

**JUSTICE BEYOND REACH: RURAL WOMEN AND THE STRUGGLE FOR
LEGAL PROTECTION IN NIGERIA**

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ABSTRACT

Despite constitutional guarantees and international commitments toward gender equality, many rural women in Nigeria remain effectively excluded from meaningful legal protection. Deeply rooted patriarchal structures, discriminatory customs, and socio-economic inequalities continue to undermine the realization of their fundamental rights. This study examines the persistent barriers that prevent rural women from accessing justice and enjoying legal protection in Nigeria. It interrogates how cultural practices, limited access to education and resources, and weak institutional enforcement mechanisms contribute to the marginalization of rural women, particularly in matters relating to property rights, economic participation, and decision-making. Adopting both doctrinal and non-doctrinal research methods, the study analyzes relevant constitutional provisions, statutes, and judicial authorities alongside empirical insights from scholarly literature and socio-economic data on rural women's lived realities. The doctrinal analysis evaluates the adequacy of Nigeria's legal framework for protecting women's rights, while the non-doctrinal approach situates these laws within the broader social and cultural context that shapes their implementation. The paper argues that although legal protections formally exist, structural inequalities and entrenched cultural norms continue to frustrate their practical application, leaving many rural women without effective remedies. It concludes that bridging this gap requires not only stronger legal enforcement but also institutional reforms, community-level awareness, and inclusive policy interventions aimed at empowering rural women and integrating them into decision-making processes. Ultimately, achieving genuine justice for rural women is essential for sustainable development, social equity, and the strengthening of Nigeria's democratic and legal institutions.

Keywords: Rural Women, Access to Justice, Gender Inequality, Legal Protection, Nigeria.

INTRODUCTION

Over the years, Nigeria has become widely recognized as a patriarchal society where the inalienable rights of women are routinely subjected to ridicule, abuse, neglect, and violations. Cultural, religious, and societal norms have entrenched a historical imbalance in power relations between men and women, shaping perceptions and roles in ways that consistently disadvantage women. In many respects, the denial of women's natural rights begins at birth and persists throughout their lives.

In several parts of Nigeria, girls are prematurely and compulsorily betrothed, denied access to basic education, and confined to domestic chores. These early restrictions set the stage for a lifetime of total dependence on men they often do not know. Upon the death of a husband, many widows are further subjected to degrading cultural practices, denied the right to inherit property, and left in misery by customs disguised as respect for the deceased. These practices continue to reinforce the historical neglect of women in Nigeria.

The potential of rural women is especially undermined by entrenched gender inequalities. Discriminatory social norms, restrictive legal frameworks, and exclusionary institutions limit their rights, autonomy, and opportunities. These barriers not only affect their well-being and economic empowerment but also weaken the resilience of food systems.

Despite some progress in recent decades, women still have significantly less access than men to resources such as land, finance, education, and essential farming inputs. On average, women spend twice as much time as men on unpaid domestic and care work, with rural women facing an even heavier burden due to a lack of access to equipment and labor-saving technologies.¹

According to Research, women also remain underrepresented in rural organizations and institutions at both local and national levels, leaving them excluded from key decision-making processes. Even within households, their voices are often disregarded in financial and business matters, including decisions on the using their earnings.²

¹ C P Adekunle, F O Oke, A K Aromolaran and A S Coster, Gender's Time Utilisation Pattern Among Rural Dwellers in Ogun State, Nigeria (Nigerian Journal of Rural Sociology, 2022) <https://ageconsearch.umn.edu/record/347407> accessed 24 August 2025.

² A N A Idike, Women Empowerment and Rural Development in Nigeria (on ResearchGate, date of online version unknown) https://www.academicexcellencesociety.com/women_empowerment_and_rural_development_in_nigeria.pdf accessed 24 August 2025.

CONCEPTUAL AND THEORETICAL FRAMEWORK

Justice can be viewed through two lenses: formal justice, which emphasizes equality before the law, and substantive justice, which addresses real-life differences by considering specific context and outcomes. Legal protection contains constitutional guarantees, human rights obligations, and practical access to remedies. However, for **rural women**, defined as women in non-urban areas with limited resources, the socio-economic realities of poverty, illiteracy, and cultural barriers often render such protection ineffective.

This study draws on three theoretical frameworks. Feminist Legal Theory, which critiques how patriarchal structures influence both lawmaking and enforcement, often to the detriment of women. Access to Justice Theory highlights systemic barriers beyond the courtroom, such as cost, distance, and lack of awareness. Finally, a Human Rights-Based Approach situates Nigeria within its international commitments, stressing that the protection of women is not merely domestic policy but a binding global obligation.

LEGAL FRAMEWORK: THE LEGAL PROTECTION THE LAW OFFERS TO PEOPLE IN NIGERIA.

Nigeria, being a democratic country, provides for equal protection of law; this is evidenced by section 14 of the CFRN 1999 which provides that the country shall be based on the principles of democracy and **social justice**.³ Matters regarding women's rights fall under the concurrent legislative list. This means for adequate protection, both the National Assembly and State Houses of Assembly have the power to legislate on women's rights.

Through the constitution, the law offers legal protection to women, as **Section 34** provides that every **individual** (including women) shall have the right to human dignity. Not only that, section 42 (1) (a) provide that a person shall not be subjected (either expressly or by or in the practical application of) to any law in force in Nigeria, in which another sex is not subjected to.⁴

In addition, the Child's Rights Act 2003 gives the right to freedom from discrimination based on sex.⁵ It also provides that any female child who becomes pregnant before the completion of her education has the right, after delivery, to continue with her education on the basis of her individual ability.⁶ Also, every child regardless of their gender has the right

³ The Constitution of the Federal Republic of Nigeria, 1999 (as amended), s. 14.

⁴ Ibid S. 34 and 42 (1) (a)

⁵ Child Rights Act (2003) s.10

⁶ Ibid s. 15(5)

to **free** compulsory and universal basic education and it shall be the duty of the government to provide such.⁷ It also prohibits child marriage and child betrothal.⁸

Another law that protects women is the Violence Against Person's Act (2015), even though it doesn't only protect women but the general public, it protects women against forceful ejection from home, female circumcision, forced financial dependence, spousal battery, harmful widowhood practices, Female Genital Mutilation⁹ etc. It must be noted that despite the wide range of protection this act offers, it has not been domesticated in all states thereby limiting the legal protection women at the grassroot level.¹⁰

On an international view, Nigeria is also a party to many international and regional conventions which have been ratified based on the constitution's requirement.¹¹ Some include; The Convention on the Elimination of All forms of Discrimination against Women, The African Charter on Human and People's Right, as well as the Rights of women in Africa, known as the Maputo Protocol and all of these ensure that the laws in Nigeria are conformed to providing legal protection to women

Judicial decisions, further illuminate the doctrinal landscape, and they have helped in protecting women legally especially in places where there is a gap in the law, for example the ground breaking case **Ukeje v Ukeje**¹² revolutionizes the treatment of women regarding inheritance in the Igbo culture, as the court declared the Igbo Customary law which prevented female children from inheriting property of their deceased fathers to be null and void. Also, the case of **Anneke v Nweke**¹³, where the Court invalidated a custom denying a widow the right to inherit her late husband's property and declared it ultra vires. The case **Mojekwu v. Mojekwu**¹⁴ also serves as a land mark decision regarding Women's Rights as it declared the Oli-Ekpe, custom which prevented women from inheriting property in certain Igbo communities to be unconstitutional.

⁷ Ibid s. 15

⁸ Ibid s. 21-23

⁹ Violence Against Persons (prohibition) Act, 2015 part 1

¹⁰ TG Obagboye 'Protecting Women's Rights in Nigeria in the 21st Century: Challenges and Prospects' (2020) African Journal of Law and Human Rights (AJLHR) 4(1) 112
<https://ezenwaohaetorc.org/journals/index.php/AJHR/article/download/1002/1005> accessed 21 August 2025.

¹¹ Ibid (Constitution) s. 12

¹² (2014) 11 NWLR (PT.1418) 384

¹³ (2014) - LD- SC-25

¹⁴ (1997) 7 N.W.L.R 283

However, despite the vast range of legal protection offered to women, why is justice still beyond reach especially for women not in urban cities in Nigeria and what are the gaps that cause this?

ENFORCEMENT GAPS HINDERING JUSTICE FOR RURAL WOMEN IN NIGERIA

It is no news that Nigeria has progressive legal frameworks in place that guarantees women's rights, however rural women remain largely excluded from this protection. The issue lies not in the absence of laws but in the persistent gaps that undermine their enforcement, leaving many women with rights in theory but no action in practice. Against this backdrop, through a survey, we have gathered four major enforcement gaps standing out as critical impediments to realizing substantive justice for rural women in Nigeria:

1. Limited Adoption and Implementation:

The first gap lies in the fragmented domestication and implementation of policies and statutes. The Violence Against Persons (Prohibition) Act of 2015, for instance, applies only in the Federal Capital Territory unless adopted by states. While some states have domesticated it, many rural communities remain outside its reach¹⁵. Even where laws exist, institutions such as family courts, shelters, and victim support services are either absent in rural areas, or concentrated in urban towns.

2. Poor Law Enforcement and Institutional Constraints:

Police officers and local courts often operate with limited resources. They lack training in gender-sensitive cases and its procedures. In some cases, outright corruption and bias are the order of the day, discouraging women from reporting violations. Non-governmental organizations reports of women being turned away from police stations or pressured into informal settlements that deny them justice are not unheard of (FIDA Nigeria, 2018; WACOL, 2020).¹⁶

3. Customary and Religious Resistance:

The coexistence of statutory, customary, and Sharia systems often results in conflicts of law. For instance, while the Constitution guarantees the right to freedom from discrimination in

¹⁵ VAPP Tracker – Partners West Africa Nigeria (Partners Nigeria West Africa, 2025) <https://www.partnersnigeria.org/vapp-tracker/> accessed 24 August 2025.

¹⁶ Obnoxious Cultural Norms against women: WACOL pushes for replicating Enugu's shining light across Nigeria (Daily Post Nigeria, 13 September 2021) <https://dailypost.ng/2021/09/13/obnoxious-cultural-norms-against-women-wacol-pushes-for-replicating-enugus-shining-light-across-nigeria/> accessed 24 August 2025.

section 42, customary practices still exclude women from inheriting property. Despite the Supreme Court decision in *Ukeje v. Ukeje* (2014) affirming women's inheritance rights, customary courts and local leaders in rural communities continue to enforce male-only inheritance regimes. The persistence of such practices illustrates the division between constitutional supremacy and entrenched patriarchal norms ¹⁷

4. Structural Exclusion of Rural Women:

Finally, structural exclusion compounds the gap. High illiteracy rates, lack of awareness of legal rights, and poverty mean many women cannot activate the protections available to them. Even when these women are aware, barriers such as distance to courts or the cost of litigation processes keep justice out of reach. ¹⁸

NON-DOCTRINAL ANALYSIS

Although Nigerian women are constitutionally guaranteed equality and protected under statutes like the Violence Against Persons (Prohibition) Act and international conventions such as CEDAW, for rural women these rights remain largely aspirational. Their realities are determined less by statutory law than by cultural norms, economic exclusion, and weak institutions. This study bridges the gap between “law in the books” and “law in action” by combining legal analysis with survey evidence from 17 rural women engaged in farming, trading, artisan work, civil service, and household duties.

Respondents were predominantly young (82.4% aged 15–24) and single (88.2%), with most working in the informal sector as traders (41.2%) and artisans (17.6%), where labor protections are minimal. Awareness of rights was relatively high (88.2%), yet only 29.4% knew where to seek redress. Common violations included domestic violence (29.4%), denial of inheritance (29.4%), land disputes (23.5%), workplace discrimination (17.6%), and child marriage (5.9%). Despite this, 70.6% did not pursue justice, discouraged by stigma (50%), financial constraints (25%), and lack of awareness (25%). Those who sought help encountered fragmented pathways police, courts, family, NGOs, or community leaders

¹⁷ Legal Pluralism and Marriage in Nigeria: A Structure for Denying Rights to Women (Folashade Rose Adegbite, University of Ghana Law Journal vol XXXI 110, April 2023) https://www.researchgate.net/publication/370268300_LEGAL_PLURALISM_AND_MARRIAGE_IN_NIGERIA_A_STRUCTURE_FOR_DENYING_RIGHTS_TO_WOMEN accessed 24 August 2025.

¹⁸ Sexual and Gender Based Violence: The Imperative of an Effective and Coordinated Response Mechanism in Nigeria (CLEEN Foundation blog, 24 May 2018) <https://cleen.org/2018/05/24/sexual-and-gender-based-violence-the-imperative-of-an-effective-and-coordinated-response-mechanism-in-nigeria/> accessed 24 August 2025.

with inconsistent outcomes. Corruption and cultural/family pressures (70.6% each) were the strongest barriers, reinforcing distrust: only 23.5% trusted the legal system.

Yet, respondents unanimously endorsed reforms: grassroots legal awareness in local languages, affordable legal aid, cultural shifts away from patriarchy, improved education, and transparent judicial processes. Their views confirm that passing laws is insufficient; meaningful protection requires dismantling economic, social, and institutional barriers that silence women. Until targeted interventions align customary practices with constitutional guarantees, rural women will continue to experience equality only on paper rights in theory but fragile in practice.

BRIDGING THE GAP: TOWARDS REAL LEGAL PROTECTION

Bridging the gap between formal law and actual justice for rural women needs community-based delivery, affordable solutions, and institutions that reach the grassroots. Legal literacy must shift from occasional awareness programs to permanent, community embedded assistance. The Sierra Leone community paralegal model shows how trained non lawyers, supported by qualified lawyers, can resolve daily disputes, reduce bureaucratic abuse, and turn rights into practical remedies; importantly, they operate in local languages and spaces that rural women actually use.¹⁹ Nigeria can adopt this model by partnering NGOs with traditional leaders and women's associations to place paralegal desks in markets, health centers and agricultural cooperatives.

Another vital area is on affordability and settlement, Nigeria's Legal Aid Council (LAC) remains a statutory gateway but is chronically under-resourced relative to need, leaving women in rural areas effectively unserved. Empirical reviews of LAC highlight funding, staffing and geographical coverage gaps that blunt its mandate.²⁰ Scaling community mediation alongside LAC, through accredited mediators and paralegals linked to state Multi-Door Courthouses can deliver faster, cheaper outcomes on maintenance, inheritance, land use and intimate-partner violence, while reserving litigation for hard-rights violations.

Also, institutions need to reach people where they are. East African examples show that bringing courts and related services directly to communities through mobile or traveling sessions reduces travel time and costs, clears case backlogs and increases witness

¹⁹ Vivek Maru, 'Between Law and Society: Paralegals and the Provision of Justice Services in Sierra Leone and Worldwide' (2006) 31 Yale Journal of International Law 427.

²⁰ Adewale Afolayan and Joy Ekuwa Ibidun, 'Limitations of the Legal Aid Council of Nigeria: Challenges to Access to Justice' (2020) International Journal of Law and Clinical Education (IJOLACLE).

participation. Research from Uganda on access to justice reveals that people consistently want services closer to home (community awareness programs, alternative dispute resolution, and local service delivery); innovations that respond to these needs "mobile justice" work better than centralized approaches.²¹ Nigeria could test regular mobile court sessions (magistrate and customary courts) scheduled around market days, including victim support and interpretation services on location.

Finally, successful models from other countries provide practical blueprints. South Africa's research on access to justice shows how well coordinated, government-funded legal services supported by supervised law graduate community programs and legal clinics can reach poor and rural communities, ensuring quality control and extending beyond cities are highlighted as essential design features.²² Kenya's Huduma Centers demonstrate the benefits of centralized, multiple service locations: academic studies link Huduma with better service quality and public satisfaction.²³ A Nigerian version "Justice Huduma" could bring together police officers trained in gender based violence, LAC personnel, alternative dispute resolution staff, civil registration services, and paralegal assistance in Area Council or Local Government headquarters, combined with regular mobile court schedules. Connecting all these elements community paralegals, expanded alternative dispute resolution, mobile court sessions, constitutionally compliant customary courts, and integrated service centers represents the most viable approach to bring genuine legal protection within reach of rural women.

CONCLUSION

The plight of rural women in Nigeria illustrates how deeply entrenched patriarchal structures, discriminatory norms, and restrictive legal systems continue to deny women their fundamental rights. From birth to death, many women face systemic barriers that confine them to dependency, silence their voices, and strip them of opportunities for self-actualization. While progress has been made in improving access to education, resources, and participation, these efforts remain insufficient in addressing the deep-rooted inequalities that undermine women's autonomy and economic empowerment.

²¹Ruth Kigozi and others, 'Innovations in Access to Justice in Uganda' (2024) 20 Journal of Social Sciences 45.

²² David Holness, 'Improving Access to Justice through Law Graduate Post-Study Community Service in South Africa' (2020) 23 Potchefstroom Electronic Law Journal (PER/PELJ) 1.

²³ Peter Orare and George Kilinge, 'Strategic Role of Huduma Centre Initiatives on Public Service Delivery in Kenya' (2017) 19(9) IOSR Journal of Business and Management 35.

Rural women, who play a crucial role in sustaining households and food systems, are particularly vulnerable to marginalization. Their exclusion from decision-making spaces, denial of inheritance rights, and overwhelming burden of unpaid labor weaken not only their personal development but also national growth and social stability. With crises such as conflict and climate change intensifying their hardships, the urgent need for stronger legal protection, gender-sensitive policies, and inclusive institutions cannot be overstated.

True justice and equality for rural women in Nigeria will remain beyond reach until deliberate efforts are made to dismantle oppressive structures and ensure that the rights of women are respected, protected, and enforced at every level of society.

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