

Chapter 10

Conflict Intervention on Behalf of Widows: Notes from Enugu State in Nigeria

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Introduction

A *widow*, a female whose husband has died, can experience a great deal of change in her living circumstances after the death of her spouse. In many parts of the world, a widow may face more difficult financial circumstances and a loss of at least some of her social network, but the *status* of a widow is not seen as a problem. Widowhood and remarriage are acceptable, in other parts of the world, however, widowhood can be seen as punishment and a widow can be subjected to restrictions and terrible circumstances. For instance, in the Caprivi Region of Namibia, widows are no longer forced off the land, but there is a more subtle form of property disinheritance (Thomas 2008). And, the previous practice of Sati in India meant that during the cremation of a husband's corpse, it was an honor for the widow to climb on the funeral pyre and die (Malathi 2008; Ahmad 2009). Though this practice has been banned, there have been instances of it from 1987 to 2008 (Ahmad 2009).

This chapter focuses on the problems faced by widows in Enugu State, an Igbo-speaking area in the South East region¹ of Nigeria, and the work of WiDO, a local organization, to try to solve or reduce those problems. The chapter begins with a brief discussion of Nigeria and its conflicts. This is followed by a discussion of the status of widowhood in Nigeria. The Widows Development Organization

¹Nigerians frequently refer to the country's six regions: North East, North West, North Central, South West, South South and South East (ActionAid Nigeria 2009, p. ii). The South East region includes Enugu State.

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of Nigeria (WiDO) is discussed next and an example of a mediation is provided. The conclusion includes some recommendations for those conducting mediations or putting mediation programs in place.

The History of Nigeria in the Context of Conflicts

The Federal Republic of Nigeria, located in western Africa on the Gulf of Guinea, is the most populous country in Africa with approximately one-sixth of Africa's people. The land is about twice the size of Sweden or the state of California. Some 48 % of the population lives in urban areas and about half of those people live in the 24 cities that have more than 100,000 inhabitants. The median age of the population is 19. The country is the world's second highest in terms of numbers of people living with HIV/AIDS and second highest in terms of deaths (UNAIDS 2007).

Nigeria, a country of 36 states and one federal territory, has a great deal of cultural diversity² as there are approximately 250–390 ethnic groups. The most numerous group,³ in the northern part of the country, is the Hausa-Fulani (mostly Muslim). The Yoruba are most numerous in the southwest. Over half of the Yoruba are Christian, about a quarter are Muslim and the rest follow traditional beliefs. The Igbo, the largest group in the South East region, is predominantly Christian. Other ethnic groups include the Nupe, Tiv and Kanuri in the North and the Ijaw, Efik, Ibibio, and Annang in the South. English is the country's official language, but many other languages (e.g., Hausa, Yoruba, Igbo (Ibo), Fulani) also are spoken.

Nigeria has a long and difficult history that is filled with conflict (e.g., Suberu 2001; Falola 2009; Achebe 1984; Nigeria 2007; Institute for Peace and Conflict Resolution 2002).⁴ People were living in southern Nigeria as early as 9000 B.C. and, by the eleventh century, city states, kingdoms and empires were formed including the Hausa kingdoms and Borno dynasty in the North and Oyo and Benin kingdoms in the South. In the sixteenth, seventeenth, and eighteenth centuries, millions of slaves were sent to the Americas. This Trans-Atlantic Slave Trade, connected, in part, to the slavery that existed at the time as a result of inter-tribal warfare, has negative effects to this day on relations between some Nigerian groups (Simpson 2004).

While civil wars were fought in Yoruba areas in the middle and late 1800s, the British established a presence around Lagos and, on January 1, 1901, Nigeria became a British protectorate. In 1914, the area was known as the Colony and Protectorate of Nigeria, but remained divided into the Lagos colony and southern and northern provinces.

²Horowitz (1993, p. 37) has described this as "irrepressible pluralism."

³No percentages for the ethnic groups are provided here. The percentages frequently presented are not consistent and have been controversial.

⁴According to Diamond (2001, p. xii), "over the past four decades, no country in the world has had a more turbulent and tragic democratic experience than Nigeria."

After World War II, the educated indigenes still were excluded from the governance of the country. There was growing Nigerian nationalism and demands for independence. Economic hardship in the post-war period also contributed to a series of conflicts including the General Strike of 1945, the Burutu Strike of 1947, and the Enugu Colliery Strike. The Zikist movement became famous for organizing demonstrations, strikes, and boycotts. This was followed by the Kano disturbances in 1953. All these afforded people the opportunity to agitate against the colonial regime.

In October 1960, Nigeria gained her independence under a constitution that included a measure of self-government for the country's three regions and a bicameral parliament. The federal government had exclusive power in terms of fiscal policy, foreign relations and defense. Executive power was under a prime minister and cabinet and judicial authority was in a Federal Supreme Court. The political parties were each connected primarily to an ethnic group.

On October 1, 1963, Nigeria became a Federal Republic and severed its last ties with Britain. Nigeria did remain, however, in the British Commonwealth of Nations. The Governor-General's position was, therefore, renamed as President. The disputed result of the 1965 national election put the country on the road to a civil war. In January 1966, a group of army officers overthrew the government and the prime minister and premiers in the northern and western regions were assassinated. Another coup took place in July. Thousands of Igbo were massacred and many Igbo wanted to secede from Nigeria. In 1967 a military governor of the eastern region became a leader of the Igbo secessionist movement. After he declared the independence of the eastern region, civil war broke and more than one million died in the war before it ended in 1970.

Economic development followed the end of the civil war but, in 1975, a general and a group of officers staged a coup and delayed the promised return to civilian rule. The general announced a timetable for the return of civilian rule, but was assassinated before that happened. A new constitution was finally put in place in 1978. The 1979 election was marred by violence and accusations of voting irregularities.

In the following years, the military governments were overthrown in 1983 and again in 1985. The government that emerged promised to restore civil rule by 1990. In early 1989, an assembly completed a new constitution and political activity was permitted again. In 1990, there was an unsuccessful coup and 69 people were executed after secret military trials. That same year, elections were held, without violence, at the local government level. After a number of voting issues (e.g., fraud, disqualification of all candidates for president), a presidential election was finally held on June 12, 1993. Although some observers thought it was a fair election, the election results were annulled, some 100 people were killed in riots and an interim government was put in place.

The next years saw continued military leadership. Some labor leaders were arrested in 1994 and there was an alleged coup attempt in 1995 that resulted in a secret tribunal and death sentences. Also in 1995, Ogoni activist Ken Saro-Wiwa and eight others were, as a result of a politically motivated and unfair process, executed for their alleged roles in the killings of four Ogoni politicians. In 1997,

the government arrested a general, ten other officers and eight civilians on charges of plotting a coup. Nine were sentenced to death. These death sentences were commuted under the next head of government.

Democracy emerged in Nigeria in 1999. Local elections were successfully held and 16 consecutive years of military rule finally came to an end. The head of government was now a former general who wanted civilian rule and to represent all Nigerians rather than one religious group. Under his leadership, however, community violence continued. For instance, in May 1999, there was violence in Kaduna State that resulted in more than 100 deaths. In November 1999, the army destroyed a town and killed many civilians in retaliation for local gang members having murdered 12 policemen. In Kaduna, from February through May 2000, over 1,000 people died in rioting. In September 2001, more than 2,000 people were killed in religion-based rioting in Jos. In October 2001, hundreds were killed and thousands displaced in communal violence that spread across the states of Benue, Taraba, and Nasarawa.

Other examples of conflicts include the Dumne crisis in Adamawa State in 2002, Bambam crisis in Gombe State in 2003, Jukun-Tiv crisis of 2004 in Taraba State, Taliban uprising in Borno and Yobe States toward the end of 2005, and church burnings and murders in Maiduguri in 2006. In April 2007, a Muslim religious leader/state official and a disciple were killed in a mosque during early-morning prayers and, in November, there was a riot on the campus of the University of Maiduguri that resulted in the closure of the university.

Pro-democracy tensions in Nigeria have resulted in an end to military dictatorship, but there are still daunting problems. While Nigeria is an oil-rich country, it is plagued with huge problems that stem, at least in part, from the fact that the wealth from the oil is not widely shared by the local communities or the country. Other issues include widespread corruption; longstanding ethnic and religious tensions that have resulted in many bloody confrontations; rape⁵; failed leadership (e.g., Achebe 1984); HIV/AIDS; pollution; longstanding poverty; desertification; the Niger Delta environmental crisis (e.g., Courson 2007); and insufficient economic growth.

The Situation of Widows in Nigeria

There are a large number of widows in Nigeria as a result, in part, of wars and conflicts. The recent pandemic of HIV/AIDS also has increased the number. The actual number of widows is hard to determine as many remain largely uncounted due to lack of disaggregated data.

⁵According to Amnesty International (2006), rape is an “endemic” problem in Nigeria requiring immediate action and the government’s response “has been, and continues to be, woefully inadequate.”



Fig. 10.1 Enugu State in Nigeria

Widows in Enugu State, an Igbo area in southern Nigeria, encounter conflict, mainly due to cultural and socio-economic circumstances. Certain harmful traditional rites are meted out to widows by her in-laws. These harmful practices have their historical origin in widows being labeled as witches and blamed for causing the death of their husbands. Widows undergo dehumanizing cultural practices such as forced hair shaving, differing periods of confinement and loss of their property (Aruna and Fasoranti 2007). Conflicts arise when the violated widows register their displeasure at the treatment and pursue their rights. In the process of intervening in such cases of conflict at the household and community levels, one cannot assume a generic fit considering the different cultural and social influences; in other words, each case has to be treated on its own merit (Fig. 10.1).

Widows undergo double violence due to conflicts that may have caused the loss of their husbands as well as violence inflicted on them at the household level due to harmful cultural practices. Widows, who can be the poorest of the poor, are most vulnerable in conflict situations. In addition, most times, as women, they bear an extra burden in having to play the role of caregivers. Nigerian widows continue to be plagued by problems associated with disinheritance, AIDS transmission, a slowly responding legal system and cultural myths.

Fleisher and Krienert (2009) define the word myth as “a collection of culturally rational narratives that have knowledge fundamental to the culture itself.” Myths play a large role in the mistreatment of widows in southeastern Nigeria, particularly with regard to mourning rites. These myths, handed down largely through oral traditions, are often shrouded in mystery, entailing perceived repercussions for anyone who dares to pry into them. One such myth is largely responsible for widows often being accused of their husband’s murder. These openly punitive practices are manipulatively used to dissuade other women who might harbor similar ‘murderous’ intentions. Nigerian society is genuinely ignorant as to the actual dangers and effects of these rituals, having no knowledge of their historical significance or meaning. These myths have been in existence for so long that few question or challenge them. Fear of the “consequences” brought about by not adhering to these mythical practices only compounds the widow’s plight.

One of the most common harmful practices in Nigeria is the forced shaving of hair. In *Onwo v. Oko* (1996), a widow, who was a born-again Christian and member of the Assemblies of God church, claimed that she was forced to shave her hair before being assaulted and locked in a room as part of a traditional mourning practice. These acts were against all of her religious beliefs. The trial court dismissed the application on the ground that fundamental rights are not enforceable against a private individual. The Court of Appeal however, held that where fundamental rights are invaded by ordinary individuals, the victims have rights against the individual perpetrators (*Onwo v. Oko* 1996).

According to the Women’s Aid Collective’s 2008 report to CEDAW,⁶ “under most customary laws widows are denied inheritance from the estate of their deceased husbands (and) even where they are allowed inheritance, the share is not equal to that of a man.” In some instances, following the death of a husband, relatives drive the widow out of her home and confiscate all her property in the suppositional belief that it was all acquired solely by the husband. In other instances, widows are deprived of a husband’s inheritance simply because they do not have male children (Dimkpa 2007). Ironically, in situations where a widow does have a son, she can be subject to the custom known as “Okpala” (first son) custom, whereby the eldest son is entitled to the property of the deceased father even though the widow survives. In 1989, the Nigerian Supreme Court (in *Nzekwu et al. v.*

⁶The Committee on the Elimination of Discrimination Against Women (CEDAW) is the body of independent experts that monitors the implementation of the Convention on the Elimination of All Forms of Discrimination Against Women.

Nzekwu et al.) condemned the Okpala custom, commenting that is “a barbarous and uncivilized custom which should be regarded as repugnant to equity and good conscience and therefore unacceptable” (Nweze 2006, p. 21).⁷ In general, children suffer along with their widowed mothers since widows are left to fend for their children without benefit of any inheritance. As a result, children are often forced to drop out of school, ending up as hired hands and laborers. Worse, girls become particularly vulnerable to violence.

The harmful widowhood practices found in Nigeria put widows at increased risk of contracting HIV/AIDS. A common widowhood practice is that of sexual cleansing, entailing a sexual act as a means of symbolic cleansing and breaking of marital ties with the deceased. Other practices having a direct relationship to HIV/AIDS transmission include early marriage and widow inheritance (also known as wife inheritance or levirate), in which the widow is ‘passed on’ to the next surviving male in the family. In such situations, widows might be forced into an arrangement with an infected heir, brother-in-law or any surviving male relation. The widow is thus put at risk of either becoming infected or transmitting the virus to her inheritor. This inheritor may in turn transmit the disease to his other sexual partners, including new co-wives in cases of polygamous marriage. In addition, widows are often not informed of the cause of their partner’s death, or may not find out until they themselves become ill. The practice of early marriage means that young brides are facing widowhood at an earlier age because their older husbands are dying of AIDS.

A widow’s exposure to HIV/AIDS often entails devastating consequences for her family as well. When infected, widows are not as likely to live as long as men with AIDS since they bear the burden of familial care and are less likely to have access to treatment. The lack of legal access to inherited household resources, due to customary or religious laws, means that a woman widowed because of AIDS loses the ability to provide for herself and her family. On World AIDS Day, 1999, Kenyan journalist Esther Muoso (1999) noted that “Wife inheritance - where a widow becomes the property of her late husband’s brother - also contributes to the spread of HIV. After the death of a breadwinner, the widow cannot provide adequate care, food, clothing and above all school fees, so many women see wife inheritance as a solution to financial constraints.”

Enugu State and Widows’ Rights

Enugu State, located in the South East region of Nigeria, was established in 1991 when Anambra State was split into Anambra and Enugu States. Subsequent political and administrative partitions have reduced Enugu’s size further than its original

⁷In should be noted, however, the court held, in this case, that a widow who has “no male issue by the deceased husband . . . has the right to reside in the matrimonial home . . . in the absence of the widow’s misbehaviour or misconduct” (Uzodike 1990, p. 402). The widow is not entitled to any absolute ownership rights.

1991 form. The current population of Enugu State is approximately 3,257,000, while the city of Enugu, the State's capital, has a population of 2,388,862 (National Bureau of Statistics 2006). The Igbo people are the largest ethnic group in Enugu State (approximately 95 %); most are Christian, nearly half of whom are Roman Catholic. Outside of the city of Enugu, Enugu State's economy is predominantly rural and agrarian.

Widows in this part of Nigeria are often subject to oppressive and dehumanizing cultural rituals. Many of these widowhood rites, which are not applicable to widowers, are in breach of both constitutional and international law (Williams 2004). Legal protection for widows in Enugu State is evolving, though the process is cumbersome and slow. Presently, most of the extreme practices, such as drinking the water used to bathe a husband's corpse, or sleeping with the corpse in the same room, have been eliminated in Enugu State (Nwadinobi 2008, p. 8). A bill called "Prohibiting the Infringement of a Widow's and Widower's Fundamental Rights" (Enugu State 2001) has provided protection for widows, and increased public awareness of harmful widowhood rites. On its surface, the bill represents a step forward for widowhood rights; awareness of this law has undoubtedly influenced some Traditional Rulers who have made declarations outlawing or abolishing some of the widowhood practices. However, the bill is not properly enforced and the prescribed punishment is very lenient. Widows having the courage to fight and go to court often find that the process is very expensive and laborious. Court cases are lengthy and judgments often remain, it is said, at the discretion of biased male judges or magistrates.

According to Ewelukwa (2002):

New laws still reflect the deep seated cultural biases against women. What is more, in the day-to-day application of these laws, widows have experienced a disregard of even the minimal protection accorded them.

A Nigerian judge, writing with regard to the position of women under the customary law of succession, rightly cautions that 'it is necessary to appreciate that rules and customary law on the subject are unwritten. Our source is mere oral traditional history and testimony of men in leadership of their community. . . . Men played a dominant role in the formulation of customary law and practice. They are the judges and witnesses.'

A study carried out by the Widows Rights Coalition (WRC) showed that while most of the harmful, traditional widowhood rites are on the decline, disinheritance and forceful shaving of hair are still prevalent (Nwadinobi 2008, p. 6).

For all of the above reasons, mediation is often a widow's best platform for dispute resolution. The primary organization in Enugu State, whose role it is to lobby for and promote widowhood rights, publicize harmful cultural practices, provide safe havens, and conduct mediations, is the Widows Development Organisation (WiDO).

The Widows Development Organisation (WiDO)

The Widows Development Organisation (WiDO) is a non-governmental organization (NGO) based in Enugu, the capital of Enugu State. WiDO is represented in all 17 Local Government Areas of the state through its Community Focal Persons (CFPs); WiDO's interventions are in over 100 communities.

WiDO has been in existence for over 15 years and provides support for widows whose rights are violated. WiDO has so far intervened on behalf of widows in cases involving eviction, disinheritance, abduction of children, and wrongful arrest. When necessary, WiDO has collaborated with a sister organization, the Civil Resource Development and Documentation Centre (CIRDDOC), for the services of lawyers. WiDO's activities include the following:

Widow Support Centre. This quiet and secluded facility was the administrative office as well as the mediation office. It also served as a safe, temporary shelter for widows and their children in situations where the widow was thrown out of her matrimonial home or when her life has been threatened. Counseling was provided and clients, researchers and other civil society organizations also had access to resource materials. (The shelter is now closed due to a lack of funding but will be discussed in this chapter as it existed.)

Information. WiDO has the names of over 5,000 widows from the 17 Local Government Areas in our database. The database comprises those who have reported cases to us for mediation, as well as those who have attended our activities. We have additional information because WiDO has participated in two State-wide research initiatives about the prevalence of harmful traditional practices. The first was conducted in 1998 and the second in 2005. We also have carried out a community research project about the health consequences of widows and their children in one of our focal communities.

Widows' Clubs. There are presently five functioning clubs for widows in five communities. All widows are encouraged to form Widows' Clubs in their respective communities. The clubs provide a platform for peer counseling and serve as a rallying point for sharing experiences on coping strategies. A club also enables widows to have collective protection of their human rights as well as to facilitate the forming of thrift co-operatives to assist themselves. A club also serves as a platform for WiDO to reach the widows as a group, as opposed to seeking them out individually. The widows have been encouraged to keep minutes of their meetings and start thrift systems of savings otherwise known as "isusu."

Sensitization Programs. We have been able to impact the lives of widows through a series of sensitization meetings in the three Senatorial Zones of Enugu State. The targeted groups include widows, representatives of the Nigeria Police Force,

priests from various Christian denominations, representatives of the Muslim community, daughters of the lineage (Umuada)⁸ and representatives of the media.

Legal Initiatives. After six years of working in this area, a bill was passed in Enugu State outlawing widowhood practices. We also have made some copies of the Widowhood Rights Laws and distributed to them to community members. They have information and skills now to assert their rights as well as they know where to report whenever their rights are abused or violated.

Publicity. We have used many ways to publicize our work. For instance, we printed the 2001 law⁹ about widows' rights in pictorial form in both English and Igbo, the local language. We also distributed many copies of the law to communities. The publication is an important tool that is used during mediation sessions when intervening on behalf of widows whose rights have been violated.

We have organized *Widow Friendly Days* and these are usually held during a period called the 16 days of activism (25 November to 10 December). These days serve as a forum for the widows from the various communities to share their experiences and coping strategies with each other.

August is a month set aside by churches for women to meet. We use this unique opportunity to *visit the churches* and sensitize their members about the rights of widows.

We also have developed an effective campaign of *radio jingles*. Our radio jingles have reached over 10 million people through our prime-time broadcasts using Radio Nigeria, Enugu National Station. The signals of the Federal Radio Corporation of Nigeria, Enugu National Station are received in six states including Enugu, Benue, Anambra, Abia, Ebonyi, and Cross River.

We have used mock *Tribunal Sessions* to disseminate information about the plight of widows. A mock Tribunal consists of the widow testifying before a panel of judges followed by audience participation.

We have participated in international meetings including the Panel on Widows Rights of UNGASS in 2000, the First International Conference on Widows in 2001, International Widows Day in the United Kingdom in 2006 and Parallel Events connected to the UN Conference on the Status of Women (CSW) in New York City in 2007 and again in 2008.¹⁰

⁸Umuada refers to Women of the Igbo tribe. In this context, umuada includes the daughters, sisters, aunts and female cousins of the deceased, but does not include females who have married into the family of the deceased as they may perpetuate harmful widowhood practices.

⁹The Enugu State 2001 bill number 3 is about "The Prohibition of Infringement of Widows and Widowers Fundamental Rights."

¹⁰The United Nations General Assembly recognized 23 June as International Widows' Day. The declaration calls on "Member States, the United Nations system and other international and regional organizations, within their respective mandates, to give special attention to the situation of widows and children" (<http://www.un.org/en/events/widowsday>). WiDO put out press releases as well as provided a news commentary on national radio to commemorate the first International Widows' Day in 2011.

Lobbying and Advocacy: WiDO belongs to a number of Advocacy Groups that are campaigning for various legal reforms. We participated in lobbying for the passage of the 2001 bill that protects widows in Enugu State.¹¹ We also were involved in advocating for a bill about stopping violence against women and contributing to a shadow report for the Commission on the Elimination of Discrimination against Women (CEDAW).

We collaborated with the Legislative Advocacy Coalition on Violence Against Women (LACVAW) in a Legislative Consultation in March 2004. We also belong to the Gender and Constitutional Reform Network (GECORN). GECORN and WiDO are part of a group that is advocating for legal reform of CEDAW before the Enugu State House of Assembly. WiDO is also a member of the Centre for the Eradication of Violence Against Women (CEVAW).

Awards. WiDO has presented awards to some notable organizations that are champions in the fight for widows' rights. Those named have included the International Federation of Women Lawyers (FIDA) and Nigerian Association for Women Journalists (NAWOJ). Awards also have been given to Traditional Rulers as well as some individuals who have played key roles in support of widows. Additionally, some widows have been named "Champions" in their communities.

Intervention by WiDO

Conflicts generally arise when people are disenfranchised and disenchanting. Innovative approaches and interventions have been shown to be successful in dealing with the certain problems faced by widows. The success of these interventions is largely dependent on the system that is put in place for identifying, reporting, verifying and intervening in these conflicts.

There are many approaches that can be used for preventing and addressing problems faced by widows. Among these are negotiation, arbitration, reconciliation, resolution, litigation and mediation. Mediation is considered to be a major instrument for conflict/dispute resolution, peaceful co-existence and sustainable democracy and it can be particularly useful in dealing with some of the problems faced by widows.¹²

Conflict and dispute mediation are often carried out by Civil Society Organizations (CSO). These non-governmental organizations may be thematic groups such as human rights organizations; professional groups such as associations of lawyers or doctors and/or faith-based organizations. CSOs, in part because of their grass-roots approaches, are capable of coming up with *innovative approaches* that best

¹¹This bill eventually was passed with the support of the Nigerian Association for Women Journalists (NAWOJ).

¹²However, very little has been written on the topic of mediation and widows (Edemikpong 2005).

suit their beneficiaries. The mediation approach described below is the basic one employed by the Widows Development Organization.

WiDO's mediations can be held in the community, at the NGO office or in a Traditional Ruler's residence. We put a system in place to ensure the smooth running of the mediation services. The office-based team is called the Vanguard team and the community-based team is called the Community Focal Persons.

The Vanguard Team.¹³ This is a five-member team that handles reports of violation by screening, verifying and investigating the reports submitted by widows themselves, a team member, a relative of the widow or a Community Focal Person (CFP). The team members and their functions are as follows:

(1) *The investigator*. As soon as a report of victimization is received, the investigator documents it at the office and then visits the specific community to investigate the genuineness of the claim; (2) *The counselor*. The widow will need to be reassured and she will need a detailed explanation of the aim of the intervention and what it covers. The widow will be advised that she may benefit from a combination of interventions such as rehabilitation, shelter, skills, and coping strategies; (3) *The scribe*. The scribe takes verbatim notes at the support centre, or in the community, through a direct translation of the local language, Igbo, into English. The scribe works closely with the Investigator to ensure proper data entry both at the community and at the support center; (4) *Para-legal officer*. This is the WiDO legal resource person who is trained to do preparatory and follow-up legal work and is the liaison between WiDO and lawyers and will attend the court sessions if the need arises; and (5) *The photographer*. The photographer captures still or motion pictures of the event. This is done with full permission of the widow.

All the members of the team are trained in basic human rights as well as Alternative Dispute Resolution (ADR). The team members carry out investigations and arrange for mediation meetings – with the relatives and in-laws of the widows – both within the communities as well as at the widow support centre. This usually is a long process as it involves several visits and preliminary meetings with the all the relevant parties.

The Vanguard Team determines which of the dispute resolution methods to apply. The choice depends on the nature of the case and what seems appropriate for the situation.

Community Focal Persons (CFPs): The CFPs are volunteer indigenes (indigenous people) of their communities. They are selected by the Vanguard Team and trained to represent WiDO in the communities as a link between the widows in the Local

¹³The Vanguard intervention described here is an expensive approach that needs regular and substantial funding. (Much of the expenditure is for transporting team members to remote areas.) WiDO lost its funding for the full approach in 2008 and has been forced to be innovative to make sure that mediation is still offered. Current interventions take place with at least two WiDO members in the company of a focal person (someone already in the community who has been trained in mediation by WiDO). For cases where a lawyer is needed, we approach lawyers who provide pro bono services. We also might ask for assistance from other NGOs that have more resources or already are working in a particular community.

Government Areas and WiDO. These are people of integrity who have been selected based on their passion and commitment to community service as well as their literacy level. They live in the community and, as such, understand the behavior, attitudes, customs and traditions of their people and community. They also are well respected and held in high esteem. They are, therefore, well positioned to help their own people.

The presence of a CFP facilitates the monitoring of the widows in the rural communities as well as easy reporting of cases when there are violations. The CFPs are allocated mobile phones and trained in their use.¹⁴ They also are periodically provided with top-up units (pre-paid units to a card for cell phone calls or gas). This facilitates the exchange of information between the CFPs and the widows and also between CFPs and the WiDO base office. This system has ensured the fast reporting of cases, especially those cases in which someone's life is threatened.

WiDO is represented in all the Local Government Areas of Enugu State through the CFPs. Widows and other members of the community bring their complaints and concerns to the CFPs who in turn forward the complaints to the Vanguard Team. In minor cases, the CFPs carry out the initial mediation.

The CFPs serve as point persons whenever there is need to enter the communities, assist in community mobilization and outreach programs and generally make local arrangements to facilitate interventions. They hold periodic meetings with members of their community to pass information to them as well monitor feedback. WiDO also holds periodic review meetings with them to assess the progress and status of various interventions.

The Procedure for Application and Processing

The steps below describe the process that is generally followed regarding mediation:

- Applications are received by WiDO in writing or by oral testimony.
- If the application is oral, the Counselor to whom the application is made will hold a counseling session.
- If the application is oral, the Scribe will produce a verbatim, written report.
- On receipt of the oral or written application, the Investigator will invite the applicant for an interview.
- The Counselor, in the company of the Vanguard Team, will go on a fact-finding mission.
- On confirmation of the report, the Investigator and the Vanguard Team will commence mediation efforts. (This effort would be on-going). If this avenue is fully exhausted without reaching settlement, litigation is inevitable.

¹⁴Some areas of the country are very remote and lack mobile phone services. Setting up meetings in such communities takes longer as it involves a lot of traveling.

Mediation Considerations: Intervention Decisions and Gatekeepers

Once victimization is confirmed, the first line of action would be a mediation process that involves dialogues with the relatives and/or local communities. When discussions fail to persuade relatives to discontinue acts that infringe on a widow's rights, we would have cause to move on to the next level of intervention. This means we would facilitate redress through litigation or seek injunction restraining the relatives or community from carrying out further victimization. We would do this with the advice and guidance from formal legal institutions such as the Legal Aid Council and the National Human Rights Commission.

While this is in process, we would mount a systematic awareness campaign in the local communities to enlighten them about the need for a change of attitude and modification of the social and cultural patterns of their customary laws and culture. We would let them know that a law – “The Prohibition of Infringement of a Widow's and Widower's Fundamental Rights Law, 2001” is already in place in Enugu State and that it prohibits such harmful cultural practices.

In selecting or deciding the cases in which to intervene, certain criteria are employed which include:

- Seriousness of the case
- Likelihood of loss of life
- Likelihood of serious damage to property
- Breach of fundamental rights
- The fact that a widow is the primary victim
- The fact that the case involves oppressive acts of relatives
- That there is probability of loss of livelihood
- The effect on the widow's children

Conflict resolution is made easier by gaining the confidence of the community gatekeepers. These are individuals who have some position of leadership at the community level and who will provide a safe and conducive environment for the resolvers of the dispute.

These gatekeepers include the Traditional Ruler or Igwe. The Traditional Ruler is an elected head of an Autonomous Community. The majority of Traditional Rulers are men. They are natives of the community and have a cabinet of chiefs. The home of the Traditional Ruler/Igwe is regarded generally as neutral ground for resolving conflicts. However, in some cases the Igwe has been known to take sides and, therefore, may have a biased view which may further fuel the conflict.

Another gatekeeper is the Religious Leader, who may be the parish priest, or pastor. The vast majority of Nigerians in the South East are Christians. They attend church and are dues-paying members in their respective churches. A lot of importance is placed on one receiving a good funeral. This is measured by the involvement of the church and the feeding of mourners. Citizens therefore like to have a good reputation with their priests and generally will have paid all church dues and levies. A priest can therefore be approached to wade in to a matter in the process

of mediation as the individual's spiritual head. A good opportunity is provided at the annual "August" meetings. The August meeting is a church-based meeting that takes place in the South East part of Nigeria. All daughters of a particular community are expected to travel from different parts of Nigeria and sometimes from abroad for this meeting. Those who fail to attend have to pay very heavy fines. Issues are raised at these meetings such as community development problems. We use this unique opportunity to visit the churches and sensitize people about the rights of widows. During these programs, the participants are taught basic human rights and the various ways to protect their rights.

The previous beneficiaries of successful conflict resolution also serve as good gatekeepers. Happiness Odoh, for instance, received her property back through mediation and she served as a good reference point for introducing another widow to the program. The story of her success had been spread in her community. When another widow, Uche Oguenyi, was victimized, she approached Happiness to ask for an introduction to WiDO. Uche's case was successfully handled and she became a volunteer Community Focal Person. Today she intervenes on behalf of other widows. This is just one example of the cascade or ripple effect.

Summary of a Mediation Meeting

In order to understand our approach to mediation, I will describe a mediation session that was held with the Okoro family.¹⁵ WiDO provided a mediator (Ms. Chika Okoh, the Investigator/Program Officer for WiDO) and Mrs. Theresa Akpata, the scribe for WiDO. The participants in the mediation were:

1. Mrs. Geraldine Okoro, Widow
2. Mr. Joseph Okoro, Brother-in-law
3. Ezemadu Okoro, the young man purported to be Mr. Romanus
4. Okoro's son, born out of wedlock
5. Chimsom Okoro, Geraldine Okoro's son
6. Ameze Okeke, Geraldine Okoro's sister

After introductions, the family members were all warmly welcomed to WiDO¹⁶ by the Program Officer. They were reminded that the purpose for coming to our organization was for a peaceful resolution of their case.

The two parties, Geraldine and Joseph, also were reminded of the facts they had presented previously, since both Geraldine and Joseph had been interviewed by WiDO. The facts were:

Geraldine's husband (Romanus Okoro) and Joseph Okoro jointly owned a property at Ugbo Odogwu. The house had five rooms. A room was given to the Caretaker while the remaining

¹⁵The names of the family members have been changed in order to respect the family's privacy.

¹⁶Geraldine and her children lived in Onitsha, about 1½ hours away from the WiDO office where the mediation was held and the property in question was located.

four were shared between Joseph and Ezemadu Nimonbe. Ezemadu was introduced by Joseph as Romanus' son whom he fathered out of wedlock. Geraldine was not given any part of the money and has never collected the rent since her husband died four years before this mediation. Also, Joseph had gone ahead and added a house on the land without Geraldine's consent.

After listening to the facts, Joseph agreed that he had never given any money to Geraldine but that he gave two rooms to Romanus' son, Ezemadu, which he felt made up for Romanus' share of the house. He maintained that his brother Romanus left a lot of property including some vehicles and a motorcycle after his death and that the family had never asked Geraldine about any of the property. He thought that Ezemadu Okoro had the right to his father's property.

The issue of Ezemadu led to outbursts from the parties. Geraldine denied ever knowing the boy or of ever being told by her husband that he had an illegitimate child. She said she knew the young man just as a member of their community. Geraldine's son, Chinson, also denied knowing Ezemadu.

Ezemadu himself was near tears as a result of all the denials. He revealed that he was told by his mother who his father was, and how his late father accepted him and treated him as his son. He claimed Romanus sponsored his education while he was alive and Ezemadu also spoke about how he often stayed with the family at Onitsha.

Joseph said the whole community acknowledges that Ezemadu was Romanus' son and that Geraldine just wanted to deny the fact. He revealed that his brother Romanus got Ezemadu's mother pregnant when they were both in secondary school, but he did not tell anybody until the child was in primary 6.

Concerning the issue of the new house he was building on the land, Joseph claimed he did not consult Geraldine before doing that because he knew she couldn't contribute financially towards the project. He said he did not want to disturb her knowing the enormous responsibility she had on her hand with respect to raising seven children all alone.

When asked how he would want the house and land to be shared among them, Joseph maintained the house had already been shared since Ezemadu was collecting rent from two rooms out of five. As for the new building which he had built, Geraldine could refund him half of the money he used in building the house and then she could share it with him. After being reminded of the rent he had been collecting for many years and that he had not given any share to Geraldine, Joseph kept quiet.

Geraldine agreed that the old building should be shared – one half for herself and the other half for Joseph. She also said the new building would be shared between them also and that she had nothing to refund to Joseph.

Finally, they agreed that even if Ezemadu was Romanus' son, it was Geraldine, his wife, who should be given his property. Joseph and Ezemadu promised to stop further collection of rent from the house.

Ezemadu asked how he would be expected to fend for himself and whether he would be denied his father's property just because Geraldine was denying him. Joseph agreed to consider letting Ezemadu have part of the new buildings he had put up on the jointly-owned land.

Further mediation sessions were planned during which the WiDO Vanguard Team would go to Ugbo Odogwu. The team would learn about the sharing of the building.

Reflections/Interpretations: This case is typical of the type of family situations that come up which require mediation. This case depicts the following:

- Joint property ownership between two brothers, this brings conflict about inheritance when one brother dies
- Lack of a will, thus no legal claimants to the property
- Presence of a child born out-of-wedlock and unknown to the formal family, leads to a problem of recognition
- Decision by the brother-in-law not to recognize the widow as a beneficiary of the property because she is a woman
- Recognition and priority granted to the first son in customary fashion even if this son is born out-of-wedlock
- Without the intervention of WiDO, the parties would probably not have had an opportunity to come to the negotiating table. In addition, Geraldine would be disenfranchised and not be able to secure income-generating property for her family.

Epilogue: This case was one of our most difficult. The meetings (including pre-mediation meetings) took place over 1 year. (Usually we try to complete cases in 2½ day sessions.) Following the mediation, Geraldine, who had malignant breast cancer, was admitted to a hospital. Sadly, she passed away several months later leaving seven young children. The family did not return to mediation, but we did learn about some of what happened after Geraldine passed away. Joseph said he had no choice because the children were orphans; he automatically inherited the children and it fell to him to look after them. He gave them some money following Geraldine's death and he asked the children to come for the rent at intervals of 6 months. Joseph continued to manage the property and is renovating it. Joseph also continues to support Ezemadu who is living in Lagos.

Success Stories and Challenges

WiDO has had many successes and these should be noted. They include the reinstatement of widows who were evicted from their homes, return of abducted children, and rebuilding of a widow's demolished home. These successes, however, have not been recorded without challenges.

We have found that it is crucial to have the Traditional Rulers, the custodians of culture, on our side. The reason is that the belief system greatly influences judgment. For example, in matters of inheritance, traditional law and custom most often do not allow a woman to inherit land if she has no male child. The presence of a Traditional Ruler who is forward-looking, however, helps to change the status quo.

One example which I personally encountered was that of the Traditional Ruler of Ugwu Ogo Nike Autonomous Community in Enugu State. This particular

community was one in which female genital mutilation was practiced, women were not included in the Traditional Ruler's cabinet and harmful widowhood practices were prevalent. However, with our targeted advocacy toward the Traditional Ruler, HRH Igwe Linus Eketé, he was able to make a proclamation outlawing female genital mutilation and widowhood practices in his community. In addition, he insisted on having scouts who would inform him of any cases of non-adherence to his proclamation. The Traditional Ruler also appointed ten women to his cabinet; this was the first time in the state that there were women chiefs in a cabinet.

Some government officials may make matters worse depending on their own beliefs. In one case, a pension officer refused to pay the pension to a wife and was of the opinion that the pension should instead go to the first son. In another case, it took the timely intervention of an employer to ensure that a widow had access to her husband's pension when the brother-in-law snatched the full amount, while the widow and her children were starving.

Some communities are difficult to access due to difficult terrain. Inaccessible roads may require the use of motorcycles. In one case, a community was completely inaccessible due to heavy rains that had washed out the only bridge leading to the community. This led to delays in conducting a mediation.

Sometimes we encounter uncontrollable relatives on the widow's side who make the mediation sessions difficult. We also have experienced situations where a widow tries to capitalize on the fact that we are an organization for widows by expecting us to be on her side even when she is wrong. Such cases are easily discovered due to the thorough investigations carried out by the Vanguard Team.

Other Interventions in Nigeria

Awareness about the problems facing widows has heightened in the media and movies,¹⁷ and widows now know that they can come to us in case of violations. We have moved from being the only NGO acting on behalf of widows, to being one of a number of organizations. Those offering help to widows include the Human Development Initiative (Lagos State); Widows in Development (Lagos State); Society for Women Development and Empowerment of Nigeria (SWODEN, Kano State); the International Federation of Women Lawyers (Lagos and nationwide); Widow Support Centre (Lagos State); Academic Associates Peace Work; Widows Concern (WICON, Anambra State); and the Widows Association of Nigeria (Rivers State). I particularly would like to note the work of two organizations: Action Aid and Widows for Peace through Democracy.

¹⁷“Till Death Do Us Part,” produced by Communicating for Change in 1998, is a 30-minute documentary film that profiles the lives of three widows in eastern Nigeria. The film was produced for the 50th Anniversary of the Universal Declaration of Human Rights and has been shown (with panel discussions) in a number of Nigerian communities.

ActionAid Nigeria

ActionAid Nigeria, one of international ActionAid's 45 country programs, is headquartered in Abuja. Its primary mission is "to work with the poor and excluded people to eradicate poverty and injustice in Nigeria" (ActionAid Nigeria 2008). In order to achieve this mission, the programs of ActionAid Nigeria (2009, p. 18) are implemented according to six rights-based thematic priorities. The first is women's rights and the others are rights to just and democratic governance, education, health, food, and human security in conflict and emergency.

ActionAid Nigeria (2009, p. 16) says it was involved in the movement for the successful passage of the violence against women and widowhood act in three states – Enugu, Kaduna and Rivers – and has "recorded great improvement in our struggle for the rights of women to participate in decision-making process(es) and to inherit landed property (2008, p. 10)." According to the 2009–2011 strategic plan (ActionAid Nigeria 2009), the work on women's rights will continue to "focus on challenging patriarchy and systems that inhibit women's rights to resources including land."

Widows for Peace Through Democracy

Widows for Peace through Democracy (WPD 2004)¹⁸ is a London-based umbrella organization for widows' groups in South Asia, the Middle East and Africa, including Nigeria. WPD establishes partnership networks to facilitate the exchange of information, helps raise awareness of widowhood issues with the European Union and United Nations, and provides training on how to utilize national and international laws in order to protect the human rights of widows.

The focus of WPD is on widowhood issues in areas of conflict as well as the rights of widows in developing countries where they can face discrimination, poverty, abuse, violence, and the lack of legal protection. WPD also is concerned that widows may be denied access to justice systems simply because of their widowhood status. WPD "continues to share information, experience and training with partners in countries ostensibly at peace" and also has worked with widows who have been victims of internal conflicts in countries such as India, Kenya, Sudan, Kashmir, Bosnia, Kosovo and Nigeria.

WPD wants to ensure that the voice of widows at peace negotiation tables is heard since the widows of those who have disappeared in post-conflict situations endure problems that are not like those of other women. To support this mission, WPD developed a model widows' charter to influence legal reform and new constitutional drafts in post-conflict areas. The *Model Charter for the Rights*

¹⁸<http://www.widowsforpeace.org>

of Widows (Widows for Peace through Democracy 2009), a “draft proposal for adaptation to specific country, legal, social, cultural and economic situations . . . demands the elimination of all discrimination against widows.” The 10-article document includes the following:

- Calls all actors involved in negotiating and implementing peace agreements to address the special needs of widows and wives of the missing (as required by UN Security Council Resolution 1325) and ensure the protection and respect for their human rights.
- Calls on all actors to support widows to band together in associations so that they can collectively undertake mapping and profiling projects to fill the gap in statistics on their situation.
- Calls on all actors to ensure that widows are represented in these negotiations so that (all have heard) their particular concerns, for example:
 - (i) Rights of safe return (of displaced widows to former homes)
 - (ii) Inheritance and property rights, land allocation and ownership
 - (iii) Protection of widow witnesses at national and international tribunals
 - (iv) Personal status guarantees in constitutional and legislative reform . . .

Conclusions and Recommendations

The application of the laws governing marriage and inheritance in Nigeria often causes great distress and injustice to widows. There is a big gap between the word of the law and its reality, and many customary laws and practices undermine widows’ statutory rights.

In Enugu State, where most of our work has been done, a State law was passed about widows’ rights in June 2001. The law is aimed at ameliorating the plight of widows as well as strengthening their legal protection. The law makes it illegal for anyone to compel a widow to perform any of the widowhood rites. However, the law is slow to be implemented and enforced and cases that go to court are very costly and take a long time (years, in some cases) to be resolved. Despite the law on harmful widowhood practices in Enugu State and efforts by the government, churches and Non-Governmental Organizations in the State to educate the people about the harmful effects of such practices, these obnoxious and marginalizing widowhood practices still exist and remain a painful reality.

We have found that mediation can be a good approach for dealing with disputes faced by widows and our creative approach also deals with the conflict in the community. In discussing the value of such mediation, I would like to make the following points:

1. Mediation should give due consideration to the culture and belief system of the people while ensuring that dignity and human rights are respected.
2. It is necessary to involve the appropriate gatekeepers in mediation.

3. There is a need to have adequate representation around the table in the design of programs for widows. Therefore, widows should be involved in designing, implementing and monitoring such programs to ensure acceptance and sustainability.
4. Creative and innovative approaches that are employed in the process of mediation should be recorded for dissemination.
5. Interventions should be timely and the timing appropriate.
6. There is a need to engage in innovative partnerships such as those among traditional institutions, civil society and the private sector.

The fact that we have been unable to secure continued funding for the full Vanguard program has been unfortunate and shows the difficulty of sustaining the work of small but effective organizations in economically developing countries. While the treatment of widows has improved, there is still much work to be done regarding the (1) development and implementation of laws, (2) publicity for the problem as well as available resources; and (3) delivery of timely, adequately-funded and effective services, particularly in rural areas.

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