**MONITORING PARTICIPATION OF WOMEN IN POLITICS IN NIGERIA**

**CHAPTER ONE**

**GENERAL INTRODUCTION**

**1.0 Introduction**

Globally, women constitute over half of the world’s population; they are involved in various ways to improve society and develop it; however, women are not properly represented in political positions. The European Parliamentary Research Service (EPRS) of 2019 was able to find that there was an increase in the number of women in government as head of states from 12 to 21 over the past 20years[[1]](#footnote-0) but this number is an outcry when compared to the population of women, those of age that could be active in politics. Pointing out the increase of just 9 women in a population of over millions is an anomaly and close to negligible but the increment is a positive outlook to the fact that women are fighting for positions in the government, although the number is insignificant but it is a better place than 20years ago.

There is a population of 19.5 million people in Nigeria with the current female population of 49.4%.[[2]](#footnote-1) This percentage is not mirrored in the political realms of the Nigerian community. Nigeria has never had an elected female Governor, Vice President, Senate President or even President; and Nigeria records very low members of female parliamentarians. However in Nigeria’s defense, the widest gap portrayed worldwide is the political gap[[3]](#footnote-2); Politics is seen as a male dominated affair and more than half of the countries in the world have never had a female leader. Under international standards, both women and men should participate fully in every aspect and at all levels of political processes.

This large discrepancy has prompted countries and women at large to campaign for gender equality. An example is the gender quota system being implemented worldwide. According to the Inter-parliamentary Union[[4]](#footnote-3) of 2017, there's an improvement in representation of women in regional countries for example Nordic countries. The research was able to establish that percentage of women in parliament averages 41% and Arabs having the lowest of 17.4%. Though the study did not state the reason, but the surge is a welcome progress. Hegensen et al (2013) established that in Africa, Rwanda has the highest of women participation in politics of about 55% in 2013 while Nigeria has the lowest of 5.7% as of 2015. This percentage signifies the importance of this research in establishing the laid down issues associated with low participation of women in politics in Nigeria.

 Women assume key roles the private sphere. The public sphere is a group of many private spheres combined with public authority. It is a broader civil society. If women are detached from this space it will constitute a detriment to the broader society, because that touch of communal living will is lost. With this paper, I seek to find out whether women in Nigeria have a chance to become major political players in the future or if they are hampered by a force stronger than their will.

**1.1 Background to the Study**

Despite the achievements or successes of many Nigerian women, very few have been able to rise to the topmost position of leadership in the political realms. The best and brightest of Nigerian women in politics are mostly back peddled to positions such as Minster of Women Affairs and posts that do not bring out their true potentials. General Babangida (1992) the one time military president in Nigeria, noted in a conference, that “the compelling reasons why women must be integrated in the development process is their numerical strength, they are industrious and enterprising and they are good managers”[[5]](#footnote-4). Against this backdrop, Admiral Augustus Aikhomu in the regime of Ibrahim Babangida in 1988 indicated the intention of government to set up the Women commission to coordinate women affairs.

In recent times, development has made it possible for women to participate in those activities which were exclusively reserved for the men; however, society still negates them in doing some jobs with the feeling that as weaker beings, they can only be reckoned with after the men. This has greatly affected the participation of women in most developmental programs, politics and administration in particular. Participation of women in politics and administration has been of no significant value yet. Some duties which concerns development, achievements, decision- making etc are left for men to handle, while lesser jobs like cooking, taking care of the family, typing and teaching are ascribed to women. This has been due to a lot of reasons that will further be explained in this paper.

In Nigeria, recent development has shown that women can perform as much as the male counterpart but society feels reluctant to assign duties of superior positions to women. There remains a large fraction of the women population who are still ignorant and unaware of their rights and the roles they could play in the society; however, attempts made to open up most of the rural areas where women are mostly based have been of tremendous effort. Thus, even women in the villages have become aware of the changes going on around them. To what extent have the Nigerian governments under the 4th Republic encouraged women to come out from their shell and join other women the world over in the full participation in politics and in administration?

**1.2 Statement of the Problem**

This paper addresses a major challenge women face in politics which allows only a few women rise to a position of power in politics. The major challenge facing women is discrimination from the society, the internal political parties, the communities, our customs, families and religion. Nigerian Politics is seen as a dirty game; therefore, the system paints women who wish to join the game of politics as unladylike because there are activities such as night meetings, violence in politics, corruption, and campaigns that are unladylike. These activities are now customs in politics that are male based. In Nigeria, does the cultural conditioning, ingrained prejudice against women, economic capacity of women, social standing, over powering culture, non- recognition of the skills and indispensable knowledge a women have to offer, work as a barrier to ensure that women do not actively participate in politics? If so, are there laws that punish discrimination and allow for the equal participation of women in Nigeria?

 Nations have adopted different approaches but have achieved the same results to ensure that women are equally represented in governance because women make up a major part of the society. Some of the needs of women such as education for the girl child, the ban of early marriage and increasing the age of sexual consent, can best be represented by fellow women. This is why there should be a legal requirement for parties to put a certain proportion of female candidates as members of the legislature and make sure that politics is favorable to all genders. If there is a dearth of women at the country’s highest level of decision making, due to an absence of laws that encourage the participation of women in politics, the growth of the next generation of girls will be deficient, stagnant and pitiable. The right that everyone should be treated equally under the law and no one is above or under the law, to discriminate even from politics.

**1.3 Aims and Objectives of the Study**

The aim of this study is to examine the laws put in place to stop discrimination and to highlight the legal factors that will boost women’s participation in politics. The specific objectives include:

1. Defining key terms
2. Evaluating the involvement of women in politics in Nigeria
3. Analyzing the legal framework set in place concerning gender discrimination.
4. Outlining recommendations on how to promote women’s participation in the Nigerian political realm.

**1.4 Significance of the Study**

This study is significant for various reasons. First of all there is a great lacuna in modern day research on laws that aid women to garner representation in politics. Secondly, Nigerian women have been left without a voice; their needs, desires and wants are controlled first by their parents and male relations and then by their husbands. In a typical African household, women are expected to play an active role in the keeping and management of a home. They cook, clean, take care of the children, wait on their husbands and do all chores-imaginable to man. This role is demanded from most Nigerian women and to go against the norm is frowned upon. The average Nigerian woman has almost no say on matters that concern her or her future. It is no wonder why a handful of women have the courage to venture into the sphere of leadership. In Secondary Schools for example, the head boy is given tasks that are domineering in nature while the head girl is seen as fragile and dutiful instead of a woman of authority. This condition has brought about unfavorable laws for girls and women. The latest proof of this is that in Nigeria today, the age of consent for sexual relations is 13 years; making it possible for grown men to marry 13 years old girls and putting their lives at risk.

The discrimination in leadership positions has become a threat to women in Nigeria because as of today, the Legislative body in Nigeria(the National Assembly) is made up of 109 members amongst which , 7 are women leaving less than 15% of women to make laws for a country which has a female population of 49% . This study is significant because it aims at highlighting the need for inclusiveness and participation of women in government.

* 1. **Scope and Limitations of the Study**

This study is limited to analyzing what gender discrimination is and the role it has played so far in Nigerian politics. It will examine whether the current political system is favorable to the average Nigerian woman. The study will also evaluate whether the laws available to women to stop discrimination are effective and how far these laws have been implemented.

* 1. **Literature Review**

For the purpose of this research work, the works of several authors will be reviewed.

The term “politics” is derived from Greek word polis which means city-state; this is why politics is used in reference to states. Harold D. Laswell and Abraham Kaplan define political science as “the study of shaping and sharing of power”. For him, it comprised of family, property and other social institutions. The Marxist approach from the studies of the German Philosopher Karl Marx, views politics as:

*A study of irreconcilable conflicts between the two classes “haves” (those who have private property or simply the rich) and the “have nots” (those who do not have any private property or simply the poor)*

This resembles the Nigerian Society in which women stand for the “have nots”. They do not have the power; neither do they have authority over who accesses power. Maclosky (1968) defines political participation as “voluntary activities shared by members of a society in the selection of their rulers and directly or indirectly involve in the formation of public policies”. Also speaking, Weiner also conceives political participation in the following words “There are voluntary activities shared by members of a society in the selection of their rulers and directly or indirectly involve themselves in the formation of public policies”. This definition shows that women in Nigeria do not participate in politics because they are not involved majorly with formation of public policies.

Women make up more than half of the world’s population and contribute in various ways to society’s development in general. In most societies women assume five key roles: producer, mother, community organizer, home-manager, socio-cultural and political activists. The last role had been engineered by women movements associated to historical gender discrimination and inequality, before which, gender roles was divided between the female and male sexes.

Lester Milbrath (1965) segments these activities into three, namely: transitional activities, gladiatorial activities and spectator activities. Political activities that include canvassing for party funds, handling public or party offices, contesting at election, etc. are all classified under gladiatorial activities, while transitional activities include activities like making monetary contribution to political parties, attending political meetings or political rally etc. Spectator activities on the other hand includes political activities like wearing of party caps,badges, emblèmes or uniforms, voting at elections, running errands for political leaders, etc.

Applying Milbrath’s classification of political participation and representation, the very best category of political participation is the gladiatorial activities. It has always favored the male gender in Nigeria since the day of our independence till now. Current statistics on gender representation in public offices, especially, at the very best deciding levels such as the offices of the president(head of state), the state governor and native government chairman(local government), shows that female representation was almost non-existent. Except on few occasions where women were elected as local government chairpersons, women has never in the history of Nigerian elections, been elected as chief executive, both at the national and state levels of government. Similarly, a brief summary of gender representation within the National Assembly during the 1999, 2003, 2007, 2011 and 2015 elections joined together, shows that women are incredibly under-represented by 5% in each of the two Houses of Assembly[[6]](#footnote-5). By the way, no woman had ever been elected for the office of the Senate President, while the female, Patricia Etteh, who was elected in 2007 as Speaker of the House of Representatives, was later impeached by a male dominated House before the end of her tenure. On the opposite hand, current statistics also shows that female gender in Nigeria, in most circumstances, and for many reasons, participate in politics at the smallest amount.

Apparently, women are mostly involved in campaign activities and rallies where caps, badges and the uniforms of respective political parties are freely displayed on them.

In this regard, Okoronkwo Chukwu (2013) during a study on the 2011 general elections in Nigeria refers to women “as active participants within the success of their male counterparts during elections”. Consistent with Kant (2001), men have always called on women as assistants so as to further their ambitions.

Babaginda (1992) confirmed women to be a part of any major developmental process and therefore the reason consistent with him is their numerical strength, they're industrious and enterprising and that they are good managers. Nowadays, women have shown more interest in politics and governance. They created such a lot awareness and have proved that they're not mere spectators in politics. In addition to Fumilayo Kuti, among the more prominent and influential of the leaders have been; Mabel Dere, Oveza and Margaret Ekpo, who have increasingly played roles in politics and governance sometime on their own. Nigerian women have thus far been showing what they're made of by not only been spectators on the political scene but by providing effective leadership and positive contribution to world socio-economic advancement.

Ekpe et al. (2014, p.15) examines gender discrimination and culture, and affirms that ‘cultural stereotype and abuse of traditional practices have created patriarchal societal structures dominated by men’. In essence, the subservience of women features its root in traditional cultural values that perceive women as subordinate to men. While traditional cultural values still influence societal perception of gender, the effect of traditional culture on gender issues is gradually eroding as a results of modernization and the influence of globalization on cultures across the world.

Momodu (2003) highlighted four perspectives that the issues of women's political participation and representation in politics and governance should be seen from. They are;

*Access, participation, representation and transformation. Access to political institutions, participation (which includes control of power within such institutions), quantitative and qualitative representation and the end result will be social and political transformation in the polity.*

Women's political empowerment can be enhanced when these four conditions are fulfilled[[7]](#footnote-6). Ogbonna (2009) stated that “some of the impediments to participating, contesting and winning elections in the country are money politics and power play that effectively scheme women out.”[[8]](#footnote-7) This shows that money is a major factor in the game politics, along with the relative absence of financial empowerment of women. There have also been cases of much violence and assassinations, violent clashes at rallies and sheer thuggery which are not really welcomed in a women's world.

Asase (2003) noted that “new obstacle have teamed up with old ones to work against women in governance”. Sharia (as a religious and penal code) for instance is being practiced in Zamfara state and some other northern states, is a drawback to the anticipation of women in politics. In a state where women are not expected to mix with men in public it will be difficult to integrate them polity.

 Thus, Mrs. Josephine Anenih was cautious in her response to how Sharia world affect the involvement of Northern women in politics.

*I have spoken to one or two of the governors practicing sharia, and they have assured me that it would not limit the participation of women (in governance) and that if they now say that because of sharia they will not present women candidates; we'll deal with that when we get there[[9]](#footnote-8).*

Finally, Obasanjo (1992) warned that making significant progress in a country’s development is next to impossible for any country that marginalizes women; because, women constitute large and important segments of the society.

**1.7 Research Methodology**

There are two main methods of research; doctrinal research and non-doctrinal research method. Doctrinal research engages, examines, appraises, critiques, evaluates, analyses and uses information from books and other written materials thereof as a basis for creating recommendation for deciding , enactment of laws, regulations and rules. Doctrinal research method involves the research into laws like the constitution, statutes, case laws, and international treaties. It is library-based. Non- Doctrinal Research Method features a wider scope because it diversifies into society. It is therefore considered as socio-legal research. It includes field work. This research method is often qualitative or quantitative and can be a part of large scale project.

For the aim of this research, the doctrinal research method is going to be employed because it will enable the researcher research into the laws applicable and various literatures. It will examine criticism, evaluate, and analyze this information for the aim of providing recommendations. Approaches to research include; historical research, analytical research, and inquiry amongst others and during this study we will make use of the historical and analytical research.

Historical Research Method of approach aims at inquiring into previous law so as to know the explanations behind the prevailing law and therefore the course of its evolution. It is unarguable that the past always explains events in a vivid way. It will not limit the research to law but researches will be made outside the bounds of law. It’ll record and evaluate the accomplishments of people, agencies or institutions and socio-legal factors. The Analytical Research on the other hand, aims at exploring the prevailing law. It engages the utilization of obtainable facts or information, and analyses them to form critical evaluation. The researcher has to engage the utilization of primary sources just like the statutory law(s) and secondary sources for example authors who have given opinions supported the statutory laws. This may help to analyze properly, draw conclusions and provide useful contributions to society.

In order to supply a solution to the main research question of the study, a desk research or library-based method was adopted. What this suggests is that primary and secondary sources of data were utilized for the aim of the research. The study relied on primary sources consisting of national laws and policies, jurisprudence of judicial and quasi-judicial bodies, commissions’ recommendations and relevant policy documents. The secondary sources consisted of educational publications, textbooks, published and unpublished thesis, journal articles, and preparatory works of legislation, conference and seminar papers.

**1.8 Organizational Layout**

This research work is divided into five chapters, which includes:

**Chapter One** provides a General Introduction- Introduction, Background to the study, the Statement of the Problem, Aims and Objectives of the Study, Significance of the Study, Scope and Limitations of Study, Literature Review, Methodology of the Study and Organizational Layout.

**Chapter Two** gives Conceptual Clarification on key terms.

**Chapter Three** providesAn Analysis of women in Nigerian politics.

**Chapter Four** states theConstitutional and Legal Framework on Gender Discrimination in Nigeria.

**Chapter Five** concludes this research work by highlighting the Summary of findings, giving Recommendations, a Conclusion and the Bibliography.

**CHAPTER TWO**

**CONCEPTUAL FRAMEWORK ON GENDER DISCRIMINATION**

**2.0 Introduction**

This chapter delves into review of some concepts utilized in the study. The researcher defines some terms for clarity to offer readers an in-depth understanding of the terms used.

* 1. **Discrimination**

The Black's Law Dictionary defined discrimination as “a practice that confers privileges on certain class or that denies privileges to a certain class because of race, age sex, nationality, religion, or handicap or differential treatment, especially a failure to treat all persons equally when no reasonable distinction can be found between those favored and those not favored”. Discrimination is defined as “treatment or consideration of, or making a distinction in favor of or against, a person or thing based on the group, class, or category to which that person or thing belongs rather than on individual merit[[10]](#footnote-9). Prejudice against a certain class of people is discrimination. Discrimination could be based on color, race, national or ethnic origin, religion, age, sex, marital status, family status, disability, or genetic characteristics.[[11]](#footnote-10)

* 1. **Gender Discrimination**

Gender discrimination describes the situation in which people are treated differently simply because they are male or female, rather than on the basis of their individual skills or capabilities.[[12]](#footnote-11)Discrimination against women is defined by *Article 1 of the United Nations Convention on the Elimination of all forms of Discrimination Against Women of 1979* (now referred to as the 1979 Convention or CEDAW) as "any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field."

In America for example, before 1963, newspapers it was not uncommon for the same job to be posted in both sections, with different and lower jobs for women. In 1963, women earned 59 percent of what men earned for the same job, or for every dollar a man earned, a woman earned 59 cents. It was legal for employers to pay women lower wages for the same job performed by men. That was gender discrimination. It took the *Equal Pay Act of 1963* to stop the practice. It stated that "no employer '¦ shall discriminate, within any establishment in which such employees are employed, between employees on the basis of sex by paying wages to employees in such establishment at a rate less than the rate at which he pays wages to employees of the opposite sex in such establishment for equal work on jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions."[[13]](#footnote-12)The law greatly improved the position of women in their workplace in America. In *Corning Glass Works v. Brennan)* [[14]](#footnote-13)the U.S. Supreme Court held that companies could not pay women a lower wage than men simply because there was a "lower going rate" for female employees in the local marketplace.[[15]](#footnote-14)

There have also been a lot of celebrated cases in Nigeria concerning Gender Discrimination as well.[[16]](#footnote-15) For example in the case of *Nzekwu v Nzekwu****[[17]](#footnote-16)***, the Supreme Court of Nigeria held that a man’s female children can inherit his property and they should not be discriminated against based on her sex. In *Mojekwu v Mojekwu****[[18]](#footnote-17)***the Court of Appeal Enugu held that the “Oli-ekpe” custom of Nnewi in Anambra State under which male children only inherit their father’s property was unconstitutional.

Another recent case of *Mojekwu v Ejikeme[[19]](#footnote-18)* the Court of Appeal held that a female child could inherit from the deceased father’s estate in Igbo land without the performance of the Nrachi ceremony. This is a ceremony in which a man keeps one of his daughters at home unmarried for the rest of her life to raise children, especially males, to succeed him. Technically, she becomes a “man”. The Court held that: by *Section 42 (1) of the Constitutional of the Federal Republic of Nigeria, 1999*a citizen of Nigeria of a particular community, ethnic group, place of origin, sex, religion or political opinion shall not , by reason only that he is such a person, be subjected either expressly by, or in the practical application of, any law in force in Nigeria to disabilities or restrictions which citizens of Nigeria of other communities, ethnic groups, places of origin, sex, religious or political opinions are not made subject.Consequently, the court held that such a customs clearly discriminated against the daughter of the deceased who did not perform the ceremony and is therefore unconstitutional in the light of the provisions of *section 42 of the Constitution of the Federal Republic of Nigeria, 1999*. The Court refused to apply the custom and declared it repugnant to natural justice, equity and good conscience in that it legalizes fornication and encouraged prostitution, as the women remains unmarried procreating outside the bounds of marriage.

According to the learned Justice of the Court of Appeal:

*All human beings – male and female – are born into a free world, and are expected to participate of freely, without any inhibition on grounds of sex; and that is constitutional. Any form of societal discrimination on ground of sex, apart from being unconstitutional is antithetical to a society built on the tenets of democracy, which we have freely chosen as a people. We need not travel all the way to Beijing to know that some of our customs, including the Nnewi “Oli-ekpe” custom are not consistent with our civilized world in which we all live today. In my humble view, 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 particularly sex is to say the least an affront, I have no difficulty in holding that the “Oli-ekpe” custom of Nnewi, is repugnant to natural justice, equity and good consciences.*

* 1. **Democracy:** is a system of government that derives its power from the people for the benefit of the people. It is a system comprising of two principal elements, that of political freedom and social justice. Democracy means that there should be fair and adequate representation which means adequate and fair sharing, Nigeria cannot therefore talk about democracy in a situation where more than half of her citizenry is almost excluded from an important process of democratization.
	2. **Politics**: Politics is said to be, the means through which values and resources are shared. Politics can be said to be the act of making a public choice and making decision on behalf of people through the medium of the State and its apparatus. It is accepted that for development of any kind to be successful, women, who constitute a large proportion of the population, should not be left out, because there is no doubt that both men and women have some potentials and rights to contribute meaningfully to the development of their countries throughout the world, especially in Africa. A situation where more than half of the whole population is excluded from or is underrepresented in the process of the value allocation will result in unfair allocation, and giving others undue advantage resulting in cries of marginalization.
	3. **Reasons for Gender Discrimination**

In Nigeria, there is a certain prejudice against women. In all spheres, women should be seen and not heard. This is applicable because communities do not understand the value that a woman brings. The reasons below are responsible for this attitude towards women in Nigeria.

1. Culture and Tradition: Gender discrimination is practiced by different cultures. In most parts of Nigeria, women are subordinate to their male counter parts. Some are even limited by their parents by not giving those adequate resources and training in skills simply because they would not carry on the family’s name, as it is in many Nigerian customs.
2. Patriarchy: is when a society is dominated and controlled by men. When structures of inequality against women are created, maintained and perpetuated, there is discrimination. The Nigerian society is patriarchal and all modern public and private institutions in the country are infused with this patriarchal culture.
3. Low level of Education: the Nigerian social structure favors men over women, resulting in exploitation which effectively subordinates women in all spheres of life. Gender Institutions and Development Data Base (GID-DB) statistics show that about 65% of women are educated in Africa, behind a higher percentage of 70% of men[[20]](#footnote-19).Women ought to know their rights in the society. Forty percent of girls are out of school in Nigeria[[21]](#footnote-20).
4. Mentality: in Nigeria, there is an ingrained prejudice against women. It is deep rooted; no matter how subtle, there is the mindset that she belongs in ‘the kitchen, living room and in za oza room’[[22]](#footnote-21). The women of course think they have no place in the society especially in the political realms because that is the ideology they were raised with. Therefore, they are not ambitious because they believe that political positions are strictly for men. Discrimination is reinforced by stigmatization of women who finally venture into politics. They are seen as indecent or promiscuous.
5. Religion: The two main religions in Nigeria are Christianity and Islam. These had notable women in their collection of stories that did exploits in leadership. Deborah and Jael were spoken about as great judges and skillful at war in the Bible; Esther saved her whole generation. In Islamic history, Khawla b. al-Azwar (d. 639) was a skilled, feared and notable warrior.  Zaynab b. ‘Alī (d. 681) was known for being so great in speech that she gave such an impassioned and forceful speech in the royal court that the caliph was convinced by his advisers to release her and the prisoners taken at Karbala.! The history above indicates that women should have a place in leadership however, most religious leaders in Nigeria restrict the role of women to domestic roles.
6. Lack of Recognition and Understanding by the Society: the society does not recognize the intrinsic values women bring to the table, although, there is a growing understanding
7. The Society: Women are stereotyped as the weaker sex in comparison with their male counterparts[[23]](#footnote-22) who in turn makes some societies to limit them to a few activities socially, politically and economically especially in the developing nations. Many societies do not do much to encourage women to feed into their potential; they leave lying dormant. They do not prepare her for power, neither do they provide them with tools required to take it.
8. Lack of Sensitization: women and young girls are not sensitized on the need to participate in politics. They have not been conditioned to see themselves or other women in places of power; they do not know they can reach that height. Politics is also seen as dirty and a business that is reserved for crude people who have bare ethics[[24]](#footnote-23). Nigerians are told daily the details of unpleasant actions of members of the political class. Contesting for public office as a woman is termed ‘unladylike’.
9. Lack of Funds: women in Nigeria hardly own resources; they are usually co-owners, as such, property lies in the hands of men. Women do not have the economic capacity that enables them stand on their own in Nigeria; therefore, they have little to zero bargaining power. Under stifling economic conditions, women have less access to, credit information, skills, loans, and health care - all crucial to attaining financial independence. The combination of all these factors added to the burdens of child rearing and housekeeping; conspire to keep women off the social and political scenes.
10. Lack of Legal and Political Representation: very few seats in the parliament are filled by women therefore laws in Nigeria that protect women are not a priority. This means that issues that like parental leave and childcare, pensions, gender equality laws and gender based violence, which female politicians tend to bring up are neglected. This makes women open to frequent attacks because they do not have legal protection against all sorts of violence[[25]](#footnote-24). In many countries, there’s a lack of legal protection against discrimination.
11. Violence and threats: The ‘do-or-die’ nature of politics in Nigeria discourages women from participating in Nigerian politics. Dissenting opinions are visited by violence on their holders.

**CHAPTER THREE**

**WOMEN, POLITICS AND THE NIGERIAN SOCIETY**

**3.0 INTRODUCTION:**

In this research, emphasis is laid on the Nigerian Government, therefore participation and political ambition of women in Nigeria will be discussed in details.

Participation in politics does not only mean to hold a political seat or position, it also involves voting, working on campaigns, community engagement, contact with political leaders and attendance at rallies. This definition of participation was used to analyze and compare the participation of women and men in Sub Saharan Africa by Isaksson, Kotsadam, &Nerman, in 2014. Their result pointed that Nigeria has the highest 'participation gap' in sub Saharan Africa. This gap was also found to be larger for active processes like raising an issue and campaigning than for passive processes like voting.

Too many researchers have been focused on the population of women over weighing the authority or affluence women have in the political realm. This poses a question of the kind of political power women in politics wield and the period of their participation. Cheeseman et al 2016 developed a power index that assess the power of each position in a Nigerian state comparing it to ones held by women in that state to give a broader view of not just the population but the level of authority women have in that particular state.[[26]](#footnote-25) Nonetheless think tanks, journalists and NGOs were able to draft out series of barriers to women’s political participation using surveys, interviews, analysis of laws and the party system, and anecdotal evidence. This chapter will analyze whether women can play an effective role in the governance of Nigeria and some disadvantages of excluding women in governance.

 **3.1 A Brief History of Women’s Participation in Nigerian Politics**

In pre-colonial times, women assumed particular roles as mothers and caregivers. Power within the society was distributed by seniority not gender. Women were recognized for their vast contribution to the agricultural sector, in local and long distance trade, in kin groups, healthcare and the administration of the state. The exploits of legendary women like: Queen Amina of Zazau in Zaria, a strong warrior; Iyalode Efunsetan Aniwura of Ibadan; Princess Moremi of Ife; Princess Inikpi of Igala and Emotan of Benin were notable. They played active roles in establishing their communities to the height it is today and held important positions within royalty. Women asserted, expressed themselves, and their responsibilities complimented their male counterparts politically.

The 15th century, marked the entrance of the west as missionaries, explorers, traders and slave dealers. By the late 19th century to half the 20th century, the British had conquered various territories and kingdoms starting with the annexation of Lagos; and the Northern and Southern protectorates were amalgamated to form Nigeria today.

During the colonial period, European patriarchy was introduced into Nigerian society. Legislations and restrictions were introduced which changed the positions of women within the society. Women were denied access to loans, the school curricular was tailored to ensure that girls enrolled for home management skills and women were not offered any political or administrative positions. The colonial officers also refused to acknowledge female office holders. That was the start of male domination in Nigerian politics; women were gradually were denied their political rights to vote and be voted for, hence they had to step down for men. The foremost threat to the influence of women occurred when the position of female chiefs declined in importance. Furthermore, the economic power of women fell because Nigerian men and European firms dominated the distribution of rubber, cocoa, groundnuts (peanuts), and vegetable oil.

**3.2 Notable Women in Nigerian Politics**

Even though Nigeria may be a very patriarchal society, there is a strong line of women that broke out of the norms to participate in politics. The pre-colonial era is crammed with feats of Queen Amina, who protected Zaria from invaders, and Moremi of ile-ife, whose selfless service may be a great example to world leaders today. The Post-colonial era produced female leaders, such as the likes of Funmilayo Ransom Kuti, a woman that led Egba women to protest against taxation, Margaret Ekpo, an activist, and Hajia Gambo Sawaba who fought for the oppressed in northern Nigeria (Bird 2003). These sets of outliers are a symbol to belie the thought that women are not to participate in politics.

Despite the challenges facing women in Nigerian politics, many prominent women who have ventured into it during democracy have made indelible marks with their visionary thinking. A number of who are listed below:

1. Dr Okonjo Iweala played a large role within the economics of Nigeria and even internationally. Her diplomatic efforts during her first ministerial appointment caused the cancellation and forgiveness of Nigeria’s debt running into billions of dollars. She was also an employee of the International fund (IMF/ World Bank)

2. Professor Dora Akunyili, served as head of the National Agency for Food Administration and Control (NAFDAC). In her tenure, there was a significant decrease within the level of the importation of counterfeit drugs from several countries to the Nigerian market.

**3.3 Disadvantages of Discriminating Against Women during a Society**

Although African countries are working towards closing the gender gaps, Nigeria has not made a full blown effort to cement the massive gap. This could be thanks to the very fact that men’s role in politics is more valued than women’s role as reported by Banerjee 2003. There are many disadvantages that accompany discriminating against women in any society. Discrimination could affect the mental well-being of women within the society because they could begin feel inferior to men. They will also lack confidence in themselves to the extent of not having the ability to do what they are obligated to do like voting. It might further make them have a low self-esteem, fear, shame and stress; closing them off to several opportunities.

The effect of several beliefs, customs and cultures in Nigeria poses threats to the participation of women in politics. These threats converge on the premise that ladies are the weaker sex; this notion allows discriminatory acts leveled towards women especially by men (Ekhator 2018). Women are under-represented as voters, political leaders and elected officials even though they comprise 50% of the world’s population, because there is an inadequacy of laws to protect them. Discrimination can cause violence against women because there are not any laws to ensure that their rights are being protected. Democracy cannot truly protect its citizens if half the population is underrepresented within the political sphere. The women would not be motivated to enforce their rights thanks to prejudice against them. A heightened specialty in addressing the intersectional gender imbalances that are a main feature of those problems could be the passkey to unlocking the myriad of opportunities that the country possesses. Studies have shown that gender inequality have an impression on economic process. Nigeria’s gross domestic product (GDP) could grow by 23 percent—or $229 billion—by 2025 if women participated within the economy to an equivalent extent as men.

There should be a level playing field to accommodate diverse opinions. If women are excluded, from active participation, it could entrench some traces of political apathy in the mind of such women. If women are not adequately represented, they cannot effectively thrive. Equitable participation of women in politics is important to maintaining democracy, because democracy cannot reach its full potential if half the population is under represented within the deciding arena. This may create a bias world were the half represented will create a world suitable for themselves and their gender, without looking after the sustainability of the opposite half.

**CHAPTER FOUR**

**THE LEGAL FRAMEWORK ON GENDER DISCRIMINATION IN NIGERIA**

**4.0 Introduction**

This chapter presents the legal framework for the study, which are discussed on the following headings and subheadings.

**4.1 The Constitutional Framework on Gender Discrimination in Nigeria:**

There are many laws against gender discrimination in Nigeria; however, the Nigerian Constitution is the ground norm. Chapter II of the 1999 Constitution of the Federal Republic of Nigeria provides firstly in *Section 17(3)(c)* that there should be equal pay for equal work without discrimination on account of sex, or any ground whatsoever. Section 42 goes further to state that:

*A citizen of Nigeria of a specific community, ethnicity, and place of origin, sex, religion or political opinion shall not be subjected expressly or in application of any law or any executive or administrative action of the government to disabilities or restriction to which citizens of other communities, ethnic groups, places of origin, sex, religious or politics are not made subject to. A citizen of Nigeria shall not be accorded any privilege or advantage that's not accorded to citizens of Nigeria that are of other communities, ethnic groups because of their place of origin, sex, religion or political opinion.*

This goes to mention that nobody should be treated differently due to any circumstance he or she was born with. This reiterates the purpose that women should not be subjected to any deprivation merely by circumstances that they're born female.

*Section 40 of the CFRN* states that “Every person shall be entitled to assemble freely and accompany other persons, and especially, he may form or belong to any party, union or the other association for the protection of his interests.” This suggests that everyone is liberal to pursue any political interest they desire. Furthermore, *section 77 (2)* states that each citizen in Nigeria, who has attained the age of eighteen years…shall be entitled to be registered as a voter for that election.

Normally, any man or women can proceed to court to seek redress if his or her right is being violated in line with section 6 of the 1999 Constitution, however, the provisions of Chapter II(Fundamental Human Rights) and Chapter IV(the Policies and Duties of State)of the Constitution do not grant legal rights to Nigerian citizens. This means that they are mere policy guidelines and its breach cannot be enforced in court as they're unjustice-able[[27]](#footnote-26).

From examples given below, however, we glean that there are instances where Chapter 2 can be enforced in court. In *Federal Republic of Nigeria v Anache & ors[[28]](#footnote-27)*, the Supreme Court stated section 6 (6c) of the CFRN does not foreclose the possibility of enforcing Fundamental Human Rights in courts. Chapter 2 and 4 are justiceable to the extent that those rights are contained in other legal documents in Nigeria. These include Acts passed by the National Assembly, and Treaties, and Charters that have been ratified and domesticated in Nigeria. An example is the Labor Act which provides for equal pay for all genders; this is enforceable in Nigerian courts. In the case of *Abacha v Fawhemni[[29]](#footnote-28)*, the courts held that all rights in the CFRN were enforceable because they were included in the African Charter on Human and Peoples Right which was domesticated and ratified in Nigeria.

This suggests that the Constitution which of course is the core of our laws and existence as a county has a persuasive effect in court. It has no specific, substantive and enforceable provision on the protection of women's rights. On the other hand, the foregoing analysis shows that the Constitution of the Federal Republic of Nigeria has not by any means discriminated against anyone, man or woman within the socio-political scheme of things. It is therefore unjustifiable for men to require dominating the Nigerian political scene.

**4.2 Other Legislations on Gender Discrimination in Nigeria**

There are many laws on gender discrimination in Nigeria today. As a member of the international community, Nigeria has signed and ratified a number of international and regional human rights instruments that promote women's rights. Some laws are international treaties that have been ratified and others come by way of Acts made by the National Assembly.These legal framework is targeted at abolishing any customs or cultural practices that discriminate against the rights of women.

 A few are listed below:

1. The Labour Act 2004: this legislates against the non discrimination of women during any recruitment process and states that women in the workforce should be paid equally and not made subject to any biased treatment.
2. The Universal Declaration of Human Rights 1948: in its Article 2 prohibits discrimination on the following 10 grounds: race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth and other status
3. The International Labour Organization(1919) in Article 1(1), provides that discrimination includes:

*Any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in the employment or occupation.*

1. The African Charter on Human and Peoples’ Rights (Ratification and Enforcement) Act: this act, duly ratified in Nigeria is aimed at eliminating or abolishing all forms of discriminatory cultural law practices in any part of the country. [[30]](#footnote-29)Article 18 (3) of the Act provides that ‘the State shall ensure the elimination of every discrimination against women and also ensure the protection of the rights of the woman and the child as stipulated in international declarations and conventions”
2. The 1966 International Covenant on Civil and Political Rights (ICCPR) [[31]](#footnote-30)
3. The International Covenant on Economic, Social and Cultural Rights (ICESCR)[[32]](#footnote-31)
4. Convention on the Elimination of Discrimination against Women 1981 (CEDAW): this reflects non-discrimination as an independent principle. Nigeria ratified this convention on 13 June 1985, and the National Assembly also ratified the optional protocol to CEDAW on 8 September 2001. CEDAW requires states ‘to take all appropriate measures to eliminate discrimination against women by any person, organisation or enterprise[[33]](#footnote-32)

The Convention seeks to “preserve fundamental human rights, dignity, and worth of the human person,” especially for women. In its preamble, the Convention acknowledges that "extensive discrimination against women continues to exist", and emphasizes that such discrimination "violates the principles of equality of rights and respect for human dignity".

Other Bodies in Nigeria address the low representation of women in elective and appointive positions in Nigeria, such as; the Women Political Empowerment Office and Nigeria Women Trust Funds, Women Lobby Group, the institution of an INEC gender policy, the national multi stakeholder dialogue; the initiation of several interventions to actualize affirmative action and the convening of the Nigeria Women Strategy Conference[[34]](#footnote-33). Indeed one of their common goals is to provide equal opportunities for all gender and annihilate gender based discrimination. In states where these laws have been enacted, men and women have equal rights in all spheres including the political one.

Several Articles of the foregoing legal instruments provided for equality of both men and women with respects to the exercise of their rights. They also sanction discriminatory practices against women in their respective societies, and make recommendations to the States on matters concerning the elimination of discrimination against women.#

**4.3 Implementation of Gender Discriminatory Laws in Nigeria**

There are several laws that support women’s role in politics, but due to unknown factors, their efficacy is yet to be seen. An example is the National Gender role of 2006 enacted that recommends 30% political seats to be filled by women. Nigeria’s current president, President Muhhammed Buhari failed in this fight when he appointed his cabinet with 16% of women, contrary to the minimum standard of 35% required by National Gender Policy.

Furthermore, legislators in Nigeria have refused to pass the bill of enforcing a quota system. This refusal was based on the fact that it goes against the beliefs of Muslims, Christians and traditionalists. The Abolition of all Forms of Discrimination against Women in Nigeria and other Related Matters Bill’ was under consideration; but this has not been promulgated into law. The Gender Equality Bill was voted down because legislative regarded it as “against religion and not African like.” This bill was to ensure that women have equal opportunities in the private and in the public sector largely. States such as Imo, Anambra, Ekiti, Plateau and Kogi states are ahead of the Federal Government in enacting Gender and Equal Opportunities Law.

The Nigerian Constitution requires that an international treaty must be domesticated in order for it to apply[[35]](#footnote-34). Most of the international and regional human rights instruments specifically enacted for the promotion of women's rights have yet to be domesticated. This means they are only persuasive, not enforceable in courts. 23 years after the ratification of *CEDAW* by Nigeria, its provisions still remains unenforceable by any Court in Nigeria, as a process of domestication must be undergone according to *Section 12* of the *1999 Constitution****,*** before it can become part of the nation’s municipal law.

Women participate in politics as voters, party supporters and usually attend political rallies in large numbers. Some even run for top political offices. As a matter of fact, women constitute over 60% of the Nigerian electorates. Despite this numerical advantage and the massive participation in voting, less than 20% of political offices are held by women. Nigeria, having ratified CEDAW should take bold steps to domesticate these legal instruments and make a far reaching law that will not only abolish all form of discriminatory customary law practices but also criminalize such barbaric practices in accord with modern civilization.

Since the inception of democracy, women have not been adequately represented in public offices such as President , Senate, or members of Houses of Representatives and Assembly. Despite the concerted efforts made by government and non-governmental organizations to increase the level of participation of women in politics, statistics revealed that overall political representation in government of Nigeria is less than 7 percent.[[36]](#footnote-35) Nigeria still records low participation of women in both elective and appointive positions.

In spite of the foregoing legal frameworks the women continue to be discriminated against in Nigerian Politics. After the 2019 election, with no woman as a state governor, the World classification puts Nigerian at 180th position because of the low inclusion of women in politics Nigerian laws are inadequate to tackle this issue.[[37]](#footnote-36)

**4.4 The Need for Legislative intervention**

In politics, health or across every other socio-economic structure, a more gender-equal Nigeria will create a more prosperous country. *Article 3 of the Convention on the Elimination of All Forms of Discrimination against Women* provides that:

*State parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality.*

This shows that appropriate measures should be taken by states to ensure that women are fully included in governance. Equitable participation of women in politics and government is essential to building and sustaining democracy. The International Monetary Fund (IMF) stated that strengthening gender equality in Nigeria could lead to higher productivity and greater economic stability.

The legislative has to make laws concerning the aspect of women being discriminated against in politics. There should be laws that encourage collective representation and participation. State parties can use positive action, preferential treatment or quota system to advance women’s integration into education, the economy, politics and employment. Kumar (2017) reported that the gender quota system is to increase, promote, and involve women in politics. He also reported that some national parties have adopted the quota system to boost their women participation.[[38]](#footnote-37) They should take further measure to ensure women are treated without discrimination and that they have an opportunity to represent their government at the international level. There is a need to foster gender equality through laws in rural parts to ensure that the quantity and quality of educational system available in such parts are adequate to meet up to modern expectations. One of the major instruments that can foster gender equality in developed and developing countries is highly anchored on the quantity and quality of educational system available in such given nations. This is necessary for purposes of rising of consciousness, as well as for developing a common front to emphasize and promote political debate.

Constitutional amendment introducing this quota system into the legislative list will afford the federal government to enact law(s) in conformity with the various international human rights legal frameworks it has ratified. Such law(s) will amongst others protect and guarantee the rights of women to enjoy an equitable share of all resources available. State parties should implement laws intended to combat all forms of discrimination against the general well-being of women and to take corrective and positive actions to arrest discrimination against women.

**CHAPTER FIVE**

**SUMMARY, CONCLUSION AND RECOMMENDATIONS**

**5.1 Summary**

In summing up, it was noted that some women are born leaders; however, from childhood that nature is suppressed by parents, teachers and the society. Education of women which has been neglected by the society has recently received an upward attention which has more importantly ignited women to be more aware of the roles they could play in developing the nation through active participation in politics, as they have come out to vote and be voted for. However, more should be done to shed the colonial principle which built inequality and discrimination.Women should be highly committed to promoting national and local policies that address the socio-economic and political challenges facing women, children and disadvantaged groups and promoting an honest government. Countries where women are supported as leaders have a correspondingly low level of corruption. Women are strongly linked to positive developments in education, infrastructure and health standards at the local level. They are committed to peace building and reconciliation efforts. Women should be aided to participate in the democracy, because they bring indispensable qualities to the table.

Promoting women empowerment is one of the most important catalysts for sustainable development. The absence of a general legislation on this matter of discriminating against women in politics with a wide spread jurisdiction has encouraged the operation of discriminatory customs in the Nigerian political realms. Notwithstanding the various international human rights instruments that Nigeria has ratified, little has been done by the country to bring the nation’s legal system in conformity with modern practices. Few states in Nigeria have enacted laws to protect the participation of women in walks of life. It is pertinent to say that there needs to be a strong political will from the government to combat the discrimination of women in politics.

**5.2 Recommendations**

1. Review the existing constitutional, political, legislative and regulatory framework, particularly for states in Northern Nigeria for provisions that obstruct equal participation. This includes discouraging money politics.
2. All constitutional, political, legislative and regulatory frameworks against discrimination should be implemented and discrimination should strictly be penalized. The relevant international instruments relating to full political rights should be ratified, integrated and implemented. Therefore, by either domesticating the provisions of CEDAW or incorporate certain provisions of these instruments into its body of laws to protect the rights of women all the available laws on gender discrimination should not only be ratified and implemented, they should also be justice-able
3. Adoption by states parties of temporary special measures such as guaranteeing women access to the legislature and decision making positions, quotas, reserved seats, minority districts and similar statutory mechanisms of affirmative action aimed at accelerating equality between men and women shall enable both men and women have equal chances of control in such public offices. This will dissolve any form of discrimination of women by men Enact special measures to be another route to enhancing the representation of Nigerian women and ethnic minorities.
4. Women should have equal opportunities with the men during the election campaigns. Everything provided for a male counterpart such as public funding, access to the state media, setting campaign spending limits, and ensuring that campaign finances and expenditures should be unused for the female.There should be structures and bodies put in place to enable women politicians challenge any form of electoral malpractice in Nigeria at minimal cost.
5. Education of women, because educated women have more chances to participate in political processes. Therefore women should be represented from the root to the topmost position in government. Also the curriculums in school should educate young girls on the importance of enhancing in politics. Activism among women must continue. There must be more cooperative action among women of all classes and in all areas of Nigeria because as long as some women still live under discriminatory conditions, all women are affected.

**5.3 Conclusion**

Conclusively, the absence of any legislative framework for victims of discrimination does not exempt the Nigerian Government from its duty to protect the women’s rights. The non-availability of any law on the discrimination against women from participating in politics in Nigeria is a huge factor. There is need for a Constitutional amendment introducing a quota system into the legislative list which will afford the federal government an opportunity to enact law(s) in conformity with the various international human rights legal frameworks it has ratified.

Provisions of law concerning discrimination in Nigeria are far from being adequate; they are deficient to the extent that most of the laws are not enforceable in court. One can protest against discrimination but such will be without full backing of the law. Also, in respect to the remedies offenders are not held liable to deter them from revisiting this particular behavior.

It's also important to point out that while the government might be ready to establish a profound arena for women in politics, religion and the African culture may deter them. This is because Nigerians are big on customs and culture. Therefore the constitution is not enough to provide an eternal solution to this problem, a new narratives and support from religious leaders and elders should be solicited.

Lastly, it’s necessary to state that while the Nigeria government filled with male cohorts will not willingly support inclusion of women in political world, women on their path should seek out their national and human rights. They should not be passive or relent to ask for a little of what belongs them; women should be able to work out a scheme on demanding for what is rightfully theirs.

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