

GENDER MAINSTREAMING: A STRATEGY FOR WOMEN'S RIGHT ACTUALISATION IN NIGERIA *

ABSTRACT

The demand for greater women's rights has been an elusive phenomenon in Nigeria. Despite the array of international, regional and national frameworks which promote gender equality, challenges still exist and women in Nigeria still face widespread inequality in comparison with their male counterparts. Nigerian women still have their basic human rights grossly abused. From domestic violence, denial of inheritance rights, discrimination at the workplace, female genital mutilation, poor political representation etc. The gender mainstreaming strategy was recommended at the United Nations Fourth World Conference on Women in Beijing in 1995 and established as the global strategy for promoting gender equality. This was necessitated by the failure of past strategies to enhance women's right over the past decades. This article exposes some of the factors that impede the implementation of the gender mainstreaming strategy in Nigeria, which includes; Patriarchy, religion, Government poor political will in enforcing women's right issues and non-domestication of ratified international instruments. It further proffers aspects in which Government, institutions and the society can apply the strategy to eliminate gender inequality and promote the actualisation of women's right in Nigeria. The article concludes that a sustainable implementation of the gender mainstreaming strategy will enhance women's rights actualisation.

Keywords: Gender Mainstreaming, Strategy, Women's Right, Actualisation, Nigeria

INTRODUCTION

Over the course of four centuries, women all over the world have continued to agitate and advocate for equality and better treatment in the society. These advocacies have spanned cultures, race, and even religion. A common ground is that women demand to be freed from the shackles of abuse, hatred, discrimination, inequality, violence, prejudices and all forms of unfair treatment by the generality of its immediate society. From the right to good education, equal participation in politics, equal pay for equal work, inheritance right, freedom from human rights abuse, violence and right to freedom from all forms of discrimination, women have had to fight and grovel for these simple rights which are accorded the menfolk on a platter of gold. This agitations and advocacies have led to changes in legislation and policies to protect women.

However, despite the realisation that women deserve an extra mile in the area of human rights protection and notwithstanding the global attempt at the protection of the same, women's right still suffer violations of various kinds in the world and indeed in Nigeria.¹ It is against this backdrop that the United Nations Fourth World Conference on Women in Beijing in 1995 established gender mainstreaming as the global strategy for promoting gender equality.² The outcome document of this Conference, the Beijing Platform for Action, identified twelve critical areas of concern for urgent action to accelerate the achievement of gender equality and equal opportunities for women and men. In each of these areas of concern, the Beijing Platform for Action calls on governments and other actors to "promote an active and visible policy of mainstreaming a gender perspective into all policies and programmes, so that, before decisions are taken, an analysis is made of the effects on women and men, respectively."³

The Concept Gender Mainstreaming

In 1997, the United Nations Economic and Social Council, in their agreed conclusions, defined gender mainstreaming as:

"...the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in all areas and at all levels. It is a strategy for making women's as well as men's concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres so that women and men benefit equally and inequality is not perpetuated. The ultimate goal is to achieve gender equality. Gender mainstreaming does not replace the need for targeted, women-specific policies and programmes or positive legislation, nor does it substitute for gender units or gender focal points."

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¹ I Mojisola Eseyin, 'Women's Right Protection Globalisation or Localisation' (2011) 2 International Journal of Advanced Legal Studies and Governance 132

² UN Women, Beijing Declaration and Platform for Action, Beijing +5 Political Declaration and Outcome, (New York, 2015). <http://www.unwomen.org/en/digital-library/publications/2015/01/beijing-declaration.com> accessed 20th April 2023

³ United Nations, Office of the Special Advisor on Gender Issues and Advancement of Women. Gender Mainstreaming: an overview (New York, 2002). <https://www.un.org/womenwatch/osagi/pdf/e65237.pdf> .com accessed 20th April 2023

I Sivakumar in his work,⁴ defined Gender mainstreaming as the public policies concept of assessing the different implications for women and men of any planned policy action, including legislations and programme, in all areas and levels. Mainstreaming essentially offers a pluralistic approach that values the diversity among both women and men. Gender mainstreaming is not simply a point to get to; it is a process. It is a process for ensuring equity, equality, and gender justice in all of the critical areas of the lives of girls and boys, women and men. As such, it is a moral and ethical imperative as well as fundamental to human rights in all its forms. It must therefore become ingrained in all of the institutions and operations of the vital organs of power and decision making that promote and work toward the development of just and prosperous societies of development, poverty eradication, environmental protection policies, good governance and democracy.⁵

Gender mainstreaming remains widely accepted as the most practical means to achieve gender equality and the empowerment of women. It moves gender equality and the empowerment of women from the margins to the mainstream of decision-making. It transforms society positively through the elimination of discriminatory laws, norms and practices that limit women's and girls' voices, choices, and opportunities and impede them from achieving their full potential.

The Need for Gender Mainstreaming

The demands for greater women's rights have been a pervasive phenomenon in Nigeria.⁶ Despite the array of international, regional and national frameworks which promote gender equality, challenges still exist, and women in Nigeria still face widespread inequality in comparison with their male counterparts. Gender inequality persists as women and men still face varying degrees of power differentials with men having more control over assets, relatively better education, and possess a dominant position in terms of political and economic power.⁷ Women spend approximately 2.5 times more time on unpaid care and domestic work than men.⁸ Women's (aged 25-54) labor force participation rate is 63 per cent compared to 94 per cent for men⁹.

⁴ I Sivakumar, "Gender Mainstreaming as a Tool for Women Empowerment" (2016), Vol. ix Indian Journal of Women's Studies, Issue: 09

⁵ Ibid

⁶ Dora N. Akunyili, "Women Leadership in Emerging Democracy My NAFDAC Experience". An Address by the Director General of the National Agency for Food & Drug Administration and Control (NAFDAC), April, 29th, 2006. Pp. 1-14.

⁷ C O Nagara, and A T Ayabam, "Women in Politics and Decision-making in Nigeria: Challenges and Prospects" (2013) 2(8) EJBSS 47,58.

⁸ ILO, World Employment and Social Outlook: Trends for women 2017 (Geneva, 2017).

⁹ UN Women, Turning Promises into Action: Gender Equality in the 2030 Agenda for Sustainable Development (New York, 2018).< <http://www.unwomen.org/en/digital-library>

There are 650 million women and girls in the world today who were married before the age of 18.¹⁰ It is also estimated that 35 per cent of women have experienced either physical and/or sexual intimate partner violence or sexual violence by a non-partner at some point in their lives.¹¹ Also, Only 24 per cent of all national parliamentarians were women as of February 2019, a slow increase from 11.3 per cent in 1995.¹² Between 1990 and 2017, women constituted only 2 per cent of mediators, 8 per cent of negotiators, and 5 per cent of witnesses and signatories in all major peace processes. As of June 2019, only 11 women are serving as Head of State and 12 are serving as Head of Government.¹³

The mainstreaming strategy emerged as a result of dissatisfaction with earlier approaches to bridging gender gaps. These earlier strategies often focused on women (providing them with more education, more resources, etc.) and on specific targeted initiatives. While these projects (or components within larger initiatives) were often well intended, it became apparent that gender inequalities were not going to be resolved through marginal initiatives but rather that broad processes of change, particularly at policy and institutional level, were needed. Throughout the last few decades, women's movements in the global south developed a critique of development models and institutions. They argued that it was not enough just to 'bring women in' to current institutions and processes. The answer was not greater participation in an unjust and unsustainable development process. Rather there was a need to rethink structures and practices that perpetuate inequalities of all kinds.

There was also recognition that inequality between women and men was a relational issue and that inequalities were not going to be resolved through a focus only on women. More attention needed to be brought to the relations between women and men, particularly with regards to division of labour, access to and control over resources, and potential for decision-making. There was increased understanding of the importance of seeking out male allies and in working with men to jointly redefine gender roles and relations. Thus, there was a need to move away from 'Women' as a target group to gender equality as a developmental goal.

/publications/2018/2/gender-equality-in-the-2030-agenda-for-sustainable-development-2018.com > accessed 10th May 2023

¹⁰ For more information, please see <<http://www.unwomen.org/en/what-we-do/ending-violence-against-women/facts-and-figures.com>> accessed 10th May 2023

¹¹ 2 For more information, please see: <http://www.unwomen.org/en/news/in-focus/women-and-the-sdgs/sdg-5-gender-equality.com> accessed 10th May 2023

¹² Ibid

¹³ For more information, please see: <<https://www.unwomen.org/en/what-we-do/leadership-and-political-participation/facts-and-figure.com>> accessed 10th May 2023

Thus, addressing the impediments to women rights has been on the public agenda for many years taking various forms in different times and places.¹⁴ During the past years, one of the main challenges concerning achieving women rights turned out to go beyond developing and imposing policy recommendations to achieving effective implementation that addresses cultural, political and religious norms.

Women's Right in Nigeria

Women's rights are the rights and entitlements claimed for women and girls worldwide. They formed the basis for women's right movements in the 19th century and the Feminist movements of the 20th and 21st Centuries.¹⁵ Women's right may be described as rights which accrue to women by virtue of their being born female.¹⁶ Women's right is also regarded as human rights. This means that women's right deserves due protection by international bodies. The recognition of women's right as a special category of right within the mainstream of human rights is traceable to the United Nations Charter formulated by the Nations of the world after the world war 11.¹⁷

Attaining equality between women and men and eliminating all forms of discrimination against women are fundamental human rights and United Nations values. Women around the world nevertheless regularly suffer violations of their human rights throughout their lives, and realizing women's human rights has not always been a priority. Achieving equality between women and men requires a comprehensive understanding of the ways in which women experience discrimination and are denied equality so as to develop appropriate strategies to eliminate such discrimination.¹⁸

The United Nations has a long history of addressing women's human rights and much progress has been made in securing women's rights across the world in recent decades. However, important gaps remain and women's realities are constantly changing, with new manifestations of discrimination against them regularly emerging. Some groups of women face additional forms of discrimination based on their age, ethnicity, nationality, religion, health status, marital status, education, disability and socioeconomic status, among other grounds. These intersecting forms

¹⁴ D Kasomo, 'Factors Affecting Women Participation in Electoral Politics in Africa. (2012) 2(3) IJPBS 57,63.

¹⁵ www.wikipedia.com , accessed October 2020.

¹⁶ Mojisola Eseyin, 'Women's Right Protection Globalisation or Localisation' (2011) 2 IJALSG 131

¹⁷ See PEARS encyclopedia 10rd ed.1994-1995. Chris Cook (ed) P v33.

¹⁸ Women's Right are Human Rights; A Publication of the United Nations 2014, <https://en.m.wikipedia.org> accessed 10th May 2023

of discrimination must be taken into account when developing measures and responses to combat discrimination against women.

In some of the African societies, the legal rights of women were rooted upon certain customs, traditions and religious beliefs which were passed from one generation to another. Such customs and traditions include the wrong notion that the roles of women were mainly child bearing and tending to the kitchen, and other domestic works at home. In fact, equality of sexes is alien to most native laws and customs. Under Nigerian native laws and customs, wives were regarded as chattels to be sold by the parents to the husbands as soon as the purchase price (dowry) has been paid, and if the husband dies, she is regarded as part of the estate of the deceased husband.¹⁹ Female children were given out in marriage without their consent. Even if the consents were sought, most of them lacked the capacity to understand the nature of a marriage contract. In another development, unilateral power of divorce is conferred on the husbands.

In modern day Nigeria, women have been given some legal protections. Under the 1999 Constitution, it prohibits the executive or administrative practice which discriminates on the basis of sexual differences.²⁰ However, in spite of reforms through national and international legislations,²¹ the legal rights of women in Nigeria are still violated. The reasons are obvious: First, there are no significant changes between what existed in the past and what is happening now. Second, equality of sexes as provided under the different laws is only on paper. In practice, the reverse is the case.²²

Basic Principles of Mainstreaming:

According to Carolyn Hannan, Director of the Un Division for the advancement of women, the principles include²³:

- a. Adequate accountability mechanisms for monitoring progress need to be established.
- b. The initial identification of issues and problems across all areas of activity should be such that gender differences and disparities can be diagnosed.

¹⁹ *Suberu v Sumonu* (1975) 2 FSC 31, where it was observed that women are treated as chattels to be inherited amongst the legal heirs of the deceased.

²⁰ Section 15 (1) of the 1999 Constitution of Nigeria.

²¹ These are treaties and conventions which Nigeria as a state party has ratified and domesticated by the National Assembly of Nigeria.

²² R. Muftau, "An Appraisal of the Legal Rights of Women in Nigeria" (2016) 5 JLPG 52 ,69.

²³ I. Sivakumar, "Gender Mainstreaming a Tool for Women Empowerment" (2016) Vol.1x IJWS 4,10

- c. Assumptions that issues or problems are neutral from a gender-equality perspective should never be made.
- d. Gender analysis should always be carried out.
- e. Clear political will and allocation of adequate resources for mainstreaming, including additional financial and human resources if necessary, are important for translation of the concept into practice.
- f. Gender mainstreaming requires that efforts be made to broaden women's equitable participation at all levels of decision-making.
- g. Mainstreaming does not replace the need for targeted, women-specific policies and programmes, and positive legislation; nor does it do away with the need for gender units or focal points

Gender Mainstreaming as a Veritable Tool for Actualizing Women's Right in Nigeria

Improving gender equality and advancing the rights of women has a positive impact on many levels both for individuals and the society at large. It could mean higher growth rates, higher level of employment and productivity. It is established that the society suffers when women are marginalised and discriminated upon, from the labour sector, economic development, government etc. this is because women are endowed and have a lot to contribute to the development of the society.

Transformation by Mainstreaming

The failure to transform women's (and thus also men's) position has led policy makers and those in the equality field to question the impact of equal opportunities policies. They realised that society's structures and practices and the relationship between women and men needed a radical rethink to root out the deep-seated and often hidden causes of inequality. They named this tool, the gender mainstreaming approach.²⁴

Mainstreaming is not about adding a woman's component or even a gender equality component into an existing activity. It goes beyond increasing women's participation; it means bringing the experience, knowledge, and interests of women and men to bear on the development agenda. It may entail identifying the need for changes in that agenda. It may require changes in goals, strategies, and actions so that both women and men can influence, participate in, and benefit from development process. The goal of mainstreaming gender equality is thus the transformation of unequal social and institutional structures into equal and just structures for both men and women.²⁵

²⁴ I Sivakumar, "Gender Mainstreaming as a Tool for Women Empowerment" (2016 Vol. ix IJWS 5,14

²⁵ Ibid

While mainstreaming is clearly essential for securing human rights and social justice for women as well as men, it also increasingly recognized that incorporating gender perspectives in different areas of development ensures the effective achievement of other social and economic goals.

Mainstreaming can reveal a need for changes in goals, strategies and actions to ensure that both women and men can influence, participate in and benefit from development processes. This may lead to changes in organisations structures, procedures and cultures – to create organisational environments which are conducive to the promotion of gender equality.

The Need for a Broad Strategy that Targets Major Institutions and Focuses on Gender Relations

The mainstreaming strategy emerged as a result of dissatisfaction with earlier approaches to narrowing gender gaps and promoting women's right actualisation. These earlier strategies often focused on women; providing them with more education, more resources, protecting them from abuse, violence, discrimination and on specific targeted initiatives. These projects were often well intended, but it became clear that gender inequalities were not going to be resolved through marginal initiatives but rather that broad processes of change, particularly at policy and institutional level, were needed.²⁶ Throughout the last few decades, women's movements in the global south developed a critique of development models and institutions. They argued that it was not enough just to 'bring women in' to current institutions and processes. The answer was not greater participation in an unjust and unsustainable development process. Rather there was a need to rethink structures and practices that perpetuate inequalities of all kinds. There was also recognition that inequality between women and men was a relational issue and that inequalities were not going to be resolved through a focus only on women. More attention needed to be brought to the relations between women and men, particularly with regard to the division of labour, access to and control over resources, and potential for decision-making. There was increased understanding of the importance of seeking out male allies and in working with men to jointly redefine gender roles and relations. Thus, there was a need to move away from 'women' as a target group, to gender equality as a development goal.²⁷

²⁶ Gender Mainstreaming an Overview: United Nations (2002) Office of the Special Adviser on Gender Issues and Advancement of Women

²⁷ Ibid

The Challenges to Implementing Gender Mainstreaming In Nigeria

a. Prevalence of Patriarchy

Patriarchy has long been established among the various ethnic groups in Nigeria, and indeed in Africa. It is obvious in the various aspects of gender relations. From the history of women's struggle in Nigeria, it is evident that their apparent docility can be largely accounted for by patriarchy, a social hierarchy that does not only make men more powerful, but places them over and above women²⁸.

Traditionally, in most Nigerian societies, men were the recognized decision makers at home and in the public sphere; men owned and controlled scarce and essential resources; men married women and paid the much-valued bride wealth; men owned the offspring of marriages even in most matrilineal societies in Nigeria; men's interests generally subsumed those of women as a second gender or an appendage. Traditions die hard. Despite some recognisable changes, a clear break with the past has not been established in modern times and matrilineal societies are not exempted.²⁹

Even in urban communities where men and some women engage in white and blue collar jobs, women's inevitable domestic or productive work is not as valued as work in the public sphere, simply because the latter is dominated by the men folk. These practices that impede women empowerment and reinforce gender inequality, can be altered through gender mainstreaming.

b. Gender Inequality in Marriage and in the Family

The dual institutions of marriage and the family are essential elements in the perpetration of gender inequality and abuse of women's right in a highly religious country as Nigeria where marriages are mainly heterosexual and religiously sanctioned. Traditionally, gender inequality characterised age differentials in marital unions; in choice of spouse; in the ability to grant free and full consent to marry; in exercising the right to vital choices within marriage; in parenting; in personal rights and control over family property; etc. This implies that men were generally mature and more experienced than their very young and largely innocent or naive wives, men's choice of whom to marry generally superseded girls' preferences and young girls were sometimes coerced into marriage. Parental consent was regarded as more important than the girls' especially under customary and religious laws that allow for

²⁸ Toyin Falola, *Gender and Culture in Old and New Africa* (1st edn. Durham: Carolina Academic Press 2013) 23-46

²⁹ Titilayo Orisaremi, *Patriarchy and Gender Male streaming in the Nigerian National Assembly* (2022) <https://www.thecable.ng/patriarchy-and-gender-malestreaming-in-nigeriasnational-assembly.com> accessed 8th May 2023

child betrothal. Also, procreation was regarded as a wife's primary function and men had the exclusive right and control over their wives, children and family property.

Men clearly dominate marriages and the nature of marriage relations and family contexts tends to facilitate gender-based domestic violence. Despite the gradual changes brought about by Western education and modernity, exposure to global realities, and the languid adoption of some key women's human rights legislation in Nigeria, men's interests in marriage and in the family drive both institutions till date. Many Nigerian men still assert much authority and control over their female spouses. It is still very much acceptable in many rural farming communities to marry as many wives as possible for their labour service and that of their children. Furthermore, practice of polygamy in many traditional and even in modern settings disempowers women and places them in a precarious state while engendering competition and rivalry. It indirectly affirms men's relatively high value and place in the family and society.³⁰

Other unfair traditional practices that reinforce women's low status and undermine their dignity as human beings include: female genital cutting mutilation, forced early marriage, traumatic puberty initiation rites; certain harmful labour and delivery practices, wife inheritance; sexual hospitality practices involving women. Furthermore, childbirth, especially the birth of a son, completes most marriages in Nigeria. It does not only put a seal on the marriage but guarantees a woman's place in her marital home. In spite of scientific knowledge, men generally take responsibility for fertility and women take the blame and the shame for childlessness in any marriage. All of these practices increase men's leverage over women. Little wonder many men who ordinarily should lead the process of positive change, feel threatened and unwilling to actively work for women empowerment and gender mainstreaming.

c. Poor Representation of Women in Political Offices

Despite the vulnerability of girls in a male dominated society as Nigeria, the head of the Kano office of the United Nations Children's Fund (UNICEF), Rahama Farah,

³⁰ Ayodele Atsenuwa, "National Legislations, Policies and Practices Congruent and Incompatible with Provisions of CEDAW and the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa." In: Adopting Women's Human Rights Legislation in Nigeria: A Synthesis Analysis and Report. Nigeria: InfoVision Limited. (2010) 79-129.

recently reported that 60% of the estimated 18.5 million out-of-school children in Nigeria are girls.³¹

Majority of these children are in the terrorist ravaged north of Nigeria. Women in Nigeria are clearly disadvantaged largely as a result of men's relentless effort at "male streaming" gender

with its resultant negative effect including women's generally poor access to resource allocation and substantial credit facility; non-criminalization of gender-based violence against women at home, in the workplace, and elsewhere; poor valuation of women's contribution to the macro-economy; and lack of remuneration for productive work predominantly done by women. Although there is some progress in bridging the gender gap in these areas, there is much to be done particularly in the rural communities.

d. Government's Poor Political Will in Allocating Resources to Understanding and Addressing the Nature of Gender Inequality.

A prerequisite for gender mainstreaming is a reliable system of generating and analysing gender disaggregated data on a regular basis. This helps to give some sense of direction to stakeholders responsible for addressing the problems of gender discrimination in the society. Gender discrimination is widespread in practically all areas of development including formal education, health, legislation, security, etc. More governmental and even non-governmental commitment is needed towards the provision of safe formal education for girls (particularly in the face of incessant terrorist attacks on schools); gender sensitive health-care delivery system; gender sensitive budgeting; gender sensitive economic, political, social (including recreational policies; gender sensitive legislation; etc. However, this is hardly possible with government's poor planning and apparent poor commitment to conducting a regular census and other regular forms of data generating activities needed to guide development.

e. Religious Beliefs and Harmful Gender Practices

Nigeria is arguably, a conservative society with relatively inflexible cultural and religious values and practices. Religion is often used to justify gender-based violence and other forms of gender inequality against women especially in the family setting. Christians for instance, would urge women to "submit" to their husbands whom God has anointed as "head" over the family.

³¹ VOA News (2022) 18.5 Million Nigerian children out of school, UNICEF says. <https://www.voanews.com/a/millions-nigerian-children-are-out-of-school-unicefsays/6569716.html>.com accessed 23rd May, 2023.

By implication, men are empowered to treat and discipline their wives, as they would minors, and even to demand sex at will from their female spouse. Marital rape is hardly recognized by any religious faith in Nigeria. Traditional Christians totally forbid divorce on any grounds while Muslims give room for unfair divorce regulations rooted in their belief in the right of the man.³² Also, the pervasive religious beliefs greatly influence gender relations in the polity and economy, particularly among Muslims in the north who place much emphasis on gender segregation or *purdah* that restricts women to the private sphere leaving the public arena exclusively to men. Thereby denying men and women the right to live out their full potentials.

f. Gender Discrimination in Nigeria's Constitution and Government Policies

A Nigerian social activist, Igbuzor,³³ documented the unsuccessful attempts over the years to make the 1999 constitution all-inclusive of the various minority and special interest groups including women. The Citizen's Forum for Constitutional Reform made some extensive gender related recommendations in 2001 in addition to those in the 2001 report of the 1999 Presidential Committee on the Review of the 1999 Constitution. Pereira and Akiyode Afolabi³⁴ also documented the CFCR submission to the National Political Conference of 2005. Their recommendations included: (a) changing the Federal Character Commission to Equal Opportunity Commission to accommodate all shades of minorities including women; (b) granting indigene ship to married women in their Nigerian male spouses' state of origin; (c) guaranteeing eligibility to citizenship by registration, to a foreign spouse of a Nigerian woman as provided for the men in the constitution; (d) inclusion of affirmative clauses that clearly reserve at least 30% of elective and appointive positions to women; (e) ensuring that political parties adopt quotas for women in their nomination processes; (f) the establishment of a Gender and Social Justice Commission; (g) the provision of special measures to enhance gender equality in access to education, politics and governance in the constitution; (h) making some additions to chapter IV of the constitution to make it justiciable; (i) an unambiguous provision affirming gender equality in the constitution; and (j) making available, the funds needed to implement the National Policy on Women.

³² Titilayo Cordelia Orisarem, "Mainstreaming Gender in Nigeria: A Daunting yet Attainable Task" (2022) Vol.10, issue 16 GSJ www.globalscientificjournal.com accessed 23rd May 2023

³³ Otiye Igbuzor, "Constitution Making in Nigeria: Historical Perspective" In A. Akiyode-Afolabi (eds) (2003) 43-66

³⁴ Pereira, C. and Akiyode-Afolabi, A. Affirmative Action 1. The Guardian (Lagos) 18 July 2005, p.15.

Agitations for the realization of these recommendations have been on for decades and experts and civil society organizations have put in a lot towards realizing them at the 2022 Constitution review process. Interestingly, despite the lip service paid by male politicians to the importance of women in the Nigerian society, the male dominated current 9th National Assembly, in March 2022, shamelessly, threw caution to the wind and rejected all the five gender-related proposed constitutional amendments which were: (1) indigene ship right in the state of a woman's male spouse after five years of marriage. (2) citizenship for women's foreign spouse; (3) affirmative action for political offices; (4) the provision of a minimum of 20 percent of ministerial or commissioner nominees for women; and (5) reserved seats for women. Thereby affirming the high level of hypocrisy among the Nigerian male politicians even under a so-called democratic governance who have reduced the basic democratic principles of gender mainstreaming to gender "male streaming".³⁵

g. Failure of the Nigerian Government to Domesticate Ratified International Instruments on Women's Human Rights.

Nigeria signed and ratified all international instruments relating to women and children's rights yet failed to show any reasonable commitment to domesticate and make them justiciable in Nigeria. The recently enacted Violence Against Persons Act³⁶ if properly enforced, can be said to be a step in the right direction. Interestingly, Nigeria like other state parties, has an obligation to report to the relevant international monitoring committees on the various international human rights instruments signed and ratified. Non-domestication is as good as non-ratification because it denies women and other affected citizens the right to approach the national courts to enforce their rights.³⁷ Hence, the 6th April 2022 court order of 35% affirmation of women's participation in government was regarded a huge victory for women. However, court judgements cannot replace the much desired legislation that will fully domesticate women's rights in Nigeria and provide a conducive atmosphere for women to thrive and contribute freely, their quota to development. Addressing these issues through gender mainstreaming will transform the current unequal gender relations, while guaranteeing the actualisation of women's rights in Nigeria.

³⁵ Ibid at pg.12

³⁶ Violence Against Persons (Prohibition) Act 2015

³⁷ Ayesha Imam, Introduction Adopting Women's Human Rights Legislation in Nigeria: A Synthesis Analysis and Report. Nigeria: In A.M Imam (eds.), (InfoVision Limited 2010) 237

Gender Mainstreaming in Action

Application of Gender Mainstreaming Strategy in Different Aspects of the Society

Achieving greater equality between women and men and advancing women's right in Nigeria will require changes at many levels, including changes in societal and religious notions, attitudes and relationships, changes in institutions and legal frameworks, changes in economic institutions, and changes in political decision-making structures. This mainstreaming strategy as endorsed in the Beijing Platform for Action seeks to ensure that, across the entire policy and issue spectrum, the analysis of issues and the formulation of policy options are informed by a consideration of gender differences and inequalities; and that opportunities are sought to narrow gender gaps and support greater equality between women and men.

a. A Gender Mainstreaming Approach to Fiscal Policy:

According to the Nigerian Minister for Finance and Budget, Zainab Ahmed, The Nigerian Government is focusing on comprehensive gender mainstreaming across fiscal policy and public financial management aimed at improving the safety and livelihood and economic status of women in Nigeria. This remains to be seen as actions are needed not promises. Gender mainstreaming in policy analysis and development draws attention to the impact of policy on people and explores how this impact could vary for women and men, given gender differences and inequalities. A gender mainstreaming perspective ensures a more informed view of policy options and impacts. It should also enable decision-makers to assess the potential to narrow gender gaps.³⁸ An example is the assessment of different choices in Government fiscal policy.

This would lead to questions about the gender equality implications of aspects of fiscal policy such as:

- i. Gender Targeted Government Loan Facilities:** Since it is established that women are over-represented among the poor in Nigeria, and that economic over-dependency fosters inequality and abuse of women's right, the availability of low interest loan facilities for women to invest in small scale businesses for their economic empowerment is needed.
- ii. Structure of Taxation:** Various policy choices relating to individual or family income tax structures, income brackets, payroll taxes, and balance

³⁸ Gender Mainstreaming an Overview: (A Publication of the United Nations, Office of the Special Adviser on Gender Issues and Advancement of women, 2002)

between income, consumption and production taxes can all have gender dimensions.

- iii. **Budget Allocations for Social Infrastructure and Programmes:** Choices about investments in health care (preventative/curative? urban/rural? training of professionals? salaries?), education (primary or secondary system? investments in curriculum reform to eliminate gender stereotypes? investments in teacher trainings) and social insurance, what benefits are offered? who is to be covered? Can have different implications for men and women.³⁹

b. Gender Mainstreaming Approach to Law Making and Constitutional Reviews:

This involves accessing the implications of laws on both women and men, are these laws discriminatory to a particular gender? Do they promote inequalities? These and many more questions must be asked, also, the input of both men and women must be sought during the law making and review process.

The Nigerian legal framework is wrought with provisions that are discriminatory towards women, for instance the provision of the law in section 26(2) (a) of the constitution⁴⁰ precludes the husband of a female Nigerian from acquiring Nigerian citizenship unlike the wife of a male Nigerian, under this same provision, a Nigerian woman cannot pass on her Nigerian citizenship to her children that were gotten by a foreigner. This is express discrimination on the basis of sex. Also, section 360 of the Criminal Code⁴¹, defines unlawful indecent assault of males as felonies attracting 3 years imprisonment while assault on females is defined as mere misdemeanors attracting 2 years imprisonment. This provision is discriminatory as it protects perpetrators (men) rather than the real victims (women).

The Police Act is another law that contains discriminatory provision targeted at women, its Regulation 124 states to the effect

that a woman police officer who is desirous of marrying must first apply in writing to the commissioner of police for the state command in which she is serving, requesting permission to marry and giving name, address and occupation of the person she intends to marry. Permission will be granted for the marriage if the intended husband is of good character and the woman police officer has served in the force for a period of not less than three years. These provisions do not apply to the male Police officers.

³⁹ *ibid*

⁴⁰ Constitution of the Federal Republic of Nigeria 1999

⁴¹ Cap C38 Laws of the Federation of Nigeria 2004

A federal high court in the case of **Wela v Attorney-General of the Federation**⁴² held Regulation 124 of the Police Act to be illegal and unconstitutional. However, whilst the court has spoken on this matter the provision is yet to be repealed.

Applying the concept of Gender mainstreaming will entail the elimination of these discriminatory laws after constitutional reviews weighing and accessing the implications on women of such laws. Further, will be the enactment of laws, calculated legal provisions, programs and policies that will advance the cause of both men and women and promote equality in the society.

c. Gender Mainstreaming Approach in Technical assistance:

Gender mainstreaming in technical assistance seeks to ensure that initiatives undertaken support gender equality objectives. This requires consideration of the expected results and how these relate to gender equality issues. For example, in an initiative to strengthen the capacity of the judiciary to apply international norms, an important set of issues would be the interpretation of international norms on gender equality (as set out in instruments such as the Convention on the Elimination of All Forms of Discrimination against Women) in relation to national laws on matters such as inheritance, marital property, employment and social security. In an initiative supporting government decentralization, gender mainstreaming would require taking account of the factors affecting women's representation in decision making bodies and the capacity of decision-makers to recognize and respond to the needs of both women and men.

At both the formulation and implementation phases of a technical assistance initiative, the challenge is to strengthen constructive dialogue with partners who have also made commitments to gender equality and to mainstreaming gender equality perspectives into policies and programmes. Steps that can be taken in support of dialogue and appropriate planning on gender equality include:

1. Draw on national commitments to women's rights and gender equality

National commitments are important instruments for dialogue on gender equality as they link the discussion to responsibilities and actions already agreed to.

⁴² (Unreported) Suit NO: FHC/IKJ/M128/2010

2. Ensure that the 'expert team' includes members with explicit Gender Analysis experience.

Although the team leader should have the overall responsibility for ensuring that gender perspectives are adequately incorporated into all activities, it should be recognized that specific skills are required to do this analysis. The responsibility for gender mainstreaming cannot merely fall to the most junior woman on the team.

3. Ensure that the views of women as well as men are obtained in consultation processes

The insight that women and men can have different needs, priorities and resources highlights the importance of consulting with different groups of people. The methodology utilized for consultation is also important as women may face particular obstacles when attempting to put their perspectives forward in some circumstances. An explicit goal of reaching women as well as men is often required.

4. Consult with local experts on gender equality (in academic institutions, NGOs, government offices for women's affairs)

It is important to draw on local expertise, both to be able to utilize their knowledge and to provide them with an opportunity to influence policy discussions.

d. Gender Mainstreaming Approach in Research:

Gender mainstreaming in research is to ensure that gender issues are taken into consideration in planning the overall research agenda as well as in formulating specific projects. The research agenda is important because choices made at this stage shape the opportunities available at the implementation stage. An initial question to be considered is whether the overall research agenda responds to issues concerning and/or raised by both women and men. That is, in considering what questions are worth investigating, is there attention to priorities of both women and men, the work that they do, and their needs and interests? In the past, it was often assumed that women and men shared priorities and perspectives and little was known about women's particular needs and interests. A related question is whether women as well as men benefit from research investments. Such questions may raise new issues about the focus and impacts of broad choices about research priorities. For example, research leading to energy sector investments that focus on refinements to large-scale

hydroelectric dams rather than micro-level renewable energy projects may lead to missed opportunities to deliver benefits to poor women.

A major area for attention in the gender mainstreaming strategy is the definition of specific research projects. This includes consideration of the purpose and scope of the project, and whether these can be formulated to reflect the perspectives and priorities of women as well as men on the issue under investigation. Gender mainstreaming also requires attention to the methodology proposed and whether it will ensure that gender differences and inequalities are documented and explored. For example, participatory methods require adaptation to ensure that women's voices are heard and their experiences captured by the researchers. The selection of researchers who are able to incorporate gender perspectives into their research is another important consideration. Finally, ensuring that research findings on gender issues are disseminated and brought into policy discussions is critical.

To mainstream gender perspectives in the area of research, questions such as these should be asked at the planning stage:⁴³

a. Defining the research area

How is the research area relevant to women and men (what are the differences and similarities)? Have both women and men been involved in the definition and design

1. Assessing the methodology

Are gender differences reflected in the conceptual frameworks, objectives, methodology, expected outputs and anticipated impact of the research? How can attention to the different situations of women and men be incorporated into these aspects of the research design? How will the design and implementation of the research address factors that often produce unequal opportunities for women and men?

2. Selecting researchers

Questions such as; do they have the relevant expertise to understand the gender dimensions of their research? Are they familiar with the relevant literature and can they ensure that appropriate methodology is used? Can they integrate gender perspectives throughout their research? Should be asked and answers assessed.

⁴³ Ibid at pg. 19

3. Disseminating and applying research results

It will be imperative to query the following: will gender-specific findings and recommendations on narrowing gender gaps, including at policy level, be identified? What steps will be taken to ensure that these findings and recommendations are disseminated and included in policy discussions?

4. Evaluating the research:

Will gender issues be incorporated into the evaluation criteria for assessment of methodologies, strategies, impacts, outputs etc?

e. Gender Mainstreaming Strategy in Religion:

Religion plays a crucial role in shaping cultural, social, economic and political norms in many parts of the world including Nigeria. Thus, the status of women and men in the society are deeply tied to the manner in which religious laws and norms have been interpreted from the original languages for centuries by those in positions of authority predominantly men.

It has been established that religion has been used as a tool to perpetrate inequality and discrimination of women in the society. The guide books of the two major religions as practiced in Nigeria, Christianity and Islamic religions are wrought with certain statements and events which are explicitly aggressive expressions of male dominance and female discrimination and subjugation. Men largely lead religious groups and worship, interpret and implement religious sacred texts and teachings. Religion is often used to justify gender-based violence and other forms of gender inequality against women especially in the family setting. Christians for instance, would urge women to “submit” to their husbands whom God has anointed as “head” over the family. By implication, men are empowered to treat and discipline their wives, as they would minors.⁴⁴

The Penal Code which is based on Sharia Law for instance mandates that a man can flog his wife as a method of discipline.⁴⁵ Traditional Christians totally forbid divorce on any grounds while Muslims give room for unfair divorce regulations rooted in their belief in the right of the man to unilaterally renounce his wife (the talaq).⁴⁶ Thus, both religions sanction practices that are detrimental to married women and to

⁴⁴ Ibid pg.11

⁴⁵ Sections 2 and 55(1) (d) of the Penal Code Act Cap 53 Laws of the Federation of Nigeria 2004

⁴⁶ Ibid pg.17.

their children and natal families. The recent viral story of the late gospel singer, Osinachi Nwachukwu who silently suffered untold violence from her husband until her death, is a sad example of how religion can be used to foster gender-based violence and reinforce gender inequality in the society.

Applying a gender mainstreaming strategy in religion will thus entail interpreting religious laws and norms to promote equality. This will also involve accessing and generating new readings of religious texts rooted in reflections and lived experiences informed by human rights framework and by legal and constitutional parameters. Further, women should be involved in religious texts interpretations from their original language text. Working from religious framework women should promote peace and counter fundamentalist interpretations of religion. Government should sanction religious institutions that still promote women's subjugation, abuse and all forms of inequalities.

f. Gender Mainstreaming in the Political Sector:

It is an established fact that women in Nigeria are poorly represented in the political sector. The meagre number of women allowed to be involved are used as political statements to quell agitations. According to a report by the National Bureau of statistics,⁴⁷ men at the national parliament constitute 92.5% while women, a meagre 7.5%, representation at the local government is 94.4% men and a trifle 5.6% of women. Only seven of the 44 ministers appointed in 2019 were women. Of the 109 Senators and 360 House of Representatives, only 8 and 13 respectively, are women, the narrative is more worrisome in most state and local government administration.⁴⁸ Presently, no single state in the Federation in the history of Nigeria has ever produced a female Governor, and only about 4 States have produced female Deputy Governors.

Applying gender mainstreaming strategy will entail amongst others, public sensitization about the need for women as well as men to have equal participation in politics. Also, mandating political parties to adopt quotas for women in their nomination processes. An inclusion of affirmative clauses in the Constitution of the federal Republic of Nigeria that clearly reserves at least 40% of elective and appointive positions to women. And an unambiguous provision in the constitution affirming gender equality.

g. Gender Mainstreaming in Traditional Systems

In traditional societies in Nigeria, customs and traditions still shape and influence family matters and determines the position of women, these customs or practices

⁴⁷ Ibid

⁴⁸ Ibid pg. 16

make women's access to or control over land, property and housing dependent on a man; the husband or father. In the Annang tribe of Southern Nigeria for instance, women are expressly prohibited from inheriting properties from their father and husbands, properties are strictly passed on to male heirs.⁴⁹ At the demise of her husband, if she did not squire male children, all her husband's properties revert back to his family leaving her with nothing. Women's disadvantaged economic position in this regard creates a structural dependence on men for access to resources, which in turn can subject women to insecurity and violence. These customs are never codified but can in practice supersede Laws to the detriment of women's rights.⁵⁰

In rural communities, ownership of land determines both social status and the way in which control is exercised over a household's resources and income. Women's disadvantaged economic position in this regard creates a structural dependence on men for access to resources, which in turn can subject women to insecurity and violence.

Social re-engineering should be employed by Government through sensitization campaigns, seminars, workshops and trainings to educate the custodians of cultures such as Paramount Rulers, Chiefs and other community leaders on the harms of obnoxious customs and cultural practices on women and the society at large. Cultures and traditional norms and notions should be reassessed to unravel their negative implication on both genders. This should be aimed at ensuring that barbaric and obnoxious cultures, notions and customs that stifles women's voices and opportunities and impede them from maximizing their full potentials are absolutely prohibited from the society to eradicate discrimination, male domination, abuse of women, gender inequalities and ultimately promote women's right actualisation.

Conclusion

Nigeria is an overwhelmingly patriarchal society and this is unfriendly to women's right actualization and national growth and development. This is because as has been established in this article, a society suffers where manifest inequality, discrimination and marginalization of women is perpetrated, from the labour sector, the family, church, mosque, economic sector, politics etc.

⁴⁹ In an interview with the Paramount Ruler of Obot Akara Local Government Area of Akwa Ibom State (a core Annang tribe), he stated categorically that it is against their tradition for women to inherit properties, and was not open to change despite being informed that Nigerian Law has given women right of inheritance.

⁵⁰ Women and the Right to Adequate Housing (United Nations publication, Sales No. E.11.XIV.4). See also UN-Women and OHCHR, *Realizing Women's Rights to Land and Other Productive Resources* (2013).

Though in contemporary times the scenario is changing, but a sustained enforcement of the Gender mainstreaming strategy of achieving gender equality as proposed in the Beijing Declaration is needed to save Nigeria from the pangs of gender inequality and thus advance the actualization of women's right.