

PERSPECTIVE

Access to Justice: Plight of Women & Girls in South-East

Alliance for Africa

According to the United Nations Development Programme (UNDP), access to justice is the ability of people from disadvantaged groups to prevent and overcome human poverty by seeking and obtaining a remedy, through the justice system, for grievances in accordance with human rights principles and standards.

Also, Section 17(2) (e) of the Constitution of the Federal Republic of Nigeria, 1999 as amended, provides for the independence, impartiality and integrity of courts of law and for easy accessibility to be secured and maintained.

Needless to say, access to justice is itself a human right and a denial of this is a denial of the basic tenets of human rights principles.

Access to justice requires the following:

i. A proper adjudicatory mechanism-it is a necessity to have a strong and proper adjudicatory mechanism, be it a court, tribunal, commission, etc where aggrieved citizens can seek redress and justice for a wrong done to them or any violation of their fundamental rights.

ii. Such adjudicatory mechanisms should be accessible to all citizens.

iii. The process of getting justice must equally be affordable- if such adjudicatory mechanisms are expensive so much so that indigent citizens cannot afford the payments, then the purpose of attaining justice is defeated.

iv. Speedy process- Access to justice as a constitutional value will be a mere illusion if justice is not speedy. Justice delayed, as famously said is justice denied. For women, the four conditions stated above do not guarantee access to justice. They face more challenges and have to scale more hurdles before they can access justice. Some of the factors making it difficult for women and girls to access justice are discussed below.

Challenges

To say that access to justice remains a mirage for most Nigerians is an understatement. According to Laura Turquet, this is particularly true for women, who often face unique social and institutional barriers to accessing justice and finding suitable solutions to their legal problems due to gender discrimination, social stigmas, lack of knowledge of their rights, as well as economic and educational disadvantages.

In the southeastern part of Nigeria, the challenges for women and girls to access justice is no less challenging. Already overburdened with discriminatory cultural practices, women and girls in South East Nigeria face greater challenges in accessing justice. Be it civil or criminal justice, getting justice remains a herculean task for women and girls. When they eventually get it, the kind of justice they get is a gendered justice.

Among others, here are some factors that make access to justice difficult for women and girls.

1. Prejudicial Cultural Practices

There are customary practices which discriminate against women and girls. These practices make it harder for them to access justice.

For instance, in South Eastern Nigeria, and elsewhere in the country, there are preferences for male children. It is customary for females to be disinherited.

On April 14, 2014, the Supreme Court in a unanimous judgment upheld female child right to inheritance in South East Nigeria.

Before the judgment, Igbo customary law of succession excluded female offspring from eligibility to inherit their fathers' property. Other discriminatory practices remain.

2. Apart from prejudicial cultural practices, institutional discrimination against women and girls affect their chances of accessing justice.

Section 42(1) and (2) of the Constitution guarantees every Nigerian the right not to be discriminated against, but this provision is however, observed in the breach. In reality, the Nigerian society continues to discriminate against women and girls.

When girls are raped, the society, because it is controlled largely by men, tends to blame girls. Police often ask the rape victims such embarrassing questions that will make getting justice for them very difficult. This partly explains why many rape victims do not report the offence to law enforcement agencies. When rape is not reported, there will be no justice. Those who are bold enough to report don't often get justice. The odds are fully stacked against them.

In the labour market, women are not being given the opportunities like their male counterparts. This leads us to



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the next challenge.

3. Poverty.

Poverty limits women and girls' ability to access justice. In Nigeria most people cannot afford to hire a lawyer to argue their cases and fight for their rights. Women and girls are more likely than men not to have the means to litigate their cases. Even when they have legal issues that affect their rights, they are not able to retain the service of legal practitioners to take the case to court for adjudication.

4. Lack of Institutional Support.

Women and girls don't often get support from the government to fight their cases. Although, the constitution places an obligation on states to make provision for free legal services, that is Legal Aid for underprivileged citizens to have full access to courts and have their matters heard without money, lack of resources does not allow this to happen. Even when legislation is passed to make it easier for women and girls to access justice, implementation is usually lacking.

Recommendations

Policy Intervention

To make sure women and girls have access to quality justice, governments at both the federal and state levels will have to put policies in place, remove institutional barriers against women and punish those who violate the rights of women.

Need for Legislation to Advance the Rights of Women.

It will be difficult to enhance women and girls' access to justice without eradicating discriminatory practices against them.

Therefore, states in the South East have to put in place laws that will reduce cases of violence and discrimination against women. The Ekiti State law is recommended as a model. The law recognizes that gender-based violence includes economic abuse, which it defines as the denial of funds, refusal to contribute financially to family upkeep, denial of food and basic needs, among others.

Ekiti State law also establishes a Gender-Based Violence Fund to provide, among others, basic material support for victims of gender-based violence. Such victims and their dependents may receive free shelters and vocational training.

Implementation of existing laws

It is not enough to put new laws in place, they must be implemented.

The Violence Against Persons Prohibition Act of 2015, a federal law which prohibits female genital mutilation, harmful widowhood practices, harmful traditional practices and all forms of violence against persons in both private and public life should be implemented faithfully.

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