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Francis O. Anaeme

University of Nigeria, frankanaeme@yahoo.com

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Reducing Gender Discrimination and Violence against Women through Library and Information Services

Francis O. Anaeme

Senior Librarian

University of Nigeria, Enugu Campus

Introduction

Gender discrimination and violence against women are global phenomena as old as human history. Women's rights are the freedom and entitlement of women of human rights without discrimination or violation. Women's rights are rights inherent in nature and guaranteed by law. Therefore gender discrimination and violence against women are contrary to fundamental human rights, equity, natural justice and good governance. Reconstructing women's rights, gender discrimination and violence through library and information services delivery is aimed at making information available to all this topical issue. In human rights issues availability and access to information on the nature of women's rights and dimensions of gender discrimination and violence can never be more appropriate than now.

The slogan "Women's Rights are Human Rights" adopted at the World Conference on Human Rights in Vienna in 1993 and the Declaration on the Elimination of Violence Against Women by the General Assembly the same year further demonstrate the increasing awareness and the attention being paid to the respect of the right of women. It is pertinent and timely to identify that the values placed on women and the girl child by the society has overbearing impact on their life and the human development. Women's rights around the world are important indicators to understand global well-being. Yet, despite many successes in empowering women, numerous issues still exist in all areas of life, ranging from the cultural, political to the economic. For example, women often work more than men, yet are paid less; gender discrimination affects girls and women throughout their lifetime; and women and girls are often the ones that suffer the most poverty.

The vulnerability of Nigerian women is an incontestable fact despite the ratification by Nigeria of a number of international standards which sanction gender discrimination and inequality. Among such standards are the Universal Declaration of Human Rights (UDHR), the International Convention on Economic, Social and Cultural Rights (ICESCR), the International Convention on Civil and Political Rights (ICCPR), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the commitment of the Fourth World Conference on Women in Beijing, China (Onyegu and Essiet, 2002). Women and the girl-child still have unequal access to education, healthcare, adequate housing and employment. Traditional cultural practices and beliefs prevalent in the Nigerian society are equally responsible for this. Among the practices and belief under reference are male-child preference, denial of women of the right to own and inherit property, child and early marriages and female genital mutilation/cutting (FGM). As harmful to women as these practices by those who practice them or subscribed to their practice; matters are not helped by the ignorance of women about their basic rights. This ignorance makes it impossible for them to question the rationality of these beliefs and practices and consciously and unconsciously they endorse their perpetuation and ultimately the

infringement of their economic and social and cultural rights (Onyegu and Essiet, 2002; Lockwood, 2006).

Definitive Approach

The term "women's rights" refers to freedom and entitlements of women and girls of all ages. These liberties are grouped together and differentiated from broader notions of human rights, (Hosken, 1981; Wikipedia, 2010) Article 1 of CEDAW defines discrimination against women as "any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field." Violence on the other hand is defined as the intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community that either results in or has a high likelihood of resulting in injury, death, psychological harm, maldevelopment or deprivation (WHO, 2002). The above definitions denote that women are entitled to freedom of rights, freedom from violence and entitlements pertaining to human beings without discrimination or deprivation.

History

Women's rights, gender discrimination, and violence are issues as old as humankind, and are part of many religious and cultural traditions. The Bible describes how God made the woman out of the man (Gen 2:22) and charged her to always be submissive to the husband (Eph.5:22-24). Hindu scriptures describe a good wife as "a woman whose mind, speech, and body are kept in subjection, acquires high renown in this world, and, in the next, the same abode with her husband." In ancient Athens, women were always minors and subject to a male, such as their father, brother, or some other male kin. A woman's consent in marriage was not generally thought to be necessary and women were obliged to submit to the wishes of her parents or husband. Islamic women suffered subjection until Muhammad's early reforms under Islam, including an improved legal status for women in Islam. For example "The dowry, previously regarded as a bride-price paid to the father, became a nuptial gift retained by the wife as part of her personal property" (Wikipedia, 2010).

In the Middle Ages according to English Common Law, all property which a wife held at the time of marriage became a possession of her husband. Eventually English courts forbid a husband's transferring property without the consent of his wife, but he still retained the right to manage it and to receive the money which it produced. (Badawi, 1971) This continued during the 19th century when women began to agitate for the right to vote (suffrage) and participate in government and law making. In the subsequent decades women's rights again became an important issue and by the 1960s the movement was called "feminism" or "women's liberation." Reformers wanted the same pay as men, equal rights in law, and the freedom to plan their families or not have children at all. (Wikipedia, 2010)

Forms of Gender Discrimination and Violence

Gender imbalance permeates every facet of Nigerian society and comes in several forms. Onyeukwu (2004) outlined some of the gender discriminatory practices and violence against women and female children. Violence against women is the most acute form of gender inequality in Nigeria. A great majority of the violence against women can be described as Harmful Traditional Practices against Women (HTPs). Some of the common Harmful Traditional Practices against Women in our communities include female genital mutilation, child marriage, ritualistic widowhood practices, nutritional taboos, cult prostitution, domestic violence, and sexual freedom for husbands. Other discriminatory practices include traditional land tenure systems and patterns of inheritance, lack of access to credit, family preference for sons, lack of participation in public decision-making, discrimination in housing and employment, discriminatory legislation, and discriminatory religious practices, as well as rape, battery, trafficking in women, murder, kidnapping, and induced prostitution.

Reversing Gender Discrimination

According to Badawi (1971), the status which women reached during the present era was not achieved due to the kindness of men or due to natural progress. It was rather through a long struggle and sacrifice on women's part and only when society needed her contribution and work, more especially during the two world wars, and due to the escalation of technological change (Wikipedia, 2010).

International and Regional Laws

The pursuit of equal rights for women through international law has been a slow process. The principle that everyone is entitled to rights "without distinction of any kind, such as race, colour, sex..." was given voice in Article 2 of the 1948 Universal Declaration of Human Rights. However, the Declaration was non-binding and it took campaigners over 30 years to cajole the international community into concrete legal action against gender injustice. This commitment came in the shape of the Convention to Eliminate All Forms of Discrimination Against Women (CEDAW) which was adopted by the UN General Assembly in 1979. CEDAW has been described as a bill of rights for women; it spells out the areas in which women experience discrimination and commits countries to amend their laws, construct national gender policies and create institutions to deliver them. Although CEDAW has been ratified by almost all countries, ineffective enforcement of national legislation has further restrained the pace of reform, e.g., the failure of the US to ratify the treaty (Shah, 2010; Wikipedia 2010).

Resistance to new laws and their implementation in developing countries is motivated by strong traditional beliefs that women should occupy a domestic environment and that men should enjoy exclusive rights to property. Modern industrialised countries have of course experienced similar attitudes at earlier stages of their development. Many countries in sub-Saharan Africa are in the process of amending laws which prevent women from owning land and property. This transition to more equal rights is most problematic in Islamic countries where elements of Sharia law governing the behaviour of women remain in place. In extreme examples, these ancient laws claim that adultery is a crime when carried out by women, and make it virtually impossible for a man to be convicted of rape.

Position under Nigerian Laws

Nigerian law on testate inheritance/succession includes the Wills Act and its Amendments (1837, 1852); The Wills Law Western Nigeria (1987). Succession Law Edict, 1987 of old Anambra State as amended and applicable to Enugu and Ebonyi States. The Wills Act of 1837 does not place any disability on widows with regards to their right to inherit property under testamentary disposition. These laws/statutes do not extend to widows who contracted customary law marriages (Nwankwo,2004). The need for special protection of women and children under the law rests on the rational belief that all human are entitled to equal consideration and respect. Law has a major role in effecting social change and should be seen as a catalyst in development of our citizenry especially women and children. Laws designed to protect women and girl-child are not far-reaching enough, for example women married under the statute and their children have better protection than women married under customary law and their children.

Until recently, there was no statute law against FGM. There is now in existence the Edo State Female Circumcision and Genital Mutilation (Prohibition) Law No. 4 of 1999, Cross River State Girl-Child Marriage and Female Circumcision (Prohibition) Law 2000; Delta and River States have also passed laws to ban FGM and make it a crime.

Judicial Attitudes

Judicial attitudes until recently tend to perpetuate gender discrimination. For example in *Nezianya v Okagbue* (1962) the court held that under the native law and custom of Onitsha, a widow's possession of her deceased husband's property is not that of a stranger, and however long it is, it is not adverse to her husband's family and does not make her the owner, she cannot deal with his property without the consent of his family. Further, if a husband dies without a male issue, his real property descends to his family, and his female issue does not inherit it, according to custom. Also in the case of *Nzekwu v Nzekwu* (1989), the Supreme Court of Nigeria restated the principle that the widow's dealings over her deceased husband's property must receive the consent of the family, and she cannot by the effluxion of time claim the property as her own. She has, however, a right to occupy the building or part of it during her lifetime, but this is subject to her good behaviour. Further, in the case of *Orwuchekwa v*

Onwuchekwa (1991) the Court of Appeal refused to reject as repugnant a custom in which a husband is said to own the wife along with her properties.

New Dimension Case Laws

Recent judicial pronouncements tend to have a second look at discriminatory customs against women. In *Mojekwu v Mojekwu* (1997) the Court of Appeal Enugu held that the “Oli-ekpe” custom of Nnewi in Anambra State under which male children only inherit their father’s property is unconstitutional. Niki Tobi J.C.A delivering the lead judgment asked the following questions;

Is such a custom consistent with equity and fair play in an egalitarian society such as ours? Day after day; month after month and year after year, we hear of and read about customs, which discriminate against women in this country. They are regarded as inferior to the men. Why should it be so?

According to the learned Justice of the Court of Appeal:

All human beings-male and female-are born into a free world, and are expected to participate of freely, without any inhibition on grounds of sex; and that is constitutional. Any form of societal discrimination on ground of sex, apart from being unconstitutional is antithesis to a society built on the tenets of democracy, which we have freely chosen as a people. We need not travel all the way to Beijing to know that some of our customs, including the Nnewi “Oli-ekpe” custom are not consistent with our civilized world in which we all live today. In my humbly view, it is the monopoly of God to determine the sex of a baby and not the parents. Accordingly, for a custom or customary law to discriminate against a particularly sex is to say the least an affront, I have no difficulty in holding that the “Oli-ekpe” custom of Nnewi, is repugnant to natural justice, equity and good consciences.

Another recent case of *Muojekwu v Ejikeme* (2000) the Court of Appeal held that a female child could inherit from the deceased father’s estate in Igboland without the performance of the Nrachi ceremony. Nrachi is a ceremony in which a man keeps one of his daughters at home unmarried for the rest of her life to raise issues, especially males, to succeed him. After a daughter performs this rite, she takes the position of a man in her father’s house. Technically, she becomes a “man”. In that case, the court took liberty to interpret the constitutional nature of freedom from discrimination vis-à-vis the “ili-ekpe or Oli-ekpe custom of Nnewi that does not recognize female inheritance unless Nrachi ceremony has been performed on the female. The Court held that: by section 42 (1) of the Constitution of the Federal Republic of Nigeria, 1999 a citizen of Nigeria of a particular community, ethnic group, place of origin, sex, religion or political opinion shall not, by reason only that he is such a person, be subjected either expressly by, or in the practical application of, any law in force in Nigeria or any executive or administrative action of the government to disabilities or restrictions which citizens of Nigeria of other communities, ethnic groups, places of origin, sex, religious or political opinions are not made subject. Consequently, the court held that such a customs clearly discriminated against the daughter of the deceased who did not perform the ceremony and is therefore unconstitutional in the light of the provisions of section 42 of the Constitution of the Federal Republic of Nigeria, 1999. The court refused to apply the custom and declared it repugnant to natural justice, equity and good conscience in that it legalizes fornication and encouraged prostitution, as the women remains unmarried procreating outside the bounds of marriage.

The Role of the Library

The way out of gender discrimination is women's empowerment. This involves the strengthening of the individual and collective abilities of women for positive action. Women's empowerment will lead to a balanced partnership of both sexes. This would involve the generation of awareness on the fallacies of gender stereotypes and the raising of consciousness against gender biases as acts of injustice. This has to be done through all the agents of socialization starting from the family to the community, to schools, churches, libraries, and government. According to Chan (2010), we will not see sustainable progress unless we fix failures in health systems and society so that girls and women enjoy equal access to health information and services, education, employment, and political positions.

Libraries have long been crowned knowledge institutions as they provide the public with spaces for information and learning. This role of the library must be seen on the premise that the development of

society and individuals can only be attained through the ability of well-informed citizens to exercise their democratic rights and to play an active role in society (Drotner 2005). Similarly, Kargbo (2004) points out that education is an indispensable means of unlocking and protecting other human rights by providing the scaffolding that is required to secure good health, liberty, security, economic well-being and participation in social and political activity. Likewise, Zapata (1994) observes that information is prerequisite for any type of education, as it is an essential tool for accessing information and knowledge.

Sturges (2001) notes that African countries, with the example of the activities of Kenya National Library Service, are providing information service that increases access to knowledge. The Kenyan National Library Service is active with AIDS awareness project through repackaging and translating information from foreign sources. Why not Nigerian libraries on women's rights and gender issues? Libraries and librarians should mobilize their skills and expertise of their profession to ensure that the citizenry have access to the world's knowledge. Access to knowledge through libraries empowers every citizen and embraces the notion of social inclusion and of Librarians becoming active change agents in society (Tise, 2007). There are achievable through

(a) Documentation and dissemination of existing international, local instruments on women's rights through handbills, leaflets, etc..

(b) Organizing library hours in the public libraries, radio/television programmes on women's rights issues.

(c) Participation at women group meetings e.g August meeting among south east Nigerian women and cultural enlightenment programmes on women's rights and gender issues. Association of Women Librarians of Nigeria (AWLIN) has a role to play here.

(d) Enabling legislation and litigation on issues effecting women's rights and gender discrimination through provision of current legal materials on the issue.

Conclusion

Women's rights as human rights are indeed fundamental to societal growth and well-being. Gender inequality, discrimination, and violence are anathema to human existence, healthy relationships, and development. Ignorance contributes to gender discrimination and violation of rights. Availability of information can help alleviate these problems. Libraries as agents of information delivery can improve and expand their services in these areas. This no doubt will make our libraries even more relevant and proactive in the Internet age.

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