

Son Preference – A Violation of Women’s Human Rights: A Case Study of Igbo Custom in Nigeria

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Abstract

The issue of son preference is another pernicious violence against women for which the need to protect the girl-child is necessary and desirable in most societies of the world. In Nigeria, the preference for sons is very prevalent and exists in several cultures as it dates back to pre-historic times and it is tied to inheritance, unfortunately it has not succumbed to societal changes but has remained sacrosanct because of the desire for a son to carry on the family name and guarantee the family lineage. On marriage because of the value placed on men under Igbo custom, there is usually immense pressure on wives to give birth to sons. This, in addition to placing women in a situation in which they inadvertently encourage the inferior position of women through the preference for male children, also directly affects them in taking reproductive decisions and also affects their psyche. The Igbos is an ethnic group in the South Eastern part of Nigeria with a strong penchant for patriarchy. Women who give birth to a girl-child in Igbo land are unhappy at their first delivery, because of the fear of rejection and disappointment by the husband. This research is based on the doctrinal analytical content method which is the organization of study around legal propositions and the use of primary sources, like books, legal Encyclopedia, Monographs, and Newspapers. It therefore examined son preference with particular emphasis on Igbo custom in Nigeria and discovered its deep rooted nature in the psyche of the people as well as the fact that it is a violation of the human rights of women and suggested measures to curb same.

Keywords: human rights, Igbo custom, Nigeria, son preference, violation, women

1. Introduction

Violence inflicted on women is one of the most present violations of human rights globally. It comprises of economic, physical, psychological, and sexual abuse, and cuts across strata of age, status, culture, wealth, and educational background. Son preference is one form of violence against women that has posed a lot of problems in different countries of the world. Although son preference is in existence the world over, traditional preference for son is very prevalent in China, India, Nigeria, North Korea, and Pakistan. More so female infants, girls and women are discriminated against in the area of nutrition and health care (Note 1).

A. H. El-Gilany & E. Shady (2007) observed that the preference for sons by culture and custom is a widely known phenomenon in several developing nations where the status of women is low and subordinate to their male counterparts. It is particularly common, where women depend on men for both economic and social support. For instance, among the Arabs, the word, “*Abu Banaat*” meaning, father of daughters) is considered as an insult to a man in Arabic. This phrase, represents one of the several ways a woman in the Arab world learns how little she is valued.

Mike (2010), writing on an article titled; “India, Male Preference, No Bride No Toilet,” wrote:

I previously wrote how census data shows a preference for the birth of boys over girls by Americans of Chinese, Indian and Korean descent. Demographers said that they believe the statistics reflect not only a preference for male ...

The Asians have a proverb which says; “it is good economics and good politics and essential as taking food at least once a day to have a son.” Usually in that part of the world, the birth of a boy is celebrated and equated with “a sunrise in the abode of gods.” In the case of a girl however, the axioms are very different. In India, one adage likens raising a daughter to watering the neighbor’s garden (Note 2).

In Nigeria, the prevalence of patriarchy dictates the importance and prominence of the boy-child over the girl-child in several cultures. The birth of a girl is usually not accepted as an additional benefit to her family, a girl is rather considered as surplus age in the home. Once married, a daughter becomes practically alienated from the activities of her birth place except in cases of burial ceremonies and certain family engagements. The Igbos of Eastern Nigeria are also not spared this phenomenon as even a five year old male is valued more than a full grown woman in Igbo land.

Around the world, many girls die in infancy due to the low premium accorded them. The United Nations Fund for Women estimates that more than one million female babies each year succumb as a result of inequitable access to healthcare, differential treatment in terms of feeding and care (Kapoor, 2000).

According to Navtej K. Purewal (2012) "The preference for male children transcends many societies and cultures, making it an issue of local and global dimensions. While son preference is not a new phenomenon and has existed historically in many parts of Asia, its contemporary expressions illustrate the gendered outcomes of social power relations as they interact and intersect with culture, economy, and technologies." The desire for sons is a gender-based violence and a violation of the human rights of women as it is discriminatory. In our discourse, we will attempt a general evaluation of the practice, the nature and scope of son preference under Igbo custom in particular, and conclude with observations and recommendations.

There is no doubts that as a result of the prejudices against women, their social as well as legal status over the ages, have been a cause for grave concern in every culture and clime. In some areas, this issue has moved from mere sympathy to an era of aggressive feminism (Oputa, 1989). Rebecca J. Cook, advised that: practices that expose women to degradation, indignity, and oppression on account of their sex need to be independently identified, condemned, compensated, and, preferably, prevented (Cook, 1994).

2. Overview of Son Preference

The preference for male children exists in divergent forms globally. It comprises of a variety of norms and rituals deeply embedded in obvious favoritism of the male child in the family with sometimes blatant disregard for the female child. In most cultures in Nigeria just as it is prevalent in several other countries, the birth of a male child is often heralded with greater joy as compared with a female child. The male child is visibly and undoubtedly an important specie in most African cultures. Globally, different societies show some amount of preference for male children under their custom, most of these cases are however unnoticeable as this preference is very mild and do not raise any eyebrows. However, excessive son preference strong enough to result in substantial levels of excess female child mortality is prevalent in East and South Asia, including China, South Korea and India. It is however noteworthy that the situation in South Korea has substantially reduced as a of development that elicited tremendous normative changes in that country. This feat was achieved by dramatic increases which occurred in the country's levels of education, industrialization, and urbanization, as well as in women's education and participation in the formal labour force. By the mid-1990s, South Korea was officially included as a member of the developed countries' club, the OECD (Population and Development Review, 2007).

Sex-preference is very prevalent in Nigeria as well and is based on the notion of the role and value of males and females. Usually at birth, boys are valued and a grown man is traditionally viewed as the head, caretaker and breadwinner of his family. Women who give birth to female children are often blamed for 'producing girls', by even those who know that a man's chromosomes usually determine the sex of the child (A Babington-Ashaye, 2004).

C. O. Izugbara (2010) argues that, Nigerian culture tends to place male and female children as separate persons with different capabilities, potentials and constitutions. For instance the importance of the male child as compared to his female counterpart can be seen in the inheritance rights of males and females in certain African and Asian cultures. The boy child inherits his father whereas the girl child does not inherit her father's landed property as she is expected to quickly get married and become a member of another household. What is more, the first-born male child at birth is immediately seen as the head of the family who is to succeed his father and continue the family lineage, as well as providing support for parents in old age.

Usually the preference for male children results in the neglect of daughters, in its extreme form, son preference leads to female infanticide which is the intentional killing of baby girls. Infanticide that specifically target females, which in present times has largely been supplanted at least for those who have access to modern technology by preventing the birth of girls through sex identification testing and sex selective abortion, representing "a substitution of prenatal discrimination for postnatal discrimination." (Goodkind, 1996 & 1999). In modern times, killing girl infants has paved the way for foetal sex identification and pregnancy termination before delivery.

Son preference is global and not peculiar to developed or developing societies; it is a trans-cultural phenomenon that is embedded in the culture and value systems of several societies even though its prevalence varies from one society to the other. One basic factor about son preference is that, the practice is rooted in culture and economics and it is stronger in countries where patriarchy is firmly rooted. It is instructive to note that this practice inflicts on the girl-child's psychology a perpetual internalization of the inferior and low premium accorded her by society, this has far reaching implications for the girl and violates her rights guaranteed under Articles 2, 6, 12, 19, 24 27 and 28 of the Convention on the Rights of the Child. The preference for sons by parents has a substantial effect on the welfare of children in the family and may ultimately affect their behavior and mannerisms as well.

Kana Fuse (2012) posited that: considerable attention has been devoted to this issue of gender preferences for children which is widely observed around the globe as parental gender preferences can cause discriminatory practices against children of the less-desired sex, and these practices can have unfavorable social and demographic consequences.

It is estimated that in the world's population 60 million women are missing. In other words there are 60 million fewer women alive in the world than should be expected on the basis of general demographic trends and the phenomenon is observed primarily in south Asia, North Africa, the Middle East and China (UNICEF, 1997). The truth of the matter is that, regardless of levels of development, patriarchy supports and sustains son preference in the cultures where it is practiced.

A statement noted that, "the birth of a son enhances his status, while that of a girl lowers his head" (UN Agencies, 2012) According to the statement, "it is also women who have to bear the consequences of giving birth to an unwanted girl child, these consequences can include violence, abandonment, divorce or even death, the statement adds." (Note 3).

MTN the telecommunication provider in Nigeria advert 'Mama Na boy' exemplifies the Nigerian mindset relating to son-preference. In that setting, the mother in-law in the said advert broke out in singing with excitement when she was informed that her daughter in-law had given birth to a boy. In the same way, the birth of a girl in some other settings provokes anger, sorrow and regrets. Such regret is often expressed even in the kind of name that the child is given. In Ibo language a girl -child may be named *Nwayibunwa* or *Nwanyibuife*, translated 'a girl is nonetheless a child or a girl is worth something. It is a consolation and tacitly expresses the regret of not giving birth to a boy.' 'The MTN Mama Na boy' advert was vehemently criticized by a lot of female NGOs and was removed by MTN but in doing so, they also withdrew another advert featuring a girl and her dad thereby missing the point in the agitations.

Cai Yiping(2012) suggested that women's human rights are at the core of sex birth ratio, more than any development and economic concern as most people have pointed out. It is thus an issue that must be addressed with a strong gender perspective. It is apt to also point out that son preference offends major legal regimes touching on discrimination like the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), as well as provisions of the 1999 Constitution of the Federal Republic of Nigeria (Note 4).

On its part, the CEDAW addresses discrimination with regard to women's rights, and explicitly deals with the issue of discrimination by defining it in its Article 1 as;

discrimination against women shall mean 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 the basis of equality of men and women, human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

Article 2 of the CEDAW also talks about States parties condemning discrimination against women in all its forms and agreeing to pursue by appropriate means and without delay a policy of eliminating discrimination against women and therefore undertakes to do certain acts in furtherance of their agreement.

Of particular note is Article 5 of the CEDAW, which talks about States Parties taking appropriate measures to; modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women etc.

The truth of the matter however is that, in spite of the provisions of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) on discrimination against women, which Nigeria signed on 23rd April 1984 and ratified on 13th June 1985, the CEDAW has not been domesticated by an Act of the National

Assembly in Nigeria, and so this international convention is not strictly speaking binding on Nigeria and therefore has no effect.

Under Chapter IV of the 1999 Constitution of Nigeria titled “fundamental rights,” every Nigerian citizen is guaranteed certain fundamental rights from section 33 to 43 respectively. The right to life, dignity of the human person, personal liberty, a fair trial, privacy and family life, freedom of thought, conscience and religion, freedom of expression and the press, peaceful assembly, freedom of movement, freedom from discrimination and to acquire immovable property anywhere in Nigeria (Note 5).

Section 39, of the Nigerian Constitution explicitly provides that:

1. A citizen of Nigeria of a particular community, ethnic group, and place of origin, sex, religion, or political opinion shall not, by reason only that he is such a person
 - a. be subjected either expressly by, or in the practical application of any law in force in Nigeria or any executive or administrative action of the government to disabilities or restrictions to which citizens of Nigeria of other communities, ethnic groups, places of origin, sex, religions or political opinions are not made subject; or
 - b. be accorded either expressly by, or in the application of, any law in force in Nigeria or any such executive or administrative action, any privilege or advantage that is not accorded to citizens of Nigeria of other communities, ethnic groups, places of origin, sex, religions or political opinions.
2. No citizen of Nigeria shall be subjected to any disability or deprivation merely by reason of the circumstance of his birth.
3. Nothing in subsection (1) of this section shall invalidate any law by reason only that the law imposes restrictions with respect to the appointment of any person to any office under the state or as a member of the armed forces of the Federation or a member of the Nigeria Police or to an office in the service of a body corporate established directly by any law in force in Nigeria.

Son preference offends the provisions of section 39 of the Constitution particularly as it relates to the right to dignity of the human person, and freedom from discrimination. The section therefore renders all laws, including customary and religious laws, and other practices that permit discrimination against women unconstitutional, null, and void.

3. Son Preference under Igbo Custom

In Nigeria, particularly amongst the Igbos, as a matter of culture, the lack of a male issue in a marriage sometimes leads to divorce, separation or the husband taking several wives, until one of the wives is able to produce a male child who is considered to carry on the lineage and name of the family. Son preference is also very prominent in the area of inheritance and succession among the Igbos of Nigeria, where a daughter or a wife is not entitled to inherit her father or husband under customary law.

The names given to the male child in most cases reflect the importance attached to the male child. Among the Igbos of South Eastern Nigeria, names like Ahamefula, Ikemefule, Eziefule, Okezie, Obilor, Obiajuru, Okekemdi and Chimankpam (all of which express the joy of the arrival of a male child) show the importance and value placed on the male child. The different household chores and roles assigned to the different sexes from birth also show the importance attached to the male child as compared to his female counterpart.

The traditional preference for sons is deeply rooted in the structure of the society. Amongst the Igbos for instance, men enjoy a great deal of socio-cultural prestige. Only men can perform certain traditional rights, for instance the traditional kola rites which women are usually excluded. And because girls will invariably marry into another family, only sons can inherit land in the communities. Women have only farming rights. In Igbo land, when a woman has too many girls or no boy at all, she stands the risk of being sent back to her father’s house because the birth of a boy is what is seen as her passport to remaining in her matrimonial home. This accounts for the reason why most women with only daughters often make several attempts at getting pregnant so as to have the golden male child, and some unfortunately lose their lives in the process.

In the words of Ejiro Joyce Otive-Igbuzor (2011), “imagine the needless pains women bear over an issue that they are not ordained to determine in the first place! No doubt, ignorance kills.”

One serious effect of son preference is the denial of inheritance rights to the girl-child and in some cases inheritance rights of women are only recognized subject to certain customary celebrations, for instance the *Nrachi* and *Ile Ekpe* Customs in Igbo land. The latter dictates that only a male issue inherits his father but if the deceased had no male issue, his brothers or their sons will inherit him except his daughter performs the *Nrachi*

ceremony and assumes the position of a man in her father's house. The effect is that she remains in her father's house unmarried but has children in the name of the father.

Obviously this practice offends basic human dignity and apparently constitutes blatant violation of human rights which the courts in Nigeria have emphatically denounced and condemned in practical terms. For instance, Niki Tobi J.C.A. (as he then was), in *Mojekwu v. Mojekwu*, (1997), completely rejected the *Ile Ekpe* custom in very strong terms when he said;

Is such a custom consistent with equity and fair play in an egalitarian society such as ours where day after day, month after month and year after year, we hear of and read about customs, which discriminate against the womenfolk? ... Any form of societal discrimination on grounds of sex, apart from being unconstitutional, is antithesis to a society built on the tenets of democracy, which we have freely chosen as a people. It is the monopoly of God to determine the sex of a baby and not the parents. ... Accordingly, for a custom or customary law to discriminate against a particular sex is, to say the least, an affront to the Almighty God Himself.

In a similar scenario, the Supreme Court of Nigeria in the appeal which got to the court as *Mojekwu v. Iwuchukwu* (2004), observed that the rules of procedure precluded the Court of Appeal from determining whether *Ili-ekpe* was repugnant since neither of the parties to the case brought the validity of the custom as a legal issue before the court. The Supreme Court, led by Justice S.O. Uwaifo, criticized the Court of Appeal pronouncements as follows:

I cannot see any justification for the court below to pronounce that the Nnewi native custom of oli-ekpe was repugnant to natural justice, equity and good conscience ... the learned Justice of Appeal was no doubt concerned about the perceived discrimination directed against women by the said Nnewi oli-ekpe custom and that is quite understandable against, all customs which fail to recognise a role for women... It is evident from the facts of the case that the kola tenancy was the applicable principle of law in this case, and that the Court of Appeal need not have considered the repugnancy of Ili-ekpe in order to give judgment in this case. To this extent, the Court deserved the criticism it received.

The Supreme Court of Nigeria upheld the judgment of the Court of Appeal which, according to the court, did not result in a miscarriage of justice as the *kola tenancy* was indeed the applicable law and thus the respondent and her family were rightfully held to be the owners of the property in issue.

Similarly Fabiyi, JCA in *Mojekwu v. Ejikeme* (2000), strongly condemned the *Nrachi* custom in the following words:

I must express the point here by which I will continue to state that human nature in its most 'exuberant prime and infinite, telepathy' cannot support the idea that a woman can take the place of a man and be procreating for her father via a mundane custom.... It should die a natural death and be buried. It should not be allowed to resurrect. The custom is perfidious and the petrifying odour smells to high heavens.

Fortunately these landmark judicial pronouncements relaxed the *Nrachi* and *Ile ekpe* customary practices and no community can now openly practice such customs. I agree *in toto* with the reasoning of their lordships of the Court of Appeal in the two decisions cited above, indeed such customs as the ones condemned by their lordships should die a natural death and should not be allowed to rear their ugly and offensive heads any more in civilized societies.

It is noteworthy that after the *Mojekwu's* case the courts in Nigeria in the case of *Uke v. Iro* (2001), on inheritance and discrimination decided:

Any law or custom that seeks to relegate women to the status of second class citizens thus depriving them of their invaluable and constitutionally guaranteed rights are laws and customs fit for the garbage and should be consigned to history.

The Court of Appeal in Nigeria took a similar decision in *Ukeje v. Ukeje* (2001), where it held that the Igbo native law and custom that disentitles a female child from sharing in her deceased father's estate is void as it is in conflict with the provisions of Section 42 (2) of the 1999 Constitution of the Federal Republic of Nigeria. (Note 6.)

Again, under customary practices among the Igbos, when the farming season is announced, the men are the ones who share out the farm portions to the women, a woman is never allowed to do the sharing and she is only given

her portion to farm on. This custom of the Igbos of Eastern Nigeria is in conformity with the observation made on the subject (United Nations), thus:

Historically gender roles – the socially constructed roles of women and men have been ordered hierarchically, with men exercising power and control over women. Male dominance and female subordination have both ideological and material bases. Patriarchy has been entrenched in social and cultural norms...

The truth is that son preference is violence against women in whatever way one looks at it and it is a violation of the human rights of women. Unfortunately women are subjected to different forms of violence. Globally, women and girls are subjected to violence because of their gender. Gender has a considerable impact on the form violence takes, the circumstances in which it occurs, the consequences, and the availability of legal, medical and social remedies. Because of violence, women are deprived either totally or partially of the enjoyment of their human rights and fundamental freedoms.

4. The Way Forward

It is apparent that patriarchy is at the heart of violence inflicted on women and girls, and the threat of such violence, are manifestations of, which is often compounded by different cultural, economic, and other factors. There is no doubt that violence against women and girls takes different forms encompassing: prenatal sex selection, female infanticide and systemic neglect all due to son preference etc. (Note 7)

Obviously in Igbo land as with other parts of the world, the foundation of son preference cannot be uprooted overnight as it is rooted in the psyche, culture, social and political institutions, and discriminatory norms. The importance of the male-child is embedded in the history and folklore of the people and accepted by them as sacred. In fact it is in their mindset from childhood as the disparity between male and female is always obvious.

Challenging an entrenched custom and mindset is not a simple task and cannot be achieved easily; for change to effectively take place, it must be a gradual process and therefore it is suggested that vigorous and concerted efforts are needed by all concerned. Governments and civil society should address the deeply rooted gender discrimination which lies at the heart of son preference. It is also suggested that government should develop and promote pragmatic policies in such areas as inheritance laws as well as other social protective measures for women, which reflect a commitment on its part to protect human rights and promote gender equality between both sexes. Particularly, Government in this country should as a matter of priority domesticate the CEDAW and other relevant international legislations dealing with discrimination against women. On the part of civil society, continuing advocacy and awareness-raising activities and campaigns that stimulate discussion and debate around the subject of the equal value of boys and girls should be intensified. This view is supported by what is obtainable in the Republic of Korea where the preference for sons has largely been overcome through a combination of strategies, including attention to gender equality in laws and policies, advocacy, media campaigns and economic growth (UN Agencies, 2012).

As a society develops, son preference, where it is prevalent, should ordinarily diminish and girls should be treated increasingly with more equality with their male counterparts. However, with the pervasiveness of son preference in present times, it is obvious that modernization does not necessarily neutralize gender preference. It therefore behooves on governments to tackle the problem head-on using different strategies.

Efforts are needed to curb the inequality existing between males and females as well as to improve the status of women, which potentially could help to decrease further the devaluation of women in Igbo land. Although the elimination of under-valuation of daughters implies long-term and protracted action to change entrenched attitudes and values, it is essential to initiate short-term measures to prevent and compensate for the health consequences that result from it. An initial first step is to create awareness among health, religious and social workers as well as the public of the risks run by female children in societies where discrimination exist. (El-Gilany & Shady, 2007).

An essential prerequisite for action is information which will help to identify whether the problem exists in a given community. It is in this area that the electronic and print media will be a major instrument of change. The media in Nigeria is another area where emphasis must be laid as it plays a major role in the dissemination of information. People in the media need to recognize their power and role in either changing or continuing pervasive dehumanizing traditions that undermine and violate human rights of women. Ultimately a combination of these efforts will go a long way to curbing son preference in Igbo land.

5. Conclusions

Generally in Igbo land, sons are mostly preferred over daughters due to a complex interplay of economic and socio-cultural factors. It is observed that the main causes of son preference were the female sex of all siblings, followed by economic and social causes. It is a truism that son preference perpetuates discrimination and violates women's rights. The UN Agencies (2012) observed that gender-based sex selection reflects and fuels a culture of discrimination and violence, and must be addressed urgently by all segments of government and society as a matter of women's human rights.

In Igbo land, men generally are presumed to have greater economic and social value than women, they are seen as strong and able to provide assistance in the farms and also serve as a form of social security. In patriarchal societies, sons are also valued for their perpetuation of the family lineage. Son preference has persisted in several communities in Igbo land due to deep rooted cultural and religious reasons despite economic and social changes in the communities that practice it. It is however apparent that the practice offends some legal instruments touching on discrimination, but to the knowledge of the author there are no national laws on son preference in Nigeria or specific laws in States specifically affected. It is therefore suggested that efforts should be directed in that area.

However, laws alone cannot stop this practice in Igbo land, there is a mindset regarding attitudes towards/boys and girls. Most societies from the onset construct what role is feminine or masculine, and apportion different roles to the different sexes. In most cases, a girl or woman is only seen and not heard. Her domain is the domestic chores about the house cooking, scrubbing, child rearing, care giver of the entire family etc. This mindset must be gradually but rigorously attacked in strategic ways by removing the reasons responsible for son preference as well as exposing its negative effects on women and invariably exposing the importance of women in society. There is the need also to put in place measures that will enhance greater higher education of girls so that gender equity is achieved in education and invariably in employment matters. The last measure would ensure independence and self-reliance of women and place girls as assets rather than liability. It should be borne in mind that even though there are developmental goals in Nigeria, any development that is not engendered to avoid discrimination, is surely endangered.

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Notes

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