

INTERNATIONAL STANDARDS ON GENDER MAINSTREAMING: AN ANALYSIS OF NIGERIA'S COMPLIANCE

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Abstract

The Universal Declaration of Human Rights (UDHR) in 1948, gave rise to the substantial attention given to gender equality as a critical component of human rights and social justice. In pursuit of gender equality in the global space, examining disparities and successes among jurisdictions will shed light on the multifaceted challenges and opportunities in achieving true gender parity. In Nigeria for instance, while significant progress has been made to prioritise gender equality through the signing of treaties and domestication of legal instruments, challenges persist in realising gender equality in strategic sectors such as employment, education, healthcare, and politics. This emphasises the need for carefully thought-out interventions to address systemic gender inequalities in Nigeria. Using an interdisciplinary approach, this paper critically analyses the extent to which gender considerations have been mainstreamed into legislation and policies of government in Nigeria. The paper aims to identify key strategies and best practices from some selected jurisdictions that can inform Nigeria's efforts to accelerate progress towards gender parity. The analysis will draw upon case studies and empirical data from cross-country experiences to provide a comprehensive understanding of the opportunities and challenges faced in Nigeria in promoting gender equality within its respective socio-economic contexts. By learning and leveraging international best practices, Nigeria can overcome systemic barriers and create an inclusive society where women and girls enjoy equal rights and opportunities.

Keywords: Gender equality, gender mainstreaming, compliance, international standards, gender parity, social justice

1.0 Introduction

It is not in doubt that human capital is one of the resources that can drive any country's socio-economic and political development. However, the neglect of a particular group among the human capital could prove counter-productive or become a hindrance to the development stride of any nation. Despite the scale of percentage of women and girls' population in Nigeria (Nigeria Gender Report, 2012), the country continues to face deep-rooted challenges in addressing gender disparities. This report (Nigeria Gender Report, 2012) shows that Nigeria's 80.2 million women and girls have significantly worse life chances than men and also their sisters in comparable societies. A survey conducted by Development Economics World Bank group revealed that as at 2022, nearly 2.4 billion working-age women live in economies that do not grant them the same rights as men (Indermit, 2023).

In Nigeria, like many African countries, women are regarded as inferior to men in many respects (Fatile, Akhakpe & Igbokwe-Ibeto, 2012). Hassim (1993) alluded to this submission of scholars when he postulated that "the pre-colonial African traditional culture is inherently oppressive of women, and they are cut-off from decision-making and defined out of mainstream politics." Arguably, this social construction has penetrated the social, economic and political fabric of the society to the extent that a gender structure has emerged which tends to place men at the top above women almost all the time. Using an interdisciplinary approach, this paper analysis key thematic areas of gender disparity in employment, education, political representation, and healthcare among other areas. The paper provides evidence-based insights into disparities and Nigeria's efforts in achieving gender equality. It also aims at fostering effective strategies and advocacy for enhanced gender equality laws and policies in the country.

It is important to note from the onset that the terms "gender equality" and "gender mainstreaming" are used interchangeably in this paper to refer to the subject of concern which is women, men, boys and girls of all classes and races who participate as equals and who have equal value. The concept of gender equality means that "the rights, responsibilities and opportunities of individuals will not depend on whether they are male or female, handicapped or able bodied, young or elderly, white or black, or from rural or urban settings" (United Nations Population Fund [UNFPA], 2012). Accordingly, gender mainstreaming means "taking account of gender equality concerns in all policy, programme, administrative and financial activities, and in organisational procedures, thereby contributing to organisational transformation (United Nations Development Programme [UNDP], 2020; UN Inter-agency Committee on Women and Gender Equality [IACWGE] and OECD/DAC Women in Development Expert Group [OECD/DAC WID], 1997).

In achieving the aim of this paper, it is divided into six parts. The introductory part is followed by an overview of certain pre-eminent international, regional and national legal instruments that establishes standards for women's rights. This is followed by an assessment of the status of implementation of the legal instruments in Nigeria as well as the challenges inhibiting the implementation in the third part. The fourth part is a voyage into the cross-country experiences of gender equality by drawing vital insights as lessons for Nigeria, while the fifth part delve into the reform of gender equality in Nigeria, drawing lessons from other jurisdictions. The concluding part proffers solutions as well as recommendations on the role of the National Institutes for Legislative and Democratic Studies (NILDS) in mainstreaming gender equality.

2.0 Overview of notable International, Regional and National Legal Instruments Specifically Enhancing the standards for Women's Rights

There are a number of notable international instruments and treaties that promote human rights and gender equality globally. The international commitment at the forefront in the history of human rights law is the Universal Declaration of Human Rights adopted by the United Nations General Assembly on 10th December 1948 (<https://www.un.org>). The Universal Declaration of Human Rights (UDHR) has been proclaimed as a common standard of achievement for all peoples and all nations. It has set out fundamental rights to be universally protected (UN Peace, Dignity and Equality on a Healthy Planet, 1948). Human rights are inherent rights, they are not granted by any state and they exist irrespective of nationality, sex, ethnicity, language, or anything else. These rights know no restriction or discrimination (Articles 1&2 UDHR, 1948). The preamble to the Declaration state thus:

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom. (UDHR, 1948).

The UDHR has served as the basis for the constitutional provisions and protection of several nations' human rights, including women's rights. While some of these rights are aspirations to guide states' policies, a lot of the member states who are signatory to the convention are already implementing provisions of the conventions. The Violence Against Persons (Prohibition) (VAPP) Act of 2015 in section 6 thereof specifically prohibits female circumcision or genital mutilation. This is a typical demonstration of enforcing women's rights. In the same vein, the National Gender Policy 2021-2026 which provides guidelines for mainstreaming gender in various sectors of the economy with the goal of reducing gender inequalities are some of the domestic implementation activities of the UDHR in Nigeria.

Nigeria, like many other nations, has made significant strides towards achieving gender equality and mainstreaming women's issues in development agendas, although not without peculiar challenges as will be discussed subsequently in no particular order. Nigeria is also a signatory to various international conventions, treaties and regional legal instruments as presented in table 1 below:

Table 1 International, Regional and National Legal Instruments on 'Gender Mainstreaming' Signed by Nigeria and its Current Status

S/N	International and Regional Legal Instruments signed by Nigerian Government	Ratified and Domesticated	Overview of the provisions on gender equality	Implementation Status
1	Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), 1979	Ratified in 1985 but not fully domesticated.	It recognizes gender equality and prohibits discrimination against women in all spheres, including the private and public spheres	By integration, certain provisions of CEDAW have been incorporated into existing laws and policies such as Constitution of the Federal Republic of Nigeria 1999 (as altered), Violence Against Persons (Prohibition) (VAPP) Act, 2015; Child

				Rights Act, 2003 and The National Gender Policy 2006 (Revised in 2013)
2	Beijing Declaration and Platform for Action 1995	Ratified in 1995	It sets strategic objectives for gender equality and the empowerment of women. It eliminates discrimination against women and girls including prohibition of violence against women and girls and harmful practices and to achieve equality in all areas of life, in public and in private spaces.	It is a policy framework and as such there is no standalone legal framework but by integration, VAPP Act and the National Gender Policy 2006 takes care of some strategic objectives.
3	Sustainable Development Goals (SDGs)	Ratified in 2015	Goal 5 focuses on achieving gender equality and empowering all women and girls.	VAPP Act, 2015 aligns with SDGs Goal 5.
4	ILO Convention No. 100 (Equal Remuneration Convention)	Adopted on July 1, 1961	It addresses equal remuneration for men and women workers for work of equal value. It prohibits discrimination in remuneration based on gender.	Provisions of this Convention have been incorporated into the Industrial Court Act, Cap N80 Laws of the Federation of Nigeria, 2004, the Labour Act 2004
5	International Covenant on Civil and Political Rights. (ICCPR).	Ratified on October 1993	It emphasizes the principle of gender equality and non-discrimination. It guarantees civil and political rights without distinction of any kind, including gender.	Provisions of this covenant have been incorporated into the Constitution of the Federal Republic of Nigeria (CFRN) 1999 (as altered), National Human Rights Commission Act, 1995.
6	International Covenant on Economic, Social and Cultural Rights (ICESCR).	Ratified on October 1993	It recognizes the right to work, education, health, and other economic and social rights without discrimination based on gender.	Provisions of this covenant have been incorporated into the CFRN, 1999; National Health Act, 2014; Compulsory, Free Universal Basic Education Act, 2004; Labour Act Cap L1, Laws of the Federation of Nigeria, 2004; National Policy on Education Act, 2013
7	Convention on the Rights of the Child (CRC)	Ratified on April 16, 1991 and domesticated in 2003	It includes provisions for the elimination of discrimination against	Provisions of this convention have been incorporated into the Child Rights Act, 2003.

			girls and the protection of their rights	Although, not all States of the Federation have domesticated this Act.
8	African Charter on Human and People's Rights	Ratified and domesticated in 1983	It promotes and protects human rights on the African continent, including gender equality	This was fully domesticated as the African Charter on Human and People's Rights (Ratification and Enforcement) Act 1983
9	African Charter on the Rights and Welfare of the Child	Ratified on July 23, 2001 and domesticated in 2003	It promotes and protects the rights of children on the continent, including girls	Provisions of this Charter have been incorporated into the Child Rights Act, 2003
10	Discrimination (Employment and Occupation) Convention 1958.	Ratified on May 25, 1960 (amended) in 2002 and domesticated in 2018	It is a treaty adopted by the ILO which aims at combating discrimination in employment and occupation. It emphasizes that all workers should have equal opportunities and treatment in employment and occupation without discrimination	Provisions of this convention have been incorporated into the Discrimination Against Persons with Disabilities (Prohibition) Act, 2018; Labour Act Cap L1, Laws of the Federation of Nigeria, 2004
11	Underground Work (Women) Convention 1935	Ratified on 17 October 1960	This was adopted by ILO to address the specific concerns and conditions of women working underground in mines. It enjoins state party to regulate and supervise the conditions of women employed in underground work and also ensure that the health and safety of such women are adequately protected.	The integrated law in Nigeria is the Factories Act Cap F1, Laws of the Federation of Nigeria, 2004.
12	Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (The Maputo Protocol) 2003	Ratified on June 23, 2004 and domesticated on May 23, 2005	It specifically addresses various issues related to women's rights which includes protection from harmful practices rights in marriage and family life, reproductive health, political and economic empowerment.	This was fully domesticated as Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Ratification and Enforcement) Act 2008; and incorporated into VAPP Act, 2015
13	ECOWAS Protocol on the Rights of Women, 2003	Ratified on June 4, 2005	It outlines comprehensive rights and protections for women in the West African region. It aims to promote gender equality, eliminates	Only VAPP Act 2015 mirror the provisions of ECOWAS Protocol on the Rights of Women

			discrimination against women and enhance their socio-economic, political and cultural rights	
14	Optional Protocol on the Elimination of all Forms of Discrimination Against Women 2000	Ratified on November 22, 2004 and domesticated on June 14, 2005.	It provides additional measures to strengthen the implementation of the Convention on the Elimination of all Forms of Discrimination Against Women. It establishes individual complaints mechanism, inquiry procedure, interim measures, follow-up on concluding observations and it also promotes awareness raising and education on women's rights to foster gender equality and non-discrimination.	The Optional Protocol on the Elimination of all Forms of Discrimination Against Women (Ratification and Enforcement) Act, 2005 which is a legislation in Nigeria aimed at providing a legal framework for the ratification and enforcement of the Optional Protocol to the CEDAW. The National Human Rights Commission is vested with the powers to promote and protect and enforce human rights and treaty obligations regarding human rights thereby making certain provisions of the Protocol part of the National Human Rights Commission's Act.
15	Convention on the Political Rights of Women 1952	Ratified on November 17, 1980 and domesticated on May 23, 1985	It aims to eliminate discrimination against women in political matters. It promotes women participation in decision-making process and it achieve gender equality.	National Gender Police 2006 mirror the provision of the Convention.
17	UNESCO Convention against Discrimination in Education 1960	Ratified on November 18, 1969	It aims to combat discrimination in education and promote equal access to education for all.	The Nigeria Constitution, 1999 and the National Policy on Education 2013.
18	UN Security Council Resolution 1325, 2000	Ratified in 2000	It aims in promoting women's participation in peacebuilding, conflict resolution processes.	Integrated into the National Gender Policy, National Action Plan on Counter Terrorism Strategy, 2014; National Policy on Education 2013 and VAPP Act

3.0 National Implementation Status of existing laws and policies

Table 1 above shows the primary international legal instrument for the promotion and protection of women's rights. The instruments collectively prohibit discrimination based on gender, guarantees equal rights for men and women, combat gender-based violence, outlines strategies for women's empowerment and gender mainstreaming in development efforts. It can be gleaned from table 1 above that Nigeria has made impressive efforts as it concerns keying into international and regional legal instruments that is aimed at improving human rights generally and women's rights specifically. Concerns would now revolve around the domestication and implementation of these instruments.

In spite of ratification and domestication of some of the legal instruments in table 1 above, there is no standalone law that specifically domesticates and implements many of these. Domestication of these treaties as provided for under the Nigeria's Constitution is the only way Nigeria can show full compliance for signing signatories and ratifying these instruments. Despite the human rights provisions/gender equality enshrined in the Constitution 1999, Child Right Act, 2003 and the Gender Policy, 2005 reports have shown an alarming rate of gender disparity in education, employment, healthcare and politics. For example, the United Nations Children's Fund (UNICEF) and National Bureau of Statistics (NBS) reports show that as at 2022, 67.5 million children in Nigeria live in poverty with no access to healthcare, education, food or sanitation (UNICEF, 2022; NBS, 2022). UNICEF data further indicates that Nigeria has one of the highest rates of girl-child marriage globally with about 44%. In healthcare, report has shown that Nigeria's 40 million women of childbearing age (between 15 and 49 years of age) suffer a disproportionately high level of health issues surrounding birth (UNICEF, 2018). While the country represents 2.4 per cent of the world's population, it currently contributes 10 per cent of global deaths for pregnant mothers. Latest figures show a maternal mortality rate of 576 per 100,000 live births, the fourth highest in the world. Investment in this sector has been high in recent years although the proportion of patients able to access appropriate treatment remains low (UNICEF, 2018).

Alarming rate of gender inequality was alluded in plethora of cases. Very typical among the cases on gender inequality base on employment are *Abacha v. Fawehinmi*¹; *Ms. Faith Omo-Ogboro & Anor. v. Minister of Interior & Ors.*²; *Miss Sandra Idemudia v. University of Lagos & Ors.*³; *Osakwe v. FRN*⁴; *Ms. Joy Ifijeh & Ors. v. Federal Civil Service Commission & Ors.*⁵; *Aderonke Morufat Adedeji v. The Federal Civil Service Commission & Anor.*⁶ While cases of *Women Trafficking and Child Labour Eradication Foundation v. Attorney General of Lagos State*⁷ *Mogaji v. Cadbury Nigeria Ltd.*⁸; *Mrs. Irene Kalu v. Nigeria Ports Authority*⁹; *Ebere Nwankwo v. The Inspector General of Police & Ors.*¹⁰ were decided on sexual harassment in the workplace.

¹ (2000) 6 NWLR (Pt. 660) 228.

² (2018) LPELR-46208(CA).

³ (2016) LPELR-40578(CA).

⁴ (2019) LPELR-46643(CA).

⁵ (2021) LPELR-53855(CA).

⁶ (2019) LPELR-47602(CA).

⁷ (2008) 11 NWLR (Pt. 1099) 557.

⁸ (1985) NWLR (Pt. 1) 142.

⁹ (2019) LPELR-47661(CA).

¹⁰ (2018) LPELR-46744(CA).

Whereas cases on economic empowerment of women and Female Genital Mutilation include *Mrs. F.A. Bagudu & Anor. v. Prince A.A. Bagudu & Ors.*¹¹; *Ukeje v. Ukeje*¹²; *Sokoto State Government v. Kamaldeen & Anor.*¹³; *Aderemi v. Ogunremi*¹⁴; *Mrs. Titilola Vivour-Adeniyi & Anor. v. The Attorney General of Lagos State*¹⁵; and *Okafor v. Nweke*.¹⁶ *Mary Sunday & Ors. v. FRN & Anor.*¹⁷ While cases revolving around political exclusion includes *Ajayi v. Adebisi*¹⁸ which was decided on women's right to participate in decision-making; *Akpata v. Fofure*¹⁹ was decided on nationality and citizenship. A recent case on women and girls' rights to education is that of *Miss Jane Okechukwu v. University of Abuja & Ors.*²⁰

The above legal cases and judicial decisions collectively reflect the evolving jurisprudence on gender equality in Nigeria. They have contributed to dismantling discriminatory laws, customs, and practices that perpetuate gender inequality and have advanced the legal rights and protections of women in various spheres of life, including marriage, inheritance, employment, and citizenship. Each decision represents a milestone in the struggle for gender equality and women's empowerment in Nigeria's legal system.

Nigeria signs and ratifies many international legal instruments but domestication and implementation have always been a challenge. The provisions of the Constitution of the Federal Republic of Nigeria, 1999 (as altered) especially Chapters II and IV on human rights generally is worrisome, this is because the Constitution being the *grund norm* has classified some human rights as secondary rights, despite being a signatory and ratifying the African Charter on Human and People's Rights with the domestication of same as African Charter on Human and People's Rights (Ratification and Enforcement) Act 1983. The Charter in its Articles 15 to 24 protects a wide range of socio-economic rights such as the rights to health (Art. 16) and rights to education (Art. 17) among others. Also, this Charter neither makes distinction as to the type of rights nor distinction as to which of the rights are less important than others and theoretically made no distinction as to their implementation (*Purohit & anor v The Gambia*, 2003²¹; Viljoen, 2007). Thus, it did not create any hierarchy of rights and this is seen as a leap beyond the ideological cleavages and disputes that led to the subjugation of socio-economic rights as being of lesser value than civil and political rights (Mbazira, 2006).

Further to the above is the scattering of laws and policies on gender mainstreaming in many legislative documents. Thus, having no standalone legal framework on this subject hinders the Nigerian's compliance with the international and regional legal instruments signed and ratified. A number of propose Bills have not been able to scale through the legislative process of being enacted into laws, as a result of some challenges as analysed in the preceding paragraphs. Below are some of the analyses:

The Gender and Equal Opportunities Bill (GEOB), was targeted at domestication Bill of CEDAW and the AU Protocol on the Rights of Women in Africa. Unfortunately, the Federal

¹¹ (2018) LPELR-46166(CA).

¹² (2014) LPELR-22502(SC).

¹³ (2017) LPELR-43616(CA).

¹⁴ (2011) LPELR-9845(CA).

¹⁵ (2020) LPELR-49022(CA).

¹⁶ (2007) 5 NWLR (Pt. 1028) 122.

¹⁷ (2020) LPELR-49469(CA).

¹⁸ (2016) LPELR-40134(CA).

¹⁹ (1961) All NLR 166.

²⁰ (2022) LPELR-54201(CA).

²¹ [2003] AHRLR 96.

Legislation is still unable to be passed into law. It is heartwarming that despite the inability of the GEOB to pass at the federal level, some states have been able to pass similar laws, for instance- The Ekiti State House of Assembly passed the Gender Equality Law in 2013, and also another legislation against Gender-based violence (GBV). The States went as far as setting up committees to oversee the implementation of the GBV Law and related matters. Despite this laudable achievement in Ekiti, a study carried out in 2023 showed a high prevalence of maternal and child mortality in Ekiti State, put at (60.0%) and (54.4%) respectively (Afolabi, Adeusi, Sunmola, & Olatayo, 2023). Ekiti is one of the States that is adjudged to be gender friendly in terms of opportunities given to women in politics and governance with a female Deputy Governor in 2003. Also between 2010 and 2014, the state had 2 female deputy governors. Out of 26 seats at the Ekiti State House of Assembly, women's representation in the 2007, 2011, 2015, and 2019 elections were 0, 4, 2, and 4 respectively (Adebola, 2021). Despite the efforts of the state at gender equity, the existing statistics show the abysmal wellbeing and representation of women in a state that has even made efforts to pass the Legislation on Gender Equality and Gender-based violence. It can only be imagined how the statistics on women representation in politics and governance will be in other states that have not even made efforts to pass these legislations.

The Violence Against Persons (Prohibition) Act on the other hand, is a Federal legislation that redefined the Federal Government efforts of tackling all forms of violence against persons in private and public life. It also provides for maximum protection and effective remedies for victims and punishment of offenders (Akindare, 2021). Some states of the country have also adopted this law including Lagos State. Lagos state also passed the law against domestic violence in 2007 and is also a signatory to the National Gender Policy. The VAPP Act prescribes life imprisonment for the offence of rape and is the first federal legislation attempting to prohibit Female Genital Mutilation. However, the United Nations Population Fund (UNFPA) reported that 3 in 10 Nigerian girls have experienced physical violence by the age of 15 and Thomson Reuters Foundation survey from 2018 ranked Nigeria the ninth most dangerous country for women. (Akindare, 2021). This is to show the vulnerable and fragile conditions for women in Nigeria and even in states like Lagos that has domesticated the law, for instance, between August 2022 and July 2023 about 5,624 cases of domestic and sexual violence were recorded in the state (Bertram et al, 2023).

National Gender Policy: this policy was adopted by the Federal Government in 2006. The policy was basically produced to address issues affecting the general wellbeing of women proactively and to also provide strategic guidance for mainstreaming gender at all levels. Various stakeholders were consulted in designing a framework for the implementation of the policy and the policy has been reviewed frequently with the ultimate goal of achieving a society that values gender balance and equity for all. The policy was formulated to promote a 35% affirmative action for women that is, a 35% involvement of women in all governance processes (Alliances for Africa, 2022). The policy also included institutional and implementation frameworks and delivery strategies for the policy. It is disheartening to note that even with the detailed prospects of the policy, statistics still shows an abysmal representation of women in the legislative houses both at the Federal and the State level. Although a good number of women submitted nominations for various political offices in 2023, only a few of them were able to run in the general elections (Osaruonamen, 2023). Eleven women ran for Senate seats while Thirty Five women ran for seats in the House of Representatives. At the end of the polls, the 10th National Assembly recorded sixteen female members in the lower chamber and four in the upper chamber (Opara, 2023). This abysmal seem to be reflected in all the State Houses of Assembly, with some State Assemblies not recording a single female member.

The analysis have shown that despite the laws and policies put in place to achieve gender parity in Nigeria, there are still challenges as the efforts seem not to be yielding the desired results. Some of the identifiable challenges include:

- a. Customs that discriminate against women negatively: the way of life of the different ethnic groups in the country has been the major reason why the implementation of most of these international agreements and domestic laws and policies has proved abortive. The Country is made up of over 250 ethnic groups (Matthew & Holly, 2023) and discriminatory practices against women exist in most of their cultural practices. Repugnant practices against women also exist, some of which are women being the first suspects when their spouses' die (Anayo, O., et al., 2021), and widows being treated as chattels (Amaka, 2021). Female Genital Mutilation is still dominant in some parts of the country (UNFPA, 2021), and another part still believes in the 'oli-ekpe'²² custom (Taiwo, 2009). A part of the country still mete out disproportionate punishment between a man and a woman for the commission of the same offense (Onyeka, 2020). All these acts that are deeply rooted in the ways of life of the people makes it difficult to ensure the implementation of these International Agreements that seek gender equality.
- b. Child Marriages: another reason why the implementation of the ratified international agreements for effecting gender equality and the domestic laws and policies in Nigeria has proved difficult is the prevalence of child marriage. Some parts of the country believe that this act is a sacred way of holding onto their interpretation of the Holy book which encourages girls to remain chaste until marriage and in a bid to achieve this, ensure that girls get married upon reaching puberty (Abdulmalik, 2021). Another reason can be hinged on poverty, where a girl child is given out in marriage so that the little resources remaining can be used in training the other children, which is usually the boy child (Abdulmalik, 2021). The ripple effect of this action is the 15.7% of girls that get married before the age of 15 years and the 43.4% that get married before attaining 18 end up with early pregnancies and face the denial of the opportunity to get educated (Abdulmalik, 2021). This generally hinders the economic freedom of the girl child as an adult. It also poses psychological problems on their psyche throughout life (Onyeka, 2020).
- c. Gender-based Violence: this factor has also hindered the implementation of international agreements and domestic laws and policies. GBV is a form of discrimination against women and serves as a barrier to equal participation of women in social, economic, and political life. The most common acts of violence against women are domestic, physical, sexual and socioeconomic violence and it is important to note that 35% of women experience this violence from an intimate partner. Even in cases of sexual violence reported to the police, there are instances where it takes public outrage before the police reluctantly investigate, an example is the rape and murder case of a student in a church in 2020 (Emmanuel, 2020).

²² The Nnewi Oli-ekpe custom bars women from inheriting properties. It prevents a deceased daughter or wife from inheriting their father's/husband's property and instead gives it to the brothers of the deceased. The custom allows a brother to inherit his late brother's estate to the exclusion of the deceased wife and female children.

- d. Participation in politics: this is also a hindrance to the implementation of the various legislations. Women's participation in politics and access to managerial positions is low. Where the gender concerned is not actively involved in the formulation laws and policies that affect them and the implementation measures, very little can be achieved. In Nigeria being a country with a vibrant population of knowledgeable, strong, enterprising and competent women, it would amount to gross under-utilization of human capital development capacity if a significant number of citizens are denied representation in the political process currently witnessed.

4.0 Cross-Country Experiences on Gender Mainstreaming

It is important to note that there is no single country that has achieved full gender equality. This is evidenced from a global survey which reveals that labour force participation rate of men between the ages of 25 and 54 is 90.6% in comparison to women which is 61.4% as at 2022 (Katharine, 2023). This shows 29.2% of gender gap (Katharine, 2023). However, some jurisdictions like Denmark, Norway; Switzerland; Sweden; Netherlands, Singapore; Iceland etc. top the list of countries that recorded highest scores based on healthcare, education, empowerment and politics (Olivia, 2024). Study has shown that these countries exhibit more comprehensive and have prioritizing gender equality laws and policies compare to the laws and policy formulated in other nations with very low gender parity statistics like Nigeria (Katharine, 2023). This section will look at a few nations earlier mentioned that have achieved very high percentages of gender parity and how they became so successful.

Iceland

Article 65 of the Constitution of Iceland No. 10/2008 specifically provides that everyone shall be equal before the law and enjoy human rights without any discriminations. It went further to provide that Men and Women shall enjoy equal rights in all respects. Iceland has a Parliamentary Resolution on the Strategy for Iceland's International Development Co-operation 2013-2016 hereinafter referred to as the Development Strategy. The strategy gives regards to gender equality as a cross-cutting theme where all development projects and cooperation ventures are analysed with regard to gender equality. To wit- impact of actions on women vs. men is analysed and a concerted effort is made to involve both women and men in decision-making and implementation.

In addition, Iceland has ratified the UN Security Council Resolution 1325 with formulation of a National Action Plan for the implementation in 2008. Among the laudable strategies in place at Iceland is the Organization for Economic Cooperation and Development/Development Assistance Committee (OECD/DAC'S) Gender Equality Policy Marker which analyses and classify projects and programmes according to whether, and to what extent they target gender equality and the empowerment of women (Ministry for Foreign Affairs; Iceland International Development, 2013).

Sweden

Another jurisdiction worthy of emulation on mainstreaming gender equality is Sweden. This country advances gender equality laws and policies which are supported by strong institutional mechanisms. It adopted measures such as gender quotas in corporate boards, robust parental leave policies and anti-discrimination laws. For instance, the Swedish government established Swedish Gender Equality Agency in 2018 who is saddled with the responsibilities of

monitoring the effective implementation of the gender equality policy (Paulina, 2023). This Agency strengthened the institutional framework and promotes sustainable and strategic gender equality work.

As far back as 1970s, Swedish government introduced three welfare reforms which are the ‘individual income taxation’²³, ‘the development and expansion of public childcare’²⁴ and the gender-neutral parental benefit’.²⁵ Another temporary parental benefit was introduced in 2016 as the Reconciliation Policy of Parental Benefit.²⁶ Sweden has a robust specific law on gender equality which was enacted in 1979 as Swedish Gender Equality Act, 1979. This Act was later replaced with Swedish Discrimination Act, 2018 (Paulina, 2023).

In politics, Swedish Parliament and the government is in the ratio 40:60 since 1995. In the corporate governance, the Swedish Code of Corporate Governance requires not less than 40% share for each gender as at 2022. The Swedish Abortion Act enjoins women to have legal right to have an abortion until eighteenth week of pregnancy without specifying any reason but after eighteenth week, the approval of the National Board of Health and Welfare must be sought and obtained (Paulina, 2023).

Rwanda

Bringing the experience home, a worthy example in Africa is Rwanda. After the genocide war in 1994, the Government of Rwanda has embarked on a development agenda aimed at transforming the country. This vision highlights gender and family promotion as one of the crosscutting areas. A solid stage for gender equality and women’s empowerment was set for women and men of Rwanda to realize their rights, potentials, aspirations etc. Rwanda’s Constitution enshrines the principles of gender equality and women’s rights providing a minimum of 30% quota for women in all decision-making organs. Several sector gender mainstreaming strategies and policies like the Girl’s Education Policy 2008²⁷ and National Policy against Gender Based Violence 2011.²⁸ The country also has laws to enhance gender mainstreaming like Organic Law No 12/2013/OL of 12/09/2013 on State Finances and Property,²⁹ Law No43/2013 of 16/06/2013 governing Land in Rwanda,³⁰ are a few of the decisive efforts that have been made by Rwanda government to ensure gender mainstreaming and the enhancement of women’s rights (Gender Monitoring Office, 2019).

A look at other nations in Africa, 31 out of 54 African countries (as presented in Table 2 below) have legislative frameworks by having legal quotas to promote women’s political participation

²³ Separate income taxation for wife and husband was imposed in 1971 which created an incentive for women to take part in the labor market.

²⁴ Development of Public Childcare was introduced in 1974.

²⁵ Sweden was the first country to introduce gender-neutral paid parental benefit in 1974 which was revised till 2002. This policy favors both parents as they are entitled to 240 days each of paid parental leave. This is to achieve a more even distribution of care work and unpaid household work in order to foster gender equality in the labour market.

²⁶ This is a benefit which parent are paid in situation where he or she stays at home to take care of a sick child.

²⁷ This policy is mainly to guide and promote sustainable actions aimed at the progressive elimination of gender disparities in education and training as well as in management structures.

²⁸ The policy is majorly aimed at progressively eliminating gender-based violence through the development of a preventive, protective, supportive and transformative environment.

²⁹ A Gender Responsive planning and budgeting programme was adopted to aid in the realization of gender commitments.

³⁰ This law provides for both women and men to have equal rights and enjoyment over landed properties. Women and men can have land titles registered in their names and this have facilitated women especially to access loans from financial institutions and engage in income generating activities.

(Constitution of Rwanda, 2015)³¹ while 8 countries voluntarily included political party quotas in their party's regulations and guidelines (as presented in Table 2 below). 13 countries neither have legal quota nor voluntary political party's quota system (Table 2 below). The authors are unable to get available percentage of women's participation in politics in North Sudan and Eritrea. Overall, African countries like Rwanda, South Africa, Ethiopia, Namibia, Mozambique, Kenya, Senegal and Uganda have standout in mainstreaming gender equality through legislative interventions and policy framework for women.

TABLE 2: PERCENTAGE OF QUOTA SYSTEM BY AFRICAN COUNTRIES

S/N	LEGAL QUOTA	%	S/N	VOLUNTARY POLITICAL PARTY QUOTA	%	S/N	NO QUOTA	%
1	Rwanda	60	1	South Africa	45	1	Egypt	28
2	Senegal	43	2	Namibia	44	2	Carbo Verde	28
3	Burundi	39	3	Mozambique	42	3	Mauritius	20
4	Tanzania	38	4	Ethiopia	39	4	Madagascar	18
5	Uganda	37	5	Cameroun	35	5	Zambia	17
6	Zimbabwe	36	6	Malawi	23	6	Comoros	17
7	Angola	30	7	Cote d'Ivoire	12	7	Ghana	15
8	South Sudan	30	8	Botswana	10	8	Democratic Republic of Congo.	14
9	Mali	29				9	Sierra Leone	13
10	Tunisia	28				10	The Gambia	10
11	Djibouti	28				11	Benin	10
12	Algeria	28				12	Seychelles	22
13	Niger	28				13	Nigeria	9
14	Somalia	25						
15	Sao Tome & Principe	25						
16	Lesotho	25						
17	Equatorial Guinea	25						
18	Kenya	23						
19	Morocco	23						
20	Mauritania	23						
21	Togo	20						
22	Guinea	18						
23	Gabon	18						
24	Libya	18						
25	Chad	18						
26	Guinea-Bissau	15						
27	Congo	12						
28	Liberia	12						
29	Eswatini	9						
30	Central African Republic	9						
31	Burkina Faso	7						

Source: Data on representation from (IPU Parline, 2021[42]); data on quotas from (IDEA and Gender Links, 2021[43]). Available at OECD iLibrary <https://www.oecd-ilibrary.org>

³¹ See Article 10 of the Constitution of Rwanda which grants 30% of posts in decision-making bodies to women. Article 109 of the Organic Law 03/2010/OL of Rwanda outlines the process for appointing 24 female Deputies in administrative entities, while Article 156 of Law 27/2010 outlines the process for the quota to be met in District Councils and the Council Bureau of Sectors.

(Table 2: Emphasis is ours)

5.0 Reform of Gender Equality in Nigeria: Lessons from Other Jurisdictions

- (i) The analysis of other countries experiences show that gender equality, the classification of human rights under Chapters II and IV of the Constitution of the Federal Republic of Nigeria, 1999 (as altered) undermined the importance of gender equality. This is because rights to education, employment opportunities and health services enshrined under sections 17 and 18 of the Constitution can only become enforceable through the constitutional provision under item 60(a) of the Exclusive Legislative List in the Second Schedule to the Constitution. Technically it means that these rights can only be enjoin when they are legislated upon or the Federal Government establishes and regulate authorities to promote and enforce the observance of the Fundamental Objectives and Directive Principles contained under Chapter II of the Constitution. Nigeria can learn from other jurisdictions like Rwanda, South Africa, and Sweden etc. that have no classification of human rights.
- (ii) A look at the Constitutions of some African countries like Rwanda, Burundi, Tanzania, Uganda etc. provide for legal quota for representation of women in parliaments. Nigeria can gain insight from these Constitutions by aligning with their quota system. In the alternative, Nigerian can reform its Electoral system to include voluntary political party quota as adopted by some African countries like South Africa, Namibia, and Ethiopia etc. in order to foster gender equality in politics (as presented in Table 2 above).
- (iii) Nigeria can glean from Sweden especially as it relates to the establishment of Gender Equality Agency and Gender Equality Act. To this end, the rejected Gender Equal Opportunities Bill by the National Assembly need to be represented before the house after due scrutiny. If the GEOB succeeds, it will help in bridging the gender disparity currently experienced in the country. In the alternative, the existing laws and policies that mirror the international legal instruments in Nigeria should be implemented pending the call for harmonization of all the provisions on gender equality into a single law.
- (iv) Nigeria can also gain insight from the strategy put in place in Iceland particularly on the adoption of Gender Policy Marker. This will help in monitoring the extent of compliance with international and regional legal instruments on gender equality signed and ratified in Nigeria.

6.0 Conclusion and Recommendations

This paper acknowledged that despite Nigeria being a signatory to many international treaties and convention on gender equality, challenges abound as to its implementation. Although gender equality has not been totally disregarded, same has been recognized through some legal provisions though identified to be scattered in many laws and policies. It is recommended that the first steps in achieving gender parity in Nigeria will be, ensuring the existing laws and policies are implemented through strong justice sector institutions.

No nation develops or grows where a substantial part of its population are undermined and underutilized. Empowering women is not just a matter of social justice. It is a prerequisite for economic development especially at a time when global growth is slowing and economies will

need to summon all of their productive energies to generate a lasting recovery from the current global economic crisis. Nigeria needs to take decisive steps and actions if it must achieve substantial gender parity and increase in its developmental strides, to this end the following recommendations are proffered.

1. It is recommended that the National Assembly should domesticate the international agreements it has ratified in tandem with section 12 of the Nigeria Constitution, 1999. State Governments should also endeavor to adopt these laws to take home the dividends of these instruments closer to the people.
2. The National Assembly should ensure the passage of the Gender and Equal Opportunities Bill (GEOB), this puts to rest the need for an effective legislation that caters for gender parity issues in Nigeria.
3. The implementation framework and delivery strategies for the National Gender Policy be reviewed as frequently as possible to be in tandem with emerging situations.
4. Ministries, Departments, and Agencies should be mandated to follow the Policy guide of creating active and effective Gender Units across board to ensure that the recruitment process maintains the parity of men and women.
5. Political parties should also be mandated to enforce the 35% affirmative action, not just at the political party primaries level but to the submission of candidates' names to INEC.
6. Traditional and Religious leaders should be involved in the advocacy for upholding women's rights.
7. All educational bodies at all levels should inculcate in their curriculum so that the youths can be enlightened and reoriented about human rights and gender equality.
8. There is a need for more judicial activism by the courts enforcing the provisions of existing laws on gender equality.
9. There is need to amend the Constitution and make provision for the reservation of a certain number of seats in parliament as is the case in Rwanda and other African countries. This would help in overcoming some cultural and social barriers that stand in the way of women in the quest for political representation.
10. Institutions of government should be involved in the advocacy and monitoring of gender laws and policies, for instance, the National Institute for Legislative and Democratic Studies (NILDS) being an Institute saddled with the responsibilities of giving legislative support to the Legislative Houses at both the Federal and the State level, can render its expertise in ensuring that the international agreements ratified by the Nigerian government are domesticated and implemented through policy formulations.
11. NILDS as the capacity-building organ of the National Assembly should also endeavor to include a budget, cost-benefit analysis, or fiscal implications while advising the legislature on the implementation of laws made.
12. NILDS and other similar institutions can engage in post legislative scrutiny of laws, this will help in drawing the attention of the National Assembly for reform or repeal of those extant legal instruments to align with international standards.
13. NILDS, the Civil Society Organizations (CSOs) and other stakeholders should engage in quarterly reporting of the level of compliance of the Nigerian government on its international commitment on gender equality.

14. There should be sustained advocacy by agencies of government like the National Orientation Agency (NOA), CSOs, and other relevant stakeholders on gender parity at all levels of human endeavor in Nigeria.

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