
Canadian-Nigerian Human Rights Cooperation in the area of Women's Rights (1999 to 2011)

By

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Abstract

This paper responds to some questions that have arisen regarding Canadian - Nigerian cooperation in the area of human rights of women from 1999 when Nigeria's current democratic regime was established to 2011. The protection and advancement of women's human rights remains a central foreign policy priority for both the governments of Canada and Nigeria in bilateral discussions and in multilateral fora. While levels of performance and application of this policy between both countries may vary, both countries have through practices and especially norms bought into the view that gender equality is not only a human rights issue, but is also an essential component of sustainable development, social justice, peace, and security for their peoples. How has this collaboration been conducted and how can the relationship between these two countries in this field fit into existing theories of this level of mutual cooperation? Does the dividends of collaboration flow only one way (from Canada to Nigeria) or are there instances where Canada could benefit from Nigerian experience and expertise in this regard? What might be the nature, attainments and challenges of this cooperation?

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Having these questions as important backdrop, this paper will argue that while Canada is widely reputed as a supporter and funder of major struggles for human rights around the world as is demonstrated by her track record, yet in the area of women's rights in Nigeria, these contributions are not understood and therefore pass unacknowledged. This will be done by examining government policies, the work of non-governmental organization across both country divides, investigating existing literature and as well by analyzing interview data from field research as part of the overall project that the paper forms only a part. We also intend to show that the gains of this collaboration does not necessarily flow in one direction but has been organized in a manner such that both countries could derive specific benefits from the collaboration.

1. Introduction

Women's rights are definitely an important indicator to understand global wellbeing. Various women's rights treaties were ratified by majority of the world's nations a few decades ago. Yet, despite many successes in empowering women, numerous issues still exist in all areas of life, ranging from the cultural, political to the economic. Discrimination against women is defined as:

Any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.¹

Canada is widely reputed as a supporter and funder of global human rights struggles judging from its track record, yet its role in the area of women's rights in Nigeria has not been well understood and acknowledged as it could be. This

¹Article 1, CEDAW

paper approaches the questions that have been raised regarding the Canadian-Nigerian cooperation in the area of human right from 1999 (when Nigeria's current democratic regime² was established) to 2011. The protection and advancement of women's human rights remains a central foreign policy priority for Canada, both in bilateral discussions and in multilateral fora. Canada is committed to the view that gender equality is not only a human rights issue, but is also an essential component of sustainable development, social justice, peace, and security.

The objective of this investigation is ultimately to determine, on the basis of the evidence derived from the field work, what has been the nature/character of this cooperation, how it has proceeded, how the parties have behaved and what implications it has had for policy, practice and theory; what have been the attainments of this cooperation in the specific context of women's rights; what have been the problems of this cooperation; and what appears to be the prospects for this cooperation.

Surrounding this investigation are two important theoretical positions on human rights. The first, as advanced by Finnemore and Sikkink, applies "strategic social constructivism" to the human rights area in conceptualizing a theory of the "norm life cycle" and the centrality of the agency of the "norm entrepreneur" in catalyzing human rights change.³ The second is Upendra Baxi's theory of global emergence of a "trade-related market friendly human rights" (TREMFM) paradigm/discourse, which is steadily supplanting the paradigm of the UDHR. As stated by Baxi:

The paradigm of the Universal Declaration of Human Rights is being steadily, but surely, *supplanted* by that of trade-related, market friendly human rights. This new paradigm seeks to reverse the notion that universal human rights are designed for the attainment of dignity and wellbeing of human beings and for enhancing the security and wellbeing of socially, economically and civilisationally vulnerable peoples and communities.⁴

² The inception of an elected democratic government in May 1999, after nearly one and half decades of continuous military rule, has placed the issue of human rights, especially the rights of women, at the forefront of national concern.

³ See Martha Finnemore and Kathryn Sikkink, 'International Norm Dynamics and Political Change' (1998) 52(4) *International Organization* at Fifty: Exploration and Contestation in the Study of World Politics 887-917

⁴ See Upendra Baxi, *The Future of Human Rights* (Delhi: Oxford University Press, 2002) 131-166

This article aims to identify in an analytical manner, the nature of Canadian – Nigerian cooperation in women’s rights thus far, the attainments of such cooperation, the problems of such cooperation and its prospects. To answer these investigative questions, the article will analyze available interview data and other evidence gathered from the transcripts of interview and literature research and discuss these in terms of the inter connections among them and the scholarly discussions in the literature while pointing out any gaps which have been filled by the evidence gathered, or how the evidence gathered either confirms or problematizes the existing understanding in the literature. The Article will also discuss the implications of the findings of the research to the validity of the theoretical positions advanced by Finnemore and Sikkink and Upendra Baxi, respectively.

This article is divided into five sections; section one introduces this study. Section two discusses the conceptual analysis of Women’s Rights using the CEDAW and the Maputo Protocol. Section three discusses briefly the nature and issues around Women’s Rights in both countries. Section four analyzes the interview transcripts and other evidence derived from the fieldwork in order to ascertain the character of Canadian – Nigerian cooperation in the area of women’s rights, (nature, attainments, problems and prospects of the cooperation). Section five uses Baxi’s theory and Finnemore and Sikkink’s theory to discuss the women’s rights relationship of both countries using the field data as evidence. Section six concludes the article.

2. Conceptual Analysis of Woman Rights in International Law⁵

Women’s rights as human rights⁶ have become a global phenomenon no doubt because women constitute almost fifty per cent of the world’s population.⁷

⁵For the purpose of this article, and to enable a holistic understanding of women’s rights, the writers will use this chapter to focus on the two major women’s rights instruments: The Convention on the Elimination of All Forms of Discrimination Against Women and the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (Maputo Protocol). This section will not only analyze the provisions of both instruments but will discuss their similarities, their differences and how they advance (or undermine) women’s rights as the case may be. This is to assist the reader in appreciating the nature and extent of Women’s rights in today’s world.

⁶ Hillary Rodham Clinton, ‘UN 4th World Conference Speech’ (*Women's Rights Are Human Rights*, 5 September 1995, Beijing, China)
<<http://www.americanrhetoric.com/speeches/hillaryclintonbeijingspeech.htm>> accessed 19 January 2014

Women's rights have been documented in all international human rights instruments. Yet, wide-ranging discrimination against women continues to subsist in different regions and countries of the world. The “measures required for the elimination of such discrimination in all its forms and manifestations”⁸ triggered the promulgation of CEDAW⁹ which today is widely referred to as the international bill of rights for women.¹⁰ However, sixteen years after the adoption of CEDAW, it was noted in a meeting at the African Commission on Human and Peoples’ Rights, that CEDAW ‘had not greatly improved the lives of women’¹¹ neither had the African Charter on Human and Peoples’ Rights, both of which prohibits discrimination on grounds of sex¹², enjoins state parties to ensure equality of women before the law¹³ and eradicate all discrimination against women¹⁴. In consideration of Article 66 of ACHPR, which provides for supplementary provisions to ‘elaborate’¹⁵ the same, the Maputo Protocol entered into force, also as a “supplement” to CEDAW, which was extant twenty-four years before it.

CEDAW and The Maputo Protocol make very positive propositions for the enforcement and the protection of women’s rights¹⁶. The two instruments share strong similarities because The Maputo Protocol is ‘closely modelled’¹⁷ after CEDAW, having about two centuries to evolve into a reflection of its peculiar historical time. Besides sharing similar considerations and concerns in both preambles, the wordings of The Maputo Protocol and CEDAW share in the definition of “discrimination against women”¹⁸ as any ‘distinction, exclusion or restriction made on the basis of sex’¹⁹ which has the influence or purpose of

⁷ Females constitute 49.76% of the world’s population.

<http://earthtrends.wri.org/select_action.php?tool=1> accessed 19 January 2014

⁸ CEDAW, Preamble

⁹ CEDAW was adopted in 1979 and came into force 3 September 1981.

¹⁰ UNDAW, ‘*Impermissible Reservations to CEDAW*’

<http://www.wunrn.com/news/2006/10_09_06/101006_cedaw_impermissible.htm> accessed 19 January 2015

¹¹ F. Banda, ‘Blazing a Trail: The African Protocol on Women’s Rights comes into force’, 50(1) *Journal of African Law* (2006), p.72

¹² ACHPR, article 2; CEDAW, article 2

¹³ ACHPR, article 3; CEDAW, article 15

¹⁴ ACHPR, article 18; CEDAW, articles 2, 7, 10, 11, 12, 13 and 14

¹⁵ CEDAW, first para.

¹⁶ As well as the rights of men evidenced in several articles of the CEDAW and The Protocol.

¹⁷ Banda (Footnote 11) p.72

¹⁸ CEDAW, Article 1; The Maputo Protocol, Article 1(f)

¹⁹ *ibid.*

prejudicing or annulling the appreciation, satisfaction or enjoyment of ‘human rights and fundamental freedoms’²⁰ of women.

In several General Recommendations²¹, the CEDAW committee has adopted expansive interpretations of “Affirmative Action”²² or what is termed as ‘temporary special measures’²³. The purport and content of this concept is the same in The Maputo Protocol.²⁴ Both instruments explicitly endorse the use of ‘(women only) quotas’²⁵, to enhance women’s participation in political processes. Women’s right to suffrage is captured by both documents specifying the right of women to vote and participate in elections and other decision-making processes²⁶

For the institution of marriage, both instruments prescribe “free and full consent”²⁷ as criteria for women to enter into marriage, with rights to ‘retain their nationality’²⁸ and to also choose or maintain their maiden name.²⁹ Economic and social welfare for women are guaranteed under both instruments as they include the rights to employment opportunities for women with special benefits³⁰; the fundamental right to health including reproductive rights like family planning and child spacing³¹; The right to own, convey and inherit property³² as well as stipulating special consideration for the benefit of rural women.³³ This is commendable because majority of women in the world live in rural areas³⁴

The two instruments contain provisions for women’s equal right to education and training³⁵ and they both propose the use of education and sensitization³⁶ for the ‘elimination of harmful practices’³⁷ against women but

²⁰ *ibid.*

²¹ CEDAW, General Recommendation No. 25 (2004): Temporary Special Measures. <www2.ohchr.org/English/bodies/cedaw/comments.htm> (P. Alston and R. Goodman, ‘International Human Rights’ OUP) p.205

²² CEDAW, Article 4

²³ *ibid.*, Article 4(1)

²⁴ The Maputo Protocol, Article 9

²⁵ Banda (Footnote 11) p.74

²⁶ CEDAW, Article 7(a); The Maputo Protocol, Article 9(1)(a)

²⁷ CEDAW, Article 16(1)(b); The Maputo Protocol, Article 6(a)

²⁸ CEDAW, Article 9(1); The Maputo Protocol, Article 6(g),(h)

²⁹ CEDAW, Article 16(1)(g); The Maputo Protocol; Article 6(f)

³⁰ CEDAW, Articles 11; The Maputo Protocol, Article 13

³¹ CEDAW, Article 12; The Maputo Protocol, Article 14, 14(1)(b)

³² CEDAW, Articles 15(2) and 16(1)(h); The Maputo Protocol, Articles 6(j),7(d) and 21(1)

³³ CEDAW, Article 14; The Maputo Protocol, Article 14(a)

³⁴ Women Watch, ‘Facts & Figures: Rural Women and the MDG’ <<http://www.un.org/womenwatch/feature/ruralwomen/facts-figures.html>> accessed 19 January 2015

³⁵ CEDAW, Article 10; The Maputo Protocol, Article 12

³⁶ CEDAW, Article 5; The Maputo Protocol, Article 5

more weightily, they score the need to take all apposite actions to prevent trafficking in women³⁸ including using legislation to prosecute offenders as well as prohibiting discrimination by ensuring the codification of same in the *grundnorm* of every state party³⁹

Despite the laudable provisions contained in both the CEDAW and The Maputo Protocol, there exists a similar limitation, which is the under-enforcement and non-compliance of women's right in practice. The provisions of the Maputo Protocol that could be seen to weaken the universality of women's rights have confronted similar objections through the broad reservations⁴⁰ registered against the CEDAW, making the advancement of women's rights a challenge under both instruments. They do not fully appreciate the diversities of minority women whose human rights and needs are different, such as women living with sickle cell, women with albinism or even transgender women. The two documents stipulate the charge of men and women to jointly fruition the 'upbringing and development of children'⁴¹ thereby making no consideration of same-sex parents or single mothers.

The comparison between the content of CEDAW and The Maputo Protocol for the appreciation of women's rights is likened to the disparity between universalism and cultural relativism in international human rights law.⁴² Whilst CEDAW evokes culture as a barrier to the fulfilment of the rights of individual women, The Maputo Protocol, though also acknowledging that there are cultural stereotypes and practices that aggravate violence against women, emphasizes the significance of situating women within cultural groups possessing collective rights in cultural contexts and not just using "culture" as a component of describing an aspect of existence which is used in the language of many instruments.⁴³

³⁷ Ibid.

³⁸ CEDAW, Article 6; The Maputo Protocol; Article 4(2)(g)

³⁹ CEDAW, Article 2; The Maputo Protocol; Article 2

⁴⁰ UN Women, 'Reservations to CEDAW'

<<http://www.un.org/womenwatch/daw/cedaw/reservations.htm>> accessed 21 January 2015

⁴¹ CEDAW, Article 5(b); The Protocol, Article 13(l)

⁴² See, J Donnelly, 'Cultural Relativism and Universal Human Rights' (1984) 6 Human Rights Quarterly 400, M. Mutua, 'The Complexity of Universalism in Human Rights', in Andras Sajó (ed), *Human Rights with Modesty* (2004) at 51 and A. Xanthaki, 'Multiculturalism and International Law: Discussing Universal Standards' (2010) 32 HRQ 21.

⁴³ CEDAW, Articles 1 and 3; ICCPR, Article 1; ICESCR; Article 1

The major difference between CEDAW and The Maputo Protocol is that whilst the latter contextualizes women's rights, the former generalizes them. This is in lieu with the fact that one is an international convention and the other a regional protocol for African women. In addressing their distinctions, CEDAW does not stipulate any form of marriage but assumes monogamy is the standard; meanwhile The Maputo Protocol promotes the right of women in 'polygamous marital relationships'⁴⁴ but encourages monogamy as the preferred form of marriage. This recognizes the jurisdiction of their individual application that is why the Protocol is specific in making provisions regarding the elimination Female Genital Mutilation ⁴⁵and protection of women from HIV⁴⁶ as African women are most burdened by them.

There is a significant difference in the two instruments regarding women's right to sharing of property in divorce and inheritance. Whilst The Protocol provides for 'equitable sharing of joint property'⁴⁷ and a right to 'equitable share of inheritance'⁴⁸, CEDAW fixes women's entitlement in this regard solely on the scale of 'equal terms'⁴⁹, 'equal rights'⁵⁰ or simply on the objective pedestal of 'equality'⁵¹. CEDAW's mark can be said to be firmly objective in interpretation whilst The Protocol remains subjective however CEDAW's mark has been criticised for being 'assimilationist' and fetters women to the 'male model as the dominant norm'⁵²

CEDAW expressly provides for ratification⁵³ subject to reservations⁵⁴ but The Maputo Protocol does not give such chance because it 'solicits greater commitment'.⁵⁵ Perhaps this has 'blighted CEDAW'⁵⁶ but it can be argued that

⁴⁴ The Maputo Protocol, Article 6 (c)

⁴⁵ *ibid.* Article 5(b)

⁴⁶ The Maputo Protocol, Article 14 (1)(d) and (e)

⁴⁷ *ibid.* Article 7(d)

⁴⁸ *ibid.* Article 21 (2)

⁴⁹ CEDAW, Article 8

⁵⁰ *ibid.* Article 9

⁵¹ *ibid.* Article 16

⁵² F. Raday, 'Gender and democratic citizenship: the impact of CEDAW'

<http://www.americanbar.org/content/dam/aba/events/international_law/2012/05/law_busin_ess_u_sisraelglobalrelationships/cedaw_democratic_citizenship.authcheckdam.pdf> accessed 21 January 2015 p.2

⁵³ CEDAW, Articles 25 and 27

⁵⁴ The Maputo Protocol, Articles 28 and 29

⁵⁵ A.N. Kithaka, "Smile, woman of Africa, smile", (234) Pambazuka News at

<<http://www.pambazuka.org>> accessed 3 January 2015.

⁵⁶ Banda (Footnote 11) p.84

reservations has aided CEDAW to surpass the 80% mark for the UN to consider it as universal⁵⁷ whilst on the flip side it can be seen to weaken women's rights. The Maputo Protocol provides for implementation and monitoring⁵⁸ through periodic reports and budgetary resources whilst the Optional Protocol laid down in 2009 by the CEDAW committee established two techniques - inquiry procedure and complaints procedure for its monitoring mandate.

The Maputo Protocol subjects the nationality of children to national legislation.⁵⁹ Even with history of colonialism, it makes no reference to the eradication of neo-colonialism that hinders the full enjoyment of rights even when same is indicated in CEDAW. The protocol does not capture a sense of earnestness unlike CEDAW that couches the need for women's rights to be adhered to "without delay" and for state parties to act 'by all appropriate means'⁶⁰ in 'earliest possible time.'⁶¹ The Maputo Protocol recognizes polygamy, which has been evidenced to undermine the rights of women in marriages by exposing them to exploitation, violence, inequity and an inequality of bargaining power, (though there are exceptions). The Maputo Protocol may have fallen short of certain standards of CEDAW but even with the use of an "equitable" standard to claim women's entitlement over the use of "equal" as proscribed by CEDAW, has the protocol really undermined women's rights?

On closer examination "equitability" has given women the avenue to claim higher percentages in property distribution⁶² even as high as a 90:10 ratio⁶³ and with the recognition of polygamy, countries like Libya, Mauritania and Lesotho who reserved part of CEDAW ratified the protocol without objections. The truth is that The Maputo Protocol makes explicit what CEDAW makes general for women especially with the provision of women's rights to abortion⁶⁴ - for the first time in international law.⁶⁵ The protocol makes special protection to

⁵⁷ Ratification table: Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa <<http://www.achpr.org/instruments/women-protocol/ratification/>>accessed on 20January2014

⁵⁸ The Maputo Protocol, Article 26

⁵⁹ *ibid.* Article (6) (h)

⁶⁰ CEDAW, Article 2

⁶¹ *ibid.* Article 10(e)

⁶² C. Nyamu-Musembi, 'Sitting on her husband's back with her hands in his pockets', *International Survey of Family Law* 2002, 229.

⁶³ W. Okonkwo, 'Understanding justice from within' (2009) Okoibo Press. P.11

⁶⁴ The Maputo Protocol, Article 14(2)(c)

⁶⁵ Banda (Footnote 11) p.82

cater for women in distress⁶⁶, women with disabilities⁶⁷ and elderly women⁶⁸ to ensure that their physical, economic and social needs are met whilst ensuring that they are free from violence, abuse and discrimination - all of which CEDAW is non-specific on. The Maputo Protocol offers a right to peace⁶⁹, and also, goes beyond CEDAW by not only asserting the need to have a minimum age for marriage but also stating it: 18 years.⁷⁰ The Maputo protocol explicitly defines violence against women⁷¹, which CEDAW 'forgot to do'⁷² and considering reservations, the protocol simply imbibed the CEDAW into its 'epistemologies and micro-realities'⁷³ hence the two instruments interpret universality differently especially when the concept is subject to different variations such as moral, normative, inclusive, factual and functional universalities.⁷⁴

Article 31 of The Maputo Protocol provides that no provision "shall affect more favorable provisions for the realization of the rights of women contained in... any international convention..."⁷⁵ This is an avowal that The Maputo Protocol is an addition to CEDAW as well as other instruments that advance women's rights. Therefore it is not undermining women's rights but strengthening same. The indication: CEDAW's 'non-enforcement'⁷⁶ and the continued violation of women's rights even after it came into force pressured Africa create The Protocol.

3. Women's Rights in Canada and Nigeria

3.1. Canada

According to *Sheehy*⁷⁷, Women's vulnerability to male violence and the ability to harness laws are inextricably linked to women's social, economic, and political position in Canada. Aboriginal women in Canada carry a disproportionate

⁶⁶ The Maputo Protocol, Article 24

⁶⁷ *ibid.* Article 23

⁶⁸ *ibid.* Article 22

⁶⁹ *ibid.* Article 10

⁷⁰ *ibid.* Article 6 (b)

⁷¹ *ibid.* Article 1 (j)

⁷² Okonkwo (Footnote 63) P.9

⁷³ T. Relis, 'Human Rights and Southern Realities' (2011) 33 HRQ 2 p.511

⁷⁴ M. Addo, 'Practice of United Nations Human Rights Treaty Bodies in the Reconciliation of Cultural Diversity with Universal Respect for Human Rights' (2010) 32 HRQ 601. P.611

⁷⁵ The Maputo Protocol, Article 31

⁷⁶ Banda (Footnote 11) p.72

⁷⁷ Sheehy E, 'Legal Response to Violence Against Women in Canada' p.1.

burden of poor health. Aboriginal women have lower life expectancy, elevated morbidity rates, and elevated suicide rates in comparison to non-Aboriginal women.⁷⁸ Aboriginal women living on reserves have significantly higher rates of coronary heart disease, cancer, cerebrovascular disease and other chronic illnesses than non-Aboriginal Canadian women⁷⁹ A significantly greater percentage of Aboriginal women living off- reserve, in all age groups, report fair or poor health compared to non-Aboriginal women; 41 per cent of Aboriginal women aged 55-64 reported fair or poor health, compared to 19 percent of women in the same age group among the total Canadian population.⁸⁰

*Michalos*⁸¹ evaluated policies designed to create gender equality in Canada over roughly 30 years to determine the impact they have had on the status of women. After considering 29 indicators, and noting some of their advantages and disadvantages, concluded that all things considered, there is more evidence of improvement than of deterioration in the status of women, including more evidence of progress towards gender equality.

Today, Canada is a world leader in the promotion and protection of women's rights and gender equality. These issues are central to Canada's foreign and domestic policies. Canada is committed to the view that gender equality is not only a human rights issue, but is also an essential component of sustainable development, social justice, peace, and security.⁸² The protection and advancement of women's human rights remains a central foreign policy priority for Canada. At the UN, Canada has worked to make women's human rights a strong focus of the CSW and the HRC. Canada actively promotes the integration of women's human rights throughout the UN system⁸³.

⁷⁸ Prairie Women's Health Centre of Excellence, *Living Well: Aboriginal Women, Cultural Identity and Wellness - A Manitoba Community Project*. Winnipeg: Prairie Women's Health Centre of Excellence, 2004.

⁷⁹ Waldram, J. B., D. A. Herring, and T. K. Young. *Aboriginal Health in Canada: Historical, Cultural, and Epidemiological Perspectives*. Toronto: University of Toronto Press, 2000

⁸⁰ Bourassa, McKay-McNabb and Hampton, 'Racism, Sexism, and Colonialism: The Impact on the Health of Aboriginal Women in Canada' *Canadian Woman Studies* Vol. 24 No. 1. p.23

⁸¹ Michalos, Alex C 'Evaluation of Equality Policies for the Status of Women in Canada' *Social Indicators Research*; Jan 1, 2000; 49, 3; Periodicals Archive Online pg. 241

⁸² Foreign Affairs, Trade and Development Canada, 'Canada's commitment to gender equality and the advancement of women's rights internationally' < <http://www.international.gc.ca/rights-droits/women-femmes/equality-egalite.aspx?lang=eng>> accessed 22 January 2015.

⁸³ *Ibid.*

Canada was one of the first countries to sign and ratify CEDAW, which set international standards for eliminating gender discrimination. In 2002, Canada ratified the Optional Protocol to the CEDAW, which was adopted by the UN General Assembly in December 2000. The Optional Protocol provides an international remedy for violations of women's human rights through a communications and an inquiry procedure. The communications procedure allows individual women or groups of women to submit complaints to the Committee on the Elimination of Discrimination against Women after having exhausted all national remedies. The inquiry procedure entitles the Committee to conduct investigations and inquiries into grave or systemic violations of the Convention.

Canada participated in the development of the VDPA, which affirmed, "women's rights as human rights" and called for action to integrate the equal status and human rights of women in the mainstream of UN system-wide activity. Canada also played a key role at the 1995 Fourth World Conference on Women in Beijing, which identified 12 critical areas of concern and set out a course of action to ensure comprehensive protection and advancement of women's rights around the world.⁸⁴

Canada's work internationally complements efforts at the domestic level. Status of Women Canada is the federal government agency responsible for promoting gender equality and women's rights. However, a report prepared by an alliance of feminist and labour activists charts "systematic erosion" in the status of Canadian women since 2004. The report was to counter the more flattering picture the federal Conservative government presented to the UN for the assessment. The report cites backward progress in everything from pay equity to childcare. Women were said to have lost ground due to the elimination of funding for advocacy groups, the scrapping of a national child-care program and a widening wage gap between men and women.⁸⁵

"There has been a sharp decrease in institutional and political support by the government of Canada for the promotion and protection of the human rights

⁸⁴ *ibid.*

⁸⁵ The Star,

<http://www.thestar.com/news/canada/2010/02/23/canadian_womens_rights_in_decline_report_says.html> accessed on 1st May 2014.

of women and girls during the period 2004-2009,” says the report.⁸⁶ The report notes Canada has been steadily declining in international rankings of gender disparity over the past few years, at the UN and at the World Economic Forum. In 2006, Canada placed 14th out of 115 countries while in 2009, Canada had slipped to 25th place. Even among 22 OECD nations, Canada is lagging in measurement of the gender gap in wages, in fifth place, behind the United States.⁸⁷ According to the 2013 World Economic Forum Gender Gap Report,⁸⁸ out of 133 countries, Canada ranks 20th overall on women’s rights and also ranking 9th on economic participation and opportunity for women, 1st for educational attainment for women, 49th and 42nd for health and political empowerment for women respectively.

3.2. Nigeria

Nigeria ranks 106 out of 136 Countries in the Gender Equality Index.⁸⁹ According to statistics women make up about 49% percent of the population in Nigeria. This is about 80 million of Nigeria’s estimated 170 million population. This number is a critical mass that cannot be ignored.⁹⁰ Nigeria has adopted several International Conventions that place an obligation on it to protect and promote women’s rights and advancement.⁹¹ Despite all these, Nigerian women face numerous threats to and violations of their fundamental human rights, including violence, sexual harassment, punitive widowhood rites and harmful cultural practices, female genital mutilation, forced childhood marriages, enforcement of gender biased laws, unequal access to education and employment.

⁸⁶ Ibid.

⁸⁷ Ibid.

⁸⁸ World Economic Forum, Gender Gap Report, 2013 <http://www3.weforum.org/docs/WEF_GenderGap_Report_2013.pdf> p 12.

⁸⁹ Guardian Data Blog <<http://www.theguardian.com/news/datablog/2013/oct/25/world-gender-gap-index-2013-countries-compare-iceland-uk#data>> accessed on 1st May 2014.

⁹⁰ Open Society Initiative for West Africa, <<http://www.osiwa.org/en/portal/newsroom/843/Advancing-Women%E2%80%99s-Rights-in-Nigeria.htm#sthash.tS3xhJEY.dpf>> accessed on 1st, May 2014.

⁹¹ CEDAW, UN Convention against Transnational Organized Crime; Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the UN Convention Against Transnational Organized Crime; ACHPR; Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa.

The Nigerian government in response to the recommendation of the VDPA,⁹² drafted its own the NAP for the Promotion and Protection of Human rights. In developing a NAP, governments are called upon to: Assess the current measures in place to protect and promote human rights, identify areas that need improvement and commit themselves to improving the protection and promotion of human rights. Nigeria has continued to see the VDPA as a significant document in the promotion and protection of human rights and calls on all States to renew their commitment to the VDPA.⁹³

A unique piece of legislation that the Government has signed and ratified is the Protocol to the ACHPR on the Rights of Women in Africa (Maputo Protocol).⁹⁴ It is important to reiterate that the Maputo Protocol is a groundbreaking women's rights legal instrument that has demonstrated its will to ensure respect for women's human rights as well as the development of norms and standards in the domain of protection of women's and girls' rights on the African continent. The Protocol is innovative in many respects and its effective implementation will facilitate the realization of significant advances in terms of women's rights in many spheres of their lives. Unfortunately, Nigeria is yet to domesticate this important instrument.

Nigeria ratified CEDAW in 1985, the CEDAW protocol in 2004 and the Maputo Protocol in 2005. It is of concern that 30 years since Nigeria's ratification of CEDAW, the government has failed to adopt a law to allow CEDAW to be invoked before Nigerian courts. From 1999 to 2011, several research on women in Nigeria revealed that Nigerian women are facing human rights abuses unparalleled elsewhere in the world. Despite the country's diversity, her female population largely shares experiences of sexual discrimination and abuse, intimate violence, political marginalization, and economic deprivation.⁹⁵ These issues will be discussed briefly below:

⁹² "Each state consider the desirability of drawing up a national action plan identifying steps whereby the state would improve the protection and promotion of human rights"

⁹³ UNOG

<[http://www.unog.ch/80256EDD006B9C2E/\(httpNewsByYear_en\)/8DCCBA44C533D438C1257B86005D21A0?OpenDocument](http://www.unog.ch/80256EDD006B9C2E/(httpNewsByYear_en)/8DCCBA44C533D438C1257B86005D21A0?OpenDocument)> accessed on 1st May 2014.

⁹⁴ Nigeria ratified Maputo Protocol on 16 December 2004 and deposited it on 18 February 2005.

⁹⁵ Wester KB, 'Violated: Women's Human Rights in Sub-Saharan Africa' Human Rights & Human Welfare, (Tropical Review Digest: Human Rights in Sub-Saharan Africa) p.3

3.2.1. Domestic Violence:

According to a 'Perceptions of Nigerian Women on Domestic Violence' survey,⁹⁶ a large percentage of Nigerian women agreed that a man is justified in beating or hitting his wife; 66.4% and 50.4% of ever-married and unmarried women respectively expressed consent for wife beating. The Respondents' approval of wife beating or abuse varied by personal attributes such as Ethnic affiliation, level of education, place of residence, wealth index and frequency of listening to radio. The survey highlighted the cultural factors responsible for, and negative effects of, domestic violence against women in Nigeria and makes a case for raising public consciousness against it. According to the survey⁹⁷ the high prevalence of violence against women remains a direct obstacle to women's participation in developmental projects.

3.2.2. Female Genital Mutilation:⁹⁸

Even with the continuous publicity to eradicate FGM in Nigeria, (Perhaps the most well-publicized and hotly debated issue affecting African women), in as much as many Nigerian communities do not engage in the practice at all and no two places that engage in FGM do it for the exact same reasons, at the same age, or perform the same procedure, many rural African women, as well as doctors and educated members of African societies, are skeptical of Western FGM eradication efforts:⁹⁹ '...they do not understand why these foreigners are so obsessed with African women's genitals, especially when [African] women

⁹⁶ Oyediran and Isiugo-Abanihe, 'Perceptions of Nigerian Women on Domestic Violence Evidence from 2003 Nigeria Demographic and Health Survey' African Journal of Reproductive Health Vol.9 No.2 2005. P.38

⁹⁷ *ibid.*

⁹⁸ Also known as female genital cutting (FGC), describes a range of traditional practices maintained in many societies across Africa, which involve the partial or total removal or alteration of the external female genitalia for non-medical reasons. FGC practices have little parallel in their ability to arouse an emotional response at the international level, and have come under increasingly intense scrutiny from news media, feminist, human rights and health organizations and legislators, spawning a vast array of national and international non-governmental organizations' projects to combat them. A large body of literature exists on the practices, and the issue has been widely debated at the international level and is prioritized by the United Nations Organization as part of its Millennium Development Goals, which aim to "promote equality and empower women" and "improve maternal health".

⁹⁹ Wester KB, 'Violated: Women's Human Rights in Sub-Saharan Africa' Human Rights & Human Welfare, (Tropical Review Digest: Human Rights in Sub-Saharan Africa) p.3

themselves do not see this tradition as the most pressing problem they face.¹⁰⁰ It is estimated that across the country 20% of women aged 15 – 49 have undergone some form of FGM and the areas with the highest prevalence are southwestern Nigeria (56.9%), southeastern Nigeria (40.8%), and southern Nigeria (34.7%).¹⁰¹

3.2.3. *Widowhood practices:*

In Nigeria, widows undergo harrowing and humiliating treatment following the death of their husbands. Some Nigerian women who lose their husbands are not given the chance to grieve privately but are routinely subjected to painful, dehumanizing public treatment as a result of the continued application of patently discriminatory laws and practices. Men who lose their wives are usually not subjected to similar practices. In the limited cases where certain rules are prescribed for men, choice of observance is often left to their discretion. By contrast, some recalcitrant widows face punishments ranging from fines to excommunication and even banishment.¹⁰² According to *Mr. Justice Chukwudifu Oputa* a Late Judge of the Nigerian Supreme Court:

When a man dies, the surviving wife is subjected to dehumanizing funeral rites. Every hair on her head is cleanly shaven; she is allowed the minimum of clothing just enough to cover her nakedness; she is made to sleep on the bare floor and to eat with broken plates. She is confined to the recesses of an inner chamber forbidden to see the light of day for some period prescribed by custom. The woman dare not complain. She will rather count herself lucky that she was not buried along with her husband.¹⁰³

3.2.4. *ESRs barriers:*

As the marginalized half of society and the persons traditionally responsible for acquiring the family's food, women have suffered disproportionately from neoliberal economic development strategies. And although global trade manifestly impacts women's lives, the voices women have been largely excluded

¹⁰⁰ Antonazzo, Monica. 2003. "Problems with Criminalizing Female Genital Cutting." *Peace Review* 15 (4): 471-477.

¹⁰¹ <http://www.africa4womensrights.org/>

¹⁰² Ewelukwa U, 'Post-Colonialism, Gender, Customary Injustice: Widows in African Societies' 24 *Hum. Rts. Q.* 424 2002 p.245

¹⁰³ *Ibid.* Culled from Chukwudifu Oputa, *Women and Children as Disempowered Groups, in Women And Children Under Nigerian Law* 1, 9 (Awa U. Kalu & Yemi Osinbajo eds., 1989).

from the debates on the wisdom of trade liberalization. Nigerians have been subject to structural adjustment programs and Subsidy Reinvestment programs (like the current SURE-P), which include the removal of trade barriers, the removal of subsidies and protections to local industry, cutbacks in social spending, and the opening up of local markets to international investments, trade and communications media (often decimating local industry and agriculture). This has brought about the increase in the price of maize and the cost of living for lower income families, which are predominantly headed by women.¹⁰⁴

3.2.5. Feminization of HIV:

At home and lacking money, property, and information about their rights, many women are dependent on males, some of who reinforce their control through violence, often sexual. This has contributed to the “feminization” of HIV in Nigeria. Unlike the infection’s progression in the West, women in Nigeria (especially young women) are significantly more likely to be HIV positive than young men. Besides biological differences which make women more vulnerable, the National Agency for the Control of AIDS in Nigeria reports that women’s vulnerability to infection with HIV is heightened by their inability to enforce their rights - when and with whom and under what conditions they have sex. Furthermore, the burden of AIDS-related care is often disproportionately distributed between males and females, with women tending to be more responsible for the care of the sick and dying regardless of their own state of health¹⁰⁵.

3.2.6. Maternal Mortality:

With about 640 deaths per 100,000 live births, Nigeria is said to have one of the highest maternal mortality ratios in the world. Equally, the likelihood of a woman dying during pregnancy or childbirth is put at 1 in 29 compared to 1 in 8,900 in Malta. Other poor countries such as Lesotho and Swaziland have better maternal mortality ratios than Nigeria. Nigeria is said to have the second largest number of maternal deaths after India, accounting for about 40,000 deaths during

¹⁰⁴ Ezeonu, Ifeanyi, and Emmanuel Koku. 2008. “Crimes of Globalization: The Feminization of HIV Pandemic in Sub-Saharan Africa.” *The Global South* 2 (2): 112-129.

¹⁰⁵ Ibid.

pregnancy and childbirth each year. These two countries account for one third of all maternal deaths worldwide. Sadly enough, while deaths arising from childbirth or pregnancy have almost been eliminated in developed countries, many developing countries, including Nigeria, are still grappling with the challenge of maternal mortality. Indeed, maternal mortality represents one of the most telling evidence of inequity between rich and poor countries and urban and rural areas.¹⁰⁶ According to UNICEF, one Nigerian woman dies every ten minutes due to complications from pregnancy and childbirth, while more than five hundred newborns die daily. About sixty percent of Nigerian mothers give birth without the help of a skilled birth attendant.¹⁰⁷ The number of Canadian women who die during childbirth has remained about the same for 30 years. Seven women died per 100,000 live births in 1980, six in 1990 and 2000, and seven again in 2008.¹⁰⁸

3.2.7. Other women's rights issues include *Early and Forced Marriages, Sexual Reproductive Health and Rights* and the *Right of Nigerian Women to own and inherit property*, to mention but a few.

Women's access to land remains closely tied to marriage. Some customary and statutory laws in Nigeria discriminate against women. Matrimonial property are problematic in several communities, with women's property surrendered to men on marriage and their inheritance rights limited. Even where laws protect women's property rights, enforcement is an issue. As a result, there is little access to justice for women whose husbands have stolen their property upon separation, or whose children have evicted their mother upon their father's death. Even when women are able to take their cases to court, they frequently lack the evidence they need. It is crucial to combat violations of women's land and property rights, egregious violations in and of themselves, particularly in light of

¹⁰⁶ Durojaye, E. (2012), Substantive equality and maternal mortality in Nigeria. *Journal of Legal Pluralism and Unofficial Law*, 65: 103 -132

¹⁰⁷ DFAIT, "Nigeria - Foreign Affairs, Trade and Development Canada". Online at <<http://www.acdi-cida.gc.ca/acdi-cida/ACDI-CIDA.nsf/Eng/>> 21 December 2014.

¹⁰⁸ Toronto Sun News <<http://www.torontosun.com/news/canada/2010/04/13/13569201.html>> Accessed on 1st May 2014.

the resultant violations, which follow. Women denied their land and property rights are particularly susceptible to other human rights violations, including violence; their security is undermined. When a woman's right to property is tied to her father, male children, or husband, she may be unable to escape from domestic violence inflicted by these same men. Women facing illegal eviction by family members may be injured or killed. Without homes and farms, women struggle to provide for themselves and their children.

In most parts of Nigeria, female children are still discriminated against on issues of inheritance. With the decision in the case of *Mojekwu v Mojekwu*¹⁰⁹, in which the Court of Appeal declared the '*oli-ekpe*' custom of *Nnewi* - which permits the son or the brother of a deceased person to inherit his property to the exclusion of his female children - discriminatory, it was expected that discrimination against women and the girl child on the issue of inheritance would end.

One development of Women's Rights in Nigeria is the passage of the Gender and Equal Opportunities Law 2007 by the states of Anambra and Imo, providing for affirmative action measures to redress under-representation of women in appointive and elective positions and prohibiting discrimination in areas such as education and employment. Also the adoption of laws protecting the rights of widows in several states: Enugu (2001), Oyo (2002), Ekiti (2002), Anambra (2004), and Edo (2004). However, implementation of these laws remains inadequate.¹¹⁰ So far, some of the positive actions taken by the Nigeria government are:

- Adoption of a gender policy in 2007;
- Establishment of science schools for girls;
- Establishment of women development centres in 36 states;
- Adoption of the Trafficking in Person's (Prohibition) Law Enforcement and Administration Act;
- Establishment of a national agency for the prohibition of trafficking in persons;
- Adoption of a national policy on HIV/AIDS, reproductive health and female genital mutilation.

¹⁰⁹ [1997] Vol. 7 Nigerian Weekly Law Reports, Cap.283

¹¹⁰ Violence Against Persons Prohibition Bill, <<http://www.clo-ng.org/>> accessed 24 January 2015.

On a journey to becoming law is the *Violence Against Persons Prohibition Bill* passed by the House of Representatives in Nigeria. It is an amalgam of 9 different bills before the Nigerian National Assembly during the 5th and 6th Assembly carried out by WRAPA and FIDA (Women's Rights NGOs in Nigeria) with support from DFID and also indirectly from CIDA. The bill seeks to abolish all obsolete laws relating to the subject matter such as rape, assault on women etc. and bringing them into consonance with present realities. It also makes provisions for compensation to women who are victims as well as the protection of their rights. It also makes provisions for indecent assault and Sexual violence against any women and also the prohibition of female genital mutilation. The bill makes provision for the rights of victims of Sexual violence in accordance with the provision of the Maputo Protocol and establishes a regulatory/implementing body/commission that would ensure the implementation of the bill. A special trust fund for the victims of violence against Persons is also created.¹¹¹ The Bill now needs to be passed the Nigerian senate. They have a chance of making history by passing the bill to reduce the incidence of maternal death, rape and cases of domestic violence suffered by women in Nigeria.

4. The Canadian – Nigerian cooperation in the area of women's rights: A review of the interview data and other evidence from the field research

4.1. Nature and Attainments

Informant 10 says 'I know Canada does something for the women; women's rights issues! I don't know if they do more but I know they do women's issues.' This informant recognizes Canada's precedence and recognition in the area of women's rights

¹¹¹ Jonathan Ida-Isaiah, "The Imperative Of The Violence Against Persons Prohibition (VAPP) Bill" Leadership Newspapers 24 March 2014 <<http://leadership.ng/news/358830/imperative-violence-persons-prohibition-vapp-bill>> accessed 23 January 2015.

Informant 8 says ‘I admire the Canadians for their doggedness because it’s a reputation they have built over the years upholding basic rights. They are one of the first countries to start the issue of gender rights’.

Informant 18 talks about the human rights issues that each country has pushed in the other: ‘Canada has pushed for... Right to Food, Education, Water, Health, Peace and Security, Freedom from Discrimination etc.’ *Informant 21* says, “I know Canada supports women issues in the north especially health issues, and ... we have received materials from Canada on Gender Rights...”

Informant 24 says:

Canada has pushed for women’s rights in Nigeria because of the inequality women face in Nigeria. Through CIDA they contributed to the Joint Donor Basket Fund with DFID, the EU, UNDP and others. Also in 2009, still in the push for gender equality, CIDA and UNIFEM supported us in organizing a validation workshop to promote gender equality and human rights policy in HIV/AIDS national response.

From the evidence gathered, it is obvious that Canada is a strong wheel-driver of women’s rights. Even if other human rights issues are not easily associated with Canada, The informants above demonstrate Canada as an engineer of women’s rights especially as they support diverse aspects of women’s rights - from gender equality to healthcare and supporting policies that will benefit women.

Below are several areas of women’s rights attainments gathered from the research data. Some of these issues are connected to one another and the list however is not exhaustive.

4.1.1. Violence and Abuse:

In an interview with a well-positioned informant familiar with the Nigerian government’s work against violence and abuse on women in Nigeria, the informant (*Informant 1*)¹¹² stated that the organization has not collaborated with

¹¹² In describing the work of the organization, informant 1 said, “Yes, NAPTIP has the mandate to eradicate violence against men, women and children especially the most vulnerable among

Canada or any of its agencies or organizations. When asked whether the Agency ever requested for aid from Canada with regards to its human rights work,

Informant 1 stated:

No. The only time NAPTIP came in contact with the Canadian authorities was in 2011 when two Nigerians who claimed to be Canada Immigration experts recruited about eight thousand Nigerians at a cost of sixty-five thousand naira, and an additional two thousand naira each were arrested by operatives of NAPTIP. After thorough investigation, it was discovered that the two Nigerians were fraudsters and the smuggling activity was bungled. Even though the eight thousand Nigerians were initially opposed to NAPTIP's intervention, they soon realized that they were being duped. NAPTIP wrote officially to Canada but there was no response, not even a commendation bearing in mind that two Canadian citizens were also involved in the illegal activity. Outside this, there had been no interaction with Canada whatsoever.

When asked whether the organization ever applied to Canada authorities for aid in respect of its human rights work? *Informant 1* asked:

Does Canada have windows like USAID and JICA through which aid can be applied? Countries don't wait for application from NAPTIP. For example, Netherlands, Japan, USA and France, amongst others have given lots of aid to NAPTIP but not Canada even though human rights/human trafficking work is central to what Canada stands for. So NAPTIP does not need to apply to Canada for aid.

Informant 1 has clearly not considered or recognized CIDA as a "window" to support its work in eradicating violence against women. Conversely, Informant 24 says: Both countries have organizations that help women and young people whose rights are threatened or have been denied and who are subjected to physical, mental or sexual abuse'. The Informant then describes the attainment of the cooperation to have "increased the legal protection and fight for better choices for abused women and children and also the facilitation flow of information and experiences between organizations, and develop appropriate Information, Education and Communication materials that will be used in advocacy for human rights of women and young people."

them. In that wise, efforts to preserve the sanctity of the rights of victims of trafficking is central to NAPTIP's activities"

4.1.2. Healthcare governance and development for women

Informant 9 says ‘Nigeria pushes for the basic rights but Canada goes further into things like healthcare, education and all, especially healthcare for women’. The tenth publication reviewed in this investigation is a document showing the collaboration between CIDA and IDRC – International Development Research Centre (IDRC). The project is titled: Nigeria Evidence-Based Health Systems Initiative (NEHSI) (*Document 10*).¹¹³ This is a project that started in July 2011 and end in July of 2014. The purpose of this project is to improve state and local health governance and capacity in the states of Bauchi and Cross River. This is achieved through the development of an effective gender-sensitive health information system that is used to plan and improve primary health care services for citizens. In particular, the project aimed to strengthen the reliability, consistency, and availability of gender-sensitive health data; increase participation and engagement by community members (women and men) in health services and health planning; strengthen institutional capacity to plan, budget, and deliver primary health care services; and strengthen local ownership and understanding of the project, to explore the potential of extending it into other states.¹¹⁴

Results achieved as of May 2013 include:

- i. Assisting two states governments to transition from using paper-based health data collection forms to using mobile technology, thereby improving the turnaround time for analysis, referral and reporting;
- ii. Informing more than 10,000 people on maternal health through an evidence-based docudrama, including discussions on what pregnant women and their families can do to ensure a healthy pregnancy;
- iii. Holding advocacy and sensitization meetings with nearly 1,400 community leaders to integrate the data collected into existing health and information systems for actionable change to policy and practice;
- iv. Supporting a youth version of the docudrama developed in collaboration with youth and holding discussions on maternal health issues in which 602

¹¹³ “Project profile: Nigeria Evidence-Based Health Systems Initiative (NEHSI)” Published on the Government of Canada website (On file with the authors).

¹¹⁴ Ibid.

- youth participated;
- v. Informing more than 28,000 women and men through docudramas focused on child health measures including the prevention of childhood illnesses and key corrective actions to take; and
 - vi. Improving women's use of maternal health services (by identifying 24,253 women of childbearing age and registering 5,501 pregnant women for monitoring). These activities are leading to improved participation and engagement by community members, including women, in health services and health planning. Moreover, the project is seeing increased use of gender-sensitive evidence to train, plan, budget, and deliver more equitable, effective, and efficient primary health care services.¹¹⁵

4.1.3. MNCH services:

The first publication reviewed in this research is an overview on the Canada – Nigeria relations published on the website of the Government of *Canada* (*Document 1*).¹¹⁶ The fact sheet noted that “In the area of development assistance, DFATD is focusing its bilateral program, which totaled almost twenty six million dollars in fiscal 2011-2012, to support key government health institutions to deliver high-impact and cost-effective maternal and child health interventions at the community level.¹¹⁷ The fact sheet also noted that this assistance is aimed at reducing the MMR in Nigeria, which is high at six hundred and thirty deaths per one hundred thousand live births in 2010. The neonatal, infant and under-five mortality rates are similarly high. In 2010, over eight hundred and fifty thousand Nigerian children under five years old died, which is about ten percent of the global child mortality figure.¹¹⁸

The second publication is the official Hansard report of the Canadian Senate (*hereinafter Document 2*)¹¹⁹ In the Hansard report, it was noted that “The Government of Canada, through the Muskoka Initiative, supports the Nigerian Government's commitment to improving maternal, newborn and child health.

¹¹⁵ Ibid.

¹¹⁶ Canada – Nigeria Relations Fact Sheet (On file with author)

¹¹⁷ Ibid.

¹¹⁸ Ibid.

¹¹⁹ Debate of the Senate, 1st Session, 41st Parliament, Volume 148, number 76, Tuesday, May 8, 2012.(On file with author)

Canada's efforts in Nigeria are focused on strengthening primary health care delivery at the community level and preventing and treating the most prevalent illnesses and diseases that cause maternal and child mortality.¹²⁰ To that effect, CIDA planned to invest thirty six million dollars over the 2010-2015 period to improve maternal, newborn and child health. High maternal and infant mortality rates are major impediments to the development of the country".¹²¹

The third publication is a collaborative effort between the UN's Children's Fund and CIDA titled *Accelerating the Reduction of Maternal and Newborn Mortality (Document 3)*.¹²² This is a four years project, which is part of Canada's MNCH commitment, scheduled to end by July 2015. The project aims to accelerate the reduction of maternal, newborn and child mortality in fifteen states and the federal capital territory of Nigeria. It is designed to strengthen the delivery of MNCH services through evidence-based, gender-responsive interventions, using existing health and community structures in the focus states. It also supports the procurement and distribution of equipment such as newborn resuscitation devices, HIV testing kits, communication equipment, and reproductive health supplies to cover sixty percent of the annual requirements of these states. Finally, the project provides:

Technical and financial support to enhance the skills of health workers - midwives, doctors and Community Health Extension Workers - through updating training guidelines under the Midwifery Services Schemes, the Community Health Extension Workers Program and doctors serving in the Nigeria Youth Service Corps. The project is implemented in alignment with the Government of Nigeria's Integrated MNCH Strategy.¹²³

In an interview with a well-positioned informant (*informant 4*) familiar with the work of CIDA, it was also observed:

Our involvement in the health sector for some time now has enabled us progress in health care delivery in Nigeria. Last year we held a successful conference on maternal mortality. This is under the MNCH commitment project.

¹²⁰ Ibid.

¹²¹ Ibid.

¹²² Project profile, 'Accelerating the Reduction of Maternal and Newborn Mortality'. Published on the Government of Canada website. (On file with author)

¹²³ Ibid.

The fifth publication is a collaborative effort between CIDA and the United Nations Population Fund (UNFPA) titled *Contraceptives and Safe Motherhood Kits (Document 5)*.¹²⁴ This project was initiated from March 2005 till December 2009 to improve reproductive health in Nigeria by increasing access to safe motherhood kits, contraceptive commodities, and other reproductive health services. The project operated in selected areas within fifteen States to improve the quality of reproductive health care, including strengthening the logistics and management systems for contraceptive supplies. It helped clients to make better-informed decisions about their own reproductive health.¹²⁵

4.1.4. HIV/AIDS:

Document 3 (as described above) provides Canadian support on HIV. Also, the sixth publication (*Document 6*) is collaboration between CIDA and World Health Organization (WHO) titled *Enhancing the Prevention of Mother-To-Child Transmission of HIV*.¹²⁶ This is an ongoing project that flagged off in March 2011 and is scheduled to end in December 2015. This project aims to directly contribute to the global elimination of the mother-to-child transmission of HIV by providing sustained support in countries with a high prevalence of HIV. Specifically, the project aims to:

Increase the uptake and effective implementation of interventions to prevent mother-to-child transmission of HIV. To promote a more integrated and comprehensive approach to the prevention of mother-to-child transmission of HIV. To link district-level program effectiveness studies to the strengthening of national programs; and to reduce the number of infants becoming infected with HIV and improve the health of HIV-infected mothers.

Even though this is an ongoing project, the results achieved as of March 2012 include:

¹²⁴ Project profile: Project profile: “Contraceptives and Safe Motherhood Kits”. Published on the Government of Canada website. (On file with author)

¹²⁵ Ibid.

¹²⁶ Project profile: Project profile: “Enhancing the Prevention of Mother-To-Child Transmission of HIV”. Published on the Government of Canada website. (On file with author)

Two research teams in Nigeria were awarded research grants. The research teams are preparing studies on a range of issues, including the effectiveness of point-of-care diagnostic tests, shifting health care to mother-mentors and other voluntary health workers, using integrated health programming approaches, and using technology (text messaging) for better facility-level follow-up.

The eighth publication is a collaboration between CIDA, the UN Women – United Nations Entity for Gender Equality and the Empowerment of women and United Nations Development Fund for Women (UNIFEM) titled Project profile: Legal Empowerment of Women in the Context of HIV/AIDS. This project commenced in March 2010 and ended in November 2013 (*Document 8*).¹²⁷ The goal of this project was to improve women's access to legal, property and inheritance rights in order to reduce their vulnerabilities to HIV/AIDS. More specifically, it aimed to ensure that women's rights are integrated into key policies, programs, and actions to address HIV/AIDS at the national and local levels within the HIV response through UNIFEM's civil society partners and networks.¹²⁸

The ninth publication is collaboration between CIDA, International Organization for Migration (IOM) and titled Project profile: Nigeria AIDS Responsive Fund (NARF) - Phase II (*Document 9*).¹²⁹ This is an already concluded project that commenced in September 2003 till March 2010. The project contributed to controlling the spread of HIV/AIDS in Nigeria and to the provision of sustainable, equitable and comprehensive health care for those infected and affected by the disease. The project, which was managed by CIDA's Program Support Unit in Nigeria, supported a series of sub-projects designed to develop multi-sectoral approaches to addressing HIV/AIDS prevention, care and community support. The sub-projects also aim to integrate gender equality and human rights considerations in to the HIV/AIDS response.¹³⁰ Results achieved at the end of the project included;

¹²⁷ Project profile: Legal Empowerment of Women in the Context of HIV/AIDS. Published on the Government of Canada website. (On file with author)

¹²⁸ Ibid.

¹²⁹ "Project profile: "Nigeria AIDS Responsive Fund (NARF) - Phase II". Published on the Government of Canada website. (On file with author)

¹³⁰ Ibid.

The Federal Ministry of Women's Affairs was able to strengthen its Health and HIV Department and develop an HIV/AIDS Workplace Policy and operations plan. Nineteen ministries, departments and agencies were trained in HIV/AIDS mainstreaming programming. The capacity of one hundred and thirty four community-based organizations to deliver HIV/AIDS programming was enhanced and Support groups of people living with HIV/AIDS were established in Gombe, Kogi and Cross River States.¹³¹

4.1.5. Equality and Non-Discrimination

Informant 15, a well-positioned officer in an NGO in Nigeria said:

There is important support from Canada for human rights issues such as child/early and forced marriage, LGBTI rights, and democratic participation/governance. In the non-financial aspect, there is important moral support for issues such as the social and economic rights of the urban poor.

Also buttressing Canada's support for women who suffer intersectional discrimination of women, *Informants 5, 13, 15 and 16* provided information stating that Canada has helped their NGOs in developing programmes that promote non-discrimination and equality especially by empowering lesbian and transgender women in Nigeria.

Informant 24 says 'both countries have organizations that help women and young people whose rights are threatened or have been denied and who are subjected to physical, mental or sexual abuse'.

The seventh publication is collaboration between CIDA and the High Commission of Canada to Nigeria titled Project profile: Gender Equality Support Pilot Project. This project commenced in April 2006 till March 2009 (*Document 7*).¹³² The purpose of the Gender Equality Support Pilot Project (GESPP) was to strengthen the capacity of the Government of Nigeria and other key stakeholders to design and implement policies, programming, and instruments that promote gender equality in the health and governance sectors. Areas for strategic

¹³¹ Ibid.

¹³² "Project profile: Project profile: "Gender Equality Support Pilot Project". Published on the Government of Canada website. (On file with author)

interventions have been: policy development and implementation; institutional strengthening and networking; and data collection, action-oriented research, and information dissemination. This project was the key instrument in assisting CIDA in identifying sustainable partnerships with government and civil society organizations to advance gender equality in Nigeria.¹³³ Results achieved at the end of the project included:

Identification of 100 advocates for CEDAW, the establishment of a network to connect the advocates, public speaking training, basic advocacy, networking, and media relations on the contents of and the case for CEDAW. Access to legal services was provided to 12 women who were elected to the legislature in 2007, to secure their mandates. Also, 46 civil society organizations and state government personnel in the States of Bauchi and Cross River received training on gender equality issues and tools.¹³⁴

4.1.6. Climate Change

Women form a disproportionately large percentage of the poor in many countries all over the world. Women in rural areas in developing countries are highly dependent on local natural resources for their livelihood, because of their responsibility to secure water, food and energy for cooking and heating. The effects of climate change, including drought, uncertain rainfall and deforestation, make it harder to secure these resources. By comparison with men in poor countries, women face historical disadvantages, which include limited access to decision-making and economic assets that compound the challenges of climate change.¹³⁵

The fourth publication is a collaborative effort between CIDA, consortium of CUSO International, International Coach Federation (ICF) and Marbek in collaboration with the Nigerian Environmental Study / Action Team (NEST) titled *Building Nigeria's Response to Climate (Document 4)*.¹³⁶ This project seeks to

¹³³ Ibid.

¹³⁴ Ibid.

¹³⁵ 52nd session of the Commission on the Status of Women (2008) "Gender perspectives on climate change," Issues paper for interactive expert panel on Emerging issues, trends and new approaches to issues affecting the situation of women or equality between women and men. <<http://www.un.org/womenwatch/daw/csw/csw52/issuespapers/Gender%20and%20climate%20change%20paper%20final.pdf>> accessed from <http://www.un.org/womenwatch/feature/climate_change/> on 25 January 2015.

¹³⁶ See "Project profile: Building Nigeria's Response to Climate Change". Published on the Government of Canada website. (On file with author)

enhance Nigeria's ability to reduce poverty in an equitable and sustainable way by putting in place more effective governance related to climate change. The project has five main activities:

- i. Conducting research studies on the best strategies to adapt to climate change;
- ii. Undertaking community-level adaptation pilot projects;
- iii. Supporting the development of a Nigeria Climate Change Adaptation Strategy;
- iv. Developing and using climate change education and outreach materials, and
- v. Developing gender-specific tools and mechanisms.

This was spread out over a four-year time period and commenced in February 2007. It ended in September 2011. One of its key achievements was the development of a gender and climate change toolkit, intended to strengthen the participation and the role of women and men in climate change adaptation was developed. The toolkit provides guidelines to stakeholders on integrating gender perspectives into climate change, in recognition that women are typically the most adversely affected by climate change, which puts their ability to earn a living further at risk.

The eleventh publication is titled *Gender and climate change adaptation: Tools for Community level Action in Nigeria*, BNRCC (*Document 11*).¹³⁷ Canada through CIDA implemented series of environmental programmes in Nigeria including the BNRCC which built on the achievements of the Canada-Nigeria Climate Change Capacity Development Project, completed in 2004, that laid the groundwork for addressing climate change within Nigerian governmental, civil society and research institutions through capacity-building activities.¹³⁸ The overall goal of the 2007-2011 BNRCC project included amongst others, promoting gender equality.¹³⁹ Key activities undertaken by the BNRCC project included the engagement of communities in key regions across the country in

¹³⁷ "Project profile: Nigeria Evidence-Based Health Systems Initiative (NEHSI)" Published on the Government of Canada website. (On file with author)

¹³⁸ All Africa, <<http://allafrica.com/stories/201201120449.html>> accessed 1st May 2015.

¹³⁹ *Gender and climate change adaptation: Tools for Community Action in Nigeria*. A tool kit published by the Building Nigeria's Response to Climate Change at pg 2-3.

pilot activities to test adaptation options. In a collaborative process involving environmental NGOs, the Government of Nigeria, the media and other stakeholders, the results from these pilot activities were reviewed and then used to inform policy. In addition, the BNRCC project supported university-based research to generate new knowledge related to climate change vulnerability and impacts.

The intention of the BNRCC project was to provide long-term benefits for women and men in communities across Nigeria, particularly those who are most vulnerable to climate change impacts. To successfully attain the overall project goal of reducing poverty and improve living conditions for both women and men through better climate change adaptation strategies and programs in Nigeria, the BNRCC project used a Gender Equality (GE) approach, which included integrating gender-specific measures in key components of the project. Consistent with CIDA's Policy on Gender Equality, it is acknowledged that achieving gender equality means advancing women's equal participation with men as decision-makers in shaping the sustainable development of their societies, supporting women and girls in the realization of their full human rights and reducing inequalities in access to and control over the resources and benefits of development.¹⁴⁰

The BNRCC GE strategy consisted of five key elements: gender assessment; guiding principles; specific activities; broader measures; and monitoring and evaluation. To document and share the learning arising from this integrated GE strategy, the BNRCC project developed the Gender and Climate Change Toolkit to provide a clear framework for integrating gender into future climate change projects. The toolkit is intended to be a practical guide to gender mainstreaming for practitioners of climate change projects as well as other stakeholders whose activities are influenced by climate change. This guide is grounded in the lessons learned in the pilot projects, which were successful in ensuring gender equality in decision-making and in project benefits.¹⁴¹

4.1.7. Agriculture:

The twelfth document is titled Promoting Sustainable Agriculture in Borno State

¹⁴⁰ Ibid.

¹⁴¹ Ibid.

Nigeria: Women participation in agricultural development, (*Document 12*).¹⁴² This project was approved by CIDA in October 2003 and launched in February 2004. By 30th September 2007 the project had completed four years, targeting thirty communities in three agroecological zones. This project was implemented by the International Institute of Tropical Agriculture (IITA) under the Promoting Sustainable Agriculture in Borno State (PROSAB).¹⁴³ Researchers from IITA and partners from the University of Maiduguri, Borno State Agricultural Development introduced improved crop varieties, trained farmers on improved agronomic practices and above all promoted women participation in agricultural development. Consequently, women have seen more incomes in their wallets, improved access to farm inputs with many of them involved in value addition such as soybean processing.

Farmers in the project area who adopted improved technologies and management practices experienced increased food availability and livelihood. Also considerable progress was made in addressing the problems of declining soil fertility and Striga—a parasitic weed that lowers yield of most legumes and cereals. In addition, there was Increasing sustainable agricultural productivity of male and female farmers, improved access of male and female farmers to agricultural input and output markets, contribution to an improved policy environment for sustainable management of crops and livestock and strengthening project partners for the implementation of activities.

4.1.8. Capacity Building, Education, Security and other ESRs:

According to *Informant 25*:

The Development Exchange Centre is actually product of a joint research conducted by the Canadian university services Oversea (CUSO) and the Adult and Non Formal Education Agency (ANFEA) Bauchi State. Our organization is an attainment from the relationship of the two countries. The research findings from CUSO showed that women especially those in the rural areas are greatly disadvantaged in both social and economic terms, (usually resulting from cultural, religious and some harmful traditional practices, this is coupled with degree of material poverty among women have combined to make

¹⁴² Modern Ghana, “Canadian supported project help poverty reduction in northern Nigeria”. <<http://www.modernghana.com/news/236304/1/canadian-supported-project-help-poverty-reduction-.html>> accessed on April 1, 2014

¹⁴³ A state where majority of the population belong to Islamic faith where women-men interaction in public domain as well as development projects are restricted by cultural values

them highly dependent on men). There was a strong need CUSO and ANFEA to establish programmes to respond and address this in balances in more sustainable way. The centre started as a resource centre for sharing and exchange of developmental information with women in groups. With Canada, DEC has continued to pursue its broad objective of empowering women through the provision of micro finance services and entrepreneurial skills development, training/capacity building workshops, water supply, sanitation and hygiene promotion, reproductive health, gender, education and Information sharing.

From *informant 18*, the relationship of the cooperation has been by programme strengthening:

The Gender Equality Network, Parliamentary Centre Canada launched the Africa-Canada Parliamentary Strengthening Programme in 2003 to enhance the capacity of African parliamentarians in the legislative, representative, oversight and budgetary roles. Ms Lillie Chitauro, Coordinator of the Gender Equality Network, Parliamentary Centre Canada, informed me that The Africa Programme has three networks: poverty reduction, anticorruption and gender equality, with each having an office in Ghana, Kenya and Nigeria.

The thirteenth document is titled Promoting Women's Participation in Unions in Nigeria (*Document 14*).¹⁴⁴ This Project was made possible by the collective collaboration of some international organization including the Canadian Labour Congress (CLC). It was aimed at enhancing the capacity of trade unions in Nigeria to address the concerns of women workers and to improve their working conditions in order to reduce discrimination against women in the workplace as well as in wider society. The outcomes included an increase in women's awareness of their rights, the integration of gender equity policies into mainstream union agenda and a rise in the number of women in leadership positions in affiliated unions.

A series of training workshops were designed to equip the participants with the knowledge and skills necessary to mainstream gender equity and related issues and provided the opportunity to publicize the Nigerian Labour Congress's Gender Equity Policy and lobby for its implementation. Capacity-building

¹⁴⁴ TUC, <<http://www.tuc.org.uk/international-issues/nigeria/human-rights/international-development/promoting-womens-participation>> accessed on April 1, 2014.

workshops were also designed to prepare women for leadership challenges, develop their negotiating skills, promote reproductive health as well as enhance their understanding and awareness of gender issues. Strategies to ensure the systematic integration of gender issues and concerns into collective bargaining agenda were also developed.¹⁴⁵

An analysis of the interview transcripts with the informants and the various documents shows that Canada and Nigeria has had a robust cooperation and collaboration in the area of women's rights from 1999 till 2011. The list below tries to summarize or capture the outcomes from the investigation above:

- Canadian –Nigerian cooperation is a one-way street with all initiatives flowing from Canada towards Nigeria, making Nigeria the recipient of all collaborations.
- Most Cooperation has been on MNCH due to the unacceptable high MMR in Nigeria.¹⁴⁶ As a response to Nigeria's commitment to health sector reform the Canadian government is focused on strengthening primary health care delivery to reduce maternal and child mortality and to this effect Canada plans to invest millions of dollars in that sector.
- Canada's commitment to gender equality can be seen in some of it's cooperation with Nigeria. Commitment to support women and girls in the realization of their full human rights and to reduce inequalities in access to and control over the resources and benefits of development. Canada is strongly committed to gender equality as human rights domestically and internationally and that is why CIDA currently applies a two-pronged approach that helps to ensure results are achieved and maximized: explicitly integrating gender equality in all policies, programs and projects and using programming that specifically targets the reduction of gender inequality.
- Some of the cooperation's have health components in their various gender equality projects thereby emphasizing Canada's commitment to health in Nigeria.

¹⁴⁵ Ibid.

¹⁴⁶ According to the UNICEF statistics one Nigerian woman dies every ten minutes due to complications from pregnancy and childbirth, while more than five hundred newborns die daily.

- A few of the cooperation's significantly exhibits gender-mainstreaming dimension Canada is determined to infuse in projects. Gender concerns need to be mainstreamed in order to achieve gender equality and improve the relevance of development agendas. To achieve its gender equality objectives, CIDA uses both gender integration and specific programming approaches.
- CIDA found that focused actions and funding can be more effective in grounding institutional commitment to gender equality in analysis, design, planning, delivery, reporting and accountability systems. As a result, specific gender equality programming and mainstreaming have come to be seen as complementary strategies.

Some of these attainments include:

- Procurement and distribution of equipment such as newborn resuscitation devices, HIV testing kits, communication equipments and reproductive health supplies.
- Development of a gender and climate change toolkit, intended to strengthen the participation and the role women and men in climate change adaptation. The toolkit provides guidelines to stakeholders on integrating gender perspectives into climate change.
- Identification of 100 advocates for the advancement of CEDAW
- Providing access to legal services to 12 women who were elected to the legislature in 2007 to secure their mandate.
- Training on gender equality issues and tools for 46 civil society organizations and state government personnel in Bauchi and Cross River.
- Improved women's access to legal, property and inheritance rights in order to reduce their vulnerabilities to HIV/AIDS.
- 19 ministries, department and agencies were trained in HIV/AIDS mainstreaming programming.
- Informing more than 10,000 people on maternal health through an evidence-based docudrama, including discussions on what pregnant women and their families can do to ensure a healthy pregnancy.
- Supporting a youth version of the docudrama developed in collaboration

with youth and holding discussions on maternal health issues in which 602 youth participated.

- Informing more than 28,000 women and men through docudramas focused on child health measures including the prevention of childhood illnesses and key corrective actions to take.
- Improving women's use of maternal health services by identifying 24,253 women of childbearing age and registering 5,501 pregnant women for monitoring.
- An increase in women's awareness of their rights, the integration of gender equity policies into mainstream union agenda and a rise in the number of women in leadership positions in affiliated unions.
- Training workshops to equip the participants with the knowledge and skills necessary to mainstream gender equity and related issues.
- Provided the platform to publicize the Nigerian Labour Congress Gender Equity Policy and lobby for its implementation.
- Capacity-building workshops to prepare women for leadership challenges, develop their negotiating skills, promote reproductive health as well as enhance their understanding and awareness of gender issues.
- Strategies to ensure the systematic integration of gender issues and concerns into collective bargaining agenda were also developed.
- Promoting laws in Nigeria that will curb domestic violence against women
- Equipping indigent women through capacity building and empowering intersectional discriminated women in Nigeria.

The list is not exhaustive.

4.2. Problems and prospects

4.2.1. Problems

In a second interview with a well-positioned informant familiar with the work of the Human Rights Law Services (HURILAWS) in Apapa – Lagos, (*Informant 2*) noted that 'HURILAWS has never been funded by Canada, we have submitted proposals to specifically CIDA in the past but none was ever approved'. In a third

interview with a well-positioned informant familiar with the work of the Canadian Human Rights Commission (*Informant 3*) the following was observed:

From our end, there is not enough resources dedicated to NHRIs projects and as such, the few cooperation projects we have had, has been with Countries with jurisdiction of the same legal environment, for example. Australian and New Zealand. There are certainly some specific human rights issues that would be shared between Nigeria and Canada but the issues that we have placed emphasis on now are rights of disabilities, we have found more similarities in Australia in status and approach of how to address these issues than any other country.

Canadian – Nigerian cooperation in the area of women’s rights is not devoid of problems. Some of them include the following:

- The cooperation can be seen as a one-way street with all the initiative flowing from Canada to Nigeria.¹⁴⁷
- There is also the problem of how much can be shared across jurisdiction due to difference of legal tradition.
- The focus areas of cooperation in the context of women’s rights need to be diversified, focus should not center majorly on health (although health is very significant) but also other areas of need such as violations and discrimination suffered by women in Nigeria especially intersectional discrimination. Prioritizing may difficult because the various women’s rights issues are generally on a low score.
- There are cultural aspects (e.g. polygamy) as well as security issues (e.g. Boko Haram insurgencies) frustrating cooperation in some parts of Nigeria.

On how problems can be ameliorated, informant 13 suggested that Nigeria needs to be more active in the cooperation, for example, ‘the Nigerian government should make a piece of land available to [victimized women] so that assistance can be best channeled to re-establishing the market women and their families.’ On another note, Informant 10 said ‘I will just like to ask them to look into the issues of widows. We are very much unrepresented.’

¹⁴⁷ Nigeria on their part should be able reciprocate in Canada through the Nigeria High Commission in Canada.

4.2.2. Prospects

Thus far, current cooperation between Canada and Nigeria in the area of women's rights has been successful and beneficial to both countries. The first is Canada wanting to ensure that it is benefitting from what is derivable across the world and, the longing to impart the knowledge they have gained to others who are following a particular path by sharing and dissemination. CIDA, made a grant of CAD 21 million available through UNFPA, WHO and UNICEF to assist the Government of Nigeria and its partners in systematically improving the lives of women and young children in Nigeria. Over the next five years (2011-2015), this grant will cover the costs of a Joint Program being conducted in 15 states and the Federal Capital Territory. Due to cooperation like these, Nigeria has shown a positive trend in lowering MMR since targets were set at the Millennium Summit in 2000, but acceleration is needed for the country to meet the health-related millennium development goals, that is a reduction by two thirds in child mortality and by three quarters of the maternal mortality ratio. CIDA continues to play a critical role in this process, especially in the areas of health. Nevertheless, Canada has done so much in other areas and can do more in terms of the quantum and quality of aid delivery to Nigeria as it relates to women. Nigeria and Canada have been cooperating since the Nigerian independence and it has been an evolving relationship over the years. As Nigeria becomes a stronger economic and political power in Africa, it brings opportunity for trade promotion between both countries.

5. Canadian – Nigerian cooperation in the area of women's rights: An Analysis of the Data and other Evidence from the Field Research using the Upendra Baxi Theory and the Finnemore and Sikkink norm cycle model

5.1. Martha Finnemore and Kathryn Sikkink

Finnemore and Sikkink isolate an ideational turn in the 80s and 90s where the analysis of norms became widespread again. In contrast to customary inert approaches that focus on how norms create constancy, the authors seek to recognize the role of norms in making a difference.¹⁴⁸ The authors came up with a theory of a "norm-cycle" consisting of three stages. The first stage is *norm*

¹⁴⁸ Martha Finnemore and Kathryn Sikkink, "International Norm Dynamics and Political Change," *International Organization* 52, 4 (Autumn 1998) p.888

emergence where “norm entrepreneurs” convince society to recognize an evolving norm. The second stage is a *norm cascade*, which requires a “critical mass” reception of a norm, which then prompts a “tipping point.” The third and final stage is *norm internalization* where a norm is widely established and the compliance to it is almost unconscious¹⁴⁹.

In relating Finnemore and Sikkink to the norm life cycle of women’s rights between Nigeria and Canada using the research data, this paper embraces the authors’ key arguments concerning the first stage but with reservations for the second and third stage of the norm-cycle. Where the authors’ define a norm as “a standard of appropriate behaviour for actors with a given identity,” this research reasons with the fact that some norm standards, predominantly those concerned with women’s rights, often remain at either conceptual stage or in the middle at the second stage, depending on the issue, which reduces the argument that a “norm cascade” or “norm internalization” has taken place.

Finnemore and Sikkink make perfect sense here to describe Canada as a norm entrepreneur for women’s rights. From the evidence gathered, Canada was one of the first countries to sign and ratify CEDAW, which set international standards for eliminating gender discrimination. In fact *Informant 8* says ‘I admire the Canadians for their doggedness because it’s a reputation they have built over the years upholding basic rights. They are one of the first countries to start the issue of gender rights’.

As at 24 January 2015, 188 parties have signed on to CEDAW. Since empirical evidence shows that a tipping point is most likely to occur after one-third of states adopt a norm, a wide adoption of women’s rights satisfies the criterion for a norm cascade. Regarding the Canadian-Nigerian cooperation, Canada’s foreign policy priorities include the elimination of violence against women, ending child, early and forced marriage, improving maternal, newborn and child health, the full and equal participation of women in decision-making, and the mainstreaming of a gender perspective. Canada pursues these priorities in multilateral institutions such as the UN, in bilateral discussions with individual countries, and through development assistance delivered by the DFATD Canada

¹⁴⁹ *ibid.* p.904

supports an inclusive and representative approach to international diplomacy, which gives a greater role to NGOs, such as those working for gender equality.

Informant 9: says ‘Nigeria pushes for the basic rights but Canada goes further into things like healthcare, education... Especially healthcare for women’ while *Informant 10* says ‘I know Canada does... Women’s rights issues. I don’t know if they do more but I know they do women’s issues!’ As international human rights treaties best exemplify codification of international norms, Nigeria’s ratification of CEDAW, her behaviour after the VDPA and the advancement of the Violence against Persons Prohibition law bolsters this claim. To identify the states that adopt women’s rights as a norm, (referred to as “critical states”), one can mark a significant difference in terms of norm acceptance. This is typically so since Canada has “a certain moral stature” that is different from Nigeria, and this norm goal cannot be accomplished without Nigeria’s state acceptance.¹⁵⁰ Finnemore and Sikkink are of the view that where institutionalization of an emergent norm can aid in its’ wider acceptance by clarifying what it is and how violation of it can be sanctioned, it is not a necessary condition for a norm cascade to occur.¹⁵¹ Further, unanimity among states in accepting a norm, although desirable, is not essential to achieve a norm cascade.¹⁵²

They argue that states comply with norms to safeguard their identity in relation to the international community and are essentially peer pressured to do so in order to gain esteem, legitimacy or to conform to a group mentality for reasons of altruism, empathy, ideology, commitment etc.¹⁵³ Finnemore and Sikkink identify socialization as being the primary mechanism to induce change and acceptance of a norm.¹⁵⁴

We can relate this to this cooperation because even as norm entrepreneurs, Canada still records some level of inequality faced by aboriginal women in the country and in Nigeria, despite the funding and support from Canada as well as the development in laws, policies and programmes for women, the country still

¹⁵⁰ *ibid*, p.901

¹⁵¹ *ibid*, p.900

¹⁵² *ibid*, p.901

¹⁵³ *ibid*, p.902

¹⁵⁴ *ibid*, p.903

records high cases of maternal mortality with widows still suffering customary practices and HIV still being feminized. A recent campaign national campaign in Nigeria still raised issues around forced and child marriages as women groups in Nigeria asked (and are still asking) for constitutional amendments that will liberate women and prevent early marriages of girls.¹⁵⁵

So whilst we can say that women's rights norm has emerged, reached a tipping point and has arguably cascaded, ("arguably" because whilst the research gathers a lot of evidence on the promotion of women's rights to healthcare, MNCH, HIV FGM etc as well as issues covering violence, agriculture, climate change and discrimination, there are issues like early marriage, inheritance and property that may not have "tipped" and we cannot use the data from this research to generalize) we cannot say the same for norm internalization.

The authors use the terms "acceptance," "following" and "compliance" too liberally. Not enough stress is placed on whether or not states follow-through with the action necessary to implement the change an emerging norm is seeking. For Canada, they have advanced very strongly in the area of women's rights but we cannot score the same for Nigeria despite the ratification of CEDAW and the utilization of the Maputo Protocol in domestic policies and documents. The proliferation of international human rights treaties supports Finnemore and Sikkink's claim that the 1980s/90s marked a return to ideational thinking.¹⁵⁶ Yet, the mere existence of a treaty that defines norms – be they regulative, constitutive or evaluative -- that has won a majority of state signatories does not equal a norm cascade in terms of the actualization of a norm.

It can be presumed that the concept of the women's rights norm has been widely disseminated, but we cannot presume that by signing a treaty the practice of this norm embodied within it are carried out. It is true that pressure to conform may have lead Nigeria to sign on to CEDAW, but that does not connate complete "acceptance," a "following" of or "compliance" to what CEDAW and the idation of women's embodies. These terms are associated with a *belief* in something and necessitate *action* to take place afterwards. A description of Nigeria's ratification of CEDAW would be *acquiescence* or *capitulation* to maintain

¹⁵⁵ Girls Not Brides Campaign <<http://www.girlsnotbrides.org/child-marriage/nigeria/>> accessed 23 January 2015.

¹⁵⁶ See CEDAW (1981), CAT (1984), CRC (1989), ICRMW (1990)

superficial profile because contrary to what the Finnemore and Sikkink claim, not following certain human rights standards does not mean conflict will ensue.¹⁵⁷ Perhaps their explanation of a norm cascade embodied in international human rights treaties satisfies the definition of a norm because they set standards, but one would like to think that the purpose of a norm is to go beyond standard setting and to engender better behavior. Without completely ruling out the efforts of both countries, it is important to reiterate that many great and successful strides have been achieved by Canada in promoting women's rights globally as well as in Canada and Nigeria - through its foreign policies. Canada has pushed women's rights in this cooperation and has engineered Nigeria to follow suit albeit with little evidence to show that Nigeria have made concrete inroads at alleviating discrimination against women.

From a glass half-full perspective, perhaps it will take more time for the unconscious internalization that Finnemore and Sikkink make reference to, to take root and engender legitimate change among both countries.

5.2. Upendra Baxi Theory

Baxi's work¹⁵⁸ analyses the significance of the UN and the UDHR and goes on to study the more contemporary issues such as women's struggle to feminize the understanding and practice of human rights, the post-modernist critique of the universal idiom of human rights and, most pertinently for the current world scene, it analyzes the impact of globalization on the human rights movement. Baxi addresses the diversity in making, remaking, and unmaking of internationally agreed upon human rights norms and standards.

Baxi suggests that the notion of universality is best comprehended in terms of the Hegelian dialectical method, especially the synthesis of *abstract universality* and *abstract particularity* in bringing about *concrete universality*. For Baxi, human rights expressions focused on "all people" exhibit the objective moment of

¹⁵⁷ This can be illustrated by African states' preference for doing business with China over the USA as China does not set conditionalities for business and the US does. This is a big world and if one state won't satisfy one's needs, there are plenty of other states who will. Further, some state's reliance on the resources that others have can cause them to turn a blind eye to human rights violations so as not to affect trade relations and securing of resources.

¹⁵⁸ Baxi, U (2002) *The Future of Human Rights* (Delhi: Oxford University Press) at pp 131-166.

abstract universality, which was then particularized by the series of norms dealing with, for example, women's rights as human rights. The attainment of concrete universality happens, to use Baxi's expressions, "where rights come home, as it were, in the lived and embodied circumstance of being human in time and place under the mark of finitude of individual existence."¹⁵⁹

Baxi has developed a 'germinal thesis'¹⁶⁰ on the continual displacing in our time of the paradigm of the UDHR by an emergent trade-related market-friendly human rights (TREMFI) paradigm:

This new paradigm seeks to reverse the notion that universal human rights are designed for the attainment of dignity and well-being of human beings and for enhancing the security and well-being of socially, economically and civilisationally vulnerable peoples and communities.'¹⁶¹

Baxi postulates the emergence of 'an alternative paradigm of human rights' challenging that set up by the UDHR in 1945. He traces the emergent "human rights" claims of the institutions of global capital, from the WTO and IMF to multinational corporations, and illustrates the ways in which they validate 'corporate well being and dignity even when it entails gross and flagrant violation of human rights of actually existing human beings and communities.'¹⁶² It is obvious from the statistics and the context of women's rights that women are the most affected and most hit by these gross and flagrant violations.

Baxi argues that the emergent paradigm of trade-related market-friendly human rights is working to put an end to 'human rights oriented, redistributionist governance practices' in ways that foreclose the possibility of progressive realization of women's rights, and is engendering the reinterpretation of actually existing rights, such as the right to development or the right to food, in ways that reflect the new market ethos.¹⁶³ The role of the state is increasingly to appear

¹⁵⁹ *ibid.* p.94

¹⁶⁰ Okafor, Obiora Chinedu. "Assessing Baxi's Thesis on an Emergent Trade-Related Market-Friendly Human Rights Paradigm: Recent Evidence from Nigerian Labor-led Struggles" (2007) 1 *Law, Soc Justice & Global Dev J*

¹⁶¹ *ibid.* (Footnote 158) Baxi. p.132.

¹⁶² *ibid.*

¹⁶³ *ibid.* p. 139.

attractive to the institutions of global capital, to the extent that, in many cases, it is actually directly accountable to these institutions rather than the citizens who elected it, and who still have to bear the brunt of its decisions. Thus, Baxi convincingly and eloquently shows that ‘the power of the human rights discourse has already been critically appropriated by global capital,’¹⁶⁴ and alerts us to the myriad ways in which this process is continuing.

Informant 8 asked a question: ‘is there anything that doesn’t affect trade these days? ...Human rights hinder trade if the understanding is not parallel...trade affects every country’s relationship’. According to *informant 25*, ‘If trade relations are poor or stringent, it will affect the cooperation of both countries to play their international relations role and responsibilities.’ It is important to note that about 25 informants out of 30 do not see human rights to be hindered by trade. This does not add any credence to Baxi’s postulation however; it reflects the power of trade and global capital over human rights.

Already as evidenced from the data, women’s rights are locked up in the entire gamut of human rights and still making headway for full recognition, the communities of women’s rights and activism have already begun to see businesses as a potent human rights stratagem, *Document 14* shows the enhancing capacity to address the concerns of women workers and to improve their working conditions in order to reduce discrimination against women in the workplace as well as in wider society. *Informant 25* pursues broad objectives of empowering women through the provision of micro finance services and entrepreneurial skills development. Baxi claims that these emerging trends silhouettes global corporate resistance. *Informant 6* says ‘the wire of politics connects human rights with trade and even government regimes as they change’.

It is quite difficult to marry Baxi’s theory with women’s rights using the evidence accrued in this study but it is clear that Canada is the stronger proponent of women’s rights between both countries and a leading force for women’s rights globally. With so much to do in improving the rights of women in both countries, this cooperation has been a one-way street. Canada funds so many women based initiatives in Nigeria without receiving reciprocation. Does this relate to any of

¹⁶⁴ *ibid.* p. 147.

Baxi's claims? Can we say Canada is "enlightening" Nigeria on the principles of women's rights? Is it Canada's gift to Nigeria as a Western and global power?

Baxi's argues against the dominant narrative, that human rights are not the fruits of a peculiarly Western tradition or history of ideas. He also argues that the "modern" paradigm of human rights - that is, human rights in Western thought and practice from the enlightenment to the present - had at its core a great propensity for evil. This conceptual vocabulary of enlightenment liberalism according to Baxi, was simply an ideology of exclusion.

*Okafor*¹⁶⁵ efficiently enunciates some strands of Baxi's TREMF human rights theory by describing related sub-claims: The emergent TREMF paradigm (unlike the UDHR paradigm) insists on promoting and protecting the collective *human* rights of various formations of global capital mostly at the direct expense of human beings and communities. The distinctive quality here according to Okafor is Baxi's notion of the assignment of *human* (as opposed to ordinary legal) rights to various formations of global capital¹⁶⁶. To Baxi, the UDHR paradigm differs from the TREMF paradigm in this way because although the UDHR did make provision for a right to property that can be read to benefit any, in the end the notion of property in the UDHR is itself left substantially unsettled.¹⁶⁷ On the other hand, the TREMF paradigm makes the protection of the property interests of various formations of global capital central to its conception of the global social order.

As described by Okafor, another sub-claim describes a progressive state, much more in the past- or at least the progressive 'Third World' state - as conceived by Baxi as:

[O]ne that is a good host state to global capital; as one that protects global capital against political instability and market failure, usually at a significant cost to the most vulnerable among its own citizens; and as one that is in reality more accountable to the IMF and the WB than to its own citizens.¹⁶⁸

¹⁶⁵ *ibid.* (Footnote 160) Okafor.

¹⁶⁶ *ibid.*

¹⁶⁷ *ibid.* p.4

¹⁶⁸ *ibid.*

According to this TREMF mindset, progressive states are those states that are much more soft than hard toward global capital.¹⁶⁹ A state that is market efficient in suppressing and delegitimizing the human rights based practices of resistance of its own citizens is one that is also capable of unleashing (and, when necessary, does in fact unleash) a reign of terror on some of its citizens, especially those of them that actively oppose its excessive softness toward global capital. Addressing these sub-claims, can't Nigeria be said to be more accountable to IMF and the WB than its women?

Baxi develops a wide-ranging and impassioned critique of this and calls it the doctrine of *legitimation of extraordinary imposition of human suffering* in the cause and the course of the contemporary march of global capital.¹⁷⁰ Also By assessing the initial “Rights of Man”, were women’s rights included in the drafting of the UDHR? Are a large number of human beings excluded by this peculiar ontological construction?¹⁷¹ Can we successfully exemplify Baxi’s theory to women’s rights and under an investigation between Nigeria and Canada? Baxi himself concludes that his theory undoubtedly raises more questions than it answers and this applies to this study.

6. Conclusion

In a nutshell, this article has succeeded in investigating Canadian and Nigerian cooperation in the area of women’s rights from 1999 to 2011. Two important theoretical positions on human rights framed the investigation. The first, as advanced by Finnemore and Sikkink, applied “strategic social constructivism” to the human rights area in conceptualizing a theory of the “norm life cycle” and the centrality of the agency of the “norm entrepreneur” in catalyzing human rights change. The second, by Upendra Baxi, theorized on the emergence globally of a TREMF paradigm/discourse, which was steadily supplanting the paradigm of the UDH.

Armed with the findings of the field research exercise carried out in Canada and Nigeria, the article set out to determine what was the nature/character of this cooperation, how it has proceeded, how the parties have

¹⁶⁹ *ibid.*

¹⁷⁰ *ibid.* (Footnote 158) Baxi. p.115

¹⁷¹ *ibid.* p.29

behaved and what implications it has had for policy, practice and theory; what have been the attainments of this cooperation in the specific context of women's rights; what have been the problems of this cooperation; and what appears to be the prospects for this cooperation. What this article has established is that Canadian – Nigerian cooperation in the area of women's rights has been successful and advancing through the 12 years of research. Canada has acted accordingly in being a major driver of women's rights in Nigeria with Nigeria using the support of Canada as well as the drive of local activist forces to fruition the rights of women in different areas. Thus far, this cooperation has been beneficial to both countries and this can be accessed by the cordial relationship between both countries government agencies, NGOs and even academics.