

**IGBO CULTURAL WIDOWHOOD PRACTICES:  
REFLECTIONS ON INADVERTENT WEAPONS OF  
RETROGRESSION IN COMMUNITY DEVELOPMENT.**

**An Inaugural Lecture**

**By**

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**INTRODUCTION**

*The Vice-Chancellor*

*Deputy Vice-Chancellors and other Principal Officers of the  
University*

*Deans of Faculty*

*Directors of Institute and Centre*

*Heads of Department*

*Distinguished Professors*

*Past Inaugural Lecturers*

*Heads of Administrative Units*

*Distinguished Academics and Administrators*

*My Lords Spiritual and Temporal*

*Chiefs and Elders*

*Gentlemen of the Press*

*Great Lions and Lionesses*

*Ladies and Gentlemen*

I am very delighted and honoured to have the privilege to deliver my Inaugural Lecture as a Professor of Adult Education/Community Development before this esteemed

audience. Today's lecture is about a group in the society, whose number keeps rising by the day, but whose afflictions they could not stop or control. Talking about these women, some people regard them as women whose world has come to an end and who the society should dread and quietly avoid. These women are associated with tears and sorrow. No wonder Adebowale (2006) referred to them as stones at the base of a lake; followed all the time with suspicious gaze, while wicked gossips trail their movements. They are regarded as subjugated people of the world with no hope no security. These women tread the path of life carefully and warily. They are among others IGBO WIDOWS in our society.

These qualifications however, are human and subjective. Nevertheless, some see widows as women of integrity and honour, women with great potentials and capabilities to contribute significantly to the development of their communities given the needed support. The widows' afflictions are partly natural and man-made. Natural, because death is beyond any human control while widowhood practices are inflicted by man. Evidence abounds that they have individually and collectively made their marks in the society. Today, we will not talk about laboratory specimens and abstractions. Those are good, but we will now focus on life and human life experiences. We will reflect on these experiences to see to what extent they have impacted communities positively or otherwise.

The Igbos are a nation located in South Eastern states of Nigeria. They include indigenes of Abia, Anambra, Ebonyi, Enugu and Imo States. Other Igbo speaking Nigerians are found in some parts of Delta and Rivers States of Nigeria but this lecture is

concerned with the Igbos of South Eastern States. The Igbo people are one of the largest ethnic groups in Nigeria and Africa. Agwu (2008), stated that the Igbos are mostly craftsmen, farmers and traders. The most recent estimate of the Igbos from the CIA (2012) World Factbook entry for Nigeria, revealed that the Igbos are about 23.5% of the Nigerian population of 170 million, corresponding to about 40 million people.

Many historians, sociologists, archaeologists, anthropologists and philosophers have expressed different views about the origin of the Igbos. Some have linked the Igbos to the Jewish race; others simply see them as the Jews of Africa while others believe that they just originated from Nigeria. Their origin notwithstanding, Nigeria we know today, cannot be complete without the Igbos.

The Igbos prize their womenfolk, yet a woman in Igbo culture is not accorded full social recognition no matter her status in life unless she is married and bears children or at least a child. Igbo women remain women of substance as long as their husbands are alive. If an Igbo woman loses her husband to death, her story changes. Automatically, she becomes a murder suspect in some places because death in most parts of Igbo land is never deemed a natural occurrence. The widow is seen as unclean and unholy, and as a result of people's perception of the widow, certain harmful widowhood practices are meted out to her. These practices arise from the culture of the particular Igbo community.

The Igbo culture includes various customs, practices and traditions of the people. It comprises of archaic practices as well as new concepts adapted into Igbo culture either through evolution or external influence. Odimegwa (2010) submitted

that in Igbo cosmology, community life embraces the living and the dead, and it is for these reasons that widowhood practices are put in place. The Igbo culture makes it incumbent on the living to respect the wishes of the dead, while the dead are compelled to protect the living. Widowhood practices are therefore integral part of the funeral rites accorded the dead. These funeral rites are aimed at guaranteeing the admittance of the dead people into the abode of the ancestors, who, they believe, will ultimately reincarnate into the community of the living. Widowhood practices are not only prevalent in Igbo land; they are enforced in other tribes of Nigeria and also in most third world countries.

Young (2006) quoting Melita (1993) noted that even in India, a widow becomes a focus of collective repudiation, seen as a bearer of bad luck, unclean, polluting and dangerous. She has to undergo rituals – many of them humiliating and some life-threatening in these times of, HIV/AIDS – to symbolically ‘cleanse’ her in order to safeguard the community from her impurity. A widow, Young continues, cannot avoid standing out by the conspicuous clothing culture demands her to wear. This intense period of social rejection lasts for a relatively limited time, in some places six months while in others one year. These practices have far reaching consequences on the widow, her children and the community at large. Thus, these widowhood practices are referred to as inadvertent weapons of retrogression in community development because they are weapons unintentionally used to bring about backwardness in the community all in the name of culture.

This lecture is focused on widowhood practices and their negative consequences on the widow, their children and their

communities. It reflected on the interventions so far made by the government, the judiciary and several other organizations. Recommendations and conclusions were made.

## **Conceptual Clarifications**

Central to the development of this lecture is the understanding of some key concepts like widow, widowhood, widowhood practices, culture, custom, tradition and community development.

### **1) Widow/Widowhood**

There are several milestones in the life of a woman which are referred to as adult passages. According to Lamana & Riedman (1991), these include marriage, the birth of a first child, wedding anniversary, the arrival of the first grand child and widowhood among others. A widow is a woman whose husband is dead and does not remarry. She can equally be referred to as a woman who has become single because her husband died and she remains unmarried.

A woman becomes a widow when the man with whom she had planned the present and the future life is no longer available to share, shape the hopes and the dreams of years ahead. She becomes helpless as she commences a lone journey full of uncertainties of life. She is seen as a liability, powerless, voiceless and vulnerable. Boulding (2009) noted that a widow is like a melancholy bird that sits wailing all night, increasing her distress without redeeming features. She can also be seen as a woman who is done with her wedding affirmation of "*till death do us part*". This situation gives birth to widowhood. Hence widowhood

can be described as a by-product of every enduring marriage which ends with a spousal (husband) bereavement. Again a widow according to the Encyclopaedia of Death and Dying (2008) is a woman (young or old) who formally contracted her marriage under the Customary Marriage Act or any religious Act and lost her husband to death but did not re-marry. Following such a tragedy in most African societies, the woman resigns into a group of marginalized, powerless and voiceless invisible beings called widows (Nnodim, 2012).

The term widowhood is the state or period of being a widow. Oreh (2006) observed that widowhood involves a physical break in the family relationship and it is ranked by widows as the most stressful and devastating event in life. This is because widowhood does not only involve the loss of the role of a wife to the husband but also the loss of a person most supportive of the woman, the person who has played a central role in the woman's life, the father of her children, the family breadwinner and the companion of the woman. This transition from wifeness to a widow happens so suddenly and swiftly that in one minute a woman who is a wife transits to a widow. It is at this moment that she starts to experience all the widowhood practices under discussion.

## **2) Widowhood Practices**

Every society has its own rites for the dead which affect the wife of the dead and the children in some cases. In Igbo land, this unique phase of life is accompanied by certain socio-cultural practices which Nwoga (1989: 33) referred to as:

*Sets of expectation as to the actions and behaviours by the widow, actions by others towards the widow and rituals performed by or on behalf of the widow from the time of death of her husband. Later phase of these practices may include issues of inheritance, the state of the widow and marriage or remarriage of the widow.*

Oreh (1998) expressed that widowhood practices can be seen as socio-cultural practices encompassing burial rites, mourning rituals, inheritance rights of the widow, her expected behaviour towards others and other people's behaviour towards her arising from the death of her husband. These practices according to Nwaogugu (1989) are culture-bound because they reflect the prevailing values of a given socio-cultural milieu. Adeboye (2014) lamented that the culture of the people is held higher and given prominence above the word of God.

Umezina (2007) noted that although widowhood practices are common phenomena in Igboland, the intensity is not the same in every town. These cultural practices he further explained have portrayed the Igbos of South-Eastern Nigeria in Abia, Anambra, Ebonyi, Enugu and Imo States in a very bad light, particularly regarding the treatment of women who have lost their life partner, breadwinner, confidant and husband, all rolled into one. This supports the statement of Foehner & Cozart (1988) who lamented that these practices make widowhood exhaustive and traumatic and are capable of making the widow lose focus. Thus the widow is frightened, lonely and grieving excessively.

In Igbo culture, widowhood practice is an exclusive preserve for widows, not widowers. Agumagu (2007) observed that a widower has no traditionally laid down laws governing his mourning rites. This period which is supposed to be a quiet and

private time as the widow strives to accept her loss has been turned into a period of agony, anxiety, pain and insecurity for the widow in Igbo land. This is because it is usually a period the widow is subjected to psychological, social, physical and emotional torture as a result of her bereavement.

1. **Culture:** The word culture from the layman's perspective could be described as a way of life of a particular group of people which guides their daily activities within their local milieu.

Culture is used in this context in a holistic, dynamic but non-neutral manner. According to Ahonsi (1997), culture and customs refer to the totality of the way of life in a society as shaped by the material conditions therein, history, systems of beliefs, political organization and legitimation. It is thus all the material and ideational or intellectual equipment of a people through which they satisfy their biological and social needs and adapt themselves to their environment.

Shehu, Onasanya, Baba (2010) defined culture as those activities performed by people in all races and language throughout the world. However, it is believed that the activities of people predicate the norms and values of a group of people which could be observed in their mode of dressing, worship, marriage, burial rites and naming ceremonies; among others.

The major function of culture is that it prescribes the ways members of a society should behave and those who control the means by which these ways are acquired over time succeed in transferring their ways of life to the majority who then depend on them.

Closely related to the concept of culture is the word **Custom** which means any habit socially learned, socially



performed and socially transmitted, whereby the associated practices have gradually become accepted as appropriate modes of behaviour (Ahonsi, 1997).

Ahonsi further stated that Tradition, also closely related to culture is an ideology used to legitimize or rationalize practices that may not match with prevailing socio-economic realities. In this regard, a lot of the customary practices that dehumanize widows are harmful not merely because they are relics from the remote past, but rather because they no longer serve the economic and social purposes that they did when Nigeria was largely a rural agricultural society.

In other words, what constitutes tradition is the ideology of the dominant group in a society as it is used to maintain existing relations of inequality and to make the subordinate groups to believe and accept as normal the prevailing structure of inequality (Imam, 1991).

## **Community Development**

This is an activity that can be perceived from different perspectives. Anyanwu (1992) noted that community development is not a matter of inner emotion. It is one that demands outward, visible, and tangible manifestations of social practice, a way of doing things, and one which is concerned with living people in a changing situation. Community development he said must have practical purposes, and these have to attain more than vague expressions of good feeling about outcomes. It involves efforts on the part of the people.

Oduaran (1994) also expressed that community development has its ancestry as a union of community

organization and economic development as well as rural sociology, adult education, and the extension movement. Community development is aimed at community action. Community action is social praxis which recommends that members resolve their problems by directly participating in the development activities. This community action has a primary objective of improving the physical and non-physical living conditions of people.

In summary, Oduaran concluded by saying that Community development can be regarded as:

- i) a process (on-going and a manner of proceeding).
- ii) a programme (of events)
- iii) a method (of doing things) and
- iv) a movement (institutionalized with its own organizational structure).

Nzeneri (1993) maintained that community development is a process of self-discovery by which the people of a community learn to identify and solve their community problems. In this process, people share their thoughts, their ideas, their aspirations, their joys, and their sorrows, and in large measure mould and shape their common destiny for themselves.

For the purpose of this lecture, community development may mean a people-centred process geared towards the attainment of people's needs as well as the general welfare of the community. In this process, the people plan and act together for the satisfaction of their needs. Community development is a weapon for social change with the willing cooperation of every member of the community. It emphasizes change in the life of a community and thus stimulates people's idea to think, know and

act. Its major purpose is the well-being of the people and their community environment. Community development connotes change in the positive direction and growth from a lower level of well-being to a higher one. First, the people of the community must themselves be developed before they can develop their community.

### **Theoretical Framework**

The theoretical explanation of this paper will be anchored on theories of Relative Deprivation and Social Exclusion.

### **Theory of Relative Deprivation**

American sociologist Robert K. Merton was the first to use the concept of relative deprivation in order to understand social deviance (Runciman 1966). However, succeeding researchers have thrown more illumination on the concept.

According to Townsend (1979) Relative Deprivation is the lack of resources to sustain the diet, lifestyle, activities and amenities that an individual or group are accustomed to or that are widely encouraged or approved in the society to which they belong. This definition allows an objective comparison between the situations of a widow compared to the rest of the members of the society. Relative deprivation may also be seen as the experience of being deprived of something to which one believes oneself to be entitled to (Walker and Heather, 2001). Thus the widow who is entitled to her late husband's property is denied such property thereby rendering her powerless and voiceless.

Furthermore, Shaefer (2008: 69) defines relative deprivation as the conscious experience of a negative discrepancy

between legitimate expectations and present actualities. Consequently the term has important consequences for both behaviour and attitudes including stress, political attitudes and participation in collective action of a widow that will bring about community development. Hence the behaviour and attitude of a widow who lost her husband to death change over night from wealth to poverty, clean to unclean as perceived, good woman to evil widow.

However, this situation of discontent ought to push a widow into joining social movements to end it but widows we know are prone to conflict – avoidance, are short term oriented and they believe that imminent life difficulties may arise since there is no guarantee that in their life – improvement will result from social action. This is a true condition of denial, marginalization, and exclusion of a widow.

### **Social Exclusion Theory**

Walker, (1997) and Duffy (1995), stress on the multidimensional nature of social exclusion. According to them, social exclusion relates not simply to a lack of material resources but also matters like inadequate social participation, lack of cultural and educational capital, inadequate access to services and lack of power.

Social exclusion theory refers to persistent and systematic multiple deprivation of individual or group resulting to disempowerment and alienation and the way the resultant dynamics affect the individuals or groups in the society (Hills, 1998).

Thus in widowhood practices, widows are excluded by their late husband's relatives from inheriting their husband's property thereby plunging the widows into a sudden state of powerlessness leading to lack of material resources and inadequate social participation thereby making contribution to community development difficult.

### **Widowhood Practices in Igbo Land, Meaning and Rationale**

#### **(1) Ritual Seclusion (*Ino na nso*):**

This practice involves the widow being secluded in a most restricted manner because the widow is regarded as defiled and unclean. She does not enjoy the company of other 'free' human beings until she is purified.

#### **(2) Programmed Wailing:**

The widow wails early every morning before and after the funeral to the hearing of people in the neighbourhood to demonstrate the depth of her grief over the death of her husband.

#### **(3) Sitting on the floor:**

The widow is compelled to sit on the floor by the "Umuada" as a sign of dethronement of the widow who has lost her status and pride by the death of her husband.

#### **(4) Sleeping or sitting next to the corpse**

This practice mandates a widow to sit by her husband's corpse or to lie down on a mat beside the corpse. This is done to

accord the dead respect and to enjoy his company for the last time.

(5) **Oath ritual:**

The widow is subjected to this practice by being forced to drink the water used in bathing the corpse. It serves as a proof of innocence either of the widow killing her husband or hiding his property from the in-laws. The practice of oath taking serves as moral deterrent to other married women in anticipation of their own ordeal.

(6) **Shaving of hair:**

In Igboland, it is a common belief that the beauty of a woman is for her husband only. Her hair is therefore shaved to make the widow feel less complete or less womanly since her duties as a wife are no longer useful. Most widows on their own see it as an outward show of their grief and so majority of widows shave their hairs voluntarily. This shaving is often done leaving cuts in the scalp of the widow because it is roughly done. This contradicts Deuteronomy 14:1 which says: *“Since you are the people of the Lord your God, never cut yourself or shave the hair above your foreheads for the sake of the dead”*.

(7) **Tying up of hands in rags:**

According to Okoye (2001), in Uzo-Uwani LGA in Enugu State, the widow’s hands are tied up in rags in the manner of the boxer’s gloves for three months. During this period, the widow

does not eat with her hands, thus she experiences a period of starvation unless she is fed by another widow. This is to show the widow that she has lost her freedom.

**(8) Forced to take a bath on her husband's grave:**

The widow is forced to take a bath on the husband's grave and to run back naked inside the house as a sign of severing her relationship with her dead husband.

**(9) Stipulated period of mourning:**

In some Igbo communities a widow is expected to compulsorily mourn with a stipulated mourning outfit for six months or one year. This is an outward show of grief. One may wonder whether a widow ever stops mourning her husband except by being forced to do so.

**(10) Dropping of condolence gifts on the ground:**

Monetary presents are dropped on the ground for the widow. She is not expected to stretch out her hands to receive them because she is too unclean to receive gifts from other people's hands. That way she is also forbidden from shaking hands with anybody.

**(11) Widow inheritance (Forceful remarriage):**

This is called (Nkuchi nwanyi) or forceful remarriage of a widow to her husband's younger brother or a close relation. This way the widow is assured that she will not be disinherited of her husband's properties or driven out of her matrimonial home. This

widow inheritance is called levirate arrangement. This arrangement has its own problems. The children of the widow may not like it, and the first wife of the younger brother may feel threatened.

**(12) Wearing of black or white mourning outfit:**

Black is often associated with evil and the widow is expected to wear this outfit first to be noticed as a widow and secondly as someone who has an evil omen. The Christian mothers now insist on wearing white instead of black. Whether it is black or white, there is no difference, since mourning outfits are the same because they have the same interpretation.

**(13) Disinheritance of a widow:**

This is a situation where a widow is not allowed to inherit any property of her husband. Igbo land is mainly a patriarchal society in which a widow is seen as a chattel of her husband and his family. As a chattel, she is incapable of owning or inheriting a property but she qualifies to be inherited herself. The only exception is if the woman has a living male child who can inherit part of his father's property and through him the mother may benefit. It is worse in a matrilineal society where the members of the man's maternal family particularly the man's brothers, sisters and their children dispossess the dead man's biological children of their father's property. This practice contradicts section 36 of the Nigerian Marriage Act which stipulates that:

- a. a widow with children is entitled to one-third of her husband's estate.



- b. where the widow has no child, she is entitled to half of her husband's estate.

The above therefore indicates that on paper, a widow and her children are entitled to inherit from the dead man's estate as sole beneficiaries. In practice this is not the case. The customary law contradicts Section 36 of the Nigerian Marriage Act. Disinheritance of widows is one major problem suffered by widows across board. Nwoga (1989) summarized this by saying that it is "acquisitiveness" that basically controls the treatment of a widow especially in the area of inheritance. The widow is thus dehumanized and humiliated by these religious rituals and other practices.

### **Why the abuse of widows?**

The factors that place widows in position of vulnerability to abuse arise from cultural expectations and assumptions about women's sexuality, which intersect with economic factors. According to Young (2006), these factors place widows in a position of disadvantage, in which their dependence on the support and goodwill of their in-laws is very high. They are thus acutely vulnerable to abuse. These factors however can affect a widow in different degrees.

Young further observed that a widow is usually a woman who has fulfilled all, or many, of the expectations of society. She has married, born children, nurtured and educated them, cared for her husband, and often many of his close kin as well. Yet, a widow is in an anomalous social position; she is feared as a potential danger to social stability, because she is a single adult

woman, whose sexuality is no longer contained within a marital relationship, to be controlled by her husband. Invitation to social events becomes few, because socializing is assumed to be based on the heterosexual couple.

Widows are more vulnerable to ill-treatment because of their comparatively lesser bargaining power in society. The way widows are treated is an expression of the lack of value accorded to women, both by the wider society and also by the two families to whom they have close ties: their natal family and their in-laws. Daughters are often regarded as temporary members of their natal family, and wives are treated as secondary members of their husbands' family. In such situations, the widow is no longer under the direct control of her husband, within the marital family, nor can she return to the status of a daughter in her natal family.

Poverty can also be a reason for negative widowhood practices especially in the area of disinheritance of widows. It has also been observed that even families that are well to do still get involved in the ill-treatment of widows. In that case, poverty will not constitute a reason for such ill-treatment.

Superstition is a major factor. Most behaviours are controlled by people's belief system.

### **Some Empirical Evidence**

Some empirical studies relevant to the study are hereby reviewed.

1) **Oreh, (1998) carried out a baseline survey using two Community Based Associations (CBAs) in Ozu Abam, Arochuku LGA, Abia State.** The first was the Ozu Abam Development Union Home and Abroad Women's Wing and the second was the Ozu

Abam Development Union (OADU) General. Before this study, the General Association was predominantly male while the women's wing was for all the women, widows inclusive. There were two hundred and four (204) widows, eight hundred and six (806) other female members of the women's wing. There were also eight hundred (800) males of the OADU General. The main purpose of the study was to investigate widowhood practices in this matrilineal Igbo community and to ascertain how the two Community-Based Associations responded to these practices.

Findings from the study revealed the following:

1. A widow is confined for eight days after the funeral.
2. The master bedroom is locked when a man dies.
3. Hair is shaved by the Umuada and the widow must go to a stream to wash off her uncleanness.
4. A widow has no inheritance right whatsoever. Her husband's property and farmland are automatically taken over by her husband's brothers, the sisters and their children.
5. There was no decree or statement prohibiting widowhood practices in the constitutions of the community development associations before this study and women wanted it to be enshrined in their constitution.
6. Women were more eager to have these practices stopped than men.
7. The greatest problem identified by widows was the issue of disinheritance.

8. The only practice that the widows wanted to be sustained was 8 days confinement.
9. Other members of the associations, that is, non-widows and males wanted shaving of hair and wearing of mourning outfit to continue. Wearing out mourning outfit is a borrowed culture.  
Disinheritance of a widow is more severe on a widow who is an indigene because a non-indigene wife is regarded as her husband's family member and sister and so is treated more kindly.

2) **Azikiwe (1994) equally conducted a study on Widowhood Practices in Nigeria: Case of Afikpo Community.** Afikpo is another matrilineal community in Ebonyi State. This study was conducted to investigate widowhood practices in Afikpo Community in Ebonyi State. Two hundred and ten widows were surveyed with structured questionnaire and focus group discussion techniques, while data were analysed with percentages. The findings include that some major differences exist in widowhood practices between Afikpo Community and other parts of Igboland. That believers in culture/tradition are the perpetrators of the oppressive practices and widows comply to these inhuman practices to escape their consequences and thus comply with these culture and superstition. Her findings revealed that a widow experienced ten out of the sixteen widowhood practices listed which include:

1. A widow sits and sleeps on a mat on the bare floor for 7 native weeks (28 days).
2. Wails twice, morning and evening, every day for 28 days.

3. Takes no bath until after burial of the corpse.
4. Confined to a room for 28 days.
5. Takes an oath before the village juju if one is suspected to be responsible for the death of her husband.
6. Some form of sacrifices are performed to sever the link with the dead husband.
7. Hair is shaved after burial of husband.
8. A widow is regarded as unclean and untouchable for 28 days.
9. Denied some forms of personal hygiene: taking a bath, using chewing stick, combing hair, washing and changing clothing.
10. Denied much basic comfort such as lying down when 'you feel' like it, eating what you want etc.

Contrary to other Igbo cultures, a widow in Afikpo does not eat with unwashed hands and plates for 28 days, does not mourn for one year, is not forced to shave her hair, nor wear any mourning cloth.

3) **Another study was conducted by Ilika and Ilika (2005) titled "Eliminating Gender-Based Violence: Learning from the Widowhood Practices Eliminating Initiative of a Women Organisation in Ozubulu, Anambra State of Nigeria.** The study reports the activities and outcomes of a Christian Women group initiative to eliminate dehumanizing widowhood practices, a prevalent type of gender-based violence among the Igbos in Eastern Nigeria. Through in-dept interviews, group discussions, participant observations and membership records, information

was elicited on the processes and outcomes of the women group initiative.

The study identified the principal dehumanizing widowhood rites and practices to include the following:

1. Drinking washings from husband's corpse.
2. Crawling over husband's corpse.
3. A widow not having a bath until eight market days (one month).
4. Sitting on bare floor during the period of mourning.
5. Programmed crying aloud to the hearing of the villagers to demonstrate grief.
6. Restriction of the woman's movement to market, church, social events for the one year period of mourning.
7. Loss of right of inheritance, if she has no male child.
8. Compulsory fasting on the day of her husband's burial.
9. Punishment for refusal to shave the widow's hair by the Umuada.
10. Long mourning and restriction period.
11. Wife inheritance or forced marriage by close relatives.
12. Stigmatizing a widow who died within the mourning period and refusing her corpse burial rites.

During the brainstorming sessions, women agreed that these widowhood practices affected their physical and mental health and infringed on their human and reproductive rights. In their conclusive meeting, they resolved as follows:

1. To reduce the mourning period to six months.
2. To reduce confinement to home to one month.

3. Widows should have option of wearing black or white as mourning dress for not more than six months. Widows should not wear necklace, earrings or coloured dress.
4. Laws stipulating not bathing and ritual bathing should be abolished.
5. On no account should widows drink washings from the dead husband's corpse.
6. Widows who die within the customary mourning period should be accorded full burial rights.
7. Christian women of every zone should shave the widow after the burial of her husband not Umuada.
8. Widows should comport themselves and avoid sexual activities that could make them pregnant while mourning their husbands.
9. Zones that go against these recommendations should be penalized.

From the findings of this study, it is evident that widowhood practices are still on in Igbo land particularly in Anambra State. Women organization was used to minimize some of these harmful practices. Other such organizations in other places should emulate them.

4) **On the 14<sup>th</sup> of January, 1998, the wife of the then Military Administrator Barrister Hapsatu Ahman, Chairperson Enugu State Family Support Programme inaugurated the 7-man Enugu State Widows Welfare Committee.** The terms of reference of the committee were to visit the Local Government Areas in Enugu State and to research into the current mourning rites of widows.

Consequent upon that Okoye, Nwadinobi, Okpe, Okosieme, Okonkwo, Ifejika, Nsubuisi, Aneke, Otaluka, Oji, & Emehelu (2001) planned and conducted a survey in the then 12 Local Government Areas of Enugu State. Their survey covered true life testimonies of widows; harmful traditional practices in Enugu State; Social aspects of widowhood practices in Enugu State; Economic Implications of the plight of widows; Widowhood: A Psychological Trauma; findings of a survey on the public opinion on the plight of widows in Enugu State; Reflections on widowhood practices and widows rights, and the legal status of widows in Enugu State; and then conclusion.

The findings of the survey from all the Local Government Areas revealed the following:

- i. Disinheritance, first hair shaving, untouchable, health problems, confinement, mourning period, were found to be operational everywhere. Widows were confined for one year in Awgu, 3 months in Uzo-Uwani and Udenu LGAs and 28 days in other LGAs.
- ii. Ritual cleansing was done in Enugu-East, Uzo-Uwani, Awgu and Aninri LGAs.
- iii. Naked walk was only prevalent in Uzo-Uwani, Igbo-Etiti, and Awgu LGAs.
- iv. Sleeping on the floor was still going on in Uzo-Uwani, and Aninri LGAs.
- v. Sitting on the floor: Igbo-Eze North, Udenu, Ezeagu and Aninri.
- vi. No bathing: Igbo-Eze North, Udenu, Uzo-Uwani and Aninri.
- vii. Routine crying: Udenu, Uzo-Uwani, Awgu and Aninri.
- viii. Fed by others: Uzo-Uwani.



ix. Silence: Enugu-East, Nkanu East and Nkanu West.

**Note** that harmful widowhood practices are still prevalent in Enugu State although with different intensities in different local government areas.

5) **Widowhood Practices In Imo State: Proceedings of the Better Life Programme for Rural Women Workshop (1989).**Contributors in this workshop include Afigbo, Obinna, Njoku, Nwaogugu, Uwa, Nzewi, Nosiri, Nwebo, Nwakanma, Okwuosa.Nzewi, (1989) observed that the widow's ordeal begins immediately the death of her husband is announced. The in-laws demand a list of the man's property, holdings, investments, bank account etc. She is required to take an oath as a proof that she has not concealed any relevant information of her husband's wealth. Such oath-taking, she continued are not all that simple in nature. The oaths are taken as part of the widowhood rituals during which the society's expectations of the widow are spelt out to her. Such sets of expectations usually delineate the actions, the fate and the behaviours that are expected of the widow.

Nzewi's findings among others indicated that compulsory crying and wailing by widows was enforced in Imo State including; imposition of fines by Umuada and Umumboto, striping of the widow.

From the findings of the five empirical studies of the five South-Eastern States, widowhood rituals and practices are still very much prevalent.

## **Why These Practices Have Persisted**

Enforcement of harmful widowhood practices is violence against women. Dehumanizing widowhood rites and practices are prevalent gender-based violence practices extensively perpetrated against widows among the Igbos in South-Eastern Nigeria. Alutu (1995) pointed out that because of the cultural and religious norms, superstition, fear, and traditional resistance to cultural changes, the victims who are women condone such violence and seen to be complacent.

Secondly, women not only condone such violence but also perpetrate and perpetuate them by enforcing traditional laws and customs that infringe on the human and reproductive rights of widows (Ilika and Ilika 2005). From the findings of their study it was discovered that though women are the victims of violence, they are surprisingly also perpetrators and astute enforcers of the practices, as well as those who vehemently oppose any form of change. What a paradox?

Again Alutu (2005) stated further that organized women groups, civil societies and even the churches and religious leaders also seem to lack the courage or initiative to tackle the problems because of anticipated or imagined obstacles, conflicts, recriminations or reprisals often associated with breaking through such age-long and deep rooted cultural structures. The case of widowhood rites is further complicated and shrouded by its association with death, burial, myths and superstitious beliefs.

Women in Igbo land had made efforts to demand their rights in the past. The Aba women riot of 1929 is a typical example of such efforts when Igbo women confronted the British Colonial government in protest against the rumoured plan of per

capita taxation. One therefore, wonders why these women allow themselves to be traumatized, marginalized and violated all in the name of culture. These harmful practices and their persistence are also explained by the woman to demonstrate considerable public grief over the death of her husband. In some cultures though, it is believed that the woman is usually responsible for the death of her husband hence the harmful practices are designed to elicit remorse, impose punishment on the woman as the culprit and also to purify the widow by means of these practices (Genyi and George-Genyi, 2013). This is in support of Okoye (1995) assertion that these practices are rooted in the belief that every death is unnatural and therefore the widow must pass through these rituals to prove her innocence and purify herself and also protect herself from further defilement.

Death stings and strips the widow bare and exposes her to humiliating physical and psychological violence, often in the name of culture, usually by those who should console her and support her in her time of bereavement. Because these practices are carried out as part of culture, anyone who fails to fulfil the requirements of the rituals risks social exclusion and family or personal calamity.

### **Challenges Widows Face**

The loss of a spouse is widely recognized as extremely painful and distressing experience associated with risks and many challenges. After bereavement, there are likely to be accompanying disruptions of widow's social relationships, deteriorating health and physical capacity, as well as declining

financial resources that compound the loss of a spouse. These risks and challenges are articulated hereunder:

**1. Emotional Challenges:**

The emotional symptoms manifested by a widow may include:

- shock
- grief and mourning
- sadness
- sorrow
- anxiety
- denial
- fear
- anger
- guilt
- loneliness
- sleep disturbance (insomnia)
- tiredness
- weight loss
- loss of appetite
- boredom
- hostility
- depression
- restlessness
- frustration
- confusion
- bitterness
- isolation

**2. Physical challenges:**

- cold numbness or faintness
- ringing in the ears
- hunger may be forgotten
- lack of concentration or decreased reaction time
- tears
- high blood pressure
- low blood pressure

- chest pain
- dryness of the mouth
- a lump in the chest or throat
- insomnia (lack of sleep)

One widow summed it up this way:

***I always feel sad... I'm not doing well... Lately I can't join the living... No one needs me... No one seems to care.***

It should be noted that psychiatrists have reported that there is a common thread linking grief, illness and death in new widows. This is because their immune system decreases significantly.

### **3. Sexual Challenges:**

Widows have sexual needs. Sexuality is not just all about the act but the tenderness, warmth, touching, caressing by a husband. As long as a woman is healthy her sexual urges and abilities remain active. Age and physical health are important factors affecting woman's adjustments to widowhood. The older the woman, the less active she becomes sexually contrary to widowers of the same age. Also the older the widows are, the more reluctant they become to accept non-marital sex than men are. Widows also believe that sexual activities should end with menopause and so should suppress whatever sexual urges they may have.

Many widows generally attach more significance to physical appearance than men do, so they are reluctant to expose their aging bodies to sexual relationship. There are men however who think that what a widow needs is sex. They pursue a widow and offer her their sexual services. They think she is anxious and so will be a pushover. Widows should know that there is no way out of sexual immorality without consequences – abortion, STDs, HIV/AIDS etc.

Widows should remember:

- a) Isaiah 58: 8 – *Your maker is your husband, so be faithful to him.*
- b) I Peter 2: 11 – *Abstain from fleshy lusts which war against the soul.*
- c) I Corinthians 6:18 – *Flee from sexual immorality. Every sin that a man commits is outside the body, but he who commits sexual immorality sins against his own body.*
- d) 1 Corinthians 6: 13 – *The body is not for sexual immorality but for the Lord and the Lord for the body.*

#### **4. *Child up-bringing:***

Child up-bringing borders on parenting and this time parenting done by a single parent (widow). Omartain (2001) noted that parenting can be the best of jobs and can also be the most difficult of jobs. It can bring greater joy, it can cause the greatest pain. It can be fulfilling and exhilarating. It can be depleting and exhausting. It can make one feel like a success when all is going well or like a failure when things go wrong.

As a result of changes in life especially after the loss of a spouse, widows sometimes sail smoothly and at other times encounter tempests and tidal waves. Sometimes they feel like giving up and at others that are encouraged. A widow needs God's help to bring up her children God's own way. It is the power of God that penetrates a child's life when the mother prays. The continued permanent absence of the father places on the mother the principal responsibility for the child's socialization especially in the face of bereavement. Unlike the child in the urban community, a child in the rural community has surrogate parents in the form of other adults. Kinfolk contribute to his socialization other than the mother and from her, he/she receives his first experiences of acceptance and love and also frustration and discipline.

The single parent child concentrates on the mother first before interacting with others. Because he lacks father figure, sex-typing and sex identification may be lacking. The child may be less assertive and more dependent on peers. The single parent child is often at cross roads in terms of discipline because some widows are afraid of their child's anticipated misbehavior and tend to be too hard on the child, thus creating friction. Some other widows in contrast may be permissive.

In some cases, the child may feel rejected and develop inferiority complex. This may affect his academic achievement. The child may also be aggressive because anytime others talk about their fathers, he/she becomes angry.

Widows should be guided by the following Scriptures:

- a) Proverbs 22: 6 – *Train up a child the way he should go, when he grows up he will not depart from it.*

- b) Proverbs 23: 13 – *Do not withhold discipline from a child; if you punish him with the rod he will not die.*
- c) Proverbs 29: 15 – *The rod of correction imparts wisdom, but a child let to himself disgraces his mother.*

**5. *In-laws:***

Despite one's mode of marriage in Igboland, it is believed that a woman is not just married to the man but to the family. To a large extent in-laws have influence on the widow at the time of her bereavement. They are the perpetrators of widowhood practices. The widow of the 21<sup>st</sup> century in Igbo land has greater advantage and opportunities of receiving justice than her counterpart a couple of years back. Widows should assert their rights in a most civilized manner.

**6. *Financial Challenges:***

Financial difficulties plague widows and because of the changing times and expectations, the widow is expected to take care of herself without the work experience and the financial knowledge to do so. The reasons are that some deaths occur suddenly while others follow a long illness. Some marriages are short and sweet while others are long and bitter. Some couples had discussed financial matters while others did not. No matter the widow's particular circumstance(s), financial challenges must arise and must be addressed.

Causes of financial challenge abound and may include:

- prolonged and extravagant funerals.
- low income or earning by the widow.



- no income at all.
- fines imposed on the widow by “Umuada”.
- disinheritance of the widow of her husband’s estate by the in-laws.

Widows are advised to begin early to prepare for the rainy days because no rainy days can be worse than the days of widowhood.

### **WIDOWS’ PERSONAL TESTIMONIES**

- a. **Experiences I went through as a widow in Nise, Awka-South LGA in Anambra State**
  - i. Wearing white dresses from the burial day and throughout the period of mourning, and removing them only from 6pm daily.
  - ii. Sitting on foam on the floor and nodding the head without talking or shaking hands or receiving anything from others from the day of burial until 4 days after burial.
  - iii. Forced to shave my hair immediately after burial even when my children insisted that it was against their father’s instruction while he was still alive.
  - iv. Not allowed to touch proceeds from funeral rites (money, food, food items etc).
  - v. Not allowed to eat food cooked for members of the family or others throughout the first 4 days of mourning.
  - vi. If money was needed for my own feeding and I hadn’t, the condolence money must be changed before it could be

used to buy food items or personal effects for my own use during this period.

- vii. I was asked to do the cleansing rites called “Imepu Ajadu” and when I objected to that, they threatened to ostracize me. They (The Umunna) refused to perform the traditional marriage rites of my second daughter until after the mourning period of 6 months. Their reason was that without the “cleansing” no man would come into my house and if any dared, he would die.

**b. What I heard and observed other widows being subjected to:**

- i. Ostracized throughout the period of mourning of one year especially if the widow refused to do the “cleansing rites” – (Imepu Ajadu).
- ii. The “Imepu Ajadu” – This is usually done after the first one month of mourning. This involved getting a dwarf from Nri town in Anambra state who would have sexual intercourse with the widow, after which she goes to the stream and takes a bath. This is usually done in the night and is always kept secret with the widow who is put under oath not to disclose what she went through to anybody, not even her children. Then the next day some celebrations are made with feasting after which the widow is proclaimed free to interact with anybody in the village and beyond. Her kinsmen are then free to liberally have sexual relationship with her and to even have more children or help her raise the children she had with her dead husband.

***Testimony by Prof. Chinwe V. Ukwue***

## ***Some Very Bitter Man-Made Experiences Meted Out To Widows***

### ***(i) Denial of Voice:***

I wish it were false but alas it is true that the heavy burden attendant to a Nigerian or more specifically an Igbo widow has no span! Does the widow have no child, the incidence of the demise of the husband and evil machinations of the kindred falls squarely on the confused widow; does she have children, the plots against the tender growing fatherless aim at their mother like arrows on her ribs. The worst thing is that at meetings where the kindreds will be plotting against the bereaved, culturally, no woman, not to talk of the widow will be allowed to attend. Rarely will the male offsprings of the man be of age to talk even when permitted to be in attendance. In short, the widow is denied a voice. Assembling “umuada” if they be God-fearing unfortunately takes a time lag. Oh thanks to God for escape

### ***(ii) Denial of a Home***

Twenty-nine years after the death of her husband, the writer of this experience with four children (Three boys and a girl) was ousted from the very compound she was married into in a fetish manner! You (the widow) want to send down heavens, burn everywhere and let all die, “Nichodemuses” will steal in to you at night and advise “in love” that you cool off, give way, stay alive and wait for brighter tomorrow! Such is the plight of this testifier – staying outside without a mango tree or coconut tree to shelter her, children and grand children for FOUR YEARS! Isn’t God wonderful!! She has refused to go to the police, army, human right, organization or to the native doctor. Rather she made timely report to her church (Local and Diocesan level). Nothing

tangible seen yet. Entirely then, she is waiting on the miraculous never-failing God.

### **Suggestion**

Let the church employ a vibrant organ to fend for widows – whether born-again or not, according to the injunction in James 1:27.

Yours in the Service,

Happy & Expectant

**Sis Glad Aneke**

### **My Experience as a Widow**

Widowhood is what one does not choose to be but God designed it to be like that, because He is a perfect planner/arranger. I hail from Anambra State and Onitsha North Local Government to be precise. In my town Onitsha the treatment given to widows is not different from the Igbo culture/custom.

A widow is seen generally as somebody that should not be associated with, they are perceived as bad omen, as a husband killer; to them widowhood is infectious and should be avoided by all means. The widow does not say or decide her fate. The experience is devastating no matter your relationship with your husband before death. I really thank God that I was able to pull through the experience which was not palatable at all. It is not what you wish anybody even your worst enemy.

My story started on the 31<sup>st</sup> of January, 2003 when my husband suddenly took ill and died exactly one week later on 7/2/2003 at UNTH Enugu. I thought the world has come to an end but I thank God for my first son who was there for me. After the

clearance and settling of bills at Enugu before the corpse was taken to the morque, my husband's cousin requested for the death certificate but my son refused to give him that. He turned blue and became antagonistic and was ever ready to fight. On arriving at Nsukka on Saturday morning the first call I received was from my husband's other cousin who warned that I should not sign anything if there was need for anything to be signed. It should be taken to the patriarch of the family who didn't know that my husband died. Until the date the burial was fixed no one related to my husband visited. Shortly before the burial I was invited to Onitsha by his relations and I was asked how much he had in his account and unfortunately he had nothing in his account. He was even owing the bank because he took a loan of N400,000 in November 2002 and died in February 2003. They had earlier accused me of killing him and because of the loan he was owing the bank. I wondered why I should kill him. They asked how much the University where my husband had earlier worked was bringing for the burial and warned that whatever I presented to the visitors that they must partake of it. Meanwhile none of them gave me a kobo and were not ready to assist me financially. They never thought of the large family their brother left behind. The immediate younger brother was busy pursuing my husband's benefits because his records at personnel showed that he was the next of kin. My husband forgot to update his records. He was shuttling from Onitsha to Nsukka monitoring when the benefits would be ready. He never visited us even for one day. He made every effort but failed because God of the widows was in absolute control. When he discovered that the benefit has been paid without his knowledge he became furious and decided to seize

the house my husband has in the village. To his greatest surprise I didn't ask him about it and for eleven years he was collecting the rent, he thought I would come fighting, but I ignored him.

My husband's death drew me nearer to God and I became matured overnight. I didn't know a lot of things when he was alive but his death opened my eyes. All those who were visiting, coming to stay with us when he was alive turned their backs on us not even one of them remembered us. One of his relations who thought that I should succumb to his orders got disappointed when he discovered that I was not ready to sleep with him. He went about saying all manner of things about me. I could only reply to what I wanted to answer to because whatever labels they gave to me no longer mattered because God is there for me. In 2005 my first daughter got married and my husband's kinsmen took what would have been given to me as the mother of the bride. I ignored them and when they waited to repeat it in 2008 when my second girl was getting married I stood my ground that it won't be repeated. They called me names but it never mattered to me. In 2013 when one of my sons wanted to marry they insisted that he must bring the girl to their individual homes a task that was almost impossible for him to accomplish, because he refused to take the bride to their homes they refused to accompany him to the bride's family even after pleading with them. God made a name for himself and shamed the devil. They were ready to fight any one who wanted to help the family because to them I did not share my husband's benefit with anyone. They avoid me as one who has a terrible disease. No matter what you do the stigma is there but God promised to give

me a new name by which I will be known and surely He will rewrite my story.

**Anonymous**

**Address: Ettuim Ezza Ohaukwu LGA, Ebonyi State**

**Occupation: Farming**

**Respondent: Ifeanyi Unaede**

**Date: 17<sup>th</sup> February, 2014**

**Statement**

My husband died in the year 2010. When he was still sick and we were in the hospital, his brother went and ransacked our house and took away all his documents. My husband acquired a lot of properties before he died. After his death, Ifeanyi started selling his properties not minding that I had 5 children for their late brother. He sold one land of my husband (personal land) N200,000 and brought only N14,500 and I rejected it. Now he has claimed our entire house and my shop in the market. He entered into his father's house and seized another document and we got information that he has sold the 2<sup>nd</sup> land. He is also in possession of my late husband's Bank account which my 1<sup>st</sup> son is his next of kin. He wanted to use the boy to go and collect the money but I refused.

**Request:** The centre should tell them to hands off my husband's property.

To release all the documents to me and my children.

### **My Ordeal as a Widow**

Widowhood is an awful experience, the worst thing one should wish his or her worst enemy. To lose a life partner, particularly a husband, is usually traumatic. This is because it leaves the woman in a vulnerable situation especially where she had a very intimate relationship with the husband. It is always the woman that is subjected to dehumanizing and degrading treatments by way of customs and traditions.

I was widowed at the age of thirty-nine years after twenty years of marriage. My late husband was the younger of his elder brother from the same mother. My ordeal was that of denial of rights and privileges. The two brothers with us, their wives and children lived in a communally/jointly built house of four-room apartment and a central sitting room in between each of the two rooms. One of my brother-in-law's room was used as the strong room for keeping valuables and the key kept in an agreed place for accessing the strong room in case any of us came home on a visit. There was no distinction as to who had what. The intimacy



was such that whenever we converged at home during festive periods the two brothers were served food together all the time. They remained very close until the demise of my husband to the extent that my brother-in-law was equally traumatized at his death.

One would have expected that at least 50% of my brother-in-law's love for the deceased brother would have been transferred to his wife and children. To my utmost surprise, when I visited home after the burial I discovered that my brother-in-law had locked up the door linking us to the sitting room and restricted us just to the two rooms. Even when I forced the door open, I discovered that the key was no longer kept at the usual place making it impossible for me to gain access to the strong room. Instead, the only thing he brought out for me was just a brand new lantern which he knew that I was the one that bought it.

Prior to his demise, my husband was building a new house in the compound which was at the decking stage. The framework for the kitchen pantry layers was set. This was the time that the rains were returning for the year. I invited a mason who had to complete the work to safeguard the framework from rotting away to avoid incurring additional expenses to re-do it. This was because I had no plans of getting back home soon after the funeral ceremony. Do you know that this act was misconstrued by my brother-in-law who felt that the new building was more important to me than the demise of my husband. He felt that I should have waited for the brother to decay in the grave before thinking about the house. Such unkind thought and misinterpretation denied me a measure of peace and joy. Up till

the time he fell sick, my brother-in-law never visited us. The wife breezed in once from Enugu while in transit to Lejja because she needed me to accompany her to the girl her son was negotiating to marry.

Getting financial assistance from the family and husband's relatives was far fetched. My first son was in second year in the University when my husband died and bringing up five children was not easy at all. My sister-in-law who by her disposition would have assisted in at least training one of the children deliberately did not. To the glory of God the children are graduating irrespective of their non-contribution. In addition to the household woes, the ill-treatment, neglects and abuses from outsiders is something else. A husband, it is said, is the crown of a woman. Since the demise of my husband less recognition is accorded to me, in being invited to occasions and gatherings. In all these and other degrading treatments, God in His infinite mercy still gives us grace to pull through and allow His purpose come through in our lives.

*Anonymous*

## **REFLECTIONS ON INTERVENTIONS**

In view of the preceding discussions so far, reflections on various intervention efforts are imminent.

### **(1) Igbo Customary Law and Widowhood**

Igbo customary law is represented in ethnic groups to dictate to the people the way and manner by which the affairs of the people are to be run. There are various customs as there are ethnic groups with some similarities. Hardly would you find a group of people who conduct their affairs in the same manner except when generic issues are to be considered. It is the same

with the treatment of women who have lost their husbands to the cold hands of death.

There are progressive customs and there are archaic and clearly backward customs that need to be revisited to protect the widow. The thing to note is that these customs are not exactly universal with regards to the Igbo tribe but their fundamental beliefs are the same. Igbo customary law has therefore not done much to help the widows, in fact its applications have affected widows negatively.

## **(2) The Widow and the Nigerian Constitution**

The law as espoused in Section 34 (1) of the Constitution of the Federal Republic of Nigeria, 2011 as amended, clearly states that *“every individual is entitled to respect for the dignity of his person...”* and goes on to say in sub-section (a) that *“no person shall be subjected to torture or to inhuman or degrading treatment”*.

From the foregoing, it is clear that the grundnorm that is the Constitution, which is a set of laws that other laws must bow to, enshrines the fundamental right to dignity for any Nigerian, including widows. It is unlawful therefore for a widow to be treated in an inhuman way that diminishes her person and strips her of her dignity. Therefore, the Nigerian constitution protects the widow.

### **(3) Faith-Based Organisations and Widowhood Practices.**

#### **(i) Anglican Communion and Widowhood in Igboland**

[...]It is worthy of note that the Anglican Church has always been at the forefront of the fight against dehumanization of all kinds of harmful widowhood practices since its advent in Igboland in 1857. For instance in Nsukka diocese a number of mechanisms have been set up to support, defend and protect the widows from various obnoxious and barbaric experiences they are subjected to. The various women organizations such as Mothers' Union, Women's Guild and recently Young Wives Association have provided the women a platform to be empowered to be able to stand the tide of widowhood practices whenever it comes their way.

Recently, the diocese set up a Committee tasked with the responsibility of entertaining complaints from widows who are passing through some bizarre widowhood experiences. They were also charged to investigate same and recommend necessary steps that the Church would take to give the victims succor. Sometimes, legal actions have been taken on behalf of the widows at no cost on them. This committee has long gone into action and it is yielding the expected results. At some point, the diocese had gone as far as re-uniting some widows with the family members of their late husbands and access to the properties of their late husbands restored. It is also worthy of mention that the diocese built houses for some widows to enable them have a home of their own especially in case their late husbands did not build any house while alive.

At Church levels which portend grass root influence, the Anglican Church has clearly engaged in outright opposition to the cruelty against widows. At the instance of any death of a husband, the members of the various women organizations of the Church

arrange themselves in a form of roster to be visiting the bereaved member throughout the delicate period of the mourning. With this development they provide support to the widow and also defense against the perpetrators of the wicked acts.

In 2012, during the Synod of the diocese, it was resolved that a widow is empowered by the Church to mourn her late husband for one month. With this the widow can leave for any economic activity in order to provide for the family. The diocese promised to stand to defend any widow that may be persecuted on account of that. It was also announced that wearing of mourning cloth and cutting of hairs are no longer compulsory but by choice. If a widow wishes to do so, let it be. But if not any attempt to force her into it should be reported to the diocese. The legal department of the diocese has been charged to swing into action if the need arises to protect and support the widows.

The diocese sees it as an aspect of evangelism and they are not leaving any stone unturned. Although their coverage for now is just within the members of the diocese, there is hope that in the future with coalition of other interest groups or organizations, it may be extended towards those outside the diocese.

### **Conclusion**

The widows in Nsukka diocese are not yet completely supported, defended and protected but no doubt, the much the diocese has done is encouraging. There is no doubt that the way it is going, widowhood practices that are inimical, obnoxious, dehumanizing and barbaric will be reduced to the barest minimum if not completely wiped away.

**By Ven. Dr. Collins Ugwu**

**(ii) The Presbyterian Church of Nigeria and Widowhood by the Rev. Dr. Torty O. Onoh, Chaplain, Chapel of Redemption, University of Nigeria, Enugu Campus on May 7, 2014.**

The 169 year old Presbyterian Church of Nigeria, born by the grace of God, through the efforts of the Church of Scotland Mission from Jamaica and the Chiefs of Calabar is a Church with strong Reformed roots of Sola Scripture [the scripture alone], Sola Gracia [Grace alone] and Sola Fidei [ Faith alone] respectively. This important root of the church strongly predisposes it to the total emancipation of all human persons from all forces that impede the effective realization and expression of their full humanity. In order to achieve this divine mandate, the church has established arms and or organizations along demographic lines, one of which is the Women’s Guild.

The Women’s Guild is organized from the congregational level through the Presbyteries and the Synods with elected women leaders from those courts of the Church, under the coordination of the Women’s desk department of the General Assembly, which was established in 1992. According to the pioneer Chairperson of the Women’s desk, Rev. Dr. Nene Amogu, it is established to mobilize women to “discover and develop their full potentials as women and leaders, and to become interested in ministries of justice, peace, and quality of life on behalf of women worldwide”, among others. The Department continues to work tirelessly toward the realization of these worthy goals. Widowhood is one of the front burner issues on the table of the Women’s Desk of the Church. This is confirmed by a former chairperson of the Central working committee of the

Women's Guild, Elder Chief Mrs. Eme Nwankamma- Okoro, a widow herself, who is firmly committed to the total liberation of the widow, as evidenced in her interview response on her obligation to the widow? "I would stand in the position to defend her against the accusations. I would also help her materially so that she doesn't suffer lack. I will also help her to stand on her own, not depending on others".

The Church has always organized and observed an annual week of emphasis on women during which relevant issues have been discussed under the auspices of the Women's Guild. For example, the 2004 edition of the Women's week program prominently featured this topic: "To abuse a woman is to abuse a nation". The following reactions were recorded from women across the nation as "issues of concern" arising from the program: the culture of silence; maintaining marriages in the name of reconciliation while psychological violence goes on; ignorance of the various dimensions of violence; economic disempowerment; cultural expectations of men's role that makes men with inferiority complex to react in violence, among others. The women articulated a policy proposal to the Church from these reactions which was presented and discussed at the General Assembly meeting in August 2004. Highlights of the policy document is a call on the "The church to maintain a biblical standard on issues relating to widowhood, polygamy and domestic violence; Women should partner with the church and resist harmful traditional practices against them; Women should organize interactive sessions with men to find out directly from the women how they think the issue of violence can be tackled (G.A. Reports 107-109). The General Assembly unanimously

adopted the proposal as a Church policy document on August 24, 2004, thereby registering a key milestone in its commitment to women development according to Biblical principles.

Before this landmark decision was taken, the church had made earlier decisions along the same lines as revealed in Minute G A 0640 of the 12th General Assembly of the Presbyterian Church of Nigeria, held in Calabar which stipulates that “No Presbyterian shall be involved in traumatizing widows by way of forcing them drink water used to bathe the corpses of their deceased husbands, or any other traditional ordeals which widows are subjected to” (PCN Policies, 2004: 113). These commendable developments reveal that the Presbyterian Church of Nigeria acknowledges the presence of widows in its membership and the society; acknowledges with concern the precarious challenges of its widows in the society; detests and condemns these precarious challenges of the widow; and is therefore committing both itself and its entire membership to humane and godly treatment of widows. This seems to follow in the tradition of its forebears like Mary Mitchell Slessor who fought hard to abolish the killing of twins and the torturing of their mothers: socio-cultural developments that greatly challenged the ethics of the Gospel at the time.

Furthermore, interviews in the course of this research with many Presbyterian ministers in Igboland appreciably reveal their inspiring efforts at ministering to the needs of widows in their respective congregations. Many pastors spoke of welfare programs that involved presentation of gifts in cash and in kind during annual harvest thanksgiving services, Christmas and New Year seasons, scholarship schemes for their children ; visitation,



counseling and prayers; advocacy; establishment of widows forum in their congregations, among others. Verbatim snippets of these Pastoral responses would be appropriate here:

In my Church we motivate the youths to assist them [Widows] in their domestic and farming work. We take care of them when they are sick and raise funds to assist them. We also have a missions group which also takes care of widows,...in my church, we go out to defend the widow, making sure that she is not robbed of her husband's property, we also organize widows' forum where we pray, counsel and encourage them, scholarships are given to children of widows,'...we have a welfare and poor Fund [scheme] to which members contribute. It is a kind of insurance [scheme] so that at the end of the year, the church would visit and support the widow from the accrued resources in this fund,...as an individual, I think of establishing a trust fund for them in the church,...we organize seminars, and workshops in my church for widows..."

These encouraging responses essentially reveal that many Presbyterian Pastors in Nigeria faithfully appreciate, embody and reflect the Church's concern for the welfare of the widows. In deed, their godly attention and commitment towards widows is clearly evident. Beyond these, however, it also shows that many of them would love to do more, and/or see more than is currently happening in this area of ministry in the Church; further showing their desire for a ministry with widows instead. By ministering with Widows, we essentially mean the provision of ample opportunity for the widow and or widows to harness their God-given talents and resources as human persons in the society to contribute towards addressing their challenges as widows in the

family, church, and society as well as the challenges of other people [non-widows] in the society, accompanied and supported by the family, the church, the government and the society at large respectively. In other words, ministering with widows' means giving Widows, the voice and space to harness and express their God-given resources in addressing their own challenges as well as those of other people in the family, church and society with the support and presence of these persons and groups. The Rev. Dr. Benebo Fubara-Manuel, a former Principal Clerk of the General Assembly of the Presbyterian Church of Nigeria aptly captures the mood in this poser: "how can we be benefited by the spirituality of widows, what do they [widows] have to offer spiritually to the church? In other words, if we are ministering with widows, then it is not just what the Church can do for them, it should really be, what can the church do [together] with them or what can they do for the Church? He responds to the same questions by suggesting as follows: "One of the things I think widows can do would be to spend some time [the time they now have as older widows] to discuss with the younger women some of their experiences as older women in life, thereby serving as [their] counselors.

They can also be counselors of youths generally...advising them on how to properly conduct themselves in [pre-marital] relationships. Beyond that, because many widows do not have the burden of husbands, widows become very powerful vehicles for evangelism, they become more available because they have more time, particularly, the older widows..." His views above do not only depict the Church's intention to minister with widows, but further shows three major areas of ministry the widows can be effectively involved in the Church's life: counseling, mentoring

and evangelism. This creates the need for the organization of the widows in the church into a corporate body, as already suggested by other ministers above. The existence of several parish groups of widows under a “forum” is therefore a step in the right direction, as these issues can be further analyzed and articulated by the widows themselves.

In recent times, the General Assembly of the Presbyterian Church of Nigeria [its highest ruling court] has continued to show its commitment to addressing the challenges of widowhood in its membership by resolving among others that 1. The Ministers Wives Fellowship should immediately incorporate an NGO for Widows in the Church. 2. Church Courts should set apart a regular part of their income for the support of widows within its bounds respectively. It can be deduced from the foregoing that in spite of the patriarchal environment in which the Presbyterian Church operates in Nigeria, it is struggling to embody and reflect Christ’s principles of equal and fair treatment of women and widows along with their male counterparts. Nevertheless, the Church has a lot of job in its hands, the hope however lies in the further development and implementation of some of the key structural steps it has taken, as outlined and discussed above.

### **Igbo Cultural Widowhood Practices: The Contributions of the Presbyterian Church of Nigeria to Widows by The Reverend David Ama Kalu**

#### **1. Identification:**

The church through the various congregations and Parishes identifies with the widows and their challenges. This she does

through a widow's ministry in most Parishes which is carefully organized to give the fellowship a sense of belonging attention to the plight of the widows.

**2. Welfare:**

There are some scholarship schemes for the widows and/or their children but this welfare scheme is hindered by lack of funds facing the church. The ministers' wives fellowship recently mobilized gift items and donations and organized foundation for the widows. Other welfare packages include Christmas, Easter and Mothering Sunday gifts.

**3. Preaching and Prayers:**

The gospel has remained the weapon of defense which the church has continued to use against the obnoxious practices against widows in Igbo land. Exodus 22:22 says, "*Ye shall not afflict any widow, or fatherless child*". The Presbyterian church of Nigeria believes and preaches equality and liberty of all persons before God.

**4. Seminar/Workshops/Teachings:**

The church sponsors programmes through the Presbyterian Development Services to promote women liberation from social influences that have limited their status. During the just concluded 2014 Medical Week, the topic of the sermon on that Sunday was: "Women should be treated equally with men". So the church emphasizes gender rights, fairness and justice.

**5. Counseling Services:**

Through counseling, widows receive attention that offers them both spiritual and legal guidance that could be of great help to them, especially to those who may have been socially abandoned, neglected and frustrated by in-laws and members of the community.

#### **6. PeaceTalks:**

As part of the contributions to defend widows, the Presbyterian Church often engages in peace talks with families of widows affected by certain obnoxious practices and such moves have often resulted to conflict resolution.

To support, defend, assist, protect and help widows is a noble cause and a worthy “fight” with great physical and eternal rewards. The Presbyterian Church as an agent of peace and social transformation is concerned with the peace, joy, comfort and stability of homes. Furthermore, the objective of the church is to use her spiritual authority to defend the widows in the spiritual realm and use the riches of Christ to support them physically and materially.

#### **(iii) *The Living Faith Church (a.k.a Winners Chapel) and Widowhood***

The Living Faith Church has no clearly defined mandate for widows but nevertheless, the church cares for the widows extensively. This church has three categories of widows in accordance with the Scriptures and these include:

- (a) the young widows who are not up to 60 years old who are encouraged to remarry if they want;

- (b) those who are up to 60 years but are wealthy and can take care of themselves and their children;
- (c) those who are up to 60 years but are indigent.

**Welfare packages:**

1. Financial support to the member to off-set her husband's medical bills during the time such is hospitalized.
2. In the event of the death of the man, a partial scholarship scheme is provided for the children.
3. The last Sunday of every month is usually observed as thanksgiving and dedication day of offering. Most of the items brought by members of the congregation are given to widows.
4. After the normal church offering in every second Sunday of the month welfare offering is collected for widows' welfare.
5. The Samaritan Day is also a day set aside by the church for members to bring gift items and money for the widows. It was however suggested that the church as a whole needs to be more proactive because the more we are, the less powerful the perpetrators would become.

**(iv) *The Roman Catholic Church and Widowhood Practices in Igbo Land***

The formation of Widows' Association in every Parish/Diocese. The Immaculate Heart Sisters Widows' Apostolate is doing a lot to help combat the dehumanizing treatment meted out to widows in our society. St. Rita's Widows' Association in particular has created awareness of the needs of the widows and given them a

sense of belonging and awareness to their human rights. It gives privilege to the widows to come together, discuss their problems and see how to solve them, sometimes by reporting to the Priests. However the attention paid to the widows by the church varies according to Diocese, Parishes, and Priests involved.

The Catholic Church frowns at any custom/practices that infringe on the Human rights of widows. The church has taken the towns/villages to court to defend the rights of their members/widows. In Awka Diocese for example, the church has gone the extra mile of fighting the practice of widows not seeing the corpses of their husbands, not actively participating in their burial, like throwing sand into the grave, etc. The church fought this battle and won against the villages in Awka where this is practiced.

Another instance is that at Nanka, where Charismatics staged a solidarity march in support of widows who are being denied their rights. During this march, a lady called Austica, and another charismatic were shot by the villagers during the burial. However, the church stood beside the widow in participating in her husband's burial and thereafter erected a secondary school in honour of those who lost their lives for upholding of widows' rights. The Catholic Church has banished the wearing of black by widows for mourning. The widows can wear white. Also the shaving of the hair is not compulsory. The church does not want widows to be compelled to do this, unless the widows want to on their own accord or the family chooses to. This is also the case with the period of mourning (depending on the widow or the family). The Church is also trying to cut down on some unnecessary expenses made towards burial since such expenses

will be to the financial detriment of the widow and family after the burial.

**(4) GOVERNMENT INTERVENTIONS**

**a) Federal House of Representatives and House of Senate**

At the House of Representatives, so far there is no law enacted on widows. The bill has failed to scale through second reading but may be represented in future. Then at Senate, as at the time of compiling this report, no law has been enacted at the Upper House as well.

**b) The State Houses of Assembly**

**(i) Abia State**

Since the inception of democratic dispensation in Abia State House of Assembly, a bill on the prohibition on infringement of widow's fundamental rights has been presented twice to the house but has failed to scale through on each occasion. My findings revealed that the bill did not scale through because of the dual lineage system (matriliny and patriliney) that exist in Abia State. Though the First Lady has some widow's packages from time to time, it is hoped that after this lecture, Abia State will take a cue from other South Eastern States.

**(ii) Anambra State House of Assembly**

The law was enacted by the Anambra State House of Assembly. This law may be cited as the malpractices against widows and widowers (prohibition) Law, 2005 and shall come into force on the 17<sup>th</sup> day of February, 2005. Any person who discriminates, contravenes or conspires with, aids, counsels,



procures or assists another person to contravene the provision of Section 4 of this Law commits an offence and shall be liable on conviction to a fine not exceeding N20,000.00 (Twenty Thousand Naira) or to jail term not exceeding six months imprisonment or to both such fine and imprisonment. **(See Appendix I for details).**

(iii) **Ebonyi State**

The laws of Ebonyi State of Nigeria, 2009 in force on the 23<sup>rd</sup> Day of October, 2009 Volume One (i) Cap 1 – Cap 33 has Chapter 2 of it titled “Abolition of Harmful Traditional Practices Against Women and Children in Ebonyi State”. Sub-Section iii states that “Harmful Traditional Practice” means any traditional or customary practice that is harmful to a widow, including any practice which requires the confiscation of her husband’s property. It is a sub-set of Ebonyi Law for Women and Children.

Any person who abets the commission of an offence has actually committed and shall be deemed guilty of an offence under this law. Such a person shall be liable upon conviction to a fine not exceeding *Two thousand Naira* or to imprisonment for a term not exceeding five years. **(See Appendix 2 for details).**

(iv) **Enugu State**

Prohibition of Infringement on Widows and Widower’s fundamental Rights Law Cap. 124 (PP 3665), “A Law to make it unlawful to infringe on the fundamental rights of widows and widowers and for other related matters was passed in Enugu State on the 8<sup>th</sup> of March, 2001. Anyone who contravenes or conspires, aids, counsels, procures or assists another person to contravene the provisions of sections 4 or 5 of this Law shall be

guilty of an offence and liable on conviction to a fine of five hundred naira or imprisonment for two years. **(See Appendix 2 for details).**

(v) **Imo State**

Imo state of Nigeria, 2003 Law No 12. A Law to prohibit obnoxious customary practices against widows and for other matters connected thereto. This law may be cited as widows (Protection) Law, 2003. Anyone who contravenes this law shall be guilty of an offence and shall on conviction be liable to a fine of N10,000 or imprisonment for six months or to both such fine and imprisonment. **(See Appendix 4 for details).**

**Table 1: Interventions by State Houses of Assembly**

<b>State</b>	<b>Date of State Creation</b>	<b>Date Law was Passed</b>	<b>Law Number</b>	<b>Prescribed punishment for offenders</b>
Abia	Aug. 27, 1991	Not yet passed	None	None
Anambra	Aug. 27, 1991 (New Anambra)	Feb. 17, 2005	Law No. 2005	Fine not exceeding N20,000 or a jail term not exceeding six months or both.
Ebonyi	Oct. 1996	Oct. 23, 2009	Vol. 1, Cap. 2 Sub-Sect (iii)	Fine not exceeding N2,000 or imprisonment not exceeding five years.
Enugu	Aug. 27, 1991	Mar. 8,	Cap. 124	Fine of five

		2001	Vol. 15, PP 3665 – 3667	thousand naira or imprisonment for two years.
Imo	Feb. 3, 1976	2003	Law No. 12	Fine of N10,000 or imprisonment for six months or to both such fine and imprisonment.

(vi) **First Widowhood Summit in Nigeria**

The wives of the Governors of South-South and South-East Geo-political zones of Nigeria have made significant impact towards alleviating the suffering of widows. The First Lady of Cross River State Mrs. Obioma Liyel Imoke initiated this First Widowhood Summit in Nigeria which held in June, 2013. This summit was themed “Louder Please: A Call for Increased Advocacy and Intervention on Widows Rights in Nigeria”. The summit was hosted by the First Lady of Akwa Ibom State, Mrs. Ekaette Akpabio. This move is quite commendable.

(5) **THE JUDICIARY (EXCERPTS OF THE SUPREME COURT OF NIGERIA JUDGMENTS)**

The Judiciary is the third arm of Government in Nigeria, with the Supreme Court as the Apex Court. Two cases discussed below clearly depict the position of the Apex Court on the Cultural

infringements of women/widows' fundamental human right in Nigeria and Igbo land in particular.

### **Case One**

***Mojekwu v Mojekwu (1997) 7 N.W.L.R. PART 512 P. 283 (Nigeria, Court of Appeal)***

### **Summary of Facts**

The appellant, Mr. Augustine Mojekwu, relying on the *Ili-Ekpe* custom of some parts of South-East Nigeria, had instituted action against the respondent, Mrs. Caroline Mojekwu, claiming that he was entitled to inherit her deceased husband's property. The basis for this claim was that the deceased, his paternal uncle, was survived by the respondent and two daughters. Being all women, they were excluded from inheriting property under the *Ili-Ekpe* customary laws applying to the deceased.

The appellant's Counsel argued that the *Ili-Ekpe* custom allowed the deceased's closest male relative inheritance if he had no son.

The closest male relative would have been the appellant's father, who was also the deceased's brother. However, the appellant's father was dead and the appellant had become his heir. As a result, the appellant claimed ownership of the deceased's house situated in the town of Onitsha, which the deceased had built on the land he had acquired from the Mgbelekeke family of Onitsha.

The respondent claimed that her son, Patrick, who had predeceased his father, had fathered an infant son who should inherit the property. Disputing this fact, the appellant claimed that Patrick had died without a son.

### **Summary of the Court of Appeal's discussion**

Based on the facts and evidence adduced, the Court of Appeal found that the *Kola Tenancy* (***Kola Tenancy land tenure system effectively meant that a single premium was paid for permanent occupation. It is a Europeanized variation of the Onitsha version of pre-colonial Igbo land tenure rites which enable tenants to gain variable term use rights in a piece of land while the grantors retain their spiritual relationship with the Mother Earth Spirit of the space***) governed the devolution of the house. As a result, despite the disputed fact whether Patrick had a son at the time of his death-recognizing the Kola Tenancy as the applicable customary law rendered the absence of a male heir irrelevant since it allowed the respondent's daughters to inherit their father's property.

Furthermore, the Court determined the *Ili-ekpe* custom to be repugnant and applied the Repugnancy Doctrine. This doctrine prescribes that the courts shall not enforce any custom as law if it is contrary to public policy or repugnant to natural justice, equity and good conscience. The Court also pronounced the custom contrary to human rights guarantees in the Nigerian Constitution and in the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), which prohibit discrimination on the ground of sex.

### **Comment**

This Court of Appeal's pronouncement/decision represents a turning point in Nigerian jurisprudence, as the judiciary scrutinized the customary laws of inheritance through a human rights lens. As a result, the case has been cited severally by women's human rights activists and proponents. However, this pronouncement also formed the basis for the criticism made by the Supreme Court when the case was appealed to it.

### **Appeal of *Mojekwu v Mojekwu* to the Supreme Court of Nigeria: *Mojekwu v Iwuchukwu* [2004] 4. S.C. (Pt.II). 1. (Nigeria, Supreme Court)**

The case was further appealed to the Nigerian Supreme Court. The names of the parties to the case changed because, when the

decision was delivered in 2004, Caroline Mojekwu, the original party to the case, had died. As a result, her daughter, Mrs. Iwuchukwu, was substituted as a party to the case.

### **Judgment at the Supreme Court**

Faced with the same facts and legal issue, the Supreme Court argued that the rules of procedure precluded the Court of Appeal from determining whether *Ili-ekpe* was repugnant since neither of the parties to the case brought the validity of the custom as a legal issue before the court. The Supreme Court, led by Justice S.O. Uwaifo, criticized the Court of Appeal pronouncement as follows:

*“I cannot see any justification for the court below to pronounce that the Nnewi native custom of ‘ili-ekpe’ was repugnant to natural justice, equity and good conscience... the learned justice of appeal was no doubt concerned about the perceived discrimination directed against women by the said Nnewi ‘ili-ekpe’ custom and that is quite understandable. But the language used made the pronouncement so general and far-reaching that it seems to cavil at, and is capable of causing strong feelings against, all customs which fail to recognize a role for women. For instance the custom and traditions of some communities which do not permit women to be natural rulers or family heads. The import is that those communities stand to be condemned without a hearing for such fundamental custom and tradition they practice by the system by which they run their native communities.*”

### **Judgment at the Supreme Court**

However, the Supreme Court upheld the Court of Appeal's judgment since, in their view, it did not result in a miscarriage of justice, as the *kola tenancy* was indeed the applicable law, and thus the respondent and her family were rightfully held to be the owners of the property in issue.

### **Conclusion**

The Court of Appeal erred in holding that the *Ili-ekpe* custom is repugnant to natural justice. However, the Respondent and her family were entitled to the property under the *Kola tenancy*.

### **Commentary**

To the extent that the Supreme Court did not overrule the decision of the Court of Appeal, the *Mojekwu v Mojekwu* decision remains very important and valid case law. Widows who are excluded from inheriting their deceased husband's property solely because they are women can ask the courts to determine whether their human right to be free from discrimination on the ground of sex is violated as a result....



**Case Two**

**IN THE SUPREME COURT OF NIGERIA  
HOLDEN AT ABUJA  
ON FRIDAY, THE 11<sup>TH</sup> DAY OF APRIL, 2014  
BEFORE THEIR LORDSHIPS**

IBRAHIM TANKO MUHAMMAD

JUSTICE, SUPREME COURT

MUHAMMAD SAIFULLAH MUNTAKA-COOMASIE

JUSTICE, SUPREME COURT

NWALI SYLVESTER NGWUTA

JUSTICE, SUPREME COURT

OLUKAYODE ARIWOOLA

JUSTICE, SUPREME COURT

CLARA BATA OGUNBIYI  
JUSTICE, SUPREME COURT

**SC. 129/2013**

**BETWEEN:**

1. ONYIBOR ANEKWE
2. CHINWEZE .....  
APPELLANTS

AND:

MRS. MARIA NWEKE ....  
RESPONDENT

**JUDGMENT**

(Delivered by **CLARIA BATA OGUNBIYI, JSC**)

In the Court of Appeal decision delivered on Thursday, the 14<sup>th</sup> Day of February, 2003 unreported (CA/E/311/2009) between the above persons.

It was an appeal against the judgment of the High Court of Anambra State sitting at Ogidi delivered on 13/3/2008 in suit No A/63/91 and filed at Mbailinofu District of Anambra State Customary Court but subsequently transferred to the High Court upon the order made on 19/2/91 by Awka Division of Anambra State High Court.

The Plaintiff claimed the following against the Defendants jointly and severally as follows:

- (a) A declaration that the plaintiff is the person entitled to statutory right of Occupancy of piece or parcel of land which is

situate at Amikwo village Awka and verged Red in her plan No. TLD/ANO 1/92 and filed with this statement of claim.

(b) An injunction restraining the Defendants, their servants, and agents from further trespass on the said piece or parcel of land.

(c) An order of court compelling the 2<sup>nd</sup> Defendant to remove part of his building constructed into the plaintiff's land.

(d) And order of court compelling the Defendants to share the Nwogbo Okonkwo Eli family lands averred in paragraph 16 of this Statement of claim.

IN THE ALTERNATIVE, an account of the proceeds of the sale of the family lands and payment to the plaintiff what is due to her.

N500.00 (Five Hundred Naira) General damages for Trespass.

The Appellant (Onyibor Anekwe) had three witnesses while the Respondent had called two other witnesses. The learned trial judge granted the declaration and injunction sought by the Plaintiff and dismissed the defendants' counterclaim.

Dissatisfied with the judgment, the defendants (now called appellants) filed Notice of Appeal on 5/5/08. It was contended that the issue of disinheritance is germane to the case and the findings of the court is proper though it has no effect on the final order of the court and as such should not have been a subject of an appeal, citing *ARULEGA V. BSCSC (2002) FWLR (PT.123) 255*.

The appellant submitted that the trial judge did not properly evaluate the evidence and failed to make proper findings. It was also contended that the learned trial judge failed

to consider evidence of some of the witnesses but merely stated that the evidence should be taken with a pinch of salt.

The defendants stated that under the Awka native law and custom, a married woman without a male issue cannot contest title of this (sic) late husband with the male member(s) of her late husband's family. Moreso, when the defendant's father inherited the present land in dispute and had before this time even further asserted ownership by planting economic trees thereon, to wit, coconut, banana, pears, oranges, avocado etc.

The defendants pleaded the custom of Awka people that the first son of a man inherits his "Ngwulu compound". The issue was resolved against the appellants and the Appeal was dismissed. Dissatisfied, the Appellants appealed to the Apex court of the land.

In The Supreme Court decision delivered On Friday, 11<sup>th</sup> day of April, 2014 unreported (SC/129/2013) between **ONYIBOR ANIEKWE & Anor. V. MRS. MARIA NWEKE**

Stemming from the above Court of Appeal decision the Appellants filed this appeal against the decision of the Court of Appeal.

The Respondents claim on the one hand is in respect of a piece or parcel of land at Amikwo village, Awka. On the other hand however, the Appellants as defendants counter claimed in respect of the same piece or parcel of land subject matter of this suit.

The Apex Court put the matter to rest succinctly when it held thus;

*“...the custom and practices of Awka people upon which the appellants have relied for their counter claim is hereby out rightly condemned in very strong terms. In other words, a custom of this nature in the 21<sup>st</sup> Century societal setting will only tend to depict the absence of the realities of human civilization. It is punitive, uncivilized and only intended to protect the selfish preparation of male dominance which is aimed at suppressing the right of the womenfolk in the given society. One would expect that the days of such obvious differential discrimination are over. Any culture that disinherits a daughter from her father’s estate or wife from her husband’s property by reason of God instituted gender differential should be punitively and decisively dealt with. The punishment should serve as a deterrent measure and ought to be meted out against the perpetrators of the culture and custom. For a widow of a man to be thrown out of her matrimonial home, where she had lived all her life with her late husband and children, by her late husband’s brothers on the ground that she had no male child, is indeed very barbaric, worrying and flesh skinning.*

*It is indeed much more disturbing especially where the counsel representing such perpetrating clients, though learned, appears comfortable in identifying, endorsing and also approving of such a demeaning custom.*

*In a similar circumstance as the case consideration, this court in Nzekwu v Nzekwu (1989) 3SCNJ page 167 held amongst others and ruled “that the plaintiff had the right of possession of her late husband’s property and no member of her husband’s family has the right to dispose of it otherwise whilst one is still alive”.*

*The impropriety of such a custom which militates against women particularly, widows, who are denied their inheritance, deserves to*

*be condemned as being repugnant to natural justice, equity and good conscience. The repulsive nature of the challenged custom is heightened further in the case at hand where the widow of the deceased is sought to be deprived of her very building where her late husband was buried. The condemnation of the appellants act is in the circumstance without any hesitation or apology.*

*The clarion call made by the appellants and asking that the lower courts judgment be upset cannot be acceded to. Consequently, the appellants two issues raised in this appeal are both resolved against them.*

Thus, the issue of whether a widow can inherit from her late husband's property has been effectively determined. Whether she has a male issue or not she is completely entitled to inherit his property. The Custom has been declared repugnant to natural justice, equity and good conscience and thus from the above decision, any custom which will treat a widow unfairly and subject her to inhuman practices has been decisively determined to be repugnant.

Any previous authority contrary to the above, is no longer good law as the Supreme Court decision has laid it all to rest and has even clarified the position of **MOJEKWU v IWUCHUKWU** cited above.

On the question of costs I will award a punitive sumo f N200,000.00k against the appellants and in favour of the respondent. Appeal is dismissed with costs of N200,000.00k in favour of the respondent.

Thank you.

Signed:

**CLARA BATA OGUNBIYI  
JUSTICE, SUPREME COURT**

**(6) INTERVENTIONS AT THE INTERNATIONAL LEVELS**

- i) Widows Rights International (WRI) currently chaired by Kate Young at 1 – 3 Beny Street, London EC1V 0AA, UK. This organization grew out of the work of Margaret Owen, a British advocate of the rights of widows internationally, since 2001. Website: [www.widowsrights.org](http://www.widowsrights.org)  
WRI supports locally-based women’s and widow’s groups in India, Afghanistan and sub-Saharan Africa.
- ii) Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) Article 16. (*See pp 8 & 9*).
- iii) Beijing Platform for Action – was the Fourth World Conference on Women held in the 15<sup>th</sup> of September, 1995. The Beijing Declaration and Platform for Action (BPFA) is an international declaration of women’s rights and empowerment.
- iv) Windows for Widows – founded by Heather Ibrahim – Leathers after the death of his grandmother whose life was rife with challenges simply because she was a widow. The organization attempts to break the vicious cycle of poverty by investing in and empowering widows and other women who are heads of households, by creating economic opportunity for them. This organization provides skills-based training programmes and enrolls widows in workforce employment programmes. Widows with

business acumen progress into a micro-finance programme to further promote their business. The goal of the organization is to ensure that widows achieve financial stability, self-sufficiency and self-accountability. It is based in Egypt. [www.linkedin.com.../windows for widows](http://www.linkedin.com.../windows_for_widows)

- v) American Widow Project – Non – profit organization providing peer to peer support to military widows grieving of the loss of their husbands. <http://americanwidowproject.org>

## **HARMFUL WIDOWHOOD PRACTICES AND COMMUNITY DEVELOPMENT**

June 23<sup>rd</sup> of every year is the International Widow's Day, a day set aside by the United Nations General Assembly for widows. The declaration calls on member states and other international organizations to end all negative practices associated with widowhood. I believe that the issue of widowhood has become a major concern for the United Nations because of the realization of its consequences on the widow, her children and the community at large. If we accept Anyanwu (1992) definition of Community Development as bringing about improvements in the life of people through changes in the conditions of their community,



then one can rightly assert that development is not within reach if these practices are left to thrive in Igboland.

Women and girls comprise more than 70 percent of the world's 1.4 billion poor people, (CARE, 2010). When they are empowered to play active roles in society, women and girls improve the education, health and earning power of their families and communities. In many places they face discrimination and violence that entraps them in poverty along with their families and communities.

### **Poverty**

One major effect of widowhood is poverty. According to Genyi and George-Genyi (2013) many Nigerian widows are pauperized by widowhood practices. These practices drastically reduce the economic status of widows upon the death of their husband.

United Nations (2011), stated that poverty is beyond income and it includes well being or good life in a multidimensional sense that comprises both material and psychological components. Well being on the other hand encompasses peace of mind, good health and safety, freedom of choice and action and being able to associate in a community. Well being means also a dependable livelihood and a steady source of income. All these can by no means contribute to community development when they are lacking.

**Physical and Psychological traumas:** Widowhood practices cause physical and psychological traumas on the widows. If the widows are denied autonomy and means to live productive and creative

lives, they are also denied the opportunity to social and economic development of themselves, their families and their communities.

**Violence:** Widowhood practices amount to violence against women. Violence against women by Article (j) of the protocol to the African charter on human and people's rights, on the rights of women in Africa, accounts for all acts perpetrated against women which cause or could cause them physical, sexual, psychological and economic harm, including the threat to take arbitrary restrictions on or deprivation of fundamental freedoms in private or public life in peace time and during situations of armed conflicts or of war.

When violence is directed against a woman because she is a woman or where such violence affects women "disproportionately" this has been described by the Convention on Elimination of forms of Discrimination Against Women (CEDAW) General Recommendation No. 19 (a) as gender-based violence. This violence also includes acts that inflict physical, mental or sexual harm or suffering threats of such acts, coercion and other deprivations of liberty. Harmful widowhood practices come under these and hinder community development.

**Decision making in the home:** The role women play in community development can be very crucial to the health of a society. Women make many decisions that determine a household's participation in the community including healthcare, educational, and cultural decisions. Women often decide where the family will shop, what the family menu will be, the schools and activities the children will attend, and the extent to which the family will

participate in community events. A traumatized widow can hardly do these effectively thereby, stalling community development. Women if given the opportunity as members of community development associations can use the knowledge from their homes to make significant contributions to community development. As a single parent struggling to survive with her children, the widow is usually preoccupied with her challenges and thus may not function effectively as an agent of community development.

**Information:** Women can process information, set priorities right and plan any programme effectively. These qualities may be highly beneficial to community development because women consider community development as a holistic process to improve the society for everyone. An isolated widow seen as a bad omen may never be well disposed towards community development.

**Team spirit:** Research findings have revealed that many women work better as collaborators and teammates, making them ideal members of community organizations where decisions must be made together. A widow who is seen as unclean, a suspect with an infectious omen may never be easily accepted as a team member in community development activities.

**Underutilization of widows' resources:** In some regions where gender inequality exists, women are needed in issues of women's education, rape and domestic violence prevention. A widow who herself is violated may find it very difficult to help others. These

situations make women (widows) the most underutilized resources in community development.

**Capacity building:** Communities do better when they tap into women's unique abilities for building capacity and resilience. For community development plans to be successful, it must be inclusive because women (widows) bring valuable assets to the table that should be utilized.

**Women in agriculture:** In the agricultural sector, women play significant roles in food production and poverty eradication. When the custom forbids a woman the inheritance of land and when a widow is disinherited completely, the community will be affected adversely. Empowering widows is crucial for ending hunger and poverty. When widows are denied, their children and the society are denied a better future. Women (widows) should be viewed as agents of change and advocates of success.

**Food Producer/Distribution:** Women in the community are not only food producers but also food distributors at the household level. These two-fold assignments of women continue to be constrained when they are denied access to land and other properties of their departed spouses. To effectively tackle hunger, widows disinheritance needs to be addressed

**Dependency:** Disinheritance of a widow makes it impossible for her to achieve her goal in life. Without inheritance right, a widow is automatically dependent on the seasonal charity of husband's friends and the church. Widowhood practices deprive a widow of her home, farmland and other assets. In Igbo land financial

assistance may flow in torrent from friends and relatives soon after the husband's funeral. This gesture declines slowly and completely dries off after a few months or a year leaving a widow to face her challenges for the rest of her life.

Widowhood practices generate violent conflicts, hatred, intimidation and setbacks. Thus widow and her children can live the rest of their lives with deep-rooted resentment which hinder community development in many ways.

**Withdrawal of children from school:** Enforcement of harmful widowhood practices can lead to the withdrawal of children from school, thus forcing them to engage in child labour, hawking, begging and sex work. These children are therefore denied the opportunities of contributing positively and significantly towards the development of their various communities.

**Threat to children's lives:** Widowhood practices can cause the widows to feel the heartbreak of losing their young children to death due to their inability to earn an independent living. Their daughters, if they survive, may be forced into early marriage, thus stalling their prospects in life. Decline in family income implies the family having less of what they used to have.

**Effects on children's discipline:** Lack of masculine influence can affect the children's discipline and morality, thus making them nuisance in the community. The child's social environment is less enriched and Saba (1997) pointed out that this could lead to lower self-esteem, economic insecurity and feeling of inadequacy in the children which are indicators of underdevelopment. Oreh

(2005) advised that even though the absence of a male figure in the home can affect the boys' identification with the male role, the widow must remember that she can only be the best mother and never mother and father. She can just be a model mother to the children and leave the rest to God.

**Reduced social status:** For a woman, marriage to a large extent is perceived as a symbol of success, but in the event of the death of a husband, the widow is moved from the category of success to loss. Stillion (1998) pointed out that with the death of a husband, the social status of the widow is largely reduced and this will result to loss of self-esteem. No one who has lost her self-esteem can contribute meaningfully to community development.

Many widows who may have wished to play decisive roles in community development are denied this possibility by the continuing abuse and dispossession which deprive them and their children care and protection and they deprive the society of the contributions widows would have made.

**Emergence of negative emotions:** Women generally have greater potentials for community development but with their forced declining economic and social/psychological conditions, three major negative emotions emerge and they include; heightened anger, resentment and guilt. These three emotions are anti community development.

Most Nigerian women particularly Igbo women, are known to be engaged in the informal sector as well as agriculture. The number of women entering the formal sector is also increasing because women are now found virtually in every profession. If

development in Nigeria and in every community must be further enhanced, Akani (2006) stressed that it is expedient that any traditional or cultural practice that inhibits the full participation of women in development process must be removed. All legal, political and cultural constraints that tend to impede women's access to higher productivity sector must be checked and removed to ensure adequate and proper exploitation of their potentials for national and community development. Since education is the bedrock of community development to allow the harmful widowhood practices to persist amidst an educated populace is a manifestation of illiteracy of some sort.

### **Recommendations:**

To end the abuse of widows the commitment and determination of everyone is required.

1. Our fathers and husbands should endeavour to write wills that state clearly how their properties should be shared in the event of death.
2. Joint ownership of properties is best for couples as letters of administration will not be required of one partner to claim the estates if the other partner dies.
3. Married men who still have their fathers, brothers and uncles as their next of kin should revisit and update such in view of what widows go through after the death of their husbands.

4. Women need to be sensitized more to stop being the victims, perpetrators and hindrances to change. Oreh (2006) pointed out that Christian mothers are stewards that should enrich the lives of others (widows).
5. The church should speak with one voice and come up with uniform policies against the infringement on widows' rights. The Christian Council of Nigerian (CCN) as well as the Christian Association of Nigeria (CAN) should rule that their members be left out of these practices. In fact they should fight for all the women both Christians and non-Christians. By so doing, they may even win more souls.
6. Confrontation will fail us but lobbying and advocacy can subtly change the minds of all the stakeholders.
7. To ensure that knowledge of the law grows, selection committees of village leaders, local chiefs and clan heads should consider seriously the educated ones. This will enable them to gain knowledge of the law and put it into practice.
8. Government must ensure that laws enacted also have clear structures of implementation at the grassroots.
9. Women education should be pursued vigorously to empower them with knowledge about how to assert their rights. Oreh (2005), observed that no matter the challenges of a widow, coping is imminent and education is a sure tool for effective coping strategies.
10. Government should involve community-based organizations as task force to monitor and enforce sanctions on defaulters.



11. The Ministry of Women Affairs in various States should scale up her activities to integrate and involve women groups at the grassroots to provide information to widows of whom to complain when harassed.
12. Corporate Affairs Department that register major community based associations such as town unions must go through their constitution to ensure that the issue of widowhood practices is captured there.
13. Obsolete laws on widowhood practices particularly the customary laws now require radical modifications in line with 21<sup>st</sup> century demands.
14. The audience is enjoined to join in the fight against harmful widowhood practices against widows, especially the educated elite.
15. Departments of Adult Education in collaboration with the Agencies for Mass Literacy, Adult and Non-Formal Education should develop programmes on Probate Education to sensitize the entire polity on the rights of the widows.
16. Finally, I charge you to remember Exodus 22:22 – 24 – *“Ye shall not afflict any widow, or a fatherless child. If thou afflict them in any wise, and they cry at all unto me, I will surely hear their cry; And my wrath shall wax hot, and I will kill you with the sword, and your wives shall be widows and your children fatherless”* (KJV).

To change the plight of widows requires a radical approach and this is where community development movement functions as a radical movement for social change.

## **My contributions towards alleviating the pains of widows**

Ever since I became interested in studies of widowhood practices, I have conducted a baseline survey to investigate widowhood practices in a matrilineal Igbo community and to ascertain the efforts made by members of Community Based Associations' (CBAs) towards alleviating the pains of widows in their community.

My studies have also focused on education as a strategy for coping with problems of widowhood. I had also studied surviving as a single parent; The Role of Christian Mothers in Assisting Widows; Coping Strategies of Widows among others.

I have remained a strong advocate of widows' welfare and this has taken me to deliver talks in different groups and organizations. I have also taken particular interest in offering counseling services to widows as a trained counselor. Having been subjected to these practices personally, I became further committed to this area of study.

I have resolved to mentor widows and to encourage them to believe that the harsh conditions widows encounter will never last forever given the right orientation and determination. I am greatly involved in evangelism, a strategy that meets both the spiritual and overall needs of widows.

Furthermore, my children and I in July, 2011, instituted Hon. Dr. O.O. Oreh's Memorial Foundation in honour of my late husband. A subsidiary of that foundation is called "Help A Widow" (H.A.W) which has been advocating for the welfare of the widows. There is also a family initiated evangelism outfit called "Rafar World Outreach", which has been reaching out to widows in various communities.

I have dedicated my time, in the academic field, documenting these practices and the breakthroughs in mitigating them. I must reiterate that my work is not done, but just beginning. I have realized that confrontation will do widows and their advocates more harm than good. Persistent advocacy, lobbying and of course prayers will change people's attitude towards widows to accept the need for positive change, widows tortuous journeys notwithstanding. The good news is that God will surely make a way where there seems to be no way.

## **Conclusion**

Sages and philosophers have long written that life is a mosaic of contrasts. Without pain, there can be no joy; without dark, no light; without suffering no growth and there would be only a monotonous sameness. A widow proceeds through the dark pain to light and to some level of joy. It is only by turning your suffering into strength that you can move forward and grow. A widow should not dwell on what she has lost; instead, she should rise above her grief and take pride in how far she has come.

The silence must be broken and this is a critical step to take. Hongwe (2005) reported that the most difficult aspect of widows' abuse is the taboo on 'telling the tale' which prevents widows from speaking of their experiences. The ill-treatment of a widow is considered a punishment, a test of fidelity and a cleansing exercise. If a widow fails the test, she will be deemed responsible for her husband's death. Therefore, as long as the violence is hidden, unspoken and uncontested, it will continue.

Widowhood is a phenomenon that touches every individual directly or indirectly. One must not experience it to believe and accept that these practices do exist. It is possible for one to either through the process of active imagination or by personal or biological affinity to a widow understand what widows go through. It needs more than any kind of 'evolution'. Having lasted for so long, what is required is a 'revolution' and now is the time. Men and women need a radical change of attitude by refusing to give their support to these harmful practices that dehumanize widows. Good intentions are not enough. Thoughts and practices are still ways apart. Until these postulations and enactments are firmly entrenched and practicalized, these ugly weapons of retrogression will still be used to mete out punishment on helpless widows. It is only then that solutions will be provided.

### **Acknowledgement**

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- First, the Vice Chancellor of this great institution the Professor Benjamin Chukwuma Ozumba, University of Nigeria, Nsukka for giving me this opportunity to present my inaugural lecture today. Sir, I thank you very much.
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and my land is no more desolate. I am now called a new name; I bow before your awesome Majesty, forever and ever in Jesus name. Amen

**Thank you for listening.**

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# APPENDICES

## Appendix 1 ANAMBRA STATE

ISSN: 0331 – 1899



ANAMBRA STATE OF NIGERIA  
2005. No:

***A Law to Prohibit all Malpractices against Widows and Widowers and to provide for related purposes.***

**BE IT ENACTED** by the ANAMBRA STATE HOUSE OF ASSEMBLY  
as follows:

*Citation 1. and* This Law may be cited as the Malpractices Against Widows and Widowers (Prohibition) Law, 2005 and Shall come into Force on the 17<sup>th</sup> day of February, 2005.

*Commencement:*

In this Law:

*Interpretation: 2.*

“administration and succession law” means the Administration and Succession (Estate of Deceased Persons) Law Cap. 4, Revised Laws of Anambra State, 1991:

“dehumanizing treatment” means humiliating or degrading act which tends to or does derogate from the free and full enjoyment by a widow or widower of all the fundamental rights and freedom which she or he would otherwise be entitled to under the Constitution;

“discrimination” means exclusion, derogative distinction, restriction or differential treatment adverse to the widow or widower;

“marriage act” means the Marriage Act Cap. 220 Laws of the Federation of Nigeria, 1990;

“matrimonial home” means, the place or any of the places of abode or residential houses where a couple was ordinarily resident;

“traditional ruler” means a person selected and appointed as “Igwe” or “Obi” of a town or community in accordance with the Traditional Rulers Law Cap. 148. Revised Laws of Anambra State, 1991;

“widower” means a man married under native law and custom or under the Marriage Act whose wife has died;

“widow” means a woman married under native law and custom or Marriage Act whose husband has died.

- Fundamental Human Rights.** 3. The fundamental human rights as enshrined in the Constitution are inalienable and accrue to every widow or widower.
- Offences.** 4.(i) No persons shall compel a widow or widower:-
- (a) to vacate his or her matrimonial home on the ground that she or he has no male child or no child at all;
  - (b) to drink the water used in washing the corpse of the late spouse or to perform any type of ritual in order to establish innocence of causing the death of the late spouse;
  - (c) to sleep either alone or on the same bed or to be locked in the same room with the corpse of the late spouse;
  - (d) to remain in compulsory confinement after the death of the spouse for any given period;
  - (e) to compulsorily wear mourning cloths of any make or otherwise adopt any lifestyle indicative of being in mourning for any given period from the date of the death of the late spouse;
  - (f) to compulsorily sit on the bare floor or be naked during any period of the spouse's burial rites;
  - (g) to be remarried to a relative of the late spouse;
  - (h) to shave the hairs on the head or any other part of the body;
  - (i) to desist from receiving condolence visits from sympathizers during the period of mourning;
  - (j) to weep and wail loudly at intervals at anytime after the death of the late spouse;
  - (k) to put ashes on the head;
  - (l) not to see the corpse of the late spouse;
  - (m) to perform any act which contravenes the fundamental human rights provisions as entrenched in the Constitution;
  - (n) to visit any shrine and or to perform any other rituals;
  - (o) to forsake his or her personal hygiene.

- (2) Every widow or widower shall be entitled to respect for the dignity of his or her person and accordingly no person shall:
- (a) subject a widow or widower to attacks upon his or her honour or reputation in relation with the death of a spouse; or
  - (b) arbitrarily force or compel a widow or widower to give up the custody of their child(ren) unless the forfeiture of custody of the child(ren) was ordered by a court of Law.
- (3) Subject to the provisions of the Marriage Act, . Succession and Administration of Estates Law or any customary law not repugnant to natural justice, equity or good conscience, a widow or widower shall not be forcefully, dispossessed of any property acquired or used by the couple during the lifetime of the deceased spouse.
- (4) A widow or widower shall provide for aged parents or minor siblings of a deceased spouse from the proceeds of the estate of the deceased spouse.
- Penalties**
- 5.(1) Any person who discriminates, contravenes or conspires with, aids, counsels, procures or assists another person to contravene the provisions of Section 4 of this Law commits an offence and shall be liable on summary conviction to a fine not exceeding N20,000.00 (twenty thousand Naira) or to jail term not exceeding six months imprisonment or to both such fine and imprisonment.
- (2) Any institution, group or organization which is found to have contravened, or which aids, counsels, procures or assists any person to contravene any of the provisions of Section 4 of this Law commits an offence and shall on summary conviction be liable to a fine not exceeding N50,000.00 (fifty thousand Naira) or be proscribed until the fine is paid.
- Jurisdiction:**
- 6.(1) The Magistrate Court shall have jurisdiction to try summarily any offence under this Law.
- (2) Appeals shall lie as of right against a decision of the Magistrate Court to the High Court and up to the Supreme Court.
- Annulment  
Of Customs**
7. As from the commencement of this Law, any rule of customary Law, norm or practice which is contrary or inconsistent with the provisions of this Law is hereby annulled.

**OBJECTS AND REASONS**

(This note is not part of this Law but is intended to explain it.)

This Law is meant to prohibit and penalize all the maltreatments of widows and widowers in order to uphold and preserve the dignity of their persons and entrenched in the Constitution

**Appendix 2  
EBONYI STATE**



**THE LAWS OF EBONYI STATE  
OF NIGERIA, 2009**

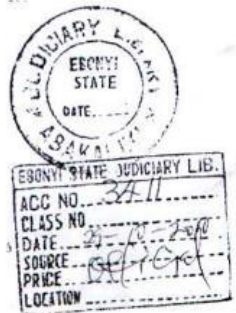
**IN FORCE ON  
THE 23<sup>RD</sup> DAY OF OCT., 2009**

**Reviewed by  
Ebonyi State Law Reviewed Committee**

IN SIX VOLUMES

**VOLUME ONE (1)  
CAP 1 – CAP 33**

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## CHAPTER 2

**ABOLITION OF HARMFUL TRADITIONAL PRACTICES  
AGAINST WOMEN AND CHILDREN LAW**

EBSN No 10 of 2001	<b>A Law to make provisions for the Abolition of Harmful Traditional Practices Against Women and Children in Ebonyi State.</b>
Enactment	BE IT ENACTED by the House of Assembly of Ebonyi State as follows:
Section 1 Citation and Commencement	This Law may be cited as the Abolition of Harmful Traditional Practices Against Women and Children Law and is deemed to have come into force on the 14 <sup>th</sup> day of November, 2001.
Section 2 Interpretation	In this Law, unless otherwise stated: “Circumcision” means the act of cutting off the clitoris of a female; “Harmful Traditional Practices” means any traditional or customary practice: <ol style="list-style-type: none"> <li>i. of a scandalous or disgraceful nature which amounts to a failure to observe the fundamental human right of a woman or any child;</li> <li>ii. which allows for a female genital mutilation or circumcision;</li> <li>iii. that is harmful to a widow including any practice which requires the confiscation of her husband’s property;</li> <li>iv. child labour; child abuse/neglect;</li> <li>v. forced and early marriage or girls before the age of eighteen.</li> </ol> “Mutilation” means any cutting, incision, damage of any or all the female sex organs.
Section 3 Harmful Traditional Practices Abolished	Notwithstanding any custom or tradition of any community or people, each and every harmful traditional practice which, on the date of the commencement of this Law, is practiced, shall, from after such date, cease to be practiced and any liability arising from such harmful traditional practice shall be freed and discharged from any consequences thereof and harmful traditional practice applicable in any community or among any group of people is hereby utterly and forever abolished and declared unlawful.
Section 4 Offences arising from Harmful Traditional practices	Whoever: <ol style="list-style-type: none"> <li>1. prevents any person from exercising any right accruing to him/her</li> </ol>

- by reason of the abolition of all Harmful Traditional Practices; or
- ii. molest, injures, annoys, obstruct, cause or attempts to cause obstruction to any person in the exercise of any such right, or molests, injures, annoys or boycotts any person by reasons of his having exercised any such right; or
  - iii. by word, either spoken or written, or by visible representations or otherwise, incites, or encourages any person or class of persons or the public generally to practice any Harmful Traditional Practice in any form whatsoever.

is guilty of an offence and upon conviction shall be liable to a fine not exceeding two thousand Naira or to imprisonment for a term not exceeding five years.

For the purpose of this section, a person shall be deemed to boycott any person who abstains from social, professional or business relations as he would ordinarily maintain such other person.

Whoever, on the ground that a person:

- i. if this Law had not been passed would have been practicing any Harmful Traditional Practices; or
- ii. has refused to engage in a Harmful Traditional Practice; or
- iii. has done any act in furtherance of the objects of this Law, denies to any person anything belonging to him as of right or privilege, to which such a person as a member of such community shall be liable to a fine not exceeding two thousand Naira or to imprisonment for a term not exceeding five years.

Section 5  
Other Offences  
arising out of  
Harmful  
Traditional  
Practices

Whoever, on the ground of any Harmful Traditional Practice, enforces against any person any disability whatsoever and in particular, but without prejudice to the generality of this section, with regard to:

- i. marriage; or
- ii. acquisition or inheritance or any property; or
- iii. joining of title societies; or
- iv. observance of any social custom, usage or ceremony.

Section 6  
Enforcement of  
liabilities

is guilty of an offence and shall upon conviction be liable to a fine not exceeding Two Thousand Naira or to imprisonment for a term not exceeding five years.

Section 7 Limitation of jurisdiction of courts.	<p>No court shall:</p> <ol style="list-style-type: none"><li>i. entertain or continue suit or proceeding; or</li><li>ii. pass any decree or order; or</li><li>iii. execute wholly or partially any decree or order; if the claim involved in such suit or proceeding or if the passing of such decree or order or if such execution would in any way be contrary to the provisions of this Law.</li></ol>
Section 8 Abatement of offence	<p>No court shall, in adjudicating any matter or executing any decree or order, recognize any custom or usage imposing any disability involving Harmful Traditional Practice on any person.</p>
Section 9 Objects and Purpose	<p>Any person who abets the commission of an offence has actually committed and shall be deemed guilty of an offence under this Law and shall be liable upon conviction to a fine not exceeding two thousand Naira or to imprisonment for a term not exceeding five years.</p> <p>The object and the purpose of this Law is to make provisions for abolishing Harmful Traditional Practices against Women and Children in Ebonyi State.</p>





## Appendix 3

### ENUGU STATE

*Prohibition of Infringement of Widows' and Widowers' Fundamental Rights [CAP.124 3665*

#### CHAPTER 124

#### PROHIBITION OF INFRINGEMENT OF WIDOWS' AND WIDOWERS' FUNDAMENTAL RIGHTS LAW

**A Law to make it unlawful to infringe the fundamental rights of  
widows and widowers, and for other related matters.**

ENSL 2001  
No 3

*[8<sup>th</sup> March, 2001]*

1. This Law may be cited as the Prohibition of Infringement of Widows' and Widowers' Fundamental Rights Law.

Short title

2. In this Law unless the context otherwise requires —  
"Constitution" means the constitution of the Federal Republic of Nigeria.

Interpretation

"dehumanizing" means any degrading act or omission which does or tends to derogate from the free and full exercise and enjoyment by a widow or a widower of all the fundamental rights and freedom which she or he would otherwise be entitled to under the Constitution.

"State" means Enugu State of Nigeria.

"community" means autonomous community recognized under autonomous Community Law of 1999 of Enugu State.

"widow" means any female person married under native law and custom, or under the Marriage Act or any other law recognized in Nigeria, whose husband has died and has not remarried.

"widower" means any male person married under native law and custom or under the Marriage Act or any other law recognized in Nigeria whose wife has died.

**3666 CAP.124] *Prohibition of Infringement of Widows' and Widowers' Fundamental Rights***

"matrimonial home" means the place of abode of the spouses prior to the death of either, but does not include their ancestral home.

Prohibition 3. (1) No person for whatever purpose or reason shall compel a widow or widower —

- (a) to permit the hairs on the head or any other part of the body to be shaved;
- (b) to sleep either alone or on the same bed or be locked in a room with corpse of the husband/wife;
- (c) not to receive condolence visits from sympathisers during the period of mourning;
- (d) to be re-married by a relative of the late husband/wife;
- (e) to sit on the floor or be naked during any period of the husband's/wife's burial rites;
- (f) to drink the water used in washing the corpse of the husband/wife;
- (g) to weep and wail loudly at intervals at anytime after the death of the husband/wife except at ones own volition or involuntary action;
- (h) to remain in confinement after the death of the husband/wife for any given period;
- (i) to vacate the matrimonial home;
- (j) to do any other thing which contravenes the fundamental rights entrenched in the Constitution or is degrading the person;

(2) Subject to the Marriage Act, Wills Law, Administration of Estates Law, or any Customary Law (not repugnant to natural justice, equity and good conscience), a widow or widower shall not be dispossessed upon the death of the husband or wife of any property acquired by the deceased husband wife (during the deceased husband's or wife's life time) without his or her consent.

False Complaint 4. It shall be unlawful for any widow or widower or any person to falsely allege that the rights guaranteed under this Law have been violated.

*Prohibition of Infringement of Widows' and Widowers' Fundamental Rights* [CAP.124 3667]

5. Anybody who contravenes or conspires, aids, counsels, procures, or assists another person to contravene, the provisions of section 4 or 5 of this Law shall be guilty of an offence and liable on conviction to a fine of five thousand naira or imprisonment for two years. Penalty.

6. A Magistrate shall have jurisdiction to try summarily any offence under this law. Jurisdiction

7. There shall be a right of appeal from the judgment of the Magistrate's Court up to the highest Court in Nigeria. Appeal

## Appendix 4

### IMO STATE



#### IMO STATE OF NIGERIA 2003, LAW NO 12


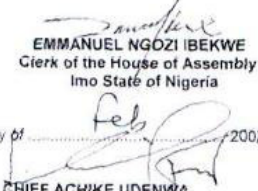
<i>Long Title</i>	A Law to prohibit Obnoxious customary practices against widows and for other matters connected thereto.
<i>Enactment</i>	BE IT ENACTED by the House of Assembly of Imo State of Nigeria as follows:-
<i>Citation</i>	1. This Law may be cited as the widows (Protection) Law, 2003.
<i>Interpretation</i>	2. In this Law- “Husband” means a man married to a woman either under customary law or general law. “Widow” means a woman who has lost her husband by death and not remarried.
<i>Prohibition of Obnoxious Practices</i>	3. Notwithstanding any Customary Law and practice prevalent in any Community, a widow is entitled to respect for dignity of her person, and accordingly, no widow shall be compelled to: (a) shave the hairs on her head or any other part of her body in a dehumanizing or unsafe manner; (b) sleep either alone or sit on the floor or be locked in a room where the corpse of her husband is kept. (c) refrain from receiving condolence visits from sympathizers during the period of mourning; (d) he remarried to any person against her will; (e) drink the water used in washing the corpse of her husband; (f) cry or weep against her will at any time before, during or after the funeral of the late husband; (g) remain in seclusion after the death of her husband.
<i>Dispossession of Property</i>	4. Subject to the Administration of Estate Law, a widow shall not be dispossessed of any property acquired by her deceased husband in his lifetime whether or not she has a male child unless the widow remarries.
<i>Offence and Penalty</i>	5. Any person or body who compels or willfully causes a widow to engage in any act or omission against her will in violation of the provisions of this law is guilty of an offence and shall on

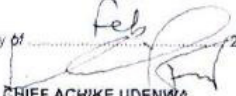
conviction be liable to a fine of N10,000.00 or imprisonment for six months or to both such fine and imprisonment.

- Jurisdiction* 6. The Customary Court shall have jurisdiction to try any offence under this law

This printed impression has been carefully compared by me with the Bill which has been passed by the House of Assembly and found by me to be a true and correct printed copy of the said Bill.

Assented to by me this 3rd day of Feb, 2003

   
EMMANUEL NGOZI IBEKWE  
Clerk of the House of Assembly  
Imo State of Nigeria

  
CHIEF ACHIKE UDENWA  
Governor  
Imo State of Nigeria

Assent withheld by me this ..... day of ....., 2003

CHIEF ACHIKE UDENWA  
Governor  
Imo State of Nigeria

Passed again by the Imo House of Assembly by two-thirds majority this.....  
Day of ....., 2003



RT. HON. (BARR.) KENNEDY KELECHI NWAGWU  
Speaker  
Imo State House of Assembly

## Appendix 5



*A widow being forcefully shaved after the death of her husband*





*A widow being forcefully shaved after the death of her*



*A widow's hair being shaved after the death of her husband*



*A widow being jeered at*



***A widow being forced to drink water used to wash the corpse of her late husband***



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