An Appraisal of Gender Justice and Legal Reforms in Nigeria: Assessing the Efficacy of Legislative Frameworks and Societal Impact

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Abstract

The intersection of gender and law in contemporary Nigeria raises complex and pivotal issues that profoundly impact individuals' lives. This paper delves into the historical context of Nigeria as a patriarchal society, where men predominantly wield power, and the legal framework mirrors this gender imbalance. Despite the existence of laws that prohibit discrimination, women continue to experience marginalisation in areas such as education, employment, and inheritance rights. This underscores the disparity between policy and execution, exacerbating the intricacies of gender and law in Nigeria. An analysis of the intricacies of gender and law in modern Nigeria indicates that much progress is still required to attain gender equality and justice for all. The data was collected using the doctrinal method, employing an analytical approach to review various statutes, court cases, journals, and online materials. The findings underscore the urgent need for the government to review and amend discriminatory laws, enforce gender equality legislation, and advocate for equal representation of women in decision-making roles. Moreover, there is a pressing need for a shift in societal attitudes towards gender roles and norms to achieve genuine gender equality in Nigeria.

Keywords: Gender, Nigeria, Equality, Discrimination, Customary Law

1. Introduction

The intricacies concerning gender and law in present-day Nigeria are manifold and deeply ingrained in the country's intricate social, cultural, and political fabric.[1] Despite initiatives to advance gender equality and inclusivity, considerable hurdles persist in guaranteeing women equal rights and opportunities across different domains, including the legal framework. This research paper thoroughly examines the intricate dynamics of gender and the legal system in present-day Nigeria. It will investigate how the legal framework addresses gender-related issues, the extent of women's involvement in legal and governance affairs, and the sociocultural elements that shape the interplay between gender and the law within the specific context of Nigeria.

2. Historical Context of Gender and Law in Nigeria

2.1. Colonial Legacy: Impact of Colonial Laws on Gender Roles and Rights

The colonial period in Nigeria, initiated by British incursion in the late 19th century, profoundly transformed existing gender dynamics and legal frameworks. Before colonization, numerous Nigerian societies exhibited relatively egalitarian structures, with women actively engaged in socio-economic and political spheres. However, the advent of colonial rule imposed patriarchal norms that marginalized women, effectively stripping them of their previous roles and rights. Colonial legislation systematically restricted women's access to land and resources, relegating them to subordinate positions within both domestic and societal contexts.

The British colonial administration instituted legal systems that favoured men, thereby criminalizing indigenous practices that had previously empowered women, such as widow inheritance.[2] For instance, colonial policies excluded women from cash crop farming, a critical

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[1] Kehinde Olayode, Women's participation and gender issues in local governance in Nigeria *African Research Review*, 2016, P. 94-94

[2] Emmanuel Olorunfemi Jaiyeola and Aladegbola Isaac, Patriarchy and Colonization: The "Brooder House" for Gender Inequality in Nigeria Journal of Research on Women and Gender Volume 10, Pages 3-22 <https://digital.library.txst.edu/server/api/core/bitstreams/aab90e9d-7dca-402a-85ac-d532d463a690/content >Accessed 12 September 2024

sector for economic participation, by prioritizing male labour for the cultivation of cash crops like cocoa and rubber, while confining women to subsistence farming.[3] This policy shift not only diminished women's economic power but also reinforced their financial dependency on men.

Furthermore, the introduction of Western education during this period disproportionately favoured boys over girls, thereby entrenching gender inequality. Women became increasingly marginalized in political and economic matters as colonial authorities established new norms that strictly delineated gender roles along patriarchal lines.[4] Consequently, the colonial legacy established a foundation for systemic gender inequality that persisted well beyond the attainment of independence.

2.2. Post-Independence Developments: Changes in Gender Laws since Nigeria's Independence

Following Nigeria's independence in 1960, the country inherited a legal system heavily influenced by colonial laws that continued to disadvantage women. Despite the formal end of colonial rule, the patriarchal structures established during that time remained largely intact. Women faced significant barriers to political participation, property rights, and economic resources.[5]

In recent decades, there have been efforts to reform laws to promote gender equality. Various international treaties and conventions ratified by Nigeria, such as CEDAW (Convention on the Elimination of All Forms of Discrimination against Women), have provided frameworks for advocating women's rights. Legislative reforms aimed at addressing issues like child marriage, inheritance rights, and domestic violence have emerged; however, enforcement remains inconsistent due to cultural resistance and inadequate political will.[6]

Despite these challenges, there have been notable improvements in women's representation in governance and public life. For example, during certain administrations, there was an increase in the number of women appointed to ministerial positions and legislative roles. Nevertheless, societal attitudes towards gender roles continue to pose significant obstacles to achieving true equality.[7] In summary, while post-independence Nigeria has seen some progress in gender laws and women's rights advocacy, the enduring impact of colonial legacies continues to complicate efforts toward achieving gender justice. The struggle for gender equality remains a critical issue that requires ongoing attention and reform within both legal frameworks and societal norms.

3. The Legal Framework and Gender Equality in Nigeria

The legal landscape in Nigeria has been gradually evolving towards gender parity and the protection of women's rights, although progress has been uneven. Nigeria has ratified several international treaties and conventions, including the Convention on the Elimination of All Forms

[3]Wole-Abu NA. Nigerian Women, Memories of the Past and Visions of the Future through the Communication Narratives of the Media. Global Media Journal 2018, 16:31. https://www.globalmediajournal.com/open-access/nigerian-women-memories-of-the-past-and-visions-of-the-future-through-the-communication-narratives-of-the-media.php?aid=87196> Accessed 12 September 2024

[4]Ngozi Oluchukwu Odiaka the Concept of Gender Justice and Women's Rights in Nigeria: Addressing The Missing Link Afe Babalola University: Journal of Sustainable Development Law and Policy Vol. 2 Iss. 1 (2013), pp. 190-20< https://www.ajol.info/index.php/jsdlp/article/download/122608/112156> Accessed 12 September 2024

[5] Idongesit Eshiet, Gender Equality in Contemporary Nigeria: Problems and Prospects< https://ipc2009.popconf.org/papers/91061> Accessed 12 September 2024

[6] ibid

[7] ibid

of Discrimination against Women[8] (CEDAW). Adopted by the United Nations in 1979, CEDAW provides a comprehensive framework for achieving gender equality. Nigeria ratified CEDAW in 1985, committing to eliminate discrimination against women and promote their rights and the African Charter on Human and Peoples' Rights on the Rights of Women in Africa[9], This charter emphasizes the rights of women and calls for the elimination of discrimination. Nigeria ratified this charter in 1986. Also, The Beijing Declaration and Platform for Action was adopted in 1995, and this platform outlines strategic objectives for advancing women's rights and gender equality.[10] All of these conventions uphold the principle of gender equality.

At the national level, Nigeria has enacted several laws aimed at promoting gender equality including:

i. The 1999 Constitution of Nigeria: The Constitution guarantees fundamental rights and freedoms and prohibits discrimination based on sex. However, its provisions are often undermined by customary laws and practices[11].

ii. The Violence Against Persons (Prohibition) Act (2015): This law aims to eliminate all forms of violence against persons, including women, and provides for the protection and rehabilitation of victims[12]

iii. The Trafficking in Persons (Prohibition) Enforcement and Administration Act (2015): This act addresses human trafficking, which disproportionately affects women and girls, and provides for the prosecution of offenders [13]

iv. The Child Rights Act (2003): [14]This act aims to protect the rights of children, including girls, and prohibits harmful practices such as child marriage.

However, the implementation and enforcement of these international instruments have been complex, as Nigeria's existing legal framework still reflects patriarchal norms and discriminatory practices.

4. Key Gender Issues in Nigeria

4.1 Child Marriage: Legal Status and Implications for Women's Rights

Child marriage is indeed a significant issue in Nigeria, with the country experiencing some of the highest rates on the African continent. This practice has profound implications for the health, education, and overall well-being of young girls. Efforts to address this issue include legislative reforms and advocacy campaigns, but cultural and socio-economic factors continue to pose challenges to eradicating child marriage. In Nigeria, the legal protections against child marriage are primarily established through the Child Rights Act (CRA) of 2003,[15] which prohibits marriage for individuals under the age of 18. This Act aims to align Nigerian law with international standards

[8] UN, 1979; Human Rights for Women: The U. N. Convention on the Elimination of All Forms of Discrimination against Women Catherine Tinker *Human Rights Quarterly*, 1981

[9]African Union. (1986). *African Charter on Human and Peoples' Rights*; Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa 2003, <Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa | Refworld> accessed 12 September 2024

[10] UN. (1995). Beijing Declaration and Platform for Action

[11] Constitution of the Federal Republic of Nigeria 1999 (as amended)

[12] Violence Against Persons (Prohibition) Act 2015

[13] The Trafficking in Persons (Prohibition) Enforcement and Administration Act 2015

[14] The Child Rights Act 2003

[15] ibid

outlined in treaties such as the Convention on the Rights of the Child (CRC)[16] and the African Charter on the Rights and Welfare of the Child,[17] both of which emphasize the rights of children to be free from coercion and violence, including forced marriage.[18] Although the federal Child Rights Act of 2003 prohibits marriage below the age of 18, conflicting provisions in the Nigerian Constitution create legal ambiguities. The CRA explicitly states that no person under 18 years can contract a valid marriage, thereby criminalizing child marriage across Nigeria. However, its effectiveness is hampered by several factors:

4.1.1 State Adoption Variability: While the CRA is a federal law, it must be adopted by individual states to be enforceable. As of now, only 34 out of 36 states have domesticated the CRA. Two northern states, Kano and Zamfara States[19] where child marriage rates are highest, have not adopted this law, leaving many girls vulnerable to early marriages.[20]

4.1.2 Conflicting Constitutional Provisions: Section 29(4) (b) of Nigeria's Constitution complicates matters by defining any married woman as having attained the age of majority, regardless of her actual age at marriage. This clause creates a legal loophole that undermines the CRA's prohibition against child marriage. The Nigerian Constitution, particularly the 1999 Constitution, has provisions that impact child marriage. Section 29(4) of the Constitution states that the age of maturity is 18. However, there is a controversial clause in Section 29(4) (b) which implies that a girl is considered to be of full age once she is married, regardless of her actual age. This clause has been criticized for potentially legitimizing child marriage.[21]

The prevalence of child marriage has severe implications for women's rights. It denies girls access to education, healthcare, and opportunities for personal development, thereby perpetuating cycles of poverty and gender inequality. Many girls are forced into early marriages due to traditional practices, economic pressures, and inadequate enforcement of existing laws. Reports indicate that approximately 43% of women aged 20 to 24 were married before turning 18, highlighting the urgent need for effective legal frameworks and their enforcement to protect girls from such practices.[22]

4.2 Inheritance and Property Rights: Discriminatory Practices Affecting Women's Access to Property

In Nigeria, the inheritance and property rights of women are significantly shaped by a complex interplay of customary laws, statutory laws, and socio-cultural practices. Despite constitutional provisions designed to promote gender equality, women frequently encounter substantial obstacles in accessing inheritance and property rights, resulting in persistent gender inequalities. Some of

[16] "Convention on the Rights of the Child. 20 November 1989. Treaty Series, vol. 1577, p. 3."
[17] African Charter on the Rights and Welfare of the Child, OAU Doc. CAB/LEG/24.9/49 (1990), entered into force Nov. 29, 1999.
[18] "Nigeria: Child Marriage Violates Girls' Rights". Www.Hrw.Org, 2024, https://www.hrw.org/news/2022/01/17/ nigeria-child- marriage-violates-girls-rights. Accessed 1 Oct 2024.
[19] Editorial. "The Child Rights Act in Nigeria." Independent.Ng, Independent Newspaper Nigeria, 23 June 2024, https://independent.ng/. Accessed 1 Oct 2024
[20] "FG: 34 States Have Domesticated Child's Rights Act." Thisdaylive.Com, https://www.thisdaylive.com/index. php/2022/11/29/fg-34-states-have-domesticated-childs-rights-act/. Accessed 1 Oct. 2024.
[21] "Azubike Onuora-Oguno. Constitutionalising the Violation of the Right of the Girl Child in Nigeria: Exploring Constitutional Safeguards and Pitfalls | OHRH". Ohrh.Law.Ox.Ac.Uk, 2024, https://ohrh.law.ox.ac.uk/ constitutionalising-the-violation-of-the-right-of-the-girl-child-in-nigeria-exploring-constitutional-safeguards-and-pitfalls/. Accessed 1 Oct 2024.
[22] n.18

these discriminatory practices that continue to hinder women's access to property and inheritance in many parts of Nigeria, perpetuating cycles of poverty and dependence include:

4.2.1 Customary Law and Gender Discrimination: Customary laws in Nigeria vary widely among the over 250 ethnic groups, but many of these laws are patriarchal and favour male heirs. For instance, under the Igbo customary law, inheritance is primarily patrilineal, meaning that property is passed down through male descendants. The eldest son typically inherits the entire estate of his deceased father, while daughters are often excluded from inheriting any property. This practice not only limits women's economic opportunities but also reinforces their dependency on male relatives for financial support.[23]

Similarly, in Yoruba culture, while daughters may inherit from their father's estate, wives generally have no right to inherit their husband's property unless it can be proven that the property was given as a gift during the marriage. This exclusion leaves many women vulnerable, particularly in cases where husbands die intestate (without a will).[24]

In contrast, Sharia law, which governs inheritance in many northern states of Nigeria, provides women with some rights to inherit property. For instance, daughters can inherit from their father's estate, and widows are entitled to a portion of their deceased husband's estate. However, even under Sharia law, women's shares are often less than those of male heirs, perpetuating gender inequality.[25]

The 1999 Constitution of Nigeria guarantees the right to equality before the law and prohibits discrimination based on sex. However, the effectiveness of these constitutional provisions is undermined by the prevalence of discriminatory customary practices that continue to dictate inheritance rights. The Supreme Court's ruling in *Ukeje v. Ukeje*[26] marked a significant step towards gender equality by declaring that customary laws excluding women from inheritance violate constitutional rights. This landmark case affirmed that under Nigerian law, female children are entitled to inherit their father's property, regardless of the circumstances of their birth, thereby invalidating any customary laws that discriminate against female inheritance. Despite this ruling, implementation remains inconsistent across different regions due to entrenched cultural beliefs.[27] Furthermore, the lack of awareness among women about their legal rights contributes to their

[23] "Olufunmilola Adekiitan Omotayo Ekiti State University, Ado-Ekiti, Ekiti State, Nigeria. Women and Customary Inheritance in Nigeria: A Critical Appraisal". Www.Biarjournal.Com, 2024, http://www.biarjournal.com/index.php/matondang/article/view/1049. Accessed 1 Oct 2024.

[24] "Leadwaycapital October 31, 2018. Inheritance and Customary Laws In Nigeria · LEADWAY CAPITAL". Www.Leadwaycapital.Com, 2024, https://www.leadwaycapital.com/inheritance-and-customary-laws-in-nigeria/. Accessed 1 Oct 2024.

[25] "African Human Rights Law Journal". Www.Saflii.Org, 2024, https://www.saflii.org/za/journals/AHRLJ/2014/31.html. Accessed 1 Oct 2024.

[26] *Mrs. Lois Chituru Ukeje and Enyinaya Lazarus Ukeje v. Mrs. Gladys Ada Ukeje*, Supreme Court of Nigeria, SC. 224/2004, (2014) 11 NWLR (PT.1418) 384

[27] "David Tarh-Akong EyongndiBowen University, NigeriaFaith Nwayemogho OparaBarrister and Solicitor of the Supreme Court of NigeriaOlayiwola Owoade OladeleBowen University, NigeriaDavid Andrew AgbuNasarawa State University, NigeriaMary-Ann Onoshioke AjayiBowen University, Nigeria. Realising Female Inheritance Rights in South Eastern Nigeria: The Imperativeness of Going beyond Legal Rhetoric". Revistaselectronicas.Ujaen.Es, 2024, https://revistaselectronicas.ujaen.es/index.php/TAHRJ/article/view/7972. Accessed 1 Oct 2024.

continued marginalization in inheritance matters. Many women do not challenge discriminatory practices due to fear of social ostracism or lack of access to legal resources.[28]

4.2.2 Socio-Cultural Barriers: Cultural norms and societal attitudes significantly contribute to the perpetuation of discriminatory practices against women in the context of inheritance and property rights. In numerous communities, traditional beliefs prioritize male lineage and perceive women's roles as secondary or dependent on men. This cultural framework discourages women from asserting their rights and participating in decision-making processes related to property ownership.[29]

Furthermore, the limited participation of women in customary land management institutions exacerbates these issues. Decisions regarding land use and inheritance are predominantly made by male elders or chiefs, often without considering women's perspectives or needs. [30]This exclusion from decision-making processes reinforces existing inequalities and restricts women's access to resources.

4.3. **Violence against Women: Legal Protections and Gaps in Enforcement**

In Nigeria, the Violence Against Persons (Prohibition) Act (VAPP) of 2015 [31]represents a significant legislative effort to combat various forms of violence against individuals, particularly women. The Act aims at eliminating violence in both private and public spheres, providing comprehensive protections for victims and establishing penalties for offenders. However, despite its progressive nature, substantial gaps remain in its enforcement and effectiveness. The VAPP Act broadens the definition of violence beyond just physical abuse to include sexual, psychological, and economic violence. It addresses various forms of abuse such as domestic violence, harmful traditional practices (including female genital mutilation), and emotional abuse, thereby providing a holistic approach to tackling gender-based violence.[32] The Act allows victims to apply for protection orders from the court, which can restrain individuals from committing further acts of violence. This provision is crucial for ensuring the safety of victims while legal proceedings are underway.[33] The VAPP Act stipulates stronger penalties for offenders compared to existing laws. This includes provisions for compensation to victims, aiming to provide financial support for those affected by violence.[34] The Act mandates the establishment of a regulatory body responsible for overseeing its implementation and ensuring that victims have access to necessary support services.[35]

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[28] "Victoria Adeleke University of the Western Cape https://orcid.org/0000-0001-7750-2795Anthony C DialaUniversity of the Western Cape. The Right of Women to the Inheritance of their Husbands' Estate in Nigeria". Unisapressjournals.Co.Za, 2024, https://unisapressjournals.co.za/index.php/JLSD/article/view/14540. Accessed 1 Oct 2024.

[29] N.2

[30]Bioye Tajudeen Aluko and Abdul–Rasheed Amidu Women and Land Rights Reforms in Nigeria". Www.Fig.Net, 2024, https://www.fig.net/resources/proceedings/fig_proceedings/accra/papers/ts09/ts09_04_aluko_amidu.pdf. Accessed 1 Oct 2024.

[31] Violence Against Persons (Prohibition) Act, 2015, Federal Republic of Nigeria Official Gazette, No. 97, Vol. 102, 25th May 201512

[32] Ibid, "Factsheet On The Violence Against Persons Prohibition Act 2015 - Partners West Africa Nigeria". Www.Partnersnigeria.Org, 2024, https://www.partnersnigeria.org/factsheet-on-the-violence-against-persons-prohibition-act-2015/. Accessed 17 Oct 2024.

[33] Obu, Ibietela Madigh, The Legal Framework For The Promotion Of Access To Justice For Women In Nigeria, African Journal Vol.8

[34] ibid

[35] *Ibid*

Many states have yet to adopt or fully implement the VAPP Act, resulting in inconsistent protections for women. Cultural stigmas surrounding violence against women often lead to underreporting and inadequate responses from law enforcement agencies. Factors such as lack of funding for necessary structures, societal attitudes that trivialize domestic violence, and insufficient training for law enforcement personnel contribute to these gaps.[36] Furthermore, while the VAPP Act includes provisions for protection orders and compensation for victims, many women remain unaware of these rights or face barriers when attempting to access them. As a result, violence against women continues to be a pervasive issue in Nigeria, necessitating urgent reforms and effective enforcement mechanisms to ensure women's safety and rights are upheld,[37]

In summary, key gender issues such as child marriage, discriminatory inheritance practices, and violence against women underscore the complexities surrounding gender rights in Nigeria. Addressing these issues necessitates not only legal reforms but also a concerted effort to transform societal attitudes and enhance enforcement mechanisms.

5. Socio-Cultural Factors Influencing Gender Inequality

5.1 Patriarchy and Gender Roles/Examination of Societal Norms that Perpetuate Gender Discrimination

Patriarchy serves as a foundational structure within Nigerian society, deeply ingrained in cultural, social, and economic practices. It establishes a system in which men hold primary power, dominating roles in political leadership, moral authority, social privilege, and control of property. This patriarchal framework significantly influences gender roles, relegating women to subordinate positions and perpetuating gender discrimination. This system manifests in various ways, creating an environment where gender discrimination is normalized and perpetuated. Some of the ways it manifests include:

5.1.1 Socialization and Gender Roles

From an early age, children in Nigeria are socialized into distinct gender roles that reinforce patriarchal norms. Boys are often encouraged to embody traits associated with masculinity—strength, dominance, and assertiveness—while girls are socialized to be submissive, nurturing, and compliant. This socialization process is evident in family structures where domestic responsibilities are predominantly assigned to women, limiting their opportunities for education and economic participation. For instance, studies indicate that women undertake a disproportionate share of domestic labour, which constrains their ability to engage in paid employment or pursue educational opportunities.[38]

The societal belief that a woman's primary role is as a caregiver and homemaker creates barriers to women's advancement in various sectors. Women often face discrimination in the labour market due to assumptions about their commitment to work compared to men. Consequently, they are

[36] The Impact of the Violence against Persons Prohibition) Act and Related Laws in Nigeriaw.Wfd.Org, 2024, https://www.wfd.org/sites/default/files/202302/Report%20of%20the%20Impact%20of%20the%20VAPP%20and%20related%20laws%20in%2012%20states.pdf. Accessed 1 Oct 2024.

[37] *Ibid*

[38] Makama, Godiya Allanana Patriarchy And Gender Inequality In Nigeria: The Way Forward, Core.Ac.Uk, 2024, https://core.ac.uk/download/pdf/236407158.pdf. Accessed 3 Oct 2024.

underrepresented in leadership positions across various fields; for example, women occupy fewer than 30% of all posts in the public sector and only 17% of senior positions.[39]

5.1.2 Cultural Norms and Practices

Cultural norms also play a crucial role in perpetuating gender discrimination. Practices such as bride price and child marriage reinforce the notion of women as commodities rather than individuals with rights. The expectation that families receive compensation for daughters reinforces women's subordinate status within the family structure. Additionally, child marriage limits girls' access to education and opportunities for personal development, thereby perpetuating cycles of poverty and dependency.[40] Moreover, patriarchal ideologies manifest in legal systems that often favour men regarding inheritance rights. Customary laws frequently deny women equal access to property ownership and inheritance, further entrenching economic disparities between genders.[41]

5.1.3 Educational Barriers

The patriarchal structure limits women's access to education, which is seen as less critical for girls compared to boys. Many families prioritize boys' education due to the belief that men are the primary breadwinners. Consequently, girls may be pulled out of school for early marriages or domestic responsibilities, reinforcing their subordinate status.[42] This lack of education perpetuates a cycle of dependency and limits women's opportunities for economic independence.

5.2: Impact of Religion and Tradition:

In many Nigerian communities, religious teachings emphasize male authority within the family structure. For instance, traditional interpretations of Islamic law often position men as heads of households with greater decision-making power. This belief system can lead to justifications for domestic violence as a means of maintaining control over women.[43] Similarly, Christian doctrines in certain denominations may advocate for traditional gender roles that prioritize male leadership within both domestic and ecclesiastical contexts.[44] The intertwining of religion with cultural practices further complicates women's rights issues. For example, practices such as female genital mutilation (FGM) are often justified through cultural narratives supported by religious beliefs. Despite international condemnation of such practices as violations of human rights, they persist due to deep-rooted cultural norms that view them as rites of passage or necessary for preserving family honour.[45]

Traditional customs also play a significant role in shaping societal attitudes toward gender roles. In many communities, customs dictate that women should focus on domestic responsibilities while

[39] Chinyere Elsie Ajayi, Khatidja Chantler, Lorraine Radford, "The Role of Cultural Beliefs, Norms, and Practices in Nigerian Women's Experiences of Sexual Abuse and Violence". Pmc.Ncbi.Nlm.Nih.Gov, 2024, https://pmc.ncbi.nlm.nih.gov/articles/PMC8739597/. Accessed 3 Oct 2024.

[40] Otoo-Oyortey, N., & Pobi, S. (2003). Early marriage and poverty: Exploring links and key policy issues. Gender & Development, 11(2), 42-51.

[41] Louis Lawrence Ngare Gender Inequality And Traditional Norms: A Feminist Critique Of Nigeria's Political System" www.Igwebuikeresearchinstitute.Org, 2024, https://www.igwebuikeresearchinstitute.org/o_journals/AMAMIHE_21.4.20.pdf. Accessed 3 Oct 2024.

[42] Makama, G. A. (2013). Patriarchy and Gender Inequality in Nigeria: The Way Forward. European Scientific Journal, 9(17), 115-144.

[43] N.38

[44] Abayomi, A. A., & Olabode, T. K. (2013). Domestic Violence and Death: Women as Endangered Gender in Nigeria. American Journal of Sociological Research, 3(3), 53-60.

[45] Fakunmoju, S. B., & Rasool, S. (2018). Exposure to Violence and Beliefs about Violence against Women among Adolescents in Nigeria and South Africa. SAGE Open, October-December 2018, 1-17.

men engage in public life. This division not only limits women's participation in decision-making processes but also reinforces the perception that they are less capable or deserving of leadership roles. Additionally, naming practices within certain cultures can perpetuate gender stereotypes from birth. Female children may be given names that reflect submissive qualities or expectations tied to traditional gender roles.[46] Such practices serve to socialize girls into accepting subordinate positions within society.

The socio-cultural factors influencing gender inequality in Nigeria are deeply entrenched within patriarchal structures reinforced by traditional norms and religious beliefs. These factors create barriers to women's empowerment by limiting their access to education, economic opportunities, and decision-making processes. Addressing these issues requires comprehensive reforms that challenge existing cultural narratives and promote gender equality at all levels of society. Efforts must focus on transforming societal attitudes towards gender roles through education and advocacy while ensuring legal frameworks protect women's rights effectively.

6. Current Challenges in Achieving Gender Equality

6.1 **Political Participation**:

Barriers to Women's Involvement in Politics and Governance: Women's political participation in Nigeria has been persistently low, with recent elections highlighting significant barriers that hinder their involvement in governance. As of the 2023 elections, women occupied only 6.7% of elective and appointive positions, a figure that starkly contrasts with global and regional averages.[47] The Key Barriers to Political Participation are as follows:

6.1.1 **Financial Constraints:** The high cost of running for office is a major barrier for women. Obtaining nomination forms from political parties can be prohibitively expensive, especially for larger parties. This financial burden disproportionately affects women, who often lack the same financial backing as their male counterparts.[48] Political Party Dynamics: Political parties often engage in gatekeeping practices that disadvantage women candidates. During the 2022 primary elections, many women faced high attrition rates due to the predominance of established male candidates who benefit from party networks and resources. The two leading parties in Nigeria—the All Progressives Congress (APC) and the People's Democratic Party (PDP)—exhibited significant gender gaps in candidate nominations, with women making up only 6% and 5% of candidates for national positions respectively.[49]

6.1.2 **Cultural Norms:** Societal attitudes towards gender roles create additional barriers. Traditional beliefs often prioritize male leadership and decision-making, which discourages women's political ambitions. These cultural norms perpetuate stereotypes that question women's capabilities as leaders.[50]

6.1.3 **Lack of Support Structures:** Women aspiring to enter politics often lack access to mentorship and support networks that could help them navigate the political landscape. Without

[46] Mensah, E.O. Husband is a Priority: Gender Roles, Patriarchy and the Naming of Female Children in Nigeria. Gend. Issues 40, 44–64 (2023). https://doi.org/10.1007/s12147-022-09303-z Accessed 3 Oct 2024

[47] Oloyede, O. (2022). Monitoring Participation of Women in Politics in Nigeria. National Bureau of Statistics, Abuja, Nigeria" <https://unstats.un.org/unsd/gender/Finland_Oct2016/Documents/Nigeria_paper.pdf> Accessed 3 Oct 2024.

[48] Nkereuwem, E. (2023). Why Women Haven't Been Successful in Nigerian Elections. Carnegie Endowment for International Peace. Retrieved from Carnegie Endowment1.

[49] *Ibid*

[50] N.45

adequate training and resources, many women struggle to compete effectively against male candidates.[51]

6.2 **Economic Disparities**

Gender Wage Gap and Access to Economic Resources: Economic disparities between men and women in Nigeria are significant, with women facing considerable challenges regarding wages and access to resources. The gender wage gap in Nigeria remains significant, with women earning approximately 45% less than their male counterparts (HumAngle). The Global Gender Pay Gap report ranks Nigeria 123rd out of 146 countries for gender equality, underscoring persistent economic inequalities despite some improvements.[52]

6.2.1 Employment Selection Bias: Women frequently encounter discrimination during hiring processes, resulting in their underrepresentation in higher-paying positions. Stereotypes regarding women's capabilities contribute to biased hiring practices that favour male candidates.[53]

6.2.2 Limited Access to Resources: Women face substantial barriers to accessing economic resources such as credit and land ownership. Cultural norms often restrict women's rights to inherit property or obtain loans without male guarantors, thereby limiting their ability to invest in businesses or improve their economic status.[54]

6.3 **Education and Health Access**:

Disparities in Educational Opportunities and Healthcare for Women. Access to education and healthcare is critical for achieving gender equality; however, significant disparities persist in Nigeria. Approximately 7.6 million girls are out of school in Nigeria, with over half not attending basic education levels due to various barriers. The Northwest and Northeast regions have the highest numbers. [55]Factors such as poverty, cultural biases favouring boys' education, and early marriage contribute to these enrollment gaps. In many northern states, gender parity in school attendance remains below acceptable levels. High dropout rates among girls are alarming; studies indicate that one million girls drop out between primary school years. This trend is exacerbated by societal pressures to marry early or contribute economically at home.[56] Even when girls do attend school, the quality of education they receive can be inadequate due to insufficient resources, poorly trained teachers, and lack of facilities such as separate toilets for girls. These conditions hinder girls' learning experiences and outcomes.[57]

Nigeria's healthcare system ranks among the worst globally concerning access and quality.[58] Women face significant barriers in accessing essential health services due to costs associated with

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[51] *Ibid*

[52] "The Subtlety of Gender Pay Gaps in Nigeria". Humanglemedia.Com, 2024, https://humanglemedia.com/the-subtlety-of-gender-pay-gaps-in-nigeria/. Accessed 17 Oct 2024.

[53] Odo, D. O., & Chukwuma, O. G. (2021). Conflict resolution between husband and wife in the light of the hermeneutics of biblical proverbs. HTS Teologiese Studies/Theological Studies, 77(4), 1-9. DOI: 10.4102/hts.v77i4.63521.

[54] Adeniji, A. A., Adebisi, O. S., & Adejumo, M. A. (2021). Education and gender wage gap in Nigeria. Journal of Education and Practice, 12(6), 38-46.

[55] Unicef.Org, https://www.unicef.org/nigeria/media/7741/file/UNICEF. Accessed 3 Oct. 2024

[56] *Ibid*

[57] *Ibid*

[58] Akinyemi, Akanni Ibukun. "Why Nigeria's Weak Health System Affects Women and Girls the Most." The Conversation, July 2021, http://theconversation.com/why-nigerias-weak-health-system-affects-women-and-girls-the-most-163904.

healthcare delivery and patriarchal norms that limit their autonomy over health decisions. [59] Nigeria accounts for nearly 20% of global maternal deaths due to inadequate healthcare services and poor access to family planning resources.[60] Women often encounter hurdles such as long distances to health facilities and insufficient healthcare personnel. The inability to access quality healthcare has dire implications for women's health outcomes, leading to higher rates of maternal mortality and morbidity among Nigerian women.[61] This situation is particularly acute in rural areas where healthcare services are severely lacking.

Achieving gender equality in Nigeria presents significant challenges across various domains, including political participation, economic disparities, education, and healthcare access. Addressing these issues necessitates a comprehensive approach involving policy reforms to enhance women's representation in politics, measures to close the gender wage gap through equitable employment practices, initiatives to ensure equal educational opportunities for girls, and improvements in healthcare services tailored to women's specific needs. By systematically addressing these barriers, Nigeria can progress towards a more equitable society where both men and women have the opportunity to thrive.

7. Legal Reforms and Advocacy: Advancing Gender Equality

Recent years have witnessed a surge in legislative changes aimed at promoting gender equality, with policymakers and civil society organizations working in tandem to address longstanding inequities. These efforts have been driven by a recognition that, while legislation is a crucial component, it alone is insufficient to achieve true gender parity. [62] Nongovernmental organizations and grassroots activism have been instrumental in advocating for and shaping these legal reforms. NGOs have played a pivotal role in generating gender-sensitive data, strengthening legal infrastructure, and disseminating knowledge to drive meaningful change.

However, despite these advancements, significant challenges remain, as evidenced by the persistence of laws that prevent women from participating fully in the workforce or protect them from violence. The inclusion of women in decision-making bodies, both in companies and in society, remains a critical issue. The "glass ceiling" that prevents women from reaching the highest positions, regardless of their abilities, continues to be a significant barrier to gender equality. To address this, policymakers and advocacy groups must adopt a holistic approach that not only focuses on legislative changes but also tackles the deep-seated cultural and institutional biases that perpetuate gender inequality.

8. Conclusion

The intricacies of gender and law in modern Nigeria illustrate a complicated interaction of cultural norms, legal structures, and advocacy initiatives. While progress has been made in advancing women's rights through judicial rulings and legislative initiatives, significant challenges remain due to deeply entrenched patriarchal values and resistance to change. Achieving gender justice in

[59] Idris, Idayu Badilla, et al. "Women's Autonomy in Healthcare Decision Making: A Systematic Review." BMC Women's Health, vol. 23, no. 1, 2023

[60] "Nigeria Family Planning Blueprint - Family Planning 2030." Fp2030.Org, https://www.fp2030.org/resources/resources-nigeria-family-planning-blueprint/. Accessed 3 Oct. 2024.

[61] Gender Equality in Health – Still a Long Way to Go." World Bank Blogs, https://blogs.worldbank.org/en/health/gender-equality-health-still-long-way-go. Accessed 17 Oct. 2024.

[62] Adedeji Afolabi, Opeyemi Oyeyipo, Rapheal Ojelabi and Tunji-Olayeni Patience (2019). Balancing the female identity in the construction industry. Journal of Construction in Developing Countries, 24(2): 83–104. https://doi.org/10.21315/j Accessed 4 Oct 2024

Nigeria requires comprehensive legal reforms aimed at enhancing gender equity, alongside robust educational initiatives designed to empower women and change societal attitudes. By implementing affirmative action policies, strengthening existing laws, promoting community engagement, and ensuring safe learning environments, Nigeria can make significant strides toward achieving true gender equality.

9. Recommendations and Future Directions for Gender Justice in Nigeria

To achieve gender justice in Nigeria, several policy changes and legal reforms are necessary. These reforms should aim to address systemic barriers that perpetuate gender inequality and ensure that women have equal rights and opportunities in all spheres of life. The suggested policy changes are as follows:

9. 1 Recommendations for Policy Change

9.1.1 **Amending Discriminatory Provisions/ Review and Revise Gender-Specific Clauses:** Certain sections of the Nigerian Constitution, such as Section 26, which deals with citizenship rights, discriminate against women by not allowing them to confer citizenship on their foreign husbands. This section should be amended to ensure that both men and women have equal rights to confer citizenship.[63]

9.1.2 **Strengthening Existing Laws:** While significant strides have been made with the Violence Against Persons (Prohibition) Act (VAPP) and the proposed Gender and Equal Opportunities Bill,[64] there is a need for these laws to be effectively implemented and enforced. This includes:

9.1.3 **Establishing Enforcement Mechanisms:** Governments at both federal and state levels should establish dedicated units within law enforcement agencies to handle cases of gender-based violence. Training programs should be implemented to sensitize police officers on issues related to gender violence and discrimination

9.1.4 **Gender-Responsive Budgeting:** Allocating specific budgets for the implementation of gender-related laws can enhance their effectiveness. This includes funding for shelters, legal aid services, and public awareness campaigns about women's rights.

9.1.5. **Promoting Affirmative Action:** The Nigerian government should adopt affirmative action policies that ensure women's representation in political and decision-making positions. This could involve:

9.1.6 **Quotas for Women in Governance:** Implementing a minimum quota of 35% representation for women in all levels of government, as suggested by the National Gender Policy, can help increase women's participation in politics[65]

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[63] Africa Core. "Existing Policies, Laws, Programs, and Services That Impact Girls and Women in Nigeria." Africa Core, 2023.

[64] The Gender and Equal Opportunities Bill is another critical legislative proposal that seeks to eliminate discrimination against women in various spheres, including education and employment. Although it faced challenges in the past, there are renewed efforts to push this bill through the National Assembly.. The bill aims to establish an Equal Opportunities Commission and enforce the National Gender Policy, addressing systemic barriers that hinder women's rights; Africa Core. "Existing Policies, Laws, Programs, and Services That Impact Girls and Women in Nigeria." Africa Core, 2023.

[65] Thisdaylive. "Implications of Rejecting Gender Equality Bills." Thisdaylive, March 31, 2022.

9.1.7 **Support for Women Candidates:** Political parties should be encouraged to provide financial support and training for women candidates to help them compete effectively in elections.

9.2. Comprehensive Education Policies

Reforming educational policies to promote gender equality is essential. This includes:

9.2.1 **Gender-Responsive Education Policies:** Developing and implementing policies that address the specific barriers girls face in accessing education, particularly in northern Nigeria where cultural norms often restrict girls' schooling.

9.2.2 **Curriculum Development:** Integrating gender studies into the national curriculum can help raise awareness about gender issues from an early age, fostering a culture of equality among future generations.

9.2.3 **Community Engagement and Awareness Campaigns:** Engaging communities is crucial for changing attitudes toward gender roles and promoting girls' education. Strategies include:

9.2.4 **Awareness Campaigns:** Conducting campaigns that highlight the importance of educating girls can help shift cultural perceptions. Collaborating with local leaders and influencers can enhance the effectiveness of these campaigns.

9.2.5 **Parental Involvement:** Programs that involve parents in their daughters' education can encourage families to prioritize girls' schooling. Workshops that demonstrate the long-term benefits of educating daughters can be particularly effective.

9.2.6 **Capacity Building for Educators**

9.2.7 **Training teachers on gender-sensitive pedagogy is essential to create an inclusive educational environment:**

9.2.8 **Professional Development Programs:** Implementing training programs that equip teachers with skills to address gender biases in the classroom can improve learning outcomes for both boys and girls.

9.2.9 **Recruitment of Female Teachers:** Increasing the number of female teachers, especially in rural areas, can provide positive role models for girls and encourage them to pursue education.

9.2.10 **Safe Learning Environments:** Ensuring that schools are safe and conducive to learning is vital:

9.2.11 **Improving Infrastructure:** Providing adequate facilities, such as separate toilets for girls, can significantly enhance school attendance rates among girls.[66]

9.2.13 **Addressing Gender-Based Violence:** Schools must implement policies that prevent and respond to gender-based violence within educational settings, creating a safe space for all students.

[66] *Ibid*

9.3 Monitoring and Evaluation

9.3.1 **Data Collection:** Improve data collection on gender disparities to inform policy and program development. Ensure that data is disaggregated by gender, age, and location to identify specific needs and track progress.

9.3.2 **Impact Assessment:** Regularly assess the impact of gender equality initiatives to identify successful strategies and areas needing improvement. Use this information to refine and scale up effective programs.