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consisting of common law, customary law, and Islamic law.² Therefore, for any law to thrive in Nigeria, such law must be all-encompassing to meet the exigencies of the people hence the position of Islamic law cannot be underscored on the reproductive rights issue. The paper also evaluates the impact of CEDAW and other related laws which are meant to improve the health and reproductive rights of women in Nigeria. Nigeria was a party to CEDAW in 1985 but the effect of this instrument is yet to be realized because of its non-domestication.³ In addition, the Cairo Programme of Action as well as the Beijing Platform which is supposed to facilitate the advancement of reproductive rights is yet to be utilized and implemented.⁴

The quality of care in reproductive health facilities cannot be realized where there is no government commitment. In addition, access to reproductive health care services such as safe abortion can only be realized when there are complementary facilities in place.⁵ In Islam, women are endowed with reproductive right and their health status determine when and when not to bear children, sexual behavior, safe motherhood, prevention and management of infertility, prevention and treatment of malignancies, and elimination of unsafe abortion.⁶ Islamic law permits married women and men to determine their reproductive choice, dignity and abstain from reproductive health diseases and risks. In addition, Islam encourages married couple to enjoy marital sex without fear of infection, unwanted pregnancy, to bear and raise healthy children among others. Similarly, the Women's Convention, adopted in 1979, makes international obligations pronouncement that States shall ensure that men and

²Jamiu M. B., 'Shari'a as Customary Law? An Analytical Assessment from the Nigerian Constitution and Judicial Precedents', (2021), 21(1) AHKAM 2021, p.25-44; Enabulele O. A., and Bright B., 'Validity and Enforceability of Customary Law in Nigeria: Towards a Correct Delimitation of the Province of the Courts', (2019) 63 Journal of African Law, pp.79-104.

³Grace A.A., 'Protecting women from violence through legislation in Nigeria: Need to enforce anti-discrimination laws', (2020), 20(4) International Journal of Discrimination and the Law, pp. 245-288; Agbalajobi D.T., and Oluwalogbon L. A., 'The Nigerian Senate and the Politics of the Non-Passage of the Gender Equality Bill', (2019), 13(1) African Journal of Political Science and International Relations, pp.17-23.

⁴Amelia N. O., et al, 'Sexual and Reproductive Health Services (SRHS) for Adolescents in Enugu state, Nigeria: A Mixed Methods Approach' (2018), 18(92) BMC Health Services Research, pp.1-13; Ayanleye O. A., 'Women and Reproductive Health Rights in Nigeria', (2013), 6(5), OIDA International Journal of Sustainable Development, pp. 127-140; Timothy N. Thomas T. N., et.al., 'Improved Maternal Health since the ICPD: 20 Years of Progress', (2014), 90(6) Contraception, p.S32-S38.

⁵Oguntunde O., et al., 'The Experience of Men who Participated in Interventions to Improve Demand for and Utilization of Maternal and Child Health Services in Northern Nigeria: A Qualitative Comparative Study', (2019), 16(104) Reprod. Health, pp. 1-12; Perehudoff K., Pizzarossa L.B., and Stekelenburg J., 'Realising the Right to Sexual and Reproductive Health: Access to essential Medicines for Medical Abortion as A Core Obligation', (2018), 18(1) BMC International Health and Human Rights, pp. 1-7.

⁶Ikuru S. E. and Green-Wike E., 'Socio-Economic Implications of Modern Family Planning amongst Married Couples in Rivers State', (2021), 2(5), International Journal of Development and Public Policy, pp.120-134.

the Prophet of Islam (SAW).¹² The Prophet was reported to have said, "The best among you in the presence of Almighty Allah is he who is the best catering for his family." He was also reported in so many collections how he used to help in the house chores, helped his wives, and took care of his children. The Prophet Muhammad (Peace be upon him) lived in a time when men considered themselves superior to women. Many men considered themselves to be too manly to do household chores. Aisha, the Prophet Muhammad's wife, explains that he used to milk the goats, mend his sandals, and patch his own clothes. He was busy helping his wife and taking care of the home. Aisha was asked "What did the Prophet used to do in his house?" She replied, "He used to keep himself busy serving his family and when it was the time for prayer, he would go for it." [Bukhari]¹³ He was never found wanting as a husband and father in the discharge of his responsibilities. Allah emphasized that whoever is hoping to meet Him should emulate the prophet for he is worthy of emulation and a great teacher.¹⁴ Islam encourages the establishment of clinics and maternity homes for regular check-ups during and after pregnancy. Men are also not left out in this regard. Attendance of men during this period will make them more committed to the needs of their wives. They will always be there for them in case of any emergency because they are both in it together.

2.2. Safe Abortion

Abortion is a serious phenomenon. This has damaged the reproductive health system of many women in our society. In Nigeria, the criminal and penal laws prohibit abortion except when done to save the life of the expectant mother.¹⁵ Many women who had undergone unsafe abortions in the hands of quacks and unqualified medical personnel face threats to their physical, social, and mental health due to the inadequacy of law to control abortion. Many women have suffered infection, hemorrhage, and injury to internal organs as a result of unsafe abortions while leaving many with life-long health injuries or infertility.

However, Islam encourages abortion when the life of a pregnant woman is facing imminent danger and saving of life is precedence. Scholars have divided opinions on whether abortion is permissible or not. The first scholars opined that the act is permissible only before a certain

¹²Benaouda B., 'Breastfeeding As A Fundamental Islamic Human Right', (2021), 60(8), Journal of Religion and Health, pp. 1-13

¹³Sahih Bukhari, volume 5, book 59, number 526.

¹⁴See Q. 33v 21 (English-Arabic Translated Qur'an by Yusuf Ali).

¹⁵Byrne M. E., et al., 'Determinants of Women's Preferred and Actual Abortion Provision Locations in Nigeria', (2021), 18(240), Reprod. Health, pp.1-15.

period of time and it becomes a sin to abort a fetus that has attained full development (between six and nine-month).¹⁶ In fact, it is desirable to find a means of bringing such a baby to life when the danger is envisaged instead of the abortion option. While the second scholars were of the opinion that abortion should not be approved at any stage because the embryo is already possessing a soul right from conception.¹⁷ However, this exercise should be carried out by experts and not quack doctors. Evacuation of the fetus from a woman's womb should be done with the consent of her husband.

2.3. Family Planning and Child Control

Family planning is a means through which couples regulate childbirth in order to realize the desired number of children they tend to cater for.¹⁸ Family planning is referred to as essential to the achievement of the erstwhile millennium development goals (MDG) because it has a direct impact on women's health and consequences on each pregnancy. It is trite that high fertility influences women's reproductive ability. Primarily, unplanned pregnancies and sexually transmitted infections (STIs) persist as significant threats to women's reproductive health. Contraceptive methods are preventive measures that help women to shun unwanted pregnancies. These include all temporary and permanent measures to prevent pregnancy resulting from sexual intercourse.

Free access to contraceptives minimizes the number of unwanted pregnancies thereby improving the health status of women.¹⁹ The benefits of oral contraceptives to women are enormous, it does not only reduce morbidity and mortality caused by pelvic infection,

¹⁶ Al-Khatib M., 'Abortion in the Hanbali School of Jurisprudence: A Systematic Ethical Approach', In *Abortion*, (2021), Springer, Cham, pp. 155-167; Matthews Z., 'A Review of the Rulings by Muslim Jurists on Assisted Reproductive Technology and Reproductive Tissue Transplantation', (2021), 12(9), *Religion*, p.720; Musa A. H., 'Exploring Midwives' Experiences of Workplace Adversity and Resilience in Northern, Nigeria: A Constructivist Grounded Theory' (PhD diss., Cardiff University, 2021).

¹⁷ Pourmoghdam Z., et.al., 'Current Approaches for the Treatment of Male Infertility with Stem Cell Therapy', (2018), 233(10), *Journal of Cellular Physiology*, pp. 6455-6469; Karakaya A., & Ilkilic, I., 'Ethical Assessment of Human Embryonic Stem Cell Research According to Turkish Muslim Scholars: First Critical Analysis and Some Reflections', (2016), 12(4), *Stem Cell Reviews and Reports*, pp. 385-393; Goodarzi P., et.al., 'Therapeutic Abortion and Ectopic Pregnancy: Alternative Sources for Fetal Stem Cell Research and Therapy in Iran as an Islamic Country', (2019), 20(1), *Cell and Tissue Banking*, pp. 11-24.

¹⁸ Amuji H. O. et.al, 'Modelling of Pre-Sex Selection: An Effective Method for Family Planning and Control of Overpopulation', (2021), 10(2), *Open Journal of Optimization*, pp. 29-46; Abdulrahman M. A., 'Assessment of Illiterate Mothers' Perceptions on Birth Control and the Control Measures Practice in Zamfara State, Nigeria', (2021), 8(2), *Global Journal of Engineering and Technology Advances*, pp. 062-067.

¹⁹ Ajayi A. I., Adeniyi O. V., & Akpan W., 'Use of Traditional and Modern Contraceptives Among Childbearing Women: Findings from a Mixed Methods Study in two Southwestern Nigerian States', (2018), 18(604) *BMC Public Health*, pp.1-9; Johnson O. E. (2017). Determinants of Modern Contraceptive Uptake among Nigerian Women: Evidence from the National Demographic and Health Survey', (2017), 21(3), *African journal of Reproductive Health*, pp. 89-95; Unumeri G., et.al. 'Contraceptive Use and Its Socio-Economic Determinants Among Women in North-East and North-West Regions of Nigeria: A Comparative Analysis', (2015), 29(2), *African Population Studies*, pp.1.

gynecologic cancers, and harms related to the menstrual cycle but also increases bone density and treats emerging acne indications.²⁰ In a study conducted among two groups of patients, it was revealed that the use of contraceptive pills is recommended as pre-treatment for patients with endometriosis before ovarian stimulation, as it proffers advantages of lesser cost and enhanced embryo quality, and does not influence pregnancy rates negatively when compared with those patients who do not undergo oral contraceptive pre-treatment.²¹ Oral Contraceptives pill is used to reduce several health risks and improve several ailments in women.

There is an increased awareness of strategies to reduce fertility rates, which has been incorporated in the Millennium Development Goals to improve maternally and child health.²² Many programs on this have received funding in an attempt to address the high levels of unmet needs in family planning.²³ However, despite these programs, uptake of contraceptives in Nigeria has remained relatively slow. Generally, unplanned pregnancy and STIs persist as a significant threat to women's reproductive health. In Nigeria, despite huge resources committed to family planning programs by stakeholders, contraceptive use has been very low.²⁴

Although family planning is not synonymous with birth control, planning, provision, and use of birth control are called family planning methods.²⁵ Some contraceptives prevent sexually transmitted infections (STI). Within the same society, contraception varies amongst people of different socio-cultural, educational, religious, or occupational affiliations.

The International Conference on Population and Development (ICPD) in Cairo 1994 was one of its kind to give full explanations concerning reproductive health thus:

²⁰ Seracchioli R., Del Forno, S., and Esposti, E.D., 'Non-Contraceptive Benefits of Hormonal Methods', In *Female and Male Contraception*, (2021), Springer, Cham, pp. 135-160;

²¹ Aina I.T. and Aina-Pelemo, A.D., 'The Use of Contraceptives in Nigeria: Benefits, Challenges and Probable Solutions', (2019), 86, *JL Pol'y & Globalization*, pp.88.

²² Nakamura Y., 'The Role of Maternal and Child Health (MCH) Handbook in the Era of Sustainable Development Goals (SDGs)', (2019), 1(1), *Journal of Global Health Science*; Olaitan T., 'Ending Preventable Maternal and Child Deaths in Western Nigeria: Do Women Utilize the Life Lines?', (2017), 12(5), *PLoS One*, p. 1-15.

²³ Bongaarts J., and Karen H., 'Trends in Contraceptive Prevalence in Sub-Saharan Africa: The Roles of Family Planning Programs and Education', (2019), 23(3), *African Journal of Reproductive Health*, pp.96-105; Fagbamigbe A. F., et. al, 'Demand and Unmet Needs of Contraception among Sexually Active In-Union Women in Nigeria: Distribution, Associated Characteristics, Barriers, and Program Implications', (2018), 8(1), *Sage Open*, p. 2158244017754023

²⁵ Cavalcanti T., Georgi K., and Cezar S., 'Family Planning and Development: Aggregate Effects of Contraceptive Use', (2021), 131(634), *The Economic Journal*, pp.624-657.

"Reproductive health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity, in all matters relating to the reproductive system and its functions and processes. Reproductive health, therefore, implies that people are able to have a satisfying and safe sex life and that they have the capability to reproduce and the freedom to decide if, when, and how often to do so. Implicit in this last condition are the right of men and women to be informed [about] and to have access to safe, effective, affordable, and acceptable methods of family planning of their choice, as well as other methods for regulation of fertility which are not against the law, and the right of access to appropriate health-care services that will enable women to go safely through pregnancy and childbirth and provide couples with the best chance of having a healthy infant [para. 72]."²⁶

However, Islam places a high premium on family planning but with a caveat even though scholars are divided on this.²⁷ Amazingly, Muslim scholars are divided on this issue of family planning. Some scholars opined that a permanent method of contraception is not encouraged except where the health of the mother may be an issue.²⁸ Some even based their opinion on the fact that sterilization affects fertility thereby changing the work of God and such should not be encouraged.²⁹ While others approve of it on the understanding that if a temporary method such as Azl (withdrawal method) is enjoined then a permanent method may also be desirable.³⁰ Those who agreed to family planning and child spacing leave the discretion in the hands of individuals to decide on the number of children to have based on the health ground of their women.³¹ Islam itself has moderated the child spacing by enjoining women to breastfeed their children for two years in the interest of the mothers and their children.³² The decision of child spacing lies within the confine of the couples and must be respected.³³ This is an exclusive decision that Islam has vested in the couple *stricto sensu* devoid of

²⁶ *International Conference on Population and Development (ICPD) in Cairo, paragraph. 72, 1994.*

²⁷ Tetzlaff R., "Population Growth, Poverty, Hunger", (2022), In Africa, Springer Wiesbaden, pp. 201-215.

²⁸ Abdi B., et.al, 'Children are A Blessing from God'—A Qualitative Study Exploring the Socio-Cultural Factors Influencing Contraceptive Use in two Muslim Communities in Kenya', (2020), 17(1), Reproductive Health, pp. 1-11.

²⁹ Abdul-Fattah B. D., 'Islamic Perspectives on Curbing Population Growth to Promote Earth's Sustainability', (2019), 10(1), Islam & Civilisational Renewal, pp.1.

³⁰ Pinter B., et.al., 'Religion and family planning', (2016), 21(6), The European Journal of Contraception & Reproductive Health Care, pp.486-495.

³¹ Hori H., 'Legal Reasoning for Legitimation of Child Marriage in West Java: Accommodation of Local Norms at Islamic Courts and the Paradox of Child Protection', (2020), 12(3), Journal of Human Rights Practice, pp. 501-523; Esposito J. L. and Delong-Bas N.J., 'Shariah: what everyone needs to know', (Oxford University Press, 2018).

³² See Q. 31 V14, Q. 46 V15 and Q. 2 v 233 (English-Arabic Translated Qur'an by Yusuf Ali); Asare B.Y. A et al., 'Breastfeeding Practices and Determinants of Exclusive Breastfeeding in a Cross-Sectional Study at a Child Welfare Clinic in Tema Manhean, (2018), Ghana', (2018). 13(12) Int. Breastfeed J, p. 1-15; Musa H., and Harun F., 'Breastfeeding Practices: A Cross-Believed Perspective', (2017), 4(3) Advances in Social Sciences Research Journal, p.1-12.

³³ Roudi-Fahimi F., 'Islam and Family Planning', (2004), PRB MENA Policy Brief, p. 1-8.

government intervention. Talking of child spacing modalities, consent of women is always required because the Holy Qur'an places no burden on believers and that the interest of both mothers and children takes precedence.³⁴

2.5. Harmful practice and Gender issues

These are traditional practices that leave negative impact on dignity, physical, psychosocial and moral integrity, educational, health, economic and social status of women and girl-child. They constitute discrimination against women.³⁵ They revealed the perpetual of men's dominance and other intersecting factors. Gender violence is based on violence resulting in physical sexual and psychological harm against women whether in private or public. Several laws have been passed to eliminate these practices but applications are pending. For instance, violence against persons (prohibition) Act 2015 was passed to eliminate violence in private and public life. This Act also prohibits all forms of violence against persons, provides remedies for victims and punishment for the offenders and other related matters. Unfortunately, people still violate this law and cause physical harm and engage in sexual harassment on daily basis.³⁶

Islam enjoins equity among the sexes with equal rights, privileges, and responsibilities. They have equal rights to education, acquire and maintain poverty, inheritance, and gainful employment.³⁷ Unfortunately, Islamic law, is yet to be implemented fully, has been reduced to personal matters relating to Muslims in Nigeria.³⁸ The Prophet of Islam (SAW) was reported to have placed emphasis on female education and used to take time off to educate

³⁴Bhatt N., 'Perceptions of Family Planning Services and its Key Barriers among Adolescents and Young People in Eastern Nepal: A Qualitative Study', (2021), 16 (5) PLoS ONE, 1-10; Mohammad Mir A., and Shaikh G. R., 'Islam and Family Planning: Changing Perceptions of Health Care Providers and Medical Faculty in Pakistan', (2013), 1(2) Glob Health Sci. Pract. P. 228-236.

³⁵Ikea C.S., Onuh, N.C. and Emela, A.U., 'The Moral Challenges of Female Genital Mutilation on the Stability of Marriage in Ebonyi State', (2021), 11(1), Open Journal of Philosophy, pp. p.59; Ganiyu S. O., et al., 'An overview of Female Genital Mutilation in Africa: are the Women Beneficiaries or Victims', (2020), 12(9), Cureus, pp .1.

³⁶Ghani Z. A., 'A Comparative Study of Urban Crime between Malaysia and Nigeria', (2017), 6(1)." Journal of Urban Management, pp. 19-29; Adewuyi I.S., 'Domestic Violence: The Nigerian Experience', (2016), 13, Asia-Africa Journal of Mission and Ministry, pp. 3-16;

³⁷Okongwu O. C., 'Are Laws the Appropriate Solution: The Need to Adopt Non-Policy Measures in Aid of the Implementation of Sex Discrimination Laws in Nigeria', (2021), 12(1), International Journal of Discrimination and the Law, pp. 26-46; Patoari M. H., 'The Rights of Women in Islam and Some Misconceptions: An Analysis from Bangladesh Perspective', (2019), 10 Beijing L. Rev., pp. 1211.

³⁸Diriwari W., 'Socio-Economic Arguments in the Discourse on Girl-Child Right to Education in Nigeria', (2022), 10, Int'l J. Soc. Sci. Stud., pp.87; Bako M.J. and Syed, J., 'Women's Marginalization in Nigeria and the Way Forward', (2018), 21(5), Human Resource Development International, pp.425-443; Muhammed A. A., and Yusuf J. A., 'LGBT: An Evaluation of Shariah Provisions and The Laws of Malaysia and Nigeria', (2018), 8(1), Global L

women of his time. He did this to establish the importance of women in society.³⁹ Evidence abounds from the Holy Qur'an concerning equity among the sexes with the specificity of self-control,⁴⁰ purity in sex life,⁴¹ and motive, thought, words, and worship.⁴² The Qur'an further emphasizes the word equity by saying, "the most honored of you in the sight of God is the most righteous."⁴³ During the time of the Prophet of Islam (SAW), women were allowed to participate actively well. His wife, Aisha (RA) was a teacher for other women.⁴⁴ Women were also nominated to oversee the market transactions during the period of Umar (the second Caliph; RA).⁴⁵ These are just few examples of the roles played by women around the Messenger (SAW). There are lots of lessons to learn from the Madinah Charter⁴⁶

2.5.1. Harmful Sexual Health

The international community has become aware of the need to achieve equality between the sexes and of the fact that an equitable society cannot be attained if the fundamental human rights of half of human society, i.e. women, continue to be denied and violated.⁴⁷ However, the bleak reality is that the harmful traditional practices focused on in this Fact Sheet have been performed for male benefit. Female sexual control by men, and the economic and political subordination of women, perpetuate the inferior status of women and inhibit structural and attitudinal changes necessary to eliminate gender inequality. The Charter of the United Nations includes among its basic principles the achievement of international

³⁹Khan F., Shagufta G., and Sadia N., 'Islam and Women's Rights of Education: Mandatory or Forbidden', (2020), 3(1), Pakistan Journal of Humanities & Social Sciences Research, pp.13-22.

⁴⁰ Daibu A. A., 'A Comparative Analysis of the Defence of Provocation Under Statutory and Islamic Law', (2021), 26(2), Coventry Law Journal, pp. 1; Hakakan M., et.al., 'Systematic Review of Research on the Effect of Modesty on Family Strength', (2021), 9(4), Journal of Woman and Family Studies, pp. 79-105.

⁴¹ Crabtree S. A., 'Families and Friends: Relationship Development in Muslim Cultures, Human Growth and Development in Adults: Theoretical and Practice Perspectives (2020), pp. 123; Power B., and Peter R., 'Islam and Homosexuality', (2019), Engaging Ethically in a Strange New World: A View from Down Under, pp. 101.

⁴² Sardar Z., 'Reading the Qur'an: The Contemporary Relevance of the Sacred Text of Islam', (Oxford University Press, 2017).

⁴³ Q. 5 V 8-9; Q.2 V 177; and Q. 16 v 90 (The English-Arabic version of the Holy Qur'an by Yusuf Ali); Reshi F. A., 'Perspective of Human Rights in Islam', (2019), 1(8), Perspective, pp.1.

⁴⁴ Raja B. I., and Waqas A. H., 'Honored and Empowered Women: An Islamic Perspective', (2022), 3(1), Al-Duhaa, p.1; Azid T., and Ward-Batts J., 'Empowerment of Women in Islam: An Introduction', In Economic Empowerment of Women in the Islamic World: Theory and Practice, (2020), pp. 1-17.

⁴⁵ Shah Mohd Ab Malek Md., et.al., 'The Relevancy of Hisbah (Accountability) in The Modern Era: A Brief Analysis', (2021), 22(2), Jurnal Islam dan Masyarakat Kontemporer, pp. 30-35.

⁴⁶ Liman A. A., 'Madinah Charter: Lessons from the Prophet', (2019), E-Proceeding, pp. 54; Qasim M. I., 'Prophet Muhammad's Strategies on Security and Peace Building: Lessons for the Nigerian Society', (2014), 19(11), Journal of Humanities and Social Science, pp. 18-22.

⁴⁷ Nancy Perrin et al., 'Social Norms and Beliefs about Gender Based Violence Scale: A Measure for Use with Gender Based Violence Prevention Programs in Low-Resource and Humanitarian Settings', (2019), 13(6) Confl Health, P. 1-12; PanelEndalcachewBayeh, 'The Role of Empowering Women and Achieving Gender Equality to the Sustainable Development of Ethiopia', (2016), 2(1) Pacific Science Review B: Humanities and Social Sciences, p.37-42.

cooperation in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.⁴⁸ The Universal Declaration prohibits all forms of discrimination based on sex and ensures the right to life, liberty, and security of a person; it recognizes equality before the law and equal protection against any discrimination in violation of the Declaration.⁴⁹ The Convention on the Elimination of All Forms of Discrimination against Women, for example, was ratified by 136 States as of January 1995.⁵⁰ Despite the ratification and adaptation of all these international instruments into the Nigerian laws, the loopholes are yet to be cemented and eliminated.

However, Islam enjoins a healthy sexual relationship devoid of harmful sexual relationships such as sex during menstruation, and intercourse among others.⁵¹ Islam prohibits extramarital relationships which is one of the reasons for legalizing polygamy.⁵² In addition, Islam forbids excessive demand for sex. Both the husband and wife must learn how to balance the sexual demands when it comes to sexual intercourse. This was demonstrated by a man who came to report his wife as nymphomania. The Prophet of Islam (SAW) was reported to have advised the man to divorce her but later said "keep her in that case" when the man expressed the deep love he had for his wife.⁵³ This goes to show that equity is the watchword in the sexual relationship between a husband and his wife.

2.6. Cancer of the Reproductive System

Cancer of reproductive system include those of breast, cervix and ovary in women. Cancer is commonly experienced among women and it requires proper management in its early discovery to avert poor outcome or death.⁵⁴ Survival of breast cancer are increasing while death rate due to this disease is steadily declining primarily owing to earlier detection coupled

⁴⁸The Charter of United Nation, (Art. 1, para. 3).

⁴⁹Freyer Beke, and Fiona H. M., 'An investigation of incident reports from the detention center Nauru: Has Australia breached the Universal Declaration of Human Rights?', (2021), 20(4), *Journal of Human Rights*, pp. 449-467.

⁵⁰Olugbemi V. K., and Omoniyi, M. B. I., 'Political Development of Women in Nigeria, 1985-2019', (2021), 7(3), *KIU Journal of Social Sciences*, pp. 39-46.

⁵¹Chambers C., et.al., 'Sexual misery' or 'happy British Muslims'? Contemporary depictions of Muslim sexuality', (2019), 19(1), *Ethnicities*, pp. 66-94.

⁵²Gerbaka B., Richa S. and Tomb R., 'Early and Forced Marriage', In *Child Sexual Abuse, Exploitation and Trafficking in the Arab Region* (2019), Springer, Cham, pp. 229-271.

⁵³Hussein W. N., 'The lost identity of men in Islamic ages: a study of gender', (2021), 12(11), *Turkish Journal of Computer and Mathematics Education (TURCOMAT)*, pp. 2569-2583.

⁵⁴Castle P. E., Mark H. E., and Vikrant V. S., 'Cervical Cancer Prevention and Control in Women Living with Human Immunodeficiency Virus', (2021), 71(6), *CA: A Cancer Journal for Clinicians*, pp. 505-526.

with a new personalized approach to treatment and a better understanding of the disease.⁵⁵ Some of the factors causing cancer of the reproductive system are alcohol, smoking tobacco, and being overweight, among others. Cancer is intimately related to the accumulation of DNA damage, and repair failures (including mutation-prone repair and hyperactive repair systems).⁵⁶ Cancer has been found to be a non-communicable disease however, there is yet to be a lasting solution to this malignant disease. The only temporary solution is surgery, radiotherapy, and chemotherapy which keep the patient for a while before giving up the ghost.

However, Islam has discouraged (prohibited) all that could affect human health out rightly.⁵⁷ For instance, Muslims have been strongly warned not to consume alcohol, Allah says: "O you who believe! Intoxicants (all kinds of alcoholic drinks), gambling, idolatry, and divining arrows are an abomination of Satan's handiwork. So avoid that so that you may be successful."⁵⁸ Although there is no express provision in the Holy Qur'an concerning Smoking and consumption of hard drugs, excess food intake, the Holy Qur'an gives behavioral guidance so that you may not kill yourselves indeed, God Almighty is most merciful to you"⁵⁹ respectively. Islam would not wait until a particular thing occur before proffering a solution. The objective of Islamic law is to benefit and protect mankind against all sorts of attacks and diseases.⁶⁰ Cancer is a terminal disease if not properly detected early, hence the early warning was given by Islamic law to desist from consumption of alcohol and other things that are injurious to man's health.

3.0. Domestic and Sexual Violence Against Women

Violence against women is defined as "any act of gender-based violence that results in or likely to result in, physical, sexual, or mental harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in

⁵⁵Agha A. A., Onalu C., and Runcie C., 'Bridging the Gap: Investigating the Role of Social Workers in Supporting Metastatic Breast Cancer Patients in Nigeria', (2022), 37(3), *Social Work in Public Health*, pp. 244-257.

⁵⁶Shivpoojan Kori, 'An Overview: Several Causes of Breast Cancer', (2018), 2(1), *Epidemiology International Journal*, p. 1-5.

⁵⁷Attum B., et al., 'Cultural Competence in the Care of Muslim Patients and Their Families', [Updated 2021 Sep 6]. In: StatPearls [Internet]. Treasure Island (FL): StatPearls Publishing; 2022 Jan-. Available from: <https://www.ncbi.nlm.nih.gov/books/NBK499933/> Accessed on 14th March, 2022; Al-Matary A., & Ali J., 'Controversies and Considerations Regarding the Termination of Pregnancy for Foetal Anomalies in Islam', (2015), 15(10), *BMC Med Ethics*, p. 1-14.

⁵⁸See Q 5 v 90-91 English-Arabic version of the Holy Qur'an by Yusuf Ali.

⁵⁹See Q 4 v 29.

⁶⁰Abdulrahcem T. A., and Salwani bt Muda, F., 'Maqasid Al-Shari'ah: A Pathway for Protecting Children's Right to Health', (2018), 22, *Jurnal Undang-Undang Dan Masyarakat*, pp. 75

private life.⁶¹ Violence against women is an abuse of women's rights and freedom. Sexual violence such as rape and forced sex in marriage is a violation of women's reproductive rights as it negatively impacts their sexual and reproductive health and autonomy. It is an abuse of their rights to bodily integrity, sexuality, and reproductive capacity. In Nigeria, the criminal law is explicit on sexual violence against women and is in no way protecting women against sexual violence in private and family life. There is a culture of violence against women, forced sexual relations within marriage are accepted and tolerated. Husbands are not criminally liable for sexual violence at home. Rape and domestic violence are settled by the culture of silence.

Oftentimes women do not have the power to discuss safe and responsible sex practices with little access to treatment. Sexual violence severely induces a woman's right to health hazards. The international community specifically advocates for women's rights to be free from gender-based violence including rape and other sexual violence in the private sphere. CEDAW (The Convention on the Elimination of All Forms of Discrimination against Women) views gender-based violence as a form of discrimination that seriously impedes women's ability to enjoy rights and freedoms on a basis of equality with men because sexual violence in its various forms recognize women as subordinate gender and discriminate against them on the basis of sex.⁶² However, under Islamic law, a man is enjoined to fondle with his wife when it comes to sexual relationship and must not force sex on her.⁶³ Hence the husband must consider both the physical and emotional fit of his wife in the course of their mating and vice versa. Evidence is bound to show that the Prophet of Islam (SAW) took time off to explain in detail how couples should relate with one another on many occasions. His followers use to ask about sexual position while their women approach Aisha, the wife of the Prophet (saw) on reproductive health issues. Sexual intercourse can come in any form such as in a standing position, sitting, or leaning on one side. Islam enjoins a man to approach his wife as he wishes.⁶⁴

⁶¹The United Nations General Assembly adopted the Declaration on the Elimination of Violence against Women (A/RES/48/104), 1993.

⁶²Ikimi, 'Development of the Human Rights of Women in a Cultural Milieu', (2018), 9(2), *NAUJILJ*, p. 2-12; Makama, Godiya Allanana, 'Patriarchy and Gender Inequality in Nigeria: The Way Forward', (2013) 9(17), *European Scientific Journal*, p.1-30.

⁶³Redlich R. M., and Wood E. J., "The Islamic State's pattern of sexual violence: ideology and institutions, policies and practices", 2021, 6(2), *Journal of Global Security Studies*, pp.38.

⁶⁴ See Q.2 v 223, the English-Arabic Translated version of the Holy Qur'an by Yusuf Alli.

4.0. Conclusion

This paper shows the need for the inclusion of Islamic law in the legal framework on the health reproduction system in Nigeria. There is a need for policymakers to pay attention to this since the Nigerian legal system is tripartite in nature. This will enrich the legal system and the citizenry to be fully aware of how to prevent these malignant diseases. It will also assist the government in the prevention of the mortality rate in the country.

5.0. Observations and Recommendations

It is observed that the legal framework for the health reproduction system in Nigeria did not include the views of Islamic law hence the interest of the Muslims has not been properly taken care of accordingly. There is a need to revisit the existing work and the law in order to take into consideration the peculiarities on reproduction health of the Muslims in Nigeria. The paper, therefore, recommends the following:

There is an urgent need to revisit reproductive health rights in Nigeria to accommodate the Islamic perspectives.

There is a need to provide an adequate awareness of Islamic law on reproductive health rights.

There is more to learn from Islamic reproductive health rights, hence, the paper recommends the implementation of Islamic law on reproductive health rights as this would foster the health system in Nigeria.

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