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# Awareness and Compliance with Court Judgment/Constitutional Provisions Legalizing Female Inheritance Rights Among the Igbo, Nigeria

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## Abstract

This paper examined the awareness and compliance with court judgment/constitutional provisions upholding the inheritance rights of Igbo women in Nigeria. The gender inequality theories of Karl Marx and Friedrich Engels guided this study. A mixed-method research design was employed. A sample size of 490 adults was adopted using a pre-tested semi-structured questionnaire for the collection of quantitative data and 25 traditional rulers using in-depth interviews to elicit qualitative data in the five states of South Eastern Nigeria. Quantitative data were analyzed using descriptive statistics and qualitative data were content analyzed. The study showed that the majority of the respondents were not aware of the court judgment of *Ukeje vs Ukeje* (2014) in favor of female inheritance rights and constitutional provisions upholding inheritance rights. Compliance with court judgment/Nigerian constitution on female inheritance rights was found to be very low. Strong attachment to cultural practices and beliefs, impinging on female inheritance rights, is still held sacrosanct among the Igbo. There is a need for an increased awareness campaign and imposition of a sanction for non-compliance. Awareness campaigns involving the use of songs, proverbs, dance, and drama, among others, composed in the native language to portray this discriminatory cultural practice and the dangers of its continued existence should be encouraged. Such would be an effective means of enforcing and upholding the inheritance rights of women in South Eastern Nigeria. This study investigated, for the first time, the awareness and compliance with court judgment/constitutional provisions upholding the inheritance rights of women among the Igbo, Nigeria.

**Keywords** Female children · Father: Igbo land · Property · “Ukeje vs Ukeje” · “Umeh” · Inheritance

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## Introduction

Consistent studies have shown that women have been unfairly treated on property inheritance rights (Anyanwu & Anyanwu, 2017; Okigbo, 2015). Among the Igbo in southeast Nigeria, women are treated as inherited possessions of men without or with unequal inheritance rights skewed in favor of men (Silas, 2017). This age-long practice worsens the obvious penurious situation of women which makes them more susceptible to abject poverty relative to their male counterparts. The unequal inheritance right of women in Igbo society has been sustained in part by the patriarchal nature of Igbo society which conflicts with the fundamental rights of women to property acquisition (Onu, 2008). Most worrisome is that even though statutory and international laws have long upheld women's rights to property acquisition, women in Igbo society are often denied access and ownership to property due to the obvious absence of a coherent legal framework to enforce women's rights (Silas, 2017).

This discriminatory inheritance right of women in the Igbo society has persisted, although Nigeria is an active member of numerous international organizations and has ratified fundamental agreements on the protection of women's rights of 1981 such as the United Nations Charter (1945); the Universal Declaration of Human Rights (UN, 1948); and the United Nation Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW, 1979) (Anyanwu & Anyanwu, 2017). Furthermore, the African Charter on Human and People's Rights (2003) made adequate provisions for the protection of women's rights at the local, state, and national levels. This charter forms part of the civil law in Nigeria which established a robust normative guideline for the defense of women's rights, in addition to the Constitution and the Convention for the Elimination of all Forms of Discrimination against Women (Article 18 (3) of the African Charter), which emphasizes specifically the protection of gender equality in the society.

Similarly, the protocol on the African Charter on Human and Peoples' Rights of African Women made a strong case for the establishment of a safeguard and protection of the rights of women against any form of violation of their right to property acquisition. Article 18 (3) of the African Charter is worth mentioning as a bold pronouncement that gives more impetus to the protection of women in Nigeria. This protocol which became operative in 2004 has a significant number of rights which include the right to inheritance among others.

In addition to the protection and enforcement of the fundamental rights of women, the Nigerian 1999 constitution states clearly in the following sections on the need

to enforce women's rights: Sect. 17(1) that social order in Nigeria is based on the principles of shared unbiased freedom, equality, and justice. This is elaborated further in Sect. 17(2) that in the quest to maintain social order in the country, every Nigerian citizen should be entitled to equal rights, obligations, and opportunities before the law. Section 17(3) states that the Nigerian state should conduct its policies in a manner channeled towards ensuring that no Nigerian citizen should be discriminated against in any circumstance at all, to secure adequate means of livelihood. This provision provides the basis for the promotion of human rights and the direction of state policy on human rights issues.

Furthermore, Sects. 42(1)(a), (b) and (2) expressed clearly that no Nigerian citizen should be segregated based on his/her gender, professed religion, and ethnicity or meted to any deprivation byways of conditions of birth. Furthermore, Sect. 43 of the Nigerian constitution empowers every Nigerian citizen the privilege to obtain and possess property anywhere in the country regardless of gender and condition of his/her birth. These provisions form the plank upon which women's right to property in Igbo society could be challenged as such violation is targeted at human rights abuses against women.

As a follow-up measure to the protection of women's rights, Nigeria established the National Policy on Women in 2000 and the National Gender Policy in 2006 all aimed at eliminating any kind of segregation against women. The Nigerian legal system recognized and enforces any customary law that aligns with natural justice, fairness, and good conscience so far it does not conflict with any written law being enforced in the time being (1999 constitution). Despite these significant constitutional right stipulations, the national policy on gender and the international human rights form the fulcrum upon which judicial safeguard on women's rights to the property is solicited. It is disheartening to note that Nigerian women of Igbo extraction have continued to suffer all forms of discriminatory rights to property inheritance.

In the quest for Nigeria to eradicate all forms of discrimination against women as enshrined in the international treaties she entered into, the Supreme Court of Nigeria in a landmark judgment in *Ukeje vs Ukeje* (2014) upheld the rights of women in Igbo land to property inheritance. This judgment ultimately abrogated a practice highly inhuman and anachronistic, which confines women to the background. The court upheld that the practice is discriminatory and contradicts Sects. 42(1) and (2) of the 1999 constitution of Nigeria which states that "No citizens of Nigeria shall be subjected to any disability or deprivation mainly because of the circumstances of his or her birth."

## Literature Review

Human rights are the inalienable, interdependent, and indivisible fundamental rights inborn to everyone irrespective of the state of origin, occupation, place of residence, sex, color, religion, tongue, and other statuses (Paz, 2013). The traditional African has not been fair to women because it has a discriminatory impact on how women are perceived and treated (Brady et al., 2015). Despite the massive contributions made by African women in both farming and other economic activities, they are still being denied inheritance rights generally and of landed properties in particular (Ake et al., 2020; Igbolekwu et al., 2021). Many scholars (Ake et al., 2020; Arisukwu et al., 2021; Igbolekwu et al., 2021), have attributed this unfair practice to the patriarchal system inherent in Africa. Richardson (2004) also described the inability of African women to inherit the land and other properties as a major hurdle to the realization of women's human rights. This implies that denying women of land inheritance is capable of undermining their economic security and increasing their dependence on male folks.

Patriarchy, an age-long practiced social system all over the world and Nigeria in particular, has been identified as one of the major factors that have sustained gender inequality and also alienated women from the inheritance of properties (Nwoko, 2012). Although there are traces of some societies that practice matriarchy in Africa, however, patriarchy dominates in the African social system (Nwoko, 2012) and one of the major altercations in the practice of patriarchy is female inheritance. Patel (2006) also observed that in India, while ownership of properties could be of major benefit to women, their right to property inheritance in patrilineal societies could also constrain their marriage. This implies that such marriages could be arranged between cousins to keep her share of the property within the male lineage, irrespective of the woman's feelings about the spouse. This is also practiced among the Fulani of Northern Nigeria (Hampshire & Smith, 2001).

Nigeria like most African countries is also renowned for its patriarchal social system. Many ethnic groups in Nigeria particularly Igbo extraction are accustomed to denying women of property inheritance, irrespective of their obvious contributions to the acquisition of some of these properties and other social responsibilities in their families. Edu (2016) observed that the rules are often twisted against females. There is a need to subject some of these norms and customs denying women of property inheritance to the repugnancy test which is obtained in the Evidence Act of 2004, the constitution of Nigeria, and other conventions and treaties to which Nigeria is a signatory, as practiced in Ghana, South Africa, and Botswana.

Similarly, Ezeilo (2021) has argued that traditions and custom-based gender differentiations are prejudiced against

women on the bases of sex; hence, such customs are unconstitutional. This implies that such customs may contribute greatly to the sustenance of unequal gender distribution of rights and privileges among societies where they are practiced. Ezeilo (2021) also noted the absence of a legal framework authorizing women's explicit rights to land as enshrined in both the United Nations Convention on the Elimination of All Forms of Discrimination Against Women and the protocol to the African Charter on the Rights of Women in Africa (Ezeilo, 2021). Oni (2014) also posited that these discriminatory laws against women contradict fundamental human rights which kick against discrimination against any person irrespective of their gender, age, and circumstances of birth. However, there is a dearth of literature on the level of awareness of the female folks in Nigeria and the Igbo in particular about these treaties, conventions, and constitutional rights as well as the extent of their implementations and compliance. Low awareness about such legal rights may continue to breed gender inequality and therefore deserved academic discussion. Hence, this study, therefore, focused on these major gaps to determine the level of awareness about these legal rights.

Furthermore, in most patriarchal societies, the family socializes women to be submissive, unassertive, and unambitious (Endendijk et al., 2018). Female children are socialized as visitors while the male children are groomed to carry on the family name. Beginning from childhood, the female child in Igbo land is already socialized to accept certain barriers that shape her desire to own properties such as land (Igbolekwu et al., 2021). They see themselves as visitors even in their father's house. This situation also puts pressure on unmarried female children compelling them to desire marriage to guarantee a sense of belonging and actualization rather than focus on self-actualization and empowerment. The implication is that the gender inequality originates from the family, especially in African societies.

Additionally, Klingorova and Havlíček (2015) also identified religion as a major source of the trait of gender differentiation and inequality. In their analysis of religiosity and gender, Klingorova and Havlíček (2015) identified three categories of states viz: states with people of no religious affiliations had the lowest level of gender inequality while states with more Christians and Buddhists had average gender inequality, whereas in states with more numbers of Islam and Hinduism, gender inequality was more prevalent. This implies that religion also helps to elevate gender inequality as it preached the dominance of men as heads of the family and women as helpmates who are expected to be unequivocally submissive to their spouses. Disobedience to such expectations is assumed to be disobedience to God and is treated as sinful (Ibrahim & Abdalla, 2010; Obeid et al., 2010).

Gender discrimination in the workplace is another factor that has been identified by scholars to sustain inequality globally (Heilman & Caleo, 2018; Sipe et al., 2016). Oftentimes women are denied employment in key and top managerial positions (Heilman & Caleo, 2018). Sometimes women are considered incapable of handling vital positions. Even when women and men do the same job, there is a disparity in payment for female employees. For instance, in sports, male sportsmen receive more or better pay than women (Chukwurah et al., 2020).

To stem this tide, the Nigerian 1999 Constitution stated unmistakably against gender discrimination in any form; however, customary and religious laws have continued to impinge upon women's rights and freedom. The Nigerian constitution empowers individuals to challenge any law (customary, religious, or civil law) that infringes on one's fundamental rights. Every state in Nigeria has the right to make its law because it is a democratic federation. Despite this stipulation, any law of a state which contradicts the federal law or the constitution can be disputed in a court of competent jurisdiction and if found wanted is declared "null and void and of no effect." The mix of federal and a tripartite arrangement of civil, customary, and religious laws poses a barrier to synchronizing legislation and jettison discriminatory procedures (Obafemi, 2017). For instance, within the Nigerian National Assembly, women have advocated the male-dominated legislative assembly for the enactment of gender friendly laws (Iroanusi, 2022; Orisadare, 2019). Some of these bills if passed will help to reduce the inequality gap between men and women as citizens of Nigeria.

### Significance of the Ukeje vs Ukeje Judgment

In line with the foregoing, the Supreme Court of Nigerian, in a unanimous decision, on the 14th of April 2014, established that the Igbo customary law of inheritance, which excludes female children from inheriting the property of their deceased fathers, contradicts the non-discrimination provisions of the Nigerian Constitution of 1999, and therefore void. This was confirmed in a landmark judgment in the case of *Ukeje vs Ukeje* (Anyanwu & Anyanwu, 2017). The appellants who are the wife of the deceased and his son obtained letters of administration for their late father's estate. The plaintiff/respondent who is the daughter of the deceased brought this suit, praying to the court that as the daughter of the deceased, she is entitled to a share of his property. The court affirmed that the current letters of administration obtained by the appellants were null and void. She, therefore, granted an injunction restraining the defendants from administering the estate and ordered that new letters of administration be issued. The defendants/appellants lodged an appeal, which the Court of Appeal in Lagos

dismissed for lack of merit. The case was brought before the Supreme Court of Nigeria by appellants appealing the Court of Appeal judgment. However, the Supreme Court upheld the decisions of the lower courts and established that the Igbo customary law which disentitles the female child from inheriting her deceased father's property contradicts Sects. 42 (1) and (2) of the Nigerian constitution (Okigbo, 2015; ESCR-Net, 2018).

The Supreme Court disapproved the refusal of customary law to recognize female property inheritance rights. The judgment brought to the fore the issues of intersectional discrimination, especially where it is prevalent in a unique way in connection with segregation from inheritance on the grounds of gender and circumstances of birth (being born out of wedlock). It is imperative to note that customary law is a major source of law; in Nigeria however, deductions from this case demonstrate that the legitimacy of customary rules within the legal system depends on whether those rules are consistent with the constitution and non-repugnant to natural justice, equity, and good conscience. Be that as it may, in Nigeria, notorious for enormous inconsistency in gender equality deeply rooted in traditional cultures and practices, the deductions from this case are important steps in the protection of women's property rights and gender equality.

However, the level of awareness and compliance with these constitutional provisions in support of women's inheritance rights in Nigeria remains unknown in scholarly literature. It is against this background that the paper examined awareness and compliance with the Supreme Court judgment in *Ukeje vs Ukeje* which upheld the right of Igbo women to property inheritance.

### Theoretical Perspective

This paper examined the discriminatory inheritance practices among women of the Igbo, of South Eastern, Nigeria, from the gender inequality theoretical perspectives of Karl Marx and Fredrick Engels. According to Marx, the private ownership of means of production by the bourgeois class over the proletariat class is the genesis of inequality in human society. Karl Marx opined that equality in human society will only be achieved through the violent overthrow of the capitalist class (bourgeoisie) who have appropriated all the means of production to themselves. It may not be out of place that during the era of Karl Marx, women constituted much of the proletariat class because the patriarchal society deprived them of the right to acquire property which otherwise would have empowered them to own means of production; however, the society invested property rights on their male counterparts (the bourgeois class). It is pertinent to note

that through education and gainful employment, contemporary Igbo women now own means of production against all odds. Despite these spirited efforts, women still face a high level of marginalization in terms of property inheritance, instead of the revolution envisaged by Karl Marx.

In addition, women still constitute the vulnerable group that is deprived of access to land as a major economic resource in Igbo land. The preference for a male child automatically reduces the privileges and rights of the female children within the family. Patriarchy, religion, and custom are used to sustain the unequal treatment meted out to women among the Igbo. In some Igbo cultures, women are considered as properties to be inherited by men at the demise of their husband or spouse; hence, they are not eligible to inherit family lands and other properties.

In the same vein, Engels (1884, 1972) postulated that women's inferiority could be attributed to the stratification in the society and the type of family organization it produces; therefore, the abolition of society will lead to the disappearance of the state and patriarchal family system. Engels laid blame on capitalism for the current separation of productive work. That is the family home from that of productive work, that is, the factory, which has made women's participation in social production difficult and limited. According to Engels, capitalists want to keep women producing the labor without paying for their services, while serving as a cheap reserve army of labor. His program or full equality for women was their full participation in social production. Contrary to Engel's propositions, the present day Igbo women now own means of production. However, they (women) still go back to their father's family to build houses and contributes to the purchase of landed properties they are prevented from inheriting. The same culture that allows a woman to contribute to the burial of her late father becomes taboo for her when it is time in sharing her father's property. However, Engels did not assume that the socialist revolution and elimination of the capitalist class would automatically overcome all the obstacles to women's equality.

Sequel to the failure of Marx's postulations to ensure equity in society, Nigerian women particularly of the Igbo extraction took the bull by the horns through litigation to reverse this unpalatable state of affairs in their favor. Reprieve against the oppressive, obnoxious, and lopsided inheritance right came the way of women through the Nigerian Apex Court judgment in Ukeje versus Ukeje (2014). However, the extent of the awareness, compliance, and impact of this judgment in the lives of Igbo women is still uncertain; this constitutes the main thrust of this paper.

## Materials and Methods

The study was conducted among the Igbo Southeast, Nigeria, which comprises Abia, Anambra, Ebonyi, Enugu, and Imo states and adopted a cross-sectional research design. The study population included adult male and female indigenes of Igbo extraction. The methodology of the study was triangulated using both quantitative and qualitative methods of data collection. Convenient sampling was used to collect the quantitative data from 490 adult Igbo respondents, and the purposive sampling method was used to collect qualitative data from 25 male traditional rulers and women leaders. The traditional rulers were selected based on their positions as the custodians of Igbo cultural heritage, while the women leaders were selected based on their administrative and leadership positions as they often represent the womenfolk and act as their spokespersons in official assemblies among the Igbos. Qualitative data were collected using a pre-tested semi-structured questionnaire while qualitative data were solicited using an in-depth interview guide to gather information on awareness and compliance to Supreme Court of Nigeria judgment/constitution provisions in favor of the inheritance right of women among the Igbos, Nigeria. Quantitative and some qualitative data were collected during village meetings, in the markets and at religious worship centers because these avenues constitute veritable platforms for meeting adults of Igbo extraction. The responses generated were imported into Statistical Package for Social Sciences (SPSS) version 22 for quantitative analysis. In addition, qualitative data were gathered from traditional rulers and women leaders in their residences after booking appointments with them. Quantitative data were analyzed using descriptive statistics while qualitative data were content analyzed.

## Results

Table 1 shows that adult males and females in Igbo land of mean age of  $17.7 \pm 46$  years in the age range of 18–105 years were sampled. The majority of the respondents were middle-aged adults between 36 and 55 years. More females (61.6%) participated in the study, while 64.4% of the respondents had tertiary education. Meanwhile, 47.8% of the respondents were public servants. In addition, the respondents were almost evenly distributed across the five states of the study locations (Abia, Anambra, Enugu, Ebonyi, and Imo). Further details are provided in Table 1.

This table (Table 2) shows that the majority (89.8%) of the respondents reported that females were not allowed to inherit their fathers' properties in their communities.

**Table 1** Descriptive statistics of the study sample ( $N=490$ )

		<i>N</i>	%	Mean	SD	Min	Max
Age				45.8	17.7	18	105
Sex	Male	188	38.4				
	Female	302	61.6				
Highest level of education attained	No formal education	60	12.3				
	Primary education	28	5.7				
	Secondary education	86	17.6				
	Tertiary education	316	64.4				
<b>State of origin</b>	Abia	97	19.8				
	Anambra	98	20.0				
	Ebonyi	98	20.0				
	Enugu	98	20.0				
	Imo	99	20.2				
<b>Occupation</b>	Farming	36	7.3				
	Self-employed	64	13.1				
	Public servant	234	47.8				
	Trading	78	15.9				
	Lecturing	32	6.5				
	Student	40	8.2				
	House wife	2	0.4				
	Clergy	4	0.8				

This finding is consistent with findings reported by Ifemeje and Umejiaku (2014). The findings from a group narrative discussion reinforce that women are not allowed to possess their late husbands' or fathers' estates in Igbo land because it will lead to serious consequences should such right be conceded to them. According to a respondent:

It is a cultural aberration and a taboo for a female child to inherit her father's wealth in Igbo land. Where such rights are conceded to women, it has serious consequences for the concerned families. The existing inheritance system in Igbo land is an age-long tradi-

tion passed to us by our ancestors and we shall do the same to our children. Such practice has brought stability to the Igbo family system; hence, the need to sustain the practice (*IDI/First Class Traditional Ruler/Imo State/2019*).

Another respondent reported:

The exclusion of females from inheriting their father's estate has encouraged them to remain in their marital unions instead of divorcing their husbands and return to their father's house and beget children referred to

**Table 2** Gender equality, entitlement, and desire of female children to inheritance rights

Variables ( $N=490$ )	<i>N</i>	%
Female children are not entitled to inherit father's properties	440	89.8
Support for gender equality on inheritance rights	284	58.0
<b>Desire of female children to inherit their father's property and reasons (<math>N=302</math>)</b>		
Desire of female children to inherit fathers' properties	254	84.1
<b>Reasons</b>		
It has the force of the law	48	16.2
Women contribute meaningfully to the sustenance of their families	174	56.3
To use such property for economic and social welfare of the children	12	4.0
Because there are much property to share	6	2.0
Poverty reason	24	7.9
Being the only child in the family	38	12.6

as “*Umeh*” offspring of an incestuous relationship between a woman and her paternal or maternal uncle (*IDI/Traditional Prime Minister/Enugu State/2019*).

It is imperative to note that a *Umeh* is perceived as an abomination and unacceptable in Igbo society. In Igbo mythology, it is believed that if a male *Umeh* gives birth to children in the family he was born to, his uncle’s sons (the real owners of the family) will die, while the *Umeh*’s children will multiply.

Furthermore, in response to the question on gender equality on property inheritance right in Igbo land, more than half (58.0%) of the respondents solicited equal inheritance right for both male and female children in Igbo society. This finding was supported by a group narrative discussion that for equity and social justice, women should be allowed to inherit their fathers’ property like their male counterparts. According to a respondent:

All children are born equal no matter the gender hence, should be treated equitably in sharing of family wealth. It is morally wrong to deny women equal property inheritance rights with men, the time has come when all children should be treated equally because women are considered better property managers than men (*IDI/Women Leader/Abia State/2019*).

The study revealed that the majority (84.1%) of the female respondents reported that they are desirous of inheriting their father’s properties. Also, 56.3% of the female respondents reported that they contribute to the socioeconomic welfare of their families, therefore are desirous of inheriting their families’ property. This finding was corroborated in a group narrative discussion that females are more responsive to financial challenges in their families than males. According to the respondent:

Females show greater commitment to the affairs of their families than the males hence, they must partake in the sharing and acquisition of fathers’ properties. Also, females sustain their parents and siblings financially and in property acquisition which they are denied of inheriting (*IDI/Women Leader/Anambra State/2019*).

The Igbo traditional law is completely patrilineal in nature; therefore, the basic rule of customary property inheritance is by primogeniture where land and landed property transfer under this system revolve around the males to the exclusion of women and their daughters (Ifemeje & Umejiaku, 2014). The Igbo customary law excludes the female gender the right to inherit their deceased husbands’ or father’s estates; therefore, female inheritance rights are completely overlooked and threatened. It is unfortunate to note that this custom has amazingly gotten judicial endorsement from Nigerian appellate courts of record. For instance, in *Ejiamike and Ejiamike’s*

(1972) East Central State Law Report, the court ruled that a widow had no right to inherit the deceased husband’s property.

Also, in *Nezianya and Okagbue* (1963) Nigeria Law Report, the parties and the land in dispute are all in Onitsha, the fact of the case is thus: the widow of a deceased man rented out his house to tenants and later disposed of part of the land; with the income, she erected a mud house on another part of the land. In an attempt to dispose of more lands, the deceased husband’s family disapproved of her intent. Wisely, the widow later transferred ownership of the property to her late daughter’s girl child who now took the husband’s family to court demanding the right to sole possession of the land on the ground that the widow (her grandmother) had long held possession of the land.

In the appellate court judgments that the possession of a property by a widow of her husband cannot jeopardize the right of her late husband’s family to enable her to acquire complete right to possession. On appeal to the Supreme Court, the court noted that:

A widow does not require that approval of the family of her late husband’s family under any native law to hold possession of her late husband’s property because she is not an outsider to the family. She would go to acquire a distinct possession of her own at any point in time to oust the family’s right of ownership over the property. The Supreme Court declared the Onitsha traditional law and custom which stated that a woman on the demise of her husband without a male child or the consent of the late husband’s family, may take possession of the husband’s property so far as such possession receives the blessing of the late husband’s family.

Table 3: Awareness of the *Ukeje vs Ukeje* (2014) judgment and similar constitutional provisions in favor of inheritance rights of women showed that the majority (78.0%) of the respondents reported that they were not aware of the Nigerian Supreme Court judgment, *Ukeje vs Ukeje* (2014), which upheld female property inheritance in Igbo land. Also, 71.0% of the respondents reported that they were not aware of the provision of Sect. 42(1) (a), (b) of the Nigerian constitution. Furthermore, 69.4% of the respondents claimed that they were not aware of Sect. 42(2) of the Nigerian constitution. In addition, 75.7% of the respondents stated that they were not aware of the Administration and Succession (Estate of Deceased persons) Law of 1990 of the Nigerian constitution, Chapter 4, Revised Laws of Anambra State and applicable in all the South Eastern states of Nigeria. These findings were corroborated in narrative group discussions that most women in Igbo land are not aware of Nigerian constitutional provisions in favor of their rights to property inheritance. According to a respondent:



**Table 3** Awareness of the court judgments and constitutional provisions upholding inheritance rights ( $N=490$ )

Variables	<i>n</i> (%)
Awareness of Ukeje vs Ukeje (2014) court judgment in favor of women's inheritance right in Igbo land	108 (22.0)
Awareness of Sect. 42(1)(a), (b) of the Nigerian constitution that one should not be discriminated against or subjected to any form of discrimination because of the ethnic group one comes from, one's gender (male or female), religious beliefs, and political opinions or any other form of restrictions or discriminations to which persons are not subjected to in other parts of the country	142 (29.0)
Awareness of Sect. 42(2) of the Nigerian constitution which states that "No citizens of Nigeria shall be subjected to any disability or deprivation mainly by reason of the circumstances of his or her birth."	150 (30.6)
Awareness of The Administration and Succession (Estate of Deceased persons) Law, of 1990, Chapter 4, Revised Laws of Anambra State, applicable in all the South Eastern states of Nigeria which states that "Where a man dies without making a will, and has no children, everything he has belongs to the wife."	119 (24.3)

Sincerely speaking, I am just hearing of these constitutional provisions upholding the inheritance right of women for the first time now (*IDI/Female Participant/ Abia State/2019*).

Furthermore, the findings in Table 3 also showed that only 22.0% of the respondents reported that they were aware of the Supreme Court judgment, Ukeje vs Ukeje (2014), which gave legal backing to female property inheritance rights in Igbo land in particular and Nigeria as a whole. Also, 29.0% of the respondents said that they were aware of Sect. 42(1)(a), (b) of the Nigerian constitution which prohibits discrimination against women in Nigeria; similarly, 30.6% of the respondents reported that they were aware of Sect. 42(2) of the Nigerian constitution which states that no citizens of Nigeria shall be subjected to any disability or deprivation mainly because of the circumstances of his or her birth and the administration. Meanwhile, 24.3% of the respondents reported that they were aware of the Succession of Estate of the deceased persons law of 1990 of the old Anambra State, applicable in all South Eastern, which states that if a man dies intestate and without children, all his possessions belong to the wife.

Also, finding of the qualitative interrogation of the respondents in the study revealed that despite the male respondents' better awareness than the female respondents of the Supreme Court of Nigeria judgment in Ukeje vs Ukeje (2014) and other constitutional provisions in support of female inheritance rights among the Igbos in particular and Nigeria at large, it is sad to note that these laudable judicial and constitutional provisions are not in operation in Igbo society; therefore, women's rights to property inheritance have remained unchanged. This finding was confirmed in the narrative group discussion that only a few of the respondents knew of the existence of these constitutional stipulations in support of female rights to property inheritance in Igbo society. According to a respondent:

I am conversant with the Ukeje vs Ukeje judgment and some of the constitutional provisions soliciting for

female inheritance right however, we cannot jettison our culture in preference to other people's culture; this won't work among the Igbos (*IDI/Youth Leader/Imo State/2019*).

Also, a respondent said that:

These laws ... cannot force us to change our tradition; they are just written there for formality's sake (*IDI/ Traditional Ruler/Anambra State/2019*).

The result of the study showed significant non-compliance to the Nigerian Supreme Court Judgment of Ukeje vs Ukeje (2014) and similar constitutional provisions that gave legal backing to female inheritance rights in Igbo society (Table 4). For instance, 95.1% of the respondents affirmed that there is non-compliance to the Supreme Court of Nigerian Judgment of Ukeje vs Ukeje (2014) and similar constitutional provisions that legalized female inheritance rights among the Igbos. This finding was corroborated by a respondent in an IDI that the Supreme Court of Nigerian pronouncement in the case of Ukeje (2014) is not enforceable among the Igbos because it is not in conformity with our culture. According to a respondent:

The custodians of the Igbo traditions and culture will find it difficult to comply with this judgment and other constitutional provisions that authorize women to inherit their fathers' or husbands' properties in Igbo society because they are contrary to our culture. As the custodian of the tradition of my community, I will resist any attempt to comply with the implementation of these laws in my domain with the last drop of my blood, including abdicating my throne if it comes to that (*IDI/ Traditional Prime Minister/ Ebonyi State/ 2019*).

Similarly, a significant number (65.5%) of the respondents reported that sanctions should be meted out for non-compliance to the Supreme Court Judgment of Ukeje (2014) and other similar constitutional provisions in support of female inheritance rights in Igbo land. This finding was explained further in

**Table 4** Compliance to the court judgments and constitutional provisions upholding inheritance rights ( $N=490$ )

Variables	<i>n</i>	%
Compliance to court judgment/constitutional provisions upholding inheritance rights	12	4.9
Support for the imposition of sanction for non-compliance	316	64.5
<b>Reasons for the imposition of sanction</b>		
To serve as deterrent for other non-compliant members	233	47.6
To recognize the inheritance rights of women	18	3.7
To raise the level of awareness of female inheritance	150	30.6
To eliminate the overbearing influence by culture and tradition	39	8.0
To serve as safeguard against discrimination of women	38	7.8
To maintain law and order	12	2.3

a narrative group discussion that the imposition of sanction is the only way that the patriarchal Igbo society can adhere to the Supreme Court pronouncement in favor of female inheritance. According to a respondent:

The only way forward to ensure compliance to these judicial and constitutional provisions that gave legal backing to female right to property inheritance among the Igbos is to impose sanctions for non-compliance. With the Ukeje vs Ukeje (2014) and similar constitutional provisions in favour of female inheritance, the Nigerian Judicial Commission should be commended for being alive to its core mandate of the promotion and protection of human rights, the rule of law and good governance in Nigeria (*IDI/Female and Civil Society Activist/ Enugu State/2019*)

In addition, the study revealed that almost half (47.6%) of the respondents reported that sanctions should be imposed as deterrence for non-compliance to these judicial and constitutional provisions in support of female inheritance in the Igbo society. This finding received overwhelming support in a narrative group discussion that the Nigerian Bar Association (NBA) should impose sanctions on any community in Igbo society that fails to enforce the Ukeje (2014) and similar constitutional provisions on female inheritance rights. According to a respondent:

The imposition of jail terms by the Nigerian Judicial Commission (NJC) and NBA for non-compliance and enforcement of the Supreme Court Judgment that legalized female inheritance rights will go a long way toward instilling fears among any recalcitrant community and association against female inheritance rights. More so, there should be Judicial Taskforce to monitor the implementation of the laws on female inheritance rights in Igbo land in particular and Nigeria at large (*IDI/ Women Leader/ Imo State/2019*)

The non-compliance to the judicial and constitutional provisions in support of female inheritance could be attributed to the nonchalant attitude of the men and women of the bar and bench of the legal profession who the society relied upon as the last hope of the common man, but have failed to protect the fundamental rights of the citizens. No matter how good a law or judicial pronouncement in support of female property inheritance is, without adequate provision for sanction on non-compliance with it, such law or judicial pronouncement is of no effect. On this note, judges should not hesitate to annul any despicable segregation cultural practices before them in the court for adjudication. A typical case worth mentioning here is Justice Niki Tobi's landmark judgment in *Muojekwu v. Muojekwu*, which was highly applauded by Justice Nweze who rightly noted:

This judgment has received so much praise by women activists and well-meaning commentators. Justice Niki Tobi relied heavily on the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) and rules of natural justice in annulling the repugnant Nnewi custom in question, although CEDAW is yet to be domiciled by Nigerian legislators. In addition, such judicial radicalism is ask for.

## Discussion of Findings

Findings showed that female children in Igbo land are not entitled to inherit their father's properties. The cultural practice has persisted among the Igbo, despite the Supreme Court judgment and other constitutional provisions which guaranteed female children such inheritance rights. Existing study confirms such cultural discrimination against women and stated that it has continued to flourish in rural African communities, particularly among rural women (Suleiman & Amuda-Kannike, 2019). Although the

cultural practices in Igbo society excluded female children from inheriting their father's properties, the majority of the respondents, especially the females, supported gender equality on inheritance rights. The exclusion of female children from enjoying their constitutional rights was considered unacceptable given the Supreme Court judgment and constitutional provisions upholding inheritance right in favor of women. As a result, gender equality in inheritance rights was emphasized. Other African countries such as Tunisia and Morocco are also in support of laws that will guarantee gender equality on inheritance rights (Guerraoui, 2018). However, this is not without challenges. In patriarchal societies of Nigeria, land and some other family properties are acquired through inheritance which is influenced by the prevailing customs, norms, and traditions. This mode of property acquisition has created a huge gender gap in property ownership resulting in less than 2% of Nigerian women compared to 17% of men owning land by themselves (Oriaghan, 2018). This is unimpressive and calls for action for gender equality because a study has shown that women's ownership of property expands their competencies, increases their bargaining strength, and improves their capacity to deal with weakness, therefore serving as an important component of social protection for them against domestic violence (International Centre for Research on Women-ICRW, 2006; Oriaghan, 2018). Female children desire to inherit their father's properties. They significantly contribute to the development of such properties, and under law, have inheritance rights (Okigbo, 2015). The culture that permits a female child to contribute to the development of family properties but disallows her from inheriting such properties is problematic. This awareness is necessary for women's emancipation in patriarchal societies, especially in Igbo society.

Awareness of court judgments such as *Ukeje vs Ukeje* and constitutional provisions upholding the inheritance rights of women is lacking among the Igbo despite their educational attainment. This lack of awareness possibly explains the inability of more female children in Igbo society to press charges against the unjust practice. Despite nursing deep desire to share in their father's properties, many of the female children in Igbo land are compelled by ignorance of their options of legal suits like *Ukeje vs Ukeje* and other sections of the constitution to accept their faith and resign to a customary practice that is repugnant to natural justice (Anyanwu & Anyanwu, 2017). This lack of awareness of court judgments and constitutional provisions upholding the inheritance of female children may therefore constitute a major hindrance to the possible eradication of this discriminatory law among the Igbo. It also constitutes an impediment to the national and international treaties entered into by Nigerians. Consequently, there is a need for an increased awareness campaign by international and local human rights

activists to liberate women, particularly Igbo extraction from this social and cultural injustice.

In the Igbo society, there was non-compliance with the court judgment and constitutional provisions upholding inheritance rights. This is expected considering the patriarchal nature of Igbo society. Right to ownership of land by females, as referred to by Karl Marx would empower females to own means of production, thereby competing with their male counterparts. This is consistent with Nzegwu's view (2012) that in Africa, most family forms are destructive of women's rights both in the home and in all other aspects of life, and sometimes of their basic well-being.

In addition, there was resistance to the realization of constitutional inheritance rights of female children from the powerful men in Igbo patriarchal society. Such resistance was a do or die affair because the existing inheritance right that favored men was considered a cultural practice passed down by the ancestors that needed to be sustained by all means. The foundation of women's landlessness could therefore be traced to the hegemonic masculinities instituted by powerful empires in the ancient and medieval times (Uchendu et al., 2019). In other words, when a female child is permitted to inherit her father's property, such a female child might be motivated to divorce her husband and return to her father's house to beget children (*Umeh*) which may eventually cause the death of her nephews. However, there has not been any empirical evidence to support the death of nephews due to the birth of "*Umeh*." Hence, such customs and traditions should not be used to perpetuate injustice in a technologically and scientifically advanced age. Aside from these long-standing traditions, customs and belief systems of the Igbo only demonstrate evidence of strong cultural attachments placed on female disinheritance. This is why it is difficult for any meaningful judicial and constitutional pronouncements on equitable inheritance rights to effectively guarantee absolute compliance in Igbo society, although not impossible.

As a panacea to this unsavory situation against women, it is suggested that civil rights and legislative and judicial authorities in Africa should close ranks and fight these obnoxious customary practices against women by designing realistic enforcement and compliance procedures against African societies still holding sacrosanct to this anachronistic rule of law (Suleiman & Amuda-Kannike, 2019). Consequently, imposition of sanctions for non-compliance to the court judgments and other constitutional provisions upholding inheritance rights among the Igbo was seen as the only hope of ensuring compliance. The imposition of sanctions will be a viable tool to ensure compliance as female children in Igbo society have been socialized to believe that their culture forbids them from inheriting their father's property. Hence, many of them have resigned to faith and accepted this socially unjust practice, which is inconsistent

with fundamental human rights principles for both United Nations and African Union.

Furthermore, gender compensation and abandonment of gender competition have been suggested as means of atonement for the long neglect of women's inheritance rights in society (Uchendu et al., 2019; Onu, 2008). Also, the imposition of sanctions will serve as a deterrent for other non-compliant members of Igbo society thereby liberating women from an unfavorable patriarchal system that denies them gender equality on inheritance rights.

## Conclusion

There is a lack of awareness of the court judgment (Ukeje vs Ukeje) and other constitutional provisions that guaranteed the rights of women to property inheritance in Igbo society. This lack of awareness has compelled the womenfolk to resign to fate and accept these customs and traditions that have taken away the only possession left by their late father for them. There is also non-compliance to the court judgment and constitutional provisions upholding the inheritance rights of women in Igbo society.

This study is among the first attempts to investigate the awareness and compliance to Ukeje vs Ukeje (2014) judgment meant to effect change in the inheritance rights on women's status and shows that stronger inheritance rights for women can indeed be an effective mechanism for improving their access to physical and human capital. Legal provisions to make women's inheritance rights more secure may have considerable appeal to policymakers as an option to reduce long-standing gender discrimination and improve social and productivity outcomes.

## Recommendations

The study recommends that essential legal and administrative provisions should be put in place for the realization of compliance with the Supreme Court of Nigeria pronouncement in Ukeje vs Ukeje (2014) and similar constitutional provisions which upheld the fundamental rights of Igbo women to property acquisition of their family estates. To this end, strong awareness and compliance regimes should be championed by the states and human rights groups. These enlightenment campaigns should adopt indigenous and local content presented through songs, proverbs, and dance drama, among others, and advertised regularly on local radio and television stations. Furthermore, slogans, caricatures, symbols, banners, posters, displayed communications, leaflets, pamphlets, etc. can also be used as instruments of advocacy for female inheritance rights (<https://www.aeinstein.org/nonviolentaction>). There is a need for the inclusion of

women's rights of inheritance in school curriculums. Greater attention should be given to the rural areas where the violations of women's rights go unnoticed. This will go a long way to enlightening women about the current developments on how to access their inheritance rights and also bring to the fore such noncompliance/violations that have been going on despite the nullification of such by the Nigerian courts.

More female children should emulate the Ukeje vs Ukeje case and utilize the legal system to free those (female children) from this unjust cultural practice. The time for action is now because the era of lip services to the implementation of the laws and constitutional provisions upholding the property inheritance rights of women in Igbo land should be dealt with now or never. Sanction systems should be set in motion against erring states and communities in Igbo society. No law should supersede the constitution of Nigeria; the various judicial and administrative control bodies in Nigeria should take disciplinary actions against customs, traditions, and communities that would violate women's constitutional property rights of inheritance. The Igbo societies should adjust their social citizenship responsibility to make their inheritance laws to accommodate all and sundry.

Furthermore, social work is a human rights profession, as such women's dignity and rights are fundamental to the profession which would include inheritance rights. Therefore, social workers should take interest in creating awareness about this social injustice to make women less vulnerable and victims of such unjust laws.

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## Declarations

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