

## **THE JURISPRUDENCE BEHIND INTERNATIONAL LEGAL FRAMEWORK ON THE RIGHTS OF WOMEN AND CHILDREN: AN APPRAISAL\***

### **Abstract**

*Women, as indispensable tools to socio-economic development, need a level ground to enable them attain their optimum goals in life. This study focused on the jurisprudence behind international legal framework on the rights of women and children. Its objectives were to analyze the related concepts, to examine the determinants to international legal framework on the rights of women and children, to assess the international legal instruments safeguarding the rights of women and children, and to highlight some recommendations. The research methodology was doctrinal approach, using analytical and descriptive research design. It was observed that the international human rights instruments and their developing jurisprudence enshrined values and principles of equality, freedom, rationality and fairness, and as well promotes the domestic application of International Human Rights Norms on women and children. The main sources of data collection were various legal literatures, both from the physical library and the e-library. The study recommended that the jurisprudence behind International legal framework on the rights of women and children should be developed beyond rhetoric to pragmatism, and to be impactful on sovereign states. Finally, this study was made to be significant on all stakeholders in jurisprudence and international human rights.*

**Keywords:** Jurisprudence, Philosophy, International Legal Framework, Women's Rights, Child's Rights, Customary Laws.

### **1. Introduction**

From the antiquity, women franchise right were not recognized in the first wave of democratization (1828–1926) in many of European countries.<sup>1</sup> As in the case of Nigeria, women's status in the political and public sector is a very recent phenomenon and still their participation is very low. They are still largely underrepresented in decision-making positions at all levels. They have also not made major progress in attaining political power in legislative and executive bodies.<sup>2</sup> Therefore for a variety of reasons, women tend to be reluctant to become political candidates, even with the intervention of domestic and international bodies for this cause. Beyond this, are other problems of domestic violence, child abuse, child marriage, female trafficking for prostitution, work place gender discrimination, high level of vulnerability in armed conflicts and the survivors becoming internally displaced persons or refugees, and a couple of others. There is so much international concern in this milieu which efforts worth assessment. These backdrops make it imperative to raise the fundamental research questions regarding the jurisprudence behind international legal framework on the rights of women and children. What is international law? What are the international legal instruments that have impacted on the rights of women and children? What are the challenges in the approaches towards domestication of international human rights instruments to protect women and children in Nigeria? What are the prospects of international legal framework towards promoting the rights of women and children in Nigeria? In fact, most legal feminists, international law experts, human rights activists, and jurisprudence scholars have delved into the matters concerning women and children rights in the international parlance, but with no concentration on this particular topic. Their researches proffer little solutions to this quandary. It is therefore, the concern of the researcher in this to probe further.

### **2. Conceptual Analysis**

#### **Patriarchal Hegemony**

A number of countries are built on the system of patriarchy. Patriarchy is the social organization of a culture into systems that are hierarchical and male dominated in terms of value and power.<sup>3</sup> In a nutshell, patriarchal hegemony means male dominance. The most significant vice of patriarchy is violence against women and children. This comes in different forms, for instance, acts like wife beating, rape, female genital mutilation, child abuse and hawking, etc. The more contemporary form of domestic violence includes human trafficking. In fact, all other forms of self-fulfillment and identity development such as education, socio-political acclaim, career, and material acquisition have been excluded from the feminine schema, that is to say for woman she attains fulfillment only as a wife and mother.

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<sup>1</sup> R Hague and M Harrop, *An Introduction to Comparative Government and Politics* (Hitman Publishers and Co., 2004) 78.

<sup>2</sup>*Ibid.*, 67.

<sup>3</sup>C Ugochukwu, 'Politicized Ontology: The Kpim Factor in Women's Oppression, Reconstructing and Rebuilding Human Communities Beyond Gender Lines' In G U Ukagbo, O D Obi, I J Nwankwo (Eds) *The Kpim of Feminism: Issues and Women in a Changing World*. (Victoria, Trafford Publishers, 2010) 556-566.

### **Nature of International Law**

Basically, the legal regime on international law may not be adequate enough to take care of many facets of right violation of women and children. Laws made in mostly some domestic statutes are derogatory and detrimental against the vulnerable in order to dominate and disempower them to remain subjects of their right violations.<sup>4</sup> And sadly, in many cultures, their features are fixed and not subject to modification and change. On the other hand, human existence has been relatively characterized by the search for a fair and stable society wherein a common purpose would be realized.<sup>5</sup> According to Velasquez<sup>6</sup>:

Aristotle had once argued in favor of patriarchal arrangement in the following words: ‘There are three elements of household rule, the first being the rule of the master over slaves... the second that of the father over his children, and the third that of the husband over his wife... the free man rules the slave, the male rules the female and the adult rules the child’.<sup>7</sup>

Both branches of international law are today largely codified. International Humanitarian Law (IHL), however, is codified in a broadly coherent international system of binding universal instruments of which the more recent clarify their relationship with the older or more general treaties.<sup>8</sup> International Human Rights Law, conversely, is codified in an impressive number of instruments, whether universal or regional, binding or exhortatory, concerning the whole subject, its implementation only, specific rights, or their implementations only. They emerge, develop, and implemented in a relatively natural and coordinated way.<sup>9</sup> Because of the philosophical axiom driving them, human rights apply to everyone, everywhere, and every time as they are concerned with all aspects of human life. Human rights have a much greater impact on public opinion and international politics than IHL, which is applicable only in armed conflicts that are themselves to be avoided.<sup>10</sup> According to Silvia,<sup>11</sup> IHL is therefore increasingly influenced by the interference of human beings.

### **International Concern on Women**

International concern for women has gained serious recognition and that in effect has awakened the various governments to the needs of women inclusion in their political and leadership positions. Iman<sup>12</sup> observed that Nigeria’s involvement of its women folk to developmental activities assumed visible dimension when the United Nations Organisations declared the year 1975 as International Year of Women. And since then, March 8th of every year has been set aside by the UN for celebrating the occasion. In July 1980, an agreement was reached by all member states that every nation should recognise the need for the involvement of women in nation building. In continuation of this assertion, Egonmwan<sup>13</sup> stated that Africa’s collective appreciation of women’s participation in politics found concrete expression in the Lagos plan of Action which was the policy voice of African Heads of States and government in a meeting held in Lagos, April, 1980. It was reiterated that African states is advised to develop policies and strategies for women’s full participation in politics and all other developmental activities. Nigeria’s response to this was the establishment of National Committee on Women Development (NCWD) and also setting up parallel committee in 21 states of the federation.

The basic function of this committee was to promote awareness in women and the Federal Government of Nigeria signed and ratified the Convention on the Elimination of all Forms of Discrimination Against Women. This convention otherwise known as CEDAW is a product of international organization joined with the UN and ECOWAS organizations to compel African Countries to ensure women have adequate representation in politics, access to health care, ensuring proper education and access to credit and loan facilities. In fact, the Universal Declaration of Human Rights recognizes the radical equality of men and women in dignity as reported in This Day

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<sup>4</sup> C Arinze-Umobi, *Domestic Violence against Women in Nigeria: A Legal Anatomy* (Folmech Publishers, 2011) 49.

<sup>5</sup> J Christain, *Philosophy: An Introduction to the Art of Wondering* (8th edn., Belmontwads Worth Thomas Leaving, 2003) 312. The generative basis of any civilization lies in its degree of artistic creation, aesthetic achievement, non-materials values and freedom which make life meaningful and enjoyable for all its citizens, as well as balance of power between the sexes.

<sup>6</sup> M Velasquez, *Philosophy: A Text with Readings* (8th edn., Belmont Wad Worth/Thomas Leaving, 2002).

<sup>7</sup> *Ibid.*, 100.

<sup>8</sup> Council of the European Union, *Guidelines: Human Rights and International Humanitarian Law* (Luxembourg, Office for Official Publications of the European Communities, March 2009) 82.

<sup>9</sup> *Ibid.*

<sup>10</sup> P René, *International Human Rights and Humanitarian Law* (Cambridge University Press, Cambridge, 2002) 332.

<sup>11</sup> B Silvia, ‘The Treatment of Terrorist Suspects Captured Abroad: Human Rights and Humanitarian Law’, In B Andrea (ed.), *Enforcing International Law Norms against Terrorism* (Oxford Hart, 2004) 39-61.

<sup>12</sup> A M Iman, ‘The dynamics of Winning: An Analysis of Women in Nigeria (WIN)’ In Alexander, M J and C TMohanty, (eds.) *Feminist Geneologies, Colonial Legacies, Democratic Future*. (Routledge, 1997) 130.

<sup>13</sup> J AEgonmwan, *Public Policy Analysis: Concepts and Applications* (Resyin, 2002) 167.

editorial commentary.<sup>14</sup> Furthermore, women political rights were activated by the adoption of the Universal Declaration of Human Rights (UDHR).<sup>15</sup> Articles 2 and 21 of UDHR stipulate equal enjoyment of political rights without discrimination on the basis of one's sex or any other ground. Even in most of western states, women franchise right is not recognized in the first wave of democratization except in USA, Britain, and some European countries. Like many third world countries, the majority of women in Nigeria has also been deprived of social, economic, and political rights and held low status in the society. They have been denied equal access to education, training and gainful employment opportunities and their involvement in policy formulation and decision making processes have been minimal.<sup>16</sup>

### **International Concern on Children**

Despite international agreements and national laws, there are lots of traditional obnoxious practices in Nigeria such as child marriage, obnoxious widowhood practices, female genital mutilation, trafficking of women and wicked obnoxious practices in the traditional set up. Children have also faced a lot in relation to violation of their rights, for instance is the issue of child marriage. Child marriage is defined as marriage of a child less than 18 years of age. It is an ancient worldwide custom. Other terms applied to child marriage include 'early marriage' and 'child brides.' Child marriage is common all over the globe and has inflicted dangerous and devastating effects on children who are compelled to tie the knot in most cases. In many parts of the world, child marriage is a gratification for overcoming the family financial and social needs.<sup>17</sup> It truncates a girl's childhood, creates grave physical and psychological health risks, and robs her of internationally recognized human rights. Even with plethora of judicial cases, and a number of domestic and international legislation condemning child marriage, lack of enforcement renders those laws ineffective. The problem is also compounded with discrepancies in determination of the age margin of a child. According to Uzodike,<sup>18</sup> on child rights and adoption, children are not to be seen as property of their parents or guardians but as individual human beings with full rights to legal protection while de-emphasizing the rights of parents or guardians over their children (contrary to the Nigerian culture). He thus debunked the social and cultural perspectives on children prevailing in many African societies. He further examined how orphans are brought to the court. Ojelabi and others<sup>19</sup> opine that 'Child's rights in adoption, which could be a socially-responsive gesture or a solution for infertility, as adoption is gradually becoming culturally acceptable in Nigeria.'<sup>20</sup> These are well appreciated when examining child's right in adoption with an expansive scope in line with the provisions of foreign legislation like the African Charter on Human and Peoples Right, and other international legal instruments on child rights.

## **3. Determinants to International Legal Framework on the Rights of Women and Children**

### **Poor Political Participation**

The concept of women's right in political participation seems to have been used in the 1980s by third world feminists to address the issue of gender differences that exist in the control and distribution of resources.<sup>21</sup> Batliwala,<sup>22</sup> in his Article, did examination of the elements of political participation, women empowerment, and population challenge faced by women which have become a bane to the rights. Moser<sup>23</sup> takes his work farther from women political participation to the practical challenges faced by women. He extensively considers the factors that hinder women's rights and advancement. According to Rowlands,<sup>24</sup> application of quota system and need for women revolution are viable tools to enhance international recognition of women's rights. It should be

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<sup>14</sup>M Idika, 'The Participation of Women in Politics in Nigeria: A Case Study of the Legislative Assembly and the Executive' *Online Database* <[https://www.researchgate.net/publication/317415636\\_the\\_participation\\_of\\_women\\_in\\_politics\\_in\\_nigeria\\_a\\_case\\_study\\_of\\_the\\_legislative\\_assembly\\_and\\_the\\_executive](https://www.researchgate.net/publication/317415636_the_participation_of_women_in_politics_in_nigeria_a_case_study_of_the_legislative_assembly_and_the_executive)> 12<sup>th</sup> April, 2019.

<sup>15</sup> 1948.

<sup>16</sup>Ministry of Labour and Social Affairs (MoLSA), *Gender Mainstreaming Manual for Labour and Social Affairs Sector* (N.P., 2012) 86.

<sup>17</sup>C Onuoha, 'Early Marriage Problems' *Online Database* <<http://marriage.ygoy.com/early-marriage-problems/>> accessed on 2<sup>nd</sup> December, 2021.

<sup>18</sup>E Nuzodike, 'New Legislature Approach towards Child Protection and other Family Law' *Online Database* <<https://docplayernigeria.net/36983066-new-legislature-approachtowards-child-protection-and-other-family-law-developments-in-nigeria.pdf>> accessed on 5<sup>th</sup> December, 2021.

<sup>19</sup>O AOjelabi, P E Osamor and B E Owumi, 'Policies and Practices Child Adoption in Nigeria: A Review Paper' *Mediterranean Journal of Social Sciences* (MCSE Publishing, Rome-Italy, 2015).

<sup>20</sup>*Ibid.*

<sup>21</sup>R Datta and J Kornberg, *Women in Developing Countries: Assessing Strategies for Empowerment* (Boulder, Lynne Rienner, 2000).

<sup>22</sup>Batliwala, 'The meaning of Women Empowerment: New Concepts for Action' In L C Germain(ed.), *Population Policies Reconsidered: Health Empowerment and Rights* (Harvard University Press, 1994) 30.

<sup>23</sup> C Moser, *Gender Planning and Development Theory, Practice and Training* (Routledge, 1993) 32.

<sup>24</sup> J Rowlands, *Questioning Empowerment: Working with Women in Honduras* (Oxfam., 1997) 49-75

noteworthy to mention some countries of the world that has top the list of gender equality particularly women full political rights. In the order of participation, they include Iceland, Finland, Norway, Sweden, New Zealand and Yemen was ranked the lowest.<sup>25</sup> Africa vis-à-vis Nigeria is within the middle range and it is trying to toe the line of the tops in gender equality. The slight increase in women who political rights being exercised at both the Legislative Assembly and the Executive, over a period of time now, is a step in the right direction, though not good enough.<sup>26</sup>

### **Necessity for Educational Empowerment**

Akomolafe<sup>27</sup> precisely examined educational empowerment as a mean of enhancing women's rights. women's right may be examined in terms of the development of the mental and physical capacity, power or skills in women, the way they can operate meaningfully in their social and political milieu, as well as how they can experience a more favourable level of social and political recognition which will subsequently enhance their economic and political status.<sup>28</sup> However, educational empowerment is not the only solution to the challenges faced by women. There are also a lot of other solutions as well. These may include equality of responsibility, access to resources, labour time, leadership and organization, application of quota system, women's movements, encouraging and promoting the women's legal rights in politics,<sup>29</sup> as well as promotion of international and domestic legal framework for gender equality.

### **Scourge of Domestic Violence Rooted in Patriarchal Hegemony**

Another determinant to international legal framework on the rights of women and children is domestic violence. This aspect is broad because there are different areas of domestic violence. Kabeer raises a question through his work, by asking: 'whether the environment within which women stand are enabling or debilitating?'<sup>30</sup> Certainly, this question gains dualistic answers. By examining legal constraints on women empowerment, political constraints, and socio-cultural constraints, it is undeniable that the environment within which women stand is debilitating. On the other hand, by exploring the ways of overcoming the constraints in the areas of equality of responsibility, access to resources, labour time, education and health, as well as leadership and organization, it goes a long way to establish that the environment within which women stand is enabling.

Traditionally, in Nigeria, as in many other African countries, the beating of wives and children is widely sanctioned as a form of discipline. Therefore, in beating their children, parents believe they are instilling discipline in them. In the same manner it is for the husbands beating their wives, whom they regard as children, who are prone to discipline. This is especially so when the woman is economically dependent on the man.<sup>31</sup> The society is basically patriarchal and women's place within the scheme is decidedly subordinate. As such, domestic violence functions as a means of enforcing conformity with the role of a woman within customary society. It does not matter if the woman is economically dependent or not, her position, like that of the children is subordinate. According to Obi and Ozumba,<sup>32</sup> 'domestic violence is significantly associated with financial disparity in favour of the female, in-laws with influence, educated women and couple within the same age group.'<sup>33</sup> Therefore, any effort to thwart financial equality and encourage financial inequality among the opposite genders is domestic violence against women and calls for international legal framework. Based on the international legal framework, so far, some applicable provisions in African Charter on Human and Peoples Rights have been adopted by most African governments such as the right to human dignity, and the invulnerability, that is, immunity, freedom, protection, etc.<sup>34</sup> It also extends to freedom from inhuman treatment, equality before the law, and the right to fair hearing. All the above rights are contending with violence against persons.

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<sup>25</sup>*Ibid.*

<sup>26</sup>C Haregewoin and M Emebet, *Towards Gender Equality in Ethiopia* (N.P., 2003) 91.

<sup>27</sup>C Akomolafe, 'Open and Distance Learning as a Mechanism for Women Empowerment in Nigeria' *Online Database* <<http://pcf4.dec.uwi.edu/viewpaper.php?id=79&print=1.>> 2<sup>nd</sup> December, 2021.

<sup>28</sup>*Ibid.*

<sup>29</sup>J L Parpart and S M Rai, *Rethinking Empowerment: Gender and Development in a Global/Local World* (Routledge, 2002) 49.

<sup>30</sup>N Kabeer, 'Resources, Agency, Achievements: Reflections on the Measurement of Women's Empowerment', In *Development and Change* (Comwell Publishers, 1999) 30-8.

<sup>31</sup>O N Aihie, 'Prevalence of Domestic Violence in Nigeria: Implications for Counseling' In *Edo Journal of Counseling* (2) (1) (2009).

<sup>32</sup>S N Obi and B C Ozumba, 'Factors Associated with Domestic Violence in South-East Nigeria' *Journal of Obstetrics and Gynecology* (27) (1) (2007) 75 – 78.

<sup>33</sup>*Ibid.*, 77.

<sup>34</sup>T O Elias and M I Jedge (Eds.) *Legal Theory: A Nigerian Perspective in Nigerian Essays in Jurisprudence* (M I J Publishers, 2015) 89.

Exploring further, domestic violence can be better discussed in the level of family affairs, like marriage, dowry, divorce, parentage, guardianship, maintenance and inheritance. Thus, it is gainsaying to uphold the imperativeness of modifications, codifications, and statutes in different countries relating to domestic violence.<sup>35</sup> Through these, the protection of human right of women in international human right law is ensured as State parties are also required to recognize the important economic and social contribution of women and children for the family and to society as a whole.<sup>36</sup> Emphatically, discrimination hampers economic growth and prosperity of any society. International human right laws which oppose violence against women and children, as connecting with the issue of enforcement which is the general challenge in international law can be interrogated *in pari materia* with African setting which presents the wider misconceived justification on female violence. According to Ladan:

In Africa, cultural myths have been entrenched for so long that they form the identifications of women and womanhood. Consequently, the woman is constantly under suspicious of rocking the boat of celestial harmony and peace and of misleading the man and causing his downfall.<sup>37</sup>

Ladan's view is the extremists' position in the justification of domestic violence in favour of patriarchal hegemony. This position raises much concern for international legal framework on the rights of women and children. It is to be noted that women make men far more than how men feel women mar men. It is this obvious fact that make international legal framework on women's right to be tenable.

### **Rise of Feminism against Patriarchal Hegemony**

From spread literature, feminism is succinctly referred to as the sole subject and victim in the rights violation of women and children, while male is the sole actor. Patriarchy, on the other hand, is the social organization of a culture into systems that are hierarchical and male dominated in terms of value and power.<sup>38</sup> Therefore, in the antiquity, women's humanity was recognized but only in so far as they are related to men as wives, mothers, daughters or sisters, that is to say women are something to be possessed by the men. In doing this, according to Chukwu, it dehumanizes women when it establishes a sort of master-slave relationship in the relations and interactions between men and women.<sup>39</sup> Though being astute, feminine philosophy might tilt to extremism, which becomes rationally undesirable. Therefore, it is desirable to rather undertake a balance in the international legal framework, taking into cognizance of the fact that men and infants also face rights violation which as well require international legal framework. Greek philosophers like Plato and Aristotle<sup>40</sup> compounded the problem of patriarchal dominance which has caused the evolution of the modern-day radical feminism. They championed a negative view of women and children that shaped patriarchy. Plato, for instance, never placed women on par with men. Rather, he placed them on par with children and slaves.<sup>41</sup> Plato was more ambivalent on the issues of equality and inequality between men and women<sup>42</sup>. Aristotle takes it further postulating that men are by nature superior; and the female inferior and the one rules and the other is ruled.<sup>43</sup> Philosophy is the power of critical thinking to reawaken one from dogmatic slumber, however this study does not support an extreme view and radical philosophy of this sort. Thus, it is the task of this study to correct this philosophy of patriarchal dominance which is the bedrock of rights violations resulting from men.

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<sup>35</sup> AAQuadri, *Islamic Jurisprudence in the Modern World* (Adam Publishers & Distributors, 2007) 359 – 460.

<sup>36</sup> M T Ladan, *Material and Cases on Public International Law* (Ahmedu Bello University Press Limited, 2007) 272.

<sup>37</sup> *Ibid.*

<sup>38</sup> O Chukwu, 'Facts and figures on VAW Gender Issues: Violence against Women' *Online Database*. <[www.unifem.org/violenceagainstwomen/factsfigures](http://www.unifem.org/violenceagainstwomen/factsfigures)> accessed on 28th November, 2020.

<sup>39</sup> *Ibid.*

<sup>40</sup> His most important treatises include *Physics, Metaphysics, Nicomachean Ethics, Politics, On the Soul and Poetics*. Available at <<https://en.wikipedia.org/wiki/Aristotle>> accessed on 5<sup>th</sup> December, 2021.

<sup>41</sup> In his *The Republic, The State, The Philosopher King*.

<sup>42</sup> However, Axiothea of Phlius (Greek: Ἀξιοθέα Φλειασία fl. c. 350 BCE) was a female student of Plato and Speusippus. She was born in Phlius, an ancient city in the Peloponnese which was under Spartan rule when Plato founded his Academy. Available at <[https://en.wikipedia.org/wiki/Axiothea\\_of\\_Phlius](https://en.wikipedia.org/wiki/Axiothea_of_Phlius)> accessed on 5<sup>th</sup> December, 2021.

<sup>43</sup> Cynthia Freeland beautifully summarized Aristotle's views on women thus: Aristotle says that the courage of a man lies in commanding, a woman's lies on obeying; that matter yearns for form, as the female for the male and the ugly for the beautiful, that women have fewer teeth than men, that female is an incomplete male or as it were a deformity which contributes only matter and not form to the generation of offspring; that in general 'a woman is perhaps an inferior being; that female characters in tragedy will be inappropriate if they are too brave or too clever.

Tracing scholars' views on women's and children's rights violation to the medieval and the renaissance ages, Velasquez overwhelmingly subscribed to the view of Saint Augustine<sup>44</sup>. According to Velasquez, Saint Augustine in his *Confessions*<sup>45</sup> presented the religious versions of the inferiority of women in the following passage:

The male is more complete, more dominant than the female... for the female is incomplete and in subjection and belongs to the category of the passive rather than the active. So too with the two ingredients which constitute our life-principle, the rational and the irrational, the rational which belongs to mind and reason is of the masculine gender, the irrational, the province of sense, is of the feminine. Mind belongs to a genus wholly superior to sense as man is to woman.<sup>46</sup>

It is unfortunate that St Augustine and his student, Velasquez, did not draw a line of demarcation between Divine Command in religion and the other part being humanism. It is obvious that some religions like Patriarchal, Judaism, Christianity, Islamic, etc. divinely portray women as having their primus 'being' from men and place them in submissiveness. But, this is not an advantage for weakness but for spiritual orderliness. However, this study is careful not to tilt towards religious discuss, instead it avails the readers of the jurisprudence behind international legal framework fostering the rights of women and children.

### **Protection of Female Sexual Right**

Female sexual right, girl-child protection, the burdens in marriage faced by women, etc. and in fact the oppression of women is prevalent in many cultures and religions in Africa. Manifestation of violence against women varies and visible at all stages of the development of the female from the stage of the girl-child to the adolescent girl to the full-grown woman. To validate the oppressive practices and trends, the society evolves laws and codes of conduct that ensure the perpetual exploitation and subjugation of women by men. As earlier pointed out, certain factors operate singularly or in combination in diverse ways to oppress women. Prominent among them are marriage, childlessness, procreation, widowhood and levitation.<sup>47</sup>

### **4. International Legal Instruments Safeguarding the Rights of Women and Children**

Apart from the domestic and regional legal instruments, a number of international legal instruments also safeguard the rights of women and children. These include –

- (a) United Nations Development Fund for Women (UNIFEM)
- (b) Universal Declaration of Human Rights (UDHR)
- (c) Declaration on the Elimination of Discrimination against Women
- (d) Convention on the Elimination to Marriage, Minimum Age for marriage and Registration of Marriage
- (e) International Covenant on Civil and Political Rights (ICCPR)
- (f) Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
- (g) Beijing Declaration: Fourth World Conference on Women
- (h) United Nations Convention on the Rights of the Child
- (i) African Charter on Human and people's Right (ACHPR)

### **5. Conclusion and Recommendations**

From the foregoing appraisal, it is observed among others that the international human rights instruments and their developing jurisprudence enshrined values and principles of equality, freedom, rationality and fairness, and as well promotes the domestic application of international human rights norms on women and children. Therefore, it is recommended that the jurisprudence behind International legal framework on the rights of women and children should be developed beyond rhetoric to pragmatism. Also, there should be an enforcement power to make the international legal instruments on women's and children's rights to be more impactful on sovereign states. In the case of applicability in Nigeria, the National Assembly should amend section 12, chapter 2, and section 66 (1) (a) of the Constitution of the Federal Republic of Nigeria, 1999 (as altered) to give way for effective domestication and applicability of international human rights relating to women and children. Furthermore, women revolution through civil society organizations should become the viable tools to enhance international recognition of women's and children's rights. Finally, this study has remarkable significance on all stakeholders in jurisprudence and international human rights, as well as serving as rich literature for further researches.

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<sup>44</sup>Augustine, of Hippo, lived between 354-430 with numerous written works, the most important of which are *Confessions* (c. 400) and *The City of God* (c. 413–426), shaped the practice of biblical exegesis and helped lay the foundation for much of medieval and modern Christian thought. In Roman Catholicism he is formally recognized as a doctor of the Catholic faith. Available at <<https://www.britannica.com/biography/Saint-Augustine>> accessed on 5<sup>th</sup> December, 2021.

<sup>45</sup> M Boulding, *Augustine: The Confessions*. (8th ed., Vintage Books, 1998).

<sup>46</sup> M Velasquez, *Philosophy: A Text with Readings* (8th Belmont Wad Worth/Thomas Leaving, 2002) 100.

<sup>47</sup>I Uko, 'Affirming the Humanity of Oppressed Women: Female Roles in Nawal El Saadawi's *God Dies by the Nile*, Flora Nwapa's *One Is Enough* and ChimamandaAdichie's *Purple Hibiscus*', *Public Lecture* (University of Uyo, 2013).