

Women Enslavement and Eroded Sociocultural Value System in Nigeria

¹Okonye, Anthonia Hafunjoh, ²Ojo, Olusola Matthew, PhD, & ³Awomoyi, Morayo Emitha

Abstract

Despite international consensus on equal rights of humans to life without gender discrimination, enslavement of women through forced marriage and related sharp practices have constituted aspects of customs and traditions in Nigeria in time perspective. Using comparative analysis of Nigeria's regional composition, this article examines the devastating implications of women enslavement for national Sociocultural value system. Employing primary and secondary sources of data collection, the treatise explores the synergy between the historical antecedent and contemporary context of obnoxious cultural practices and institutions that condone sharp practices in various Sociocultural settings in Nigeria. Findings revealed that plurality of the legal framework along religious and regional dichotomy has constituted a major hindrance to the eradication of the obnoxious cultural practices against women in Nigeria. Hence, there is need for the harmonization of Nigeria's legal framework towards ensuring the prohibition of all forms of women enslavement across the country.

Keywords: women, enslavement, equal rights, gender discrimination Nigeria, cultural practices

Introduction

Gender-based cultural discrimination against women has remained subsistence in human practices in many parts of the globe, despite

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- 1 Department of Peace & Conflict Studies, National Open University of Nigeria, Abuja
 - 2 Department of Peace & Conflict Studies, National Open University of Nigeria, Abuja
 - 3 The American University, Washington, DC

the wide condemnation it has continued to receive as a crime against humanity (Rome Statute, 1998). In its September 2001 declaration, the world conference against racism, racial discrimination, xenophobia and related intolerance lent credence to extant legal framework against human enslavement and considered the obnoxious practices as crime against humanity. Despite the fact that these uncivilized sharp practices have mostly affected women and the girl child over the years, it is still among the least understood form of human inhumanity against humans in time perspectives. Marriage-slavery, which is an integral component of women enslavement derives legitimacy from religious, cultural and traditional institutions. Thus, its long practice within the Sociocultural terrains has made it to be considered as a 'norm'. In Africa particularly, this aberration has been generally left unaddressed as they are viewed as sensitive social order that bothers on custom. In its Precolonial epoch, Nigeria's cultural milieu was beclouded by variety of gender-based discriminatory practices in various communities across the nation. It is unfortunate to note that in the contemporary times, some of the practices remain part of the social norm embedded in customary marriage code especially at the grassroots and rural settings where ignorance and illiteracy are more prevalent. These cut across various regions in the country, including the so-called majority groups, namely Hausa-Fulani, the Yoruba and the Igbo.

McQuade (2017) considered slavery as a political issue, which is essentially about exerting power by certain individuals or groups to enslave, or the exclusion of certain people from power so as to get them enslaved. McQuade further stated that marriage-slavery has actually continued to attract cultural embracement in modern times particularly when it is not actually tagged slavery. This is more so especially in Africa where patriarchal social order in which men predominate in roles of political leadership, moral authority, social privilege and control of property is well-entrenched in their cultural value systems. Thus, the central focus of this treatise is to examine the different forms of women enslavement with emphasis on the three predominant regions in Nigeria and how some of these practices from historical and contemporary perspectives.

Furthermore, the article analyzes the definition and legal nuances as it applies to them with a view to illustrating the complexities and difficulties in prosecuting various forms of women enslavement in contemporary Nigeria.

Conceptual Clarifications

Given historical differences, obligatory customs and practices across the country still have some variations from one ethnic group to another, and most specifically from one town to another (Ewelukwa, 2002). The three different kinds of marriages are discussed below:

Statutory marriage is a marriage that is accepted by federal legislation, this kind of marriage is known as a monogamous marriage because it is between a man and a woman. Often, there are requirements from the marriage registrar that need to be met before this marriage can take place. (a) The parties involved need to be ready to declare their age (b) Parties involved need to get the consent and approval of their parents if they are both below twenty-one years of age. In a case where both parties are above the slated age, they don't need to undergo this process. Moreover, the consent of both parties is also an important requirement, this consent must be obtained in a legitimate way which should not involve any form of pressure or fraudulent act. (c) Parties involved will not be allowed to perform a statutory marriage if either of them has been married at one point in time to another person in the court and the marriage has not been officially dissolved in the court. (d) There should be an agreement between the distant and close relations of both parties, for example, do they want the marriage to be performed in the registrar's office or do they want to have it in a licensed place of worship. Weddings done in the registrar's office can only be dissolve in the court.

Customary marriage: In practice, customary marriage tends to differ based on the ethnic community in consideration. Given the complexity of its heterogeneous composition, various ethnic groups in Nigeria have their peculiar marriage rites and customs. Nevertheless, almost all marriage practices in various parts of the country usually reinforce

cemented relationship between or among the families of the couple, thereby promoting enduring inter-group peace, harmony and unity. In other words, marriage under customary law creates cordial ties not only between the couple but also between/among the families involved. Marriage under customary law also recognizes polygamous practices, in which a man can marry more than one wife. As Nwogugu (2004) rightly observes, there is no limit to the number of wives a man can marry under customary law.

Islamic marriage is known to be a polygamous marriage where the man is permitted to have more than one wife. The consent of the intended couple and that of their parent is also required, payment of the *saduwat* or dower and solemnization. Islamic law marriage requires that both parties must freely consent to the union before the rite is performed. However, under the Maliki Islamic injunctions, a father reserves the right to conclude a marriage on behalf of his infant sons and virgin girls. The ceremony is called *ijbar*. Nevertheless, this practice is flexible in that as the damsel grows into the age of puberty, she has the option to reject the marriage contract between her parents and the would-be husband.

Theoretical Thrust

This treatise employs the analytical perspective of social death and community identity and lifestyle as theoretical underpinning. Social death theory depicts the condition of people not fully accepted by the wider society within the context of their identity as humans. It is used by sociologists such as Zygmunt Bauman and historians of slavery and Holocaust (Card, 2003). The chief proponent of the relationship between social death and slavery is Orlando Patterson. Patterson defines slavery as one of the most thrilling dimensions of master-slavery relations whereby the former exerts outrageously domineering influence over the latter (Patterson, 1985). Kralov (2015) identified three characteristics associated with defining social death, each of which suggests that the concept represents compromised well-being and human inhumanity against humans. These are: loss of

social identity; loss of social connectedness; and losses associated with disintegration of the body. With regards to marriage slavery, manifestation of social death is reflected when the male spouse exerts extreme domineering influence over the female spouse and the latter seems grossly helpless. Power plays an essential role in the relationship between a master and a slave, and violence is often deemed a necessary component of slavery. According to Patterson (1985), “a slave was considered as having no worth as humans; and compromised identity.

The second theory is based largely on community lifestyle. A community is a social unit that contains the co-habitation of a group of humans with shared characteristics and identities, including norms, religion, values and language. Communities often share a sense of place that is situated in a given geographical area such as country, village, town, or any other forms of neighborhood. People tend to define those social ties as important to their identity, practice, and roles in social institutions such as family, home, work, government, society, or humanity at-large (James, Nadarajah, Haive, and Stead, 2012). McMillan and Chavis (1986) identify four elements of “sense of community”. They are membership, influence, integration and fulfillment of needs and shared emotional connection. According to James et al, “Life-style community relations involves giving primacy to communities coming together around particular chosen ways of life, such as morally charged or interest-based relations or just living or working in the same location.”

Methodology

This analysis employs both historical and survey methods for data collection and interpretation. The historical method is employed to determine, evaluate and explain past events especially for the purpose of gaining a better understanding about marriage slavery within the context of Nigerian social formation. The survey method is adopted to compliment secondary data. Data collected are analyzed using descriptive method.

Marriage Slavery Practices in Precolonial Nigeria

The contemporary geographic entity of Nigeria can be described as a melting-pot of culture and religion. The country comprises of over 300 ethnic groups with diverse customs and marriage practices. Before the advent of Islam and Christianity, marriages were contracted based on native laws and customs some of which subjugate young girls and women in a society largely dominated by male power and influence. It was not uncommon to have marriage relationships tainted by slavery like practices such as in child marriage, bride wealth, concubinage, levirate, sororate, marriage by exchange, woman-woman marriage, male daughters, marriage through pawning, marriage by adoption, etc. cut across all the regions. In the traditional Igbo social setting, marriage was not essentially conducted with the intent to tie the couple on the basis of exchange of mutual affection, but primarily to establish a legal basis for procreation.

Different forms of marriage practices existed among the Igbos during the period under review. They included normal marriage contract involving two exogamous families; marriage through pawning, which allowed fathers to use their daughters as collateral for loans or related financial commitment; concubinage; and marriage by abduction (Uchendu, 2002). In marriage by abduction, financially constrained young suitors abducted girls of their choice for marriage. Within the context of woman-to-woman marriage practice, the female husband has the conjugal obligation to pay the bride wealth of their wives just as done by men while marrying their wives. A female husband finds a man to meet the sexual needs of her wives and in return claims her services from which she increases her wealth and affluence. The exploitative tendency in this practice explains why the people of Nnobi regarded it as a form of human enslavement, known as “igba ohu” (Uchendu, 2006).

Another typical form of a female husband among the Igbos is a situation in which a wealthy woman without male husband and children marries a woman to beget children for her with the intention to inherit her property and preserve her ancestral ties and family lineage. In some parts of Nigeria, a prosperous and influential woman who was not married

but covet having a family of her own, could ‘marry’ another woman who would have sexual intercourse with a man in secret. The man in question usually has the understanding that the children the woman would have do not belong to him. Traditionally, the Igbo society is patrilineal, and emphasis is placed on the community rather than the individual. Thus, moral obligations were regulated by the demands of the moral codes, tradition, and custom of the people and not by the exercise of individual judgment and conscience (Ilogu, 1974). The woman-to-woman marriage was an improvised approach towards sustaining patriarchy with a view to preserving the tradition of patriarch. However, foreign influences on African traditional cultures and institutions have place significant setbacks certain traditions and practices that are inherent in African culture. For instance, woman to woman marriage suffered a setback arising from colonialism and Christianity in Igboland. In the process of propagating Christianity and Christian values and worldview, Igbo converts to Christianity were encouraged to distance themselves from local marriage customs that had no parallel either in Christendom or in the British family system (Mba 1982).

Levirate Marriage or Widow Inheritance is another marriage practice in Igbo society, which is not sensitive to equal rights of spouse. By virtue of that practice, family members are entitled to inherit a woman like property on account of her husband’s demise (Bamgbose, 2002). In other words, a woman’s husband’s death did not mark the end of her marriage, which would continue according to the levirate system with a junior member of his descent group. A brother or son of the deceased husband, (other than the biological son of the woman) was traditionally obliged to inherit the widow as a wife. In the colonial and post-colonial Nigeria, this obnoxious practice has prevailed and continues to be practiced under various customary law systems in Nigeria (Amnesty International (AI) Report 2005; Center for Reproductive Rights 2003). Under Igbo customary law, wives do not have inheritance rights as they are considered “property” of the late husband’s estate, which derogatorily reduce them to an “object of inheritance by the relations of the diseased husband (WACOL, 2005).

In Yoruba culture, the marriage union between a man and a woman is considered as a point of cemented relationship between the relations of the couple. In other words, marriage is not considered to be only a union of the husband and wife but an avenue through which the extended families on both sides are united. According to Afonja (1990), the Yoruba ideology of kinship and marriage operates to the disadvantage of the women because the wife has limited rights and privileges compared the husband. The women are largely subordinate to men (Lloyd, 1974). Thus, women have restricted autonomy, which give men greater seniority and control than women in many aspects of the social system.

Before the advent of colonialism, Hausa-Fulani traditional marriage was based mostly on Islamic injunction in a society pervaded by slavery and slave trade. State slavery was historically central to the stability and growth of individual emirates in the Sokoto caliphate of northern Nigeria, an area overlapping much of the linguistic sub-region known as Hausaland (Nast, 1994). During the period under review, sexual exploitation of women and girls was a common practice in the society as concubinage was deeply embedded in the institutions of slavery and girl child betrothal and marriage an acceptable norm in the society. This is so because it is believed that the practice is condoned by Islam which supporters say allows a man four wives and unlimited concubines according to his wealth (Khan 2009).

Child marriage

Although, the pattern and trend of age at marriage vary geographically and socioeconomically among various ethnic groupings in Nigeria, albeit, the tradition of betrothing a female child (including minor) to an adult male for marriage is an age-long common practice across the country most especially among the Hausa-Fulani ethnic group. This is a form of forced conjugal union at the instance of the parents of the female child before the child grows into full maturity. According to UNICEF (2016), 43% of girls are married off before their 18th birthday, 17% are married before they turn 15. The

prevalence of child marriage varies widely from one region to another, with figures as high as 76% in the Northwest region and as low as 10% in the Southeast. As Gulnara (2014) opines, forced early marriages result in servile marriages in which other forms of slavery such as domestic servitude, rape and sexual enslavement manifest. For quite long, the Nigeria legal document was blind to the mature age of marriage. However, the passage of the Child Right Act into law in the year 2003 sets the age of marriage at 18 years old. Moreover, in November 2016, Nigeria became the 17th country in Africa to launch the African Union campaign to end child marriage. Despite the foregoing policy initiatives against child marriage, it is disheartening to note that the practice still subsists in the country. Up till date, northern Nigeria has some of the highest rates of child marriage in the world with an estimated 65 percent among children below the age of 18 years.

Cases of Forced Marriages in Contemporary Nigeria

Cases of marriage slavery still continue to be pervasive in Nigeria despite the subsistence of policy frameworks and international conventions and protocols invalidating the obnoxious phenomenon. Given the insecurity challenge in Nigeria arising from the scourge of internal terrorism, banditry activities and other forms of internal crisis ravaging the country, marriage enslavement and related sexual criminality have assumed new waves in Nigeria in terms of dimensions, magnitude and intensity. Heartbreaking instances abound, among which are the following:

Chibok, Borno State: On April, 2014, a total of 276 female students were kidnapped from the Government Girls Secondary School in the town of Chibok in Borno State, Nigeria. Boko Haram terrorist group claimed responsibility for the dastardly act with contempt. The girls were forced into marriage and sexual enslavement with members of Boko Haram with a reputed «bride price” of ₦2,000 (The Rainbow,2014). Four years later, approximately a third of the abductees remained in the hands of Boko Haram, with those girls who have been released, for the most part having been released via ransom payments. It is unfortunate that almost

a decade down the lane, government of Nigeria has yet to apprehend the perpetrators of this terrible act for prosecution despite the efforts the security apparatuses are claiming to have made in the process of rescuing the innocent children (Akwagyiram & Pomeroy, 2018).

Leah Sharibu: On February 19, 2018, 110 schoolgirls were abducted by Boko Haram terrorists in Dapchi, Yobe State, Northeast Nigeria with no government intervention towards intercepting the abductors (Bolaji, 2018). Among the 110 girls is Leah Sharibu, a 14-year-old innocent girl as at the time of the abduction by Boko Haram terrorists. While the other abductees were released after sometime, Leah Sharibu was detained in the custody of those destructive elements as the innocent girl refused to renounce her faith and embrace Islam. It is quite unfortunate that since 2018, government of Nigeria has not ensured the release of Lea from the clutches of those wicked criminals called Boko Haram.

Ese Oruru: The abduction of Ese Oruru is another disheartening case in point. On August 12, 2015, this 13-year-old girl from Delta State of Nigeria was abducted by one Yunusa Dahiru. The innocent girl was abducted at her mother's shop in Yenagoa Local Government Area of Bayelsa State and taken to Kano, where she was raped, forcibly converted into Islam and subjected into forced marriage against her consent nor her parents'. The conversion and marriage allegedly took place in the palace of a first-class Emir in northern Nigeria. On a sad note, although Ese Oruru was rescued 6 months later after public outcry, she was already five months pregnant (Utebor, 2018).

Patience Paul: On March 6, 2016, 15- year-old Primary school Pupil, Patience Paul narrated her ordeal on how she was abducted and her predators turned her into a sex slave at the Sarki Baki House for 7 months. Although she was released from the custody of her abductors on March 4, 2016, the innocent girl had faced untold sexual enslavement and other forms of torture and inhumane treatments (Herald NG, 2016).

Blessing (Nyimjir) Siman: A junior Secondary School pupil of Federal Housing Authority Junior Secondary School, Lugbe, Abuja, was kidnapped in 2010 at age 14. She was forcefully converted to Islam and

renamed Kadijat. Narrating his ordeal, Blessing's father, Mr. Siman Guje said that as soon as he got to know, he reported the matter to the police at Lugbe Police Station but could not get help. He said that his daughter's abductors even had the courage to summon him at the Kuje Upper Area Court where their kinsman was allegedly a top judicial officer. Eventually, Blessing's abductors took her to Kaduna. It was discovered that the arrest order by the court was to clear the way for Blessing's abductors to spirit her out of Abuja unchallenged. The innocent girl still remains in captivity (Nwannekanma, 2016).

Linda Christopher: Linda Christopher was kidnapped in November, 2015 at a tender age of 16 in Bauchi, Bauchi State, Nigeria. In the process of forcing Islamic religion on her, Linda was amed Aisha against her consent. Her parents got a letter from the Shari'a commission, notifying them of their daughter's custody and her conversion to Islam. Such cases are not uncommon happenings especially in northern Nigeria only that they go largely unreported and are all distinguished by several disturbing features.

Ifeoma Nicodemus: According to Woman.NG report of 2016, Ifeoma Nicodemus, was kidnapped in 2014 by their neighbor, called Abdullahi in the Hausa community in Zaria, Kaduna State. According to Ifeoma's father, Abdullahi allegedly took her to Zaria and converted her to Islam against her consent and named her, after being married off to a Muslim. Ifeoma was 14 years at the time of her abduction.

Other abductees: Another 14-year-old Ifesinachi Ani was abducted in Abuja. She was taken to Maiduguri at first time, and later transferred to Zaria in Kaduna State where she has been married off. Also, a 13-Year-Old Progress Jacobs was kidnapped by abductors led by one Musa. Progress Jacobs was kidnapped on her way back from church in January 2016 and is being held in Bauchi by Shari'ah Commission. Her name has been changed to Aishat. Her parents got a letter from the Shari'a commission, notifying them of their daughter's custody and her conversion to Islam. Another innocent child, a 13-Year-Old Blessing Gopep also fell victim of being kidnapped at age 12 in 2015 by a two-man crime gang, namely Iliyu and Umaru from Bauchi motor park. Her name has been changed

to Mariam. Also, Lucy Ejeh, was kidnapped at age 15 in October, 2009 by abductors led by one Awaisu in Zamfara, Zamfara State. While in their custody, Lucy's abductors forced her to convert to Islam, and n changed her name to Lewusa. It is sad to assert that many of these innocent children still remain in the clutches of their kidnappers with their sense of identity undermined against their wishes especially in terms of their religious worldviews and their marital status.

Findings

Nigeria is a heterogenous society composed of multicultural formations in which traditional forms of marriage are concealed behind a veneer of normative cultural practice. Despite international conventions, protocols, resolutions as well as national laws legislated against human slavery and enslavement within the context of fundamental human rights, marriage slavery has continued to thrive in Nigeria. Various legal frameworks have established without equivocation that marriage should flow from free consent of both parties. Hence, any forms of marital enslavement are considered a violation of human rights, which should be condemned in absolute terms. Considering the availability of extant legal and conventional provisions, it suffices, therefore, to argue that marriage slavery and related sharp practices have continued to persist in Nigeria on account of weak political will on the part of the custodians of state power to bring perpetrators to prosecution through adequate enforcement of subsisting legislation. Moreso, the challenge of legal pluralism where traditional and religious legal systems are being observed alongside national laws that outlaw human slavery has also remained problematic. Legal pluralism is perhaps the most prominent feature of law in Nigeria (Oba 2011) in which legality becomes a moveable target when legal systems exist in parallel and view certain actions, such as marriage, in different ways.

In contemporary Igboland, the growing incidents of woman-woman marriage suggest a resuscitation of one dimension of marriage slavery. Although the practice seems to have been downplayed as a result of

external influences on Nigeria's traditional life, the fact remains that the practice has continued to subsist because it has always enjoyed the nods of traditional institutions across that part of the country (Ekejiuba, 1967). Thus, given the subsistence of traditions and customs, Levirate marriage is considered a custom of the Igbo, the Yoruba, and the Hausa-Fulani and continues to be practiced in rural communities. Given the secular characteristic of the Nigeria Federal system, the Sharia is considered as 'political Sharia'. This could account for the lethargic attitudes of law enforcement agents to prosecuting cases of girls' abduction into forced conversion and marriage cases particularly in northern Nigeria despite the provision within section 361 of the Criminal Code Act. This makes it a crime that attracts seven years' imprisonment if the person intends to marry a female person of any age against her will.

The exposure of several cases of child-abduction, forced conversion and coerced marriage has revealed the fault lines of religion and ethnicity that continue to bedevil Nigeria. The Ese Oruru's abduction brought this abhorrent practice in modern Nigeria into limelight and national consciousness and the victims in similar enslavement suddenly received a voice because a national newspaper carried Ese's story on their front page which generated public outcry and engendered campaigns from civil right organizations, women right advocacy groups and NGOs for their release. This voice brought with it revelations that many girls and women are in captivity of sexual slavery in Nigeria and they have been let down and forgotten by the system and for some of them their story may never be told. Daihiru Yunusa, Ese Oruru's abductor is the only person currently known to be standing trial on charges of criminal abduction and sexual exploitation of a minor. He was accompanied to court by a very robust legal team of 7 lawyers including a Senior Advocate of Nigeria (SAN) as his defense attorneys. This for the writer raises a lot of ethical questions having in mind that the cost of taking up a SAN as defense lawyer is beyond the reach of most ordinary Nigerians and marvel at the strong defense a child sexual predator is getting. The logical consequence of this kind of "celebrity treatment" accorded Yunusa is that it signals the wrong message

to would be abductors that there are covers and protection for them in case they ever get into trouble. Yunusa is currently on bail and has moved back to his city in Kano while the case adjourned to June 2, 2016. On the set trial date, the trial Judge was not on sit for the case to continue in court and currently the case appears to have lost steam as it has not been reconvened for trial since June 2016 till the time of writing this analysis.

Although the Child Rights Act 2003 is considered as a good step in the right direction to stemming the tide of Child Marriage practices, the implementation of the law across the country remains a Herculean task. This is because each state of the federation has to enact the Act under its own state laws before it is enforceable. This makes some critics to best describe the act as mere statute of a bulldog, which having sharp teeth but cannot bite. At the moment only 23 of Nigeria's 36 states have endorsed the implementation of the law. This simply implies that some states are technically endorsing the subsistence of marriage slavery by failure to demonstrate the political courage towards enacting the Child Rights Law in their respective states. A human right report on wahaya holds that female children of slave status sold as an additional wife apart from the four wives permitted by Islam is a demonstration of slave concubinage (Abdelkader & Zangaou, 2011). Whenever women are forced into marriage, their enslavement is concealed by both their legal status as a "wife" and by a great fog of cultural practice and pronouncement describing this subjugation as "normal." Those who are supportive of and benefit from forced marriage always describe it simply as a form of cultural expression, arguing that it is just an aspect of the custom within the great diversity of human activity (Sarich, Olivier & Bales, 2016). The coming together of the national legislation and the three major practices; cultural, traditional and religious practices have the power to exert extra-legal control over the lives of young women and girls and the rationale that it is simply a form of marriage reflecting valid cultural norms, diverts attention from the key point, that of status, and the use of legal status to subjugate another human being.

Recommendations

Considering the negative implications of marriage slavery, and given the fact that deprivation of women's rights is antithesis to international best practices, the following recommendations are made:

1. A woman's right to choose, and willingly consent to proposal of a would-be suitor should be protected and enforced under law. This will require legal and institutional reforms across the country in view of the rights of women in marriage and related social relationships.
2. Governments and other stakeholders should propagate awareness on the need to resist outdated practices that encourage women's enslavement in the country.
3. Domestication of international conventions and protocols women's rights and protection should be embraced by the government.
4. Custodians of cultural heritage in various ethnic settings should combat practices that are opposed to fundamental women's rights to life and freedom of choice.
5. All cases of alleged abduction should be reviewed and perpetrators of criminality should be brought to book regardless of ethnicity, religion or social status to serve as deterrents.
6. Government should legislate against all forms cultural and religious practices that deprive the child's rights to life education on equal proportion with their male's counterparts.

Conclusion

This treatise evaluates the continued subsistence of marriage slavery and related dimensions of sharp practices in Nigeria in view of the devastating implications for the right of women to life and societal wellbeing. It has been argued that the right of women to choose spouse and freely

enter into marriage remains part of their fundamental reservation to human dignity, equity and equality. Unfortunately, certain traditional, cultural and religious practices that prevent women from exercising that aspect of human freedom have subjected them to marriage slavery and other forms of human enslavement of fellow humans simply on account of gender discrimination. The fact that those customs and traditions have been inherent in African cultural heritage does not make the practice of marriage slavery fashionable in time perspectives. Obnoxious practices of marriage slavery hold the girl child captive as mere commodities to be used to solidify family links and preserve honour, in addition to financial assets that can improve the family's economic status.

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