

national executive councils of the two key unions, the National Union of Petroleum and Natural Gas Workers (NUPENG) and the Petroleum and Natural Gas Senior Staff Associations (PENGASSEN); the decree ordering the merger of a number of unions and barring full-time union managers and organizers from seeking elective positions in the NLC or the unions that employ them; raids by the Rivers State Internal Security Task Force during peaceful protests commemorating Ogoni National Day; banning and disruption of rallies to mark the anniversary of the June 1993 elections and cancellation and prevention by the authorities of various other public gatherings, ceremonies and celebrations.

On the situation of women, the report makes a number of points, including that: violations of human rights arise from continued discriminatory administrative policies, the practices of authorities, and cultural beliefs and attitudes which are given the force of law through customary law systems; the dual system of law empowers the courts to administer rules of customary law provided they are not repugnant to natural justice, equity and good conscience; customary and Shariah (Islamic) courts established in all states administer and enforce customary laws, some of which uphold the unequal treatment of women; reports indicate that, among the Igbo people, a woman has no right to own land, despite the fact that many women are farmers, may therefore lose land in a divorce after having spent years farming it, and are unable to use land as credit collateral; and, some customary practices regard a woman as part of her husband's property, which may then be "inherited" by the husband's eldest male relative. Additional commentary on customary law notes that it is particularly influential in the private sphere, regulating such issues as marriageable age, consent to marriage, property rights and custody of children upon divorce. The report also notes that, under customary law, the practice — particularly in northern Nigeria — of giving away female children in marriage continues and, further, that customary law marriages are also often polygamous and, under the Islamic faith, every Muslim has the right to marry up to four wives provided the man can take care of the wives equally. Following on these points the SR noted that, while the implementation of international norms in particular cultural or religious contexts may entail their adaptation, freedom of religion may not be invoked to shield from scrutiny any law which infringes upon women's rights.

The report also notes that domestic violence remains a problem, especially with regard to the practice of wife-beating, and that: definitions in the law make it extremely difficult for a woman to file a criminal complaint against her husband for spousal abuse; law enforcement agents practice a policy of non-interference in "domestic" matters, and reportedly regard a certain amount of physical battery as culturally acceptable; in customary practices, seeking redress may actually attract more punishment for the woman because her actions are construed as an act of insubordination and disobedience

to the traditional norms; and women therefore tend to adopt a "culture of silence".

Discrepancies in penalties are also noted in the report. For example, section 353 of the Criminal Code (Laws of the Federation of Nigeria 1990) characterizes the offence of indecent assault on males as a felony punishable by three years' imprisonment while section 360 treats a similar offence of indecent assault on females as a misdemeanour punishable by a maximum of two years' imprisonment.

On other points related to the situation of women, the report notes, *inter alia*, that: marital rape is unrecognized by law in Nigeria, on the basis that consent to marriage is tantamount to the foreclosure of consent to each particular sexual intercourse; a man who inflicts extensive bodily harm on his wife while forcibly having sex with her is not punished for a sexual offence, but rather for an ordinary assault; cultural inhibitions and taboos about sexual activities constrain most victims from acknowledging and reporting incidents even informally; victims trapped in situations of sexual harassment and assault often remain exploited because of their inability to leave — arising from threats of physical harm, withdrawal of financial support, or ostracism from the community; in law, rape is punishable maximally by life imprisonment but victims are not granted anonymity during prosecutions and media attention and social stigma dissuade most victims from reporting; the SR received allegations of rape taking place at police roadblocks as well as in prisons; and, when rape has been committed during armed robbery attacks in urban areas, the perpetrators are often charged solely for the property offence of armed robbery.

Reports indicate that female genital mutilation is still practised extensively in many parts of Nigeria although the practice has been recognized as a form of violence against women. In some parts of the country there remains a stipulation that married women must obtain the consent of their husbands before they can be medically treated; women's health is generally not given attention unless they become mothers and, even then, many women have been denied proper reproductive health care, which contributes to a high rate of maternal mortality.

The SR noted that despite the lack of legislative barriers to women's participation in politics and the judicial system and the fact that women have had the same voting rights as men for years, women continue to be marginal actors in the public sphere; women's participation in politics has been complicated by the role of money in the determination of political participation and outcomes, as well as their lack of access to adequate education and information; in recent years, however, there has been an increase in the number of women lawyers and three women were included in the Cabinet as announced in December 1997. There is no law expressly requiring a woman to have the written consent of her husband to obtain bank loans and overdrafts but, depending on the