**INTERNATIONAL FEDERATION OF WOMEN LAWYERS (FIDA) 2023 LAW WEEK/MAIDEN MAGAZINE LAUNCH.**

**Theme: IT STARTS WITH US: WOMEN CHILDREN & THE LAW.**

 KEYNOTE ADDRESS

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**Introduction.**

I want to begin by commending the leadership of FIDA, Kano Branch for the contribution the organisation has been making in bringing attention to the challenges faced by women and children not only in Kano but indeed across the whole of Nigeria. The theme for this year’s Law Week: “It starts with us: Women, children and the Law” could not have been better framed.

Let me remind us that FIDA *Federacion Internacional de Abogadas*, which translates in English, to International Federation of Women Lawyers was founded in 1944 at a conference of women lawyers in Mexico City. The circumstances of its founding are remarkable and ironic. In 1944, the International Bar Association (the IBA) hosted its conference in Mexico-city. At the conference, a female lawyer from the United States, Linda Bathes, contested for the board of IBA. She was not accepted because of her gender. Appalled by this discrimination, Linda, teamed up with another female lawyer from Mexico, Esther Talamantes. In their conversations, against the background of the Linda’s experience with the IBA, they decided to form an organisation only for female lawyers. In August 1944. FIDA was born. Today, FIDA is present in nearly 73 countries across the globe. The objectives of the organisation are stated in Sections 1 and 2 of Article IV of the Organisation’s constitution. However, I wish for the purposes of my remarks this morning to draw attention to Section 1 (d) which poignantly states one of key objects of the organisation as follows “to enhance and promote the welfare of women and children, realising that in the women’s and children’s well-being depend, the happiness of the home and the strength of society.” Again Section 2 (b) of the Constitution provides that to realize these objects the organization will “Advance the opportunities for women in the political, civil and education fields as well as in industry, business and the professions, particularly the legal profession.” Frequently, not much attention is paid to this important provision of the FIDA constitution. The activities of the organisation, by this provision should not be limited strictly to the pursuit of legal rights as such as important as they may be. FIDA must champion the promotion of all civil, political rights as well as education in the fields of business and other professions. This means, it is within the mandate of the organisation to pursue the promotion of enterprise and entrepreneurial skills amongst women; to promote business education, to promote women in all fields and professions whether medicine, engineering, information technology, architecture etc. Afterall, the economic empowerment of women should be at the foundation of the pursuit and validation of other rights.

In Nigeria, FIDA was founded in 1982. Today it has branches in almost all the 36 states of the Federation and the Federal Capital Territory Abuja, with the exception perhaps of Zamfara, Jigawa and Bauchi States. The Kano branch, I believe was formed sometimes in the late eighties when Hajiya Fatima Kwaku was elected as the first Chairperson of the branch and my wife Mrs. Pat Mahmoud, then I believe a Principal State counsel at the Ministry of Justice was elected as the first Secretary of the branch. Since then, the branch has grown from strength to strength impacting on the lives of women and children across the State.

It is noteworthy that the legal profession in Nigeria is becoming increasingly dominated by women. I do not have the figures, but anecdotal evidence suggests that in many of our law faculties in universities across the country, the proportion of female students is quickly outpacing that of male students. In our local branch meetings, the number of female lawyers appears to be increasing by the day. I am sure that very soon, the women lawyers will take over the leadership of the local NBA branch and the leadership may probably not be regained by the male members for a long time to come.

There can be no better champions of issues affecting women and children in our society than an organisation such as FIDA or for that matter, a female dominated Bar Association. I therefore wish to pay tribute to the founding mothers of FIDA in Kano and to commend the current leadership of FIDA in Kano for keeping the flag flying. I also commend this initiative of reminding us, in the theme for this law week, the primary objective of FIDA when it was established nearly 80 years ago that in the women’s and children’s well-being depend, the happiness of the home and the strength of society.

**Why Women and Children?**

Women and children constitute a huge segment of Nigeria’s population. According to recent projections Nigeria’s population is currently estimated at 223.8 million with an annual growth rate of 2.41%. Women constitute more than 50% of the population. Nearly 47% of the population is under the age of 15 years. Children under the age of 5 are nearly 35 million. Now, this clearly shows that from a demographic perspective, women and children perhaps constitute the most significant share of the population. From a legal perspective, the rights of women and children are internationally recognised as intrinsically linked and inter-twined. Discriminations against or violations of rights of women inevitably affect rights of children. But so also vice versa. The rights of women and children can in general not be promoted in isolation of one another.

In Nigeria, there are other disturbing facets of the statistics. It is reported for instance that Nigeria accounts for more than 10% of global deaths for pregnant mothers. The national average maternal mortality rate is put at 576 per 100,000 live births. This is one of the highest in the world. Infant mortality presently stands at 69% per 1000 live births. The mortality for under-fives is estimated at 128 per 1,000 live births. Nigeria also has the notoriety of housing 20% of worlds out of school children. In the north-east and north-west of Nigeria, only 41% and 47% of girls respectively, receive primary education.

Coming home to Kano, these figures and statistics are even more dismal. Some estimates put the maternal mortality rate for Kano to be 1025 per 100,000 live births. This is almost twice the national average. Nigeria has currently an estimated 18.5 million children out of school. Kano has at a significant proportion of this. Now when you add poverty to the picture, you will see how vulnerable the position of women and children is. To compound matters, we must add to the picture the absence of legal protection in the context of family laws and family relations. Many Muslim women in Northern Nigeria have no protection in event of divorce, separation or even the death of their husbands. They are left to shoulder the burden of upkeep of the children or orphans. As we know, divorce rates in northern Nigeria are among the highest in West Africa. One in three marriages are estimated to fail within the first three years. Kano is believed to be the home of the highest number of divorcees in Nigeria. These statistics should not be a surprise to us. Regrettably, though the protection of the rights of women and children remain a cornerstone of Islamic law and Islamic jurisprudence, yet, in Northern Nigeria, the implementation of Shari’a has not achieved the desired level of protection for this vulnerable segment of our society. The focus of reforms in recent years has been more on Islamic Criminal law than on social protection through Islamic family law for instance.

The role assigned to women and the expectation from society makes them susceptible to all forms of abuse, exploitation, discrimination, and absolute neglect in extreme circumstances. The vulnerability is more pronounced when the patriarchal nature of our society and the biological make up of both gender is added to the grim picture. Women and children are victims of wide forms of violence including:

1. Gender Based Violence.
2. Female Genital Mutilation.
3. Girl Child Marriage.
4. Child Trafficking;
5. Out of school Children.
6. The scourge of almajirchi;
7. High rate of divorce;
8. Lack of access to justice; and
9. Poor treatment of Juvenile Offenders.

Distinguished participants, ladies and gentlemen, this brief survey demonstrates the vulnerability of our women and children and the enormity of the challenges facing us all in our quest to a just society. FIDA has a duty to bring attention to these challenges and to lead the way for constructive advocacy for reforms and as well interventions to achieve more just outcomes for this vulnerable segment of our population.

**Survey of the Legal Framework for the protection of Women and Children**

1. International Legal Instruments

The prevalence and widespread nature of these problems globally, means that considerable attention has been given to creating a wide array of international instruments for the protection of the rights of women and children. Some of these instruments apply generally. These include for instance the Universal Declaration of Human Rights (1948), International Covenant on Civil and Political Rights (1966), and International Covenant on Economic, Social and Cultural Rights, (1966). There are also several other international instruments that are forcused specifically on the rights of women and children. These include: Convention on the Political Rights of Women (1952), Declaration on the Elimination of All Forms of Discrimination Against Women (1967), Declaration on the Protection of Women and Children in Emergency and Armed Conflict (1974), Convention on the Elimination of All Forms of Discrimination against Women (1979) and the United Nations’ Convention on the Rights of the Child (1989).

Perhaps the last two. the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the United Nations Convention on the Rights of the Child (UNCRC) have been the most ambitious and celebrated. Fortunately, these two instruments have been ratified by Nigeria and have the force law. The CEDAW required state parties to eliminate discrimination against women and girls in all areas and promotes women’s and girl’s equal rights. Article 3 of the convention is very instructive it imposes obligation on state parties to take all appropriate measures in all fields and in particular the political, social, economic and cultural fields to ensure the full development and advancement of women for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on the basis of equality with men.

The Convention on the Rights of the Child on its own part set out in very comprehensive manner the rights of the child. It postulates the profound idea that children are not just object who belong to their parents, but they are human beings and individuals with their own rights. The convention proffers the notion that childhood is a special and protected time in which children must be allowed to grow, learn, play and flourish with dignity. The convention has been ratified in Nigeria as the Child Rights Act and was recently adapted and signed into law in Kano. I commend the Kano State government for taking this very crucial steps and I urge the government to make resources available for the full implementation of the provisions of the .

ii.) Domestic Instruments and Legislations

In Nigeria there are a list of notable legislations relative to the women and children. The Child Rights Act, The Violence Against Persons Prohibition Act, Trafficking in Persons (Prohibition) Enforcement and Administration Act.

**The Violence Against Persons Prohibition Act, 2015.**

This Act provides protection against all forms of violence against persons both in their private and public life and provides effective remedies and for victims and punishment for offenders. The Act prohibits female circumcision and genital mutilation. It makes it an offence to coerce persons to engage in any conduct detrimental to their health and psychological wellbeing, forcefully eject a spouse from the home and refusal of access to the home, subject persons to forceful financial dependence or economic abuse, forceful isolation or separation from family and friends and emotional, verbal and psychological abuse. In addition to the above, it is an offence to attempt to commit any of the above offences or incite, aid and abet the commission of the offences.

The Act provides a comprehensive legal framework for the enforcement of its provisions and prescribes punishment ranging from imprisonment to the payment of fine and compensation to the victims of the offence committed. At the national level FIDA Nigeria was amongst the strong civil society advocates whose advocacy led to the enactment in 2015 of this Act. The law has not yet been domesticated in Kano. It is therefore a strong advocacy point for FIDA Kano Branch and indeed other civil society groups that need to bring pressure on the government to domesticate this law and to vigorously enforce its provisions.

**Trafficking in Persons (Prohibition) Enforcement and Administration Act, 2015.**

The Act established the National Agency for the Prohibition of Trafficking in Persons. It provides legal and institutional framework for prohibition, prevention, detection, prosecution and punishment of human trafficking and related offences. It prohibits all forms of trafficking in persons especially through the abuse of position of vulnerability which includes intentionally using others or taking advantage of an individual’s personal, situational, circumstantial vulnerability. Under the Act, It is an offence to employ children under the age of 12 as domestic workers or subject them to carry out any work that is exploitative and injurious to their wellbeing.

iii) Kano State Laws

In Kano State there are notable legislations affecting women and children which addresses some of the issues enumerated above some of which I would give a general review of;

1. The Children and Young Persons Law
2. The Child Rights Law
3. Kano State Free and Compulsory Education Law
4. Maternal and Child Health Law.

**Children and Young Persons Law:** under this law a child is a person below the age of fourteen and a young person is a person who is above fourteen years of age but has not attained the age of eighteen. The law proscribes the selling and procurement of juveniles, placing a juvenile in the possession, control or guardianship of any person other than a grandparent, or the descendant of a grandparent of such juvenile whether or not for pecuniary benefit, neglect, assault, causes or procures any assault on a juvenile and also prohibits the participation of juvenile in political activities.

The law also provides for the treatment and handling of juvenile offenders from the point of arrest and prosecution. Juveniles who are detained are to be separated from adults under the law, protection of their identity, provision of special juvenile detention centres.

**The Child Rights Law of Kano, 2023**: This law was recently passed by the Kano State House of Assembly. It provides a framework for the protection of the rights of the child in Kano State, compulsory education for children and emphasises the interest of the child as the ultimate consideration in all actions concerning a child.

**Kano State Free and Compulsory Education Law, 2020:** this law is a strategic intervention in the efforts to stem scourge of out of school children it is a supplementary provision to the provisions under the Child Rights Act. According to data from the Federal Ministry of Justice out of the Kano is home to the Eight Hundred and Thirty-seven Thousand, Four Hundred and Seventy-Nine out of school children out of the twenty million out of school children in Nigeria placing it as number three on the list of states with the highest number of out of school children behind Bauchi and Katsina. These children wandering the streets constitute a security threat and the talent and potential they are endowed with are lost to the failure to treat with the factors that are keeping them on the streets.

**Maternal and Child Health Law, 2023:** This law is perhaps the timeliest of all the laws passed in Kano recently. perhaps in response to the menace of maternal mortality in the State. Kano tops the list of the states with the highest maternal and child mortality rate with 1,025 deaths per 100,000 live births. The law provides for pre-natal and post-natal, reproductive care and child health care services care, the law guarantees the provision, supply and use of all necessary instruments, conditions and materials needed to ensure that mothers and children receive the best medical and health care services in Kano State. The law is a watershed in the area of access to maternal health care in the light of the bitter experiences and the many lives that have been lost.

**The Role of lawyers and their Organisations.**

Distinguished colleagues, ladies and gentlemen, all of us gathered here this morning, will have no doubt as to the potent role lawyers and their organisations can play in the promotion and protection of rights of women and children. We often do this through advocacy, promoting law reforms and enforcement of laws. We protect through championing their rights in courts, often on pro-bono basis. We issue public statements condemning public authorities when they discriminate or violate the rights of women and commend them when the behave positively towards promoting those rights.

I would like to use this opportunity to illustrate through practical examples, drawing from our modest experience at Dikko & Mahmoud how we can promote the rights of women and children using the law or our influence as lawyers.

1. Rahama Husseini

In early July 2021, our firm received a call from Oliver Stolpe, the head of the United Nations Office for Drug and Crime in Abuja. He sought our assistance on the case of Rahama Husseini, a young girl, then aged 21 who had been tried and found guilty of killing her husband back in 2015 when she was about the age of 15. At the time of her conviction, she was a young person. The High Court thus sentenced her to “serve a prison term at the pleasure of the Governor”. Since then, she was apparently forgotten in prison until her discovery as it were, during a prison visit when she caught the attention of the UNODC officials. During the next several weeks, our office worked closely with the Kano State Ministry of Women Affairs, the Presidential Task Force on the Decongestion of Prison, the office of the Attorney General of Kano State to eventually secure the release of Rahama Husseini by the Governor of Kano.

The case of Rahama is not unique. Many young girls suffer the fate of early marriages often at time when they do not comprehend the impact of such decision. Rahama’s is very illustrative of the myriad of problems, legal issues, and challenges facing young girls in Kano and indeed much of Northen Nigeria. When girls are married early, often it is at the expense of education. Rahama faced early marriage at a young age. Her ordeal started when she reportedly refused to have sex with her husband leading to a struggle during which she stabbed him with a knife. Young girls like Rahama are exposed to all forms of gender-based violence and psychological abuse. When such situations lead to the tragic outcome like in Rahama’s case, they are often unable to secure proper legal defence. Even whilst in prison, Rahama had to shoulder the burden of supporting her family. She had learnt a trade and with the little income she earned, she supported her siblings and aged parents.

According to some studies, child marriage is just one pervasive phenomena girls are subjected to in Nigeria. ‘Gender-based violence against women and girls (GBVAWG), with intimate partner violence as its most common form is equally prevalent’. The 2018 Nigeria Demographic and Health Survey (NDHS) reported that ‘among women age 15-49, 31% have experienced physical violence and 9% have experienced sexual violence, 6% of women have experienced physical violence during pregnancy”.

Our involvement with the case of Rahama Hussieni was a huge learning point for our firm. The case was championed by our young women in the firm who not only visited Rahama whilst in prison and interviewed her several times, we also followed up after her release and engaged with her family trying to support her rehabilitation. The case typically illustrates the challenges that young girls in our community face: lack of access to education; lack of protection in their homes, exposure to violence in their marital homes, lack of access to justice etc. In our view, this case points to many areas of potential interventions by organisations such as FIDA whether it is advocacy for legal reforms or interventions to provide access to justice, quality legal services or access to education.

in the judgment of the Kano High Court, the court decided that she was detained I take Lawyers are critical stakeholders in the protection of women and children. We have a very crucial role to play by pushing for law reform, carrying out advocacy to educate women and children on their rights and the impact of violating their rights, the remedies available to victims of abuse and exploitation, taking up cases on behalf of victims. The journey to affording women and children adequate protection is a long one that we are collectively responsible for. The current situation is one that we cannot allow to continue. In addition to law making the state and relevant stakeholders must take steps to give full effect to the provisions of the various laws that have been passed.

1. Sha’awa Abdulmunini

Another case which we are involved with is the case of Sha’awa Abdulmu’min. This was a 32-year-old mother of three. She was carrying her fouth pregnancy when she died during childbirth at Murtala Mohammed Hospital in Kano on 4th September 2022. Her sister Zainab Abdulmu’min had recorded a voice note narrating in graphic details the ordeal of Sha’awa at Murtala Mohammed Hospital Kano. The account was so heart rendering that it went viral on social media. It attracted the attention of several civil society groups across the state. I became aware of it when a family member re-posted the voice note on our family WhatsApp platform. I was so touched and was literally moved to tears by the account of Sha’wa’s orderal. I requested my brother to help trace the sister so we could explore possible legal assistance to the family. Zainab was traced and we met her in our offices. During the next several days, other civil society groups had also taken interest in the case of Sha’awa including FIDA. We teamed with up and met at FIDA branch office to deliberate and map out strategy of providing legal assistance to the family.

The case of Sha’awa is currently in court. I will not therefore dwell on the details albeit to mention what is already in the public domain. Sha’awa had attended ante natal clinic at Murtala Mohammed Hospital. She apparently was rushed to hospital after her amniotic sac had broken. Upon her arrival at the hospital on Friday 2nd September, 2022 in the evening, she was observed by a nurse who then referred her to a doctor. No doctor was available to see her. She was left unattended in excruciating pain until the noon of the following day Saturday 3rd September. When the doctor finally saw her, Sha’awa was informed that her expected date of delivery had been exceeded and that her baby was in a breech position. The doctor made a failed attempt to resolve the breech during which Sha’awa apparently suffered injuries. The doctors attempted Assisted Vaginal Delivery which was also apparently unsuccessful. This procedure was abandoned and Sha’awa was left unattended for several hours whilst her sister Zainab (who was also in advance stage of pregnancy) made frantic efforts to source and provide basic hospital supplies including blood needed for surgery. Sha’awa’s stomach swelled up. She was subsequently informed that the foetus had died. Sha’awa did not receive further medical attention until 5.30pm on Sunday 4th September when she was taken to the operations theatre to remove the dead foetus. At the time, Sha’awa was exhausted and possibly unconscious. She died shortly after the surgery.

In the course of our intervention in Sha’awa’s case, we separated the public advocacy issues from the legal rights of Sha’awa’s family. The public advocacy issues centred around the state of maternal care in Kano. Murtala Mohammed hospital, one of the oldest and largest public hospital in Kano is said to house the largest maternity facility perhaps in the whole of Northern Nigeria. It has the highest delivery rates according to some sources. But it has become notorious for maternal mortality in the country. Indeed, according to some popular narratives, when a pregnant woman goes there for childbirth, because of the uncertainty of the outcome, the relations get asked ‘a kawo kyalle or kwali?’ This roughly this translates do we bring a piece of cloth or a box? A piece of cloth for live birth, a box for a dead foetus! Armed with the graphic account of Sha’awa’s sister, Zainab our firm along with other civil society groups embarked on advocacy calling for public investigations into the state of health care in the maternity section of Murtala Mohammed Hospital. We wrote to the public health authorities, the Kano House of Assembly and the Governor of Kano State asking for enquiry into the state of the Hospital. I personally led at a team of civil society groups including FIDA to meet the Speaker of the State House of Assembly to demand for action. We drew attention to the public funds budgeted yearly for hospital and demanded that the State Assembly had a responsibility to investigate the application of those funds.

With regards to the rights of Sha’wa’s family we demanded that the Kano State Hospital Management Board fully investigated the circumstances leading to the death of Sha’awa Abdulmu’min and demanded for the payment of compensation to her family. We held meetings with the officials of the board and when they were not forthcoming, we finally instituted a legal action on behalf of the family.

The case of Sha’awa is not unique. It is indeed a common occurrence. It points clearly to numerous areas of intervention by lawyers and their organisations. One of the problems of our society is that people have become so accustomed to poor quality services, sometimes total of absence of such services. No one is held accountable. When avoidable tragedies occur, we sadly accept it as an act of faith and move on. This happens when it is often obvious that these tragedies and failures can be traced to deliberate wrongdoing of public officials or public institutions. FIDA and all of us individually have a responsibility to demand for public accountability.

Let me now move to the last and final illustration of the role lawyers in promoting the and helping to achieve the laudable objectives of organisations such as FIDA. This has to do with our modest effort to promote entrepreneurship amongst women.

1. Starting and Owning a Business

In August 2022, our office sponsored and organised a one-day workshop. The theme was “Starting and Owning A Business: A mentorship Session for Women” The session brought together a group of young women about 60 in number. These were selected based on expression of interest from amongst young girls and housewives to listen to the life stories of highly successful mostly women entrepreneurs from Kano. Some of them have achieved global recognition. What was the idea?

We recognised in the firm that in the course of our lawyering work, we have over the years come across highly successful women. Some of them our clients who are into various businesses. Some of the businesses employing hundreds of people. Some are family businesses. At the same time, we observed that many young families were facing serious challenges. Cost of living was rising, inflation was skyrocketing, life was becoming unbearable. Many young families could improve on the well being if they were able to explore and open additional sources of income. We realised too that though many of our young girls have requisite education, they had difficulties navigating the entrepreneurial and business landscape. They needed education and guidance on how to start a business or scaleup one they had already started. They needed assistance on the basic skills and procedures and steps needed to set up a business. They often lack knowledge of opportunities for access to credit etc.

The program brought together a group of highly successful entrepreneurs in the field of ICT, Diary Farming, Small Scale Manufacturing, Trading etc. Each shared their fascinating journey in building their businesses, the challenges they faced and how they overcame those challenges. They talked about the role of their spouses and of co-wives and wider families. Each of the resource person was carefully selected from the local community to demonstrate to the young women that if they could do it why not them? In addition, we brought to the table officials of the Corporate Affairs Commission to speak to the participants about the procedures and requirement as was as importance of business registrations. Bankers were also at hand to speak on credit to small scale businesses. Our team of female lawyers spoke on the legal requirements for businesses, intellectual property rights, compliance, and governance issues. Indeed, the project mostly was driven by our young bright female lawyers. We are still currently exploring possibilities of accessing seed capital in the form of grants, and long-term low interest credit for the participants who have demonstrated real interest in going forward with their business ideas.

**Conclusion**

Let me conclude my remarks by reminding us that as FIDA poignantly stated 80 years ago, that “…. in the women’s and children’s well-being depend, the happiness of the home and the strength of society”. Therefore the promotion of and protection of the rights of women and children is central to the wellbeing of all societies. As long as this segment of the population remains vulnerable, the entire society is vulnerable. The central role of organisations such as FIDA remains advocacy for legal reforms, advocacy for accountability of our public officials and public institutions, and interventions through extensive offering of pro-bono services to all vulnerable citizens. However, we must be the champions of women’s economic empowerment. We cannot defeat poverty if more than 50% of our population remain poor. All these can be done!

I thank you for your kind attention and I wish you a successful Law Week.