study most of the major world religions: Christianity, Islam, Hinduism, Sikhism, Buddhism and African traditional belief systems. The research projects will compare two or more of the focus countries, regions within the countries, different religious traditions and selected development activities and policies.

The consortium consists of six research partner organisations, each of which is working with other researchers in the four focus countries:

- University of Birmingham, UK: International Development Department, Department of Theology and Religion, Centre for West African Studies, Centre for the Study of Global Ethics.
- University of Bath, UK: Centre for Development Studies.
- Indian Institute of Dalit Studies, New Delhi.
- Nigerian Institute of Social and Economic Research, Ibadan.
- University of Dar es Salaam, Tanzania.
- Lahore University of Management Sciences, Pakistan.

In addition to the research partners, links have been forged with non-academic and non-government bodies, including Islamic Relief.

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**Key words:** gender, rights, law, women's movement, Islam, Christianity

## List of acronyms

AU	African Union
CWO	Catholic Women's Organization
CDD	Centre for Democracy and Development
CEDAW	Convention on the Elimination of all Forms of Discrimination against Women
CEWOPP	Centre for Women in Politics and Policy
CIDA	Canadian International Development Agency
CIRDDOC	Civil Resource Development and Documentation Centre
CRUDAN	Christian Urban and Rural Development Association of Nigeria
DFID	Department for International Development
FMWA	Federal Ministry of Women's Affairs
FOMWAN	Federation of Muslim Women's Associations of Nigeria
JPDC	Justice Peace and Development Commission
NCWD	National Centre for Women Development
OSIWA	Open Society Initiative for West Africa
SIDA	Swedish International Development Agency
UNFPA	United Nations Fund for Population Activities
UNIFEM	United Nations Development Fund for Women
USAID	United States Agency for International Development
WACOL	Women's Aid Collective
WANEP	West African Network for Peace-building
WARDC	Women Advocate Research and Documentation Centre
WAWINEP	West African Network for Women in Peace Building
WLDCN	Women Law and Development Centre of Nigeria
WOCON	Women's Consortium of Nigeria
WRAPA	Women's Rights Advancement and Protection Agency
YWCA	Young Women's Christian Association

## Summary

CEDAW was ratified by the Nigerian government in 1985. In 1998, following the return of democracy after thirty years of military rule, the Nigerian CEDAW coalition of over fifty civil society organizations formed and, alongside other women's organizations and coalitions, began to campaign to bring about the domestication of CEDAW into Nigerian law. This was believed to offer the best chance of protecting women's rights. However, the *Abolition of all Forms of Discrimination against Women in Nigeria and Other Related Matters Bill, 2006*, introduced by the Federal Ministry of Women Affairs, was rejected by the Federal House of Assembly in 2007, despite extensive campaigning by women's organizations.

While ostensibly supporting women's rights, religious leaders and members of the House of Assembly opposed gender equality and various clauses in the Bill. A review of secondary material and semi-structured interviews with key informants in six cities enabled the researchers to analyse the role of religion and religious organizations in the campaign and the fate of the Bill. Interviewees included nine principal actors from NGO members of the CEDAW coalition, two from the Federal Ministry of Women Affairs, one from the National Assembly, one from UNIFEM, nine working in four key faith-based organizations, and eleven religious leaders (six Muslim and five Christian).

It emerged that:

- The CEDAW coalition had underestimated the extent to which religious actors would regard aspects of CEDAW as controversial, as well as their capacity to mobilize formidable opposition that cut across various faith communities, sects and denominations. Few attempts were made to investigate the views of faith communities and engage with them and their leaders to explain the content of the Bill, address the contentious issues included in it and solicit their support.
- Lobbying focused on members of the House of Assembly, but coalition members made fewer efforts to create awareness of the content of CEDAW and garner support among religious leaders (or traditional/community leaders and grassroots women). As a result, the religious leaders interviewed, including those who had opposed the Bill, were often unaware of the specific content of CEDAW. In addition, grassroots organizations engaged in programmes to address women's practical needs were not integrated into the campaign.

- Although faith-based women's organizations were consulted by the Federal Ministry of Women Affairs and others, there appears to have been little effort to involve them in the CEDAW campaign itself. Given their influence and acceptability in their faith communities, the coalition's failure to enlist them as allies was a tactical error.
- Muslim and Christian leaders and FBO activists interviewed support the principle of women's rights, but some (and many members of the overwhelmingly male National Assembly) expressed strong reservations about the concept of 'gender equality'. Their preference for more acceptable terminology, such as gender 'equity' or 'partnership' hints at resistance to gender equality on their part and among believers more widely. Conservative interpretations of sacred texts, which are perceived to be compatible with indigenous cultural norms and practices, were central to the opposition, although it is difficult to disentangle opposition on religious grounds from men's fear of a threat to their dominant roles in the family and other social institutions and appeals to 'culture.'
- Christians and Muslims have similar views on some aspects of CEDAW, but not others. They identify different aspects as being contrary to their religious tenets. None of the major religious organizations or faith communities has issued a statement supporting or opposing CEDAW. Views about it vary among adherents within and across both religions.
- Opposition to CEDAW focused on specific issues contained in Articles 5, 10, 12 and 16, which relate to reproductive rights (mainly Catholics but also Muslims), women's rights in marriage and its dissolution, the minimum age of marriage (Muslims), and gender roles in marriage, religious spaces and society (both Christians and Muslims). Many, especially Catholics, saw the Bill as attempting to surreptitiously legalize abortion. It was regarded by its opponents as anti-family, anti-God and part of a Western feminist agenda.
- Some research participants highlighted the role of the media in perpetuating misconceptions about CEDAW, as well as the coalition's ineffective use of media advocacy in the campaign.
- Despite the failure of the Bill, the campaign is ongoing. For example, the CEDAW coalition submits its own reports to the UN Committee that reviews national progress in achieving CEDAW's aims to counter what it perceives as the Nigerian government's exaggerated claims. In addition, there is some agreement that religion can play a positive role. Some religious leaders and FBOs have identified scriptural references to use in campaigning, arguing that unlike traditional culture, Christianity and Islam recognize women's rights. Activists in civil society organizations and government believe that lessons have been learnt from the campaign, but lament the lack of a solid financial base for pursuing it to its logical conclusion.



Some implications of this experience are:

- Secular and FBO activists believe that a more pragmatic approach to domesticating CEDAW might be to: a) extricate its more contentious aspects and incorporate the remainder in a partial Bill or include them piecemeal in a variety of national laws, and b) focus on the African Union Protocol on the Rights of Women in Africa (2004) as a more acceptable alternative.
- Campaigners need to identify potential sources of opposition to proposed legal reform, seek to address their concerns and solicit their support, including not only elected representatives but also religious leaders and organizations, men and grassroots women's organizations.
- To address the deficiencies in media support, informants suggested that sensitization workshops on CEDAW, the AU protocol and the National Gender Policy should be held to generate support for the campaign among media personnel.

# 1 Introduction

This report presents the findings of a study of the ways in which the Nigerian women's movement engaged with religion during the course of a campaign for legal reform through the domestication (incorporation into national laws) of the UN Convention on the Elimination of all Forms of Discrimination against Women (CEDAW). The Convention is widely dubbed the International Bill of Human Rights for women, owing to its extensive coverage of issues that relate to the status of women in both public and private life (Brautigam, 2002). It was the first international convention to provide a comprehensive definition of discrimination, particularly on the basis of sex, and to make the promotion of equality for men and women expressly and legally binding on states. It was adopted through resolution 34/180 of the UN General Assembly in 1979 by 130 votes to none, with 10 abstentions, and came into force on 3<sup>rd</sup> September 1981.<sup>1</sup>

In 1985, the Babangida-led Nigerian government signed and ratified CEDAW with no reservations, indicating that the government formally agreed to be legally bound by its provisions. Nigeria's acquiescence to CEDAW and the principle of gender equality was further buttressed when it signed and ratified, first (in 2003) the African Union's (AU) African Charter on Human and Peoples' Rights and then, in 2004, the Protocol to this Charter on the Rights of Women in Africa, which was adopted by the 2<sup>nd</sup> Ordinary Session of the AU Assembly on 11<sup>th</sup> July 2003. The African Women's Protocol is a legal framework prepared by the African Union that deals with the specific forms of socio-cultural abuse and discrimination faced by African women and obliges states to eliminate them. The Protocol has no option for reservations.<sup>2</sup>

Following the ratification of CEDAW in 1985, the next step was to incorporate its provisions into Nigerian law. In 2006, a bill was eventually presented to the National Assembly, but was voted out in 2007. While other African nations succeeded in incorporating CEDAW provisions into their national laws (see Atsenuwa, 2008; Imam, 2009; Odinkalu, 2008), the attempt to do so in Nigeria failed, ostensibly due to religious opposition. Movements for social change are rarely impervious to the strong influence of religious faith or censorship, particularly in African countries, where respect for the sacred or supernatural is widespread and the expression of religious faith highly visible in both private and public spheres. However, the reality and nature of this religious opposition has not been probed in depth by previous research. This study, therefore, aimed to examine the key debates or points of controversy about CEDAW among the faith communities.

In Nigeria, gender and religion interact in complex ways. As both custodians and captives of culture,<sup>3</sup> Nigerian women's desire to promote women's empowerment has been expressed through a social movement that has been both intricately shaped and resisted by religion. Depending on the issues at stake, religion may serve as a barrier to reform, or provide moral and/or institutional support to particular initiatives, including secular ones. Some groups within the Nigerian women's movement are faith-based and undergirded by a religious value system, while others are not. However, the lines between secular and faith-based groups are frequently blurred, especially where there is an overlap of values, goals or personnel.

Generally speaking, when faith-inspired and secular social movements and organizations have incompatible visions of what an ideal society should look like, the resultant conflicts of interest can be severe and intractable. Certain religious beliefs or tenets may be at loggerheads with the ideals of gender-inclusive democracy, women's rights and fundamental freedoms, and the principles of gender equality articulated in international legislative frameworks, national policies and development plans. This has far-reaching implications for the successful implementation of social change agendas, especially as women are politically under-represented and economically disadvantaged, and so lack the critical mass and material resources to induce change.

The first phase of the research project involved a review of literature to aid in the understanding of the nature and workings of the women's movement in Nigeria (Adamu et al, 2010). Phase two involved fieldwork, which adopted a qualitative approach in order to study the perspectives and experiences of secular and faith-based activists and religious leaders with regard to CEDAW issues and the campaign to incorporate it into the national legal system. The study found that the net effect of both Christianity and Islam on the national-level CEDAW domestication bid was negative, yet religious groups exerted and continue to exert some positive influence, which may facilitate constructive engagements between faith and women's rights agendas in the future.

## 1.1 Organization of the study

In this report, the research context is first described, and then a detailed analysis of data from the fieldwork presented. A brief conclusion summarizes the main findings. In Section 1, the research is introduced by situating it within the wider comparative research on social movements of which it forms

part and setting out the specific parameters of this study in terms of its aim, objectives, scope and methodology. Section 2 contains an abridged literature review, to provide background on the nature of the Nigerian women's movement and its engagement with religion. Section 3 responds to some of the research questions by briefly tracing the evolution and examining the nature of the CEDAW campaign. The main body of the research is presented in Section 4, which explores the role of the principal actors, individual and organizational, and the strategies and resources they mobilized for the campaign, highlighting major milestones and missteps in the process. It also demonstrates how religion was a critical factor in determining the outcomes of the campaign. In the concluding section, the main findings are summarized and some implications for national policy and development identified.

### ***1.1.1 Religion and movements for social change: an overview of the research***

This study is part of international comparative research on the engagement of faith communities in contemporary movements for social change and the implications for development, democratization and reform. Specifically, the research set out to analyse the motives, strategies and outcomes of faith engagement in movements for social change. The research had three main objectives:

1. To understand the ways in which different religious traditions address selected social movement/civil society concerns, their motives and strategies in so doing, and the outcomes of their engagement.
2. To examine the extent to which religion is seen within the movements for social change studied as a positive force encouraging or a barrier to social and political reform.
3. To identify, map and assess the outcomes of faith engagement in social movements concerned with socio-political reform.

In addition to Nigeria, the research was undertaken in India and Tanzania. In all three countries, it was appropriate to analyse the women's movement and to focus in particular on campaigns for legislative change that were expected to affect the position of women vis à vis men. In addition, in India, the ways in which Dalit social movements had engaged with religion were studied. In Nigeria it was decided to study two recent campaigns by the Nigerian women's movement:

- Efforts to abolish harmful traditional practices affecting widows in Anambra State
- The Campaign for the Domestication of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

The bid to domesticate CEDAW is of interest both because gender inequality is an ongoing issue in Nigeria's quest for participatory democracy and also because of the influence of religion as a powerful undercurrent in gender issues, as borne out by the palpable yet paradoxical role of religion in the course of the campaign, and the eventual failure of the CEDAW domestication bid in the National Assembly in 2007. Studies by Odinkalu (2008), Atsenuwa (2008), Imam (2009) and others discuss the prominent role of the religious opposition in stalling the CEDAW bill. However, in spite of the pervasiveness of religious faith and its observable relevance in the personal lives and social interaction of Nigerians, the nature, extent and impact of women's engagements with religion in relation to human rights, specifically women's rights, remains under-researched.

### **1.1.2 Aim, objectives and research questions**

The aim of this study was to examine the nature of women's engagements with religion in relation to the campaign to domesticate CEDAW, through the passage of a bill by the National Assembly, in order to explore the ways and extent to which religion acted to facilitate or obstruct the enactment of explicit legislation to protect women's rights. The specific objectives of the research were:

- i. To identify the principal actors (individuals, groups and coalitions) in the campaign for the domestication of CEDAW and the nature of their roles.
- ii. To discover what tactics/strategies campaigners adopted and what resources (political, human, social and religious) they contributed to bring about legal reform and assess the outcomes.
- iii. To examine whether and how religion influenced and continues to influence the nature and/or outcomes of the CEDAW campaign, by investigating how faith communities/religious leaders either promoted or obstructed the campaign through their attitudes, pronouncements and behaviour and reviewing the perspectives and experiences of both secular and religious activists.

### **1.1.3 Scope of the study**

The study traces the attempts of the Nigerian women's movement to ensure that CEDAW was domesticated, starting in the mid-1980s, after its ratification under a military administration, and continuing in subsequent years under both military and civilian administrations until 2007, when a 2006 Bill entitled the *Abolition of all Forms of Discrimination Against Women in Nigeria and Other Related Matters Bill* failed to pass in the National Assembly. It examines and describes the nature of the CEDAW campaign and briefly looks at the tactics and resources mobilized in this quest for legal

reform. In particular, the study examines how religious values and institutions impacted on the way the legal reform agenda was articulated and pursued. Data were obtained from three geopolitical zones, where there is a diversity of religious expression: the North West, which is predominantly Muslim; the South West, where there is a more even spread of Christians and Muslims; and the North Central, where there is a majority Christian population.<sup>4</sup> The fieldwork was conducted in Abuja FCT (Federal Capital Territory – North Central), Lagos (South West), where there is a high concentration of leading women’s NGOs and networks, Jos (Plateau State – North Central) and Kaduna, Kano and Zamfara States, all of which have a significant population of faith-based and religious groups. The study also covered Ibadan, Oyo State, where a large number of women’s NGOs and religious groups are located.

#### **1.1.4 Methodology**

The fieldwork employed a qualitative research strategy that relied on in-depth open-ended interviews with key informants. The respondents were drawn primarily from the CEDAW coalition of women’s groups, along with other principal actors in government and secular/faith-based non-government organizations which were involved in the domestication bid at various levels.

The women’s coalition for the domestication of CEDAW consists of a loose network of secular and faith-based organizations and networks based in different parts of the country. Three principal actors from two of the most prominent women’s NGOs with coordinating roles in the Coalition were interviewed: BAOBAB (Lagos) and Women’s Rights Advancement and Protection Agency (WRAPA, Abuja), which serve as the CEDAW Coalition’s secretariats in Lagos and Abuja respectively (see Appendix 1). BAOBAB has served as the secretariat and key resource body for collating the Nigeria CEDAW NGO Coalition Shadow Report since 1998<sup>5</sup>, while WRAPA was at the forefront of drafting the CEDAW domestication bill(s) and is one of the numerous NGOs spearheading lobbying/awareness creation efforts in the National Assembly and among other stakeholders. BOABAB and WRAPA are also part of the Gender Affirmative Action group, which is a network of women’s rights NGOs set up under the framework of an international donor-funded initiative called Coalitions4Change.

Nine interviews were conducted with principal actors in secular organizations. Interviews with one senior programme officer from BAOBAB and two from WRAPA snowballed into interviews with other

principal actors within the coalition and beyond, including one person from each of the following secular NGOs: Women Law and Development Centre of Nigeria (WLDCN), Project Alert on Violence against Women, West African Network for Women in Peace Building (WAWINEP), Female Leadership Forum (FLP), all in Lagos, Centre for Women in Politics and Policy (CEWOPP), Ibadan and Centre for Democracy and Development (CDD), Abuja.

Four principal actors from the Federal Ministry of Women Affairs, Abuja (2), the National Assembly, Abuja (1) and an Abuja-based international development partner, UNIFEM (1), were interviewed and nine principal actors working in four faith-based organizations, namely Christian Urban and Rural Development Association of Nigeria (CRUDAN), a Protestant body in Jos (3); Federation of Muslim Women's Associations of Nigeria (FOMWAN), Kaduna (1); Justice Peace and Development Commission (JDPC) of the Catholic Church in Abuja (1), Ibadan (1) and Jos (2); and the Catholic Women's Organization (CWO), Jos (1).

Eleven religious leaders participated in the study. Six Muslim religious leaders were interviewed in Ibadan (2), Kaduna (1), Kano (1) and Zamfara (2) and five Christian religious leaders (three Protestant and two Catholic) in Abuja (1), Ibadan (2) and Jos (2). Religious leaders were selected on the basis of their high standing and wide influence within their various faith communities or their active involvement in social development work, including the empowerment of women. For example, two of the principal actors, working in JDPC in Abuja and Jos respectively, are also Reverend Fathers and therefore doubled as religious leaders, while two of the Muslim religious leaders had been involved in women's rights issues. Interviews with religious leaders, who represent large numbers of adherents, provided opportunities to obtain information about the inner workings and core values of faith communities, particularly regarding their visions of social change and their perspectives and experiences in relation to religion and women's rights. For Muslims this included Imams and religious scholars and broadcasters. The Christian religious leaders interviewed include Protestants (the Anglican Archbishops of Jos and Ibadan Archdioceses and a Methodist Bishop) and Catholics (two priests and the leader of the Catholic Women's Organization, a widely respected religious leader and social activist).

In addition to the primary data from interviews, secondary data sources such as published and unpublished official documents, including reports, newsletters, books and monographs, information brochures stating the vision, mission statements and activities of NGOs etc., were reviewed. The study also consulted audio and written material from religious leaders/ organizations (including some produced by people who were not selected to participate in interviews<sup>6</sup>), as a means of gaining insight into religious perspectives on women's rights in general and on the CEDAW campaign in particular. This proved particularly useful in the analysis of interview data, because the religious leaders selected for interview belong to an elite class who have a high public profile, but whose more modern views on women and gender issues do not always reflect the prevailing opinion among more traditional grassroots leaders, who tend to hold considerable sway in influencing societal perspectives and practices.

## 1.2 Theoretical framework

This section provides an analytical foundation for explaining the emergence of contemporary Nigerian women's movements in the context of anti-colonial nationalism, pro-democracy civil/human rights campaigns and the struggle for women's empowerment. The study draws on new social movement theory, as well as a human rights-based approach to development, to show that nationalist/civil society agitation for freedom from colonial and military rule at various points in history, as well as the language of human rights linked to human development, provide spaces for Nigerian women to articulate the ways in which they are discriminated against and to pursue specific women's empowerment agendas. A rights-based framework is used to explain how the assumptions and principles underlying human rights agreements serve as a justification for the promotion of women's rights, which provide a means for women to improve their social and material conditions, thereby accelerating human development.

According to Kirmani, the term social movement encompasses "a wide variety of groups with varying and often conflicting concerns. These groups come from a range of ideological positions, social locations and contexts and can take a number of organizational forms — from very loose and flexible to highly organized and bureaucratized" (Kirmani, 2008, p.1). In Nigeria, there has been considerable debate among feminists as to whether the numerous women's self-help organizations that exist can be classified as 'a women's movement.' The debate revolves around the defining features of a women's movement, the nature of women's change agendas and the strategies adopted to pursue



such agendas. Some conclude that in the absence of an explicit feminist agenda for structural change in societal gender relations and a degree of internal coherence and unity, there is no such thing as a women's movement in Nigeria. Others point to the NGO-ization of women's groups as evidence of the cooptation of a women's movement, which as a result no longer exists. A women's movement forms around one or more common issues and agendas for the purpose of effecting social change, although the background and orientation of those involved may be diverse. Kirmani (2008) argues that a social movement retains its identity as a movement if it is positioned outside institutions of power, even if it eventually becomes institutionalized. For the purpose of this study, it is satisfactory to assume that a women's movement in Nigeria exists as long as some form of women's organizing for collective action along gender lines and on gender issues persists.

Jochnick observes that initially the human rights movement was dominated by western governments and NGOs, arguing that it produced a model of human rights advocacy narrowly focused on civil liberties and state action, which failed "to address the roots of poverty-related rights violations, particularly violations of economic, social and cultural rights, that increasingly lie beyond the national borders" (Jochnick, 2002, p.159). At the same time, development discourse and policy construed development almost exclusively in economic terms and intervention strategies focused on meeting basic needs. Later, a more comprehensive understanding emerged that went beyond economic growth or material wealth, to conceptualize development holistically as entailing progress towards the attainment of human wellbeing in all spheres of life – political, social, economic and cultural (Goonesekere and de Silva Alwis, 2005).

From the late 1980s on, the linkages between human development and human rights began to be set out more concretely in the language of various international conventions and declarations, as well as in the operations of major international development agencies. Article 1 paragraph 1 of the UN Declaration on the Right to Development, adopted by resolution 41/128 of the UN General Assembly on 4<sup>th</sup> December 1986, asserted that:

The right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized.

Subsequent to the 1993 Vienna Conference on Human Rights and the 1994 UN seminar on Extreme Poverty and the Denial of Human Rights in New York, the UNDP (1998) drew up a policy document entitled *Integrating Human Rights with Sustainable Human Development*, based on the assumption that human rights and sustainable human development are interdependent and mutually reinforcing. For Jochnick (2002), the relevance of human rights discourse lies in the provision of a powerful framework within which to articulate and enforce people's rights to development and thereby address global poverty. In recognition of the causal relationship between human rights violations and poverty and underdevelopment, Kofi Annan, the UN Secretary-General (1997-2007), initiated a programme of reform within the UN system that sought to move away from a basic needs strategy to fully mainstream a human rights-based approach into all development programming at international and country levels. Consequently, human rights standards and principles are now used as guidelines for UN agency country assessments and development assistance frameworks.<sup>7</sup> The decision within the UN system to link human rights with development has been followed by its adoption in the conceptual and operational frameworks of major bilateral/multilateral development agencies such as the World Bank, the UK Department for International Development (DFID), the United States Agency for International Development (USAID) and the Canadian International Development Agency (CIDA), among others.

A human rights-based approach goes beyond the conventional appeal to notions of morality, social justice and equality to assume that human rights and sustainable development are inexorably linked and mutually reinforcing, and that women's rights in particular are essential to "ensuring the full and effective participation of women as agents of change for development in their families and communities" rather than "passive recipients of commodities and services" (Goonesekere and de Silva Alwis, 2005, pp. 3, 11). It also assumes that women are 'claim-holders' who should be empowered to make claims on 'duty-bearers,' notably governments, who have both negative and positive obligations to ensure that those claims are met through legal reform. The CEDAW document establishes the vital link between women's rights and development agendas.<sup>8</sup> This connection is clearly understood by women's groups involved in the CEDAW domestication campaign in Nigeria, as a quote from a publicity flier of the Oyo State Affirmative Action Coalition Group indicates:

Among the International Human Rights treaties, the Convention takes an important place in bringing the female half of humanity into the focus of human rights concerns. The spirit of the convention is rooted in the goal of the United Nations: to affirm faith in fundamental

human rights, in the dignity and worth of the human person, in the equal rights of men and women. The CEDAW document spells out the meaning of equality and how it can be achieved. In so doing, the convention establishes not only an international bill of rights for women, but also an agenda for action by countries to guarantee the enjoyment of those rights.

A human rights approach enshrines certain fundamental and operational core principles that, according to the approach, should determine the nature of development agendas in order to improve overall human wellbeing in quantitative and qualitative terms. These principles emphasize the basic universality, inalienability,<sup>9</sup> indivisibility<sup>10</sup> and interdependence<sup>11</sup> of human rights and, at the operational level, equality,<sup>12</sup> non-discrimination,<sup>13</sup> participation and inclusiveness, accountability and the rule of law.<sup>14</sup> The principles constitute internationally agreed upon legal guarantees that preclude any action by states that are party to the international instrument in question to opt out of it on the basis of cultural, religious or any other premises.

A significant aspect of legal reform is the harmonization of local customs and traditions with international standards articulated in international treaties and declarations and the incorporation of the latter into national constitutions and legal systems. Indeed, legal reform aimed at the formulation of strong laws and appropriate gender-specific policies is seen as a crucial strategy within a rights-based approach, in order to extend human rights to women and girls, thereby producing desirable development outcomes such as enhancing national productivity and efficiency (World Bank, 1995). In recognition of this, the National Centre for Women Development, in collaboration with the Federal Ministry of Women Affairs, the Nigerian Law Reform Commission, the Legal Aid Council, the National Human Rights Commission, the International Federation of Human Rights Lawyers, and the Women's Rights Advancement and Protection Alternative produced a compilation and harmonization of the tripartite system of laws in Nigeria, as a prelude to drafting the *Abolition of all Forms of Discrimination against Women in Nigeria and other Related Matters Bill*, 2006 which, as noted above, was frustrated in the National Assembly.

## 2 Women, society and religion in Nigeria

This section describes the social context within which Nigerian women have organized to struggle for change, as well as the social positioning of women as ascribed by various religious traditions. The latter is important because women in Nigerian society are rendered simultaneously powerful and powerless by religion. On the one hand, they are the ones who constitute the majority of regular worshippers among the diverse church denominations; they are the majority population of foot soldiers of the faith, whose service and numerous activities help to keep the wheels of organized religion turning and its engines running. In addition, within the family setting both Muslim and Christian women are responsible for transmitting religious values and norms to future generations as part of their child-rearing role.

On the other hand, women remain largely excluded from the top power hierarchies of most of the major religious systems. The relative exclusion of women from religious structures is both constitutive and reflective of their marginalization in the domains of formal politics, corporate business and intellectual discourse. Female exclusion and marginalization has, therefore, become systemic and institutionalized to such an extent that political and legislative institutions of the state often do not recognize it or draw up mechanisms to address it. Nweze and Takaya (2001), for example, describe the synthesis of religious and indigenous traditional belief systems into an anti-female sexist Nigerian culture and body politic permeated by patriarchal norms and standards. The prevalence of gender discriminatory practices and injustice has led to Nigerian women having comparatively low socioeconomic status and is the basis for the common interests around which they have historically sought social change.

### 2.1 The status of women in contemporary Nigeria

On the surface, when one looks at the high profile of certain female political actors, professionals and prominent women entrepreneurs, Nigeria appears to be a progressive nation. Moreover, Nigeria has ratified all the major international legal instruments on women, including CEDAW (1985)<sup>15</sup> and the AU Protocol on Women (2004). However in practice, the real status of most Nigerian women is a picture of stark gender disparities in formal education, political representation, incomes, labour force participation, access to healthcare and agricultural inputs etc. These disparities derive from shared traditional and religious understandings of gender identity and roles and represent a kind of superstructure on top of an underlying structure of socio-cultural gender prejudice and discriminatory

practices. Pittin (1991) and Okome (2000) assert that women are regarded as peripheral and secondary adjuncts to men rather than independent and autonomous citizens. In the words of Pittin (1991, pp 38-9),

In Nigeria the state, or sections of the state, pursue parallel yet often contradictory policies, differentially verbalised or operationalised depending on the underlying and immediate interests to be served [...] The overall direction of these policies is the maintenance of [the] ideological assertion of women as mothers, housewives, helpmates to men, and peripheral workers. This justifies women's continuing to undertake the entire burden of domestic labour, withdraws women from competition for wage labour and justifies unequal access to education, information, technology, credit, training, and productive resources including land and landed property.

The Nigeria gender profile illuminates the stark disparities. Female representation in the National Assembly stood at 7.7 per cent in 2007 (UNDP, 2009a, p. 55).<sup>16</sup> The *Poverty Profile for Nigeria* (National Bureau of Statistics, 2005) provides statistical evidence of the greater prevalence of poverty among women across both rural and urban areas. Women are worse off with respect to all variables, although the incidence of poverty among male-headed households was 56 per cent compared to 41 per cent amongst female-headed households (10 per cent of all households) because of the increased numbers of single mothers who are educated and employed. Other statistics attest to female disadvantage, with female:male ratios of 0.80 for literacy (73 per cent of adult men, compared to 55 per cent of women, p. 144-5), 0.85 for primary school enrolment, 0.86 for secondary school enrolment, 0.55 for enrolment in tertiary level education (p. 57), income 0.41 (when income is measured in terms of purchasing power parity) (p. 58) (UNDP, 2009a). The *Human Development Report* gives Nigeria a Human Development Index score of 0.511 in 2007 (158th out of 182 countries) (UNDP, 2009b, p. 174) and 0.423 in 2010 (142th out of 169 countries) (UNDP, 2010, p. 146). It has a Gender-related Development Index score of 0.499 and a ranking of 133rd out of 156 countries (UNDP, 2009, p. 183). Although there has been some improvement in the GDI, Nigeria has a Gender Equity Index<sup>17</sup> of 44 out of 100, a decline from 45 in 2006 (Social Watch, 2007, 2009).

## 2.2 Women's agendas for social change in Nigeria

Owing to their low socioeconomic status and political marginalization, as described in the previous section, Nigerian women of diverse class, ethnic and religious backgrounds have initiated various collective efforts to improve their social conditions. Most women's organizations in Nigeria are

concerned more with practical gender needs than strategic needs, partly due to the level of poverty and underdevelopment in the country and partly because the former tend to generate less controversy and opposition from the patriarchal state. The issues women champion and the implications of their social change agendas in relation to women's rights differ at national and local levels, but generally seek to reduce gender disparities arising from gender discrimination. Molyneux (1985) differentiates women's gender interests into practical and strategic gender interests, where practical gender interests arise from women's position in the sexual division of labour and tend to involve struggles to enable them to fulfil their roles as wives and mothers. Strategic gender interests, in contrast, seek to change the rules under which women live, and can usually only be arrived at after practical interests have been taken into account. Molyneux's distinction is acknowledged to recognize the diversity of women's interests and allowed them to distinguish strategies that are likely to lead to radical change (Hassim, 2005). For this reason, agendas that target women's rights and promote legal reform are considered strategic. It was in recognition of the need to address the myriad of discriminatory norms and practices affecting women in Nigerian society in a holistic and structural manner that 50 women's groups formed the CEDAW coalition in 1998. Other issue-based networks and coalitions have also been formed by women's rights NGOs and professional bodies, such as the International Federation of Women Lawyers (FIDA) and the Nigerian Association of Women Journalists (NAWOJ), which have taken up a number of legal reform agendas at the State level.

Issues of concern to the coalitions working at national and state levels to domesticate CEDAW included:

- i. Review of customary law under which women are subjected to harmful traditional practices and denial of property rights.
- ii. Women's citizenship in the wake of the introduction of *shari'a* law and its discriminatory practices against women during implementation
- iii. Violence against women, which resulted in the formation of two coalitions: Legislative Advocacy Coalition on Violence against Women (LACVAW) and the National Coalition on Violence against Women (NACVAW)
- iv. Women's participation in party politics, particularly in calling for affirmative action through the provision of a 30 per cent quota for women in all decision-making positions.<sup>18</sup>
- v. Social and economic rights.

Collective efforts to protect and promote women's rights have yielded various degrees of success or failure, with more success at the State level than at the national (see Appendix 2). However, at both levels such efforts have been confronted by opposition from individuals and interest groups who claim that the claims are contrary to cultural and religious ordinances and beliefs. The next section discusses the extent to which Christianity and Islam have supported or opposed agendas to promote women's rights, with specific reference to the nationwide campaign to domesticate CEDAW.

### 2.3 The dialectics of women's rights and religion

This section discusses the ways in which Christianity and Islam may support or oppose women's rights. It demonstrates how, in their collective struggle for social change, women need to navigate the complex interplay of pervasive beliefs about gender on the one hand, and the legitimate need to improve women's lives through legal reform, on the other. Efforts to draft a Bill for the domestication of CEDAW began in 2005 and culminated in the dismissal of the *Abolition of all Forms of Discrimination against Women in Nigeria and Other Related Matters Bill, 2006* on the floor of House of Assembly in 2007. As observed by Odinkalu (2008) and Imam (2009), most of the opposition to the failed CEDAW Bill of 2007 was articulated as representing religious positions. Atsenuwa (2008, p.13) agrees; she contends that CEDAW failed mainly because of strong opposition from "religious gatekeepers and Africanists", who felt that it was contrary to God and to African traditional values. She further explains that the impact of religious opposition far overshadowed any other political or tactical factors that weighed in on the process. In her words,

The challenge is not so much an absence of political will on the part of the government but formidable resistance from various interest groups who though diverse in terms of the basis of their opposition share a common fear that the net effect of recognizing women's rights would be social dislocation (Atsenuwa, 2008, p 1).

Atsenuwa's claim lends credence to the assertions made by research participants (see Section 3.2 below) that fear of a loss of status lay at the root of male opposition to CEDAW, and to women's rights in general, under the cover of religion and tradition. Odinkalu makes the important point that religious opposition to CEDAW did not take the form of an overt policy stance by any of the Muslim or Christian sects or denominations. Thus in his view, much of the opposition was a reflection of personal opinions and understandings of religious doctrines and beliefs.

Resistance to CEDAW traversed gender lines, as some women's groups, notably the Catholic Women's Organization, along with other faith-based groups, worked alongside an Owerri-based coalition formed on 8<sup>th</sup> August, 2006, called the African Anti-Abortion Coalition (AAAC), a network of pro-life associations operating in 53 African countries. This anti-CEDAW coalition consisted of Christian and Muslim FBOs and was coordinated by the Heritage Network. It put up stiff resistance to the bid to domesticate CEDAW. It is noteworthy that the AAAC had previously submitted a letter opposing the Reproductive Health Bill. The coalition presented a paper to the Senate in which it raised the several objections to Articles 10, 12 and 16 of CEDAW relating to family planning, female bodily integrity, reproductive rights and marriage and family rights respectively. According to the AAAC, the provisions promote abortion and therefore constitute a negation of 'African values' (see Appendix 3 for its press release). Akinrimisi et al (2008) and Imam (2009) underscore the need for further investigation of those areas of religious discourse, debates and practices in relation to women's rights that are particularly sensitive or controversial among Muslim and Catholic faith communities.

A synthesis report on legal reform for women's rights in Nigeria explains that, in part, the basis for the stance of the religious establishment lies in massive ignorance and misconceptions about CEDAW provisions, leading them to believe that CEDAW's values and standards are anti-family and anti-God (Imam, 2009). The major challenges women's groups face with respect to religion stem from the paradoxical reality that religious faith is at once a source of empowerment and an effective means of subordination for women in both private and public life. The tendency for religion to serve as either a help or a hindrance to women's change agendas depends on how religious injunctions are interpreted and applied. Conservative interpretations of sacred texts pose a critical challenge to human rights and gender equality agendas, which are widely perceived to be impositions from the West and alien to both African culture and sound religious doctrine. Women activists are challenging this assumption and in turn using religious premises and terminology to evoke messages of empowerment and social justice. For instance, Ruth Dul, Senior Programme Officer of CRUDAN (Interview 18/05/2009), claimed that equality between men and women stems from the fact that they are created equal by God and are both made in the divine image.

Within the Christian faith, some female theologians in Nigeria allege that biblical texts have been taken out of their historical, cultural and literary contexts to perpetuate the derogatory treatment of women.



Verses such as 1 Corinthians 14:34-35 and 1 Timothy 2:11-15, in which women are asked to keep silent in churches, to not usurp the authority of or teach a man, and to learn in silence are cited by religious authorities against female ordination or women taking on leadership roles in churches. Akinrimisi cites diverse opinions of lay Christians and religious leaders, as well as biblical texts, to refute such arguments. According to her, Jesus Christ's ministry among women, his treatment of and attitudes towards them, as well as the Apostle Paul's endorsement of the ministry of several women, including Priscilla, Phoebe and Eunice, disproved such conservative biblical hermeneutics. In spite of clear evidence of gender role flexibility in the ministry of the early church, she contends that the prevalent attitude in the contemporary church in Nigeria promotes gender role differentiation, with men reserving for themselves roles that concern the exercise of power and authority (Akinrimisi, 2008). In a similar vein, Owanikin (1992, p 206) asserts that liberating messages remain on the periphery of religious discourse and practice as "the general phenomenon still reveals a resistance to change." Conservative understandings about the position of women in the home and larger society prevail, reflecting a convergence of religious and cultural ideas about gender. As a result, women's NGOs, particularly those promoting women's human rights, have an uneasy relationship with both the religious and the traditional establishments, which uphold conservative ideological interpretations of gender identity and roles.

The engagement of women's groups and associations with the Muslim faith communities differ from Christianity owing to both historical and cultural factors. The 19<sup>th</sup> century *Jihad* movement, which culminated in the establishment of the Sokoto caliphate and an Islamic form of governance, had far-reaching consequences for women's rights issues and the way in which women's groups operating in the Muslim-dominated states engage with Islam. For instance, legal provisions governing matters of concern to women, such as inheritance, divorce, marriage and child custody, are specified within the Islamic legal system. Thus, any movement that aims to effect change in predominantly Islamic Hausa society in Northern Nigeria<sup>19</sup> has to strategically confront and engage with Islam. In her assessment of Nigerian laws, Ezeilo (2007) recommends the adoption of cross-cultural dialogue as a strategy to safeguard women's rights.

In the course of the CEDAW campaign in Nigeria, Ezeilo notes, a compromise is needed, because some Muslim women from Africa and Asia disapprove of the use of such wording as "women's equal rights to inheritance" and indeed, the notion of equality in general (Ezeilo, 2006). Ezeilo argues that

such a compromise should be made “in keeping with the principle that half a loaf is better than none, the compromise position suggests that we struggle for all women to get half a loaf before we insist on a full share as a right” (2006, p. 42). She notes further that adopting such a pragmatic approach in advocating for women’s rights has both merits and demerits:

It sometimes leaves us open to accusations of settling for too little. Others have suggested that such pragmatism drives a wedge between theory and practice and between the legal code and its implementation. In reality, it may be the only option for feminists working in societies that live under Islamic law or Shariah, where the challenges are increasingly insurmountable (Ezeilo, 2006, p. 42).

### 3 A brief history of the campaign for the domestication of CEDAW in Nigeria

As noted in the introduction, CEDAW was ratified by General Ibrahim Babangida's military government as far back as 1985, spurring a flurry of initiatives aimed at the social and economic advancement of grassroots women. However, for the provisions of international instruments to be implemented in Nigeria, the 1999 Constitution requires an Act to be passed by the National Assembly to incorporate their provisions into the national legal system and acquire the force of law. In the absence of such legislation, the principles and provisions of international agreements such as CEDAW have only moral force, as reflected in women's programmes and gender policies. Brynes (2002) argues that the lack of formal incorporation into domestic law is not a sufficient reason for the non-application of international treaty standards by national courts, since by virtue of having ratified a treaty, state authorities can in good faith interpret existing laws in the light of the objectives of the relevant treaty. Thus, Atsenuwa (2008) asserts that the real issue in the Nigerian government's belated attempt to domesticate CEDAW was an underlying lack of political will.

During the military dictatorships of Generals Ibrahim Babangida (1985-93) and Sani Abacha (1993-8) i.e. between ratifying CEDAW in 1985 and the restoration of democracy in 1999, the state maintained a hostile and repressive stance towards civil society organizations, particularly those that constituted part of the pro-democracy campaign against military rule. Over that time, agendas around women's needs were mainly spearheaded by First Ladies' pet projects at the national and state levels. These received public funds and international development assistance, and were implemented in collaboration with bureaucrats, women activists and scholars, who provided technical expertise for women's development projects. The national and state machineries for women's affairs were largely at the beck and call of the First Ladies and their projects and preferences. According to Saudatu Mahdi, Executive Director of WRAPA (Interview 04/06/2009), at that time there was no institutional mechanism within governance concerned specifically with implementing CEDAW as a broad framework for women's empowerment. She recalled that Late Professor Jadesola Akande, founder/ Executive Director of WLDCN, had made an effort in the 1990s to simplify the CEDAW document by translating it into a few local languages in order to make it accessible to grassroots women.

However, several of our interviewees were of the opinion that the 30-year military era<sup>20</sup> did not provide an environment conducive to voicing discontent with respect to either women's issues or wider socio-political concerns. For instance, Bridget Osakwe, Programme Officer at WANEP (Interview 23/07/2009) recounted an illustrative incident:

*I was travelling to Ghana for a meeting during the military era. They searched my bag and said I should not travel with all the publications, all the publications relating to women issues were put down. That was during the military era; you could not travel with publications.*

Thus most research participants agreed that the military regimes had curtailed campaigning efforts with respect to CEDAW and other women's interests, although a few, like Dr. Keziah Awosika, Executive Director of WLDCN (Interview 15/07/2009), felt that the military command structure made it easier to get things done, either through persuading the military government to issue a decree or by lobbying the wives of highly placed government officials.

Although as noted above, Nigeria had ratified CEDAW in 1985, agitation for its domestication did not take off in earnest until after the 1995 Beijing Platform for Action and a series of other international conferences, such as the 2000 International Conference on Social Development in Copenhagen. According to Dr. Kezia Awosika (WLDCN), Nigerian women who attended such conferences returned highly sensitized about the need to implement CEDAW at national level, in view of persistent gender disparities and discrimination. Although informants such as Josephine Effah-Chukwurah, Executive Director of Project Alert (Interview 23/06/2009), explained that most civil contestations during the military era revolved around the pro-democracy campaign, some women's issues did emerge. Thus during the course of the democratization campaign, Saudatu Mahdi, Executive Director of WRAPA (Interview 4/6/2009), asserted that, *"With women's [human rights] groups emerging, down the line the struggle became concretized and defined around CEDAW."*

Another key factor in kick-starting the CEDAW campaign was the request for a Nigeria situation report made in 1998 by the United Nations Committee on the Status of CEDAW. The report, submitted by the Federal Ministry of Women Affairs, was not satisfactory to most women's groups, who considered it to be a window dressing effort that did not reflect the reality of women's deplorable socio-economic status. Mufiliat Fijabi, Programme Officer at BAOBAB (Interview 15/07/2009) explained that

*There were a lot of inconsistencies in terms of giving very good report of things that are not in existence. So NGOs felt that it is important to make the CEDAW committee see the actual situation of things...*

BAOBAB then initiated and coordinated the Nigerian NGO CEDAW Coalition, which was formed in May 1998 as a national network of over fifty registered NGOs, whose membership consisted mainly of well-educated professionals, scholars and development practitioners. The coalition wrote the first shadow situation report, which was submitted to the Nigerian government and to the UN CEDAW committee at the United Nations in New York in 1998, and has continued to submit NGO shadow reports to the committee since then. The return to democracy in 1999 opened up a wider space for CEDAW advocacy and the campaign was strengthened through the collaborative efforts of local women's rights NGOs, the Federal Ministry of Women Affairs (FMWA) and international partners.

With the return to democracy, the NGO coalition and FMWA, with the support of international development partners such as UNIFEM, UNICEF, UNFPA, OSIWA, USAID, DFID and Sida, recognized the need to work together to push for the domestication of CEDAW. They also saw the need to expand the coalition to include female political actors by cultivating relationships with key allies in the national legislature, especially the various chairpersons of the House Committee on Women Affairs, such as Honourable Florence Aya (1999-2003), Saudatu Sani (2003-2007), Beni Lar (2007-2008), and at the time of writing, Binta Garba. These networking and legislative advocacy efforts culminated in the drafting and presentation of two bills aimed at domesticating CEDAW. One bill – the *Gender and Equal Opportunities Bill* - was spearheaded by NGOs and presented as a private members' bill to the Lower Chamber (House of Representatives) of the National Assembly. The other bill - the *Abolition of all forms of Discrimination against Women in Nigeria and Other Related Matters Bill, 2006* was spearheaded by the FMWA; it was drafted by the Ministry of Justice and sent by the Federal Executive Council as an Executive Bill to the Upper Chamber (Senate) of the National Assembly in December 2006. However, neither bill was passed. The specific events leading to the failure of the CEDAW domestication bid and the outcry of religious opposition from Islamic and Christian groups are outlined in an earlier report (Adamu et al, 2010). Nevertheless, it is important to point out that although the CEDAW campaign suffered a severe setback at that time, it is still ongoing, and there is a tacit understanding within the coalition of the need to take stock of what went wrong and draw lessons with a view to a strategic re-positioning of the campaign.

## 4 Actors, strategies and engagements with religion in the CEDAW campaign

In a Stakeholder and Analysis Report on the CEDAW domestication process, Odinkalu (2008) admits the difficulty of attempting a reconstruction of what happened, because of the unavailability or unwillingness of key legislative actors to participate in a review exercise. Odinkalu's classification of stakeholders is broader than the current study, in that it includes all those groups that had any connection with the legislative process. In this section, the roles of the principal actors within the CEDAW coalition, FMWA, the legislature and the international development agencies who took part in the CEDAW domestication campaign are identified. The section also discusses the key strategies deployed during the campaign, when women organized and mobilized towards the presentation of the CEDAW Bills. In its analysis of actors and strategies, this study seeks to highlight the extent to which they were shaped or influenced by religious values, perspectives and actors.

### 4.1 Principal actors in the CEDAW domestication campaign

From the field data it is possible to identify three strands of activism in the CEDAW domestication campaign:

- The institutional level, where the Federal Ministry of Women Affairs (FMWA) is the arrowhead of the gender machinery<sup>21</sup> mandated by government to mainstream gender issues into development processes
- The advocacy level, comprised of the women's rights/civil society groups who initiated the campaign and spearheaded the lobbying of public sector actors and agencies, as well as creating awareness about CEDAW objectives and intervention areas.
- The programmatic level, at which a plethora of NGOs and community-based organizations are involved in what Saudatu Mahdi (WRAPA) refers to as "*grounding work*", as they seek to root CEDAW principles at the grassroots in society.

At the level of institutional activism, the FMWA coordinates the activities of government agencies with respect to gender issues through gender focal points in the ministries and parastatals of the federal government, notably those concerned with agriculture, education, health, and science and technology. The FMWA also works closely with the National Centre for Women Development (NCWD), which serves as a research, resource and documentation centre on women's and gender issues. Through consultations and project execution, the activities of NGOs/CSOs (and recently private-sector bodies – see below) enrich the work of the FMWA and are fed into the four-yearly monitoring and review

meetings of the UN Committee on CEDAW set up by the UN Commission on the Status of Women to monitor compliance with CEDAW provisions in member states. During the last debriefing on the report at the UN in 2008, the private sector was invited to participate for the first time. Former Minister of Women Affairs, Mrs Inna Maryam Ciroma, suggested that the FMWA's over-arching role is to facilitate the integration of gender perspectives across various sectors within a gender-conducive environment predicated on international, regional and national human and women's rights laws and policies.<sup>22</sup> On the strength of international instruments such as the CEDAW, the Beijing Platform for Action and the AU Protocol on Women, in 2000 the FMWA, with the active involvement of the NCWD, women's groups and CEDAW activists, drafted a National Policy on Women as a broad policy statement of intent. It set out the aim of the Nigerian government to create an enabling environment for female empowerment, gender mainstreaming and equality. The NPW was seen as a step towards a conducive regulatory environment for promoting women's gender interests. In 2006 the FMWA replaced it with the National Gender Policy, which aims to strengthen policy, to ensure a sustained focus on the disparities between males and females in Nigerian society. However, while the FMWA can prepare policy documents, these remain toothless until backed up by legislation, which it has been unable to achieve.

In terms of legislative advocacy, the NGO CEDAW Coalition has been at the forefront, carrying out research, training and awareness creation. Research participants identified certain NGOs and individual actors that stood out within the coalition at various points during the campaign:

- Civil Resource Development and Documentation Centre (CIRDDOC), founded by Oby Nwankwo
- Women Advocate Research and Documentation Centre (WARDC)
- Women's Aid Collective (WACOL), founded by Joy Ezeilo
- Women Law and Development Centre of Nigeria (WLDCN), founded by late Professor Jadesola Akande<sup>23</sup>
- Women's Consortium of Nigeria (WOCON), founded by Bisi Olateru-Olagbegi
- Women's Rights Advancement and Protection Agency (WRAPA), led by Saudatu Mahdi<sup>24</sup>
- BAOBAB, founded by Ayesha Imam.

All these groups, with the exception of WRAPA, have their headquarters in Southern Nigeria. The NGO CEDAW Coalition was/is not the only NGO actor in the campaign. It has worked hand-in-hand with the Women's Affirmative Action Coalition and the National Coalition on Violence against Women

(NACVAW), as well as general civil society groups like the Civil Liberties Organization (CLO), the Legal Research and Resource Development Centre (LRRDC), the Constitutional Rights Project (CRP) and the Legal Aid Defence Project (LEDAP).<sup>25</sup>

During the CEDAW campaign, these leading civil society groups and coalitions played, and continue to play, crucial roles at both the State and national levels. Dr. Wunmi Akin-Onigbinde, Executive Director of the Centre for Women in Politics and Policy (CEWOPP) (Interview, 02/06/2009) explained that at the national level campaign groups engaged in intensive legislative advocacy, conducted information and sensitization meetings to discuss strategies, prepared standardized instruments for adoption at State level, and supported the emergence of State coalitions as a means of coming up with broad objectives and strategies for collaborative action, while giving room for State-specific peculiarities. The State coalitions were/are the primary drivers behind State-level affirmative action and other legal reform initiatives.<sup>26</sup>

The third strand of activism relates to the execution of numerous women empowerment programmes that feed into the overall objectives of CEDAW. According to several women activists interviewed, while the majority of local women's groups are not directly involved in legislative advocacy to domesticate CEDAW, there is an increasing groundswell of activism around various specific issues. Wunmi, Senior Programme Officer (WRAPA) (Interview 04/06/2009), explained the centrality of women's groups' social change agendas to the CEDAW campaign: *"all these outputs feed into CEDAW by giving life to its provisions."* In the words of Funke Oladapo, a Senior Staff member of FMWA (Interview 05/06/2009), *"CEDAW is a framework for women empowerment so when women are out there speaking about women empowerment, then they are speaking for CEDAW and Beijing and other development platforms."* Consequently, the sum of women's localized empowerment programmes and projects constitutes an important effort in raising the consciousness of women and the wider society about the need to promote and protect women's rights through legal reform. They exemplify the human rights-based approach to development in practical terms, showing that advancing women's development and campaigning for the protection of women's rights are complementary and mutually reinforcing agendas.

In contrast to the engagement of civil society groups, according to Oladapo (FMWA), faith-based groups have tended not to engage directly with the CEDAW campaign, instead pursuing aspects of



the CEDAW agenda that are in line with their own goals. In recognition of the influential role of FBOs within and outside their immediate constituencies, following the approval of the National Policy on Women in 2000, the FMWA began to seek closer collaboration by encouraging FBOs to register with the FMWA and inviting them for consultations and participation in government projects. The FMWA has a working partnership with FBOs such as the CWO, FOMWAN, the Young Women's Christian Association (YWCA) and several others in the pursuit of CEDAW-related agendas. When asked about the nature of their engagement with CEDAW, principal actors working with FBOs provided insights into the indirect nature of their involvement with CEDAW, through programmes and activities that speak to specific elements in the CEDAW document.

For example, Daniel Makpu, Senior Programme Officer of CRUDAN (Interview 18/05/2009), gave the example of how CRUDAN integrates "*issues of gender rights in the context of the constitution of Nigeria and governance*" into its holistic development programme. JDPC reported that it engages with gender issues relating to inheritance and property rights and gender-based violence under the broad framework of human rights and more specifically under its Women Empowerment Programme. The WEP Programme Coordinator, Benedicta Daber (Interview 20/05/2009), confirmed that its activities centre on inter-faith (Christian and Muslim) teamwork in local communities targeted at raising the socio-economic and political profile of grassroots women. FOMWAN and the CWO have political education and women's rights sensitization schemes, in addition to their primary focus on practical gender interests in girl-child education, maternal health and income generation activities. From the foregoing, it can be observed that FBOs do not concern themselves with legislative advocacy for women's rights or with influencing or engaging with policy issues and actors.

Some FBOs expressed reluctance to use women's rights and gender equality language for fear of opposition from powerful elements within their faith communities or alienating their target audience. For example, Sam Ishaya, Executive Director of CRUDAN (Interview, 18/05/2009), claimed that in training workshops with male religious leaders, using the term 'gender equality' is often perceived as a declaration of war. Consequently, CRUDAN opts for terms such as 'gender harmony' and 'complementarity' or 'partnership'. Nkechi Onwukwe, an Assistant Director in FMWA (Interview, 05/06/2009), agreed on the need for sensitivity with respect to terminology because some uses connote gender role reversal. According to her, "*We need to be smart and de-emphasize some words, because they [men] will argue it to the end that there must be submission [of women to men].*"

Those FBOs that engage in reproductive health programmes do not promote women's right to abortion because of their religious understanding regarding the sanctity of the life of the unborn child. This was emphasized by Mrs Rose Agur, former Plateau State Chairperson of the Catholic Women's Organization (CWO) (Interview 01/07/2009), who gave a personal testimony of how she had refused to terminate an unwanted pregnancy during a bout of typhoid, despite her doctor's advice, because of her religious beliefs. As Agur later explained (see below), opposition to abortion was the key reason for Catholic opposition to CEDAW. Similarly, FOMWAN is active in reproductive health activities in a manner that is compatible with Islamic injunctions regarding reproductive behaviour and abortion.

Notwithstanding the existence of value-based differences between CEDAW and FBO agendas for social change and the FMWA-FBO consultative initiatives mentioned earlier, Makpu regretted the near total exclusion of FBOs from the CEDAW campaign. According to him, this is due to *"the absence of a strong coordinating body among FBOs/NGOs, as well as the lack of sufficient inter-faith dialogue among FBOs due to mutual suspicion and lack of trust."* He further asserted that most of the interaction between FBOs and secular NGOs comes about at the insistence of donor-funded initiatives by the likes of Action Aid or USAID. To underscore the point made above by Wunmi (WRAPA) regarding the importance of grassroots women's empowerment programmes to the actualization of CEDAW objectives, Saudatu Mahdi (WRAPA) also asserted that some secular women's rights groups are beginning to focus on grounding the campaign within local, rural communities where, according to her, the real work is.

Tolu Lewis-Tamoka, Senior Programme Officer at UNIFEM (Interview, 05/06/2009) and former NGO activist, spoke of the role of international partners in providing capacity building through technical assistance and institutional/project support to women's groups working on the CEDAW campaign. She placed particular emphasis on technical assistance, in the form of various studies on the way forward for domestication. According to her, in relation to CEDAW most development partners currently work to facilitate constructive engagement within all constituent parts of the National Gender Machinery through an ad-hoc institutional framework under the auspices of the Gender Affirmative Action Committee. This will be discussed in greater detail in Section 4.5 on the current status of the CEDAW campaign.

## 4.2 Strategies and resource mobilization for the domestication of CEDAW

The central campaign strategy adopted between 2004 and 2006 by FMWA, the NGO coalition and other partners for getting the CEDAW Bill passed into law was legislative advocacy, focusing on key actors of the federal government, the legislature and the judiciary. Details of the campaign process are documented in Odinkalu (2008). This section presents the views and opinions of secular and faith-based activists regarding the nature of their campaign mobilization strategies and their efficaciousness.

Members of the coalition, as well as other women/gender/general interest civil society groups, conducted sensitization and capacity building seminars and training workshops for parliamentarians (in some cases separately with female legislators), wives of legislators, federal and state executives, cabinet officials, judges, and other law enforcement personnel such as the police. For instance, in 2005 FMWA and NGOs held a CEDAW sensitization and training workshop for legislators in Obudu, Akwa Ibom State. Other groups held similar capacity-building events at national, State and local government levels. The assumption was that if top-level functionaries were sufficiently sensitized about what CEDAW was all about and the need for its domestication to address gender disparities in Nigerian society, they would support it. Based on this assumption, in its 6<sup>th</sup> Country Report to the UN Committee on CEDAW (UN, 2006), the FMWA confidently claimed that the process to domesticate CEDAW was near conclusion.

In the decades following the ratification of CEDAW, the strategies adopted to create awareness about the document consisted mainly of organizing numerous sensitization workshops among women's organizations, including those not part of the coalition, and other stakeholders at the grassroots. To facilitate accessibility and acceptability among local communities, urban-based NGOs tried to use indigenous resource persons and increasingly sought to involve male facilitators who Saudatu Mahdi (WRAPA) referred to as "*change champions*", to speak out in support of gender issues. For example, Sabitiyu Ariyo Olagoke, spiritual head and founder of the Shafaudeen organization<sup>27</sup> (Interview, 13/07/2009), facilitated several BAOBAB CEDAW awareness workshops and remains one of BAOBAB's resource persons. He views his participation in the campaign as worthwhile because of his ability to impact on the youth at the University of Ibadan where he is also a lecturer. He explained:

*I go into that [gender] most, especially where we have some youths. Even in the school, I continue the campaigns; among the religious people, I continue the campaign, and when you see the quality or the composition of the sermon or lecture when I have the opportunity, that area of woman relevance is always there, so it's worthwhile.*

Faith-based groups like JDPC and CRUDAN reported that they had found using male facilitators a particularly useful strategy among religious leaders. Executive Director of CRUDAN, Sam Ishaya, said the organization decided to adopt the practice of using more male gender trainers as a means of reducing conflict and helping workshop participants to focus on the issues. He noted that female trainers were more likely to experience resistance. Ruth Dul, also of CRUDAN, confirmed the propensity for male trainees to become confrontational during gender empowerment training. The strategy adopted by JDPC was to speak about women's rights within the rubric of human rights. The organization has a Human Rights Department headed by a male staff member who works closely with the Women Empowerment Programme.

Another campaign strategy was grassroots mobilization. Mahdi asserted that the real work of mobilizing human resources in the CEDAW campaign must necessarily take place at the community level and not solely through legislative advocacy and processes. She described this sort of work at the grassroots level as 'the real work' in the campaign and a key determinant of the future success of legal reform for women's rights:

*When I say someone is in the lead [of promoting the domestication of CEDAW] I mean programme-wise; the campaign is not all of it. It is rooting it in the communities. I realize there are campaigns, theirs are just advocacy, but when you work with the people and ask them to speak to the truth about what is on the ground, what is on the baseline? When you ask what do judges do and you speak to scholars. You are actually grounding. You are going into very dangerous terrain.*

In her view, the danger arises from overt and subtle resistance from religious and traditional rulers. Stella Amadi (CDD) agreed that the CEDAW campaign involved a substantial amount of grassroots mobilization. However, she contended that the vast majority of sensitization and mobilization drives towards CEDAW revolved around the focal areas articulated in the CEDAW document, particularly those aspects that key into the common priorities of women's groups,<sup>28</sup> rather than on its domestication per se.

Thus the CEDAW campaign seems to have symbolized different things to different categories of women's groups within and outside the coalition. It appears that those which were part of the NGO coalition prioritized the legislative process of getting CEDAW domesticated, while other groups sought to use the CEDAW ideals as a mechanism for mobilizing support for women's empowerment efforts and efforts to improve their material and social conditions. As noted earlier by Funke Oladapo of the FMWA (see Section 4.1), these approaches were considered to be complementary aspects of the campaign. In terms of resource mobilization, principal actors and programme officers interviewed said that they marshalled technical, human and financial resources for the campaign, mainly through international donor funding and technical support, but also through personal contributions.

Despite all these efforts, Saudatu Mahdi and other CEDAW coalition activists claimed that, given the sheer scale of the geographical and social terrain that needs to be covered in Nigeria and the paucity of funds, the advocacy and grassroots mobilization that occurred seemed like 'a drop in a bucket'. Dr Wunmi Akin-Onigbinde (CEWOPP) (Interview 02/06/2009) regretted that, despite all the sensitization, mobilization efforts and expenditure in terms of energy and material resources, the campaign came up against 'a brick wall' at the National Assembly.

### 4.3 Major milestones and missteps in the campaign

According to Saudatu Mahdi (WRAPA), it was after the 1995 Beijing Conference that "*The struggle for women's rights became concretized and defined around CEDAW.*" Previously, as noted above, women's rights issues had been contested within the context of the local human/civil rights pro-democracy campaign and, to a lesser extent, the First Lady/FMWA women in development programmes. Women's groups which attended the Beijing Conference recognized that only the incorporation of CEDAW into national law would provide a comprehensive legislative framework that could be used to make claims on the state to promote participatory democracy, and address gender-based violence and a host of other women's issues, rights and concerns. Awosika (WLDC, Interview 15/07/2009) sheds more light on the thinking of women activists after Beijing 1995:

*I know that we have been advocating for the domestication of CEDAW much more vociferously since we all came back from Beijing. At every forum we have the opportunity, we actually advocate for these issues because at the international level every CSW meeting (Commission on the Status of Women) every year, no matter what the theme is, still harps on the fact that if only the CEDAW were domesticated in our various countries, we would not have problems with gender violence.*

Thus, the emergence of strong nationwide coalitions for legal reform towards the domestication of CEDAW in 1998 was a major milestone in the campaign. Other coalitions on affirmative action and violence against women were also formed in the course of consultations to articulate issues and strategies for collective action. The Beijing Conference and other international women's conferences before it, particularly the 1985 Nairobi Forward Looking Strategies, had paved the way for the setting up of an extensive National Gender Machinery spearheaded by FMWA. But it was not until the end of the protracted military era in 1999 that broad-based participation of women's groups within and outside the women's rights coalitions in the programmes of FMWA and other government structures such as the National Centre for Women Development (NCWD) came on full stream. This increased the ministry's ability to tap into the fervour among activists to promote women's rights and to see CEDAW domesticated. Consequently, during the democratic administration of President Obasanjo (1999-2007) there was a climate of constructive engagement between state and non-state actors working on women's issues in general. This commonality of interest led to the drafting of two bills in addition to the CEDAW bill(s) – an *Anti-Violence against Women Bill* (2003) and a *Reproductive Health Services Bill* (2005). Both failed to get passed in the National Assembly owing to opposition by religious and traditional interest groups. .

Notwithstanding these important milestones in the campaign, Funke Oladapo (FMWA, Interview 05/06/2009) pointed out a number of lapses in the apparent synergy between the various actors. Most secular activists interviewed also identified tactical errors in the campaign, such as bad timing for presentation of the CEDAW Bills, shortly after the Reproductive Health Services Bill had been thrown out and at the beginning of the 2007 election campaign. Stella Amadi (CDD, Interview 04/06/2009) believes that the presentation of multiple bills resulted in transferred aggression from the same religious constituency that had rejected the reproductive health bill, but also attributes the defeat to limited mobilization of broad political support among critical top-level and grassroots stakeholders. In addition, there was evidence of competition and conflict among NGOs over the content of the draft bill.<sup>29</sup> For instance, some felt that the bill should be passed piecemeal, because it contained controversial provisions that had already been objected to in the Reproductive Health Services Bill (i.e. Articles 12 and 16 on reproductive rights). These articles had generated a lot of hostility from legislators, who claimed that they undermined cultural and religious values. According to Oladapo (FMWA), "*Among the stakeholders there was an argument as to whether it [CEDAW] should be domesticated wholly or partly.*" Stella Amadi (CDD) buttresses this point,

*I think it was a mistake to take the document wholesale...The process didn't involve any discussion. There was no effort to tinker with it without altering the spirit of it, as I noticed in the case of Gambia and Mozambique.<sup>30</sup>*

Amadi further explained that there were those who felt that the Bill should be domesticated partially and who also argued for the need to make the document more culturally sensitive through a process of harmonizing customary and religious laws with Nigerian Statutory Law, which may require the codification of the numerous customary laws in existence. In retrospect, she and other secular activists acknowledged that the campaign for legal reform could easily have been achieved if they had focused on the AU Protocol or had renamed the CEDAW Bill to rid it of the cultural baggage associated with the CEDAW. Others agreed that the piecemeal adoption of elements of the CEDAW provisions would have been a more realistic strategy in view of the likely opposition to its domestication. It was not possible to ascertain whether it was the conflict over the content of the bill that resulted in the presentation of separate CEDAW bills in the Upper and Lower Houses respectively (see Section 3.1 above).

Overall, principal actors in the coalition agreed that for both bills not enough time was spent on advocacy, awareness creation and information dissemination at the grassroots and among legislators and religious and traditional leaders. It was pointed out that the fact that most people lacked knowledge about the actual CEDAW provisions had made it easy for opponents of the Bill to spread misinformation. Dr Akin-Onigbinde (CEWOPP) contrasted the vehement opposition to CEDAW with widespread ignorance:

*The CEDAW has met with stiff opposition at the National Assembly, the same way the Child Rights Bill initially met with stiff opposition, until it became such a scandal ... and a stain on our National Assembly because [it emerged that] many of them [members] didn't even read the bill [and] they had no understanding about what it was talking about. They just picked one clause and they say no we don't want this, then they threw it out.*

The 'one clause' referred to in the quote above had to do with abortion. Mahdi asserted that, "All the people who are against CEDAW have no other thing they are quarrelling with other than that one, that is, it is [regarded as] a pro-abortion bill." The main CEDAW articles and aspects of the bill that opponents to it were against are summarized in the Nigeria NGO Coalition Shadow Report (2008, p. 6) as follows:

Despite the spirited efforts of women's organizations in some states to domesticate CEDAW, the process of passing the 'Abolition of all forms of Discrimination Against Women in Nigeria and Other Related Matters Bill, 2006 (CEDAW Bill), drafted from the provisions of CEDAW, into law in Nigeria to make it enforceable was stalled at the National Assembly because of the misinterpretation of articles 12 and 16. Article 12, which basically provides for sexual and reproductive health rights, has been conservatively interpreted as that which seeks to legalize abortion under the disguise of reproductive health and family planning. Article 16, on the other hand, has been criticized as anti-religious and contrary to culturally laid down rules on betrothal and marriage. The points against article 16 includes the age of marriage, compulsory registration of all marriages in an official registry, rights on the choice of family name; full consent in betrothal and marriage among other points; as it is feared that men's dominant power in marital issues, which has generally become the norm will be challenged by the women.

Tolu Tamoka-Lewis of UNIFEM revealed the extent to which media propaganda influenced public opinion with respect to the belief that CEDAW was an abortion bill in disguise: *"There were a lot of newspaper editorials and they show that there was a lot of misunderstanding of the CEDAW document as an abortion bill."* Conversely, both Amadi and Mahdi alleged that CEDAW protagonists did not tap into the far-reaching influence of media advocacy, whereas their opponents made ample use of electronic and print media outlets to raise the alarm that CEDAW was a western strategy to smuggle legalized abortion and sexual promiscuity into the country.<sup>31</sup> In addition, Stella Amadi of CDD pointed out that the strategy of prioritizing legislative advocacy among a select category of social and political actors, rather than a more broad-based audience, was naïve.

It is clear from the foregoing that there were a number of tactical missteps which undercut the bid to see CEDAW incorporated into the Nigerian legal system. However, beyond the setbacks resulting from faulty tactics, the consensus was that religious opposition to CEDAW was the key reason for its failure. Nevertheless, there are a few secular and FBO activists who believe religion has also played a positive role in the CEDAW agenda. The nature and extent of religious opposition or support towards CEDAW will be discussed in the next section.



#### 4.4 Religion as a critical factor in the campaign to domesticate CEDAW

Most of the principal actors interviewed agreed that the campaign had underrated the intensity of religious anxieties and sensibilities over controversial provisions in the CEDAW Bill, particularly Articles 12 and 16 on women's access to reproductive health services. CEDAW activists, it was asserted, did not take these anxieties and sensibilities sufficiently into account in mapping out appropriate campaign strategies.

From the fieldwork data it was clear that most of the seventeen FBO activists and religious leaders interviewed were either totally unaware or only minimally aware about the existence of CEDAW. The interview guide sought information as to the extent of their knowledge about CEDAW, level of involvement in the CEDAW campaign, and their views about women's rights, particularly as enshrined in the CEDAW document. Only two of those interviewed, Bilkisu Yusuf (a women's rights activist in FOMWAN, Interview 18/07/2009) and Sabitiyu Olagoke a spiritual leader of an Islamic organisation (Shafaudeen) and a BAOBAB resource person, were conversant with its provisions and had engaged positively with the CEDAW campaign. Another female religious leader, Rose Agur, former President of Catholic Women's Organization (CWO), was the only interviewee who had been directly involved in the campaign against CEDAW domestication, even though she admitted to not having read the document. This finding is consistent with studies conducted by Atsenuwa (2008), Abiola (2003), Imam (2009), and Odinkalu (2009), which found that there was widespread ignorance of the specific content of the Convention among most religious leaders, including those opposed to it.

Bridget Osakwe, the Programme Officer of WANEP, for example, emphasized the crucial role of religious leaders in the CEDAW campaign, whether or not they were directly involved in it. Their importance, she asserted, derives from the sway they hold over the attitudes and behaviours of Nigerians, who are mostly adherents who look to religious leaders for guidance. As she asserted:

*Once the Bishop pronounces that Catholic is against abortion, one sentence in one occasion is a law in the whole Catholic community because they follow their religion tenaciously and once they say that all the parishes have heard [that the] Bishop said there is no abortion, it will just spread. In less than five minutes, it has spread to all the followers. That pronouncement might be just small and in Islam on Friday once they go there and make that pronouncement, in less than five minutes, it spreads across all the followership. Like the Sultan for instance, if he makes a pronouncement about this thing, it goes.*

Despite the general ignorance of religious leaders about the provisions of the Bill, both this and earlier analyses note that the most vociferous opposition to the domestication of CEDAW came from the religious establishment, especially Catholic and Muslim groups. In contrast, a significant number of FBOs are engaging with CEDAW programme agendas on the basis of a clearly defined faith ethic linked to secular values surrounding women's empowerment and rights, and some even voiced support for the domestication of CEDAW. The religious opposition and support are described in more detail in the following sub-sections.

#### **4.4.1 Religious opposition to CEDAW and tensions over women's rights**

Findings from the study indicate that religious opposition to CEDAW derived from:

- The convergence of religious and indigenous traditional beliefs about gender roles and relations in general
- Objections to specific provisions (or in certain cases their interpretation of provisions) of CEDAW, particularly those on reproductive and marital rights, for Christians and Muslims respectively.

Thus, widespread cultural gender bias dovetailed into antagonism towards the explicit rights accorded to women in the CEDAW document.

Rev. Father Peter Audu, the Executive Director of JDPC in Abuja (Interview, 05/06/2009), had heard of CEDAW but had had no direct involvement with the campaign. He described himself as an activist involved in development work on the basis of his conviction that spirituality is essential to human development. He highlighted the strong allegiance to tradition and/or religion among most Nigerians of both sexes, acknowledging that both tradition and religion have a patriarchal worldview and “*speak a patriarchal language.*” This, in his view, has led to the undermining of gender as a gift from God, the devaluation of womanhood and the exclusion of women from decision-making structures within the general context of Nigerian culture. Father Audu gave an example of how the patriarchal value system provides a smokescreen for the selfish interpretation of biblical texts, such as Ephesians 5:22ff. In his own words,

*We all read the same Bible and the passages that men use are not more than the ones in Ephesians where women are advised to be submissive. But he [Paul] balanced that by saying men should also love their wives. When you love your wife you must also submit, because you cannot have love without submissiveness. So people interpret it to suit themselves. Men say, 'I am the head of the house.' I tell women that, 'If the man says he*

*is the head of the house, tell him that you are the neck of the house and the head cannot turn without the neck.' So, it is only for the desire for authority and power that makes a man to say, 'I am the head of the house.'*

According to Father Audu, such interpretations of scripture are generated and reinforced by the preaching/teaching of many clergy. Furthermore, there are serious sanctions within both religion and tradition against non-compliance with cultural expectations of conservative gender roles. Benedicta Daber (Director of Programmes, Women Empowerment Programme, JDPC, Interview 20/05/2009) alludes to the pressure religious censorship places on women to conform:

*Let me give you an example about religious restrictions because I run these inter-faith women's teams in each local government [area], with both Muslims and Christians, whether Catholic or Protestant. So we talked about one restriction like purdah for the Muslim women – like for them, for some, it was a question whether it was a restriction or not and we ended up with the conclusion that it is part of the religious prescription [...] To the women it [conformity] makes life easier for them to live in such communities; I mean accepting some of those restrictions. Because when we brought out the issues during the last workshop there were a number of issues, having to cook for the men, submission, witchcraft - why is it only the women [that are subjected to restrictions and accusations]? Like a woman told me, a woman cannot go out and sell a goat even if she is the one who reared it. So I asked, 'What if she does it?' They said it is better [for her] to look for a junior brother [to do it on her behalf], and they said for them [women] to live better with their men, they have to obey these restrictions.*

Rev. Fathers Audu and Anthony Fom, (Director of JDPC, Jos), another activist supportive of women's rights, both explained, in separate interviews, that although the Catholic Church is committed to human development as a *sine qua non* to peace and justice, as an institution it still maintains a conservative stance on the issue of women's rights. Both clergymen reported that they often find themselves at variance with the conservative standpoint of the Church. Daber asserted that the conservatism of the Catholic Church is because the issue of women's rights is associated with Western feminism, particularly the radical variant, which has a negative connotation within the religious establishment as a whole. Her assertion was validated by several FBO and secular activists who participated in the research, many of whom opined that the CEDAW domestication bid had been saddled with the dual burden of being labelled a Western and a feminist imposition. Bishop Ben Kwashi, Archbishop of the Anglican Communion in Jos and founder of an FBO called Centre for Good Health and Development Strategies (CEGHADS) (Interview, 03/06/2009), claimed that in many ways

CEDAW and the whole discourse on women's rights comes across as "*feminism being imposed by Western countries.*" Atsenuwa (2008, p 7) alludes to similar concerns,

One of the major challenges to CEDAW's domestication has been the formidable opposition of those who contend that it is a foreign imposition, which can only have the effect of undermining cultural and religious values, standards and ... identity...

Bishop Kwashi, who is regarded as a radical, liberal-minded and activist clergyman and whose wife is also a trained theologian, pinpointed the underlying disagreement he perceives between mainstream Christianity and what he refers to as "*feminist ideology*", which in his view gives women unbridled rights without commensurate responsibilities.<sup>32</sup> His views were similar to those of Rose Agur (Interview, 01/07/2009), a former President of the Plateau State Chapter of the Catholic Women's Organization. She<sup>33</sup> provided more insight into why the CWO opposed the CEDAW bill despite its overall belief in and commitment to women's rights and empowerment:

*The [CEDAW] bill seeks unlimited rights and that we know can constitute problems. Lesbianism could be the right of the woman to do as she chooses, abortion could be the right, and from the religious point of view, if God wanted that he would not have said 'be fruitful and multiply'. So our religious conviction does not permit that. Secondly, abortion is a crime. And if abortion had been allowed, those of us campaigning, scrambling for this thing [i.e. the bill] to be signed would not have been alive to do that. So, on these two cogent reasons we feel no human being should be allowed to have unrestricted rights.*

Beni Lar, Chair of the House of Representatives Committee on Women Affairs (2007-8), described the attitudes of some legislators towards CEDAW and the Child Rights Act as based on their religious beliefs. She said:

*The attitude of most male legislators towards CEDAW is negative, because the bill gives women too many rights, rights to do ABC, rights to take decisions they are not comfortable with. And for the Muslims, they say the age of marriage is very important to them. One of them wanted to bring an amendment to the Child Rights Act to remove the age of marriage. I told him not to waste his time. He said the Mullahs and Mallams (religious teachers) said it was against their faith. Then because this one [CEDAW] has other things - the family planning and the right to abortion - ...I think Christian and Muslim legislators opposed it was because it has too many women's rights (Interview, 28/07/2009).*

These comments exemplify how women's reproductive rights constituted a major bone of contention in the CEDAW campaign. This issue seemed to dominate anti-CEDAW rhetoric throughout the course of the campaign. All the principal actors from government and non-governmental secular organizations interviewed, as well as most FBO activists, felt that the major reason the attempt to domesticate CEDAW failed was because of the widespread misconception that it was an abortion bill. The view was so widespread that other issues became overshadowed by the abortion question. In particular, the Catholic Women's Organization was vehement in its opposition to the Bill and fought assiduously to ensure it was defeated. The anti-abortion sentiments that constituted the crux of opposition to CEDAW were largely grounded in a religious-based anti-abortion movement spearheaded by the African Anti-Abortion Coalition (AAAC), which has roots in the Catholic ideological position on sexuality and reproduction. The AAAC staged its CEDAW opposition campaign under the auspices of what it called the Heritage Network, a provisional association of like-minded faith-based and secular groups, including an Islamic group called the National Council of Muslim Youths.

As already noted in Section 2.3, the AAAC had played an active role in the defeat of the 2006 Reproductive Health Bill. It carried the same anti-abortion argument forward into the CEDAW opposition campaign. In a press statement signed by its president Prince Dr Philip Njemanze, and issued at the end of a meeting between the AAAC and the Senate President, David Mark, it raised concerns over the rights of the unborn child, violence against the unborn child and the mother, infringement of traditional Nigerian cultures by Western values, such as the promotion of gay and lesbian relations, and the undermining of family life and motherhood (see Appendix 3). On its website<sup>34</sup> the AAAC makes a graphic comparison between the foetus in the womb and Christ on the cross, using this symbolism to portray a parallel between the crucifixion of Christ and abortion.

In contrast, abortion was not a major concern among Muslim opponents to CEDAW, who were more concerned with its attempt to prohibit girl-child marriage and its support of women's marital rights, as noted by Hon. Beni Lar above. As Bridget Osakwe of WANEP explained, "*Islam supports abortion to an extent - it defines abortion at some stages of the pregnancy, for instance, but they are arguing on the issue of the girl child and early marriage*" (Interview 23/07/2009). Bilkisu Yusuf (FOMWAN), who is engaged in the struggle for the domestication of the CEDAW, explained the discrepancy between Islamic and CEDAW perspectives with regard to girl-child marriage and women's marital rights.

CEDAW specifies 18 as the minimum age for marriage, as does the Child Rights Act (2003), and guarantees men and women equal rights in marriage, in terms of consent to marriage, child custodial rights, the right to divorce and all other marital privileges. These, Yusuf says, conflict with Islamic ordinances. According to her a group of Muslim women had looked at CEDAW and opposed some parts of its provisions because of their incompatibility with Islamic teaching:

*No, equality in marriage is not going to be to the woman's advantage, because Islam has already granted the Muslim woman her rights, which ensures that she is maintained - her shelter, her clothing, her feeding, her medical care and her other needs are maintained. If you said equality in marriage, that means she would be denied some of these rights Islam has granted her, so we quarrel with that. She should not share the same burden over her children. CEDAW expects her to have the same responsibility as a father; and we are saying, 'No!' There are certain responsibilities that the man must shoulder. So we oppose these as something that violates Islamic principles [...] others point to the areas that try to legislate the age of marriage, they said the Qur'an leaves this open and we Muslims believe that what Allah leaves open without any specific instruction, it is left as a mercy to mankind and we should not seek to create regulation on ourselves. So there is no minimum or maximum age in marriage in Islam.*

Mahdi (WRAPA) observed that Muslim activists resolve the gender equality controversy by opting for the term 'gender equity', to imply giving women their due rights consistent with Islamic injunctions.

Christian religious leaders and faith-based activists agreed with CEDAW with regard to the minimum age for marriage, but took exception to its promotion of divorce, which they regard as 'anti-family'. Although divorce is permitted in Islam, Muslims opposed the clause in CEDAW which proposed to give women equal rights with men to seek divorce unilaterally.

Amadi (CDD) linked opposition to equality in marriage to male fear:

*There is fear in this part [of the world] about the word 'equality'. One of the Muslim parliamentarians said, 'It means my wife can divorce me three times! [...] My own experience in having policy dialogue with men in Nigeria is that they are scared of what equality connotes. They are seeing it from the perspective of power relations like, 'Are you saying my wife should stop cooking and I should start cooking for her?'" (Interview, 05/06.2009)*

Christian activists gave similar examples of the profoundly adverse reactions of male religious leaders and other participants in gender sensitization workshops to the idea of gender equality in family life. According to Dul (CRUDAN), a female faith-based activist, it is difficult to create gender sensitivity among the target beneficiaries of training workshops, especially church leaders,

*First of all, you don't want to talk about women's rights when you are with church leaders because they have already rejected such. So you have to find a better way to put it across. So what I normally find myself talking about is women's potential and telling them that every human being made in the image of God has potentials so what are you doing to ensure that your wife, your daughter maximizes her potential? So they are not yet ripe for human rights. That is a second level; they are antagonistic to them. So even when you talk about gender, first of all they laugh - they do not even believe that women and men are equal (Interview 18/05/2009).*

The experience of gender and development trainer and Executive Director of CRUDAN, Sam Ishaya, buttresses Dul's assertion. He explained that,

*When we introduce this concept of gender during training [of male religious leaders] it is like a war. That means you want them to go home and be at the same level with their wives. [But] Culturally, the woman is not regarded as anything (Interview 18/05/2009).*

Indeed, Saudatu Mahdi (WRAPA) claimed not to have been prepared for the level of religious opposition to CEDAW and to women's rights agendas from those 'on the ground', implying among communities at the grassroots. The AAAC press statement (Appendix 3) hints that this profound sensitivity derives from the deep-seated attachment to cultural identity, which is perceived to be under threat from Western understandings of women's rights and gender equality. According to the statement,

*The Nigerian woman believes in equality but not sameness. She fights for equality but not at the detriment of the family. She cherishes certain positive stereotypes that define her within her culture, especially motherhood.*

This statement hints at the fact that Nigerian women themselves oppose CEDAW because it denies an important aspect of their cultural identity. Rev. Anthony Fom (JDPC) alluded to this when he said that his greatest frustration when working on women's rights and empowerment projects is the passive and self-defeating attitudes of women themselves in the face of oppression. He said that, more often than not, Nigerian women collude in their own oppression through their silence and passive

acquiescence to cultural prescriptions and practices. Several secular activists agreed. They were of the opinion that, like culture, religion is used to promote discrimination and maintain the status quo of the patriarchal system in Nigeria. As a result, in their view, it has more often than not prejudiced large constituencies in Nigeria against women's rights and CEDAW, including women themselves. Bridget Osakwe (WANEP) argued that women oppose CEDAW not only because they see it as a threat to their culture, as Daber contends above, but also owing to misinformation and religious brainwashing. She cited a personal example:

*I will take the example of the Catholic women for instance. I am a Catholic. My mother is the president of Catholic Women Organization. I then went home and told my mother, madam president what is your stand about CEDAW bill? She said Catholic said, 'No to CEDAW because it is [an] abortion bill.' She said, 'As a Catholic I'm opposed to abortion.' I said, 'You oppose abortion; this is the whole CEDAW document, I am leaving it with you. Read it and discuss it with your women in the Catholic group.' Issues of religion are very sensitive, because it is [what people] value about their lives and honour; it is about who they are. My mother's [whole] life has been as a Catholic and you can't wake up to be telling her all those things. You have to find a strategy. By the time I left the document for her to read, when I visited her again she said she has seen this thing from a different light. I said, 'Which light are you seeing it from now?' She said, 'It's not really supporting abortion.' I said, 'Those are the issues we are talking about.' So, I educated her. What I'm saying is that religion was misused, the Catholic women were informed that this is an abortion bill and because of their religion they would not support it. But, if one should educate them on the tenets of CEDAW, I'm sure we would overcome.*

Although religious and cultural gender bias has greatly hampered women's rights agendas in general, it is interesting to note that almost all the research participants were quick to point out that the problem is not religion per se but the interpretation and application of religious texts and laws. It is also important to note that conservative ideas about gender issues are not associated with a particular social class or age group. For example, Mufutau Oloyede Abdulrahman, Chief Imam of the University of Ibadan Central Mosque, sounded a note of alarm with respect to the rise of extremist Islamic views among young educated people:

*Over the years, we have discovered that we Muslims as a community, we are losing and as a nation we are affecting the Nigerian nation by our lackadaisical approach to issues of women. For example, on campus our youths have taken to this extreme idea whereby they were following what we call the classical ways of doing things by which they prevent women from active participation in social issues. Even, you have a first class female graduate being lured into going into seclusion and living in purdah (Interview, 13/07/2009).*



Abdulrahman's concern points out a variety of issues relating to the constraints that religion places on Muslim women in various aspects of life, including restrictions on their freedom of movement (contrary to the provisions of the 1999 Constitution). However, like Rev. Father Audu, he contends that religion is merely a camouflage distorted by men to suit their selfish desire for control over women. It is clear from the foregoing that CEDAW and the campaign for its domestication evoke real fears of the erosion of male status and power and women's 'prized' identity as mothers. As such cultural values permeate religious doctrine and practices regarding gender roles and relations, opposition to social change calls upon both cultural and religious justifications. However, religion does not only appeal to culture but is also associated with yearnings for change, which is why some research participants alluded to religion as a positive force in the promotion of CEDAW.

#### ***4.4.2 Religion as a positive force in the domestication of CEDAW***

The research data indicate that religion played an ambiguous role in the CEDAW domestication campaign. As noted above, the general view among research participants was that religion had helped to block the campaign from achieving its objectives. Nevertheless, virtually all those seeking legal reform were of the view that in certain instances, religion has a constructive influence, either directly or indirectly, in the wider CEDAW agenda of women empowerment programmes, which in their opinion could ultimately result in legal reform. But whereas the findings reported below indicate that religious leaders spoke glowingly about the positive effects of religion on realizing women's rights, secular activists and, to a lesser extent, FBO activists were more circumspect in their appraisal. According to Muslim and Christian FBO activists, religious support for the provisions of CEDAW is mainly demonstrated through various forms of women's empowerment and gender sensitization programmes rather than verbal support for the domestication of CEDAW, which is much less common.

Many Muslim informants claimed that many CEDAW provisions are both not new to and compatible with Islamic thought, teachings and practices. For example, Bilkisu Yusuf, a Muslim women's activist and leader in FOMWAN, said,

*My view on CEDAW is that most of the articles contained in CEDAW are compatible with Islamic human rights principles and these are things we have known for a long time. Islam granted all of these rights to women over one thousand, four hundred and thirty years ago. So nothing is new to me as a Muslim woman. So CEDAW articles are derivable from what already exists within Islamic human rights principles.*

Another female Muslim activist agreed:

*There is nothing [new] out of it [CEDAW]. No! I mean I have no agenda except I found myself in a family of Islamic teachers and scholars. I did not go looking for Islam or go out looking for women's rights agenda somewhere; it is all I knew. Before I knew myself I knew Islam and then later I discovered myself within Islam. So, it is natural for me. And I don't have any foreign interest or anybody to influence me or somebody telling me this is feminism and I now have to adopt it. I grew up within the Islamic way. I don't know anything about [Western] women's rights. But, I knew Islam said, 'Enjoy what is good and forbid what is wrong/bad' and denying women's rights is, of course, bad. All of these we knew in Islam. Islam has regulations and injunctions on everything that [serve as] guidelines. So, I don't have to look anywhere else. So, any Muslim woman doesn't need to look anywhere to find the rights of women. It's there [in Islam]*

A similar view was expressed by a male Islamic scholar, who also stated that the principle of human rights is intrinsic to Islam:

*I have no problem with the principles of women's rights contained in CEDAW because in Islam any creature, woman, man, animal, everyone has certain rights and he or she should get such rights. So if anybody speaks about women's rights, it all depends on the context on which one speaks. Personally I have the belief that this [human rights] is universal. Almighty Allah that created us [and] did not just leave us to think on our own, just as the car manufacturers [provide instructions]. He stipulated rights for women, men and animals, so I think talking about the rights of any sector of the community is well appreciated.*

It is noteworthy that this scholar includes animals among those entitled to rights, indicating that the rights of different categories of sentient being are not necessarily the same. Muslim respondents emphasize that both men and women have rights, but not that those rights are *equal* for men and women.

Bilkisu Yusuf of FOMWAN provided some historical background to Islam's favourable disposition towards women's rights, to education in particular, through the example of 19<sup>th</sup> century Muslim reformer, Sheikh Uthman Dan Fodio. According to her,

*If we reflect during the era of Sheikh Uthman Danfodio you find woman in the some situation as now. He struggled and fought hard to educate them, educate the society, to the extent that [...] some of his daughters were able to become scholars and there were many women scholars within the society and may women that have contributed to the*

*development of the Nigerian nation or at least what is known as the Sokoto Caliphate at that time, which was much wider than Nigerian nation now.*

In addition to education, other areas of women's rights that were quoted by Muslim activists and religious leaders as acceptable within Islam are access to property, economic rights such as employment and control over personal income, political rights, the right to healthy good living, protection against any harmful practices, the right to enter into contracts (including marriage) and the right to take legal action.

The views of Christian religious leaders and activists were somewhat more nuanced. Although they accepted in principle the need to promote women's rights and believed them to be consistent with Christian beliefs, several expressed reservations about both women's rights in general and CEDAW in particular, for different reasons.

Archbishop Akinfenwa, Oyo State President of the Christian Association of Nigeria, saw no problem with either women's rights or gender equality. In fact, he contested that Christianity, properly understood and practised, is a bedrock for social justice and human rights agendas that provide a valid basis for engagements between the Church and social justice concerns. With regard to women's rights, he asserted that:

*We came to that stage long time ago, where we preach and put in place equality for both sexes. Equality in the sense that even from Scriptures there are evidences that women played vital roles and the Lord Jesus Christ himself did not discriminate against women [...] So, ours had been a role that is deeply rooted in the bigger picture of our entire work as church ministers, so that our role is established. If there is any organization in the world today that is not biased, that is not segregative [sic], it is the church organization (Interview, 23/07/2009).*

In a similar vein, Archbishop Kehinde Steven of the Methodist Church explained that the textual basis for gender equality and respect for women's rights is Jesus Christ's injunction to love others as you love yourself (Mark 12:31). In his words,

*My Christian understanding, religious motivation is there for me: that the other person is as important [as I am]. So with that Christian understanding, you know, if I want to love others as I love myself of course the simple rule is that I must extend to the other person just the same thing, the rights and privileges such that I enjoy myself (Interview 01/07/2009).*

He contended that if religious leaders fail in their duty to preach such things, it is due to a lack of proper 'religious understanding.' Another common textual basis that is frequently used to argue for women's human dignity/rights is found in Genesis 1:27-28, where both male and female are said to be created in God's image.

Although committed to human rights, some were reticent over the secular language of rights and/or the methods of securing them. Bishop Kwashi, for example, opined that, "*The language of human rights is alien to our Christian faith ethic.*" In his view, Christianity envisages something for both women and men that outstrips humanistic worldviews to include the spiritual dimension of human existence, in terms of eternal salvation and a person's relationship with the Creator, with its attendant impact on temporal life. Here the prevailing ethic is one of faith in God, love for God and humanity exemplified by according intrinsic human value to all as the foundation of human dignity, as well as in the solidarity of the human family towards progress and development. He explained further:

*Rights the way the Bible puts it is that we are all created equal in the sight of God, so my pursuit goes beyond rights to the holistic context. We look at the context of the gospel. I went to a village and in the entire village we could not get the women because they were all in the farms. I was able to gather 30 youths [but] it took the women 2 years [to get involved]. So we had to study to understand the [cultural] context in which the women were working harder than the men. But with time, now the men are taking their responsibility. The most important change was that the men saw the responsibility to put their children in school and took that burden. We got the men to look after the cattle in Tahoss [which was being done by the women] without the language of human rights as far back as 1994 (Interview 03/06/2009).*

He contrasts this with the language of human rights which in his view employs essentially combative tactics and promotes an individualistic (implying self-centred) view of rights, which can alienate people from each other and create conflict. Bishop Kwashi's view coincides with that expressed by Rev. Father Audu, who feels that 'human dignity' and 'gender sensitivity' are preferable terms to 'human rights' and 'gender equality' respectively. This is because 'rights' connotes entitlements, in this case women claiming entitlements from men, often aggressively. Daniel Makpu (Programme Officer of CRUDAN), who reported that he had acquired some familiarity with CEDAW through interactions with secular NGOs, had a similar view, explaining that his reluctance to adopt the language of rights in his

training sessions with Christian leaders was because of his belief that they were not ready for the notion of women's rights. In fact, he feels that rights language constituted an unnecessary burden for the CEDAW campaign, because in his view it made activists appear aggressive, combative and forceful - trying to impose change on men whether they liked it or not. According to him, such an approach leaves a sour taste in the mouths of most men and puts them on the defensive against what is often seen as a feminist onslaught.

Certain Christian and Muslim research participants interviewed, including secular/FBO activists and religious leaders, advanced the notion of male headship or guardianship within marriage (for Christians and Muslims respectively), although they disagreed over its interpretation and application. Some argued that the male 'caretaker' role is one of loving care and service, and liberal Christians argued in support of mutuality in love and submission within marriage. For instance, Ishaya spoke of the equal humanity of male and female and their mutual need for each other to be complete people as a foundational truth that supersedes traditionalist ideas about roles, which he said are rooted in biological reductionism and patriarchy:

*In scripture, God does not show favouritism (Romans 2:11), all of us are going to stand before God, we are all equal before God (Genesis 1:27-28; Galatians 3:28) and there is no marriage in heaven. And by the way, God said the woman is a 'helpmeet' - that means the man has even more responsibility, so how can I now load everything on her and not appreciate her being there, because without her I am not complete? And there is always a void in all of us, male and female? (Interview 18/05/2009).*

Similarly, Nkechi Onwukwe, a senior officer of the Department of Women Development in the Ministry of Women Affairs, who had been involved in ministry engagements with the CEDAW campaign for over ten years, did not see any conflict between women's rights and her Christian faith. For example, she views the biblical idea that wives should submit to their husbands as essentially protective, within the context of the husband's obligation to love sacrificially. She elaborated:

*I will say religion is not a barrier to women's rights but how people practise and how people use it becomes a barrier. Because the religion I am in says the man should love the wife. The Bible went further to say, 'Don't hurt this woman, take care of her and make sure she is protected' [Colossians 3:19]. The Bible says he should love the wife as Christ loved the church. And the love he [Christ] has for us, he went as far as dying for us and so the man should be willing to go as far as dying for her. And the woman should submit and obey her husband [Ephesians 5:22].<sup>35</sup> And why would she not do that for someone*

*who is even willing to die for her? So in Christianity it is how it is practised. But some people don't feel that way. They think the woman should be subjected to a level and be dehumanized. And I'm sure even in the other religion [Islam], nobody will say the Bible is not fair to women (Interview, 05/06/2009).*

Onwukwe draws attention to those holding conservative views, who in contrast to herself, believe that the idea of male headship within marriage puts certain rights and roles, especially but not exclusively in the area of leadership, off limits to women.

In addition to these different views about the relative positions of men and women within marriage, views about women's right to reproductive health and their inheritance and property rights varied between and among Christians and Muslims. For example, one scholar and cleric clarified the Muslim standpoint:

*CEDAW is a very good document [except]... that some of the provisions are obnoxious to our system and rules, particularly on issues relating to family, marriage and inheritance. The remaining provisions I think are OK.*

Statements such as this one indicate that some religious leaders at the helm of religious organizations, even though they espouse conservative views, are fairly open to the concept of women's rights and gender equality. The religious leaders who took part in the interviews conducted for this research were well-educated in Western and theological studies. Their moderate views on women's rights and CEDAW, just like those of faith-based activists, serve/served as a positive factor that encouraged their individual commitment to engage with women's rights as a development strategy. However, it contrasts with the conservative stance of the vast majority of religious clergy, who have closer contact with, and therefore greater influence over, the beliefs and practices of believers.

Nevertheless, religious leaders and some secular and FBO activists provided insights into how they were able to draw on religious ideology to harness the support of other religious leaders and followers. The use of religious references in this way indicates that religion can sometimes play a positive direct role in sensitizing people to women's rights and building support for the domestication of CEDAW. For example, Father Peter Audu (JDPC) explained that because, as noted earlier, "*Some aspects of gender are undermined by culture*", a lot of effort has been devoted to generating gender sensitivity by using biblical perspectives on gender to combat discriminatory practices against women. Ishaya

(CRUDAN), for example, drew on biblical references to support certain principles: the divine image in every human being and co-regency of male and female over creation (Genesis 1:26-28); gender, racial and ethnic reconciliation and equality in the new Gospel dispensation under Christ (Galatians 3:28; 1 Peter 3:7); mutuality in marital relations (Genesis 2:24, 25); and equal responsibility before God for life choices (2 Corinthians 5:12). Thus JDPC and CRUDAN base their engagement in social justice, development and peace issues on a Christian faith ethic. In addition, informants from FOMWAN, BAOBAB and WRAPA reported that they use religious discourse to argue for the implementation of the full spectrum of rights accorded to Muslim women under Islamic law. As part of this, WRAPA noted that it had initiated an Islamic Family Law (IFL) programme, which is sponsored by the MacArthur Foundation and designed to promote the rights of women living under *shari'a* law.

In addition, examples were given of how religion also had an indirect positive effect on the campaign. Thus some activists claimed that they had personally drawn inspiration for their activism from progressive interpretations of religious texts, as well as an abiding faith in the ultimate benevolence of a just God. Mahdi, a Muslim feminist activist, is an example:

*When the Koran..., which is the immutable source of my faith, [says something] I cannot struggle with that. If the Koran says the man is guardian, I don't want to struggle with that - and it is also reciprocal. I interpret these provisions in their totality [based on a belief that] God [is] a just and loving Creator and will not in any way put any provision to my detriment and that is the [end of the] matter. So it is subject to how you can rationalize and interpret (Interview 04/06/2009).*

Mahdi reported, therefore, that her acceptance of the delimitations set out by a loving creator gave her confidence to agitate for women's rights within the legitimate parameters of her faith.

In summary, the general findings regarding the role of religion in the CEDAW campaign were that there is acceptance of the spirit of CEDAW, in terms of promoting the dignity and wellbeing of women, by some Muslim and Christian religious leaders, especially those who have been exposed to Western education and are liberal minded. Many of the religious leaders and FBO activists interviewed agreed that women have rights which must be promoted and protected, as expressed in CEDAW, which was considered to be compatible with both Islamic and Christian principles. In addition, some religious leaders claimed that their sermons have a far-reaching impact on the attitudes and behaviours of adherents and thus were optimistic that collective social consciousness is moving surely, albeit slowly, towards positive social change in favour of a gender-friendly society.

However, some had strong reservations about the meaning and implications of the term ‘gender equality’ and over certain rights accorded to women under CEDAW, which were seen as incompatible with religious injunctions. It appears that such religious leaders find gender equality incompatible with religion’s fundamental commitment to gender hierarchy, with men exercising authority, albeit benevolent, over women. However, other religious leaders and some secular and FBO activists believe that the perceived incompatibility between gender equality and religious teachings results from lack of a proper understanding of scriptural injunctions on the part of conservative religious leaders, deliberate attempts by men to misinterpret scriptural injunctions to suit their own purposes, and the inability of many to make a distinction between religious and cultural practices. The mentality of the generality of the female populace was also seen as a huge obstacle to challenging conventional societal attitudes towards women’s rights and CEDAW.

#### **4.5 Current status and ongoing challenges of the CEDAW domestication campaign**

In spite of the emergence of a viable CEDAW coalition and healthy government/NGO partnerships, the CEDAW campaign continues to be beleaguered and faces ongoing challenges. The principal actors see different issues as the most challenging: resources, weakly developed democratic institutions, a tripartite legal system with conflicting laws, entrenched gender assumptions, male resistance to losing power and status, and implementation failures.

Both the relevant government ministry and members of the CEDAW coalition regard funding as a problem. For example, Dr. Akin-Onigbinde, the Executive Director of Centre for Women in Politics and Policy (CEWOPP) explained that funding is a challenge, stressing that:

*We don’t have funds, we are taxing ourselves [...] The limitation of funds will lead to the limitation of other things because people are doing this as part-time work [...] We are professional women and have other things that we are doing. So we have constraints of money, of time, environment and so on.*

In addition, she claimed,

*We don’t have enough money to reach out forcefully to do the kind of media mobilization that we could do, which involves holding meetings, organizing seminars, organizing discussions and things like that, which is needed for sensitization and mobilization* (Interview 02/06/2009).



Certain donor institutions are still concerned about CEDAW and fund CEDAW advocacy. The Executive Director of Project Alert, Josephine Effuah-Chukwurah, who is also a principal actor in the CEDAW campaign, attested to this:

*We have international development partners, they've been quite supportive. International development partners, foreign agencies, the McArthur, the DFID - so we are involving everyone, all hands on deck, that's the approach, because it is not something that women, NGOs alone can do. When you are talking of resources you are looking at it from different angles: you can be talking of financial resources, human resources, you can be talking about technical resources. As often as possible, the coalitions come together to address issues. We all know our strengths and weaknesses, we know who has what. The major challenge though has been financial resources, then we had to raise money. That is where our development partners come in, like the Ford Foundation, the McArthur, the DFID, the British Council and all that. [With respect to technical resources, we have a lot of people who know the A,B,C,D of CEDAW and what they are trying to do. I mean several NGOs have been working on this: they saw what CEDAW is all about, what each article is talking about, is it talking about women in politics, is it talking about harmful traditional practices or what? In-house, among these various partners, we get technical resources in terms of expertise and all that (Interview 23/06/2009).*

However, Akin-Onigbinde maintained that, despite the generous support of international donors, the sacrificial giving of time and finances by activists in the CEDAW coalition, many of whom are volunteers, the campaign remains under-funded and resources continue to be insufficient for the scale of activities required. Nevertheless, she stressed that, although the campaign lacks financial resources, it is rich in structures and non-tangible resources, such as the offices of members of the movement that are open for each other's use; relational networks with sister organizations and professionals such as lawyers and journalists; and extensive communication networks. These give the organizations involved the ability to get some things done while efforts continue to raise funds from personal and corporate donors.

Funding challenges are not limited to NGOs. Funke Oladapo (FMWA) attested to the dearth of funding for the Ministry from international partners in the wake of the global economic crisis:

*In the last two years they have not been funding women projects in this country. They used to come and say, 'Oh this country project is coming up, come for a meeting.' But they have not been doing that kind of thing [recently].*

Another challenge in the social environment concerns the nature of national politics, which is characterized by limited democratization of government institutions and processes, and widespread political violence and instability, partly due to prevalent ethno-religious conflicts.

The existence of a tripartite legal system with conflicting laws also complicates matters. For example, Mufiliat Fijabi (BAOBAB) explained some of the difficulties experienced in promoting CEDAW in the context of customary and *shari'a* legal systems which, alongside general statutory law, form Nigeria's tripartite legal system.

Another challenge in the CEDAW domestication campaign was identified as the low level of enthusiasm among women to press for CEDAW. For example, Dr Akin-Onigbinde (CEWOPP) attributed this partly to the lack of adequate funding for media mobilization and organizing seminars and meetings. Comfort Idika-Ogunye, Executive Director of Female Leadership Forum (FLP) (Interview, 15/07/2009), added that part of the challenge of mobilizing women arises from the internalization of a gender-biased value system, saying that "*Bringing up young women to begin to challenge the status quo is a big challenge.*"

Associated with this is the widespread perspective among men that CEDAW, and indeed issues to do with women's rights in general, constitute a threat to male power, privilege and status. Both secular and FBO activists agreed that this was a critical factor in persistent resistance to the domestication of CEDAW. According to Ruth Dul (CRUDAN),

*Perhaps men in Nigeria are afraid of women and the enormous potential they have and I think that because of the traditional and cultural background, it is not easy for them to accept to promote women's issues. In fact, they are even afraid of the potential. There is that inborn – I won't say inborn - but maybe insecurity - there is a hidden fear.*

Sam Ishaya (CRUDAN) attested to this in personal terms, "*We men, let me put myself there, we feel threatened [...] bringing another human being or group on the same platform will mean a loss of status.*" Mahdi (WRAPA) explains male fear of, and negativity towards, women's rights as symptomatic of the patriarchal code that pervades Nigerian society and culture. As Mufutau Oloyede Abdulrahman (Chief Imam of the University of Ibadan Central Mosque) further explained, even where men do not hold traditional beliefs, they benefit from the cultural subordination of women. In his words,

*Many men want to comply with traditional norms. They may not necessarily believe in what they are asked to do or what they are doing but because it favours them, they are the ones oppressing women, they have culture to back them up or they have tradition to hide under, since they are not the ones being oppressed, they are not the ones been subjected to these havocs (Interview 13/07/2009).*

A further major challenge was identified as the failure to implement the commitments and laws that are in force already. For example, Dr. Keziah Awosika (WLDCN) claimed that the delay in enforcing laws that can protect women is a challenge in itself, as it severely undermines the impact of social change agendas. For instance, the government endorsed the target of 30 per cent for women's political representation following its ratification of CEDAW and endorsement of the Beijing Platform for action, as stated in the National Policy on Women (later increased to 35 per cent in the National Gender Policy), but Awosika noted that,

*In spite of the work we have done since 1995, we found that of the 30 per cent of appointive and elective positions, affirmative action that Nigeria endorsed, we have only moved it this year 2009 to about 5 per cent; we have not moved at all and we know it.*

Finally, as noted in the Nigeria NGO CEDAW Coalition Shadow Report submitted to the 41<sup>st</sup> Session of the United Nations Committee on the Elimination of All forms of Discrimination (2008, p. 7), not only was the CEDAW bill frustrated on the floor of the National Assembly, its balkanization through haphazard (and piecemeal) incorporation into State laws may ultimately water down the importance and impact of CEDAW.

As a result of all the challenges associated with the domestication of CEDAW, many women's rights groups now adopt a strategy of promoting women's rights without expressly using the name of the CEDAW, with some opting instead for the AU Protocol on Women's Rights. Mahdi (WRAPA) elaborated on current strategies:

*Our strategies now revolve around promoting grassroots understanding of what CEDAW is. But we have not been carrying it as CEDAW because we realize that CEDAW seems to be a bad baby, so we have not carried it as a package. So specializations are there around the AU [protocol], which we carry as a package. We have engaged parliament for dialogue and capacity. Because we realized that many of them only have knowledge about CEDAW to the extent of it being a pro-abortion bill. We also have others [various male opinion moulders] speak for CEDAW as against women speaking for it.*

A number of secular activists also believe that an alternative strategy to promote women's rights may be to work for legal reform within the framework of the AU Protocol.

However, CEDAW has not been jettisoned entirely. Wunmi, a Programme Officer at WRAPA, who represents the agency on the Gender Affirmative Action (GAA) steering committee set up under the Coalition 4 Change (C4C) network, elaborated further on current CEDAW initiatives put together under that platform. She referred to women's issues as a hydra-headed monster, which the GAA has decided to tackle through issue-based projects on women, using its member women's rights organizations to target specific outputs that give life to the provisions of CEDAW. These include simplification and translation of the CEDAW document; production and dissemination of CEDAW advocacy tools; advocacy visits and workshops with religious leaders, legislators and other key stakeholders; and building institutional relationships through constructive engagement with government ministries and parastatals concerned with women and gender issues, notably the Federal Ministry of Women Affairs and the National Centre for Women Development. Nevertheless, Wunmi bemoaned the fact that working with public officials and institutions, particularly in the legislature, has been an uphill task due to high turnover and the apathy of officials towards gender discourse in general and CEDAW in particular. She provided the following example:

*In February 2008 a retreat was held on CEDAW for legislators, organized by CIRRDIC with the support of GAA. They had money to bring in federal legislators but we thought that States could also benefit, so we brought in State-level legislators. It was back-to-back with a State female parliamentarians' retreat organized by Honourable Eunice Afiniki. She asked GAA for technical assistance, so we facilitated. Three resource persons were from GAA. ...but only about 2 or 3 male legislators turned up.*

The programme officer of BAOBAB, Mufuliat Fijabi, mentioned other donor-funded CEDAW projects that BAOBAB is carrying out, such as writing CEDAW shadow reports, awareness creation meetings with religious leaders and groups, and training workshops for *shari'a* court judges in the twelve States implementing *shari'a*. The workshops incorporate human rights training, with updates on international human rights instruments like CEDAW and the AU Protocol. Nevertheless, in the final analysis, Stella Amadi of CDD predicted that women's rights campaigners might have to jettison CEDAW for the AU Protocol because the latter is regarded as a home-grown document that has not suffered from the same stigmatization and negative publicity as CEDAW. A number of secular/FBO activists, as well as religious leaders, expressed the opinion that long-term acceptance of women's human rights will only

come about through the successful mainstreaming of gender perspectives into all aspects of national policy, beginning with a review of educational curricula at all levels. For example, Funke Oladapo, a Directorate-level staff member of FMWA, said that a key strategy of the ministry will revolve around gender mainstreaming across sectors through the various gender desk officers in all the line ministries. This is a cornerstone of the Ministry of Women Affairs' strategy for the modus operandi of Nigeria's gender machinery, as outlined in its Strategic Framework for the implementation of the National Gender Policy.

## 5 Conclusion

A coalition of over fifty civil society organizations formed in 1998 (the Nigerian CEDAW coalition) began a focused campaign to bring about the domestication of CEDAW, alongside other women's organizations and coalitions. This built on activity since the Babangida-led Nigerian government ratified CEDAW in 1985, but was given added impetus by the return to democracy after thirty years of military rule. The domestication of CEDAW into Nigerian law was believed to offer the best chance of protecting women's rights. However, the *Abolition of all Forms of Discrimination against Women in Nigeria and Other Related Matters Bill, 2006* was rejected by the Federal House of Assembly in 2007, despite extensive campaigning and lobbying by women's organizations and the Federal Ministry of Women Affairs.

Despite their ostensible support for women's rights, opposition from religious leaders and Assembly Members to gender equality and various clauses in the Bill ended in its defeat. The analysis reported on above is based on a review of secondary material and semi-structured interviews with key informants, which has enabled the researchers to analyse the role of religion and religious organizations in the campaign and the fate of the Bill.

It emerged that:

- The CEDAW coalition underestimated the extent to which religious actors would regard aspects of CEDAW as controversial, as well as the capacity of religious groups to constitute a formidable opposition that cuts across various faith communities, sects and denominations. It seems that there were few attempts to investigate the views of faith communities and engage with them and their leaders to explain the content of the Bill, address the contentious issues included in it and solicit their support.
- Lobbying focused on Assembly Members, but members of the CEDAW coalition made fewer efforts to create awareness of the content of the CEDAW document and garner support among religious leaders (or traditional/community leaders and grassroots women). As a result, there was a surprising lack of awareness about the specific content of the CEDAW document among the religious leaders interviewed, including those who opposed it and had participated in the campaign against its domestication. In addition, grassroots women's organizations engaged in awareness-raising and programmes to address women's practical gender needs were not integrated into the campaign.

- Although faith-based women's organizations were consulted by the Federal Ministry of Women Affairs and others in the pursuit of CEDAW-related issues, there appears to have been little effort to involve them in the CEDAW campaign itself. Given the widespread influence and acceptability of FBOs within their wider faith communities, the coalition's failure to enlist them as allies was a tactical error.
- Muslim and Christian leaders and FBO activists interviewed support the principle of women's rights, but some (and many members of the overwhelmingly male House of Assembly) expressed strong reservations about the concept of 'gender equality'. Their preference for more acceptable terminology, such as gender equity, harmony, balance, complementarity or partnership hints at resistance to women's rights and gender equality on their part and among the wider population of believers. Conservative interpretations of sacred texts, which are perceived as conforming to indigenous cultural norms and practices, were central to the opposition to the domestication of CEDAW and gender equality in general, although it is difficult to disentangle opposition on religious grounds from male fears of a threat to their dominant roles in the family and other social institutions and appeals to 'culture.'
- Christians and Muslims have similar views on some issues covered in the CEDAW document, but not others. They identify different aspects of it as being contrary to their religious tenets. None of the major religious organizations or faith communities has issued a definitive statement supporting or opposing CEDAW. Views about it, which are based on understandings about religious doctrine and beliefs that predispose people to a liberal, moderate or conservative outlook, vary among adherents within and across both religions.
- Opposition to CEDAW focused on specific issue-areas contained in Articles 10, 12 and 16, which impinge on beliefs about reproductive rights and behaviour (mainly Catholics but also Muslims), women's rights in marriage and its dissolution, the minimum age of marriage (Muslims), and gender roles in marriage, religious spaces and society (both Christians and Muslims). The issue of abortion was of particular concern to CEDAW opponents, who perceived the Bill as a means of surreptitiously legalizing abortion - for Catholics, in particular, women's right to reproductive health must be weighed against the right of the unborn child to life. The bill was regarded by its opponents as anti-family, anti-God and part of a Western feminist agenda.
- Some research participants highlighted the role of the media in perpetuating misconceptions and misinformation about CEDAW, as well as the coalition's ineffective use of media advocacy in the campaign.

- Despite the failure of the Bill, the campaign is ongoing. For example, the CEDAW coalition submits its own reports to the UN Committee that reviews national progress in achieving CEDAW's aims to counter what it perceives as the Nigerian government's exaggerated claims. In addition, there is some agreement that religion can play a positive role. Some religious leaders and FBOs have identified scriptural references to use in campaigning, arguing that unlike traditional culture, Christianity and Islam recognize women's rights. Activists in civil society organizations and government believe that lessons have been learnt from the campaign, but lament the lack of a solid financial base for pursuing it to its logical conclusion.

Some implications of this study of the campaign to domesticate an international agreement into national law include:

- Secular and FBO activists are of the opinion that a more pragmatic approach to domesticating CEDAW might be: a) To extricate its more contentious aspects and incorporate the remainder in a partial Bill or include them piecemeal in a variety of national laws, and b) To focus on the AU Protocol on the Rights of African Women as a more acceptable 'home-grown' alternative. However, women's groups/activists would need to keep track of legal changes to ensure that they are consistent with the principles of CEDAW. In addition, some believe that amendments to statutory law must be supported by the codification of customary law, with the aim of removing inconsistencies between the two bodies of law.
- Campaigners for women's rights and gender equality need to identify potential sources of opposition to proposed legal reform and seek to address their concerns and solicit their support, including not only elected representatives but also religious leaders and organizations, men and grassroots women's organizations.
- To address the deficiencies in media support, informants suggested that quick-impact sensitization and enlightenment workshops on CEDAW, the AU Protocol and the National Gender Policy should be held to generate support for the campaign among media personnel.

The conclusions and implications identified above refer specifically to a campaign to incorporate the principles of human rights and gender equality into law. Opposition to legal change reveals wider social attitudes that also, of course, need to change in the long term. In particular, it is necessary to influence the way people are socialized into gender roles and stereotypes, for example through a programme of gender mainstreaming in the entire educational system.



For many decades development scholars, policy makers and practitioners left religion and culture out of development discourse and planning, at great cost (Marshall, 2005). Religion in particular is often regarded as an extremely controversial, contested and therefore risky domain. The findings from this study confirm the highly tangible impact that religion can have on attempts to achieve social change and the need for constructive engagements between faith communities and those seeking the realization of rights and greater equality. Such engagements are especially crucial for agendas that seek to promote women's rights, given the deep-seated religious and cultural sensibilities involved.

# Appendix 1

## List of research participants

	NAME	ORGANIZATION/LOCATION	TITLE/POSITION	DATE AND PLACE OF INTERVIEW
1.	ABDULRAHMAN, Mufutau Oloyede	Central Mosque, University of Ibadan	Chief Imam	13/07/2009, Lagos
2.	AGUR, Rose	Catholic Women Organization, Jos	Ex-Plateau State President	01/07/2009, Jos
3.	Archbishop AKINFENWA	Christian Association of Nigeria	Chair	23/07/2009, Ibadan
4.	AKIN-ONIGBINDE, Dr Wunmi	Centre for Women in Politics and Policy	Executive Director	02/06/2009, Ibadan
5.	ALADE, Folake	Justice, Peace and Development Commission	Executive Director	01/06/2009, Ibadan
6.	AMADI, Stella	Centre for Democracy and Development, Abuja	Senior Programme Officer	04/06/2009, Abuja
7.	AUDU, Peter	Justice Peace and Development Commission, Abuja	Executive Director	05/06/2009, Abuja
8.	AWOSIKA, Keziah	Women Law and Development Centre of Nigeria, Lagos	Executive Director	15/07/2009, Lagos
9.	DABER, Benedicta	Justice Peace and Development Commission, Jos	Programme Coordinator, Women Empowerment Programme	20/05/2009, Jos
8.	DUL, Ruth	Christian Urban and Rural Development Association, Jos	Coordinator, North East zone	18/05/2009, Jos
10.	EFFUAH-CHUKWURAH, Josephine	Project Alert (on violence against women) Lagos	Executive Director	23/06/2009, Lagos
11.	FIJABI, Mufuliat	BAOBAB, Lagos	Programme Officer	15/07/2009, Lagos
12.	FOM, Anthony	Justice Peace and Development Commission, Jos	Executive Director	20/05/2009, Jos

13.	IDIKA-OGUNYE, Comfort	Female Leadership Forum, Lagos	Executive Director	15/07/2009
14.	ISHAYA, Sam	Christian Urban and Rural Development Association, Jos	Executive Director	18/05/2009, Jos
15.	KWASHI, Benjamin	The Anglican Communion, Jos	Archbishop	03/06/2009, Jos
16.	LAR, Beni	House of Representatives, Abuja	Honourable Member	18/06/2009, Abuja
17.	LEWIS-TAMOKA	UNIFEM	Senior Programme Officer	05/06/2009, Abuja
18.	MAHDI, Saudatu	Women Rights Advancement and Protection Agency	Executive Director	04/06/2009, Abuja
19.	MAKPU, Daniel	Christian Urban and Rural Development Association	Programme officer	18/05/2009, Jos
20.	OLADAPO, FUNKE	Federal Ministry of Women Affairs	Deputy Director, Women Development	05/06/2009, Abuja
21.	OLAGOKE, Sabitiyu Ariyo	Shafaudeen	Founder	13/07/2009, Ibadan.
22.	ONWUKWE, Nkechi	Federal Ministry of Women Affairs	Assistant Director, Women Development	05/06/2009, Abuja
23.	OSAKWE, Bridget	West African Network for Peacebuilding in Nigeria, Lagos	Programme Officer	23/07/2009, Lagos
24.	STEVENS, Kehinde	Methodist Church, Ibadan	Archbishop	01/07/2009, Ibadan
25.	WUNMI	Women Rights Advancement and Protection Agency	Senior Programme Officer	04/06/2009, Abuja
26.	YUSUF, Bilkisu	FOMWAN	Women Leader	
27.	Anonymous	Centre for Islamic Legal Studies, Ahmadu Bello University, Zaria, Kaduna state	Islamic legal scholar	17/7/2009

28.	Anonymous	Department of Forestry, Usmanu Danfodiyo University Sokoto	Islamic radio host	8/7/2009- started the interview; realized he did not know the content of CEDAW; gave him a copy and returned on 2/8/2009
29.	Anonymous	College of Education, Maru, Zamfara state	Islamic scholar and Imam	16/7/2009 same as above; returned on 16/8/2009 for further interview.

## Appendix 2

### List of state-based law reforms

1. Street Trading Restriction law, 2004, Anambra State.
2. Law to Prohibit Domestic Violence Against Women and Maltreatment. Law No.10 of 2004 by the Cross Rivers State Government.
3. Inhuman Treatment of Widows (Prohibition) Law 2004 of Edo State.
4. Malpractices Against Widows and Widowers (Prohibition) Law 2005 in Ekiti, Enugu, Imo, Ebonyi and Anambra States.
5. Women's Reproductive Rights Law, 2005, Anambra State.
6. Schools' Rights (Parents, Children and Teachers) Law No. 2, 2005, Rivers State.
7. Law Prohibiting Withdrawal of the Girl Child from School for Marriage in Kano, Niger, Gombe, Bauchi and Borno States.
8. Law Prohibiting Domestic Violence in Lagos State, 2007 (passed by the House but not signed) and Ekiti State.

## Appendix 3

### AAAC Press Release on CEDAW

#### **AFRICAN ANTI-ABORTION COALITION**

Chidicon Medical Center, No 1 Uratta Road, P. O. Box 302, Owerri, Imo State, Nigeria 460242,  
Phone 083-231183; 046-660021, email:[info@chidicon.com](mailto:info@chidicon.com) [www.chidicon.com/AAAC.html](http://www.chidicon.com/AAAC.html)

#### **PRESS RELEASE ON SENATE MEETING ON CEDAW**

On 13 November, 2007 the African Anti-Abortion Coalition (AAAC) and other Pro-life Organizations in Nigeria comprising the Association of Concerned Mothers, Abuja and Lagos, National Association for Women's Advancement, Lagos, Happy Home Foundation, Enugu, Human and Family Commission, Plateau state, National Council of Muslim Youths, Abuja, Catholic Women's Association, Project for Human Development, Lagos, Care of the Estranged for Social Development, Lagos, Doctorsdotelife, Lagos, MediaWatch, Secretariat of the Catholic Bishops' Conference, Abuja, under the coordination of Heritage Network met with the Senate Leadership headed by the Senate President - His Excellency Senator David Mark.

1. The main issue of discussion centered on the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). CEDAW is a UN convention signed and ratified during the military era when constitutional and legislative processes were suspended, and would become binding on the Federal Republic of Nigeria if it were to be domesticated. Discussants pointed out that even though there are some laudable goals CEDAW seeks to address it remains flawed on major fundamental issues that, would legitimize abortion and contraception in Nigeria. Furthermore, CEDAW would infringe on our national sovereignty by seeking in article 2 (f) "...to modify or abolish existing laws, regulations, customs and practices.... And in 2 (g) to repeal all national penal provisions which constitute discrimination against women."
2. The Congress of the United States of America has refused to ratify and domesticate this convention because it infringes on her sovereignty and contravenes the Constitution of the US.
3. CEDAW is also at variance with the African Charter on Human and People's Rights (1981) and African Charter on the Rights and Welfare of African Child (1990). CEDAW is a complete break with the traditions and values of Africa by its separation of the well being and the rights of mother from the well being and rights of the child.
4. CEDAW fails to recognize the cultural diversity affecting women's rights in different parts of Nigeria as a multicultural nation. A nation without culture is a nation without identity.
5. CEDAW has a committee empowered to monitor the implementation of the convention in State Parties that have ratified it. Each State Party is obliged to report to this committee every 4 years. The interpretations of the convention and subsequent recommendations of this Committee become binding on State Parties

when they domesticate CEDAW. The General Recommendation 24 of this Committee has interpreted the term “family planning” as contained in Articles 10 (h), 12.1, 14(b) and 16.1 (e) of CEDAW to mean state funded abortion and contraception. If CEDAW is domesticated by the National Assembly, Nigeria will not escape the over-reaching efforts by the CEDAW Committee to impose abortion on our country as an international obligation. To date there are 37 countries that the CEDAW Committee has pressurized to legalize abortion. At the continental level, the MAPUTO protocol seeks to achieve the same result of legalizing abortion. Such international and domestic pressure was at the heart of the last failed attempt to pass the Reproductive Health bill.

6. While recognizing the immense pressure that women with crisis pregnancies face, we wish to categorically state that abortion is violence not only to the unborn child but also to the mother. Nigeria women deserve better than abortion.
7. CEDAW, in Articles 1, 5a and 10c, as part of its focus on ensuring equality between the sexes, seeks to abolish ALL stereotypes in the roles of men and women. This is a position that underlies the issue of gay and lesbian relations and marriage but the Nigerian woman believes in equality but not sameness. She fights for equality but not at the detriment of the family. She cherishes certain positive stereotypes that define her within her culture especially motherhood. CEDAW is on record as reprimanding Belarus for instituting Mothers’ Day as a national holiday, viewing this as a stereotype of women.
8. The Senate leadership expressed interest on hearing further matters on CEDAW. The Senate President underscored that, even though he personally opposes abortion, it would be a matter of conscience for each senator. The effort of the network of Prolife organizations is commendable and points to a growing participation of the people in the democratic process.
9. The African Anti-abortion Coalition presented the Senate Leadership with two letters on **Facts and Figures on the Economics of Contraception Abortion: A Reply to G8 Leaders**; and Letter to the Presidency of the G8 Summit 2007 – **2<sup>nd</sup> Anniversary of the 2005 Declaration of G8 Africa Action Plan**.
10. The Senate Leadership accepted the submissions and promised to deliberate on the relevant issues raised.

Signed by.:



Prince Dr Philip C. Njemanze MD. AAAC Chairman.

## Notes

- <sup>1</sup> <http://www2.ohchr.org/english/bodies/cedaw/index.htm>
- <sup>2</sup> [http://www.achpr.org/english/\\_info/women\\_en.html](http://www.achpr.org/english/_info/women_en.html)
- <sup>3</sup> Culture is referred to here in its broadest sense: as subsuming religion and as a vehicle through which religion is expressed (Alolo Alhassan, 2007, pp 12-13).
- <sup>4</sup> Although this report does not present data from the South East, a parallel study of the women's movement for legal reform in Anambra State does so (Adamu et al, 2011).
- <sup>5</sup> Women's Aid Collective (WACOL) also wrote an alternative CEDAW Shadow Report in 2008.
- <sup>6</sup> Although they were not interviewed, they were reputable leaders whose publications contained matters of interest on the research topic.
- <sup>7</sup> [http://hrbaportal.org/?page\\_id=2127](http://hrbaportal.org/?page_id=2127)
- <sup>8</sup> UNIFEM, 2007.
- <sup>9</sup> Everyone everywhere is entitled to human rights and they cannot be renounced.
- <sup>10</sup> No human right can be violated or promoted at the expense of another. Neither can human rights be ranked in a hierarchical order of importance.
- <sup>11</sup> Human rights require a holistic approach for effective implementation
- <sup>12</sup> Both substantive (de facto) and formal (de jure).
- <sup>13</sup> With regard to gender, Goonesekere and de Silva Alwis (2005) infer that the human rights-based approach to development adopts the definition of discrimination provided in Article 1 of CEDAW: "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" (Emphasis added).
- <sup>14</sup> Exemplified by good governance.
- <sup>15</sup> And its Optional Protocol, which in 2004 established complaint and enquiry mechanisms to allow signatories to be challenged if they are thought to have failed to comply with the Convention. [http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-8-b&chapter=4&lang=en](http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8-b&chapter=4&lang=en)
- <sup>16</sup> Compare this with Mozambique whose national parliament comprised 250 men and 102 women as at 2003 and Rwanda where the proportion of women members of the Chamber of Deputies increased to 48.8 per cent by 2007 (Social Watch, 2009). These were accomplished using affirmative action measures
- <sup>17</sup> The GEI uses three indicators: economic activity, education, and empowerment.
- <sup>18</sup> Although there has been no success at legislative affirmative action, the 2006 National Gender Policy stipulates a 35 per cent quota.
- <sup>19</sup> The Hausa are the largest ethnic group in northern Nigeria, with approximately 21 million people. There are about 5.5 million Hausa in Niger and smaller groups in many other countries.
- <sup>20</sup> 1966-79; 1983-1999
- <sup>21</sup> The Gender Management Machinery (or Structure) consists of: the Federal and States' Executive Councils; the Federal and States' Ministries of Women Affairs; the National Centre for Women in Development; Gender Desks of all Ministries; the Senate and House of Representatives Committees on Women; the State Assemblies' Committees on Women; and the Development Group on Gender (Women's organizations, civil society organizations, UN agencies, bilateral donors and the World Bank) (FMWA, 2009).
- <sup>22</sup> Forward to the National Gender Policy (2006, p iv).
- <sup>23</sup> Saudatu Mahdi (WRAPA) gives credit to Prof. Jadesola Akande as the first individual actor promoting CEDAW in the early 1990s, when she arranged for CEDAW to be simplified and translated into Hausa, Ibo and Yoruba, the three major languages in Nigeria. However, this was reportedly done on a very limited scale, as Prof Akande was not able to secure sufficient funding for the project.



- <sup>24</sup> WRAPA was founded by Hon. Justice Fatima Abdulsalam, wife of former Military Ruler, General S. Abdulsalam (1998-1999).
- <sup>25</sup> Atsenuwa (2008) carried out a more detailed study of the roles of general civil society groups in the CEDAW campaign.
- <sup>26</sup> See Appendix 2 for a list of successful women's rights legal reform initiatives in 13 of the 36 states: eight southern (Anambra, Cross Rivers, Ebonyi, Edo, Ekiti, Enugu, Imo, Rivers) and five northern states: Bauchi, Gombe, Kaduna, Kano and Niger).
- <sup>27</sup> Shafaudeen was founded as a prayer group in Ibadan in 1983. It is an Islamic Centre for Spiritual Awareness devoted to professing and defending Muslim doctrines <http://shafaudeen.org/index.htm>. It claims to be a worldwide Islamic organization, with branches in America, South Africa, Gabon, Cote d'Ivoire, Togo and Nigeria, where it is present in the Abuja, Kaduna, Kano, Ibadan and Oyo areas.
- <sup>28</sup> Such as economic empowerment, reproductive health and political participation/representation in decision making
- <sup>29</sup> A number of activists alleged that competition and conflict among NGOs brought other cracks into the solidarity of the CEDAW campaign, demonstrated by the drafting and presentation of multiple NGO Shadow reports to the UN Committee on CEDAW by the Women's Aid Collective (WACOL).
- <sup>30</sup> Amadi participated in a comparative study of CEDAW campaign processes in Africa in 2007. She explained that both Gambia and Mozambique synthesized elements of CEDAW and the AU Protocol into home-grown bills, for example, in Gambia it was dubbed the Family Law Bill.
- <sup>31</sup> Odinkalu (2008) presents a detailed report of the role of the media in derailing both the Reproductive Health and CEDAW bills.
- <sup>32</sup> Under Bishop Kwashi's leadership the Anglican Communion in Jos established the Centre for Good Health and Development Strategies (CEGHADS).
- <sup>33</sup> She shared a personal testimony of how she was advised to abort her last pregnancy on age and health grounds, and how she refused to do so because of her religious conviction. The daughter born to her is now a 19 year old 200-level university undergraduate with whom she reported that she shares an intimate relationship.
- <sup>34</sup> <http://www.chidicon.com/AAAC.html>. See website for details of comparisons between abortion and the seven stages of the cross.
- <sup>35</sup> The Bible actually uses the word 'submit', rather than obey, which is required of children to parents. The Greek root words for 'submit' and 'obey' are different (Mickelsen and Mickelsen, 1987).

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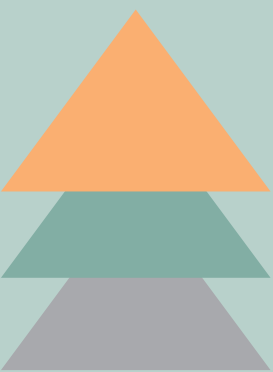
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