NANA ASMA'U'S THOUGHTS IN CONTEMPORARY WOMEN STRUGGLES: A CASE STUDY OF CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW)

BY

SAIDU RUQAIYAH ABUBAKAR
MSc/SOC-SCIE/11030/07-08

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CERTIFICATION

This Thesis *titled '' Nana Asma'u's Thoughts in Contemporary Women Struggles: A case study of Convention on the Elimination of All forms of Discrimination Against women* (CEDAW)''By SAIDU, Ruqaiyah Abubakar has been read, moderated and approved by my Supervisors as meeting the requirements of the regulations governing the award of Master of Science in Political Science of the Ahmadu Bello University Zaria.

---------- ----------
Prof Ayo Dunmoye Date
First Supervisor

---------- ----------
Dr Ismail Shehu Date
Second Supervisor

---------- ----------
Dr Abdullahi Hudu Date
Head of Department, Political Science

---------- ----------
Prof A.A. Joshua Date
Dean, Post Graduate School

DECLARATION

I sincerely and humbly declare that this research is the final result of my effort, Under the Guidance of my Supervisors and to the best of my knowledge has not been presented in any form for the award of any degree at the Ahmadu Bello University or any other University. All sources of information in the study have been specifically acknowledged by all means of reference.

Sign---------- ----------
SAIDU, Ruqaiyah Abubakar Date
M.sc/Soc-Scie/11030/2007-08

DEDICATION

This research work is dedicated to my Husband; Architect Amynu Abubakar.

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In the Name of Allah, the Beneficent, the Merciful. All praise is due to Almighty Allah, the Lord of the Universe who spared my life and gave me the health, knowledge and prime opportunity to realize this goal.

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ABBREVIATION AND ACRONYMS

CEDAW - Conventions on the Eliminations of all Forms of Discrimination Against women.
ICDP - International Conference on Population and Development.
UNO - United Nations Organization
ICCPR - International Convention on Civil and Political Rights
ICESCR - International Convention on Economic, Social and Cultural Rights
UNIFEM - United Nations Development Fund for Women.
UNDP - United Nations Development program.
NGO - Non-Governmental Organizations.
UNFPA - United Nation Population Fund formerly United Nations fund for population Activities.
TVPA - Trafficking Victims Protection Act
AWN - Afghan Women's Network.
EVAW - Elimination of Violence against Women
NCWS - National Council of Women's Societies.
WIN - Women in Nigeria
FMWA - Federal Ministry of Women Affairs
DFID - Department for International Development
UDHR - Universal Declaration of Human Rights

NON ENGLISH CONCEPTS AND TRANSLATION

PBUH-peace be upon him

SWT-Subhannahu Wata'ala(Glory be to you, the most high)

SAW- sallallahu Alaihim Wassallam(peace be upon him)

HADITH-The saying and doing of the prophet(PBUH)

SUNNA-The Practice of the Prophet(PBUH)

ULAMAH- The scholars of Islam

SHARIA-Islamic Law

KIRARE-Praise Song

JAJI-The were women of sound character and dedication who disseminated Nana Asma'u's teachings.

YAN-TARU-The were women aged over fifty who Nana Asma'u taught and were led by the jajis.

ABSTRACT

This study explores the advocacy of Nana Asma'u and CEDAW based on the following research problem .What are the relevance of Nana Asma'u's thought on the rights of women to juxtapose it with Convention on the Elimination of all Forms of Discrimination against women.(CEDAW) and research questions: What rights of women did Nana Asma'u canvass for? , What rights of women did CEDAW advocated for and What are the contents of CEDAW's articles on the rights of women? What are the areas of compatibility and divergent between Nana Asma'u's thoughts and CEDAW's articles on rights of women and how relevant is Nana Asma'u's thoughts on the rights of women in respect to CEDAW?The Liberal Feminism is adopted and used as a Framework of Analysis because it best explains how the equality of men and women can be achieved in society without altering the structured of the society just as Nana Asma'u and CEDAW maintained. According to Brookes liberal feminism asserts that the equality of men and women can be achieved through political and legal reform. it is an individualistic form of feminism and theory which focuses on women's ability to show and maintain their equality through their own actions and choices. Liberal feminism looks at the personal interactions of men and women as the starting ground from which to transform society in to more gender-equitable place. Liberal feminism generally works for the eradication of institutional bias and the implementation of better ways. The findings of this study are drawn from 2 sources of data collection i.e. Secondary sources of literature reviewed and the Primary sources from the interview conducted with relevant women activists. The study reveals that Nana Asma'u who was inspired by Islamic injunctions advocated for Islamic rights of women. It also reveals that in seeking to promote rights of women CEDAW has build on the foundation established by Nana Asma'u. The study also showed that 11 articles of CEDAW complemented the Islamic aspect of rights of women and 6 articles contradicted it. From the countries like Afghanistan, Uganda, Tanzania,Colombia,and Brazil, the women's treaty has been used to combat violence and has provided women activists around the world with a useful framework for women's rights that has advanced and improved laws prohibiting discrimination against women.To conclude one can posit that both Nana Asma'u and CEDAW addresses the depth of the exclusion and restriction practiced against women solely on the basis of their sex,by calling for equal rights for women,regardless of their marital status, in all fields,political,social,cultural,economic and civil.

CHAPTER ONE

INTRODUCTION

1.1 GENERAL BACKGROUND TO THE STUDY

The global focus on human rights in general and women rights in particular took firm roots in the 21st century, renowned for its elevation of the universal standards of human rights promotion and protection. Among the most enduring outcomes of the century's human rights engagement are the charter of the United Nations, which for the first time in history, established gender equality as a fundamental human rights; the 1948 Universal Declaration of Human Rights (UDHR), which broadened the scope of human rights to encompass non-discrimination on the basis of race, sex, gender, religion, opinion etc and the 1979 Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), adjudged as the first legally binding international instrument that comprehensively spelt out the equal rights of women and men.(Afolabi and Amadi as cited by Imam, (2010) 38)

CEDAW was to become popularly known as the women's bill with 30 articles that covers all spheres of life ranging from the political, the economic, and the social to the cultural. CEDAW seeks to systematically address the need to alter the fundamental, social and cultural pattern that perpetuate discrimination against women. (ibid)

Nana Asmau was a product of the 19th century Sokoto Jihad. She was a woman scholar, poet, community leader, whose mountain of knowledge cannot be equaled to her contemporaries in the Caliphate. These qualities possessed by Nana Asmau made her a distinguishable figure and model for those who have the zeal for learning and at the same time she is an answer to those who view women as exploited oppressed and relegated to the rudiments of home management and service to the children especially under Islam (yusha'u, (2008) 1).

Human Rights is a concept that is viewed by many as a western creation where as the concept in Islam predates the 1948 Universal Declaration of Human Rights. A closer look at the philosophy of the Sokoto Jihad portrays nothing but the institutionalization of human rights which in essence was the foundation laid by Prophet Muhammad (PBUH) during the twenty three years of preaching. According to Al-Qardawi (1994); human rights in their entity have never been a by-product of modern life nor an innovation of the west (Yusha'u, (2008) 3)

The view of Islam as a purgatory for women underlies most works written on Muslim women. They are commonly depicted as isolated from men, passive actors in the so called public domain, confined to their kin groups, and so on. Such views have limited the discussion of women to the topics of veils, honour and shame, patriarchy, kinship and polygamy (Yusha'u, (2008) 8)

Islam provided legislation on human rights fourteen centuries ago and provided all assurances for protecting of those human rights for the whole scheme. The provision and principles guaranteeing the rights of human's were explicitly and thoroughly stipulated in the Holy Quran and the Honourable Sunnah fourteen hundred years prior to their declaration by any secular systems (al-hageel:2001:118 as cited by yasha'u, (2008) 1)

The issue of rights of women has become the yardstick which is used by the western world to measure the prevalence or otherwise of liberty and freedom in all societies. Their liberty and freedom is, however in accordance with their world view and secular concept of life…. Rights from the medieval ages nothing about Islam has perplexed the west more than the role and rights of women. The narration in the Qur'an about great women, the works of jurists relating to the rights of Muslim wife, mother, sister and daughter, the history of Muslim women, political leaders, scholars, and Sufis, all added to the reason for the change in the

attitude of not only the west, but also the western oriented Muslim. Women's rights and issues are now an integral part of modern Islamic discourses, as can be seen in the numerous works on "women under the sharia" titles published all over the Muslim world (Centre For Islamic Legal Studies Institute of Administration, (2008) 218-219).

The programme of action of International conference on population and development (ICPD) asserted that the empowerment and autonomy of women and the improvement of their political social, economic and health status was a highly important end in itself as well as essential for the achievement of sustainable development. In 1995, the fourth World Conference on Women in Beijing generated global commitments to advance a wider range of women rights. The inclusion of gender equality and women's empowerment as one of the eight millennium development goals was a reminder that many of those promises have yet to be kept. In every region of the world, the UNFPA is working to promote women's right and end discrimination against them. The fund is increasingly involved in protecting the rights of women affected by conflict and ensuring that women can have active role in peace building and reconstruction efforts. The funds programming also addresses all 12 of the critical areas of concern identified at Beijing (http://www. Unfpa. org/rights/ women.htm)

The compelling need to enhance the status of women has gained wide recognition in recent times. It has come in parts as a result of the longstanding struggles of women activists in different parts of the world. Principles, policies and actions towards ending gender inequality have been advanced and undertaken within international organizations. The compelling need to enhance the status of women has gained wide recognition in recent times. It has come in parts as a result of the long-lasting struggles of women activist in different parts of the world. Principles, policies and actions towards ending gender inequality have been advance and undertaken within international organization. (Anifowose and Enemuo, (1999) 234).

While women in Nigeria have always been active economically the extent and significant of their activism has not always been rewarded by commensurate degrees of political power vis-à-vis men.…although women willingly exercise the rights that they have, structural constrains from the pre-colonial, colonial and decolonization eras continued to prevent the elimination of discrimination against them. It is possible to distinguish between two major positions by organized women's group within Nigeria. The first position constitutes the top-down approach held by the National Council of Women's Societies(NCWS) and the second, the more comprehensive and broadly-based approach of Women In Nigeria (WIN).Both organizations have made attempts to generate academic and other interest in the elimination of discrimination against women….The NCWS working on the premise that with more women in positions of authority, women's issues would be taken more seriously, and women's rights enhanced….discrimination affects women's political and civil rights. The enfranchisement of women in the north was one of the political demands made by women's organizations in both the East and West after their own enfranchisement but the right to vote was only granted to women in Northern Nigeria in 1976, in the East, it had been granted in 1954, and in the West in 1958….women's ability to exercise their citizenship rights is that before Nigeria's 1992 constitution only men could pass on their Nigerian citizenship to their spouses. The 1992 constitution corrected this discrepancy…..the Nigerian constitution of 1979 prohibited discrimination on the basis of sex, as do the constitution of 1992 and 1999…no customary prohibitions prevents women's participation in politics, but women have not contested for political positions on a level matching men. Women's hesitancy to be involved in politics dates to the period of decolonization period when politics was characterized by gross abuse and physical violence…the extends of women's practical freedom also varies with class, and level of education.
(http://web.africa.ufl.edu/asq/v6/v6i3a3.htm)

Under colonial rule, education was not widely extended to women, this is reflected in the lower percentage of women in all professions and academic subject areas. Article 10, section a-h of the CEDAW makes detailed provision for the guarantee of equal rights for men and women in education. However, female enrollment in elementary schools was 32 percent for students 6-11 years old and 14 percent for students 12-17 years old. From 1975-76, female students enrollment in universities was 15.9 percent and in 1981-82,27.96 percent. The Nigerian National Policy on Education, according to the report, makes only the following reference to women's education. With a view to correcting the imbalance between…the number of boys and girls in formal education and with particular regard to women's education, special effort will be made by ministries and local government authorities in conjunction with ministries of community welfare and of information, to encourage parents to send their daughters to school .Education must therefore be directed at women as well as the whole society to foster the elimination of discrimination against women(http://web.africa.ufl.edu/edu/asq/v6/v6i3a3.htm)

Approximately one in three of the world's women will experience violence at some point in their lives, with rates reaching 70% in some countries. Millions of women are abused each year, often in countries where they face discriminatory laws preventing them from seeking meaningful legal recourse against such violence. The World Health Organization estimates that, globally, one woman in five will be the victim of rape or attempted rape during their lives. Within Africa is one in three.[http//ratifycedaw.blogsport.com]

1.2 STATEMENT OF THE RESEARCH PROBLEM.

Most contemporary human societies are male dominated in varying degrees, they harbour beliefs more and practices which objectively permit or promote the economic exploitation of women and their political marginalization. Women also suffer various forms of injustice, humiliation and violence just because they are women. (Anifowose and Enemuo, (1999) 228)

The United Nations Organization UNO, has fostered several declarations and conventions aimed at ending all forms of discrimination including specifically discrimination against women. Among such international documents that prohibit discrimination based on sex and other considerations are the Universal Declarations of Human Rights, the International Covenant on Civil and Political Rights – ICCPR and the International Convention on Economic, Social and Cultural Rights ICESCR. Perhaps the most comprehensive and significant of these instruments with respect to the defense of the human rights of women is the Convention on the Elimination of all Forms of Discrimination Against Women – CEDAW. The convention adopted by the United Nation General Assembly in 1979 and entered in to force as an international treaty in September 1981.CEDAW has been described as an international bill of rights for women and a framework for women's participation in the development process (which spells out internationally accepted principles and standards for achieving equality between men and women (Anifowose and Enemuo, (1999) 234-235).

Therefore the statement of the research problem is: What is the relevance of Nana Asma'u's thoughts on the rights of women to juxtapose it with Convention on the Elimination of all Forms of Discrimination against Women, (CEDAW)?

It is against this background that this research work seeks to unravel the following research questions.

1.3 RESEARCH QUESTIONS

The research will attempt to answer the following questions in-order to guide and assist the researcher in achieving the intended result.

i What rights of women did Nana Asmau canvass for?

ii What rights of women did CEDAW advocated for and What are the contents of CEDAW's articles on the rights of women?

iii What are the areas of compatability and Divergent between Nana Asma'u's thoughts and CEDAW's articles on rights of women and how relevant is Nana Asma'u's thoughts on the rights of women in respect to CEDAW?

1.4 OBJECTIVE OF THE STUDY

The main focus of this research is to critically assess, examine, analyze, enlighten, educate and give recommendations based on the findings of this research on the following objectives.

To undertake an in-depth study of rights of women as canvassed by Nana Asma'u.

To examine and assess CEDAW, the significance of CEDAW articles on the rights of women.

To understand how compartable and contradictry is Nana Asma'u's thoughts and CEDAW and how relevant is Nana Asma'u thoughts in contemporary times in respect to CEDAW

.1.5 SIGNIFICANCE OF THE STUDY

This study sets out to establish through it literature review, the relationship of how CEDAW is able to build upon Nana Asmau's thoughts.

1.6 ASSUMPTIONS

For this research to be successful, this study is carried out within the following assumptions:

Nana Asmau's thought on the emancipation of women was inspired by her education in Islamic injunctions.

Nana Asmau's thought on rights of women is relevant in contemporary times with respect to CEDAW'S advocacy.

Nana Asmau's and CEDAW advocacy are compatible to an extend and these rights of women was made in order to emancipate them.

1.7 METHOD OF DATA COLLECTION AND ANALYSIS

In research there is usually the need to collect information or facts about any subject being studied. Such information or facts are called data. The nature of data required is determined by the nature of the study. The primary and secondary sources of data is used in this research, the secondary source which is content analysis reviewed existing relevant literature to assess the extend of work that has been done on the subject matter. Books, Islamic document, biography of Nana Asma'u, writing of Islamic scholars and their views on position of women in islam.magazines, seminar papers, reports, thesis which are gotten from Kashim Ibrahim Library in Ahmadu Bello University Zaria, Post Graduate Library at Department of Political Science Ahmadu Bello University Zaria, Institute of Development for Research [I.D.R] History Library and Northern Research Library at Department of History also at Ahmadu Bello University Zaria. The Library at Arewa House Kaduna is also used in these research and an extensive use of electronic media via internet. While the primary source of data which included official document, structured interview was also used in extracting first hand information on the subject matter.

1.8 SCOPE OF THE STUDY.

These research is limited to the life time of Nana Asma'u that is between (1793 – 1865) and it will cover the periods of origin (1979) of CEDAW till date.

1.9 LIMITATIONS OF THE STUDY.

It may be acknowledge that the topic under research is an on going one and may pose serious limitations to the inquiry.

CHAPTER TWO
LITERATURE REVIEW AND THEORETICAL FRAMEWORK
2.1 LITERATURE REVIEW
2.1.1 GLOBAL DIMENSION OF GENDER

Gender issues span a significant range of concerns such concerns include understanding the lives of women and men, the roles they play, the work they do and the relations they share. Unfortunately, the issues are not as clearly defined as society would like to believe. Being products of social norms and traditions which treat men and women differently, their interpretation becomes contradictory and subjective, dependent on the perspective of the observer and the attitude of society in which the observation takes place. Importantly, crucial questions about power, access to and control of resources, violence and sexual division of labour led credence to the concerns.(pogoson, (2009) 6-7)

Inequality between the sexes varies across ethnic groups, geographical settings, socio-economic status and historical epochs, however, in traditionally male dominated societies more values and respect is accorded to male than females. (ibid)

The past three decades have witnessed a steadily increasing awareness of the need to empower women through measures to increase social, economic and political equality and broader access to fundamental human rights, improvements in nutrition basic health and education. Along with awareness of the subordinate status of women has come the concept of gender an over arching socio-cultural variable seen in relation to other factors, such as race, class, age and ethnicity. (ibid)

Gender is not synonymous with women, nor is it a zero sum game implying loss for men; rather, it refers to both women and men and to their status relative to each other. Gender equality refers to that stage of human social development at which "rights, responsibilities and opportunities of individuals will not be determined by the fact of being born male or females", in other words, a stage when both men and women realize their full potentials.(ibid)

In recognition of the importance of establishing of gender equality around the world, the United Nations Development Fund for women (UNIFEM) was established as a separate fund within the United Nations Development Programme (UNDP) in 1984 with the mandate to "ensure women's Involvement with main stream activities". The platform of action resulting from the 1985 Beijing World Conference on women expanded this concepts, calling it "gender mainstreaming – i.e. the application of gender perspectives to all legal and social norms and standards to all policy Development, research, planning, advocacy, development implementation and monitoring as a mandate for all member statesman, this way, the gender factor is no longer to be only a supplement to development but central of the practice of development. As a result of the Beijing Conference and the many years of work leading up to it more than 100 countries announced new initiatives to improve the status of women. Subsequently, the follow-up Beijing Conference further strengthened the application of the mainstreaming concept and used it to highlight the need for more progress in reaching equality worldwide. (ibid)

Achieving gender equality however is a grindingly slow process, since it challenges one of the most deeply entrenched of all human attitude. Despite the intense efforts of many agencies and organizations, and numerous inspiring successes, the picture is still disheartening, as it takes for more than changes in law or stated policy to change practices in the home, community and in the decision-making environment.(ibid)

Gender equality and women empowerment have over time; become the central theme in International and regional agreements, treaties, covenants and resolutions. They have been adjudged as a key index to people – centered development and poverty reduction (pogoson, (2009) 13)

The 1979 Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) provides a comprehensive framework to guide all rights – based action for gender equality. Under this treaty, gender inequality is understood to be the result of discrimination against women. CEDAW, calls for equality in outcomes rather than simply equality in opportunities. Thus, it is not sufficient that anti-discrimination laws are put in place. The state have the obligation to take all necessary steps to ensure that women actually enjoy equality in their daily live. CEDAW defines discrimination and the range of steps that states must take to elimination it, affirms women's right s in specific areas, and makes provisions for ratification, monitoring, reporting and other procedural matters (ibid).

In order to critically examined and analyze the relevance of Nana Asma'u's thought on rights of women with CEDAW as a case study. It is mandatory to observe the opinions, views and thoughts of academicians, scholars, experts, analyst, and opinion of leaders on the subject matter. The views of these scholars and analyst will help and assist in understanding and unraveling the subject matter of this research. Before going to the main subject matter it will be pertinent to review some concept and ideas.

2.1.2 POLITICAL THOUGHT

Political theory is a personal endeavor to understand and experience the present political reality and able to evolve a mechanism in order to transcend the present imperfect society leading to perfection and a more just order. This includes a study of the evolution, nature, composition, need and purpose of the governmental apparatus, and also an understanding of human perception and nature and it relationship with the larger society .Therefore political thought is the thought of the whole community. This includes the writings and speeches of the articulate sections, like professional politicians, political commentators, social reformers and ordinary persons of a community. Thought can be in the form of political treaties, scholarly attitudes, speeches, government politics and decisions and poems and prose that express the anguish of people. It is in this regard that (mukherjee and Ramaswamy (1999) 4) maintained that:

"Thought is time bound…. Political thoughts include theories that attempt to explain political behavior, values to evaluate it and methods to control it"

Therefore it can be argued that political thought are those theories that seeks to explain, evaluate and control the political behavior of man and his whole community.

It is sometimes suggested that the term political thought can be used to cover the entire field of political science.

Similarly, Leo Strauss as cited in (Varma, (1975) 110).

'' Makes a distinction between political theory and political philosophy and believes that they are both parts of political thought. Political theory, according to Strauss is "the attempt truly to know the nature of political things". Philosophy being the 'quest for wisdom" "or quest for universal knowledge, for knowledge of the whole", political philosophy is attempt truly to know both the nature of political things and the right ,or the good, political order" political thought extends to both political theory and political philosophy". Political theory and political philosophy are complementary to each other since "generally speaking, it is impossible to understand though or action or work without evaluating it.

2.1.3 RIGHTS

Rights essentially belong to the sphere of conflicting claims between individual and the state. Any political theory which holds that an individual cannot have rights" against the state is not theory of rights. It is important to note that the benefit which flow automatically from the existence of the sate do not constitute rights. Rights come into the picture only when authority of the state is sought to be limited, or when individuals and their groups

demand a positive role of the state. If there are not rights to curb the authority of the government and to prescribe functions of the government, the state assumes unbridled power, it may soon degenerates into absolutism, authoritarianism, despotism and tyranny.

Therefore, the concept of rights or 'human rights', therefore originate from the voice of protest against oppression perpetrated by the dominant groups in society. Rights are meant to safeguard the individual from the irresponsible and arbitrary use of power by the ruling class. (Gauba) (2003) 223).

R. M. MacIver, in his preface to great expressions of Human Rights (1951) has significantly observed as cited in (Gauba, (2003) 283) that:

"Over most parts of the earth and throughout the major range of recorded history the masses of men have lived in a condition of misery and oppression. Nearly every small dominating groups acquired the techniques of power and used them to keep in subjecting their fellow men …. in every age the voice of protest has been heard. In every age the vision of human liberation has been glimpsed".

In modern times this vision of human liberation has been developed into the concept of human rights. As MacIver has further noted: "The cry for human rights now becomes more than exhortation or protest. It becomes the precise demand for the legal and constitutional embodiment of specific claims to liberties, and then to opportunities. However, with the spread of modern consciousness, the concept of rights has been modified in two important directions. It is now admitted that: the advantage of rights should not be confined to a tiny class which is placed in a privileged position by virtue of the money and manipulative power; and rights showed not be confined to delimiting the sphere of state activity and authority, but should also prescribe the functions and responsibilities of the state so as make them beneficial to the bulk of society. This trend indicates a shift of focus from negative to positive rights (Gauba; (2003) 284).

Negative rights suggest the sphere where the state is not permitted to enter, They suggest the sphere of freedom of individual which shall not be encroached by the states. Positive rights, on the other hand, prescribe the responsibility of the state in securing rights of individuals. They require the state to take positive measures for the protection of rights of the weaker and vulnerable sections or those placed in a vulnerable position (Ibid).

The idea of human right comprehends the whole range of rights of human beings. In 1948 the United Nations issued an elaborate list of human rights, known as "Universal Declaration of Human Rights''. This declaration contains 30 articles apart from the preamble. Its preamble states that the recognition of the inherent dignity and equality of all human beings and their inalienable rights is the foundation of freedom, justice and peace in the world. Disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind (ibid, 301).

In order to promote the development of friendly relations between nations, the United Nations charter had reaffirmed the faith of its members in
fundamental human rights, in the dignity and worth of the human person and in equal rights of men and women. It had determined to promote social progress and universal respect for observance of human rights and fundamental freedoms (Ibid)

On the other hand, over the past three decades, discriminating women has become a global human right issue. Women in many countries developed and developing, have their rights constantly violated at domestic or international level. In most countries, women are marginalized economically, culturally, and politically, and these norms are resilient to change (Sweetman, (2000) 65).

International law is often more progressive than national law as cited in (Sweetman, (2000) 68) by (Charlesworth 1994).

Similarly, feminist generally agree that international law is needed as a weapon against systematic oppression, in addition, in international government women have failed to attain political positions in any significant numbers, while outside the political Structure, women are under – represented in power centers such as trade union leadership (Trebilcock 1991) as cited in (Sweetman,(2000) 65).

The argument is that by relying on international law, women's advocates can potentially overcome the limitations built into a domestic legal system. Also, (Plattner 1995) as cited in (Sweetman, (2000) 65) observed that the United Nation has rarely become involved in a country's internal affairs to enforce international human rights law, since this represents a violation of state sovereignty.

In the past, many countries have been able to turn a blind eye to international campaigns on women's rights by successfully using the argument that, states have a right to govern themselves as they wish, which effectively shuts out criticisms from outside. An International common effort has been called for in recent years to adapt the International human rights laws in order to introduce positive changes to enforce women's rights. As Miles (1996 145) correctly observed in (Sweetman, (2000) 65).

''We need global solidarity / support for around local struggles… women activists have highlighted the fact that no International human rights treaty had comprehensively addressed women's rights within political, cultural, economic, social, and family life or obliged countries to take action to end discrimination against women.

Similarly, the issue of rights of women has become the yardstick which is used by the western world to measure the prevalence or otherwise of liberty and freedom in all societies. This liberty and freedom is, however, in accordance with their world view and secular concept of life. The west, freed by their technological advancement, enormous wealth and sensate culture has become so arrogant and blinded that they see no good in any other culture except their own. Even though the west has known Islam for over three centuries it has generally known it in very antagonistic terms as an enemy and a threat. Islam has been portrayed as a hostile, tyrannical, violent and conservative religion and the Islamic valves have been pained in dark and dismal clouds of backwardness and as oppressive (National Conference on the Right of woman and children under the Sharia, (2008) 218).

The facts that Muslims accept Islam as a complete way of life and not as a "religion" in western terms and the fact that Islam is based on transcendental values and not secular values are bound to produce different outlook on the issues relating to individual and collective right. It is in this regard that (Sada, (2008) 218-219) espoused that

Women's rights and issues are now an integral part of modern Islamic discourses as can be seen in the numerous works, on "women under the sharia" titles published all over the Muslim world. In reality, this means reading and re-interpretation of the old texts in search of solution or to be more precise, Islamic solutions for a very modern contemporary problems which have to do with the changed status of women and the need to accommodate their aspirations for equality and to define and control their increasing participation in the politics of the Muslim world. (Ibid)

The Muslim women of today do not favour western concept of equality, although unconsciously they are deeply influenced by it… They have clearly seen that in demand of equality the western women have ended up losing all rights and respect and have now fallen into the depth of inequality.

2.1.4 RIGHTS OF WOMEN IN THE WEST

The concept of women's rights in the western society is based on and measured by three issues

Equality between the man and the woman in all issues and in all respects.

Economic independence and empowerment of women and
Freedom to intermingle between the sexes.

The struggles for women rights tow in an effective recognition of equal status with men as citizens of a political community, has a long history from the beginning in the 19th century to the winning of votes for women some fifty years or so ago. The effect of this movement on the transformation of societies cannot yet be fully known or even foreseen. It was a claim not only for recognized political Citizenship but also for everything, that it entails, the effective security, the realization of the rights of women in all areas of social life for equality of consideration and treatment in education, employment, the choice and pursuit of a career, earnings from employment, the ownership, management and the inheritance of property, choice over the entry into and ability to terminate marriage, the division of property and income following divorce. (Ibid) 220-221)

The first philosophical foundation for modern feminism was laid by Mary Wollstonecraft (1759-1797) in her essay "A vindication of the rights of women, first published in London in 1792. it was so provocative that it edition appeared in New York, Paris and Dublin. So astutely did she outline the position of women that her essay was equally provocative to women who discussed it in consciousness raising groups in the 1960s and 1970s. Her words continued to inspire western women almost 200 years after the original edition was published. In the pioneer work she protested against the unjust and unequal treatment of women and condemned the whole system of law and custom that governed the relations of men and women. Her influence on the women's movement in France was deep and widespread. (Ibid)

Again, the leading exponents of the women's movement during the 1960s, 1970s and 1980s are Betty Freidan, Germaine Greer and Kate Millet. Betty Freidan argued that American women had become enslaved within the home under the dominating influence of "the feminine mystique" isolated in their homes, preoccupied with the care of their husband, babies and house, and had lost force with their own nature as persons apart from these concerns, women needed more than their life within their comfortable concentration camp and had, somehow, to break out of it, asserting their right to something going far beyond it. The feminists reject as conservative the view that persons assume their status in life as a result of ascribed biological characteristic. They reject the view that women are assigned particular roles and status because of their biological capacity to bear children.(ibid)

Similarly Aiysha Madani (Sada, (2008) 222) observed that

"Women did not react positively for a considerable time. When they did it was with the utmost confusion.They were like hysterical victims digging themselves out from under the debris left by a calamity. Everything they had been taught to look upon as safe and sure had become just the opposite, full of pitfalls and hidden dangers".

In analyzing and discussing the effect of the women's movement on the psyche of women and its effect on the entire humanity, Aiysha is of the view that Mary Wollstonecraft was an extreme neurotic of a compulsive type there can be no doubt. Out of her illness arose the ideology of women in years to come. She posit that

"Feminism too was dedicated on the surface only to good works, to bringing the lives of women somewhat nearer to ideal perfection. To Mary all men were oppressors of women. All women were long suffering, all cards in the deck stacked against them- they were muscularly weaker and smaller than the male, inflicted with menstruation, pregnancy, child-birth, child tending and were denied the marvelous sphere of carefree action of the male. Feminism wanted women to turn on men and injure them… the growing ignominy, was to make them acknowledge the equality of women, their identity with men … men, in her distorted view , could never be regarded as inferior to women. Men were never, in her view, overcome by women. It was women who were overcome by men" (ibid 222-223)

In line with the western permissive culture, women rights in line with women perspective entails the following rights.

Rights to sexual freedom- this right means that as an adult, a woman has the right to make any arrangement she like for her sex life and no one has any right to ask any question. She can be promiscuous if she chooses, indulge in free union or a succession, to marry only if it suited her whim with divorce easily obtainable, particularly at her demand.

Right to independence (Economic)- here the woman should be independent of male. Promiscuity, free unions and easy divorce or equal rights to divorce help keep woman away from the control of the dominating male. Economic independence further served their much desired goal and it was the aim of the feminists to have all women working for wages, salaries or professional fees outside the home. This, they argue, will make them not to be answerable to husbands or lovers for their actions and will be free from any threat of economic reprisal for displeasing the male.

Right to equality- here the slogan is "full equality for women in a truly equal partnership with men'. This translated to mean total equality and similarity without any difference on the ground of sex. Equality here is defined as sameness and identical, women argue", we desire to be equal with you for we are infact the same, we posses the same capability… but their equal capability is hidden by stereotype beliefs about women and by social arrangement that have made them second class (Ibid) 224).

(Sada, 2008 224-225) espoused that as a result of this, the consequences of the above dimentions of rights are many,

"The main ones being replacing the place of marriage with new relationships of cohabitations. men and women, women and women, men and men are free to live together without publicity recognized and registered status… they can even chose to enter into recognized legal relationship sometimes with the sanction and blessing of the church''. What is the point of getting married in the conventional sense of the world, a union between a man and woman, when people can live together without it?

He Explained Further

Another consequence is turning the woman easily into an easy sexual prey, exploited by her irresponsible male boss… the availability of contraceptive techniques… now available for use openly at any age for any body married or unmarried. The main idea is to give women total, it not absolute, control over their sexual and reproductive rights… perhaps a more significant consequence of contraceptive and other reproductive rights issues in the open and direct demand for the legalization of abortion… while some and more aggressively are demanding abortion on demand ''as an unconditional of every woman who has the right to decide "what they should do with their bodies" (ibid 225-226).

In addition, the right to establish and maintain "single parent family" is another obvious consequence of the so-called women rights campaign. The establishment of such family is a straight forward corollary of the autonomy and freedom of the sexes based upon the ability of the women to provide for her own live hood and home from her earnings. Husbands and wives are no longer necessary. The fact that homosexuality/lesbianism for male and female is openly recognized and sanctioned. There is ample room to establish new kinds of "collective house hold" and communes'' that makes the breeding of children in single parent homes a lot easier. Once the relationship breaks, you just move on with the child or children or even adopt. You do not even need the assistance of the male to conceive.. you can now get the baby through the test-tube, stem cell… The mother can borrow or lease the womb with surrogate mothers… at convenient and affordable cost. (Ibid)

Hence, the main action of the entire western concept are children .The feminists, for the most part, took little account of children and show them hostility both by ignoring them… and when forced to consider them by, by the arrangement they actually made for them.(ibid)

2.1.5 RIGHTS OF WOMEN AND CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW).

Before the United Nation enactments, several international conferences were held years before the First World War which even though were not specify discussing women issues, they nonetheless touched upon them. For example in 1902 international conventions were adopted at the Hague dealing with conflicts of national laws concerning marriage, divorce and the guardianship of minors and in 1904 and 1910 conventions were adopted dealing with the suppression of traffic in women and children. Regional organizations of the Americans and the league of Nations starting from 1923 through 1928, 1933 and 1948 discussed various women right issues ranging from ban on discrimination based on sex to the issues of granting civil rights to women (ibid 226 – 227).

The most significant current convention relating to women rights issues adopted by the United Nation are the Universal Declaration of Human Rights, the commission on the status of women and the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW). CEDAW was adopted by the UN General Assembly on the 18th December, 1979. It entered in to force as an international treaty on 3rd September,1981 after 20 countries had ratified it. By the tenth anniversary of the convention in 1989 almost one hundred nations had agreed to be bound by the provisions. This convention was the culmination of more than 30 years of work by the UN commission on the status of women established in 1946 and monitor the situation and to promote women right. It is interesting to note that Nigeria is one of the countries that have ratified the CEDAW convention while the United State is among those who have not yet ratified it. Nigeria is now in the process of trying to domesticate the convention in a second attempt after the failure to pass through in the previous national assembly. (Ibid).

The CEDAW, certainly, takes a leading place among international human rights treaties in bringing the female half of into focus. It is rooted in the goals of the UN in re-affirming faith in fundamental human rights, it spells out the meaning of equality and how it can be achieved. In the preamble it acknowledge that "extensive discrimination against women continues to exist which violate the principles of equality of rights and respect for humanity". Article 1 defines discrimination as "any distinction, exclusion or restriction made on the bases of sex… In the political, economic, social, cultural, civil or any other field.'' The convention requires all state parties to take "all appropriate measure, including legislation, to ensure the full devotion and advancement of women for the purpose of guaranteeing them, the exercise and enjoyment of human rights and fundamental freedoms on the basic of equality with men. Political rights re-echoed in article 7 while article 8 gives women the equal right to represent their countries at international level. The CEDAW re-affirms non-discrimination in education, employment, economic and social activities (Ibid 227-228).

Hence the most controversial for our purpose is article 16 which talks of marriage and other family matters asserting the equal rights and obligations of women and men with regard to choice of spouse entering and contracting marriage, parenthood, personal rights and command over property. Most Muslim countries entered reservation of some of the articles of CEDAW especially articles 16 (Ibid).

The 1979 Convention on the Elimination of all Forms of Discrimination against Women often called the women's conventions is the first and most comprehensive international agreement dealing with the human rights of women. Adopted by United Nations general assembly, the women's convention was the result of campaigning and lobbying by women's organizations. The basic goal of the women's convention was to prohibit all forms of discrimination against women… immediately after the Second World War, in 1945, the

principle of equality between men and women had been proclaimed in the United Nations Charter.

Therefore (Galey 1984) as cited by (Sweet man, (2000) 66) observed that

"Women were not recognized as a group that requires particular assistance from the international community to promote and protect their rights, and violation of women' rights remained common place… violence against women in many forms, remained endemic".

Hence as a treaty aimed to foster women's equality with men, the women's convention defined discrimination against women, and detailed measures to be taken to enable women's rights to be fully realized. In addition to demanding that women be accorded equal rights with men, the convention goes further by prescribing the measures to be taken to ensure that women everywhere are able to enjoy the rights to which they are entitled. Optimists have called this international agreement "the definitive international legal instrument requiring respect for and observance of the human rights of women. (Ibid).

Within one year of signing the convention, states have to report to the UN committee on the Convention on the Elimination and Discrimination against Women (CEDAW) on their efforts to meet it goals. Thereafter, each state is required to submit a report on progress once every four years. The response from countries has been rather encouraging. As of November 1999, 165 countries had ratified the women's convention- the highest number of ratifications of any of the human rights treaties except the convention on the rights of the child, 1990, which 191 countries have ratified (Ibid).

However, not long after the introduction of the convention, concerns arose that it has a glaring omission. It does not contain specific provision on violence against women. In contrast, other agreements, such as the International Covenant on Civil and Political Right (1976), the Convention on the Rights of the Child, and the Convention against Torture (1985) contain specific wording on violence against women. To counter the omission of violence against women in the women's convention, and make clear that the convention prohibit gender – based violence as a form of discrimination CEDAW adopted a three pronged approach, first a special Rapporteur on violence Against women was appointed after the 1993 world conference on Human Right held in Vienna. The aim was to prepare a report on the issue of gender violence every year, focusing on specific forms of violence. CEDAW went to argue that gender based violence may breach specific provisions of the convention regardless of whether those provisions expressly mention violence. The basic for this argument is that discrimination against women, in Article 1 of the women's convention, can be understood to include violence that is directed against a woman because she is a woman or that effect women disproportionately. In 1993 in light of these interpretations, CEDAW recommended that states ratifying the women's convention should ensure that laws against family violence, abuse, rape, sexual assault and other gender – based violence give adequate protection to all women, and respect their integrity and dignity. Appropriate protective and support services should be provided for victims, and gender – sensitive training of judicial and law – enforcement officers and other public officials is therefore essential for the effective implementation of the convention. (Sweetman, (2000) 67).

Similarly on 23 February 1994, the UN General Assembly adopted the Declaration on the Elimination of violence against women.This signalled that violence against women was starting to be regarded as a violation of human rights. It also placed more responsibility on states. This declaration therefore boosted the implementation of the women's convention (ibid).

Since the drafting of the women's convention in 1976, women activists have lobbied for the right of individual women to be able to make complaints to CEDAW. At that time they suggested a complaint procedure for individuals, but their proposal was not taken up. (Ibid, 68).

Increasingly, women's organizations called for the introduction of an optional protocol to the women's convention to give individuals, and groups the right to complain to CEDAW about violations of the women's convention, and to allow CEDAW to conduct enquires into grave or systematic abuses of women's human rights in countries that have ratified the optional protocol (Ibid).

In June 1993, the idea of adding an optional protocol to the women's convention was taken up and recommended in the Vienna declaration and programme of Action adopted by the UN – Sponsored World Conference on Human Right. In 1994, an independent expert group met at the Maastricht Centre for Human Right, to draft an optional protocol. Soon afterwards, CEDAW adopted suggestion NO 7, a proposal that set out the desirable elements of an optional protocol. (Ibid, 68 – 69).

(Pietila and vickers, 1994) as cited in Sweetman,(2000) 69) posit that:

"Since international women's year in 1975, the series of world conference on women hosted by the United Nations was the focus for action from women's organization to pressurize government to make changes in their legislation to support women's right, and ratify the women's convention.''

The fourth world conference on women held in Beijing in 1995 resulted in a call to UN member state to support the idea of an optional protocol. In March 1999, the UN Commission on the status of women (the body that drafted and oversees the women's convention, and proposed the establishment of CEDAW) adopted the optional protocol (Ibid).

As a result, CEDAW itself offered the following reasons, for the appropriateness of an optional protocol to the women's convention.

To add to existing enforcement mechanisms for women's human right

To improve states and individuals' understanding of the women's convention.

To stimulate states to take steps to implement the women's convention.

To stimulate changes in discriminatory laws and practices.

To enhance existing mechanisms for the implementation of human right within the UN system.

To create greater public awareness of human right standards relating to discrimination against women (UN Division for the Advancement of women 2000) cited by (Sweetman, (2000), 69).

2.1.6 RIGHTS OF WOMEN IN ISLAM

West Africa is a vast land area containing many states, each of which contains within the boundaries a number of different ethnic group, increasingly, it population is becoming Muslim. Brought from the North Africa and the middle East beginning in the seventh century, Islam expanded rapidly at certain historical points and has continued to spread since independence, only in two countries, Nigeria and Ghana, did it appear to lose ground between 1966 and 1983. And only the coastal countries to the south have remained primarily non Islamic. There are several reasons that Islam had been so successful some of these have to do with the way it was spread, the compatibility between the cultures of the proselytizers and the proselytized, and the flexibility of the faith itself in the absorption of existing customs and traditions, other explanations may have a more political base. For example, Islam has acted as a buffer against Christian invaders and has reinforced nationality movement. Whatever the reasons, the conversion to Islam has a long and deep impact on all members of West African society. In each major region of each country, the impact of Islam is different. Its impact on the population is affected by (among many other things). The percentage of the members of various ethnic groups who convert, whether or not those who control political power are conservation or radical Muslim; the amount and intensity of contacts with the west, the

middle east, the North African; the level of economic and social development of the population in general and of Muslim in particular; and the culture and society that existed prior to the arrival of Islam. Across West Africa these factors vary greatly (Callaway (1994) 1).

The expansion of Islam beyond Arabia to Egypt was the result of a war of conquest, begun in 640 A.D, only eight years after the death of the prophet. Muhammad (S.A.W). During the next ten years the Islamic holy war, or Jihad spread to Tripoli and South to the Sudan. By the end of the century the Islamic armies had reached Tunisia (Tunis and Carthage) and within twenty years the entire Northern rim of North Africa was subjugated (Fage, (1978) 143 – 157) as cited in (Callaway (1994) 9). Islam was being spread not only as a religion but indeed, as a civilization. The language (Arabia) and the social and political organization of the conquerors were imposed. Many features of pre-Islamic customs would survive, but throughout the territory there were major changes in people's lives, and expectations (Callaway, (1994) 9).

It is in education that the most dramatic changes can be seen in the lives of Muslim women in West Africa. In all Islamic countries both men and women assert emphatically that Islam is a learned religion, that according to the teachings of the prophet Muhammad (S.A.W) both men and women are equal before God, and that both therefore should know the word of God. Through the ages Islamic religious leaders have interpreted their axioms to mean that women as well as men should be literate in order to be able to read. The teachings of the prophet and to know it prescriptions for their lives. And, even in Western secular schools, the percentage of Muslim girls (and women) has increased dramatically in recent years (Callaway (1994) 55).

The teachings of Islam in regard to Educating women are not unlike those of other religions. Education is viewed, as essential in order that women know how to fulfill their duties as wife and mother. Girls are to study female role models and religions injunction and learn how best to support male family members, Their productivity is measured in health and well being of their children and in the satisfaction and success of their husbands and fathers. Most of the developing world, however, dictates that women cannot stay home and fully themselves with domestic tasks. They will also be involved in economic production, increasingly too; women are being drawn into the informal sector and eventually into wage labour positions in urban areas. Although they are still a small minority of the paid work force, their percentage in every position levels is growing rapidly (Ibid).

On the other hand, the word sharia simply means law in Arabic.The root world means the way'.These laws are commonly held to be divine laws. Muslims laws are not uniform .There is more than one school of sharia. The four main schools that exist to day were formed through the personal allegiance of legal scholars or Jurists to the founders from each school took its name, Hanafi, Maliki, Shafi and Hanbali. Each school had its own specific circumstances of origin for instance; both Hanafis and Malikis are the representatives of the legal tradition of a particular geographical locality, the former in kufra, present day Iraq and the latter in the Arabian city of medina. The two later schools, following Abu Hanifa and al-Shafi developed precisely out of a controversy in jurisprudence (i.e. human reasoning over law). Consequently, each school has variations according to the cultural, political and socio – economic context in which they were developed and the philosophy of reasoning that was accepted.There are also Shia schools of law of which the most prominent is the Ithnar Azari (Imam, 2003).

It is often said that the differences between the schools are minor, but in fact there can be wide diversity including around women's rights. For instance neither women nor men require marriage guardians in Hanafi law – a huge difference from Maliki School where fathers have the right to determine the husband of never married daughters. In maliki law

women have a right to divorce on demand, which will be upheld by courts in Nigeria, regardless of husbands consent. This is not so in other schools of Muslims laws. Even within given schools of Muslim laws there may be divergences about women's rights and capacity to act as witness, judge or leader, within schools themselves there also can be variations, for instance, not all maliki adherents view pregnancy as sufficient evidence of Zina. (Ibid)

Islamic laws are therefore not unchangeable law, to be accepted unquestioningly by all Muslim. In fact the scholars, after whom the four currently accepted schools of Sunni Sharia were named, had no intentions of making their views final and binding on all Muslims. Imam Hanbal argued" do not imitate me, or Maliki, or Al -shafi, or Al-thawri and derive directly from where they themselves derived". Imam Maliki; the founder of the school of figh accepted in Nigeria, cautioned that "I am but a human being. I may be wrong and I may be right. So first examine what is said, If it complies with the book and the Sunnah, then you may accept it, But if it does not comply with them then you should reject it" furthermore, the founders also found it acceptable that the reasoning of one legal tradition might be considered correct on one issue, but that of another more correct on a different issue (Ibid)

Also, the draftsmen of the Universal Islamic Declaration of Human Right have provided against each article copious references to the Qur'an and the traditions of the prophet (Hadith) for example, the Qur'an enjoins respect for privacy: "ye who believe: do not enter homes other than your own till you obtain permission and greet their inmates (24:27). In an excellent essay on Islam and human rights, a distinguished lawyer, the late V. A Syed Muhammed, spelt out from the texts right to equality: to life, liberty and security of person, freedom of religion, thought and expression: freedom of movement: right to education etc particularly note worthy are these sayings by prophet Muhammad (S.A.W) which he quoted acting full references, 'the worst form of class prejudice is to support one's community even in tyranny and 'He who knowingly lends support to tyranny is outside the pale of Islam (Noorani (2002) 100)

(Al-Jibaly (1999) 25) further discussed about women's rights in Islam.

Similarly, in ancient nations and societies that deviated from the pure revelation, the woman was considered a tradable commodity. In some cultures, she was even believed to be a filthy being from the making of Satan. This notion about women was present even in Jewish and Christian tents. Similarly the woman's position was extremely degraded during Jahiliyyah. She was considered part of her father's or husband's property, and was transferred by inheritance like other parts of the estate. The Arab regarded the birth of a baby girl a bad omen, and would often get rid of her by burying her alive.(al-jibaly further explained that)

The woman's status and rights are only established in Allah's fair guidance, which was brought by His messengers through the ages. After the alternation or obliteration of all of the previous messages, Islam came to crown all of those messages with a most perfect guidance from Allah, leaving no detail untouched and reestablishing the right position for the woman. She is not a lesser being that the man may humiliate and oppress at convenience. Rather, she is his counterpart. A'isah, Anas, and Umm Sulaym (may peace be upon them) reported that Allah's messenger (SAW) said.

''Indeed, the women are only full sisters of men''.

The women's rights are ordained by Allah, and no one may violate them for any reason. Al-miqdain (may peace be upon him) *Reported* that Allah's messenger (SAW) said "Indeed, Allah (SWT) commands you to be good to the women; indeed, they are your mothers, daughters, and (material) aunt. Indeed, a man from the people of the book would be married to a woman who can hardly know how to pull a string (from ignorance), and yet, neither of them would want to depart from his companion".

Hence, the woman's lesser physical strength is not, by any means, a justification for the man to overstep her rights. Abu Hurayrah (may peace be upon him) reported that Allah's messenger (SAW) said

"I strongly admonish you in regard to the right of the two weak ones: the orphan and the woman"

In addition, the wife's right on her husband are clearly ordained and strongly established in Islam. Allah's messenger (SAW) gave the following instruction to a number of his companions, including Uthman Bin Maz'un and Abdullah Bin Amr (may peace be upon them).

"Your wife has a right upon you".

Also, Amr Bin Al Ahwas (may peace be upon him) reported that Allah's messenger (SAW) said

''Lo! You have right on your women and your women have right on you''

Jabir (may peace be upon him) reported that Allah's messenger (SAW) said,

"have taqwa of Allah in regard to your women… indeed, you took them (in marriage) through a trust with Allah… they have a right on you. Provide them with food and clothing in a fitting manner".

The woman has rights and obligations. Her rights must be fulfilled in a serious and fair manner. This is an important requirement in Islam.

Mu'awayah Bin Haydah al Qushayri (May peace be upon Him) reported that Allah's messenger (SAW) said

"a woman's right on her husband is that he feeds her when he eats, clothes, her when he clothes himself, avoid hitting her face, avoids despising her (by words or actions), and avoids deserting her except within the same house".

Also, in Surah Rum (540, verse 21) Allah (SWT) said

''And among his signs is this, that he created for you mates from among yourselves, that ye may dwell in tranquility with them, and he has put love and mercy between your (heart): verily in that are signs for those who reflect".

Again in Surah Baqarah (2) verse 228 Allah (SWT) said

''And women shall have rights similar to the rights against them, according to what is equitable''.

Even some western scholars have acknowledged the right Islam accorded to a woman. Evelyn Koon in his book "The search for God" stated that (cited by Yusha'u, (2008): 78).

When Islam came, it restored the women's freedom, causing her to become a partner to the man, with the same right as he enjoys and the same responsibilities .The man has no basis for claiming superiority over the woman, except in so far as he possesses greater physical strength or practical resources. When he acts in the role of leader towards her, he does so in the capacity of a guardian, enfolding her in his powerful arms, defending her with his life, and supporting her with what his hands have earned. Beyond this, however, the two of them are equal both in good times and in bad. Their truth is what God expresses in the words, and woman shall have rights similar to the rights against them, according to what is equitable, but men have a degree (of advantage) over them (Al-Baqarah: 2, 228)

Similarly, according to Roger Carodet:

According to the Quran, the woman has right to dispose of what she owns, which is a right that most western laws did not grant her, and those of France in particular, Until 19th century, with regards to inheritance, it is true that the female inherits half the share inherited by the male; however this is compensated for the fact that all financial obligations, especially the burden entailed in the family's assistance of others fall on the male's shoulders, while the woman is exempted from all such responsibilities.The Qur'an also gives the woman the right

to ask for divorce, a right which the women did not obtain in the west until thirteen centuries later (Yusha'u,(2008) 9).

According to a survey conducted by Dalia Mogahed, Executive director and Senior analyst of the Gallup Center for Muslim studies and appointee to President Obama's council on faith-based and Neighborhood partnerships, her survey alleges that a majority of Muslim women believe that sharia law should either be the primary source or one source of legislation in their countries, while viewing western personal freedom as harmful to women.(Stillwell,(2009):1)

Fellow Guest Nazreen Nawaz, who took up the bulk of the interview expounding didactically on the benefits to be bestowed upon humankind by revival of a Khalifah state or Caliphate.she maintained

…If we could only return to the halcyon days, she urged all the considerate problems of the Muslim world would be solved. As she put it: Islam came to solve human problems.(Stillwell,(2009) 2)

Demonstrating the utter delusion of a fanatic, Nawaz alleged that:

We know that sharia pioneered rights for women.This idea that women have the same rights of citizenship to a man ,this was unheard of in empires or civilizations of the past.And we know that islam brought this.(Stillwell,(2009) 2)

She also defended Islam's strict regulations in terms of social law and expressed admiration for precisely those features of Islamic law that most oppressed Women: she posit

…Men and Women cannot socialize, they cannot be alone together…in terms of lowering the gaze, all these things, the dress code,they are all there to ensure that there is a healthy cooperation so that men and women can focus at the job at hand. (Stillwell,(2009)2)

In contrast, Nawaz condemned the west for allowing women too much personal freedom, citing the breakdown of the family and promiscuity as the result. She espoused

I think living in the west we see some of the truths of their idea of liberty and their idea of freedom, where people are free to have any relationship they want to.I believe that it's caused a lot of problems in the social structure,you have adultery, and you have problems of teenage pregnancies…These are indeed dire consequences, just as Nawaz believes, of personal liberty.Rather they result from the dissolution of the moral framework that supports liberty itself.The struggle to maintain the family structure and women's dignity amidst growing libertinism is alive and well in the west.but when given the choice, who would trade liberty for the opposite outcomes, totalitarianism?(Stillwell,(2009) 3).

Furthermore, Nawaz demonstrated a lack of understanding about how women's rights and indeed human right have been achieved historically in the west.

Women have made a lot of progress in the west in terms of economic, political rights, education and so on. But I would reflect the claim that these values of secularism and liberal values and even in terms of democracy have, that they can claim victory for this progress. Because if we remember history, women actually had to fight against these values in order to secure their rights… And women even today have to fight in secular democracies against discrimination of these levels (Stillwell, (2009) 3)

2.1.7 RIGHTS OF WOMEN IN SOKOTO CALIPHATE

Shehu Uthman Dan Fuduye or Shehu Usman Dan Fodio, (1754-1817) was the founder of the Sokoto caliphate in 1809, a religious teacher, writer and Islamic reformer.Dan Fodio was one of a class of urbanized ethnic Fulani living in the Hausa states in what is today Northern Nigeria. A teacher of the Maliki School of law and the Qadiriyyah order of Sufism, he lived in the city state of Gobir until 1802.Dan Fodio wrote more than a hundred books concerning religion, government, culture and society. He developed a critique of existing African

Muslim elite for what he saw as their greed, in religiosity, violation of the standards of Sharia law, and heavy taxation. He encouraged literacy and scholarship, including for women and several of his daughters emerged as scholars and writers. His writings and saying continue to be much quoted today. (Wikipedia)

(Werthmann, 2005) observed that the best known example of the pre-colonial period is Nana Asmau, a daughter of Usman Dan Fodio, the intellectual leader of the 19th century Jihad in Hausa land. In his writings, he repeatedly commented on the right and duties of women. For instance, he stated,

'' most of our educated men leave their wives, their daughter and their female relatives… to vegetate like beasts, without teaching them what Allah prescribes, they should be taught and without instructing them in the articles of law which concern them… the men treat their women like household utensils, which break after long use and are then tossed on the dung heap. This is a loath some living. How can they allow their wives, daughters and females dependents to remain prisoners of ignorance, while they themselves share their knowledge with student everyday? In truth, they are acting out of self interest".

Usman Dan Fodio goes on to say

Husbands are not only obliged to take care of the material needs of their families, they are also responsible for the education of their wives and children. If they do not fulfill their obligation, women have the right and even the duty to acquire an education outside the home".(ibid)

Similarly, Usman Dan Fodio practiced what he preached and all the women in his family, particularly his daughter Nana Asmau were highly educated. Nana Asmau founded a movement of educated women, who traveled from place to place teaching other women(the jaji and yan taru movement) (ibid).

Again Doi, (1984) 321-322) posit that Shehu Uthman has again repeated the need for educating the women in his famous work Ilya al Sunnah

"if any one says that women are generally ignorant of these matters (i.e. matters relating to business transactions) my reply is that it is as incumbent upon her to Endeavour to know these (Commercial regulations) as it is binding upon her to know about other matters pertaining to her religion like ablutions, fasting and praying".

The message of Shehu Uthman worked so well that female education among the Muslims in the Northern Nigeria became a matter of pride. His Jihad was followed by a literary resurgence. Shehu's two daughters were highly educated and their literary contributions have come down to us as a specimen of learning among Muslim women in Islam in West Africa. The elder daughter of Shehu Uthman used to give religious instructions and lessons on Islamic studies law and jurisprudence. The younger daughter of the Shehu was a renowed poetess.The Shehu used to allow women to attend his lectures and preachings as mentioned in the famous work Tazyin al waraqat by Shehu's brother Abdullahi (Ibid).

The effect of this teaching continues till today in the filed of female education. The modern system provides various girls schools and colleges as well as women… on the whole, female education is on the increase in Nigeria (Ibid)

In addition, (Bobboyi and Yakubu (2006) 369-370) espoused that

"Let us study, and keep on learning. This gives mankind all that he need. Do not stay among ignorant people who violently seize property in Muslim lands".

The above verses from the poem Tabbat Haqiqa by Shaykh Uthman Dan Fodio… sum up to the devotion of caliphate to learning and scholarship. The volume of works of the Jihad leaders show that despite their other commitments, their devotion to educating the community was paramount… more than a hundred works have been written by Dan Fodio himself, more than sixty by his brother Shaykh Abdullahi Fodio and some seventy-eight by his son Shaykh Mohamed Bello. Nana Asmau who can be seen as the greatest woman writer

of her time and who have contributed to women education and liberation provided the much needed gender balance with sixty six works (Ibid).

As a result, they held learning in very high esteem,

hear Dan Fodio again,

‘’ A man without learning is like a country without inhabitants. The finest (qualities) in a ruler, in particular, and in people in general, are the love of learning, the desire to listen to it and holding the bearers of knowledge in great respect- this is infact the surest way for a ruler to be beloved by his subjects on the other hand, if the king is devoid of learning, he follows his whims and lead people astray, like a riding beast with no hacter, wandering off the path and perhaps spoiling what it passes over”. (Bobboyi and Yakubu, (2006) 371)

The above extensive quotation shows to us that the tradition of learning and scholarship was paramount in the caliphate and was its soul (Ibid).

In addition, it is sad that in the 20th century, the Muslim North, base of the caliphate is labeled as back ward in education especially women education. Dan Fodio in the opening years of the 19th century has fought for Muslim women and has liberated them. His debates about women education have littered the Jihad literature. Dan Fodio’s concern for women education attracted a lot of criticism from scholars like Gwani from Daura in their multiple responses, Abdullahi Fodio replied (Bobboyi and Yakubu (2006) 373)

‘’The evil of leaving women in ignorance, not knowing what is incumbent upon them, nay, not knowing Islam at all, is greater than the evil of their mixing with men, for the first evil relates back to religion, which is faith, Islam and good works (Ihsan), and second evil relates back to genealogy. (Ibid)

Thus, women education was given prominence and that produced Nana Asmau, the daughter of Dan Fodio and sister to Bello, who has had a strong impact on women and women education in her time and to date. She organized women into an itinerant teaching scheme that has, over the years, educated women about religion. Boyd and Mack described Nana Asmau’s contributions as being “in transforming the women’s organizations that had existed among the non-Muslim woman prior to their capture, and channeling their interests and needs into organizing representative of the Jihadist community’s values. Through her organization of itinerant women teachers of other women (the’yan taru) Nana Asma’u made working for the community both desirable and honorable”. (Bobboyi and Yakubu (2006) 374).

(Mahdi, (2006) 54-56) maintained that Shehu devoted at least three of his works to emphasizing the right of women to education and freedom of movement, on the former, no limits were imposed, while the latter was conditional.The idea of rights made women eligible for formal education including business education though the emphasis was on the religion. He was also very blunt about the illiteracy and ignorance of Hausa women for which he squarely blamed men. Addressing women, he says

“They seek only their own satisfaction and that is why they impose upon you tasks which the laws of God and that of His prophets have never especially assigned to you. Such are the preparation of foodstuffs, the washing of clothes, and other duties which they like to impose on you”.

This was a bold challenge to the values that had informed gender relations within Hausa society. In contrast while Shehu Usman held some radical views on women’s social standing, he seemed to have been less so on the rights of women to public political participation. Both his brother Abdullahi and son Muhammad Bello, played active roles in the government of the caliphate. On the other hand, his daughters were completely absent from the government even though Nana Asmau was an ardent teacher, and a prolific literary writer herself, while she was active in organizing supplies during the wars, was an advisor to and literary collaborator with her brother the second caliph Muhammad Bello, who respected

her sound judgment, she held no formal state office, in deed, neither among the leaders of the Jama'a, nor in the Emirates was there a mention of a woman who held office in the administration or any decision making body.

Similarly, Ogunbiyi believes that women suffered due to their exclusion from politics, and a loss of their freedoms of movement in the caliphate making the Jihad a conservative movement. Tukur on the other hand raises two points against Ogunbiyi. Firstly, that he has been partial in this selection of material from Shehu Usman, neglecting the dire conditions of women before the Jihad. Secondly, he thinks Ogunibiyi's method is arbitrary because he keeps shifting the yardstick of measure, from contemporary standards to those of the pre-Jihad as it suited him because of this, it would be superficial to conclude that the Jihad movement was reactionary or backward. He also believes that any judgment would have to be based on the assessment of the overall historical impact of that phenomenon.- whether the Jihad in Hausa land improved the lives of the majority of the people or not (Ibid).

2.2 THEORETICAL FRAMEWORK

A theory is a set of ideas which is expressed in terms of some data and supports some data, sometimes; the word theory is used as a synonym for speculation: idea or conjectures. Theories are some times used to designate a conjecture about casual relationship or about the most effective means of promoting a given end. By theory we mean an abstracted view of reality, a structured way of looking at reality. A theory explains more intensely a phenomenon. This explanation sheds more light on what is being investigated.

The conscious and deliberate decision that a researcher has made in terms of the theory or a combination of theories, which guide his research effort is called theoretical framework. Theoretical framework is a section of a research work, which deals with the theoretical bent of the work.

The word "feminist" was invented by a French socialist, Charles Fonvier, in the early nineteenth century. He imagined a "new woman" who would both transform and be herself transformed by a society based on association and mutuality; rather than on competition and profit. As views influenced many women and combined self emancipation, changing oneself was part of changing the world. 'Feminist' appeared for the first time in English to describe women campaigning for the vote in the 1890s. By this time organizations had developed in many places that sought to extend literal ideas of individual right to women.

Some feminists have stretched the meaning of the word and given it a wide span. Judith Astellara, writing on the modern Spanish movement, presented this definition of feminism in 1984. (Rowbotham (1992) 7 – 8).

Feminism is a theory for social transformation as well as a movement that strives to end the oppression of women. In this double aspect, feminism has always existed as part of the historical societies in which is has developed. It had been influenced by the specific social, economic and political traits of society. (ibid)

The term Feminism can be used to describe a political, cultural or economic movement aimed at establishing equal right and legal protection for women. Feminism involves political, cultural and sociological theories, as well as philosophies concerned with issues of gender difference. It is also a movement that advocates gender equality for women and campaigns for women rights and interest. (Wikipedia).

Feminist theory in an extension of feminism into theoretical or philosophical field. It encompasses work in variety of disciples. Feminist theory aims to understand gender inequality and focuses on gender policies power relations and sexuality. Much of feminist theory focuses on the promotion of women's rights and interest (Ibid).

Gender theory refers to the conceptual framework feminists invented. Whatever its different prescription feminism is a politics of protest directed at transforming the historically power relations between women and men while feminist theory would not be

possible without use of gender as an analytical tool, the use of gender theory does not by itself constitute a feminist approach. What is uniquely feminist is the assumption and critique of women's oppression. As gender is socially constructed, this means that it varies across cultures, times and between members of the same sex and varies between the sexes. The underlying aim of the principle of gender equality (when it references women) is the eradication of the disabilities that are imposed on women as based on cultural definitions of her role in society and not merely discrimination based on her biological reproductive capacity or other biological traits (As discussed by Ahmed, 2005).

The advantages of the concept of gender to feminist theory and methodology is that it enable us to recognize the differences between women in terms of gender formation and identity (Pereira, (1996) 14) feminism have certain points in common. These include.

The existing relations between the sexes, in which women are subordinated to men, are unsatisfactory and ought to be changed.

Feminism challenges much of what is taken for granted as 'natural': 'normal' and 'desirable' in our various societies.

Feminism is not simply ideas: its point is to change the world, to transport the relations between men and women so that everyone can have a greater chance to fulfill their human potential. Feminism is logically, than a set if ideas which are also a political practice (Pereira (1996) 24).

The term feminist theory generally suggests a body of knowledge which offers critical explanations of women subordination. The explanation does not seek to reinforce or legitimate, but rather attempts to undermine, expose or challenge, women's subordination. Typically, feminist theory offers some kind of analysis and explanation of how and why women have less power than men, and how their imbalance could be challenged and transformed. Feminist have produced diverse and competing theories about the general patterns of inequality and the broader structures, beliefs systems and institutions which produce and organize particular experiences, in order to analyse, understand and hopefully, challenge women's subordination (Richardson and Robinson (1993) 50).

During much of its history, feminist movements and theories were lead predominantly by middle-class white women from Western Europe and North America. However, at least since Sojourner Truth's 1851 speech to American feminists, women of other races have proposed alternative feminisms. Their trend accelerated in the 1960s with the civil rights movement in the United States and the collapse of European Colonialism in Africa, the Caribbean, parts of Latin America and south East Asia (Wikipedia)

There are different types of feminism like radical, marxist, socialist, liberal, anarchist or eco-feminist.

As cited by woodlock, According to macquarine dictionary, Feminism is ''advocacy of equal rights and opportunities for women, especially the extention of their activities in social and political life'' The parallel word in Arabic that has been used by Arabic speaking Feminist is nisa'iyyah.In the western world, Feminism is often described as having accured in waves.

First wave Feminism-This refers to the modern world's ''first concerted movement'' working for the reform of women's social and legal inequalities in the nineteenth century. First Wave Feminism was directed primarily at white middle-class particularly marked by the suffragette movement. (ibid)

Second Wave Feminism-This refers to the feminist activity in the U.S and the euro-centric world during the sixties onward. Again it was primarily (though not solely) directed towards reforming the societal rights of middle-class particularly white women and second wave feminists worked visibly to counter discrimination against women.A feature of second wave feminism is that various feminist groups and approaches began to be distinguished.(ibid)

Third Wave Feminism-From around the nineties a new wave of feminism began to be discussed in theoretical studies…women who did not see themselves as falling in to the activist,Feminist stereotype of the sixties and seventies, but nevertheless wanted to promote gender equality at various levels began to see themselves as part of this third wave feminism. In particular, third-wave feminism includes the work of groups that were ignored or down played by second-wave feminists: Indigenous women, on white women, women from non-Christian religion etc.for these women, second-wave did not speak to them but they still wished to advance ideas of gender equity and improve conditions for women around the globe.(ibid)

The Liberal Feminism will be adopted and used as a Framework of Analysis because it best explains how the equality of men and women can be achieved in society without altering the structured of the society just as Nana Asma'u and CEDAW maintained.

According to Brookes liberal feminism asserts that the equality of men and women can be achieved through political and legal reform.it is an individualistic form of feminism and theory which focuses on women's ability to show and maintain their equality through their own actions and choices. Liberal feminism looks at the personal interactions of men and women as the starting ground from which to transform society in to more gender-equitable place.Liberal feminism generally work for the eradication of institutional bias and the implementation of better ways. In the United States, liberal feminists have historically worked for the ratification of the Equal Rights Amendments or Constitutional Equity Amendment in the hopes it will ensure that men and women are treated as equals under the democratic laws that also influence important spheres of women's lives, including reproduction, work and equal pay issues. Feminist associated with this tradition are amongst others Mary Wollstonecraft, John Stuart mill:second-wave feminists Betty friedan and Gloria Steinem;and the third wave feminist Rebecca Walker.John Stuart Mill believed that men are not intellectually above women and centered on the idea that women, infact are superior in knowledge than men.(http://www.helium.com/items/329363)

According to Bonnie L. (2007) he maintained that liberal feminism as opposed to radical feminism, argues that women can achieve equality through social reform: In the work place, the law, and in the wider culture, They therefore believe that men need not be challenge about their place in society-their aim is not to overthrow a patriarchy, but simply to bring everyone up to the point at which we are all equal.(ibid)

Ed Forester (2007) posits that liberal feminism is an ideology of egalitarianism. The tenets of liberal feminism are an equal legal standing of men and women under the law, equality of outcomes and opportunities and legal and social mechanisms of redress for oppression and or abuse due to patriarchal of man centered social structured.(ibid)

Can Tran (2007) espouse that liberal feminism is defined as a series of movement that promote equality of both genders through social, political and legal reform. It is not as extreme as radical feminism. This type of feminism tends to be more individual instead of the collective. This is the embodiment of the woman's independence and individualism. Its basically working towards a meritocracy and that a woman will be treated by her merits and not because she is a woman. They don't see the need to cause chaos and anarchy. They don't see the need to bring down modern society and modern day culture to achieve. Liberal feminist are far more open- minded than their radical counterparts. In short, liberal feminists are basically the moderate feminists that they don't veer in to the extreme. There is no need to veer neither specifically towards one direction nor towards another. Liberal feminism is the more balanced and moderate representation of the movement. It's more of a peaceful direction of feminism. (ibid)

Sarah Afshar (2007) also maintained that as one of the biggest civil rights movement in the 60s-70s eras. Liberal feminism is simply a form of feminism that believes inequality can

be cured on a variety of social and political wavelengths using social and political influences. (ibid)

(Holborn and Haralambos(2004) 105)also espoused that to the liberal feminists, nobody benefits from existing gender inequalities; both men and women are harmed because the potential of females and males alike is suppressed….The creation of equal opportunities particularly in education and work, is the main aim of liberal feminists. They pursue this aim through the introduction of legislation and by attempting to change attitudes.

THE BASIC TENETS OF LIBERAL FEMINISM ARE (According to Brookes)(http://www.helium.com/items/329363)

- Liberal feminism has been called mainstream form of feminism out of all sub-types.
- it is said that liberal feminism is an individualistic form, concentrating on women having the ability to maintain their equality through being responsible for their own actions and choices.
- The ideology of the liberal feminist is that women will transform society through their personal interactions with opposite sex.
- The liberal feminist believes ‘’All women are capable of asserting their ability to achieve equality; therefore it is possible for change to happen without altering the structure of society.
- The liberal feminist also believe that the equality of men and women can only be achieved by changes being brought through political and legal reform. The want the eradication of institutional bias and implementations of fairer laws towards women.
- The United States liberal feminists’ campaign for the ratification of the Equal Rights Amendment and the constitutional Equity Amendment.They want to ensure that men and women are treated as equals under the democratic laws that influence and govern women’s lives.
- They also bring to the forefront the issues of sexual and domestic violence perpetrated against women.

CHAPTER THREE

3.1 PROFILE OF NANA ASMA'U

Nana Asma'u Fodio, a twin, was born in about 1793 in Degel, a small settlement lying 25 miles North West of Sokoto, which was only an unimportant harmlet in the year of her birth. (Boyd, (1989) 1). Asma'u's twin brother was named Hassan, but instead of the name Hussaina, the Shehu chose "Asma'u" for his daughter, a name that recalls the extraordinary seventh-century Asma bint Abubakar daughter of one of the early Muslims (Yusha'u, (2008) 1)

Asma'u was born in 1793 shortly after her father, the Shehu, together with his family returned to Degel, their home in western Gobir, after an absence of five years in Zamfara. In 1788, a year after he has started his preaching activities in Zamfara, he had, had a confrontation with Sarkin Gobir (Chief of Gobir), Bawa Jan Gwarzo at Magami where he had won moral ascendency over the renowned old warrior. The outbreak of hostility did not occur until sixteen years later in 1804 but during these years a number of incidents occurred which increased the tension between the Sarakuna (ruling faction) of Gobir and the Shehu's Jama'a (community). The root of the hostility of the Gobir Sarakuna to the Shehu are traceable to the late 1780s: In those same years, at Faru in Zamfara, the Shehu had a mythical vision in which he saw ten thousand prayer beads counting themselves and he was told they were praying for his victory. Asma'u was born in the same year that he had another vision in which the precise nature of the Hijira he was to make twelve years hence was revealed to him. (Boyd,(1982) 13).

Hassan and Asmau were the tenth and eleventh children respectively of the shehu's first wife. (Boyd, (1982) 13).

Maimuna who was the daughter of her father's sister and therefore his cousin (Boyd,(1982) 14).At degel, Asma'u had older half brothers and sisters of which eight grew to maturity and reputation for themselves, of these the eldest was Muhammad sa'ad, the son of Aisha, the shehu's second wife, whom he had married at the same time he married Maimuna. Aisha was also remembered among the shehu's disciplines and on account of her Sufism,she exerted considerable influence. (Boyd, (1982) 15).

In the mid 1790's, Maimuna, Asmau mother died. The significance of Asmau's position in the family tree lies in the fact that while she was the youngest of the children born during that phase of the shehu's family life, she was probably the only one to survive beyond 1842.Asmau found her self, at the age of fifty, the eldest of the shehu's surviving children, the only one to be brought up at degel.(Boyd,(1982) 18).

Asma'u makes occasional reference " my mother'' in the closing verses of her poems where she calls Allah's blessings upon her ,but in the following verse she mentions her by name.The poem is sonnere mo inna (Elegy for mother). (Boyd, (1982) 13).

when'' muna ''died Asmau was not given the charge of a relative outside the home;she grew within the family circle, mothered by Aisha and Hauwa who were the stabilizing influences now that maimuna and hajji died. (Boyd, (1982) 18-19).

A classical Islamic education shaped Asma'u's view of the world. This was not simply rote memorization of the Qur'an, although this approach is one by which children first assimilate the word of God, but it involved a rigorous programme of study beyond the initial phase. Tutored by her family, Asma'u studied Islamic philosophical text on prayer, mysticism, legal matters, fiqh (which regulates religious conducts), and tawhid. (Mack & Boyd, (2000) as cited by Yusha'u, (2008) 1-2)

Nana Asmau's thoughts were influenced by the Sunna (custom of the Prophet), which was central to the ideology of the community, the Fulani herding and the Inna (Queen)of Gobir who was an influential figure in performing the functions of a minister for women's affairs in traditional Gobir society. (Boyd, (1982) 1).

The shehu's attitudes towards women's education and status are set out in a number of books.In IRSHAD AHLAL-TAFRIT WAL IFRAT for example he poses the question, why if a woman is permitted to go to Mecca she should not be allowed to learn the Articles of faith without which no religious duty could be properly performed. WATHIGAT AL-IKHWAN he enumerates the duties of the husband towards his wife, on this issue the Shehu's authority was Al- Imam Khalil b. Ahmad the author Al-mukthasar a book which was translated in Fulfulde and also versified by the Shehu's eldest daughter Hadija. (Boyd, (1982) 19).

The Shehu used two authorities to support his claim that it is obligatory on a husband to teach his wife, children and slaves… there is a well-known passage in Nur- al albab in which the Shehu argues that it was wrong (bidi'a, a hearsay) for Mallams (the learned) to leave their women and children in ignorance while they busied themselves with their pupils. This was a step beyond the point of view put forward in the Risala of Muhammad b. Yusuf b. Salim b. Ibrahim on whose view the Shehu had drawn. The shehu argued cogently that while the teaching of the pupils is optional, the teaching of women folk is obligatory, and what is obligatory must come before what is optional. Asmau has left no account of her education beyond acknowledging Muhammad, her brother as her teacher. However Waziri Junaidu reports that her elder sister Hadiza, the translator of Al-Mukthasar was among her teachers and that the Shehu followed her progress closely. (Boyd, (1982) 19).

The influence of the Shehu was paramount in her life and Asmau's education and training made her a very different kind of girl from those who lived outside the Jama'a. It was the Sunna of the Holy Prophet Muhammad (S.W.A) and not local custom, which guided the Shehu when he made decisions on day to day affairs. It is therefore necessary to understand what is implied by these word, because Asmau's home life had the most immediate influence in her, and the profoundest effect. (Boyd, (1982) 19).

When one analyses the role played by Asmau's when she was a mature woman, one can identify certain elements like the concern for women which are also common to the Inna's role (the Inna was the Sarkin mata duka acted as regent on any occasion when Sarkin Gobir was absent she was responsible for women welfare). Evidence points to Asmau turning to the Sunna, the Inna to local customs, often very divergent, but the common man may have accepted Asmau because he was familiar with the part traditionally played by Inna. It could be assumed that Asmau cleverly converted the role of Inna into an Islamic role, and that this conversion was planned with Muhammad Bello's assistance and she set out to promote the sunna using traditional non-sunna channels in order to find an easy way into the heart of untutored and possibly only semi-Islamic masses. However from the evidence at our disposal it would seem that chance rather than design led to her being known as the Uwar Gari. (Boyd, (1982) 9).

If she had not had the kind of education she received, she could not have become a teacher, nor would she have been politically alert. If she had not married Gidado, she would not have been near to Bello who was her teacher. If her children had not been spaced as they were or if she had, had to contend with co-wives and concubines, she would not have had the time to devote to writing and organizing a system of women's education. If she had not organized their system, she would not have got as involved as she did with counseling women, a role similar to that of the Inna of Gobir (Boyd, (1982) 9).

One must also take into account the fact that the success of the system of education she devised rested on its respectability and its acceptance by the Ulamas (Learned Islamic Scholars). If what Asma'u attempted to do had been bidi'a. (Boyd, (1982) 10).

Asma'u can only be understood when it is realised that circumstances allowed her to become Uwar Gari, a West African figure, just as they allowed her to become an outstanding

muslim intellectual who never allowed herself to divert from orthodox Islam (Boyd, (1982) 10).

At the age of five she would have been given her allo (writing board) on which the words of opening sentence beginning, Bismillah were written.she would have had to learn to recognize the individual letters 'b' 's' 'm' and read them aloud to her teachers while pointing to them with her finger.On satisfying the teacher that she could read what was on the board the words would have been washed off,and another sentence written out,progress would have been at her own pace, reading been heard individually. (Boyd, (1982) 20).

The classes would have been held in the open air in the women's part of the house, and Asmau and the other children,boys as well as girls would have attended in the mornings before 10am and in the afternoon between 3pm and 5pm,the la'asar prayer marking the end of the afternoon class. (Boyd, (1982) 20).

By the time she was ten she had probably read the Qur'an in its entirety when competence is reached in reading Arabic, poetry is studied, much of which is also committed to memory.The memorization of classical text and poetry,which can be done concurrently,and the study of grammar precede any attempt made by a student to compose any work on his or her own.These often take the form of prophetic panegyric poems compose for the annual competitions held at sallah maulidi (prophet's birthday). (Boyd, (1982) 21).

Prayer is an intregral part of the afternoon school and the rituals of ablution,posture,sujada (touching the forehead on the ground)and all other practical aspects of prayer are taught to the children at the la'asar (late afternoon)prayer,other aspects of religious devotion such as fasting,hajj,filial obedience,alms-giving and etiquette are part of the curriculum,and these precepts are fixed in the hearts of the children.Asmau's education followed on these lines. (Boyd, (1982) 21).

However her education included more than academic and religious studies.The shehu from the beginning stressed the crucial importance of individuals patterning their life-style on the sunna of the prophet and the example set by his companions.In ihya al sunna written in 1793,he wrote

''Whatever they did, we will do; and whatever they avoided, we will avoid''

In the hadith there are very many examples of the prophet exhorting people to work with their own hands.An example found in Muhammed Bello's book Kitab al Nasihat translated and versified by Asmau, mentions the example of the prophet's daughter Fatima grinding her own corn by hand. The Shehu to set an example, twisted grass into rope, his son Muhammad Sambo carried produce to market in a sack swing across his shoulder (Boyd, (1982) 21-22).

The Shehu's general theme concerning the freedom of movement of women was as follows – If there is no necessity for married women to go out of their matrimonial homes they should stay at home. Asmau in her poem Wa'azu Says (Boyd (1982) 21-22).

Verse 20. Women folk do not leave (your homes) unless there is a clear necessity to get food or seek education.

Verse 21. It is a religion duty to seek education and it is no fault if a woman goes out on that account.

She herself, as a girl, attended classes at the home of her elder sister Hadija who by that time was a married woman. Girls in any case were not as restricted as married women.

…At home in Degel, Asmau learned how to perform domestic chores and received academic education which was in all respect similar to that given to her brothers. The Shehu's wives were his disciples and were encouraged by him to participate in intellectual pursuits. From them Asmau received her grounding in fiqh. The women folk were not isolated as there were family gathering to celebrate weddings and births, besides the visit of senior ladies to attend religious seminars. Asmau was not kulle and within the restraints placed on her by her religion, was permitted to leave home (Boyd, (1982) 25).

From 1804 until she died in 1865, military campaigns, their planning, execution and aftermath, were part of her everyday life. From 1804 to 1806 when a more permanent camp was sited at Gwandu, Asmau travelled as did the other women with the Army: Sometimes they eye witnessed the fighting. It is essential to the understanding of Asmau's life to consider what effects those years had on her outlook in life and to her interpretation of her role. When in 1842 she became the sole survivor among the Shehu's Children of those who have shared the same experiences. (Boyd, (1982) 26).

In 1807 Asmau married Usuman, known throughout his life as Gidado Dan Laima, the name haven been perpetuated in the name given to the section of Sokoto in which he lived, Gidadawa. At the time of her marriage she was about 15 years old, there are no contemporary description of her but tradition holds that in appearance she was tall for a woman, slender, fair skinned, beautiful and always well groomed about her person and possessions. There are stories to the effect that her first husband was the friend of the Shehu, Umaru Alkammu. (Boyd, (1983) 29).

Asmau was not his first wife, he was thirty one when they were married and it is inconceivable that he was still a bachelor…, it was possible that part of Asmau's early married life was spent at Salah where Bello lived in a Ribat and the North East of Gwandu…, In 1809 Muhammad Bello started to build sokoto, a walled town in a strong position on an escarpment overlooking the broad lowlands where the Rima and Sokoto rivers meet. Asmau went there with Gidado and was one of the pioneer settlers. Her home was a house, a hundred yards or so from the house of Muhammad Bello and she lived there for twenty years. (Boyd, (1982) 31).

When Gidado died in 1850, Asmau went to live there with her son Abdulkadir, the waziri, at Wurno, and did not marry again. During her widowhood she kept her classes going and the volume of her dated work shows that after the years of quiet retirement with Gidado, she returned to achieve active participation in the life of the Caliphate. As the last surviving child born to the Shehu at Degel, and an account of her association with Bello and her marriage to Gidado, her advice and opinions would not have been lightly ignored. She took an interest in women affairs, had a link with all the people still engaged in literary activities. Her role as a champion of the rules and ideals of the Shehu caused her to be regarded with awe. (Boyd, (1982) 98).

She died in 1865 and was buried in the Hubbare. (Boyd, (1982) 98).

…Asma'u worked diligently: She put forward her points of view, enjoyed the esteem of fellow writers and put her learning and experience to use through the educational poetry she wrote and the classes she held. She did not command troops, she did not hold a Ribat, she was never given a title and she appears in no"rolls of honor"…While her scholarship and her commitment to the perpetration of the memory of the Shehu and his ideals found ready acceptance in the Jama'a. (Boyd, (1982) 113).

… Women students visited Asmau from distant places in well organized groups, on a regular basis. They took with them small offerings of grains, thread and cloth which Asmau used in her welfare work among the destitude… although the 'yan-taru were normally aged over fifty, they took small children with them whom Asmau may have cradled in her arms while she prayed over them. The pre marriage age-group girls also went and were thus initiated into the 'yan-taru movement, which they could join in earnest when they in turn passed the age of child-bearing (Boyd, (1982) 123).

The 'yan-taru were led by jajis(s) who were women of sound character and dedication. Each jaji wore a large straw boater called a Malfa which is normally worn over a turban and only by men. (Boyd, (1982) 123).

The Shehu held seminars for women and encouraged them to attend his lectures. However Asmau organized a system of female education run by the women themselves which has retained its identity into 1980s. (Boyd, (1982) 124).

Asmau carefully followed the Sunna rules governing women leaving the home, the women who came were mature, they dressed properly and they came for religious instructions. The sunna however while allowing this does not say anything about jaji's, the giving out of scarves of recognition and the wearing of distinctive headgears. Had Asma'u's organization fallen into disrepute before or after her death, the men folk would not have allowed it to continue, and the scholars would have condemned it as a harmful innovation, bidi'a. When Asmau died her students kept on coming and assembled in her room at Gidado's house where they were taught by her sister Maryam then in her mid-fifties. (Boyd, (1982) 124).

… The symbolic importance of Asmau today is shown by the way her name is perpetuated in modern kirare (praise songs), particularly those composed for the family of the Waziri of Sokoto, it may be that Asmau will emerge as a major West African figure as her achievements become more well known. (Boyd, (1982) 127).

Asmau was an active teacher of both men and women. In addition to teaching students in her own community, she reached far beyond the confines of her compound through a network of itinerant women teachers whom she trained to teach isolated rural women. An accomplished author, Asmau was well educated, quadrilingual (In Arabic, Fulfulde, Hausa and Tamachek) a respected scholar of international repute who was in communication with scholars throughout the sub-Saharan African Muslim world. (Beverly and Boyd, (2000) 1-2).

Education and literacy have been hallmark of Islam since its inception. Any society that impedes equitable access to salvation by controlling or limiting who can get education eschews the tenets of Islam, so the Qadiriyya community to which Asmau belonged, to deny women equal opportunity to develop their God given talent was to challenge God's will. (Beverly and Boyd, (2000) 2).

Nana Asmau's training of jaji's and the 'yan-taru was community work whose primary tool was the spoken word. In keeping with the attitude of reverence for the word that lies at the heart of Islam, her scholarship and dissemination of it were expressive of the spirit of Islam in both content and form. (Beverly and Boyd, (2000) 4).

Asmau was not isolated, nor was she ever a lone voice. When she wrote she addressed her contemporaries about shared problems. In addition her work demonstrates how she went about organizing, educating and reconciling the women of the Caliphate. (Beverly. and Boyd, (2000) 22).

3.2 PROFILE ON CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN [CEDAW]

On 18 December 1979, the Convention on the Elimination of All Forms of Discrimination against Women was adopted by the United Nations General Assembly. It entered into force as an international treaty on 3 September 1981 after the twentieth country had ratified it. By the tenth anniversary of the Convention in 1989, almost one hundred nations have agreed to be bound by its provisions. The Convention was the culmination of more than thirty years of work by the United Nations Commission on the Status of Women, a body established in 1946 to monitor the situation of women and to promote women's rights. The Commission's work has been instrumental in bringing to light all the areas in which women are denied equality with men. These efforts for the advancement of women have resulted in several declarations and conventions, of which the Convention on the Elimination of All Forms of Discrimination against Women is the central and most comprehensive document.

Among the international human rights treaties, the Convention takes an important place in bringing the female half of humanity into the focus of human rights concerns. The spirit of the

Convention is rooted in the goals of the United Nations: to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women. The present document spells out the meaning of equality and how it can be achieved. In so doing, the Convention establishes not only an international bill of rights for women, but also an agenda for action by countries to guarantee the enjoyment of those rights.

In its preamble, the Convention explicitly acknowledges that "extensive discrimination against women continues to exist", and emphasizes that such discrimination "violates the principles of equality of rights and respect for human dignity". As defined in article 1, discrimination is understood as "any distinction, exclusion or restriction made on the basis of sex...in the political, economic, social, cultural, civil or any other field". The Convention gives positive affirmation to the principle of equality by requiring States parties to take "all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men"(article 3).

The agenda for equality is specified in fourteen subsequent articles. In its approach, the Convention covers three dimensions of the situation of women. Civil rights and the legal status of women are dealt with in great detail. In addition, and unlike other human rights treaties, the Convention is also concerned with the dimension of human reproduction as well as with the impact of cultural factors on gender relations.

The legal status of women receives the broadest attention. Concern over the basic rights of political participation has not diminished since the adoption of the Convention on the Political Rights of Women in 1952. Its provisions, therefore, are restated in article 7 of the present document, whereby women are guaranteed the rights to vote, to hold public office and to exercise public functions. This includes equal rights for women to represent their countries at the international level (article 8). The Convention on the Nationality of Married Women - adopted in 1957 - is integrated under article 9 providing for the statehood of women, irrespective of their marital status. The Convention, thereby, draws attention to the fact that often women's legal status has been linked to marriage, making them dependent on their husband's nationality rather than individuals in their own right. Articles 10, 11 and 13, respectively, affirm women's rights to non-discrimination in education, employment and economic and social activities. These demands are given special emphasis with regard to the situation of rural women, whose particular struggles and vital economic contributions, as noted in article 14, warrant more attention in policy planning. Article 15 asserts the full equality of women in civil and business matters, demanding that all instruments directed at restricting women's legal capacity "shall be deemed null and void". Finally, in article 16, the Convention returns to the issue of marriage and family relations, asserting the equal rights and obligations of women and men with regard to choice of spouse, parenthood, personal rights and command over property.

Aside from civil rights issues, the Convention also devotes major attention to a most vital concern of women, namely their reproductive rights. The preamble sets the tone by stating that "the role of women in procreation should not be a basis for discrimination". The link between discrimination and women's reproductive role is a matter of recurrent concern in the Convention. For example, it advocates, in article 5, "a proper understanding of maternity as a social function", demanding fully shared responsibility for child-rearing by both sexes. Accordingly, provisions for maternity protection and child-care are proclaimed as essential rights and are incorporated into all areas of the Convention, whether dealing with employment, family law, health core or education. Society's obligation extends to offering social services, especially child-care facilities that allow individuals to combine family responsibilities with work and participation in public life. Special measures for maternity protection are recommended and "shall not be considered discriminatory". (Article 4). "The Convention also affirms women's right to reproductive choice. Notably, it is the only human rights treaty to mention family planning. States parties are obliged to include advice

on family planning in the education process (article l O h) and to develop family codes that guarantee women's rights "to decide freely and responsibly on the number and spacing of their children and to hove access to the information, education and means to enable them to exercise these rights" (article 16.e).

The third general thrust of the Convention aims at enlarging our understanding of the concept of human rights, as it gives formal recognition to the influence of culture and tradition on restricting women's enjoyment of their fundamental rights. These forces take shape in stereotypes, customs and norms which give rise to the multitude of legal, political and economic constraints on the advancement of women. Noting this interrelationship, the preamble of the Convention stresses "that a change in the traditional role of men as well as the role of women in society and in the family is needed to achieve full equality of men and women". States parties are therefore obliged to work towards the modification of social and cultural patterns of individual conduct in order to eliminate "prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women" (article 5). And Article 1O.c. mandates the revision of textbooks, school programmes and teaching methods with a view to eliminating stereotyped concepts in the field of education. Finally, cultural patterns which define the public realm as a man's world and the domestic sphere as women's domain are strongly targeted in all of the Convention's provisions that affirm the equal responsibilities of both sexes in family life and their equal rights with regard to education and employment. Altogether, the Convention provides a comprehensive framework for challenging the various forces that have created and sustained discrimination based upon sex.

The implementation of the Convention is monitored by the Committee on the Elimination of Discrimination against Women (CEDAW). The Committee's mandate and the administration of the treaty are defined in the Articles 17 to 30 of the Convention. The Committee is composed of 23 experts nominated by their Governments and elected by the States parties as individuals "of high moral standing and competence in the field covered by the Convention".

At least every four years, the States parties are expected to submit a national report to the Committee, indicating the measures they have adopted to give effect to the provisions of the Convention. During its annual session, the Committee members discuss these reports with the Government representatives and explore with them areas for further action by the specific country. The Committee also makes general recommendations to the States parties on matters concerning the elimination of discrimination against women.

To date 186 out of 192 UN members states are party to the treaty

In essence CEDAW has 30 articles which contain the rights of women in all spheres of life, these articles are divided in to parts

PART I

Discrimination (Article 1)
Policy Measures (Article 2)
Guarantee of Basic Human Rights and Fundamental Freedoms (Article 3)
Special Measures (Article 4)
Sex Role Stereotyping and Prejudice (Article 5)
Prostitution (Article 6)

PART II

Political and Public Life (Article 7)
Representation (Article 8)
Nationality (Article 9)

PART III

Education (Article 10)
Employment (Article 11)
Health (Article 12)
Economic and Social Benefits (Article 13)
Rural Women (Article 14)

PART IV

Law (Article 15)
Marriage and Family Life (Article 16)

PART V

Committee on the Elimination of Discrimination against Women (Article 17)
National Reports (Article 18)
Rules of Procedure (Article 19)
Committee Meetings (Article 20)
Committee Reports (Article 21)
Role of Specialized Agencies (Article 22)

PART Vl

Effect on Other Treaties (Article 23)
Commitment of States Parties (Article 24)
Administration of the Convention (Articles 25-30)

CHAPTER FOUR

4.1 A. CRITICAL ANALYSIS OF NANA ASMAU'S THOUGHTS ON RIGHTS OF WOMEN AND CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW) AND ITS RELEVANCE IN CONTEMPORARY TIMES.

To understand what Nana Asma'u symbolizes, one needs to understand that Nana Asma'u was inspired by her knowledge of Islamic injunctions which is the Qur'an and Sunna and the rights accorded to women by Islam within whose context Nana Asma'u was able to establish an intellectual kingdom there is the need to understand the rights given to women by Islam because in essence she promoted the Islamic law or shari'a.

One who studies the history of the ancient Islam nation will find that the woman in such societies was not recognized as having any rights whatsoever, she could be bought and sold like livestock and property. She had no inheritance rights and she was owned rather than an owner. However, most of those who prevented them from disposing of the little they might have in their possession. The husband was viewed as possessing the right to dispose of his wife's property without her consent, and there were differences of opinion among men in some countries as to whether a woman is a human being with a soul and an eternal spirit like those of the man, whether she should be instructed in religion, whether it was valid for her to engage in acts of worship, or whether se could enter paradise in the after life or not. One of the Byzantine council is reported to have decreed that the woman is an unclean animal devoid of a spirit of rights, but that she is obliged to serve and that her mouth should be muzzled to prevent her from laughing or speaking because she is "the snare of satan". The greatest of the secular legal codes known to have existed among the ancient nations prior to Islam allowed a father to sell his daughter, and even to burry her alive. There were also those among them who believed that a man who killed a woman was not liable for punishment or even the payment of blood wit (Al-Hageel, (2001) 188) as cited by (Yusha'u, (2008) 5)

Every instruction given to Muslims in the Qur'an refers to both male and female believers alike. They have been given the same religious duties and will be judged according exactly the same criteria (Maqsood, (2003) 174) as cited by (Yusha'u, (2008) 6)

According to Al-Hageel (2001) as cited by (Yusha'u, (2008) 5-8) the enlightened principles brought by Islam in connection with women's position and rights may be summarized as follows: -

The teachings of Islam recognize the woman as equal to the man in humanity; as Allah Almighty says "O mankind! Reverence your guardian lord, who created you from a single person, created, of like nature, his mate and from them twain scattered (like seeds) countless men and women" (Al-Nisa 4:1).

Islam recognizes the woman as qualified to pursue piety and worship to enter paradise if she does good and receive punishment if she does wrong, exactly as man, Allah Almighty states, "whoever, works righteous, man or woman, and has faith, verily, to

him will we give a new life, a life that is good and pure and we will bestow on such their reward according to the best of their actions". (Al-Nahl 16:97).

The Holy Qur'an tells us that in terms of reward on the day of resurrection, women have equal standing before Allah with men:

"For Muslim men and women
For believing men and women
For devout men and women
For true men and women
For men and women who are patient and constant
For men and women who give in charity
For men and women who fast (and deny themselves)
For men and women who guard their chastity
For men and women who engage much in Allah's praise
For them has Allah prepared forgiveness and a great reward" (Al-Ahzab 33:35)

These then are ten qualities which the Qur'an describes both women and men share equally, and the reward which they share together namely, "forgiveness and a great reward".

Islam waged war on the tendency in many cultures to view the birth of a female as bad omen and a cause for grief. Condemning this pernicious custom, Allah Almighty says, "When news is brought to one of them of (the birth of) a female (child) his face darkens and he is filled with inward grief! With shame does he hide himself from his people because of the bad news he has had! Shall he retain it on (sufferance and) contempt or bury it in the dust? Ah! What an evil (choice) they decide on" (Al-Nahl 16:58-59).

Islam forbade the practice of burying female infants alive and rebuked those who engaged in it, warning them of severe punishment from Allah on the Day of Resurrection, "When the female (infant), buried alive, is questioned for what crime she was killed" (Al-Takhir 81:8-9).

Islam urged people to honour the female, be she mother, daughter, or wife in all spheres of life.

The teachings of Islam gave the woman, the right to inherit whether she was a daughter, a sister, a mother, or a wife.

The teachings of Islam systematized marriage rights, giving both the man and the woman certain rights, while it reserved for the man the role of leader in the family within his sphere of jurisdiction, it similarly reserved for the woman a leadership within her sphere of jurisdiction. However, this leadership is not based on tyranny, or the desire to dominate over others; rather it is only organizational in nature. If a dispute arises among the members of the family, appeal is primarily made to a man, however, there is nothing to prevent the wife from taking part in solving the dispute.

The teachings of Islam regulated the matter of divorce in such a way as to prevent the man from acting in an arbitrary or tyrannical way; it set a limit, for example, on the number of times a man could utter the statement, "I divorce you" to maximum of three, where as among the Arabs of pre-Islamic times, there was no such limit. In addition, Islam set a specific time frame during which a legitimate divorce must take place, thus assuring the soundness of the decision to divorce if it becomes an unavoidable necessity.

The teachings of Islam introduced regulations into the practice of polygamy, setting the maximum number of wives to a man may be married to four, on condition that he is able to provide all of them with equal support. It must be noted of course, that the pre-Islamic nations, including the Arabs, used to allow polygamy without setting any limit on the number of wives a man could have.

Even some western scholars have acknowledged the right Islam accorded to a woman. Al-Hageel quoted the comment made by Evenlyn Koon in his book 'The search for God" where he states that:

When Islam came, it restored the woman's freedom, causing her to become a partner to the man, with the same rights as he enjoys and the same responsibilities. The man has no basis for claiming superiority over the woman, except in so far as he possesses greater physical strength or practical resources. When he acts in the role of leader toward(s) her, he does so in the capacity of a guardian, enfolding her in his powerful arms, defending her with his life, and supporting her with what his hands have earned; beyond this, however, the two of them are equals both in good times and in bad. This truth is what God expresses in the words, 'And woman shall have rights similar to the rights against them, according to what is equitable, but men have a degree (of advantage) over them (Al-Baqarah 2:228)

Similarly, Al-Hagheel referred to Roger Carodet where Carodet argued that:

According to the Qur'an, the woman has the right to dispose of what she owns, which is a right that most western laws did not grant her, and those of France in particular, until 19th century. With regard to inheritance, it is true that the female inherits half the share inherited by the male; however, this is compensated for by the fact that all financial obligations, especially the burden entailed in the family's assistance of others, fall on the male's shoulders, while the woman is exempted from all such responsibilities. The Qur'an also gives the woman the right to ask for divorce, a right which the woman did not obtain in the west until thirteen centuries later. (Cited in Al-Hagheel, 2001)

It is important to understand that Islamic conception of rights of women is regulated by the Qur'an and Sunna and these laws of the Qur'an and Sunna is called Sharia law in these regard it can be said that Nana Asma'u's aim was to promote the sharia aspects of rights of women. The Sharia law is based on the Qur'an and sunna and not by human desires as in the case of CEDAW. The differences are some of the issues that draw ideological demarcation between the Islamic conception of rights of women as opposed CEDAW although the are areas of compartibility between them.

Nigeria signed and ratified CEDAW in 1985.Domesticating Nigeria human rights obligation and making coherent the sets of laws and policies which govern practices, has therefore been identified as a framework as means of promoting women's rights and their

further contribution to society. The domestication of CEDAW bill of 2007 was such an attempt, following its failure, a series of studies have been undertaken in support of the Federal Ministry of Women's Affairs (FMWA) and the National Assembly Committee on Women in order to ensure an understanding of the reasons for the failure of that bill, the views of several major stakeholders and to draw on the experiences of other countries in domesticating CEDAW as to devise a successful strategy. The Nigerian experts in law, human rights, women rights, sociology development and political activism carried out 6 studies among others, An analysis of the congruence of CEDAW with muslims laws (sharia) through discussion with different stakeholders in muslim communities in Nigeria funded by Department for International Development (DFID) by Na'iya sada, Fatima L. Adamu, Bilkisu Yusuf in 2008 (Imam (2010) 7-8).

Their study involved both an analysis of CEDAW in relation to Shari'a and engagement with stakeholder groups, particularly Muslim scholars and women's rights advocates working in the North. The aims of the study is to provide a critical analysis of CEDAW provisions within the context of Shariah and other Islamic religious tenets to better highlight and address areas of possible convergence and divergence especially as they relate to gender justice and women's rights... To meet the above aims, three rounds of focus group discussions (FGD) were organised with Muslim stakeholders. The first round was conducted in Kaduna, Maiduguri and Sokoto and the second one termed validation workshop was conducted in Kaduna. All the two set of FGDs had men and women participants. The last round of FGD was conducted with women only.

(Sada, Adamu, Yusuf (2008)15-25) in their study espoused that

Central to the debate in articles 1, 2a, 3 and 4 of CEDAW and is the concept of equality between men and women. While the majority of the male discussants generally tended to reject the term of equality between men and women as not in conformity with Shariah, the women discussants in the all-women FGD did not take the word at its face value, it was subjected to critical review. The moderator in the all women FGD took a lot of time to explain what equality means in Islam and its relevance as it relates to women and men. According to her, "the principle of Islam is that we are equal before Allah, but we differ in our roles and responsibilities as men and as women. After the discussion, the word equality as used in the documents was understood by participants in the all-women FGD to refer to all aspects of a Muslim's life, particularly when it mentions 'distinction' and 'irrespective of marital status'. It implies that men and women have equal rights and responsibility. This, they argued does not comply with the Shariah. The meaning the participants read into CEDAW type of equality is a subtle attempt to make women and men equal in ALL matters which they stressed goes against the spirit of the Qur'an. However, a male participant at the validation workshop raised a note of warning that when the word "equality' is mentioned "we should not interpret it to mean one sex is inferior to the other, no. These words do not have a place in Islam. Islam has equal status for every one irrespective of sex. We should not bring the traditional concepts of inferiority often attached to women and confuse it with the Qur'anic concept of the status of women when compared with men. They are totally different as the former is a way to subjugate women while the latter, which is Allah ordained is meant to raise her to an enviable status. After these words of caution, the participants emphasised their acceptance of all the Quranic verses on equality of all human beings before Allah (SWT) examples are where He says men and women are protectors of one another Q 33:35-36 ,Q 9: 71-72) . He also addresses both men and women together giving them equal roles, responsibility and reward in spiritual activities. ....*Never will I suffer to be lost the work of any one of you be he male or female*…. Q 3:195 and *Verily the most honoured of you in the sight of Allah is the most righteous of you*……Q 49:13.

However in the areas of responsibility for maintenance of the family, the Qur'an does not make men and women equal (identical?). Allah says *"Men are the protectors and maintainers of women ……*"Q4:34. Thus, it is a right for women to be maintained and Allah did not grant the same right to men. CEDAW type of equality would place a burden on women that Allah does not. This point was also stressed by the all-women FGD and echoed by a FOMWAN representative at the Kaduna FGD. On why the participants at the FGD substituted "equality" with fairness?, This may be attributed to the fact that fairness was the word used in the Qur'an. The Qur'an also uses the term justice *Ma'aruf* and not equality where Allah mentions women's rights. Ma'aruf means equitable, just, fair NOT equality.

The conclusion reached over the word equality on the basis of sex at two of the three consultations was that a proviso be added that states "provided it does not interfere with the provisions of Islamic law". This is because there are certain areas where women and men cannot have identical rights and that Shariah embodies the principle of equality which goes against the definition of equality in the two documents. Equality on the basis of opportunities, access to resources and results was deemed to be in conformity with Shariah, however, where equality is used to mean sameness; the consensus was that, it is not in conformity with Shariah.

Similarly, the wordings in article 5b that was rejected as not in conformity with Shariah by the all women FGD was "the recognition of the common responsibility of men and women in the upbringing and development of their children". A female discussant at the all-women FGD states that:

"For me the word common responsibility is a problem". When asked what the problem was, she said the provision conveys the situation of common and identical responsibility of the father and mother for the welfare of children." This was clarified by an Islamic law scholar who stressed that Islam makes a distinction between responsibility for raising a child and for maintenance. According to him "under Islamic law, the actual responsibility for the upbringing of the children is a joint responsibility but the cost of maintenance is the responsibility of the father, the mother is not legally bound to pay for the maintenance of children but when she does that, it is welcomed and she earns extra reward for it". The Muslim jurists said Muslims should be very cautious not to overburden the woman with a responsibility which is primarily that of the man. They expressed concern that in spite of the legal backing for the role of men in maintenance of the family, many men are being irresponsible by pushing the burden of maintaining the children entirely on women. They then drew attention to the fact that with provisions such as those contained in CEDAW, what the men would do in abdication of responsibility can only be imagined. Those men who wish to shirk their responsibility would then have a convenient resort to a secular law that states that women have equal share of the responsibility in the cost of maintenance of and other expense relating to the children.

To conclude, it can be stated that both the mixed sex FGDs dominated by men and the all women FGD accepted the principle of the definition of discrimination to be in conformity with Shariah.

4.2.1 Participation in Politics and Public Life

Part 2 of the CEDAW document which covers articles 7, 8, and 9 is concerned with the eradication of discrimination on the basis of sex in the politics and public life….All the provisions under these articles were seen to be in agreement with Shariah except the issue of presidency. Many of the male discussants considered it unacceptable under the Shariah for a woman to become a president. However, the majority of the women discussants treated the issue of women's presidency as a debatable one. Some women who argued that it is acceptable for a Muslim woman to become the President cited the fact that Nigeria is not an Islamic state but a multi religious one. A woman discussant contended that it is important for

the discussants "to bear in mind that political positions are not meant for Muslim women or for Muslim men only, the Convention is designed for universal application in countries with diverse cultures. People should not be denied their rights because you do not want to include such rights in your own law. This is a global convention and I think the most important consideration here is to assess the impact of this article on the political rights of Muslim women.

Other participants emphasised that the Qur'an does not prohibit a women from becoming a president and the differences of opinion and interpretations by Islamic scholars as well as the cases of Muslim women occupying such position in other Muslim countries were used to justify the view that women's presidency is not against the Shariah at the all women FGD. For example, an Islamic law scholar explained that we need to consider the context in which we live and the diversity of our society. He said:

If "we say for instance we are going to prevent a Muslim woman from contesting for presidency it is possible that a non Muslim woman might one day contest and win. Which one is better for us? A Muslim lady contesting for it or the non Muslim lady? Long before the Sheikh Ibrahim Khalil and other scholars in Nigeria gave their *fatwa,* there were cases of our brothers in South Asia who settled that issue a long time ago. We have examples of Pakistan, Bangladesh where the men were very conscious Muslims for that matter, yet they had Muslim women leaders. An example of Fatima Jinnah in Pakistan was cited and how Sayyid Abu Ala Maududi who was then the guiding light of Islam in his country at that time supported a lady, Fatima Jinnah because she was more qualified and pious than the other contestants who were men". A woman discussant argued that "leadership is about the quality of the person, the ability to deliver and one's track record and not about being a man or a woman". Furthermore, time also played a role in the changing views of Muslims on the issue of women's leadership. A female discussant said:

''Within Shariah there are different positions taken on the issue of women's leadership in politics. Some years back women were not even considered as qualified to hold public office but eventually the *Ulama* reinterpreted Shariah and they now agree that women can hold offices like that of Minister in a ministry, Director or even the Permanent Secretary, but currently they are undertaking new and even more progressive interpretation and declaring that women can actually hold the highest leadership position such as a Governor or even the President of the nation. Some *Ulama,* especially Sheikh Ibrahim Khalil are now highlighting that angle. Probably most people have not had the opportunity to know about this current position adopted by some scholars here in Nigeria.

Article 8 of CEDAW requires that women represent their government at international bodies on equal basis with men. This was found to be in conformity with Shariah and therefore, acceptable to Muslims in Nigeria. The argument in all the three consultations stressed the fact the foreign service was not an exclusive preserve of men. Women could rise to any position in the service and the decision as to who should represent Nigeria was a career issue. If a woman becomes an ambassador, the decision on whether she should go on a foreign posting or not is a private affair and the woman will have to consult her husband if she is married, before taking a decision on this.

Another related issue is the equal right of women with men to acquire, change, or retain their nationality and that of their children which CEDAW obligates countries in article 9. This was equally also considered by all the discussants in the three consultations to be in agreement with Shariah. However, a woman raised a question as to what is the provision of Shariah on the issue. An Islamic law scholar present at the all-women FGD replied that "the entire world belongs to a Muslim, so wherever one finds herself that is her country, as long as she has the freedom to practice her religion.

4.2.2 Equality before the Law and Access to Justice

Articles 15 in CEDAW laid down the principle of equality of men and women before the law and required countries to take steps to ensure that women have the same legal capacity to act in such areas as contracts, administration of property, and choice of residence. In principle this was considered by the participants at the FGDs and validation workshop to be in conformity with Islamic law. This is because equality before the law in terms of justice and fairness is in line with the principles of the Shariah. However, some of the provisions in the articles raised some concerns and also generated debate and disagreement. Provision 2 in article 15 of CEDAW states that women should be given equal rights to conclude contracts and to administer property and they shall be treated equally in all stages of procedure in courts and tribunals. This provision attracted debate at two levels, on the issue of the right of women to enter into contracts and the procedure to follow.

Under Islamic law, as was clearly stated at all the FGDs by both male and female participants, a woman has equal rights to enter into and administer contracts on economic matters. However, the right of women to dispose of their wealth was questioned by an Islamic scholar at the all-women FGD on the ground that there was another interpretation of scholars that says a woman cannot disburse of all her property without consulting her husband. The Kaduna validation workshop also noted that although women were free to enter and conclude contracts, they do not have such freedom in marriage contract where a woman is expected to do it through her guardian.

Emphasising the time bound nature of some Islamic interpretations is vital in promoting Muslim women's rights under Shariah. An Iranian Judge and Nobel Peace winner Shirin Badi who struggled to retain her position had this to say:

"Human rights are compatible with Islam. I've spent 20 years researching this and, studying the theory of this. The problem is that if some Islamic countries don't implement human rights law, it's because of their misinterpretation of Islam; you see, you can be a good Muslim and follow the human rights charter. It's all about the right interpretation. For instance, before the [1979] revolution I was a judge. When the revolution happened, they said that Women could not be judges because Islam forbids it, and so they dismissed me from my post, and the rest of the female judges. Because of this, we all spent a lot of time investigating whether this was really true. We read, researched, and wrote articles about it. Finally, after 15 years, I'm happy to say that they have accepted that women can be judges. At the moment, we have two female judges in the Appeal Courts. So you see, when they said women couldn't be judges, they said it was because Islam had said so. But now they say Islam allows female judges, so my point is that with time, interpretations differ."

Provision in 2c that requires the establishment of equal legal protection on the basis of sex was accepted to be in conformity with Shariah at all the three consultations, This is because Islam ordains that women have protection under the law and specifies how they should be treated especially as it relates to inheritance, shelter, food and health care, clothing as well as their right to own property and engage in legitimate vocation/business.

4.2.3 Protection Against Exploitation of Women

One of the cardinal principles of CEDAW is the protection of women against all forms of exploitation. Consequently, CEDAW's articles 5 and 6 have all, in one way or the other addressed the exploitation of women in all forms….. Article 6 of CEDAW obligates states to take measures to suppress trafficking in women and exploitation through prostitution. This was accepted by all discussants as being in conformity with Islamic

law. The stand of Shariah on prostitution and all other forms of sexual immorality is well known. The Qur'an specifically warns against forcing women into prostitution for the purposes of getting wealth or as a means of livelihood, the Qur'an says, "… and do not force your wards into committing adultery…" (Qur'an 24:33). Therefore, this article is in complete conformity with the Shariah. Consequently, the groups in Kaduna and Maiduguri suggested the reframing of the provision to read as obligates countries to take measures to eradicate trafficking in women and prostitution of women.

Similarly, articles 5 in CEDAW demand the elimination of harmful traditional practices and laws should exist to protect women and punish perpetuators. When the articles were subjected to critical review for conformity with Shariah, all the discussants agreed that the provisions in the articles are acceptable under Islamic law because Islam frowns at cultural practices that go against Islam such as abuses of women's rights in terms of inheritance and genital mutilation, among others.

4.2.4 Socio-Economic Rights

Articles in part 3 and 4 of the CEDAW document explicitly promote and protect socio-economic rights of women and they cover such issues as education, health, social security, marriage and family, as well as economic and development rights.

4.2.5 Education

Articles 10 of CEDAW demand equal right of women and men to educational and training opportunities covering such topics as access, curriculum, textbooks, professional and vocational, standards, scholarship and grants and literacy. All the provisions in the articles were accepted as falling squarely within the provisions of Shariah

4.2.6 Health

The rights of women to quality and affordable health services, including maternity and family planning was explained in articles 12 and 14 in CEDAW. All the provisions were accepted to be in conformity with Shariah by both men and women discussants. However, the burning issue that generated a healthy debate was the issue of child spacing and family planning; two concepts that are generally misunderstood and interpreted in a narrow way by some of our *ulama.* Various speakers expressed varied opinions on these issues, all drawing from authorities and schools of thought. The bottom line however was that the emphasis should be on educating others that Islam does not prohibit child spacing or family planning but gave criteria on how best to go about it. A male participant went further to say that:

What we should avoid is giving the impression that Islam condemns child spacing or family planning. What Islam says, and with the authority of learned *ulama,* is that there is no difference between the two; it is however not to be misconstrued to mean that family planning should be a way to avoid poverty or want because both are from the Almighty who gives wealth to whom He pleases and when He pleases. Moreover, the methods for child spacing and planning family are well explained in Islamic books. Therefore what we should emphasise to the framers of our constitution is that by no means should they encourage abortion in whatever guise as a family planning method.

4.2.7 Economic rights

Articles 13 in CEDAW explicitly guarantee the economic rights of women in equal terms with men in the areas of employment, access to credit, taxation and social security matters.

All the provisions under these articles were considered as acceptable to Muslims because they in fact reinforce Shariah's recognition of women as economically independent individuals. There was no contention or debate on the issues from both men and women discussants. The same verdict was given to the right to participate in development as spelt out in article 14 for CEDAW.

4.2.8 Women's Rights In Marriage and Family Matters

Articles related to marriage and family matters proved to be the most contentious provisions in the two instruments. In fact, review of the recordings of National Assembly hearings on CEDAW revealed that it was provisions over marriage, divorce and family affairs as contained in CEDAW article 16 that formed the basis for opposition against the CEDAW bill and its non passage by the National Assembly. For instance, in the National Assembly Debates (Vol. 2 No.52) of 15/5/2007, it was reported that after Honourable Saudatu Sani's briefing to the house on CEDAW, "the House went through each article of the convention without any rancour. However when the House reached article 16 there were disagreements and members sought for clarification on the meaning of the word equality".

Many of the provisions in CEDAW were judged not to be acceptable to the Muslims in Nigeria. We begin with the first provision in CEDAW. Article 16. 1a states that women and men have equal right to enter into marriage. The decision of the majority was that such a provision violates Islamic law on the ground that a woman cannot give herself out by herself in marriage. The contract must be sealed through a marriage guardian. This is based on the famous Hadith of the Prophet (SAW) who is reported to have said, "there is no valid marriage without a *waliy* (guardian)," The Prophet (SAW) also said, "Any woman who marries without the permission of her guardian, then her marriage is void." Similarly, the majority of the Muslim jurists agree that all the verses in the Qur'an that talk about marriage are addressing men, as guardians who are expected to give out their wards in marriage .e.g. Qur'an 24:32.

The structured interview was also used in generating information from 6 women activist. The interview covered questions on personal data, their different perception of CEDAW and how CEDAW can be domesticated in Nigeria and how relevant have CEDAW been in other African countries.

Honourable Saudatu Sani, one time legislator of lere constituency, Kaduna state for eight years(2003-2007,2007-2011) and chairperson of committee of women affairs and justice and chairperson millennium development goals. Honourable Saudatu briefly told us that CEDAW which is aimed at eliminating all forms of discrimination against women is needed most in Nigeria, When asked why CEDAW failed in Nigeria and the problematic areas of CEDAW, she responded that; The failure and problems of CEDAW is due to our religious laws and culture especially the article 16 of the bill which was contravening some of the laws of Nigeria as regards marriage and equality. When asked how these problems can be solved, she opined that is not necessary for Nigeria to adopt all the articles of CEDAW, they can take those that suit their religions and culture and drop those that are against their religions and culture. When asked if CEDAW has a future in Nigeria she said no because even if CEDAW is pass in to law it can only serve as a platform for easier argument in the court because to her the are many human rights conventions that have been pass in to law but has not been effective she cited the Child Right Acts, where people have been caught in child trafficking but have not been prosecuted. When asked if CEDAW has really protected and maintain women's rights in other countries, she just said yes.

Mrs Ezinwa Okoroafor, the country vice president of international federation of women lawyers (FIDA) of Nigeria, she maintained that CEDAW is aimed at gender equity i.e it seeks to make the women realize their value. Mrs Okoroafor also believed that the failure and problematic areas of CEDAW is the issues of religion and culture which has affected our

national thinking, the issue of misinterpretation of CEDAW bill, the issue of things done in theory not in practice, and she strongly believed that the bill failed because the house was dominated by men who don't see why men and women should be equal. She thinks these problems can be solved if only those women that have the quality of leadership are picked because according to her for maximum development a country like Nigeria cannot depend on men only and asked if CEDAW has a future in Nigeria she yes but only if Nigeria uses the piece meal strategy, i.e each state should adopt a part of the bill and when state do that there is the possibility that CEDAW might be pass as a law in Nigeria**.** When asked if CEDAW has really protected and maintained women's rights in other countries. Her respond was also yes and she gave an example with Kenya which change it constitution and gave women a certain percentage of land ownership and how Gambia domesticated CEDAW.

Adekemi Ndieli, the National Programme officer of United Nations, Entity for Gender Equality and the Empowerment of Women. Her respond to why CEDAW failed in Nigeria and the problematic areas of CEDAW was that of patriarchy i.e the majority of men been the legislators, lack of public information i.e ignorant, insufficient advorcacy in Nigeria, religion and culture, misconception of CEDAW bill and CEDAW is seen as a foreign instrument and why CEDAW was not pass in to bill was the legal system where laws ratified at the international level has to be domesticated back at home as in the case of Nigeria. When asked how these problems can be solved. Ndieli also said that the strategy of piecemeal should be used i.e the CEDAW bill should be domesticated part by part in Nigeria so that by the time we realize it we have domesticated the whole of CEDAW, and women rights activist should team up and push a way for CEDAW in the national assembly. Her respond to if CEDAW has a future in Nigeria she yes but only if these strategy is used. When asked has CEDAW really protected and maintained women's rights in other countries, she just said yes also.

Omowumi Asubiaro Dada, the Resident Technical Assistant For Gender Affirmation Action Issue Based Project (GAAIBP). Who also viewed her opinion in CEDAW, she briefly told us that CEDAW seen as a foreign instrument, religion, culture, norms and values, the negative perception of CEDAW, lack of cooperation on the part of the women rights advocate, and men been dominant in the national assembly and the legal system are the reason why CEDAW failed and the problematic area of CEDAW. Asked how these problems can be solved ,propounding the solution, she believed CEDAW has a future in Nigeria because the National Coalition and Affirmative Action (NCAA) Drafted a bill called Gender and Equal Opportunity bill,(GEO)Raising Her Voice Project(RHV) by WRAPA adopted the bill while Gender Affirmative Action(GAA) contributed technically to this bill, this bill is popularly called the jollof rice bill which is to be submitted to the national assembly as an executive or private member bill ,once pass in to law CEDAW can be domesticated in Nigeria she assured me. When has CEDAW really protected and maintained women's rights in other countries, she politely replied she does not know.

Hauwa Shekarau, the deputy National vice president of International Federation of Women Lawyers (FIDA) Nigeria and a woman rights and gender advocate. Shekarau said that CEDAW has a laudable treaty. When asked why CEDAW failed in Nigeria and the problematic areas of CEDAW, her response just like the other women was that the problem lies with religion, culture, lack of political will of our leaders, CEDAW seen as a western value instrument, misinterpretation of CEDAW articles, the issue of patriarchy which is so engrave in the Nigerian society. When asked of her opinion on how these problems can be solved, Shekarau recommended that there should be rule of fairness in the Nigerian political system, the piecemeal strategy should be applied. When asked if CEDAW has a future in Nigeria her response was yes because she believe with the jollof rice bill which is going to be presented this year at national assembly and hopefully it will make it through this time around. She also believe that it must not be necessary called CEDAW, the name can change

as far as it contained the articles of CEDAW. When asked has CEDAW really protected and maintained rights of women in other countries**.** She said yes and cited like Uganda and Rwanda where CEDAW has helped in maintaining the equality between men and women.

Bilkisu yusuf, a journalist with Daily Trust, head of project committee of FOMWAN. When asked why CEDAW failed in Nigeria and the problematic areas of CEDAW, her respond was that of religion and CEDAW viewed as western instrument and culture of poverty. When asked how this problems can be solved, she said we should adopt part of CEDAW that does not violate our religion and modernization does not violate Islam. If CEDAW has a future, she responded yes because women activist and many NGO's are working towards that. When asked if CEDAW has really protected and maintained rights of women in other countries, she also said yes explaining that CEDAW has helped in great extend in shaping policies on rights of women in other countries.

4.3 THE RELEVANCE OF NANA ASMA'U THOUGHT IN RESPECT TO CEDAW.

To further analyse the correlation of how CEDAW has been used to continue the course of Nana Asma'u, a few countries will be discussed with emphasized on how CEDAW was domesticated in those countries.

AFGHANISTAN

The women's treaty has also been used to combat discrimination against women even in countries that fall short of their commitment to women's equality under the treaty, such as Afghanistan. Under the brutal Taliban regime, Afghan women and girls suffered untold deprivations of their basic human rights, including the rights to attend school, thereby penalizing an entire generation. The fact that Afghanistan is party to agreements like the international convention on civil and political rights(ICCPR) and the women's Treaty has helped to provide legitimacy for women's rights advocates seeking to improve conditions for women and girls. Indeed, Afghan activists recently pushed for a new law to eliminate violence against women. And several Afghan women's organizations have banded together to release their own'' shadow report'' detailing the government's actions to prevents and respond to violence against women. Thanks to the efforts of women's advocates, the Afghan government-for the first time since ratifying the women's Treaty-is working to prepare a public report on its implementation of the treaty.(http://www.ethiopianreview.com/index/201001)

Wazhmah Frogh, an activist with the Afghan women's Network, said,'' Afghan women have mobilized under the umbrella of the Afghan women's Network (AWN), the organization…is a network of 65 women's organization with 3,000 members. We use international human rights conventions, particularly CEDAW, to integrate women's voices in Afghanistan's reconstruction processes and to deliver real change for women everyday. Some have asked whether CEDAW really makes a difference in countries that have very poor human rights records. We have proof that it does. This treaty has led to dramatic progress for women, which just a few years ago we did not believe was possible.'' citing a few successes achieved through CEDAW, Mr Frogh said, ''The Afghan constitution, approved in 2004, laid the foundation for women's rights in Afghanistan. Women's groups and activists used CEDAW's framework to lobby for the inclusion and enactment of Article 22,which states that Afghan women and men are equal before the law. Since the country had no significant history for such an argument to be accepted by the Grand Assembly of Elders and Conservative Elements, CEDAW was the main basis for advorcacy.'' she added ''No matter how challenging it might seem, we have the experience of working with religious scholars using CEDAW as a driving force for promoting women's rights. I developed and led a

campaign called ‘media and mullah’’ in which we worked through 300 mosques in five provinces to create public education forums through Friday prayers. Those public education campaigns were mainly developed under CEDAW’s framework for women’s human rights. We compared those rights with Islamic rights trying to prove that nothing goes against religion if we addresses women’s human rights in Afghanistan. We fought back to reclaim the true spirit of compassion and humanity in Islam. Though it may be surprising to some, religious leaders and scholar around Afghanistan have been our allies and partners in promoting women’s rights. Using CEDAW and the new Afghan constitution, we adopted the first-ever violence against women law in 2009.previously, the idea that family violence (husbands against wives) would be illegal was almost unthinkable. Yet, AWN worked with its national and international partners for almost five years to develop the lobby for the Elimination of Violence Against Women Law (EVAW).

In a country where violence and discrimination against women are the everyday reality, EVAW enactment was not an easy task. The struggle started right at the doorstep of the Afghan government, the ministry of justice. Once again, we used CEDAW’s framework, this time coupled with constitutional guarantees, and lobbied for the government’s complance with its legal commitments. The changes are dramatic. The law made rape a crime in Afghanistan for the first time. While forced marriages and early marriages are common practice in Afghanistan, the new law nullifies for the first time any under-age marriages or marriages without consent of the girl. Previously, this was commonplace and there were no repercussions. Today, because of CEDAW and this new law, men are actually being brought to court and to jail on a daily basis for violating women’s rights. This new implements CEDAW Article 16, which calls on governments to eliminate discrimination around issues of marriages’’ [http://www.womenspolicy.org/site/News2women.)

TANZANIA

Holaria Pastory brought a court challenge to the Haya customary law that prevented her from selling clan land. She had inherited land from her father, through his will, but when she tried to sell it her nephew applied to have the sale voided. Tanzania’s Declaration of Customary Law clearly prohibited her sale of the land in section 20 of its rules of inheritance, which states that “women can inherit, except for clan land, which they may receive in usufruct but may not sell.” Pastory argued that this constraint on women’s property rights violated the Tanzanian constitution’s Bill of Rights. As in the Dow decision, the court was faced with the difficulty of interpreting a constitutional guarantee of freedom from discrimination that did not make any specific reference to women. The court relied on the fact that the Tanzanian Government had ratified CEDAW, as well as other international treaties and covenants, to find that women were constitutionally protected from discrimination. The court stated that “the principles enunciated in the above named documents are a standard below which any civilised nation will be ashamed to fall” (*Ephrohim*, at 4).

The Tanzanian High Court decided that the rules of inheritance in the Declaration of Customary Law were unconstitutional and contravened the international conventions which Tanzania had ratified. Thus, the rights and restrictions around the sale of clan land are the same for women and men.

UGANDA

The Ugandan constitution was rewritten in 1995. To prepare for the drafting of the new constitution, the Government held consultations across the country. Women’s NGOs felt strongly that this process was designed to include women in a significant way, and started their own parallel consultation process. They also mobilised to get women elected to the Constituent Assembly, which would be drafting the constitution. Once the Constituent Assembly had been established, its women members formed a women’s caucus to develop a united position on the proposals that would come before the assembly. The women working

on proposals for the new constitution referred to CEDAW as establishing a minimum acceptable standard, and the Convention is reflected in a number of important provisions of the Ugandan constitution. Its first provision, which declares the constitution's guiding principles, states that the need for gender balance and fair representation is to inform the implementation of the constitution and all Government policies and programmes. The constitution's Bill of Rights states that the rights sets out are to be enjoyed without discrimination on the basis of sex. The Ugandan constitution also contains powerful guarantees about women's political participation which are the direct result of the NGO advocacy efforts. The NGOs had relied on CEDAW's con-ceptualisation of equality, which recognizes the need for temporary special measures to speed the achievement of equality and provides that these measures are not discriminatory (CEDAW, article 4). They argued that because of the history of discrimination against women in Uganda, the only effective way to guarantee equality in political representation would be to reserve a certain portion of elected seats for women candidates. They were successful — the Constitution reserves a minimum number of parliamentary seats for women, it requires that each administrative district have at least one woman representative, and it provides that at least one-third of the seats in local Government (city, municipal, and rural district councils) must be filled by women.

Also the women's Treaty has also been used to achieve equal treatment for women in the critical area of land rights. In some parts of the world, women produce 70 percent of the food and yet earn only 10 percent of the income and own only 1 percent of the land-a situation that is not only unfair, but also relegates women to lives of poverty. In Uganda, a robust women's movement has made efforts to tackle this problem by relying on both the women's Treaty and national legislation to pursue land ownership rights and challenge customary land tenure practices. Empowered by the women's Treaty and the enactment of the country's land Act in 1998,women's groups and activists began a tireless campaign to ensure that women were protected in the tenure, Ownership and administration of land, in their fight for equal treatment, these activists continue to rely on the women's Treaty.(http://www.ethiopianreview.com/index/201001).

COLOMBIA

The Colombian Government ratified CEDAW in 1981, and women's NGOs quickly began exploring ways to use it in their advocacy work. By the mid-1980s, CEDAW had become a central part of campaigns for women's human rights in Colombia. At the same time, demands were building in Colombia for constitutional reform. It was hoped a new constitution would help move the nation past the period of violent instability it had been experiencing. The President of Colombia invited all sectors of Colombian society — including "feminists and women's organisations" — to bring their reform proposals to the working groups that were developing the new constitution. In response to this call, women's NGOs made a series of proposals about women's human rights, the main proposal being that CEDAW principles should be written into the constitution. The legislative assembly began drafting the new constitution out of the collected reform proposals in 1991. Women's groups were determined that their concerns would not be overlooked. NGOs from across the country decided to unite in a single umbrella organisation, for the first time ever, to frame a strategy that would keep women's human rights high on the constitutional agenda. In April 1991, 34 women's groups issued a statement that appeared in one of the country's leading newspapers. It reminded the assembly that a truly democratic constitution must respect women's rights and needs. It also listed their demands, starting with the incorporation of CEDAW principles.

The following month, the Women and the Constituent Assembly National Network (the Network) was officially formed; soon it grew to include more than 70 women's NGOs from across Colombia. The strengths of the proposals advanced by the Women and Constitution Network lay not only in their recognised support by the women's organisations, but in the

fact that they emphasised that the principles embraced in their proposals were mandates contained in international human rights instruments, such as CEDAW. They won legitimacy by being framed as internationally recognised human rights provisions. In this case, the use of international human rights language proved to be an effective strategy for introducing women's rights into the constitution, taking advantage of the fact that Colombia is a country that is constantly scrutinised by the international community for its compliance with human rights principles". The Network's efforts were successful. Not everything they advocated appeared in the final draft, but the Colombian constitution includes some of the most detailed and substantive guarantees of women's human rights in the world.

One of the characteristics of CEDAW which the women's NGOs found especially valuable was its real, concrete, and substantive vision of women's equality. The Convention requires States to take measures to bring about substantive, actual equality between women and men, not just formal, 'paper' equality. For example, CEDAW defines discrimination not just as a legal distinction between women and men, but as any form of treatment that has the *effect* of "impairing or nullifying the recognition, enjoyment or exercise by women — of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field" (CEDAW, article 1).

The Colombian constitution includes several provisions that reflect CEDAW's substantive vision of equality. For example, article 13 of the Colombian constitution guarantees legal equality between women and men not merely by prohibiting discrimination, but also by obliging the Government to actively promote the conditions needed to make legal equality real and effective.

Finally, the constitution created an enforcement mechanism that individual women can use. A Constitutional Court was set up to hear petitions brought by citizens about violations of their rights. It has the power to make an "order of protection" if the petitioner shows that her rights are jeopardized by Government action or inaction. This court made a ground-breaking decision in 1992 in response to a petition brought by a female victim of domestic violence. Her husband's actions were not criminal, according to the Colombian penal code, domestic violence was seen as a private matter that did not concern the State. The court found that the absence of legal recourse violated her rights to life, and to integrity and security of the person. Even more important, the court established the principle that the State has a positive obligation to secure protection for women and prevent husbands from continuing to subject them to violence. The police and the Institute of Family Welfare were ordered to take immediate steps to protect the petitioner.

The national women's Network created to reform the constitution has continued to grow since its inception, and other successes have followed, including the introduction of a national policy on women's health and further constitutional court decisions enforcing women's human rights.

BRAZIL

The Brazilian constitution was redrafted in 1988 and now includes extensive guarantees of women's human rights. The move to rewrite the constitution began in 1985, with the restoration of democracy in Brazil and the resurgence of public political activism. Between 1985 and 1988 women's NGOs, the National Council of Women's Rights, jurists, State and municipal councils, and women's deputies in the constituent assembly contributed to a national campaign to ensure that women's rights were given proper constitutional recognition. As part of the drafting process, the National Council of Women's Rights presented over 200 amendments relating to women. According to Jacqueline Pitanguy, past president of the National Council, CEDAW was a very useful tool for women's advocacy around the constitution. It provided a reference and a framework for articulating specific rights. The Brazilian constitution contains provisions on gender equality, gender-based

violence, State responsibility for the prevention of domestic violence, the equality of rights within marriage, family planning, and equality in employment that parallel CEDAW provisions. However, the most important contribution the Women's Convention made, according to Pitanguy, came in the form of increased political legitimacy for demands that the Brazilian women's NGOs had been making for some time: "It put our demands on another level, by providing legitimacy and international wording for proposals we had been fighting for since the 1970s.

CEDAW set a recognised standard and improved our bargaining and negotiating power."Brazil ratified CEDAW in 1984, but with a reservation on laws relating to the family. It was only after the passage of the 1988 amendments to the constitution that it was removed — the reservation was now in violation of the Brazilian constitution's guarantees of gender equality.

More recently, São Paulo's Council of Women and women's NGOs have succeeded in passing their own convention to eliminate discrimination against women at the state level in São Paulo. Women's NGOs entered into negotiations with the São Paulo state and local Governments to gain their agreement to support the Convention's general principles, and to convince them to take legislative action to implement CEDAW. Seminars were held with a range of Government institutions to make clear the disparity between what CEDAW requires and the actual living conditions and legal discrimination faced by women in São Paulo.

The connection between CEDAW advocacy and Nana Asma'u's advocacy can be established very clearly in promoting the rights of women in not just Nigeria but in may countries of the world by domesticating those CEDAW bills that favour them and droping those that are against their religion and ethics though in Nigeria many important laws for women have been passed for instance the 1999 constitution which was adopted in its original form on may 29,1999 in Abuja also gave women some certain rights and in the review of the 1999 constitution Nigerian women and other under-privileged groups argue that the federal character commission as presently constituted does not adequately cater for their interest and called on the committee to produce a gender sensitive constitution with provisions to take care of women, children, youth.They even advocated for women to have the rights to claim the indigeneship of the state of origin of their husbands. The committee acknowledges the enormous contribution of women to the national development and supports the need to accord them fair in effort to build a just society which the constitution did in section 50(3) which state that, A Nigerian woman married to a Nigerian who is not of the same state of origin shall be entitled to all the rights and privileges of the indigenes of that state in all cases of appointment, employment or election to any political and public office as if she were an indigene of that state.(Report of the Presidential committee on the review of the 1999 constitution)

But following CEDAW ratification without reservation by Nigeria, women's NGOs have frequently used the Women's Convention as a component of their campaigns to push for CEDAW's laws; with the believe that women were not considered fair enough in the 1999 constitution because it does clearly states that all forms of discrimination against women should eliminated as contained in CEDAW for instance On the 15th of May 2007, the National Assembly debated the domestication of CEDAW. The issue was tabled before the House by the Joint Committee on Women Affairs and Justice .It was tabled as a Bill for an Act to Provide for the Enforcement of the United Nations Convention on the Elimination of all Forms of Discrimination Against Women CEDAW. Honourable Saudatu Sani the Chairperson of the House Committee on Women Affairs representing Lere, Kaduna State gave a brief on CEDAW. After her briefing the House went through each article of the convention without any rancour. However when the House reached article 16 there were disagreements and members sought for clarification on the meaning of the word equality. it

was opposed because of the inclusion of article 16 which talks about Marriage and equal rights.

THE CRITIQUE OF CEDAW.

Dias, 2010:1-4 Criticised CEDAW

The text of CEDAW states in its preamble that "a change in the traditional roles of men and women in family and society is needed to achieve equality ''for women. It is true that the female and the male are equally human, and therefore have equal dignity as human beings, it is of essence that "equality'' as understood by CEDAW involves changing the family and its associated sex roles. it will be shown that CEDAW's distorted view of "equality'' requires the perilous abnegation of what is specifically female and what is specifically male such as motherhood and fatherhood. But it must be noted that "equality'' as CEDAW requires the word to be interpreted is not equality as widely understood.

One may also believe that it is a noble aim to eliminate discrimination, However, it is stricking that the text of CEDAW defines "discrimination'' as meaning "any distinction, exclusion or restriction made on the basis of sex" (of. Articles 1).That is, CEDAW outlaws the recognition, let alone the celebration of the differences and complementarity between women and men. it then follows that to honour a woman for being a mother would loathes motherhood, because it is a traditional role of women in family and society, and a role not performed by men.

CEDAW's definition of equality and of discrimination reveal its radical feminist nature. Radical feminist believe that women should not flourish in their feminity, but should rather become the same as men. Since child- bearing and motherhood will make women "unequal'', the desire and need for contraceptives and abortion becomes central to eliminating "discrimination'' and achieving "equality''. That is "equality'' is attained only when reproductivity is controlled.

In 1999 the CEDAW committee criticized the Irish constitution for promoting the stereotypical view of the role of women as mothers and caregivers since it constitute a serious impediment of the convention. The nation of Belarus was criticized in 2000 for celebrating Mothers' day and condemned for instituting the mothers' Award because it encourages women's traditional roles. Belarus was further instructed to review its occupational health and safety legislation and standards with a view to reducing protective standards on women in general and pregnant women in particular. Providing extra care for pregnant women was considered to have a discriminatory effect.

The Czech Republic was criticized in 1998 for the increase in over productive measures for pregnancy and motherhood and told that the cultural glorification of women's family roles could exacerbate the negative impact of economic rationalization policies on women. Slovenia was criticized in 1997 that not enough children were in formal day care. That is CEDAW requires children to be brought up by the state and not by their mothers.

Colombia was told in 1999 that the CEDAW committee believes that the restrictive abortion law constitutes a violation of the rights of women. Zimbabwe was instructed to reappraise the law on abortion with a view to its liberalization .Mexico was criticized in 1998 for the lack of access to easy and swift abortion. Slovenia was praised in 1997, the committee notes with satisfaction the inclusion of the right to abortion in the constitution. Croatia was criticized in 1998 for the refusal by some hospitals to provide abortions on the basis of conscientious objection of doctors, the CEDAW committee considers this to be an infringement of women's reproductive rights.

The CEDAW committee reprimanded Sri Lanka in 2002 that the Muslim personal law is discriminatory against women and that the government should work towards interpreting

Islamic law in line with the convention. The CEDAW committee even instructed Libya in 1994 that the interpretation of the Qur'an had to be reviewed in the light of the provisions of the convention and the current social environment. Tunisia became the first muslim country to liberalise abortion in submission to CEDAW.

CHAPTER FIVE

5.1 FINDINGS, SUMMARY, CONCLUSION AND RECOMMENDATIONS.

5.2 FINDINGS.

Findings of this study are drawn from: Secondary sources of literature reviewed, Primary sources from the interview conducted with relevant women activists

The study reveals that Nana Asma'u who was inspired by her knowledge of Islamic injunctions advocated for Islamic rights of women and those rights of women are rooted in the Shari'a or Islamic law and the main objective of Shari'a is to construct human life on the basis of virtues which has been granted by Allah and no one has the rights to abrogate, suspend or withdraw them. Nana Asma'u advocated for this rights of women by creating and educating a group of women of good character who are called the jaji and yan taru movement who disseminated her thoughts among the masses and the other women at home.

It also reveals that in seeking to promote rights of women CEDAW has build on the foundation established by Nana Asma'u by revealing certain areas of compatibility and divergence between the rights of women in Islam which was what Nana Asma'u advocated for and CEDAW.

The study also showed that several aspects of CEDAW complemented the Islamic aspect of rights of women and some aspects contradicted it. Those that were compatible are 10 articles. They include articles 5,6,7,8,9,10,11,12,13 and 14 while those that contradicted it (6 articles) are articles 1,2,3,4,15 and 16.and this Article 16 generated the greatest debate and objection in the National Assembly which led to the refusal of CEDAW bill being domesticated in Nigeria.

Finally from the opinion of those interviewed and from the countries like Afghanistan,Uganda,Tanzania,Colombia,and Brazil, the women's treaty has been used to combat violence and has provided women activists around the world with a useful framework for women's rights that has advanced and improved laws prohibiting discrimination against women. It was also used to achieve equal treatment for women in some critical areas. And most importantly CEDAW has carried and continued Nana Asma'u's influence in contemporary times by seeking to eliminate all forms of injustice against women.

5.3 SUMMARY.

This study is to promote an examination and reveal certain areas of compatibility and divergence between Nana Asma'u's thoughts and CEDAW's thoughts as it relates to gender justice and women rights. it also gives adequate consideration to the promotion and protection of rights of women with reference to CEDAW which seeks to promote the prohibition and eradication of discriminatory practices against women. The Convention on the Elimination of all Forms of Discrimination Against Women as an international treaty has been used as an instrument which has provided framework for the application of equality norms to address women issues in any country and in every legal system.

5.4 CONCLUSION

To conclude, one can posit that both Nana Asma'u and CEDAW addresses the depth of the exclusion and restriction practiced against women solely on the basis of their sex,by calling for equal rights for women,regardless of their marital status, in all fields,political,social,cultural,economic and civil. They affirm the principal of natural justice which extends fundamental rights to both men and women with corresponding obligations and responsibilities. They promote that all human rights and freedoms are to be enjoyed equally by men and women without discrimination of any kind. Discrimination against women is a universal phenomenon and it genesis is always the intellectual bankcrupcy of

women and gender issues will always have a negative effect on the interaction of men and women in the society.

5.5 RECOMMENDATIONS

These recommendations are drawn from the key findings of this research.

SOCIAL STRUCTURE: Concrete steps to change the social structure must include mass organization among women, directed at surmounting the class divisions among them. This is necessary for purposes of consciousness-raising, as well as for developing a common front to emphasize and promote in political debate. since most discrimination is justified by references to culture, evidence about the positive role of women in pre-colonial Nigeria should be presented and widely promoted to counter negative stereotypes.

EDUCATION: Education of women must be given utmost priority to enhance their ability to exercise self determination and participate as equals in the labor force. Education must also be extended to the rest of society on the importance of promoting and protecting women's rights. The involvement of more women in policy making within the government at local, regional and federal levels must be further instituted and entrenched..

There must also be the fine-tuning of national, regional and international protections in order to remove elements of vagueness, combat inaccurate portrayals of women as well as provide more concrete enforcement mechanism to guarantee more effectively the rights of women. These protections must be seen as building blocks in a constantly evolving process.

There should be enforceable laws and a present of favourable attitude towards litigation i.e there should be the present of litigious attitude among women especially in Nigeria

ENLIGHTENMENT: Governments should launch mass enlightenment campaign on CEDAW to ensure that people understand its aim and contents.

INTENSIVE ADVORCACY: Should be focused on the legislators to win over those who joined the opposition out of inadequate understanding of the bill and also win over those who did because they were genuinely concerned about some of the issues raised by the religious groups**.** Advocacy visits should be paid to community and religious leaders to ensure that they mobilise their citizens to support the domestication of the convention. Within the academia, scholars should be catalyzed to write about CEDAW and publicize the consensus document. There is need to produce an amended version in local languages for use as an advocacy tool. Advocacy visits should be paid to community and religious leaders to ensure that they mobilize their citizens to support the domestication of the convention. Within the academia, scholars should be catalyzed to write about CEDAW and publicize the consensus document. Groups working with rural dwellers should be mobilized to include briefs on CEDAW in their trainings and other empowerment activities.

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Appendix 2

The Debate of the Domestication of CEDAW in Nigeria by National Assembly

On the 15th of May 2007, the National Assembly debated the domestication of CEDAW. The issue was tabled before the House by the Joint Committee on Women Affairs and Justice .It was tabled as a Bill for an Act to Provide for the Enforcement of the United Nations Convention on the Elimination of all Forms of Discrimination Against Women CEDAW. Hon. Saudatu Sani the Chairperson of the House Committee on Women Affairs representing Lere, Kaduna State gave a brief on CEDAW. After her briefing the House went through each article of the convention without any rancour. However when the House reached article 16 there were disagreements and members sought for clarification on the meaning of the word equality.

THE OPPOSITION

Hon Faruq Aliyu Adamu (Birnin Kudu/Buji) was opposed to the inclusion of article 16 in any act for domestication of CEDAW. He said 'If you look at clause 16, it is talking about Marriage and equal rights. Islamically, it is not done like that; this is because in Islam the

husband can terminate the marriage. Of course the wife can: but they do not have equal rights. So, we need to be very careful. There is a problem even when the heading says *ALL.* Probably she would need to explain to us so that we can understand the meaning of rights in terms of marriage.'

Hon. Faruq then recommended that that article 'should be deleted or corrected' Another member who opposed it was,

Hon. Abdul Ningi who said 'whatever we would pass in this Bill is contrary to the religious injunction of my belief and I see the Constitution of the Federal Republic of Nigeria as secondary to Quranic injunction. That is what my belief says. Therefore, whatever we ratify is taken hook line and sinker to the issue of representation……. This is in particular very sensitive to the religious beliefs of a Muslim. Whether that Muslim believes or not, it is binding on him not to agree to with anything that alters the direction of what the Qur'an says about marriage." He recommended that clause 16 'should be removed completely or we stand down the Bill".

Hon. Haruna Yerima in opposing the Bill said 'I would add a caveat to be part of the whole Bill to take care of each and every section of this Bill that contravenes Islam and Christianity: that is,the laws inherent in these religions and there is no way we can push away our religious belief simply because something is coming from the United Nations. Religion is far above that."

Hon. Umar Farouq Lawal (Bagwai/Shanono) also opposed it on the ground that there are areas where 'we have specific religious and cultural differences and it is important that we consider them in passing this particular legislation. If you look at page 18 item 2, it says: *The betrothal and the marriage of a girl child shall have no legal effect, and all necessary action including legislation shall be taken to specify a minimum age for marriage and to make the registration of marriage s in an official registry compulsory."*

I do not think that in the religious tradition of Islam you can make the registration of marriages a compulsory matter. He suggested that members should take more time to study the document and then take it up for discussion the next day. Other male legislators who did not want the CEDAW debate continued until more consultations are made include the following:

Hon. Mohammed A. Ndume(Damboa/ Gwoza/Chibok), who said the Qur'an and the hadith guide marriages 'so it will be a kind of conflict to just ratify or adopt a convention that we do not clearly understand'

Hon. Aminu Waziri Tambuwal (Kebbi/Tambuwal) Others sought for clarification and Hon Saudatu explained that Nigeria signed and ratified CEDAW with out reservations and as a signed convention, it can not be amended. However if Nigeria has reservations now 'any reservations noticed in this convention will be deposited in the Office of the Secretary-General of the United Nations in accordance with the Treaty of Amendments Procedure. We then state that the Nigerian parliament and Government have reservation on that clause and our reservation is that we already have family laws. We have Magistrate Courts, Sharia legal system and family laws. So we said, subject to the application of the domestic legal system, which means we already have those laws. So, these laws will not be binding on us as Muslims and Christians. If we as Muslims want to use Sharia, we cannot say that this is binding on us and that is why we have this recommendation. The recommendation of this section will now be deposited with the United Nations Secretary General. That is the way a convention is treated."

Even this did not go down well with some legislators and Hon Haruna Yerima said 'Mr. Chairman, there is a big problem because you cannot allow us to go into this. Nigeria is a signatory to this convention. Since we are signatory to it we have to put our own religious

beliefs; that is what we are saying. Why are you telling us to go to the United Nations? No way!'

THE SUPPORTERS

All the women legislators who spoke supported the ratification and tried to convince their male colleagues to support the move. They were:

Hon. Binta Garba Koji (Kaduna South) She wanted a clause earlier suggested added to article 16 since Nigeria is a Multi cultural and religious country

Hon. Abike Dabiri(Ikorodu) also argued along the same line with Binta Koji recommending the addition of a clause

'*that are subject to the applicable domestic, legal, and positive socio cultural and religious norm and practices in Nigeria'*

Hon. Patricia Etteh (Irewole/Ayedade/Isokan) who also agreed with the female colleagues above and reminded the House that 'We promised Nigerians that we would pass this Bill before the end of this tenure.'

Hon. Mercy Almona-Isei (Ndoka /Ukwuani) Bill passed who wanted the members to ratify first since it is a convention 'and whatever concerns Parliament has it will send to the Ministry of Foreign Affairs to convey same to the United Nations when the next meeting comes up."

Three male legislators also supported the Bill. They are :

Hon .Mohammed Bello Suleiman (Akko) who said Nigeria did not place any reservations on CEDAW when it was signed so it has lost an opportunity to amend it 'As it is now, our hands are tied since it was not signed with reservation. So, we have to pass it as it is.

Hon Bawa Bwari Abubakar (Suleja/Gurara)' who said the clause recommended as amendment to article 16 has taken care of people's concerns and there should be no problem.

Hon.AbdulAzeez Idris King (Okene/Ogor) who said discussion on article 16 should be deferred and the House should proceed with discussion on the others. He said ‘we can not be dragging our feet on clause 16’