

WOMEN'S RIGHTS AND SUSTAINABLE
DEVELOPMENT:
THE IMPACT OF GENDER EQUALITY ON THE
RIGHTS OF WOMEN AND SUSTAINABLE
DEVELOPMENT IN NIGERIA

By

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ABSTRACT

Biobele Monima Danagogo, 'Women's Rights and Sustainable Development: The Impact of Gender Equality on the Rights of Women and Sustainable Development in Nigeria'

The Nigerian society is plagued with various forms of discrimination against women and girls ranging from discrimination based on culture to societal beliefs of the roles of women in the country. The inequality present in the Nigerian society allows for the ill-treatment of women both at home and in their workplace. It deprives women of various opportunities which can improve their quality of life. The gender inequality in the Nigerian society transcends to a form which violates various human rights of women as well limits the sustainable development of the country.

In this thesis, I discuss the relationship between gender equality and sustainable development. I focus on the 'Transforming Our World: The 2030 Agenda for Sustainable Development' and discuss the sustainable development goals in relation to gender equality. The main aim of this thesis is to show how the achievement of gender equality will promote the rights of women in Nigeria and also translate to the sustainable development of the country. This thesis addresses Nigeria's obligations under international and regional human rights law instruments, the reality of women living in Nigeria and also addresses Nigeria's response and measures in place to protect the rights of women and considers their effectiveness. Furthermore, Nigeria's response to achieving the sustainable development goals, especially Goal 5 and its progress will be addressed.

In carrying out this research, I adopt a desk-based research method using doctrinal, socio-legal as well as interdisciplinary research methodologies to achieve my goal. In concluding this thesis, I provide recommendations on how gender equality can be achieved in the Nigerian society in order to improve the human rights of women and ensure the sustainable development of the country in relation to the 2030 Agenda.

TABLE OF CONTENTS

ABSTRACT	2
LIST OF CASES	5
LIST OF TABLES/FIGURES	6
ACKNOWLEDGEMENTS	7
AUTHOR'S DECLARATION	8
CHAPTER 1: INTRODUCTION	9
1.1 INTRODUCTION	9
1.2 RESEARCH QUESTIONS	13
1.3 AIMS AND OBJECTIVES OF THESIS	14
1.4 SIGNIFICANCE OF THESIS	16
1.5 RESEARCH METHOD AND METHODOLOGIES	17
1.6 LIMITATIONS	22
1.7 STRUCTURE OF THESIS	23
CHAPTER 2: THE EVOLUTION OF THE CONCEPTS OF GENDER EQUALITY AND SUSTAINABLE DEVELOPMENT	27
2.1 INTRODUCTION	27
2.2 THE CONCEPT OF GENDER EQUALITY	27
2.3 MEANING AND HISTORY OF SUSTAINABLE DEVELOPMENT	56
2.4 THE 2030 AGENDA AND ITS PROSPECTS	70
2.5 CRITICISMS OF THE 2030 AGENDA	76
2.6 CONCLUSION	79
CHAPTER 3: THE RELATIONSHIP BETWEEN GENDER EQUALITY AND SUSTAINABLE DEVELOPMENT	80
3.1 INTRODUCTION	80
3.2 GENDER EQUALITY AND SUSTAINABLE DEVELOPMENT	80
3.3 THE RELATIONSHIP BETWEEN GENDER EQUALITY AND SUSTAINABLE DEVELOPMENT	85
3.4 GENDER EQUALITY IS NOT A QUICK FIX TO SUSTAINABLE DEVELOPMENT	95
3.5 AN ANALYSIS OF SUSTAINABLE DEVELOPMENT GOAL 5 AND ITS TARGETS	96
3.6 GENDER EQUALITY AND ITS EFFECTS ON OTHER SUSTAINABLE DEVELOPMENT GOALS	110
3.7 CONCLUSION	114
CHAPTER 4: NIGERIA'S OBLIGATIONS TOWARDS GENDER EQUALITY UNDER INTERNATIONAL AND REGIONAL HUMAN RIGHTS LAW	115
4.1 INTRODUCTION	115
4.2 NIGERIA'S OBLIGATIONS UNDER INTERNATIONAL AND REGIONAL HUMAN RIGHTS LAW: THE TRIPARTITE TYPOLOGY	116

4.3	AFRICAN REGIONAL HUMAN RIGHTS INSTRUMENTS.....	118
4.4	INTERNATIONAL HUMAN RIGHTS INSTRUMENTS.....	132
4.5	THE APPROACH OF THE AFRICAN COMMISSION AND AFRICAN COURT TOWARDS EQUALITY AND NON-DISCRIMINATION COMPARED WITH INTERNATIONAL HUMAN RIGHTS TREATY BODIES	148
4.6	CONCLUSION	154
CHAPTER 5: A CASESTUDY OF THE NIGERIAN SOCIETY.....		156
5.1	INTRODUCTION	156
5.2	BEING A WOMAN IN NIGERIA.....	157
5.3	MEASURES IN PLACE FOR THE ADVANCEMENT OF GENDER EQUALITY AND THE PROTECTION OF WOMEN’S RIGHTS IN NIGERIA	174
5.4	ARE THESE MEASURES EFFECTIVE?	195
5.5	CONCLUSION.....	200
CHAPTER 6: SUSTAINABLE DEVELOPMENT GOALS AND NIGERIA: PROGRESS AND BARRIERS TO SDGS (2012-2025).....		201
6.1	INTRODUCTION	201
6.2	SUSTAINABLE DEVELOPMENT GOALS AND ITS PROGRESS IN NIGERIA	201
6.3	BARRIERS TO PROGRESS	218
6.4	WOMEN AND THE SUSTAINABLE DEVELOPMENT GOALS IN NIGERIA.....	227
6.5	CONCLUSION	231
CHAPTER 7: TOWARDS ACHIEVING GENDER EQUALITY AND ITS IMPACT ON WOMEN’S RIGHTS AND DEVELOPMENT IN NIGERIA		232
7.1	INTRODUCTION	232
7.2	THE IMPORTANCE OF GENDER EQUALITY TO WOMEN’S RIGHTS AND SUSTAINABLE DEVELOPMENT IN NIGERIA.....	232
7.3	GENDERED APPROACH TO SUSTAINABLE DEVELOPMENT IN NIGERIA..	241
7.4	CONCLUSION	258
CHAPTER 8: CONCLUSION AND RECOMMENDATIONS.....		260
8.1	CONCLUSION	260
8.2	RECOMMENDATIONS	267
BIBLIOGRAPHY		275

LIST OF CASES

Abramova v Belarus Communication No. 23/2009, CEDAW/C/49/D/23/2009, 27 September 2011

African Commission on Human and Peoples' Rights v Kenya (merits) (African Court on Human and Peoples' Rights) Application No 006/2012, 26 May 2017

Archbishop Olubunmi Okogie v. A.G. of Lagos State [1981] NCLR 218

Association pour le Progrès et la Défense des Droits des Femmes Maliennes (APDF) and the Institute for Human Rights and Development in Africa (IHRDA) v Republic of Mali (African Court on Human and Peoples' Rights, Judgment) Application No 046/2016, 11 May 2018

Egyptian Initiative for Personal Rights and Interights v Egypt, Communication 323/06 (ACHPR, 12 October 2013)

Gabčíkovo-Nagymaros Project (Hungary v. Slovakia) (Judgment) [1997] ICJ Rep 7

General Sani Abacha v. Chief Gani Fawehinmi (2000) SC No. 45/1997

Jane Kaushik vs Union of India (2025) INSC 1248

Karen Tayag Vertido v The Philippines [2000] UNTS 83

Obligations of States in Respect of Climate Change (Advisory Opinion) [2025] ICJ Rep 187

Pulp Mills on the River Uruguay (Argentina v. Uruguay) (Judgment) [2010] ICJ Rep 14

Purohit and Moore v Gambia (The), Communication 241/01 (ACHPR, 29 May 2003)

Social and Economic Rights Action Center (SERAC) and Center for Economic and Social Rights (CESR) v. Nigeria, Communication 155/96 (ACHPR, 27 October 2001)

LIST OF TABLES/FIGURES

1. Table 1: African Regional and International Human Rights Instruments Signed and Ratified by Nigeria.....117
2. Figure 1: A Map of Nigeria showing Different Regions.....158
3. Figure 2: A map of Nigeria showing Religion.....158

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AUTHOR'S DECLARATION

I declare that this thesis is my own work and has not been submitted in substantially the same form for the award of a higher degree elsewhere.

This thesis consists of 78,973 words (excluding material preceding main text, footnotes and bibliography) and does not exceed the permitted maximum word length.

Biobele Monima Danagogo

CHAPTER 1: INTRODUCTION

1.1 INTRODUCTION

Gender inequality is pervasive across the world and women have been seen to experience many disadvantages, in comparison to men.¹ The gender inequalities present themselves in various ways and areas of the lives of women and girls, including denial of rights, gender-based violence, gender pay gaps, lack of representation and participation in decision-making processes and so on.² Hence, the striving for gender equality in society today. The promotion and achievement of gender equality is essential to the actualisation of the protection of fundamental human rights and is also crucial for human development that centres on allowing people to lead a life that they value and enabling them to realize their potential as human beings.³ It is also important to the building of healthy communities, societies and nations.⁴

In this thesis, I seek to establish the importance of gender equality as a right of itself and also its importance to various other women's rights generally, and the achievement of sustainable development. I will use a case study of Nigeria to further emphasise this notion. According to the United Nations (UN), 'gender equality, besides being a fundamental human right, is essential to achieve peaceful societies, with full human potential and sustainable development.'⁵ The UN recognises the importance of ending all forms of gender violence, securing equal access to quality education, health, economic resources, access to employment, equal access to decision-making processes, leadership positions and participation in political life for both women and girls and men and boys.⁶

¹ Walter Leal Filho, Marina Kovaleva, Stella Tsani, Diana-Mihaela Tirca, Chris Shiel, Maria Alzira Pimenta Dinis, Melanie Nicolau, Mihaela Sima, Barbara Fritzen, Amanda Lange Salvia, Aprajita Minhas, Valerija Kozlova, Federica Doni, Jane Spiteri, Tanushka Gupta, Kutoma Wakunuma, Mohit Sharma, Jelena Barbir, Kalterina Shulla, Medani P. Bhandari & Shiv Tripathi, 'Promoting Gender Equality across the Sustainable Development Goals' (2023) 25 Environment, Development and Sustainability 14177, 14181.

² Concern Worldwide, 'Gender Inequalities We Need Address Now' (2024) <<https://www.concern.net/news/gender-inequalities-we-need-to-address>> accessed 17 December 2024.

³ Kelly Bryan Ovie Ejumudo, 'Gender Equality and Women Empowerment in Nigeria: The Desirability and Inevitability of a Pragmatic Approach' (2013) 3(4) Developing Country Studies 59, 59.

⁴ *ibid.*

⁵ United Nations, 'Gender Equality' <<https://www.un.org/en/global-issues/gender-equality>> accessed 17 December 2024.

⁶ *ibid.*

Gender equality is so important that it is included as one of the sustainable development goals in the United Nations document titled 'Transforming Our World: The 2030 Agenda for Sustainable Development' (2030 Agenda).⁷ The 2030 Agenda will be discussed extensively in this thesis. This document contains 17 sustainable development goals (SDGs) and 169 targets and resolves by 2030 to,

'end poverty and hunger everywhere; to combat inequalities within and among countries; to build peaceful, just and inclusive societies; to protect human rights and promote gender equality and the empowerment of women and girls; and to ensure the lasting protection of the planet and its natural resources. We resolve also to create conditions for sustainable, inclusive and sustained economic growth, shared prosperity and decent work for all, taking into account different levels of national development and capacities.'⁸

The above statement represents the 2030 Agenda's commitment to gender equality and shows how important achieving gender equality is as a goal and towards sustainable development. The 2030 Agenda also recognises that realising gender equality and the empowerment of women and girls will make a crucial contribution to progress across all the other goals and targets.⁹ The connection between Goal 5 (achieving gender equality) and the other SDGs will be considered in this thesis. The 2030 Agenda establishes that 'the achievement of full human potential and of sustainable development is not possible if one half of humanity continues to be denied its full human rights and opportunities.'¹⁰

The Agenda thus calls for various ways in which achieving gender equality manifests itself, such as ensuring that women and girls enjoy equal access to quality education, economic resources and political participation as well as equal opportunities with men and boys for employment, leadership and decision-making at all levels.¹¹ It calls for a significant increase in investments to close the gender gap and strengthen support for

⁷ UN General Assembly, 'Transforming Our World: The 2030 Agenda for Sustainable Development' (25 September 2015) UN Doc A/Res/70/1.

⁸ *ibid* para 3.

⁹ *ibid* para 20.

¹⁰ *ibid*.

¹¹ *ibid*.

institutions in relation to gender equality and the empowerment of women at the global, regional and national levels.¹² Furthermore, it calls for the elimination of all forms of discrimination and violence against women and girls and also emphasises how crucial the systematic mainstreaming of a gender perspective in the implementation of the Agenda is to the achievement of sustainable development.¹³

Gender equality is seen to be at the heart of the 2030 Agenda and is recognised as an essential human right, and thus important enough to be a goal in its own right, among other 16 SDGs.¹⁴ It is suggested that not only is gender equality (goal 5) critical to all the other SDGs, with gender inequality being an obstacle to progress, but that it is noted that gender equality has the potential to serve as a sustainable development accelerator, with a positive multiplier effect, to speed up the progress of the 2030 Agenda.¹⁵ The inclusion of gender equality as a sustainable development goal reflects the continuous efforts of the UN towards gender equality. Efforts such as the establishment of the Commission on the Status of Women in 1946, the adoption of landmark agreements such as the Convention on the Elimination of All Forms of Discrimination against Women in 1979,¹⁶ the Beijing Declaration and Platform for Action in 1995,¹⁷ and the establishment of UN Women in 2010 have been seen throughout the years.¹⁸

In consideration of gender equality and sustainable development, in this thesis, I aim to establish the importance of gender equality to the promotion and protection of the fundamental human rights of women and also to achieving sustainable development. I will use a case study of Nigeria and explore the inequalities in the Nigerian society and address the need for gender equality, which, as will be discussed subsequently, is important as a right in itself, important to various other women's rights and important to sustainable development. In this thesis, I will discuss the meaning of gender equality and emphasise its importance in the society. I will also discuss the meaning of

¹² *ibid.*

¹³ *ibid.*

¹⁴ Filho (n 1) 14181.

¹⁵ *ibid.*

¹⁶ Convention on the Elimination of All Forms of Discrimination against Women (adopted 18 December 1979, entered into force 3 September 1981) 1249 UNTS 13 (CEDAW).

¹⁷ Beijing Declaration and Platform for Action (27 October 1995).

¹⁸ Filho (n 1) 14179.

sustainable development and work with the 2030 Agenda for Sustainable Development to highlight the sustainable development goals, especially sustainable development goal 5, which focuses on the achievement of gender equality and empowerment of all women and girls.

Nigerian society is plagued with various forms of discrimination against women and girls ranging from discrimination based on culture to societal beliefs of the roles of women in the country. The inequality present in the Nigerian society allows for the ill-treatment of women both at home and in their workplace. It deprives women of various opportunities which could improve the quality of life of women in Nigeria. Gender inequality in Nigeria, allows for the violation of various human rights of women in Nigeria as well limiting the development of the country, and this will be thoroughly discussed in this thesis.

Due to the specific demographic composition of the Nigerian society which has one of the world's largest population of both Muslims and Christians,¹⁹ the severity of the violations of women's rights may vary as well as the level of development found in a given state and this will be addressed in this thesis. It will be shown in this thesis that, there is a large disparity between men and women in the society which allows for the violation of the rights of women in Nigeria, and in turn affects the sustainable development of the country.

Since becoming an independent nation in 1960, Nigeria has confirmed its commitment to upholding women's rights and gender equality by ratifying several international and regional human rights instruments including the International Covenant on Civil and Political Rights (ICCPR),²⁰ the International Covenant on Economic, Social and Cultural Rights (ICESCR),²¹ the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW),²² the African Charter on Human and

¹⁹ Jeff Diamant, 'The Countries with the 10 Largest Christian Populations and the 10 Largest Muslim Populations' (2019) <<https://www.pewresearch.org/fact-tank/2019/04/01/the-countries-with-the-10-largest-christian-populations-and-the-10-largest-muslim-populations/>> accessed 17th December 2024.

²⁰ International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) (ICCPR).

²¹ International Covenant on Economic, Social and Cultural Rights 1966 (adopted 16 December 1966, entered into force 23 March 1976) (ICESCR).

²² CEDAW (n 16).

Peoples' Rights,²³ and the Protocol to the African Charter on the Rights of Women in Africa.²⁴

Nigeria's obligations under these international and regional human rights instruments will be explored, highlighting what needs to be done under the human rights systems, whilst also showing the reality of women's condition in Nigeria and what the government has actually done. Progress so far and barriers of sustainable development in Nigeria will be discussed and ultimately, I will show the impact achieving gender equality would have on the enjoyment and protection of the right of women in Nigeria and how this in turn would contribute towards actualisation of sustainable development in Nigeria.

1.2 RESEARCH QUESTIONS

Following the brief overview of what this thesis is about, it is important to make clear what the research questions are, in order to give a guide of what will be discussed in this thesis. From the introduction, I have pointed out that gender equality is important to the promotion and protection of women's rights and also important to sustainable development. With this in mind, the main overarching research questions that will be answered in this thesis is: what is the impact of achieving gender equality on the rights of women in Nigeria and on sustainable development in Nigeria? And how can gender equality be achieved to ensure the protection and promotion of the human rights of women in Nigeria and sustainable development in Nigeria.

In answering these questions, firstly, I will explore the meaning of gender equality. It is important that the meaning of gender equality is discussed, specifically explaining what it means and its use in this thesis. The relevance and importance of gender equality, especially its importance to the protection and promotion of women's rights will be explained. The history and meaning of sustainable development will be explored. This gives a clear understanding of the terms gender equality and

²³ African Charter on Human and Peoples' Rights (adopted 1 June 1981, entered into force 21 October 1986) (African Charter).

²⁴ Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (adopted 11 July 2003, entered into force 25 November 2005) (Maputo Protocol); Kehinde Olayode, 'Women's Activism for Gender Equality and Social Justice in Nigeria (1900-2015)' in Funmi Soetan and Bola Akanji (eds), *Through the Gender Lens: A Century of Social and Political Development in Nigeria* (Lexington Books 2019) 282.

sustainable development when used in this thesis. When these terms are explained, I will establish the relationship between gender equality and sustainable development and discuss gender equality as a sustainable development goal and its importance to other sustainable development goals.

Nigerian society will then be explored and here, I will look at Nigeria's obligations towards equality under international and regional human rights law, gender inequality in Nigeria and what has been done to curb this problem, what has been done towards sustainable development in Nigeria and finally analysing the importance of gender equality firstly to women's rights and then sustainable development, including how to achieve gender equality in Nigeria.

1.3 AIMS AND OBJECTIVES OF THESIS

The main aim of this thesis is to answer the research question above which is: discussing and analysing how the achievement of gender equality will impact the rights of women and sustainable development in Nigeria and also how gender equality can be achieved in Nigeria. In achieving this overall aim, several objectives will be fulfilled in this thesis, which include:

- a) Discussing the meaning of gender equality and why it is important. This will be done in order to give a clear picture of what I refer to as gender equality in this thesis and why I classify gender equality as important and its achievement essential. In this thesis, I will show how gender equality safeguards the rights of women globally, especially in Nigeria, as it is the case study for this thesis.
- b) Discussing the history and meaning of sustainable development and show why development today needs to be sustainable. The 2030 agenda will be examined, and sustainable development goal 5 (gender equality) will be analysed, highlighting its importance as a goal in itself and also its importance to the other sustainable development goals.
- c) Discussing the relationship between gender equality and sustainable development. It has been stated in the introduction to this thesis that in order to achieve sustainable development, gender equality must first be put into consideration. Thus, an important objective in this thesis is discovering why

gender equality is so important to sustainable development and why I argue that without achieving gender equality, sustainable development cannot be achieved.

- d) Discussing the obligations of Nigeria under international and regional human rights law towards gender equality. It is important that I discuss what is expected of Nigeria as a member state to several international human rights instruments because, it shows that besides from just stating that gender equality is important, under international and regional human rights law, state parties have a commitment to ensure gender equality. Furthermore, it gives an insight into what is expected of state parties, in this case, Nigeria in the protection and promotion of the rights of all persons, especially women and girls, as it relates to this thesis. It makes clear that apart from gender equality being SDG 5 under the 2030 agenda, Nigeria has an obligation under international human rights law to towards gender equality and non-discrimination.
- e) Discussing the reality of women living in Nigeria. After discussing Nigeria's obligations towards gender equality, it is important to consider what happens in Nigeria concerning women's rights and women's reality in the country. This is important because it gives a contrast of what is expected and what is actually happening in Nigeria. I will also explore measures taken by Nigeria to ensure gender equality and how effective or not these measures are, especially considering how gender inequality is very prevalent in Nigeria.
- f) Discussing progresses and barriers towards achieving sustainable development in Nigeria. This is important because, this will show how much progress has actually been made towards sustainable development in Nigeria.
- g) Discussing how the achievement of gender equality will not only promote the rights of women in Nigeria but also translate to the sustainable development of Nigeria. After taking into consideration all of the above, I will then apply all that has been discussed to highlight the importance of gender equality to the rights of women and sustainable development in Nigeria, whilst emphasising the need for gendered pathways towards the achievement of sustainable development in Nigeria.

- h) Giving recommendations on how gender equality can be achieved in Nigeria, in order to improve the human rights of women and ensure the sustainable development of the country in relation to the 2030 Agenda.

1.4 SIGNIFICANCE OF THESIS

This thesis and answering the research questions within it is significant because it focuses on two prevalent issues in Nigeria, which include the gender inequality, discrimination and denial of the rights of women in Nigeria and the need for sustainable development in Nigeria, to ensure economic, social and environmental development.

Since the adoption of the 2030 Agenda and the SDGs in 2015, Nigeria has made commitment towards achieving sustainable development.²⁵ However, as will be discussed in this thesis, without gender equality, Nigeria cannot achieve sustainable development. Hence, I aim to connect these two important concepts, show how they are related, and discuss how Nigeria's commitment towards sustainable development can be realised through addressing the gender inequality in the society. I will highlight the fact that when women are given equal access to opportunities, resources and enjoyment of rights without discrimination, it improves the lives of women, ensures that their needs are met and ensures that they are able participate and contribute towards sustainable development in Nigeria.

The key contributions in this thesis to scholarship on gender equality and sustainable development in Nigeria include: analysing the impact of gender equality on the rights of women in Nigeria and on sustainable development in Nigeria; analysing substantial progress, if any, towards sustainable development in Nigeria using, the Voluntary National Review (VNR) on implementation of the Sustainable Development Goal in Nigeria 2017,²⁶ and the Voluntary National Review Report 2020.²⁷ Furthermore, I will

²⁵ United Nations, 'Our Work on the Sustainable Development Goals in Nigeria: How the UN is supporting the Sustainable Development Goals in Nigeria' <<https://nigeria.un.org/en/sdgs#:~:text=Our%20Work%20on%20the%20Sustainable%20Development%20Goal%20in%20Nigeria,-How%20the%20UN&text=Since%20the%20adoption%20of%20the,ownership%20of%20the%20implementation%20process.>> accessed 10th January 2025.

²⁶ Federal Republic of Nigeria, 'Implementation of the SDGs: A National Voluntary Review' (2017) <<https://hlpf.un.org/sites/default/files/vnrs/2021/16029Nigeria.pdf>> accessed 13th October 2023.

²⁷ Federal Republic of Nigeria, 'Nigeria- Integration of the SDGs into National Development Planning: A Second Voluntary National Review' (2020)

be making use of the Transformative Equality Framework developed by Professor Sandra Fredman,²⁸ and applying it to Nigeria on how to achieve gender equality. I use this framework because, I am of the opinion that in achieving gender equality in Nigeria, it goes beyond formal and substantive equality and takes into consideration various dimensions where gender equality should be viewed and this will be discussed in this thesis.

Furthermore, I am of the opinion that with this framework, not only are the rights of Nigerian women in all areas catered for, achieving transformative gender equality in Nigeria provides a gateway to the actualisation of sustainable development as will be discussed in this thesis.

1.5 RESEARCH METHOD AND METHODOLOGIES

Research method refers to the techniques, procedure or tools employed for data collection and analysis while conducting research.²⁹ In this thesis, I will be using the desk-based research method. Desk-based research method can also be referred to as secondary research or library research.³⁰ It is a research method that involves the use of secondary data sourced from various documents and library materials.³¹ It makes use of existing data found in laws, regulations, official records, reports, previous research carried out, textbooks, journal articles and news articles.³² Desk-based research involves the secondary analysis of data, where the focus is placed on reworking of existing data in order to develop new insights into issues.³³

Information acquired through various sources, will be analysed and evaluated in order to answer the research questions in this thesis. I will engage with the discourse

<https://hlpf.un.org/sites/default/files/vnrs/2021/26309VNR_2020_Nigeria_Report.pdf> accessed 16th October 2023.

²⁸ Sandra Fredman, *Working Together: Human Rights, the Sustainable Development Goals and Gender Equality* (The British Academy 2018).

²⁹ Gustavo Jorge Martins de Aguiar, 'Distinguishing Between Method and Methodology in Academic Research' (2024) 11(1) *Journal of Advance Research in Mathematics and Statistics* 20, 22.

³⁰ Tim Gell, 'Desk Research: What It Is and How You Can Use It' (2023) <<https://www.driverresearch.com/market-research-company-blog/desk-research-what-it-is-and-how-you-can-use-it/>> accessed 12th January 2025.

³¹ Achmad Irwan Hamzani, Tiyas Vika Widyastuti, Nur Khasanah, Mohd Hazmi Mohd Rusli, 'Legal Research Method: Theoretical and Implementative Review' (2023) 20(2) *International Journal of Membrane Science and Technology* 3610, 3611.

³² *ibid.*

³³ Nick Moore, *How to do Research: A Practical Guide to Designing and Managing Research Projects* (3rd ed, Facet Publishing 2006) 106.

surrounding gender equality and sustainable development, and I will give my own opinion on the issue based on critical thinking and proper analysis of available data, facts, evidence, laws and prior research on the subject matter. I will be using the desk-based research method because, the information needed to work on my thesis and answer my research questions are available and accessible through various legal documents, human rights documents, reports, international organisations, books and articles as will be demonstrated in this thesis.

Thus, for example, when discussing the gender inequalities in Nigeria, I will be able to use already available data from official reports from the government, reports from international organisations, previous research already done to elaborate the gender inequality and discrimination women in Nigeria face. Furthermore, I will be using this research method because, it is cost effective and faster, as I will be relying on already existing data and critically analysing information in order to answer my research questions.

Research methodology refers to the underlying principles, theories and approaches that guides the research process.³⁴ In this thesis, I will be using a combination of several approaches to answer my research question. I will employ a Doctrinal research approach or black-letter law approach. Doctrinal research relies on using court judgments and statutes to explain law.³⁵ This research approach aims to, 'systematise, rectify and clarify the law on any particular topic by a distinctive mode of analysis of authoritative texts that consist of primary and secondary sources.'³⁶ In this method, legislation is examined critically, and relevant elements are combined to establish a correct and complete statements of the law on the matter in hand.³⁷

I will be using this approach because, in the course of carrying out this research work, I will be making use of various legislations in Nigeria which provide for gender equality and the protection of women's rights. I will analyse these laws and clarify what their provisions towards gender equality are and also explore how effective they are in

³⁴ Martins de Aguiar (n 29).

³⁵ Mike McConville and Wing Hong Chui, 'Introduction and Overview' in Mike McConville and Wing Hong Chui (eds), *Research Methods for Law* (2nd edn, Edinburgh University Press 2017) 4.

³⁶ *ibid.*

³⁷ Terry Hutchinson, 'Doctrinal Research: Researching the Jury' in Dawn Watkins and Mandy Burton (eds), *Research Methods in Law* (2nd edn, Routledge 2018) 13.

ensuring gender equality in Nigeria. I will also be working with a plethora of international and regional human rights documents and analysing their provisions towards gender equality. Even though these international and regional human rights documents are not necessarily domestic legislation in Nigeria, Nigeria is a state party to them and thus assumes obligations and responsibilities under them and this will be discussed in this thesis.

I will also be employing a socio-legal research approach in this thesis. I consider this thesis a socio-legal study. The exact meaning and scope of socio-legal studies has been up for debate and it is hard to define.³⁸ However, at its broadest, socio-legal studies may be defined as a way of seeing, recognising the mutually constitutive relationship between law and society.³⁹ This relationship is open to interpretation because law and society are constantly changing.⁴⁰ I consider this thesis a socio-legal study because, it will be looking at the gender inequalities in the society, laws in place to combat these inequalities and what actually happens in the society.

It will also be looking at sustainable development, and the balance of economic, social and environmental development in the society. I will explore how laws addressing these issues actually operate in the society. I will be using a socio-legal research approach because key concepts in this thesis, i.e., gender equality and sustainable development are a necessity and important in the society today and analysing the relationship between them, will go beyond looking through legislations. Furthermore, beyond what the law is, I would like to explore what the law ought to be in consideration of the current situation of women in Nigeria, as will be discussed in this thesis.

An interdisciplinary research approach will also be used in this thesis. Interdisciplinary research involves two or more disciplines working together in a beneficial way.⁴¹ This

³⁸ Fiona Cownie and Anthony Bradney, 'Socio-Legal Studies: A Challenge to the Doctrinal Approach' in Dawn Watkins and Mandy Burton (eds), *Research Methods in Law* (2nd edn, Routledge 2018) 42.

³⁹ Naomi Creutzfeldt, Marc Mason and Kirsten McConnachie, 'Socio-Legal Theory and Methods: Introduction' in Naomi Creutzfeldt, Marc Mason and Kirsten McConnachie (eds), *Routledge Handbook of Socio-Legal Theory and Methods* (Routledge 2020) 4.

⁴⁰ *ibid.*

⁴¹ Paul Roberts, 'Interdisciplinarity in Legal Research' in Mike McConville and Wing Hong Chui (eds), *Research Methods for Law* (2nd edn, Edinburgh University Press 2017) 92.

thesis is based in human rights and human rights is interdisciplinary in nature.⁴² It is seen established that, 'human rights are not only the subjects of legal obligations, they are also moral norms, with political content and social, cultural, anthropological and economic implications.'⁴³

Hence, in carrying out this research on gender equality, women's rights and sustainable development, I will touch on disciplines other than law such as economics, politics, culture, sociology in order to answer my research questions. It should be noted however that, carrying out an interdisciplinary approach does not mean that a contribution or impact will be made in two or more disciplines, it can simply mean the use of one discipline to enhance or advance another, without any reciprocity.⁴⁴ In this thesis, when analysing gender equality and sustainable development, ideas and concepts from various disciplines will be used to define, explain and enhance discussion on the subject matter of this thesis.

A combination of doctrinal research approach, socio-legal research approach and interdisciplinary research approach is very important to this thesis. This is because using a doctrinal approach will, 'provide a foundation by organising and clarifying existing legal principles' while a socio-legal approach will, 'add a practical perspective by evaluating the impact of legal principles on society'.⁴⁵ Furthermore, where a doctrinal research approach gives an analysis of the laws discussed in this thesis, including relevant laws in Nigeria, regional and international human rights instruments, a socio-legal analysis will highlight how these laws are applied in society, whether they are effective or not and what can be done to ensure effectiveness of the law. Also, drawing knowledge from other disciplines, will further enhance research and aid in answering research questions in this thesis.

⁴² Bard A. Andreassen, Hans-Otto Sano and Siobhan McInerney-Lankford, 'Human Rights Research Method' in Bard A. Andreassen, Hans-Otto Sano and Siobhan McInerney-Lankford, *Research Methods in Human Rights: A Handbook* (Edward Elgar Publishing Limited 2017) 5.

⁴³ *ibid.*

⁴⁴ Malcolm Langford, 'Interdisciplinarity and Multimethod Research' in Bard A. Andreassen, Hans-Otto Sano and Siobhan McInerney-Lankford, *Research Methods in Human Rights: A Handbook* (Edward Elgar Publishing Limited 2017) 166.

⁴⁵ Aishwarya Agrawal, 'Doctrinal and Non-Doctrinal Legal Research' (2024) < <https://lawbhoomi.com/doctrinal-and-non-doctrinal-legal-research/#:~:text=understand%20social%20behaviour.-,Importance%20of%20Combining%20Doctrinal%20and%20Non%2DDoctrinal%20Research,gaps%20in%20the%20legal%20system>> accessed 17th March 2025.

In chapter 2 of this thesis, I explore the meaning and history of key concepts, including gender, equality, gender equality and sustainable development. In doing so, I combine various areas of legal studies, feminist studies, sociology, economics and political science to determine the meaning of these concepts and state how they will be used in this thesis. In chapter 3, heavy reliance is placed on international law and resources to analyse the relationship between gender equality and sustainable development and how this relates to women's rights. I analyse the UN 2030 Agenda, and provide the connection between goal 5 and other goals in 2030 Agenda, whilst interpreting the intention of Goal 5 and its targets. Chapter 4 takes a more doctrinal approach, where I give a detailed analysis of various international and regional human rights instruments as they relate to gender equality. In this chapter, I discuss what these laws say about gender equality and what is expected of Nigeria and how this connects to women's rights and sustainable development.

Chapter 5 then explores Nigerian society and how in practice these human rights laws, Nigerian legislation, policies and government actions have protected women's rights. In this chapter I give a realistic view of how these laws have worked in Nigeria, showcasing the reality of women in and the inequalities they face. Chapter 6 combines an approach of analysing government reports on sustainable development and also discussing how in practice women's rights and sustainable development have been affected by gender inequality. In chapter 7 and 8, I combine all that has been discussed and analysed to answer the question of how achieving gender equality will impact the rights of women and sustainable development in Nigeria. And also, the question how gender equality can be achieved in Nigeria, providing recommendations and approaches for the Nigerian government to utilise.

Sources of data for research can be classified into primary sources and secondary sources.⁴⁶ I will be using both primary and secondary sources to carry out my research. Primary sources of data in legal research are sources that contain the provisions of law and legal doctrine in their original state.⁴⁷ Primary sources that will be used include: the Nigerian constitution, legislations, reports from international and national bodies, government publications, international and regional human rights

⁴⁶ Uzoma Ihugba, *Introduction to Legal Research Method and Legal Writing* (Malthouse Press Ltd 2020) 73.

⁴⁷ *ibid.*

documents, general comments by UN human rights treaty bodies, and recommendations from international and regional human rights bodies.

Secondary sources of data in legal research are sources that seek to explain doctrines contained in primary sources.⁴⁸ Secondary sources that will be used, include: books, journal articles, newspaper publications, commentaries and reliable online resources. I will be using both primary and secondary sources because the primary sources provide the legal foundation and first-hand evidence needed in this legal research, whilst secondary sources provide for interpretations, analysis, explanations, criticisms and commentaries of evidence utilised in this thesis.⁴⁹

1.6 LIMITATIONS

I encountered some limitations during the process of writing this thesis, however, I was able to work on this thesis effectively despite these limitations. Firstly, because I am using the desk research method, data and statistics used for the purposes of discussing gender inequality at various sectors in Nigeria are not done by me, furthermore, they may not be as recent and up to date as of this writing. However, I can confirm that statistics used are taken from reliable sources, and are accurate and represent the reality and experiences of Nigerian women.

Secondly, whilst carrying out research on the progress to sustainable development in Nigeria, most of the information of detailing progress was found in the Voluntary National Review (VNR) 2017 and 2020 prepared by the Nigerian government, which highlighted accomplishments made towards the achievement of the 2030 Agenda and its goals. However, there were instances where I found it difficult to verify whether some of the programmes stated were actually carried out. The Nigerian government claimed it was done in the report, but there was no external medium to verify this, which I pointed out when writing about it. Thus, one of the recommendations I proffered was, for example, where social programmes for poverty alleviation are carried out, the government should be transparent and accountable on how processes are developed

⁴⁸ *ibid.*

⁴⁹ Sneha Solanki, Sources of Legal Research' (2023) < <https://legal.thomsonreuters.com/blog/sources-of-legal-research-primary-secondary-and-the-role-of-ai/#:~:text=In%20addition%20to%20restating%20the,firmly%20planted%20in%20primary%20sources> > accessed 17th March 2025.

and how they are carried out, this information should be available online and readily available for perusal.

Despite, limitations to this thesis mentioned above, I am able to effectively carry research and answer the research question showing then impact of gender equality on the rights of women in Nigeria and sustainable development in Nigeria. Also, I am able to discuss how gender equality can be achieved in Nigeria and its importance and relevance in Nigeria.

1.7 STRUCTURE OF THESIS

This thesis is divided into eight chapters, all of which are essential to accomplish all aims and objectives set out to answer research questions. The structure and contents of this thesis are as follows:

a. CHAPTER ONE: INTRODUCTION

This chapter introduces the research area of the thesis. It gives a brief introduction of what is discussed in the following chapters. It points out the research questions and states how they will be answered. It also includes the aims and objectives of the thesis and why they are important. The significance of the thesis and why this research is important is also discussed here, giving my contribution to the discourse on gender equality and sustainable development in Nigeria. This chapter also discusses the research method and research methodologies used to complete this thesis. The limitations whilst working on this thesis are also highlighted here.

b. CHAPTER TWO: THE EVOLUTION OF THE CONCEPTS OF GENDER EQUALITY AND SUSTAINABLE DEVELOPMENT

This chapter gives an introduction to the key terms in this thesis: gender equality and sustainable development. It first discusses the meaning of gender and specifies the use of the term 'gender' in this thesis. It then discusses the meaning of equality and different forms of equality, before discussing gender equality, its meaning and importance to this this thesis. The meaning and history of sustainable development is discussed in the chapter, giving an overview of the development of this term overtime.

This chapter also properly introduces the 2030 Agenda and discusses its prospects and some of the criticisms encountered.

c. CHAPTER THREE: THE RELATIONSHIP BETWEEN GENDER EQUALITY AND SUSTAINABLE DEVELOPMENT

This chapter establishes the relationship between gender equality and sustainable development. It makes it clear why without gender equality, sustainable development cannot be achieved, as is argued in this thesis. It discusses the importance of gender equality to women's rights. This chapter analyses sustainable development goal 5 contained in the 2030 Agenda which calls for the achievement of gender equality and empowerment of all women and girls and the nine targets attached to this goal. It then explores the effect of gender equality on other sustainable development goals.

d. CHAPTER FOUR: NIGERIA'S OBLIGATIONS TOWARDS GENDER EQUALITY UNDER INTERNATIONAL AND REGIONAL HUMAN RIGHTS LAW

This chapter discusses obligations of State Members towards gender equality under international and regional human rights instruments. It focuses on Nigeria, as it is the case study of this thesis. It shows what is expected of Nigeria towards gender equality before the next chapter introduces the reality of women in Nigeria and what Nigeria has actually done to achieve gender equality and protect women's rights. This chapter discusses obligations under the African Charter on Human and Peoples' Rights 1981 (African Charter), the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa 2003 (Maputo Protocol), the African Charter on the Rights and Welfare of the Child 1990 (African Children's Charter), the Convention on the Elimination of All Forms of Discrimination against Women 1979 (CEDAW), International Covenant on Civil and Political Rights 1966 (ICCPR) and the International Covenant on Economic, Social and Cultural Rights 1966 (ICESCR).

e. CHAPTER FIVE: A CASE STUDY OF THE NIGERIAN SOCIETY

This chapter explores the gender inequalities in the Nigerian society. It focuses on gender-based violence, various harmful traditional practices, underrepresentation of women in politics and decision-making processes, inequalities in the workplace and

generally the continuous infringements of the rights of women in Nigeria. This chapter also explores measures taken by Nigeria to advance gender equality and protect women's rights and analyses how effective these measures are. In this chapter, laws and policies which provide for gender equality and protection of women's rights are discussed. Actions taken by several Civil Society Organisations in Nigeria towards gender equality and the protection and promotion of women's rights are also explored in this chapter as part of measures towards advancement of gender equality.

f. CHAPTER SIX: SUSTAINABLE DEVELOPMENT GOALS AND NIGERIA'S PROGRESS AND BARRIERS TO SUSTAINABLE DEVELOPMENT GOALS (2012-2024)

This chapter discusses the progress made so far by Nigeria towards sustainable development. It mainly focuses on progresses made towards achieving goals in the 2030 Agenda, but also highlights steps taken before 2015 (before 2030 Agenda) towards sustainable development. It mainly uses the Voluntary National Reviews 2017 and 2020 published by Nigeria to analyse progress made. This chapter also discusses barriers to progress towards sustainable development. Then, this chapter finally discusses women and sustainable development in Nigeria, where it analyses how these barriers towards progress to sustainable development relate to the gender inequality in the society and shows how women are disproportionately affected by the adverse factors discussed in this chapter.

g. CHAPTER SEVEN: TOWARDS ACHIEVING GENDER EQUALITY AND ITS IMPACT ON WOMEN'S RIGHTS AND DEVELOPMENT IN NIGERIA

This chapter takes into consideration all that has been discussed previously, and gives a detailed analysis of the importance of gender equality to women rights and sustainable development in Nigeria. In this chapter, I proffer taking a gendered approach to achieving sustainable development in Nigeria and here, I explain what I mean by this through using the Transformative Equality Framework in Nigeria.

h. CHAPTER EIGHT: CONCLUSION AND RECOMMENDATIONS

Finally, the last chapter gives a brief summary of what has been discussed in thesis, reiterating how gender equality impacts the rights of women and sustainable

development in Nigeria. Furthermore, it provides recommendations of steps to take towards achieving this goal in Nigeria.

Conclusively, as mentioned earlier, the gender inequality and discrimination of women in the society is of great concern and hence the need for the achievement of gender equality globally and in Nigeria. Moreover, beyond the promotion and protection of women's rights and ensuring access and enjoyment of opportunities and resources, gender equality is important to achieving sustainable development. I argue that without working towards achieving gender equality, sustainable development and the goals contained in the 2030 Agenda cannot be successfully accomplished. Thus, by the completion of this thesis, I aim to have successfully established the relationship between gender equality and sustainable development, analysing the 2030 Agenda, its goals and targets in relation to gender equality and finally highlighting the importance of gender equality to women's rights and sustainable development generally and also specifically in Nigeria, whilst also discussing how gender equality can be achieved for itself and for these purposes.

CHAPTER 2: THE EVOLUTION OF THE CONCEPTS OF GENDER EQUALITY AND SUSTAINABLE DEVELOPMENT

2.1 INTRODUCTION

Gender equality and sustainable development are two equally important concepts to this thesis. A relationship exists between gender equality and sustainable development. However, it must be made clear what exactly these terms mean for the purpose of this thesis. In this chapter, an understanding of gender equality and sustainable development will be provided. I will first and foremost discuss the term gender equality and give an understanding of what gender equality means in this thesis. The use of the term gender will be discussed as well as the meaning of equality and finally explaining gender equality.

Secondly, in this chapter, I will give an insight to the meaning and history of sustainable development and sufficiently give its importance in the society today. Following this, I will discuss the Transforming our World: The 2030 Agenda for Sustainable Development, a document very important to this project as will be established later on as this work progresses.

2.2 THE CONCEPT OF GENDER EQUALITY

There has been advocacy for gender equality since the 19th century and this is as a result of the inequalities present in the society.⁵⁰ Gender disparities remain among the most persistent forms of inequality across all countries.⁵¹ Gender inequality affects half the world's people and is one of the greatest barriers to human development.⁵² Women and girls are discriminated against in health, education, at home and in the labour market with negative repercussions for their freedoms.⁵³

⁵⁰ Council of Europe, 'Feminism and Women's Rights Movements' <<https://www.coe.int/en/web/gender-matters/feminism-and-women-s-rights-movements>> accessed 20th March 2025.

⁵¹ Pedro Conceicao, *Human Development Report 2019- Beyond income, beyond averages today: Inequalities in human development in the 21st century* (United Nations Development Programme 2019) 147.

⁵² *ibid.*

⁵³ *ibid.*

In order to truly understand what gender equality means in this thesis, concepts associated with the term must be discussed. Gender and equality will be discussed before gender equality can be fully understood.

2.2.1 GENDER

Generally, gender refers to, 'the varied and complex arrangements between men and women, encompassing the organization of reproduction, the sexual divisions of labour and cultural definitions of femininity and masculinity.'⁵⁴ Gender is a contested concept and its meaning is very widely used in many differing contexts; it is said to be continually evolving and its meaning quite elusive.⁵⁵ The word gender was introduced in the 1970's to serve as an alternative to the term sex in order to, 'expressly counter an implicit and often explicit biological determinism pervading scientific and lay language.'⁵⁶

The term gender was deployed to aid clarity of thought, this was in a period when academics and activists engaged in debates over issues such as, whether observed differences in social roles, performance, and non-reproductive health status of women and men and girls and boys was due to allegedly innate biological differences (ex) or to culture-bound conventions about norms and relationships between women, men, girls, and boys (gender).⁵⁷

Gender entered into everyday language either as a synonym of sex, serving to distinguish individuals on the basis of their reproductive capacities either into male or female or, on the other hand, to distinguish precisely organic or biological sex differences from the socioculturally acquired roles and positions that differentiate men from women in a given society.⁵⁸ Most twenty first century dictionaries define gender as, 'the condition of being female or male; they also include the behavioural, cultural, or psychological traits typically associated with one sex into its meanings.'⁵⁹

⁵⁴ Harriet Bradley, *Gender* (2nd edn, Polity Press 2012) 1.

⁵⁵ *ibid.*

⁵⁶ Nancy Krieger, 'Genders, sexes, and health: what are the connections--and why does it matter?' (2003) 32 *International Journal of Epidemiology* 652.

⁵⁷ *ibid.*

⁵⁸ Renee C. Hoogland, 'Gender, Theories of' in Fedwa Malti-Douglas (ed), *Encyclopedia of Sex and Gender*, vol 2 (Macmillan Reference USA 2007) 268.

⁵⁹ *ibid.*

Additionally and further confounding the various uses of the term, gender may additionally refer to an individual's identity, especially in relation to society or culture.⁶⁰

According to the World Health Organization (WHO), 'gender is a social construct that intersects with, but differs from, biological sex. It refers to the socially constructed norms, roles, behaviours, attributes and relations that a given society considers appropriate for women and men.'⁶¹ The WHO emphasizes that these norms, roles and behaviours may vary from society to society and can be changed.⁶² The American Psychological Association provides that, 'gender implies the psychological, behavioural, social, and cultural aspects of being male or female, i.e., masculinity or femininity.'⁶³ Gender is conceived as a continuum of characteristics that are defined by their alignment with and distinction from masculinity and femininity.⁶⁴ According to Byrnes and Featherstone, 'masculinity and femininity are perceived to be opposite ends of this range, and the construction of and adherence to certain traits as purely masculine or purely feminine is gender normative.'⁶⁵

Debates on the meaning of gender have been ongoing and depending on their ideological and theoretical commitments, different scholars use gender in different ways.⁶⁶ I do not engage in the theories and debates on gender, as it is not the central theme of this work, I will however highlight some of the thoughts on what gender is. Whereas there is no ultimate feminist consensus about the meaning of gender, its varying usages share the explicit rejection of the belief in gender as a natural phenomenon.⁶⁷

The mainstream accepted view of gender assumes that, 'the differences between men and women are biologically or genetically given; that gender is invariant; that there are two and only two genders standing in opposition to each other; that genitals and

⁶⁰ *ibid.*

⁶¹ World Health Organization Regional Office for Europe, *Policy Brief: Health and Gender Equality* (World Health Organization 2019) 2 <<https://iris.who.int/bitstream/handle/10665/346823/WHO-EURO-2019-3702-43461-61058-eng.pdf?sequence=1>> accessed 28th March 2022.

⁶² *ibid.*

⁶³ Gary R. VandenBos (ed.), *APA Dictionary of Psychology* (2nd edn, American Psychological Association 2015) 450.

⁶⁴ Cassandra Byrnes and Lisa Featherstone, 'A History of Gender' in Karin Sellberg (ed), *Gender: Time* (Macmillan Interdisciplinary Handbooks Macmillan Reference USA 2018) 86.

⁶⁵ *ibid.*

⁶⁶ Hoogland (n 58) 629.

⁶⁷ *ibid.*

reproductive capacities form the defining aspects of gender; that the male/female dichotomy is a fixed structure that cannot be modified and that determines the kind of lives people can live; and that all individuals can and, indeed, must be classified as either masculine or feminine.¹⁶⁸ This naturalist view of masculinity and femininity as a biological given was challenged by the sex/gender distinction, while not denying the biological differences between men and women, some feminists stated that, 'since gender was a cultural phenomenon, gendered forms of behaviour were learned and could be unlearned.'¹⁶⁹ This distinction between sex and gender identified a critical difference and it was established that, 'one is biologically determined and the other is socially determined.'¹⁷⁰ The sex/gender distinction was central to many early feminist studies throughout the 1980s and this too was challenged.

Eckert & McConnell-Ginet in their book made their own distinctions between sex and gender, they however acknowledged that both concepts were intertwined. They stated that, 'sex is a biological categorization based primarily on reproductive potential, whereas gender is the social elaboration of biological sex.'¹⁷¹ They posited that, 'gender builds on biological sex, but it however exaggerates biological difference, and it carries biological difference into domains in which it is completely irrelevant.'¹⁷² They stated that, 'people tend to think of gender as the result of nurture, as social and hence fluid while sex is the result of nature, simply given by biology; however, nature and nurture intertwine, and there is no obvious point at which sex leaves off and gender begins.'¹⁷³

They further stated that, 'the sharp demarcation between sex and gender fails because there is no single objective biological criterion for male or female sex. Sex is based in a combination of anatomical, endocrinal, and chromosomal features, and the selection among these criteria for sex assignment is based very much on cultural beliefs about what actually makes someone male or female; thus, the very definition of the biological

⁶⁸ *ibid.*

⁶⁹ Bradley (n 54) 18.

⁷⁰ Lori A. Rolleri, 'Understanding Gender and Gender Equality' (2013) 3 <<https://www.coursehero.com/file/19490903/Understanding-Gender-and-Gender-Equality/>> accessed 31st March 2022.

⁷¹ Penelope Eckert and Sally McConnell-Ginet, *Language and Gender* (2nd edn, Cambridge University Press 2013) 2.

⁷² *ibid.*

⁷³ *ibid.*

categories male and female, and people's understanding of themselves and others as male or female, is ultimately social.'⁷⁴

Feminist biologists such as Lynda Birke also argued that, 'sex and biology should themselves not be seen as fixed and static.' Birke argues that, 'the human body changes in interaction with the social environment.'⁷⁵ This implies that, 'a sharp distinction between nature and culture is not tenable, as the natural, too, is in part socially constructed and thus the gender/sex distinction starts to collapse.'⁷⁶

Also worthy of note, is the notion that while our biological sex defines whether we are male or female, our gender identity and gender expression do not have to conform to what is typically associated with the sex we are assigned at birth.⁷⁷ To some, gender is not a binary concept; rather, gender is fluid and can take on many variations.⁷⁸

Judith Butler argued that, 'the distinction between sex and gender is no longer sustainable and should be collapsed.'⁷⁹ She asks the question of what sex is and whether it is natural, anatomical, chromosomal, or hormonal; whether it has a history or different histories and how the duality of sex was established.⁸⁰ She concluded that, 'if the immutable character of sex is contested, perhaps this construct called sex is as culturally constructed as gender; indeed, perhaps it was always already gender, with the consequence that the distinction between sex and gender turns out to be no distinction at all.'⁸¹ Butler argues that, 'we should understand gender/sex in terms of performativity: in our daily lives we repeatedly 'do gender', act out being a man or woman in ways that give the illusion of stability and fixity.'⁸²

Looking at some of the views of what gender means to different persons, one is able to acknowledge the diverse nature of the concept of gender. As stated earlier, this thesis does not delve into the different approaches and theories of gender, however, it will give a definition of how gender is to be used within it. Respectfully, and without

⁷⁴ *ibid.*

⁷⁵ Bradley (n 54) 19.

⁷⁶ *ibid.*

⁷⁷ Roller (n 70).

⁷⁸ *ibid.*

⁷⁹ Bradley (n 54) 21.

⁸⁰ Judith Butler, *Gender Trouble: Feminism and the Subversion of Identity* (Routledge 1999) 10.

⁸¹ *ibid.*

⁸² *ibid.* 33.

invalidating any person's sense of identity or what they perceive gender to be, this thesis defines gender for its purposes as the socially constructed and culturally defined roles, norms, behaviours, responsibilities, attributes, and entitlements assigned to people based on their sex assigned at birth. The major reason for defining gender in this manner for this thesis is because, it is being written within the purview of the Nigerian society.

Gender and its diverse meaning in Nigerian society reflects the binary view of gender, wherein, gender is either male or female and depends on sex at birth, thus, when gender is used in this thesis, it represents roles, behaviours, norms ascribed to an individual as a result of inherently being male or female and assigned as a result of their biological sex. Gender identities other than these, though they constitute an important individual experience and societal phenomenon are not discussed in this thesis. Nigerian society today generally classifies gender in terms of being a man or woman and assigning roles based on this classification, as identified by several Nigerian authors who define gender as socially constructed roles for men and women.⁸³

In Nigeria, there is a deep-rooted perception that same-sex identities and gender diversity are foreign or Western influences, therefore are 'un-African'.⁸⁴ It should be noted that, the idea that same sex relations are un-African or an influence from the West is what generally most Africans may perceive it to be. In-fact, Robert Mugabe, former president of Zimbabwe proclaimed that, 'homosexuality was un-African and was an unprecedented recent seduction/corruption by jaded white devils.'⁸⁵ This is a

⁸³ Godiya Allanana Makama, 'Patriarchy and Gender Inequality in Nigeria: The Way Forward' (2013) 9(17) European Scientific Journal 115, 118; Olayinka Akanle, 'The Sociology of Gender Equality and Development in Democratizing Nigeria (2011) 9 The Nigerian Journal of Sociology and Anthropology 22, 26; O.Y Olonade, B. O Oyibode, B.O Idowu, T. O George, O. S Iwelumor, M.I Ozoya, M.E Egharevba, C.O Adetunde, 'Understanding Gender Issues in Nigeria: The Imperative for Sustainable Development' (2021) 7(7) Heliyon 1, 2; O. I Aina, *Two Halves Make a Whole: Gender at the Crossroads of the Nigerian Development Agenda* (Obafemi Awolowo University Press, 2012) 6.

⁸⁴ Sulaimon Abiodun Olawale Giwa, Carmen H. Logie, Karun K. Karki, Olumide F. Makanjuola, Chinonye Edmund Obiagwu, 'Police Violence Targeting LGBTIQ+ people in Nigeria: Advancing Solutions for a 21st Century Challenge' (2020) 1(1) Greenwich Social Work Review 36, 37.

⁸⁵ Stephen O. Murray, Will Roscoe, & Marc Epprecht, *Boy-Wives and Female Husbands: Studies in African Homosexualities* (State University of New York Press 2021) < <https://muse.jhu.edu/chapter/2866764>> accessed 4th May 2022.

perception as earlier stated and not necessarily a fact, because early records show that same-sex relationships existed long before westernisation.⁸⁶

Building on the earlier statement with regards to Nigeria's response to same sex relations, the Nigerian government passed the Same-Sex Marriage (Prohibition) Act (SSMPA) in 2014 which criminalises same-sex marriage and imposes far-reaching restraints on LGBTIQ+ people's lives in Nigeria.⁸⁷ Only recently, a bill was proposed to ban and criminalise cross-dressing in Nigeria.⁸⁸ This shows the Nigerian society's conventional response to anything they perceive as outside the usual in matters that relate to distinctions between male and female and gender identities and diversity.

However, it is worthy of note that outside this conventional view, groups exist which advocate for LGBT rights and that this advocacy is part of the progressive steps made to ensure the rights of all persons. Discussions of LGBT issues are carried out, in-fact, Nigerian novelist Chimamanda Ngozi Adichie came under criticisms for comments she made about transgender women and whether or not they are women, it was stated that her remarks implied that trans women are not real women and there were debates on the issue.⁸⁹ Also, in response to the bill proposed to ban and criminalise cross-dressing, advocates and members of the LGBT community marched in a demonstration in Nigeria's capital, Abuja, to protest the bill.⁹⁰

Going by this, we realise that, issues such as these are not set in stone and are contested issues in the society. This thesis is not about discussing LGBT rights in Nigeria, but only tries to portray the general idea of gender and related issues in Nigeria whilst also emphasizing that these are also contested issues in the country. This can be likened to the fight for gender equality and shows that even though societal norms specify a certain belief or action, there is a pathway to progress and advocacies

⁸⁶ *ibid.*

⁸⁷ Giwa (n 84) 38.

⁸⁸ Abdul Seye, 'Reps Move to Ban Cross-dressing, Offenders to Face 6 Months Imprisonment' *Daily Post* (5 April 2022) <<https://dailypost.ng/2022/04/05/reps-move-to-ban-cross-dressing-offenders-to-face-6-months-imprisonment/>> accessed 1 June 2022.

⁸⁹ Emily Crockett, 'The Controversy over Chimamanda Ngozi Adichie and Trans Women, Explained' *Vox* (15 March 2017) <<https://www.vox.com/identities/2017/3/15/14910900/chimamanda-ngozi-adichie-transgender-women-comments-apology>> accessed 10 July 2022.

⁹⁰ Timothy Obiezu, 'Nigeria's LGBTQ Community Fights Restrictive Cross-Dressing Bill' *Voa* (19 May 2022) <<https://www.voanews.com/a/nigeria-s-lgbtq-community-fights-restrictive-cross-dressing-bill-/6580426.html>> accessed 10 July 2022.

and opinions otherwise are all processes to achieve equality for all in the country. I posit that, irrespective of one's gender or how they identify, equality is paramount.

I also believe that gender roles are a social construct and the notion that certain duties or roles are specific to male or female, (e.g., female as a caretaker and male as a provider) should be challenged and progressive steps should be taken to deconstruct this concept through various means such as legal reforms, raising of awareness and enlightenment, putting policies in place which allow for inclusivity, and even tackling cultures and traditions in the society which subjugate women and prevent them from reaching their full potential. The current trend in different societies toward men and women sharing similar occupations, responsibilities and jobs suggests that the sex one is born with does not directly determine one's abilities.⁹¹ While there may be some documented differences in the average physical capabilities between the sexes, the capabilities of some members of one sex will fall within the range of capabilities needed for tasks conventionally assigned to the other sex.⁹² I will now discuss equality and ultimately gender equality in context and for purposes of this work.

2.2.2 EQUALITY

When advocating for gender equality, it is key to clarify what we understand by equality. What truly does it mean to be equal and what are the dimensions of equality? Different scholars hold different opinions about the meaning of equality and it has been an area of dispute with its meaning contested.⁹³ The principle of equality and non-discrimination remains a fundamental rule of international human rights law and it is guaranteed under numerous international and regional human rights laws and documents.⁹⁴

I will subsequently in chapter 4 discuss the principle of equality and non-discrimination contained in various international and regional human rights instruments, which include: the African Charter on Human and Peoples' Rights 1981 (African Charter),

⁹¹ Nidham Hameed & Aseel Muhammad Faiq, 'The Concept of Gender according to Different Approaches' (2014) 7 <https://www.researchgate.net/publication/332289875_The_Concept_of_'Gender'_According_to_Different_Approaches/citations> accessed 3rd April 2022.

⁹² *ibid.*

⁹³ Fredman, *Working Together* (n 28) 12.

⁹⁴ Daniel Moeckli, 'Equality and Non-Discrimination' in Daniel Moeckli, Sangeeta Shah, David Harris & Sandesh Sivakumaran(eds), *International Human Rights Law* (Oxford University Press 2018) 148.

the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa 2003 (Maputo Protocol), the African Charter on the Rights and Welfare of the Child 1990 (African Children's Charter), the Convention on the Elimination of All Forms of Discrimination against Women 1979 (CEDAW), International Covenant on Civil and Political Rights 1966 (ICCPR) and the International Covenant on Economic, Social and Cultural Rights 1966 (ICESCR).

There is a notion that all human beings are equal and thus deserve to be treated equally.⁹⁵ According to Aristotle's classical maxim, 'equals must be treated equally, or more precisely, likes must be treated alike.'⁹⁶ This idea of equality translates to formal equality. It represents the simplest understanding of equality and it claims that, 'each individual is equal under laws that should apply to everyone equally.'⁹⁷ Formal equality requires that, 'when two persons have equal status in at least one normatively relevant respect, they must be treated equally with regard in this respect.'⁹⁸ Formal equality tends to focus on the process rather than the outcome, thus two persons in a comparable situation are treated equally, regardless of the result.⁹⁹

Furthermore, given the inequality present in the society, unequal results are seen to be inevitable when applying formal equality.¹⁰⁰ Formal equality tends to ignore the fact that, 'sameness of treatment is not appropriate when there are gross disparities in positions, when people are located in widely different circumstances; in such cases of unequal conditions, to apply formal equality principles is to aggravate the existing disparities.'¹⁰¹ There have been situations where laws enacted seemed neutral on the surface but produced unequal impact, especially on groups that have traditionally suffered deprivation and discrimination.¹⁰² These groups are often further disadvantaged by the strict application of rules of formal equality.¹⁰³

⁹⁵ *ibid.*

⁹⁶ *ibid.* 149.

⁹⁷ Jarlath Clifford, 'Equality' in Stephanie Farrior, *Equality and Non-Discrimination under International Law: Volume II* (Routledge 2016) 427.

⁹⁸ Stefan Gosepath, 'Equality' (2021) < <https://plato.stanford.edu/entries/equality/>> accessed 15th April 2022.

⁹⁹ Moeckli (n 94) 150.

¹⁰⁰ Martha Albertson Fineman, 'Equality Across Legal Cultures: The Role for International Human Rights' (2004) 27(1) *Thomas Jefferson Law Review* 1, 3.

¹⁰¹ *ibid.*

¹⁰² *ibid.*

¹⁰³ *ibid.*

This Aristotelean understanding of equality, which requires likes to be treated alike, has proved to be too limited to address the inequalities in today's society, including Nigeria.¹⁰⁴ This does not mean that formal equality is not an important concept, but it is apparent that it is not enough to ensure that all persons can enjoy true equality. The principle of substantive equality was thus developed to address the limitations of formal equality, as there were situations where substantive equality was in a better position to curb inequalities present in the society. Proponents of substantive equality recognise that a merely formal notion of equality can ultimately perpetuate existing patterns of disadvantage.¹⁰⁵

Substantive equality requires a careful evaluation of the context and the actual disadvantage faced by groups and individuals as a result of their group membership or a particular disadvantage.¹⁰⁶ Substantive equality attempts to identify and correct patterns of oppression and subordination in order to achieve true equality, as treating all persons the same in itself may equate to more inequalities.¹⁰⁷ There are two main variants of substantive equality, these are equality of opportunity and equality of results.¹⁰⁸

Equality of opportunity is a variant of substantive equality which aims to ensure that everyone is given the same opportunity to compete. According to the notion of equality of opportunity, 'true equality can only be achieved if people are not only treated equally but are also given the same opportunities.'¹⁰⁹ Proponents of equality of opportunity recognise that, 'equal treatment against a background of past and structural discrimination can perpetuate disadvantage.'¹¹⁰ It requires the removal of barriers that may hinder disadvantaged groups, it, however, does not aim to achieve equal results.¹¹¹ Once all individuals are at the same starting point, equality of opportunity calls for them to be treated equally.¹¹² Equality of results goes beyond equality of

¹⁰⁴ Fredman, *Working Together* (n 28) 12.

¹⁰⁵ Moeckli (n 94) 150.

¹⁰⁶ Kelley Loper, 'Substantive Equality in International Human Rights Law and its Relevance for the Resolution of Tibetan Autonomy Claims' (2011) 37(1) *North Carolina Journal of International Law* 1, 10.

¹⁰⁷ *ibid.*

¹⁰⁸ Moeckli (n 94) 150.

¹⁰⁹ Moeckli (n 94) 150.

¹¹⁰ Sandra Fredman, 'Substantive equality revisited' (2016) 14(3) *International Journal of Constitutional Law* 712, 723.

¹¹¹ Moeckli (n 94) 150.

¹¹² Fredman, *Substantive equality revisited* (n 110).

opportunity and aims at a fair distribution of goods and benefits, in order to improve the lot of those who have been historically disadvantaged in society.¹¹³

Equality of results recognises that removing barriers alone does not guarantee that disadvantaged persons would be able to take advantage of opportunities given.¹¹⁴ It allows for specific measures to be adopted to ensure that disadvantaged people are put in a place to equalize outcomes.¹¹⁵ Here, it is understood that unequal treatment may be permitted or required in order to achieve equal results.¹¹⁶

Overtime, a more holistic understanding of equality has been developed, known as transformative equality. Transformative equality aims to advance the position of disadvantaged groups and individuals by changing existing social structures and how institutions function.¹¹⁷ Transformative equality requires adaptive changes in the practices of institutions which lead to inequalities.¹¹⁸ Transformative equality takes a multi-dimensional approach to equality; it takes into consideration four dimensions of equality which work together to realise true equality. The four dimensions of transformative equality include: the distributive dimension; the recognition dimension, the participative dimensions and the transformative dimension.¹¹⁹

The distributive dimensions requires that the disadvantage faced by a group is redressed. It focuses on the disadvantage and calls for special measures or for affirmative actions to redress disadvantage. These special measures do not constitute a breach of equality, but rather a means to achieve it.¹²⁰ This dimension recognises that it may not be feasible for a person to achieve their respective goals due to social, economic, or physical constraints.¹²¹ It notes that, 'what people can achieve is influenced by economic opportunities, political liberties, social powers and the enabling conditions of good health, basic education, and the encouragement and cultivation of initiatives; thus it is not enough to treat everyone equally, since the same

¹¹³ Clifford (n 97) 429.

¹¹⁴ Moeckli (n 94) 150.

¹¹⁵ Clifford (n 97) 429.

¹¹⁶ Fredman, *Substantive equality revisited* (n 110) 721.

¹¹⁷ Clifford (n 97) 430.

¹¹⁸ *ibid.*

¹¹⁹ Fredman, *Working Together* (n 28) 13.

¹²⁰ *ibid.*

¹²¹ Fredman, *Substantive equality revisited* (n 110) 730.

treatment of individuals with very different constraints can replicate disadvantage.¹²² It therefore seeks to redress disadvantage by removing obstacles and taking affirmative action to do so, without it being said to breach equality.¹²³

The recognition dimension calls for the requirement to address stigma, stereotyping, prejudice and violence.¹²⁴ This dimension of transformative equality speaks to our basic humanity and recognizes that, 'equality attaches to all individuals, not because of their merit, or their rationality, or their citizenship or membership of any particular group, but because of their humanity. Individuals should not be humiliated or degraded through racism, sexism, violence, or other status-based prejudice.'¹²⁵ The participative dimension aims to facilitate participation and give a voice to all groups. This dimension encourages and values each person's right to have their choices respected and have a say over decisions that affect them. It calls for inclusion in the political sphere as well social inclusion in the community.¹²⁶

The transformative dimension aims to address structural barriers and achieve structural change.¹²⁷ It focuses on the notion that, 'existing social structures must be changed to accommodate difference, rather than requiring members of out-groups to conform to the dominant norm.'¹²⁸ This is because, even if a particular disadvantage is remedied, but on an already established structure rooted in disadvantage, effective change cannot go a long way. There is a need for a transformative element, one which moves from requiring disadvantaged groups to conform to already existing social structures and norms that perpetuate these inequalities to a system which aims to overhaul these structural barriers. All four dimensions of this transformative framework must work together to achieve equality of all persons irrespective of any differences.

Overall, concepts of equality discussed in this thesis are important and aim to achieve equality despite the differences in approach and sometimes whether or not equality is truly achieved. For the purpose of this thesis, I find the four dimensions of the

¹²² *ibid.*

¹²³ *ibid* 729.

¹²⁴ Fredman, *Working Together* (n 28) 13.

¹²⁵ Fredman, *Substantive equality revisited* (n 110) 730.

¹²⁶ Fredman, *Working Together* (n 28) 14.

¹²⁷ *ibid.*

¹²⁸ Fredman, *Substantive equality revisited* (n 110) 733.

transformative approach to equality an all-encompassing approach and I lean towards this approach as what equality entails. This is because transformative equality looks at the past, present and future in its approach to equality. Firstly, it redresses these disadvantages, looking into the past and recognising how these disadvantages have affected the lives of disadvantaged persons and making positive steps to remedy the situation. It goes further by recognising disadvantaged groups and working towards eradicating any stigma, prejudice and stereotype attached to them. It then allows for a more inclusive framework which targets the present situation by allowing more participation from the disadvantaged group and finally calls for a structural change, targeting the root of the problems, which ensure equality for all going forward.

I am well aware of and recognise the fact that a whole structural change cannot happen immediately, however recognising the faults in the system and making progressive steps towards a change for the better goes a long way in accomplishing equality in a transformative manner. Transformative equality will be discussed in great detail in chapter 7, where it will be applied to the Nigerian society, showing how gender equality can be achieved to ensure a gendered pathway towards sustainable development.

2.2.3 WHAT IS GENDER EQUALITY?

All persons, regardless of gender, race, age or any other distinction are entitled to human rights. These include, 'the right to live free from violence and discrimination; to enjoy the highest attainable standard of physical and mental health; to be educated; to own property; to vote; and to earn an equal wage, but across the globe many women and girls still face discrimination on the basis of their gender.'¹²⁹ Gender inequality forms the basis for many problems which disproportionately affect women and girls, such as domestic violence, sexual violence, gender pay gap, lack of access to education, adequate healthcare and lack of a generally inclusive environment.¹³⁰ The need to eradicate these inequalities present in the society is important and has been a major dialogue in the international community and across the world.

¹²⁹ Amnesty International, 'Women's Rights'

<<https://www.amnesty.org/en/what-we-do/discrimination/womens-rights/>> accessed 2nd May 2022.

¹³⁰ *ibid.*

The United Nations (UN), since its inception, rejected distinctions and discrimination on grounds of sex in the Charter of the United Nations 1945,¹³¹ and the Universal Declaration of Human Rights (UDHR) 1948,¹³² thus formally showing its commitment to gender equality.¹³³ The UDHR in its provisions recognises that, ‘everyone is entitled to all the rights and freedoms set forth in within it, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.’¹³⁴

The focus on gender equality in the UN’s mainstream human rights instruments was reiterated in the International Covenant on Civil and Political Rights (ICCPR) 1966,¹³⁵ and the International Covenant on Economic, Social and Cultural Rights (ICESCR) 1966,¹³⁶ which refer to the equal right of men and women to the enjoyment of their respective provision.¹³⁷

The UN has made significant progress in its quest to ensure gender equality, including the creation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) 1979,¹³⁸ and also the Beijing Declaration and Platform for Action (BPfA) 1995.¹³⁹ CEDAW is one of the foremost international instruments on women’s rights, devoted to gender equality and the elimination of all forms of discrimination against women.¹⁴⁰ CEDAW defines sex-based discrimination and its root causes, outlines legal obligations for States parties in regard to the fulfilment of substantive equality between women and men, and provides a framework for monitoring its implementation by the CEDAW Committee.¹⁴¹ In addition to CEDAW, the Beijing Declaration and Platform for Action form the basis of a global agenda for women’s

¹³¹ Charter of United Nations (adopted 26 June 1945, entered into force 24 October 1945) 1 UNTS XVI (UN Charter) preamble.

¹³² Universal Declaration of Human Rights (adopted 10 December 1948) UNGA Res 217 A(III) (UDHR) preamble.

¹³³ Karen Morrow, ‘Gender and Sustainable Development Goals’ in Duncan French & Louis J. Kotze (eds), *Sustainable Development Goals: Law, Theory and Implementation* (Edward Elgar Publishing Limited, 2018) 150.

¹³⁴ UDHR (n 132) art 2.

¹³⁵ ICCPR (n 20) art 3.

¹³⁶ ICESCR (n 21) art 3.

¹³⁷ Morrow (n 133).

¹³⁸ CEDAW (n 16).

¹³⁹ Beijing Declaration and Platform for Action (27 October 1995).

¹⁴⁰ OECD, *SIGI 2021 Regional Report for Africa* (OECD Publishing 2021)75.

¹⁴¹ *ibid.*

empowerment and highlights areas for urgent action to promote women's empowerment.¹⁴²

More specific to the African region, the African Charter on Human and Peoples' Rights¹⁴³ in its provisions guarantees the enjoyment of all rights and freedoms contained within it to all persons without distinction. The African continent went a step further and created the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (The Maputo Protocol) (2003).¹⁴⁴ The Maputo Protocol reaffirms the principle of gender equality and guarantees that rights of women are promoted, realised and protected in order to enable them enjoy fully all their human rights.¹⁴⁵

In July 2010, the United Nations General Assembly created the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women).¹⁴⁶ It merges and builds on the important work of four previously distinct parts of the UN system, which focused exclusively on gender equality and women's empowerment: UN Development Fund for Women (UNIFEM), the Division for the Advancement of Women (DAW), the Office of the Special Adviser on Gender Issues (OSAGI), and the UN International Research and Training Institute for the Advancement of Women (UN-INSTRAW).¹⁴⁷ According to the UN Women, gender equality refers to, 'the equal rights, responsibilities and opportunities of women and men and girls and boys. Equality does not mean that women and men will become the same but that women's and men's rights, responsibilities and opportunities will not depend on whether they are born male or female. Gender equality implies that the interests, needs and priorities of both women and men are taken into consideration, recognizing the diversity of different groups of women and men.'¹⁴⁸

¹⁴² *ibid.*

¹⁴³ African Charter (n 23) art 2.

¹⁴⁴ Maputo Protocol (n 24).

¹⁴⁵ *ibid* preamble.

¹⁴⁶ UN Women, 'About UN Women' < <https://www.unwomen.org/en/about-us/about-un-women> > accessed 2nd May 2022.

¹⁴⁷ *ibid.*

¹⁴⁸ UN Women, 'Concepts and Definitions' <<https://www.un.org/womenwatch/osagi/conceptsanddefinitions.htm> > accessed 2nd May 2022.

It is noteworthy that the UN Women emphasizes the fact that gender equality does not equate to men and women becoming the same, as it is obvious that they are not the same, but that these differences between men and women should not hinder their access to equal rights and opportunities. Developing from this point of men and women not being the same, we discover that even amongst women, differences exist and most of the time a combination of these differences may determine the treatment of one woman as opposed to the other. Thus, no matter the sex, race, ethnicity, religion or even social class, no person's access to equal rights and opportunities should be hindered. In order to achieve gender equality, inclusive of all women in the society, the concept of intersectionality must be put into consideration.

Intersectionality refers to, 'the way in which multiple forms of discrimination based on gender, race, sexuality, disability and class, etc. overlap and interact with one another to shape how different individuals and groups experience discrimination.'¹⁴⁹ The term intersectionality was coined by Kimberle Crenshaw in her article published in 1989 where she argued that, 'black women are sometimes excluded from feminist theory and antiracist policy discourse because both are predicated on a discrete set of experiences that often does not accurately reflect the interaction of race and gender.'¹⁵⁰ She further argued that, 'these problems of exclusion cannot be solved simply by including black women within an already established analytical structure; because the intersectional experience is greater than the sum of racism and sexism, any analysis that does not take intersectionality into account cannot sufficiently address the particular manner in which black women are subordinated.'¹⁵¹

Crenshaw demonstrated that black women's experiences, while intersectional, were not just reducible to intersectional treatments of race and sex, or to any other category.¹⁵² Intersectionality should be understood as, 'a first, formative step that allowed for recognition of the black female subject within juridical structures of power,

¹⁴⁹ Gender and Development Network, 'Intersectionality, Race and Decolonisation' <<https://gadnetwork.org/issues/intersectionality>> accessed 3rd May 2022.

¹⁵⁰ Kimberle Crenshaw, 'Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics' (1989) 1989(1) University of Chicago Legal Forum 139, 140.

¹⁵¹ *ibid.*

¹⁵² Brittney Cooper, 'Intersectionality' in Lisa Disch and Mary Hawkesworth (eds), *The Oxford Handbook of Feminist Theory* (Oxford Academic 2015) 390.

where she had heretofore remained invisible and illegible, and thus unable to obtain any kind of justice'.¹⁵³ She argued that, failure to begin with an intersectional frame would always result in insufficient attention to black women's experiences of subordination.¹⁵⁴

Crenshaw in her article, 'Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color' further elaborates on the concept of intersectionality.¹⁵⁵ She reiterates that,

'many of the experiences Black women face are not subsumed within the traditional boundaries of race or gender discrimination as these boundaries are currently understood, and that the intersection of racism and sexism factors into Black women's lives in ways that cannot be captured wholly by looking at the race or gender dimensions of those experiences separately.'¹⁵⁶

Crenshaw explores the various ways in which race and gender intersect in shaping structural, political and representational aspects of violence against women of colour.¹⁵⁷ She discusses structural intersectionality, which signifies the ways in which the location of women of colour at the intersection of race and gender makes actual experience of domestic violence, rape and remedial reform qualitatively different than that of white women.¹⁵⁸ She stated that,

'Where systems of race, gender, and class domination converge, as they do in the experiences of battered women of color, intervention strategies based solely on the experiences of women who do not share the same class or race backgrounds will be of limited help to women who because of race and class face different obstacles.'¹⁵⁹

¹⁵³ *ibid.*

¹⁵⁴ *ibid.*

¹⁵⁵ Kimberle Crenshaw, 'Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color' (1991) vol. 43 no. 6 *Standard Law Review* 1241.

¹⁵⁶ *ibid.*, 1244.

¹⁵⁷ *ibid.*

¹⁵⁸ *ibid.*, 1245.

¹⁵⁹ *ibid.*, 1246.

Crenshaw also discusses political intersectionality, where she analyses how both feminist and antiracist politics have, paradoxically, often helped to marginalise the issue of violence against women of colour.¹⁶⁰ She explains that, the concept of political intersectionality highlights the fact that women of colour are positioned within at least two subordinated groups that frequently pursue conflicting political agendas.¹⁶¹ She further emphasises the fact that, the need to split one's political energies between two sometimes opposing groups is a dimension of intersectional disempowerment that men of colour and white women seldom experience.¹⁶²

Crenshaw then discusses representational intersectionality, by which she refers to the cultural construction of women of colour.¹⁶³ She examines how debates and controversies surrounding the representation of women of colour in popular culture can also make unclear the particular location of women of colour, and become another source of intersectional disempowerment.¹⁶⁴ She states that, 'race and gender converge so that the concerns of minority women fall into the void between concerns about women's issues and concerns about racism.'¹⁶⁵ She highlights that, 'when one discourse fails to acknowledge the significance of the other, the power relations that each attempts to challenge are strengthened.'¹⁶⁶

Taken together, these dimensions of intersectionality demonstrate that analysing discrimination through a single axis, whether race or gender, as in Crenshaw's work, fails to capture the ways in which overlapping identities produce qualitatively distinct experiences of subordination. Intersectionality is a crucial concept, and in this thesis, I apply it within the context of Nigerian society, where women's lived experiences are shaped by region, ethnicity, religion, class, tribe, and the intersection of these and other social factors. In this way, the framework is extended beyond gender and race, to include other factors that structure and inform the lived experiences of Nigerian women.

¹⁶⁰ *ibid*, 1245.

¹⁶¹ *ibid*, 1251.

¹⁶² *ibid*, 1252.

¹⁶³ *ibid*, 1245.

¹⁶⁴ *ibid*.

¹⁶⁵ *ibid*, 1282.

¹⁶⁶ *ibid*.

Gender inequality and the resultant quest to achieving gender equality cannot be understood and confronted in isolation from the other discriminations and forms of oppression that women face.¹⁶⁷ An intersectional approach highlights the fact that while all women are subject to gendered discrimination in one way or another, it is not just gender but also race, socioeconomic class and other factors which shape experiences of discrimination, marginalisation and oppression.¹⁶⁸ An intersectional approach also highlights the fact that, the particular experience of intersecting discriminations is unique, not simply the sum of different discriminations and also, all forms of discrimination and oppression whether based on gender, race, class, and so on must be tackled when advocating for gender equality.¹⁶⁹ When discussing the inequalities in the Nigerian society in Chapter 5, I will be able to demonstrate how different factors intersect and cause different lived experiences of women in various parts of Nigeria.

Like many other concepts, gender equality is a contested notion and its the meaning has always been highly debated within feminist theory.¹⁷⁰ Verloo and Lombardo hold that, 'the variety of feminist traditions or paths to achieve a society free from gender domination and oppression is seen to have articulated at least three main different visions of gender equality.'¹⁷¹ These three main visions include: gender equality as a concept to achieve sameness; gender equality as a concept to affirm difference from the male norm; and gender equality as a concept to transform all established norms and standards of what is and should be female and male.¹⁷²

The concept of gender equality as sameness highlights that, 'the problem is that women have been excluded from the political sphere and the solution is to include them in the world as it is, without challenging the underlying male norm.'¹⁷³ It posits that individuals, irrespective of gender should have access to rights and opportunities

¹⁶⁷ Gender and Development Network, 'Intersectionality: Reflections from the Gender & Development Network' (2017) 1 <<https://static1.squarespace.com/static/536c4ee8e4b0b60bc6ca7c74/t/5a130e9d53450a0abd9c0f8f/1511198367912/Intersectionality+GADN+thinkpiece+November+2017.pdf>> accessed 5th May 2022.

¹⁶⁸ *ibid.*

¹⁶⁹ *ibid.*

¹⁷⁰ M. Verloo and E. Lombardo, 'Contested Gender Equality and Policy Variety in Europe: Introducing a Critical Frame Analysis Approach' in M. Verloo (ed), *Multiple Meanings of Gender Equality: A Critical Frame Analysis of Gender Policies in Europe* (Central European University Press 2007) 22.

¹⁷¹ *ibid.* 23.

¹⁷² *ibid.*

¹⁷³ *ibid.*

and should be treated according to the same principles, norms, and standards.¹⁷⁴ This vision of gender equality is commonly linked to liberal feminists.¹⁷⁵

Gender equality as a concept to affirm difference suggests that, ‘the problem is the existence of an unquestioned male norm that women must either imitate or be compensated for not attaining.’¹⁷⁶ The concept proposes that there should be a reconstruction of the political by, ‘seeking recognition of women’s non-hegemonic gendered identities that have been treated as different in comparison to male normative identities and cultures.’¹⁷⁷ It calls for positive actions and recommends taking gender into account in establishing the criteria for employment, promotions, and participation in decision-making institutions.¹⁷⁸ This vision is commonly linked to radical and cultural feminists.¹⁷⁹

The vision of transformation posits that the problem is, it is a gendered world, not only the exclusion of women or the existence of a male norm and proposes that there should be a deconstruction of political discourses that cause this and adopt diversity politics.¹⁸⁰ This vision of gender equality is commonly linked to postmodern feminists.¹⁸¹

I contend that most importantly, gender equality in the true sense of the word should benefit all persons and not just a particular group or classification of women. The lived experiences of all persons should be taken into consideration; using the concept of intersectionality and viewing gender equality with a scope of culture, ethnicity, race, class and even social positions will go a long way in achieving a more inclusive society. I argue that no matter one’s interpretation on what gender equality means, the ultimate goal is to ensure that all persons are represented and given adequate opportunities to progress in the society.

¹⁷⁴ *ibid.*

¹⁷⁵ *ibid.*

¹⁷⁶ *ibid.*

¹⁷⁷ *ibid.*

¹⁷⁸ *ibid.*

¹⁷⁹ *ibid.*

¹⁸⁰ *ibid.*

¹⁸¹ *ibid.*

A combination of the different visions discussed above should be used to realise gender equality as I believe that there is no one route to attaining this goal and utilising all possible strategies to achieve gender equality is important. Thus, gender equality should allow for equal rights and opportunities for all persons, and should also recognise differences in certain circumstances and redress them through positive action whilst making progressive steps to transform and restructure the societal factors that lead to gender inequality. For example, in a situation where the number of girls in a community attending school is significantly lower than boys, it is important to emphasise the importance of equal rights to all, whilst taking positive actions to ensure more girls attend school, looking at the disadvantage that they may face. Furthermore, it is important to investigate the reasons why the number of girls in school are significantly lower and address the factors that cause this issue, hence transforming the structure and removing barriers. All these steps are needed to achieve gender equality.

Most importantly, in respect of this thesis, looking at this notion through the lens of the Nigerian woman is key, taking into considerations their history and situations particular to them. Thus, as stated previously, the concept of intersectionality will be very useful in later chapters where the reality of Nigerian women will be discussed and showcasing how the combination of different factors affecting women translate to their realities and lived experiences. Exploring intersectionality and acknowledging the different circumstances of women instead of lumping all women into a particular category, goes a long way in addressing problems faced by these women; thus, it is seen that,

‘Third World women's writings on feminism have consistently focused on the idea of the simultaneity of oppressions as fundamental to the experience of social and political marginality and the grounding of feminist politics in the histories of racism and imperialism; the crucial role of a hegemonic state in circumscribing their daily lives and survival struggles; the significance of memory and writing in the creation of oppositional agency; and the differences, conflicts, and contradictions internal to Third World women's organizations and communities. In addition, they have insisted on the complex interrelationships between feminist, antiracist, and nationalist

struggles. In fact, the challenge of Third World feminisms to white, Western feminisms has been precisely this inescapable link between feminist and political liberation movements. In fact, black, white, and other Third World women have very different histories with respect to the particular inheritance of post-fifteenth-century Euro-American hegemony: the inheritance of slavery, enforced migration, plantation and indentured labour, colonialism, imperial conquest, and genocide. Thus, Third World feminists have argued for the rewriting of history based on the specific locations and histories of struggle of people of colour and postcolonial peoples, and on the day-to-day strategies of survival utilized by such peoples.¹⁸²

This shows that the struggles faced by women, in this case for example, third world women should not just be lumped together and seen as one unit, but that their histories and a combination of different factors attached to different women should represent the diversity of their struggles. This does not mean that all women cannot align themselves for a common goal towards equality, but it means that consideration should be given to the histories and struggles of women and the intersections that arise. Ultimately, the intersections that occur based on histories, race, class, gender are very important and should be considered and voices heard and represented when advocating for gender equality.

It is important that in discussing gender equality and the prevalent inequality in society, it should be located in the African context, especially Nigeria, as it is relevant to this thesis. Gender inequality in Nigeria should be understood through intersectional and post-colonial lenses. It is noted by various Nigerian scholars that Nigerian women's lives are shaped by intersecting systems of oppression, which compound gender disadvantage. According to Molaria Ogunjide-Leslie, women all over the world are oppressed, and educational attainments, participation rates, occupational structure,

¹⁸² Chandra Talpade Mohanty, *Feminism Without Borders: Decolonizing Theory, Practicing Solidarity* (Duke University Press 2003) 52.

private and public laws, family planning systems, technological advance and all socio-cultural attitudes are all weighted against them.¹⁸³ Even more specific, she states that,

‘The African woman has six mountains on her back: one is oppression from outside (colonialism and neo-colonialism), second is from traditional structures, feudal, slave-based, communal etc., third is her backwardness (neo-colonialism); the fourth is man; the fifth is her colour, her race; and the sixth is herself.’

From the above, it is shown that African women experience oppressions from an intersection of various factors of their lives including oppression from colonialism, tradition, patriarchy, poverty, race and class. It highlights that oppression of women in Africa, is multi-layered, historically rooted, structurally entrenched as well as internally reproduced. It further highlights intersectionality as discussed above and situates it in the African context and demonstrates that African women’s oppression cannot be reduced to gender alone. Hence, in trying to achieve gender equality in Nigeria, it is important to account for differences across class, region, religion and various other factors that may affect different women across the country.

Achieving gender equality in Nigeria involves a comprehensive social transformation that involves all persons, beyond just creation of laws and policies. Ogundipe-Leslie in her book, ‘Re-creating Ourselves: African Women and Critical Transformations’ propounded the term Stiwanism, an acronym for ‘Social Transformation in Africa Including Women.’¹⁸⁴ STIWA is about the inclusion of African women in the contemporary social and political transformation of Africa.¹⁸⁵ It was stated that the transformation of African society is the responsibility of both men and women as well as in their own interest.¹⁸⁶

The concept of STIWA, ‘emphasizes and advocates for the integration of the woman into the different possible spheres of the society and for the coherence of both man

¹⁸³ Molara Ogundipe-Leslie, ‘African Women, Culture Another Development’ (1987) No. 141 *Présence Africaine* 123, 128

¹⁸⁴ Molara Ogundipe-Leslie, *Recreating Ourselves: African Women and Critical Transformations* (Africa World Press, Inc. 1989).

¹⁸⁵ Oluwakemi M. Emmanuel-Olowonubi and Confidence Oziyiza Daniel, ‘Women, Marriage and Choices in Olu’Dolapo’s Omolewa’ (2020) Vol. 2 No.1 *Journal of Humanities and Social Sciences* 11, 14

¹⁸⁶ *ibid.*

and woman in the society.¹⁸⁷ Stiwanism is grounded in seven key principles which include: resistance to western feminism; giving specific attention to African women in this contemporary era; bringing to the forefront indigenous feminism; the inclusion and participation of women in socio-political transformation; attention to women's bodies, personhood, nationhood and society within socio-economic hierarchies; intentional specificity to individual and collective identity and acknowledgment of complexity of African women's experiences across different cultures and contexts.¹⁸⁸

A wholistic reading of these principles of Stiwanism, contains several key points. Firstly, that western feminism reflected western society, while Africans had a completely different worldview, which required a feminism rooted in African perspective. Secondly, that social transformation required the involvement of all persons, men and women included. Furthermore, the need and importance of taking into account the complexities of the experiences of African women as well as intersections related to their individual and collective identities.

Ogundipe-Leslie emphasised the need for, 'moving away from defining feminism in relation to Euro-America and instead re-centring African women in their full, complex narratives guided by economic, political and social liberation.'¹⁸⁹ This concept represents the effort to showcase gender equality in terms that resonate with and takes into account specific dynamics of African societies different from the experiences of western feminist frameworks, such as historical experiences, colonialism, culture and social realities that exist within Africa.

On the issue of intersectionality, Crenshaw's framework which was discussed above, was introduced to address how black women in the United States experienced marginalisation that could not be captured by examining race and gender separately.¹⁹⁰ However, in its application in Nigeria, intersectionality should be applied to and take into account the various factors specific to Nigeria and Nigerian women, such as ethnicity, religion, class and even the region of the country a woman may

¹⁸⁷ *ibid.*

¹⁸⁸ *ibid.*

¹⁸⁹ Yinka Owate, 'Feminism Rooted in Culture and Religion: STIWANISM and Islamic Feminism' (2021) <<https://yinxybelle.medium.com/feminism-rooted-in-culture-and-religion-stiwanism-and-islamic-feminism-372803ca7855>> accessed 13th November 2025.

¹⁹⁰ Crenshaw, *Demarginalizing the Intersection of Race and Sex* (n 150).

belong to. There is a need to situate intersectionality in Nigeria and take into account the factors that specifically affect Nigerian women. This is discussed in more detail in Chapter 5.

It is important that, in the pursuit for gender equality, the rights of all women are considered and not a select few, and furthermore the differences that may exist are taken into account when advocating for change. Amina Mama, in her article, 'Feminism or Femocracy? State Feminism and Democratisation in Nigeria' made a distinction between feminism and femocracy.¹⁹¹ She stated that, 'feminism is defined as being the popular struggle of African women for their liberation from various forms of oppression they endure'.¹⁹² However, femocracy is,

'an anti-democratic female power structure which claims to exist for the advancement of ordinary women, but is unable to do so because it is dominated by a small clique of women whose authority derives from their being married to powerful men, rather than from any actions or ideas of their own.'¹⁹³

She states that, femocracies exploit the international movement for greater gender equality while actually only advancing the interests of a small female elite.¹⁹⁴ This action in the long-term undermines women's interests by upholding patriarchal status quo.¹⁹⁵

From the above, one can draw the fact that in order to achieve gender equality, all voices must be heard. It is crucial that, decisions made towards the advancement of the rights of women must cater to all women in Nigeria, including the 'ordinary woman'. Furthermore, it should be recognised that different women based on various intersecting factors, may have different experiences and this will affect their rights as well as the steps to be taken to ensure equality and protection.

¹⁹¹ Amina Mama, 'Feminism or Femocracy? State Feminism and Democratisation in Nigeria' (1995) Vol. 20 No. 1 Africa Development 37, 41.

¹⁹² *ibid.*

¹⁹³ *ibid.*

¹⁹⁴ *ibid.*

¹⁹⁵ *ibid.*

Another very interesting insight into the gender inequalities that exist in Nigeria, is the idea that colonisation amplified the vast gender inequalities in Nigeria. According to Ifi Amadiume, colonialism, the imposition of Christianity and western education, the introduction of a new economy and local government administration with their linked ideologies and cultures, greatly affected the structural position of women in modern Nnobi society (her hometown in Nigeria, which her study was based on).¹⁹⁶ She stated that, 'the new Western concepts introduced through colonial conquest carried strong sex and class inequalities supported by rigid gender ideology and constructions'.¹⁹⁷

She stated in her book that, principles of social inequality were present in the indigenous society.¹⁹⁸ However, the degree to which people were differentiated and disadvantaged on the basis of class, for example, was minimal and maybe even non-existent, as some would argue.¹⁹⁹ This was due to the variations that were possible in the economic and social position of members of the same family or patrilineage, in the same generation or between generations.²⁰⁰ She noted that, 'there was nothing approaching the rigid traditional Western feudal system or later class system.'²⁰¹

In the same vein, Oyeronke Oyewumi, had a similar view, where she argued that inequalities due to gender was introduced during the colonial period. She stated that,

'In precolonial Yoruba society, body-type was not the basis of social hierarchy: males and females were not ranked according to anatomic distinction. The social order required a different kind of map, not a gender map that assumed biology as the foundation for social ranking.'²⁰²

She made it clear, that although the Yoruba society was hierarchically organised, from slaves to rulers, social ranking was not due to the human body.²⁰³ She highlighted that, 'in no situation in Yoruba society was a male, by virtue of his body-type, inherently

¹⁹⁶ Ifi Amadiume, *Male Daughters, Female Husbands: Gender and Sex in an African Society* (Zed Books 1987) 119.

¹⁹⁷ *ibid.*

¹⁹⁸ *ibid* 31.

¹⁹⁹ *ibid.*

²⁰⁰ *ibid.*

²⁰¹ *ibid.*

²⁰² Oyeronke Oyewumi, *The Invention of Women: Making an African Sense of Western Gender Discourses* (University of Minnesota Press 1997) xii.

²⁰³ *ibid.*

superior to a female.²⁰⁴ Rather, ranking depended firstly on seniority, which was usually defined by relative age and shifted constantly in relation to interactions amongst individuals.²⁰⁵

She argues that, in the pre-colonial Yoruba society, there were no 'women', which she explained to be, a social category always understood to be powerless, disadvantaged, controlled and defined by men derived from Western experience and history.²⁰⁶ She notes that, 'since the colonial period, Yoruba history has been reconstituted through a process of inventing gendered traditions.'²⁰⁷ Men and women have been invented as social categories, and history is presented as being dominated by male actors.²⁰⁸

From her arguments, Oyewumi made it clear that gender did not exist in the pre-colonial Yoruba society. She sees the gender discourse as a Western concept which was introduced into the Yoruba society during the colonial period and the cause of the distinctions that now exist.

Her claims are controversial and have been repeatedly dismissed by certain scholars who deny the accuracy of such claims.²⁰⁹ Amina Mama, in an article criticises Oyewumi claims.²¹⁰ She expresses how problematic it is to, 'deny that gender has any relevance to matters authentically African by inventing an imaginary precolonial community in which gender did not exist.'²¹¹ She states that, there is ample evidence to suggest that gender, in all its diverse manifestations, has been one of the central organising principles of Africa societies, past and present.²¹²

Irrespective of the diverse views of Nigerian feminist scholars discussed above, the key takeaway from this discourse on the gender inequalities present in Nigeria, and efforts towards achieving gender equality, as highlighted by these scholars, is the fact

²⁰⁴ *ibid.*

²⁰⁵ *ibid* xiii.

²⁰⁶ *ibid.*

²⁰⁷ *ibid* 82.

²⁰⁸ *ibid.*

²⁰⁹ Azille Coetzee, 'Feminism is African and other Implications of Reading Oyeronke Oyewumi as a Relational Thinker' (2018) Vol. 1(1) *Gender and Women's Studies* 1, 8.

²¹⁰ Amina Mama, 'Challenging Subjects: Gender and Power in African Contexts: Plenary Address, Nordic Africa Institute Conference: 'Beyond Identity: Rethinking Power in Africa', Upsala, October 4-7th (2001) Vol. 5 No.2 *African Sociological Review* 63, 69

²¹¹ *ibid.*

²¹² *ibid.*

that, gender equality in Nigeria represents a multidimensional project of social transformations. From the various views from the scholars discussed above, achieving gender equality includes decolonising knowledge about gender, addressing intersecting oppressions faced by Nigerian women, achieving political representations of Nigerian women, pursuing economic empowerment, reforming discriminatory laws, transforming the structures and barriers that hinder Nigerian women, ensuring inclusion as well as challenging harmful traditional practices that affect the rights of women in Nigeria. This fact is reiterated continuously in this thesis.

Going forward, as stated previously, CEDAW was created to ensure the elimination of all forms of discrimination against women and this is directed towards the achievement of gender equality, and even though the concept of equality is not defined within it, a close reading of the provisions indicate different theories of equality that have been discussed in this thesis.²¹³ In General Recommendation No. 25 of CEDAW, which provides for the adoption of temporary special measures to accelerate de facto equality, the committee stated that, ‘the scope and meaning of article 4, paragraph 1, must be determined in the context of the overall object and purpose of the Convention, which is to eliminate all forms of discrimination against women with a view to achieving women’s de jure and de facto equality with men in the enjoyment of their human rights and fundamental freedoms.’²¹⁴ Article 4(1) of CEDAW provides that,

‘Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.’²¹⁵

²¹³ Simone Cusack and Lisa Pusey, ‘CEDAW and The Rights to Non-discrimination and Equality’ (2013) 14 *Melbourne Journal of International Law* 1, 10.

²¹⁴ United Nations Committee on the Elimination of Discrimination Against Women (CEDAW), ‘General Recommendation No. 25, on Article 4, Paragraph 1, of the Convention on the Elimination of All Forms of Discrimination against Women, on Temporary Special Measures’ UN Doc A/59/38 at 78 (2004) (General Recommendation No. 25) para 4.

²¹⁵ CEDAW (n 16) art 4(1).

Here, we see that while CEDAW promotes the achievement of de jure equality, i.e., formal equality, it however recognises that, although essential, it is not sufficient for the full implementation of CEDAW.²¹⁶ The Committee asserted that, 'state obligations should be implemented in an integrated fashion and extend beyond a purely formal legal obligation of equal treatment of women with men.'²¹⁷ Thus, the need for substantive equality is identified where the Committee stated that,

'a purely formal legal or programmatic approach is not sufficient to achieve women's de facto equality with men, which the Committee interprets as substantive equality. In addition, the Convention requires that women be given an equal start and that they be empowered by an enabling environment to achieve equality of results. It is not enough to guarantee women treatment that is identical to that of men. Rather, biological as well as socially and culturally constructed differences between women and men must be taken into account. Under certain circumstances, non-identical treatment of women and men will be required in order to address such differences. Pursuit of the goal of substantive equality also calls for an effective strategy aimed at overcoming underrepresentation of women and a redistribution of resources and power between men and women'²¹⁸

This shows that the Committee takes into consideration the fact that formal equality in practice, i.e., treating men and women exactly the same, may not be sufficient enough to realise true equality. The biological, social or cultural differences that exist between men and women may be detrimental to equality and must be taken into consideration when working towards equality between men and women.

Transformative equality is identified by the Committee when it stated, 'The position of women will not be improved as long as the underlying causes of discrimination against women, and of their inequality, are not effectively addressed. The lives of women and men must be considered in a contextual way, and measures adopted towards a real transformation of opportunities, institutions and systems so that they are no longer

²¹⁶ Cusack, CEDAW and The Rights to Non-discrimination and Equality (n 213).

²¹⁷ CEDAW Committee, General Recommendation No. 25 (n 214) para 6.

²¹⁸ CEDAW Committee, General Recommendation No. 25 (n 214) para 8.

grounded in historically determined male paradigms of power and life patterns.’²¹⁹ Also, interestingly, the Committee recognised intersections when it provided that, ‘certain groups of women, in addition to suffering from discrimination directed against them as women, may also suffer from multiple forms of discrimination based on additional grounds such as race, ethnic or religious identity, disability, age, class, caste or other factors. Such discrimination may affect these groups of women primarily, or to a different degree or in different ways than men.’²²⁰

Going through the provisions of General Recommendation No. 25, a clearer picture of what gender equality entails is presented and it is shown that achieving gender equality is a process that consists of both negative and positive obligations by State parties. Thus, this will mean applying these principles alongside the framework of transformative equality whilst taking into consideration intersections that may arise and societal factors, gender equality becomes realisable.

2.3 MEANING AND HISTORY OF SUSTAINABLE DEVELOPMENT

This thesis focuses on the concept of sustainable development, and this segment gives a brief history and meaning to sustainable development. Key events in the evolution of sustainable development are explored. Sustainable development is structurally coined from two terms, i.e., development and sustainable, terms which have been defined from various perspectives overtime.²²¹ The concept of sustainable development received its first major international recognition in 1972 at the UN Conference on the Human Environment held in Stockholm.²²² Sustainable development was not referred to explicitly during this conference, however, the notion that both development and the environment, which were before now addressed as separate issues, could be managed in a mutually beneficial way was agreed upon by the international community.²²³ The challenge of maintaining sustainability in the context of economic growth and development was brought to the global forefront at

²¹⁹ *ibid* para 10.

²²⁰ *ibid* para 12.

²²¹ Justice Mensah, ‘Sustainable Development, Meaning, history, principles, pillars, and Implications for Human Action: Literature Review’ (2019) 5(1) *Cogent Social Sciences* 1,6.

²²² Sustainable Development Commission, ‘History of Sustainable Development’ <https://www.sd-commission.org.uk/pages/history_sd.html> accessed 23 May 2022.

²²³ *ibid*.

this conference.²²⁴ The phrase sustainable development was introduced eight years later in a publication titled, 'World Conservation Strategy: Living Resource Conservation for Sustainable Development (1980)',²²⁵ and the purpose of this document was to help advance the achievement of sustainable development through the conservation of living resources.²²⁶

Sustainable development was then made popular in the 1980s, when the United Nations commissioned a group of 22 people from developed and developing countries to identify long-term environmental strategies for the international community.²²⁷ The World Commission on Environment and Development (WCED), better known as the Brundtland Commission, submitted their report, entitled 'Our Common Future' to the UN in 1987.²²⁸ The WCED was chaired by Gro Harlem Brundtland, the then Norwegian Prime Minister.²²⁹

According to this report, sustainable development is defined as, 'development that meets the needs of the present without compromising the ability of future generations to meet their own needs.'²³⁰ As recognised in the report, sustainable development contains within it two key concepts, 'the concept of needs, in particular the essential needs of the world's poor, to whom overriding priority should be given; and secondly the idea of limitations imposed by the state of technology and social organization on the environment's ability to meet present and future needs.'²³¹ The report states that, 'sustainable development requires meeting the basic needs of all and extending to all the opportunity to satisfy their aspirations for a better life.'²³² It further states that meeting essential needs depends in part on achieving full growth potential, thus, sustainable development requires economic growth in places where such needs are

²²⁴ Jeffrey D. Sachs, *The Age of Sustainable Development* (Columbia University Press 2015) 4.

²²⁵ International Union for Conservation of Nature and Natural Resources, *World Conservation Strategy: Living Resource Conservation for Sustainable Development* (IUCN-UNEP-WWF 1980).

²²⁶ Sachs (n 224) 5.

²²⁷ Jacobus A. Du Pisani, 'Sustainable Development- Historical Roots of the Concept' (2006) 3(2) *Environmental Sciences* 83, 92.

²²⁸ *ibid.*

²²⁹ Susan Baker, *Sustainable Development* (Routledge 2006) 19.

²³⁰ The World Commission on Environment and Development, *Our Common Future* (Oxford University Press 1987) 43.

²³¹ *ibid.*

²³² *ibid.* 44.

not being met.²³³ However, economic growth itself is not enough. Hence, 'sustainable development requires that societies meet human needs both by increasing productive potential and by ensuring equitable opportunities for all.'²³⁴

The report also recognises that, a society may in many ways compromise its ability to meet the essential needs of its people in the future by overexploiting resources.²³⁵ Thus, sustainable development requires that, 'development must not endanger the natural systems that support life on Earth: the atmosphere, the waters, the soils, and the living beings.'²³⁶ Going by the content of the Report, the concept of sustainable development calls for taking into consideration economic growth, the state of the environment as well as the society, meeting the needs of all now in the present, and in the future.

Following the Brundtland Report, the next step in the development of the concept of sustainable development was at the UN Conference on the Environment and Development (UNCED), which was held in Rio de Janeiro, Brazil in 1992.²³⁷ The conference, also known as the 'Earth Summit', was held on the occasion of the 20th anniversary of the first Human Environment Conference in Stockholm, Sweden in 1972.²³⁸ The Earth Summit brought together world leaders and representatives from 179 countries as well as representatives from non-governmental organisations (NGOs) for a massive effort to focus on the impact of human socio-economic activities on the environment.²³⁹

The conference highlighted how different social, economic and environmental factors are interdependent and evolve together and also highlighted the fact that success in one sector required action in other sections to be sustained.²⁴⁰ The key outputs of the Conference were the Rio Declaration, Agenda 21, and the Commission on Sustainable

²³³ *ibid.*

²³⁴ *ibid.*

²³⁵ *ibid.*

²³⁶ *ibid.*

²³⁷ Paul Dorin Bac, 'A History of the Concept of Sustainable Development: Literature Review' (2008) 3 <[https://www.researchgate.net/publication/242219096 A history of the concept of sustainable development Literature review](https://www.researchgate.net/publication/242219096_A_history_of_the_concept_of_sustainable_development_Literature_review)> accessed 2 June 2022.

²³⁸ United Nations, 'United Nations Conference on Environment and Development, Rio de Janeiro, Brazil, 3-14 June 1992' <<https://www.un.org/en/conferences/environment/rio1992>> accessed 5 June 2022.

²³⁹ *ibid.*

²⁴⁰ *ibid.*

Development and these initiatives were concerned with sustainable development.²⁴¹ The Rio declaration on the Environment and Development, also known as the Rio declaration was an international agreement of 27 principles signed by over 170 countries during the conference intended to guide countries in future sustainable development.²⁴² The Agenda 21 was the key document of the summit; a 500 page collection of agreed healthy practices and advices for achieving sustainable development in almost any area on the surface of the earth.²⁴³ The United Nations Commission on Sustainable Development (CSD) was established by the UN General Assembly in December 1992 to ensure effective follow-up and implementation of decisions at the UNCED; as well as the advancement of the sustainable development agenda within the international community.²⁴⁴

In September 2000 at the Millennium Summit held in New York, world leaders adopted the Millennium Declaration which set out eight Millennium Development Goals (MDGs) to be achieved by 2015.²⁴⁵ These goals include: to eradicate extreme poverty and hunger; to achieve universal primary education; to promote gender equality and empower women; to reduce child mortality; to improve maternal health; to combat HIV/AIDS, malaria and other diseases; to ensure environmental sustainability; and to develop a global partnership for development.²⁴⁶ In 2002, the World Summit on Sustainable Development was held in Johannesburg, South Africa and a Political Declaration and Implementation Plan was adopted which included provisions covering activities and measures to be taken to achieve development.²⁴⁷ The Johannesburg Summit reconfirmed the Millennium goals and complemented them by agreeing on additional targets.²⁴⁸

²⁴¹ Bac (n 237).

²⁴² Robert Palmer and Melissa Nursey-Bray, 'Rio Declaration on Environment and Development' in Paul Robbins (ed), *Encyclopedia of Environment and Society* (Sage Publications 2007) 1513.

²⁴³ Bac (n 237).

²⁴⁴ Sustainable Development Knowledge Platform, 'Commission on Sustainable Development (CSD)' <<https://sustainabledevelopment.un.org/csd.html>> accessed 5 June 2022.

²⁴⁵ United Nations, 'Millennium Summit, 6-8 September 2000, New York: Development Goals for a New Millennium' <<https://www.un.org/en/conferences/environment/newyork2000>> accessed 11 June 2022.

²⁴⁶ *ibid.*

²⁴⁷ United Nations, 'World Summit on Sustainable Development, 26 August- 4 September 2002, Johannesburg: An Opportunity to Move Forward' <<https://www.un.org/en/conferences/environment/johannesburg2002>> accessed 15 June 2022.

²⁴⁸ Bac (n 237) 4.

The Johannesburg Declaration on Sustainable Development was adopted at the Johannesburg summit of 2002.²⁴⁹ The Johannesburg Declaration provides a clear articulation of sustainable development. It states that,

‘Accordingly, we assume a collective responsibility to advance and strengthen the interdependent and mutually reinforcing pillars of sustainable development, economic development, social development and environmental protection at the local, national, regional and global levels.’²⁵⁰

The Declaration also recognises that, poverty eradication, changing consumption and production patterns, protecting and managing the natural resource base for economic and social development are essential requirements for sustainable development.²⁵¹ It also notes that the global environment continues to suffer, from issues ranging from desertification of fertile land, the frequency of natural disasters, the increasing adverse effects of climate change as well as air, water and marine pollution.²⁵²

The interdependent and mutually reinforcing nature of these three pillars is highlighted in the Declaration and this is also re-iterated in the Plan of Implementation of the World Summit on Sustainable Development.²⁵³ The Implementation Plan sets out to, ‘promote the integration of the three components of sustainable development, economic development, social development and environmental protection as interdependent and mutually reinforcing pillars.’²⁵⁴ It also recognises that, ‘sound environmental, social and economic policies, democratic institutions responsive to the needs of the people, the rule of law, anti-corruption measures, gender equality and an enabling environment for investment are the basis for sustainable development.’²⁵⁵

The International Court of Justice has in its judgment also highlighted the balance between the pillars of sustainable development in the *Pulp Mills on the River Uruguay*

²⁴⁹ United Nations, ‘World Summit on Sustainable Development’ (n 247).

²⁵⁰ United Nations, *Report of the World Summit on Sustainable Development, Johannesburg, South Africa, 26 August-4 September 2002* (United Nations Publication 2002) 1 < <https://docs.un.org/en/A/CONF.199/20>> accessed 21st November 2025.

²⁵¹ *ibid* 2.

²⁵² *ibid* 3.

²⁵³ *ibid* 8.

²⁵⁴ *ibid*.

²⁵⁵ *ibid*.

(Argentina v. Uruguay) Case.²⁵⁶ This case involved, two pulp mills authorised to be constructed and operated on Uruguayan territory on the banks of the Uruguay river, an international river marking the boundary between Argentina and Uruguay.²⁵⁷ Argentina initiated proceedings before the International Court of Justice (ICJ) against Uruguay pursuant to Article 60(1) of the 1975 Statute of the River Uruguay.²⁵⁸ Argentina alleged the breach of the 1975 Statute arising out of ‘the authorization, construction and future commissioning of two pulp mills on the River Uruguay and the effects of such activities on the quality of the waters of the River Uruguay and on the areas affected by the river’.²⁵⁹ The ICJ in its judgment stated that,

‘The Court considers that the attainment of optimum and rational utilization requires a balance between the Parties’ rights and needs to use the river for economic and commercial activities on the one hand, and the obligation to protect it from any damage to the environment that may be caused by such activities, on the other.’²⁶⁰

The ICJ highlights the interconnectedness between equitable and reasonable utilisation of shared resources and the balance between economic development and environmental protection and identifies this balance as the essence of sustainable development.²⁶¹ The Court thus emphasises the need for an environmental impact assessment, where planned activity is liable to cause harm to a shared resource and transboundary harm.²⁶² The Court states that,

‘it may now be considered a requirement under general international law to undertake an environmental impact assessment where there is a risk that the proposed industrial activity may have a significant adverse impact in a transboundary context, in particular, on a shared resource. Moreover, due diligence, and the duty of vigilance and prevention which it implies, would not be considered to have been

²⁵⁶ *Pulp Mills on the River Uruguay (Argentina v. Uruguay)* (Judgment) [2010] ICJ Rep 14, para 175.

²⁵⁷ Owen McIntyre, ‘The World Court’s Ongoing Contribution to International Water Law: The Pulp Mills Case between Argentina and Uruguay’ (2011) Vol. 4(2) *Water Alternatives* 124.

²⁵⁸ *ibid.*

²⁵⁹ *ibid.*

²⁶⁰ *Argentina v. Uruguay* (n 256) para 175.

²⁶¹ *ibid.*, para 177.

²⁶² *ibid.*, para 203.

exercised, if a party planning works liable to affect the regime of the river or the quality of its waters did not undertake an environmental impact assessment on the potential effects of such works.²⁶³

More recently, the ICJ in its *Advisory Opinion on Climate Change*,²⁶⁴ gave a statement on sustainable development. It reiterated the fact that, ‘the principle of sustainable development concerns the need to reconcile economic development with protection of the environment.’²⁶⁵ The Court made it clear that,

‘the principle of sustainable development guides the interpretation of certain treaties and the determination of rules of customary international law, including the duty to prevent significant harm to the environment and the duty to co-operate for the protection of the environment.’²⁶⁶

The ICJ in this Opinion also discussed principles that inform and give operational content to sustainable development. The ICJ highlighted the importance of applying the precautionary approach or principle, citing Principle 15 of the Rio Declaration, which provides that,

‘in order to protect the environment, the precautionary approach shall be widely applied by States according to their capabilities. Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.’²⁶⁷

This principle obliges States to take proactive measures to prevent environmental harm, even in the absence of complete scientific certainty, reflecting a commitment to protecting the environment and ensuring sustainable development.

The ICJ also recognised intergenerational equity and emphasised the importance of protecting the climate system for the benefit of present and future generations of

²⁶³ *ibid*, para 204.

²⁶⁴ *Obligations of States in Respect of Climate Change (Advisory Opinion)* [2025] ICJ Rep 187.

²⁶⁵ *ibid*, para 147.

²⁶⁶ *ibid*.

²⁶⁷ *ibid*, para 158.

humankind, on the basis of equity.²⁶⁸ It stated that, intergenerational equity is an expression of the idea that, 'present generations are trustees of humanity tasked with preserving dignified living conditions and transmitting them to future generations.'²⁶⁹ The Court makes clear that regard for the interests of future generations, as well as long-term implications of State conduct, constitute an equitable considerations that must be taken into account when States make decisions and implement policies in order to fulfil their obligations under treaties and customary international law.²⁷⁰ This reflects a key dimension of sustainable development, which requires consideration of future generations while ensuring balanced economic, social, and environmental development.

The principle of intragenerational equity also important to sustainable development. It focuses on, 'addressing fairness and justice within the present generation, emphasising the need for inclusivity, access to social justice, and shared accountability, especially in the context of global disparities and injustices.'²⁷¹ The principles of intragenerational and intergenerational equity recognise the rights and obligations of the current and future generations in relation to the sustainable use of the natural common resources of humanity, while emphasising the importance of maintaining an appropriate balance of the environment.²⁷²

These principles reflect a core idea of sustainable development, which is about meeting human needs today without compromising the ability of future generations to meet their own. They also call for the recognition that, environmental decisions have long-term consequences. Sustainable development demands long-term planning, conservation, and responsible resource use to balance present development needs with future environmental stability. These principles highlight the fact that sustainable development is not just about economic development, but about environmental protection, and social justice and development across present and future society.

²⁶⁸ *ibid*, para 155.

²⁶⁹ *ibid*, para 156.

²⁷⁰ *ibid*, para 157.

²⁷¹ Zakieh Taghizadeh, 'Intergenerational and Intra-generational Equity Under the BBNJ Agreement; Advancing Accountability Towards Sustainable Management of the Marine Environment' (2025) vol. 75 *Environmental Management* 3688, 3689.

²⁷² *ibid*, 3691.

It is also important to discuss some procedural aspects of sustainable development, which focus on the processes that enable sustainable development goals to be pursued effectively and equitably. As established in the *Pulp Mills Case*, discussed above, conducting an environmental impact assessment is a requirement under general international law where there is a risk of significant environmental harm.²⁷³ The importance of an environmental impact assessment was also highlighted in *Social and Economic Rights Action Center (SERAC) and Center for Economic and Social Rights (CESR) v. Nigeria*.²⁷⁴ Here, the communication alleged that the military government of Nigeria had been directly involved in oil production through the Nigerian National Petroleum Company (NNPC), the majority shareholder in a consortium with Shell Petroleum Development Corporation (SPDC), and that these operations had caused environmental degradation and health problems resulting from the contamination of the environment among the Ogoni People.²⁷⁵ The communication alleged violations of various articles of the African Charter.²⁷⁶

The African Commission clarified that government compliance with Article 16 of the African Charter, which guarantees the right to enjoy the best attainable state of physical and mental health, and article 24, which recognises the right to a general satisfactory environment favourable to development required several actions to fulfil its obligations.²⁷⁷ These include:

‘ordering or at least permitting independent scientific monitoring of threatened environments, requiring and publicising environmental and social impact studies prior to any major industrial development, undertaking appropriate monitoring and providing information to those communities exposed to hazardous materials and activities and providing meaningful opportunities for individuals to be heard and to participate in the development decisions affecting their communities.’²⁷⁸

²⁷³ *Argentina v. Uruguay* (n 256), para 204.

²⁷⁴ *Social and Economic Rights Action Center (SERAC) and Center for Economic and Social Rights (CESR) v. Nigeria*, Communication 155/96 (ACHPR, 27 October 2001).

²⁷⁵ *ibid*, para 1.

²⁷⁶ *ibid*, para 10

²⁷⁷ *ibid*, para 53.

²⁷⁸ *ibid*.

From the requirements identified by the African Commission, several key procedural aspects of sustainable development can be seen. These aspects reflect how decisions affecting both the environment and development should be made. The requirement to conduct and publicise environmental and social impact assessments prior to major industrial developments is a core procedural aspect of sustainable development. This ensures that potential environmental, health, and social consequences are identified and evaluated before decisions are taken. Access to information is also emphasised, highlighting the importance of providing relevant and timely information to communities that may be affected by development projects. In addition, public participation is a crucial procedural aspect, highlighting the need to ensure meaningful opportunities for individuals and communities to be heard and to participate in decision-making processes. Inclusive and participatory decision-making helps to balance economic development with environmental protection and social development.

Furthermore, the independent scientific monitoring of threatened environments ensures that development decisions are evidence-based. Such monitoring enables the prevention of environmental harm and supports the protection of both present and future generations. Ongoing monitoring promotes continuous environmental protection and safeguards the well-being of individuals within society. These procedural aspects give practical effect to sustainable development by integrating environmental protection, human health, and social considerations into development planning and implementation. They ensure that development is not only economically beneficial but also environmentally sound, participatory, inclusive, and capable of meeting the needs of both present and future generations.

Another landmark in the evolution of sustainable development was at the 2012 United Nations Conference on Sustainable Development in Rio, held twenty years after the 1992 Earth Summit in Rio.²⁷⁹ The Conference was also known as Rio+20 and it resulted in the adoption of a document called 'The Future We Want' which contained clear and practical steps for the implementation of sustainable development.²⁸⁰ Another important event that took place during this conference was that, Member

²⁷⁹ United Nations, 'United Nations Conference on Sustainable Development, 20-22 June 2012, Rio de Janeiro: Building on the Millennium Development Goals' <<https://www.un.org/en/conferences/environment/rio2012>> accessed 15 June 2022.

²⁸⁰ *ibid.*

States decided to launch a process to develop a set of Sustainable Development Goals, building on the MDGs.²⁸¹ This goal was realised in 2015, during the United Nations Summit on Sustainable Development held in New York where world leaders formally approved a new agenda for sustainable development known as ‘Transforming Our World: The 2030 Agenda for Sustainable Development’.²⁸² This document will be discussed extensively in the next segment of this thesis.

Having gone through a brief history of sustainable development, to give meaning to it, is to describe sustainable development as, ‘an intellectual pursuit that tries to make sense of the interactions of three complex systems: the world economy, the global society and the earth’s physical environment.’²⁸³ Furthermore, ‘sustainable development calls for a world in which economic progress is widespread; extreme poverty is eliminated; social trust is encouraged through policies that strengthen the community; and the environment is protected from human induced degradation.’²⁸⁴ In all, sustainable development calls for socially inclusive and environmentally sustainable growth.²⁸⁵

Sustainable development can be seen as a symbiosis between economic and environmental policy and, at the level of rights between them right to development and the right to an adequate environment.²⁸⁶ In *Gabčíkovo-Nagymaros Project (Hungary v. Slovakia)*,²⁸⁷ the ICJ gave a statement on the concept of sustainable development. It stated that,

‘Throughout the ages, mankind has, for economic and other reasons, constantly interfered with nature. In the past, this was often done without consideration of the effects upon the environment. Owing to new scientific insights and to a growing awareness of the risks for mankind, for present and future generations, of pursuit of such

²⁸¹ *ibid.*

²⁸² United Nations, ‘United Nations Summit on Sustainable Development, 25-27 September 2015, New York: Changing Our World’ <<https://www.un.org/en/conferences/environment/newyork2015>> accessed 17 June 2022.

²⁸³ Sachs (n 224) 3.

²⁸⁴ *ibid.*

²⁸⁵ *ibid.*

²⁸⁶ Angela Schwerdtfeger, ‘The Human Rights Dimension: The Impact of the Right to a Healthy Environment’ in Birgit Peters and Eva Julia Lohse (eds), *Sustainability through Participation?* (Brill 2023) 295.

²⁸⁷ *Gabčíkovo-Nagymaros Project (Hungary v. Slovakia)* (Judgment) [1997] ICJ Rep 7, para 140.

interventions at an unconsidered and unabated pace, new norms and standards have been developed, set forth in a great number of instruments during the last two decades. Such new norms have to be taken into consideration, and such new standards given proper weight, not only when States contemplate new activities but also when continuing with activities begun in the past. This need to reconcile economic development with protection of the environment is aptly expressed in the concept of sustainable development.²⁸⁸

From the above, it is seen that, sustainable development requires reconciling economic ambitions with social needs and environmental protection. It is not enough to focus solely on economic growth; development decisions must integrate social equity and environmental protection to ensure long-term sustainability.

For the purpose of this thesis, sustainable development is about integration, developing in a way that benefits the widest possible range of sectors, across borders and even between generations.²⁸⁹ This means that our decisions should take into consideration the potential impact on society, the environment and the economy while keeping in mind that our actions will have impacts elsewhere and in the future.²⁹⁰ Sustainable development should balance the different sectors of the world now and for the future. Thus, in a situation where, we have growth in one dimension and decline in the others, we cannot say we have sustainable development; we have to build a world where we can achieve economic, social and environmental development for sustainable development to be achieved.

Developing from the above statement, it is pertinent to briefly discuss the concept of Ecological Economics. Ecological Economics consists of, 'various strands including Steady-State Economics, the New Economics of Prosperity and De-growth with diverging positions on the need for de-growth (commonly referred to as negative growth), zero-growth or selective growth.'²⁹¹ Ecological economics recognises the

²⁸⁸ *ibid.*

²⁸⁹ Tracy Strange & Anne Bayley, 'Sustainable Development: Linking Economy, Society, Environment' (Organisation for Economic Co-operation and Development 2008) 24.

²⁹⁰ *ibid.*

²⁹¹ Wouter Vandenhole, 'De-Growth and Sustainable Development: Rethinking Human Rights Law and Poverty Alleviation' (2018) 11(2) *Law and Development Review* 647, 652.

need to limit the scale of the economy within planetary boundaries and understand the economy as fundamentally embedded in social and ecological systems.²⁹² The variants of Ecological Economics do not see de-growth as a permanent feature, it is seen as the path of transition towards ecologically sustainable development; for some however, zero-growth could be the new long-term normal, at least in the global North.²⁹³

This concept is suggested as a result of the manner in which scholars believe that, 'the current economic growth pattern has caused destructive and untenable environmental impact and have thus scrutinised and prescribed how de-growth may go hand in hand with social sustainability or, in other words, how prosperous de-growth can be realized.'²⁹⁴ Vandenhole in his article clearly states that, 'Firstly, economic growth does not necessarily lead to economic development, let alone human development, and has typically come at a huge environmental cost and secondly ecological economics shifts the attention from growth to redistribution.'²⁹⁵ Furthermore, worthy of mention in the discussion about Ecological Economics is Raworth's Doughnut Economics.²⁹⁶

According to Vandenhole, 'Raworth's Doughnut Economics is a milder version, in that she does not posit that de-growth needs to happen; she argues that one needs to be agnostic about growth, i. e. designing an economy that promotes human prosperity whether GDP is going up, down, or holding steady.'²⁹⁷ She argues that, 'GDP could grow, so long as it remained compatible with staying within social and planetary boundaries.'²⁹⁸

Though, I agree that the concept of de-growth is innovative, Nigeria is a developing country and I believe it needs all the development it can get. The concept of de-growth, involves, 'an equitable downscaling of production and consumption that increases

²⁹² Ksenija Hanacek, Brototi Roy, Sofia Avila and Giorgos Kallis, 'Ecological Economics and Degrowth: Proposing a Future Research Agenda from the Margins' (2020) 169 *Ecological Economics* 1.

²⁹³ Vandenhole (n 291) 652.

²⁹⁴ *ibid* 653.

²⁹⁵ *ibid* 650.

²⁹⁶ Kate Raworth, *Doughnut Economics: Seven Ways to Think Like a 21st-Century Economist* (Chelsea Green Publishing 2017).

²⁹⁷ Vandenhole (n 291) 653.

²⁹⁸ *ibid* 655.

human well-being and enhances ecological conditions at the local and global level, in the short and long-term'²⁹⁹ The concept of de-growth may not be able to apply effectively in Nigeria to realise its goal. According to the World Bank, from 2015 to 2022, growth rates decreased and GDP per capita flattened in Nigeria and this was driven by policy missteps and several compounded external and internal shocks.³⁰⁰ External shocks such as, 'the COVID-19 pandemic, high global food and fertilizer prices following Russia's invasion of Ukraine' and domestic shocks such as, 'the destructive demonetization policy in 2023, and devastating floods in October 2022 and September 2024 affected Nigeria's economy.'³⁰¹ The World Bank provided that,

'Monetary and exchange rate policies become increasingly distortive and eroded confidence, fiscal deficits increased due to lower oil production and costly subsidies (for electricity, gasoline, and implicitly to maintain an increasingly overvalued official exchange rate), and trade protectionism increased.'³⁰²

It is seen that Nigeria has been pursuing reforms to re-establish macroeconomic conditions for stability and growth. The gasoline subsidy has been eliminated, the exchange rate has been unified and made to be market-reflective, eliminating the parallel market premium, despite these steps, inflation remains high, increasing hardship and poverty.³⁰³ This shows Nigeria, still has a long way to go in economic development. However, economic development should be done in a proper way as not to affect the society and the environment. All areas should be put into consideration when making decisions that will lead to development in the country. It should be noted as stated previously, that economic growth does not necessarily translate to economic development, balancing these various dimensions so as not adversely affect the others is key in realising sustainable development.

²⁹⁹ Christian Kerschner, 'Economic De-growth vs. Steady-state Economy' (2010) 18 Journal of Cleaner Production 544, 544.

³⁰⁰World Bank Group, 'The World Bank in Nigeria' (2024) <<https://www.worldbank.org/en/country/nigeria/overview>> accessed 6 January 2025.

³⁰¹ *ibid.*

³⁰² *ibid.*

³⁰³ *ibid.*

2.4 THE 2030 AGENDA AND ITS PROSPECTS

In 2015, UN Member states adopted a new agenda for sustainable development consisting of a set of 17 Sustainable Development Goals (SDGs) with 169 targets aimed at achieving holistic economic, environmental and social sustainable development.³⁰⁴ The agenda was titled 'Transforming Our World: The 2030 Agenda for Sustainable Development' (2030 Agenda) and its goal was to find new ways to improve the lives of people, eradicate poverty and promote prosperity.³⁰⁵

According to the Preamble of the Agenda, it is a plan of action for people, planet and prosperity and it seeks to strengthen universal peace in larger freedom.³⁰⁶ The plan seeks to realize the human rights of all and to achieve gender equality and the empowerment of all women and girls.³⁰⁷ The SDGs are integrated and indivisible and balance the three dimensions of sustainable development: the economic, social and environmental.³⁰⁸ The 17 goals of the 2030 Agenda include:

- 1) End poverty in all its forms everywhere;
- 2) End hunger, achieve food security and improved nutrition and promote sustainable agriculture;
- 3) Ensure healthy lives and promote well-being for all of all ages;
- 4) Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all.
- 5) Achieve gender equality and empower all women and girls;
- 6) Ensure availability and sustainable management of water and sanitation for all;
- 7) Ensure access to affordable, reliable, sustainable management of water and modern energy for all;
- 8) Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all;

³⁰⁴ Delanyo Dovlo, 'People and Their Health Systems: The Right to Universal Health Coverage and the SDGs in Africa' in Markus Kaltenborn, Markus Krajewski, Heike Kuhn(eds), *Sustainable Development Goals and Human Rights* (Springer Open 2020) 54.

³⁰⁵ United Nations, 'United Nations Summit on Sustainable Development, 25-27 September 2015, New York: Changing Our World' < <https://www.un.org/en/conferences/environment/newyork2015> > accessed 17 June 2022.

³⁰⁶ The 2030 Agenda (n 7) preamble.

³⁰⁷ *ibid.*

³⁰⁸ *ibid.*

- 9) Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation;
- 10) Reduce inequality within and among countries;
- 11) Make cities and human settlements inclusive, safe, resilient and sustainable;
- 12) Ensure sustainable consumption and production pattern;
- 13) Take urgent action to combat climate change and its impacts;
- 14) Conserve and sustainably use the oceans, seas and marine resources for sustainable development;
- 15) Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss;
- 16) Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels;
- 17) Strengthen the means of implementation and revitalize the global partnership for sustainable development.³⁰⁹

The SDGs build upon the Millennium Development Goals (MDGs) adopted in 2000 and the 2030 Agenda calls on member states of the UN to implement all goals and targets within their countries.³¹⁰ The SDGs are seen to be an improvement of the Millennium Development Goals. This is because the MDGs focused on poverty and its alleviation, a digression from the broader conception of development and thus were criticized for applying a narrowly defined view of development.³¹¹ The eight (8) MDGs and its twenty-one (21) targets all focused on ending extreme poverty and the goals directed a western perspective of development and poverty eradication on developing countries with limited financial commitment from developed countries.³¹²

The 2030 Agenda on the other hand, goes beyond poverty and covers issues that cut across economic, social and environmental dimensions of development; and takes a

³⁰⁹ The 2030 Agenda (n 7) 14.

³¹⁰ Sabine Weiland, Thomas Hickmann, Markus Lederer, Jens Marquardt & Sandra Schwindenhammer, 'The 2030 Agenda for Sustainable Development: Transformative Change through the Sustainable Development Goals?' (2021) 9(1) *Politics and Governance* 90, 91.

³¹¹ Josephine A. Odera & Judy Mulusa, 'SDGs, Gender Equality and Women's Empowerment: What Prospects for Delivery?' in Markus Kaltenborn, Markus Krajewski, Heike Kuhn(eds), *Sustainable Development Goals and Human Rights* (Springer Open 2020) 96.

³¹² *ibid.*

holistic approach to addressing the challenges of sustainable development and applies to all countries rather than to developing countries only.³¹³ The 2030 Agenda addresses key issues, especially, as related to this thesis, achieving gender equality not only through a stand-alone goal but in a manner which cuts across other sustainable development goals showing how all the goals are connected.³¹⁴ Although, MDG 3 called for,

‘promotion of gender equality and empowerment of women with a target to eliminate gender disparities in primary, secondary and tertiary education, this target left out all issues needed to achieve gender equality and women’s empowerment including eliminating violence on women, recognizing the burden of unpaid care work that disproportionately falls on women, women’s limited access to assets and resources, protecting women’s sexual and reproductive health rights and ending harmful traditional practices such as early and forced marriage and female genital mutilation.’³¹⁵

The goal and targets within the 2030 Agenda seem to be broader and provide a wider scope for the realisation of gender equality and a transformative society. A remarkable attribute and one of the reasons the SDGs and the 2030 Agenda are a transformative development framework is the fact that they are based on human rights.³¹⁶ Over 90% of the goals and targets of the SDGs correspond to human rights obligations.³¹⁷ The Agenda is guided by the purposes and principles of the Charter of the United Nations, including full respect for international law; it is grounded in the Universal Declaration of Human Rights(UDHR), international human rights treaties, the Millennium Declaration and the 2005 World Summit Outcome.³¹⁸ It is informed by other instruments such as the Declaration on the Right to Development.³¹⁹

³¹³ *ibid* 97.

³¹⁴ *ibid*.

³¹⁵ *ibid* 96.

³¹⁶ Sarah Rattray, ‘Human Rights and the SDGs-Two Sides of the Same Coin’ (United Nations Development Programme 2019) <<https://www.undp.org/content/undp/en/home/blog/2019/human-rights-and-the-sdgs---two-sides-of-the-same-coin.html>> accessed 16 July 2022.

³¹⁷ *ibid*.

³¹⁸ The 2030 Agenda (n 7) para 10.

³¹⁹ *ibid*.

It reaffirms the importance of the UDHR, as well as other international instruments relating to human rights.³²⁰ It emphasises the responsibilities of all States to respect, protect and promote human rights and fundamental freedoms for all, without distinction of any kind as to race, colour, sex, language, religion, political or other opinions, national or social origin, property, birth, disability or another status.³²¹ Although the SDGs themselves are not framed explicitly in the language of human rights, most targets explicitly reflect the content of corresponding human rights standards.

The 2030 Agenda is guided by various international human rights instruments such as International *Covenant on Civil and Political Rights (ICCPR)*, International Covenant on Economic, Social and Cultural Rights (ICESCR), Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), and many others. The issues addressed by the SDGs reflect a wide range of both civil and political, economic, social and cultural rights.

A key part of the 2030 Agenda and its goals and targets is the Global Indicator Framework for Sustainable Development Goals. The global indicator framework for Sustainable Development Goals was developed by the Inter-Agency and Expert Group on SDG Indicators (IAEG-SDGs).³²² This framework was agreed upon at the 48th session of the United Nations Statistical Commission that was held in March 2017.³²³ The framework was then later adopted by the General Assembly on 6th July 2017.³²⁴

As of now, the global indicator framework contains 248 indicators, however, because 13 indicators repeat under two or three different targets, the framework includes 235 unique indicators.³²⁵ The Global Indicator Framework is provided as an Annex contained in the Resolution adopted by the General Assembly concerning ‘Work of the Statistical Commission pertaining to the 2030 Agenda for Sustainable Development

³²⁰ *ibid*, para 19.

³²¹ *ibid*.

³²² United Nations Statistics Division (UNSD), ‘SDG Indicators: Global Indicator Framework for the Sustainable Development Goals and Targets of the 2030 Agenda for Sustainable Development’ <<https://unstats.un.org/sdgs/indicators/indicators-list/>> accessed 9 January 2025.

³²³ *ibid*.

³²⁴ *ibid*.

³²⁵ *ibid*.

(A/RES/71/313).³²⁶ According to the Resolution, the global indicator framework is adopted as,

‘A voluntary and country-led instrument that includes the initial set of indicators to be refined annually and reviewed comprehensively by the Statistical Commission at its fifty-first session, to be held in 2020 and its fifty-sixth session, to be held in 2025, and will be complemented by indicators at the regional and national levels, which will be developed by Member States.’³²⁷

In the resolution, the need for quality, accessible, timely and reliable disaggregated data to help with the measurement of progress towards the SDGs and also to ensure that no one is left behind is emphasised.³²⁸ Furthermore, the Statistical Commission is requested to, ‘coordinate the substantive and technical work to develop international statistical standards, methods and guidelines, where necessary, to fully implement the global indicator framework.’³²⁹ This is done in order to follow up and review the sustainable development goals and targets.³³⁰ The General Assembly also requests,

‘The Statistical Commission, through the Inter-Agency and Expert Group on Sustainable Development Goal Indicators, to further refine and improve the global indicator framework in order to address coverage, alignment with targets, definition of terms and development of metadata and to facilitate its implementation, including through the periodic review of new methodologies and data as they become available.’³³¹

As part of the improvements towards the global indicator framework for sustainable development goals and targets, on the 18th of September 2023, during the SDG Summit, the UN Statistics Division, partnering with Google.org launched the UN Data

³²⁶ *ibid.*

³²⁷ United Nations General Assembly Resolution 71/313, ‘Work of the Statistical Commission pertaining to the 2030 Agenda for Sustainable Development (6 July 2017) UN Doc. A/Res/71/313 para 1.

³²⁸ *ibid* Preamble.

³²⁹ *ibid* para 2.

³³⁰ *ibid.*

³³¹ *ibid* 3.

Commons for the SDGs.³³² The UN Data Commons for the SDGs is a platform that integrates authoritative SDG data and insights from across the UN System into a public repository with advanced search functionality and also a user-friendly interface.³³³

The platform aims to, 'put high-quality datasets and digital public goods at users' fingertips, allowing for seamless exploration of diverse statistical datasets, the annual global SDG report, and analytics, to ultimately facilitate informed data-driven decisions.'³³⁴ This platform allows for the availability of key SDG data and insights to a diverse global audience, including policymakers, journalists, academics and the public.³³⁵ The adoption of the global indicator framework, shows the United Nations' commitment to the sustainable development goals and targets to be achieved by 2030. The implementation of the global indicator framework, allows for progress towards the goals and targets to be tracked and ensures that data is available on all goals and targets.

Overall, a close look at the 2030 Agenda, shows that the 2030 Agenda has evolved the manner in which sustainable development and how it should be achieved is seen. Summarily, the 2030 Agenda has brought about a global focus on both developing and developed countries. It is also noticed that the SDGs within the Agenda takes on a holistic approach, the goals are interconnected and should be tackled simultaneously rather than individually.³³⁶ This point will be discussed extensively in later chapters using the goal of achieving gender equality and its relationship with other SDGs. The 2030 Agenda also places an emphasis on the three dimensions of sustainable development, and as discussed previously in this thesis, achieving sustainable development is ensuring growth and development in the economic, social and environmental areas of a State.

³³² United Nations Statistics Division (UNSD), 'Launch of the UN Data Commons for SDGs' <<https://unstats.un.org/sdgs>> accessed 10th January 2025.

³³³ *ibid.*

³³⁴ *ibid.*

³³⁵ *ibid.*

³³⁶ Sport and Dev Org, 'Introduction to the Sustainable Development Goals' <<https://www.sportanddev.org/en/learn-more/sport-and-sustainable-development-goals/introduction-sustainable-development-goals>> accessed 21st July 2022.

The focus on human rights and taking into consideration human rights values shows the prospects of the 2030 Agenda and the realisation of sustainable development. Most of the targets in the 2030 Agenda promote various human rights which are altogether crucial in reaching the 17 goals by 2030 and achieving sustainable development. It is observed that,

‘the SDGs and the Human Rights system are mutually reinforcing. The latter ensures the binding stamp and, most importantly, monitoring and accountability mechanisms, the SDGs give visibility to the rights and put in evidence the needed unified approach to all the multiple aspects of human rights, in addition to integrating people, planet, prosperity, peace and partnership for the achievement of sustainable development.³³⁷ These goals, when analysed through the lenses of existing human rights instruments, many targets of the SDGs are transformed from a goal or aspiration into immediate rights.³³⁸

This thesis in the next chapter, will discuss extensively on the relationship between gender equality and sustainable development. It will discuss the SDG goals, in particular, SDG 5 i.e., ‘the goal to achieve gender equality and empower all women and girls’ and also its targets. It will also highlight how human rights are integrated into the SDGs.

2.5 CRITICISMS OF THE 2030 AGENDA

This section points out some of the criticisms the 2030 Agenda has faced since its inception, showing that although this document is transformative in itself, it is far from perfect. The 2030 Agenda, as previously stated builds on the MDGs and serves as an improvement on these goals and for the realisation of sustainable development. However, it is observed that, ‘even though the 2030 Agenda has generally been commended for vastly improving on the MDGs, many critiques have emanated from

³³⁷ Dianova International, ‘A Human-Rights Approach to SDGs’ (Statement to the Human Rights Council Intersessional Meeting for Dialogue and Cooperation on Human Rights and the 2030 Agenda, January 2019) <https://www.ohchr.org/sites/default/files/Documents/Issues/SDGS/2030/Dianova_International_Human_Rights.pdf> accessed 22nd July 2022

³³⁸ *ibid.*

civil society organisations and human rights groups in particular.³³⁹ The Agenda is criticised for its vision not always being met with strong enough language, clear policies, or even funding provisions to help in achieving its goals.

As stated earlier, a commitment to human rights is strongly present in the 2030 Agenda's preamble, where it reaffirms that the 2030 Agenda is guided by the purposes and principles of the Charter of the United Nations as well as other international human rights treaties.³⁴⁰ However some criticise that,

'While these statements act as context, the 2030 Agenda does not conceptualise the goals and targets as realisation of rights: they could have been linked to the rights to education, food, health, water and sanitation, social protection, education, sexual and reproductive rights, or women's rights. When looking at the architecture of the UN as an institution, this reinforces the separation of the UN development pillar from the human rights pillar and during the next 15 years, these might continue to run parallel as a result.'³⁴¹

Another area of concern towards the 2030 Agenda is that, 'there is a risk that the most transformative goals and targets would be neglected in implementation through selectivity, simplification, and national adaptation.'³⁴² According to Fukuda-Parr, selectivity will lead to, 'neglect of goals and targets that would address structural issues.'³⁴³ Furthermore, due to the complex language, there would be temptation to simplify such language and thus stripping away the important qualifiers.³⁴⁴ Generally, implementation of goals contained in the Agenda might pose a problem because it is likely that, 'states will neglect those goals and targets that address the need to challenge power relations, reform institutions, and achieve other changes in the

³³⁹ Christiane Struckmann, 'A Postcolonial Feminist Critique of the 2030 Agenda for Sustainable Development: A South African Application (2018) 32(1) Agenda 12, 18.

³⁴⁰ The 2030 Agenda (n 7) para 10.

³⁴¹ Valeria Esquivel, 'Power and the Sustainable Development Goals: A Feminist Analysis' (2016) 24(1) Gender & Development 9, 12.

³⁴² Sakiko Fukuda-Parr, 'From the Millennium Development Goals to the Sustainable Development Goals: Shifts in Purpose, Concept and Politics of Global Goal Setting for Development' (2016) 24(1) Gender & Development 43, 50.

³⁴³ *ibid.*

³⁴⁴ *ibid.*

structures of political, economic, and social life, given that these will be the hardest to implement and achieve.³⁴⁵

More specifically on goal 5 of the Agenda which talks about gender equality and the focus of this thesis, it is criticised that, 'While Goal 5 is worded more strongly than its predecessor contained in the MDGs, its targets are not time-bound; thus, big promises are made, but there is no obligation to actually achieve the goal by a given date only to implement the means to eventually get there.'³⁴⁶ Another criticism of the Agenda pointed out in this thesis is the fact that the 2030 Agenda fails to challenge the positions of powerful actors such as big countries, international financial institutions, transnational corporations and even international NGOs that have produced and reproduced inequalities in income, wealth and power at national and global levels, causing the very problems the SDGs are trying to solve.³⁴⁷ It is noted that, 'the few provisions that exist to hold these actors accountable are either not binding, or rhetorical, lacking concrete mechanisms to be effective.'³⁴⁸

As stated previously, the 2030 Agenda is in no way perfect, however, it has made big and transformative steps in the understanding of sustainable development and how to achieve sustainable development. It is worthwhile to take into consideration criticisms of the 2030 Agenda and use them and many more not discussed in this thesis to improve the manner in which the 2030 Agenda will be utilised in achieving its goals and targets. Even though the different goals do not explicitly state the human rights that may be attached to them and highlight how these goals and targets lead to, the realisation of the rights, inference of these rights can be drawn for the goals and targets. Furthermore, in the actual implementation of the goals and targets, the human rights that may attach to them should be highlighted.

³⁴⁵ Struckmann, (n 339).

³⁴⁶ Valeria Esquivel and Caroline Sweetman, 'Gender and the Sustainable Development Goals' (2016) 24(1) *Gender & Development* 1, 5.

³⁴⁷ *Ibid*, 6.

³⁴⁸ *ibid*.

2.6 CONCLUSION

This chapter serves as an introduction to key terms that will be used extensively in this thesis. It gives a theoretical framework of the concepts of gender equality and sustainable development, concepts important to this thesis. They are discussed together in this chapter because, I posit that there exists a relationship between them and before discussing this relationship, shedding light on what they mean allows for a better understanding of subsequent chapters. This relationship will be discussed extensively in the next chapter of this thesis.

CHAPTER 3: THE RELATIONSHIP BETWEEN GENDER EQUALITY AND SUSTAINABLE DEVELOPMENT

3.1 INTRODUCTION

Gender equality and sustainable development are terms discussed in the previous chapter. This was done to ensure clarifications and understanding of these terms when referring to them in this thesis. This present chapter goes further to establish the relationship between gender equality and sustainable development. It is apparent that there exists a relationship between gender equality and sustainable development and this will be extensively discussed in this chapter. It has been observed that,

‘Gender equality has become one of the central themes in global treaties, covenants and declarations principally due to the understanding that it is a catalyst to clear-cut development strategies which is targeted at poverty reduction, improved living standards, good governance and profitably productive investments that are critical to the creation of an enlarged capacity that provide men and women equal opportunity and unrestrained access to decision-making and policy implementation institutions and processes.’³⁴⁹

Going by the above statement, it is posited that gender equality is linked to poverty reduction, improved living standards and generally the creation of a society that is conducive for all persons involving all aspects of sustainable development. Furthermore, it is made clear that gender equality is held in high regard and very essential in the world today and thus contained in various treaties and covenants both internationally and regionally. Demonstrating this linkage between achieving gender equality and its effect on achieving sustainable development is thus the aim of this chapter and in turn forms the basis of this thesis.

3.2 GENDER EQUALITY AND SUSTAINABLE DEVELOPMENT

According to Mary Robinson, the former UN High Commissioner for Human Rights, ‘gender equality is not just the concern of half of the world’s population, it is a human

³⁴⁹ Ejumudo (n 3).

right and a concern for everyone, and no society can develop economically, politically or socially when half of it is marginalised.³⁵⁰ The centrality of gender equality in achieving sustainable development has been increasingly recognized in recent decades.³⁵¹ This recognition has been evident in various international norms and agreements such as the 'Rio Declaration on Environment and Development 1992',³⁵² the 'Beijing Declaration and Platform for Action 1995',³⁵³ the 'Future We Want 2012'³⁵⁴; these documents recognized gender equality as being important to the achievement of sustainable development.³⁵⁵

More recently, as identified in this thesis, the 2030 Agenda included as one of its goals, the achievement of gender equality and empowerment of all women and girls, it signified that,

'Realizing gender equality and the empowerment of women and girls will make a crucial contribution to progress across all the goals and targets. The achievement of full human potential and of sustainable development is not possible if one half of humanity continues to be denied its full human rights and opportunities.'³⁵⁶

Building on the above, providing women with equal access to education, decent work, healthcare, inclusion in political and economic decision-making processes will nurture sustainable economies and benefit society.³⁵⁷ This is because firstly, women are stakeholders to sustainable development outcomes and if they are excluded, a society cannot be said to have achieved sustainable development. Furthermore the effects of gender equality on the achievement of sustainable development amounts to one of the ways in which these concepts are linked, for example, providing opportunities for decent work ensures and improves wellbeing, safeguards human rights and thus

³⁵⁰ M. Robinson, 'Why Gender Equality is Key to Sustainable Development' (2015) < <https://www.weforum.org/agenda/2015/03/why-gender-equality-is-integral-to-sustainable-development/>> accessed 27th September 2022.

³⁵¹ UN Women, *World Survey on the Role of Women in Development 2014: Gender Equality and Sustainable Development*' (United Nations 2014) 12.

³⁵² Rio Declaration on Environment and Development (1992) UN Doc. A/CONF.151/26 (vol. I).

³⁵³ Beijing Declaration and Platform for Action (1995) A/CONF.177/20.

³⁵⁴ The Future We Want (2012) A/RES/66/288.

³⁵⁵ UN Women, *World Survey* (n 351).

³⁵⁶ The 2030 Agenda (n 7) para 20.

³⁵⁷ Friends of the Environment, 'SDG 5: Gender Equality in Nigeria- A Critical Political Analysis' (2018) < <https://fote.org.ng/sdg-5-gender-equality-in-nigeria-a-critical-political-analysis/>> accessed 30th September 2022.

provides a key pathway for alleviating poverty and protecting the environment, which are some of components to achieving sustainable development.³⁵⁸ Even more crucial is the contribution through skills, lived experiences and knowledge of women to the achievement of sustainable development. These factors will be discussed extensively going forward in this chapter. Achieving gender equality is in the interest of everyone and a cost-effective way to accelerate the implementation of the SDGs.³⁵⁹ It is recognized as a prerequisite to realizing sustainable development and is seen to be integrated across the goals and targets of the 2030 Agenda.³⁶⁰ Gender equality as a stand-alone goal and also as related to other sustainable development goals will be discussed later on in this chapter.

Further reinforcing the relationship between gender equality and sustainable development, the World Survey on Women (2014) specified that linking gender equality and sustainable development is important for several reasons. It stated clearly that,

‘First, it is a moral and ethical imperative: achieving gender equality and realizing the human rights, dignity and capabilities of diverse groups of women is a central requirement of a just and sustainable world. Second, it is critical to redress the disproportionate impact of economic, social and environmental shocks and stresses on women and girls, which undermine the enjoyment of their human rights and their vital roles in sustaining their families and communities. Third, and most significantly, it is important to build up women’s agency and capabilities to create better synergies between gender equality and sustainable development outcomes.’³⁶¹

³⁵⁸ Elissa Braunstein and Mimi Houston, ‘Pathways Towards Sustainability in the Context of Globalization: A Gendered Perspective on Growth, Macro Policy and Employment’ in Melissa Leach (ed), *Gender Equality and Sustainable Development* (Routledge 2016) 34.

³⁵⁹ Nicole de Paula, ‘Gender Equality: The Formula to Accelerate Implementation of the 2030 Agenda for Sustainable Development’ (International Institute for Sustainable Development Brief 14, 2021) 2 < <https://www.iisd.org/system/files/2021-03/still-one-earth-gender.pdf>> accessed 30th September 2022.

³⁶⁰ *ibid* 4.

³⁶¹ UN Women, World Survey (n 351).

Looking at the above statement, considering gender equality as a moral and ethical imperative, in my opinion goes to the fact that even without laws stating that women should be treated equally and without discrimination, it is their very own right to have these equal opportunities and to be treated with dignity and respect for the very fact that they are human beings. Without gender equality, we cannot say that the world is one that is just and sustainable if half of its population is treated as inferior to the other. Furthermore, gender equality is important because, as seen above, women and girls bear the impact of the economic, social and environmental shocks and stresses and it is thus important to protect these women and in turn ensure their expertise and experiences are factored in, when making decisions to create a sustainable world. The building of women's agency in order to create better synergies between gender equality and sustainable development outcomes is significant.

This is because, their lives and well-being are at stake and thus, they must be involved in the process and decisions made towards sustainable development. Policies, investments and initiatives in sustainable development must recognise women's knowledge, agency and decision-making as fundamental.³⁶² Women's knowledge, agency and collective action are often central to sustainable development initiatives, whether in managing local landscapes, adapting to climate change, producing and accessing food, or securing sustainable water, sanitation and energy services.³⁶³

According to Melissa Leach et. al., the causes and underlying drivers of unsustainability and gender inequality are deeply interlocked. She argues that political-economic relations in capitalism such as extreme privatisation, financialisation and concentration of capital, production geared to short-term profits and unfettered material consumption very often at the expense of state regulation and redistribution, reproduction and care are some of the causes of these occurrences.³⁶⁴ These relations rely on and reproduce gender inequalities, exploiting women's labour and provision of unpaid care, and often their bodies too. In the same vein, she notes that, these factors also produce environmental problems, as market actors seek and secure profit in ways that rely on the over-exploitation of natural resources and the pollution

³⁶² Melissa Leach (ed), *Gender Equality and Sustainable Development* (Routledge 2016) xiv.

³⁶³ *ibid.*

³⁶⁴ Melissa Leach, Lyla Mehta and Preetha Prabhakaran, 'Sustainable Development: A Gendered Pathways Approach' in Melissa Leach (ed), *Gender Equality and Sustainable Development* (Routledge 2016) 2.

of climates, land and oceans.³⁶⁵ She thus argues that, pursuing either sustainability or gender equality without attention to the other is doomed to failure and it is important to find pathways that build synergies between these concerns, towards sustainable and just futures for all.³⁶⁶ One of such ways in my opinion is the empowerment of women and the acknowledgment of the important role women play in the achievement of sustainable development. Furthermore, moving past the focus on profit-making and economic growth as the indicator of development to include social and environmental development is the key to achievement of sustainable development and this can only be accomplished with the inclusion of women.

Gender equality and sustainable development are seen to be inseparable; and ‘many of the barriers to effective sustainability policies are found in outdated discriminatory social norms and legal systems.’³⁶⁷ For example, In Nigeria, where various harmful traditional practices such child marriage are prevalent and normalised in parts of the country, the agency, livelihood and voices of girls and women are removed and they are excluded from both the enjoyment of resources as well as prevented from utilising their knowledge and skills for eventual sustainable development. Development can only be said to be sustainable if its benefits accrue equally to both women and men, conversely, women’s rights can only become a reality, if they are part of a broader effort to protect the planet and ensure that all persons live with respect and dignity.³⁶⁸

According to the Organisation for Economic Co-operation and Development, ‘sustainable development rests on maintaining long-term economic, social and environmental capital and in failing to make the best use of the female population, most countries are underinvesting in the human capital needed to assure sustainability.’³⁶⁹ The Organisation goes further to state that, ‘although women account for over one-half of the potential talent base throughout the world, as a group they

³⁶⁵ *ibid* 3.

³⁶⁶ *ibid* 2.

³⁶⁷ De Paula (n 359) 2.

³⁶⁸ UN Women, ‘2030 Agenda for Sustainable Development and Gender Equality’ (UN Women Training Centre) module 1 < <https://trainingcentre.unwomen.org/course/view.php?id=204>> accessed 1st October 2022.

³⁶⁹ Organisation for Economic Co-operation and Development, *Gender and Sustainable Development: Maximising the Economic, Social and Environmental Role of Women* (OECD, 2008) 7.

have been marginalised and their economic, social and environmental contributions go in large part unrealised.³⁷⁰

Surprisingly, the language used by the OECD above seems derogatory and objectifying. Stating that women should be ‘used’ reduces women to pawn pieces on a chess board and gives the notion that women should be granted equality just for the purposes of capital and profit making. Women should be included and their voices heard because it is their right to be heard. According to CEDAW,

‘States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.’³⁷¹

Instead of the society to ‘make the best use of’ as stated by the OECD, women in the society should be valued and their contributions and expertise sought because of the knowledge they possess. If women were given access to various factors that would improve their livelihood and are largely included in the decision-making processes of countries, the pathway towards achieving sustainable development would be a lot more conceivable.

3.3 THE RELATIONSHIP BETWEEN GENDER EQUALITY AND SUSTAINABLE DEVELOPMENT

The relationship between gender equality and sustainable development expresses itself in various ways and this will be broken down into different aspects.

3.3.1 THE ENJOYMENT OF RIGHTS AND RESOURCES BY WOMEN

Sustainable development calls for a society where resources are used by all to meet their human needs and at the same not compromising the ability of future generations to meet their needs and ensuring the stability of the ecosystem as they do so. The

³⁷⁰ *ibid.*

³⁷¹ CEDAW (n 16) art 3.

mere fact that certain groups are largely excluded from adequately enjoying these resources in the first place defeats the purposes of sustainable development as described in the first part of the statement above. Furthermore, the quest to leave no one behind, a central theme of the 2030 Agenda,³⁷² is deemed as largely unsuccessful from its starting point, when a society deliberately denies the rights of certain groups, and this leads to a large portion of society especially women to remain living in poverty.

This can be explained by showing how inequalities in the society affect women in the long run, for example, where a girl child is denied access to education, this in turn leads to lower chances in finding adequate work, without work these women and girls are subjected to poor housing, bad living conditions and inabilities of accessing basic amenities and resources needed and hence leading to poverty. Persons living in poverty are more susceptible to violence as well as harsh conditions of weather changes and elements, thus leading to poorer health and a high mortality rate.³⁷³ The above shows a clear example of how gender inequalities affect different rights of women and prevent the needs of women being met, which forms part of sustainable development.

Also, as in the case of the Nigerian society, when girls are subjected to child marriages, they are more exposed to violence from spouses, early child birth which may lead to serious complications or even death. According to UN Women in a report given in 2018, in Nigeria, the proportion of women married before age 18 stands at 46.8% on average; these numbers are much higher among rural women.³⁷⁴ Young girls are frequently married off and this is driven by gender inequalities and the belief that girls are somehow inferior to boys and hence, girls are seen as commodities to be sold off as a way to lessen the economic burdens of their families.³⁷⁵ This example shows a little insight on how inequalities based on gender in the society potentially at face value already affects the purposes of sustainable development, in that a group is already excluded from enjoying resources. Thus, in order to make progress towards achieving

³⁷² The 2030 Agenda (n 7) para 4.

³⁷³ Divya Chaudhry, 'Climate Change and Health of the Urban Poor: The Role of Environmental Justice' (2024) 15 The Journal of Climate Change and Health 1.

³⁷⁴ UN Women, 'Turning Promises into Action: Gender Equality in the 2030 Agenda for Sustainable Development' (UN Women 2018) 146.

³⁷⁵ Girls Not Brides, 'Nigeria: Prevalence Rates' < <https://www.girlsnotbrides.org/learning-resources/child-marriage-atlas/regions-and-countries/nigeria/>> accessed 19th October 2022.

sustainable development, women should be able to enjoy all resources available to them and should not be denied access due to their gender, or in combinations of any intersections that may exist.

Furthermore, denied access to opportunities and resources due to gender, is seen to have a domino effect on different areas of the lives of women and girls, preventing them from enjoying their human rights. From the example above, it is seen that rights such as right to life,³⁷⁶ right to human dignity,³⁷⁷ right to health,³⁷⁸ right to adequate work,³⁷⁹ right to education³⁸⁰ and even right to an adequate standard of living³⁸¹ are all affected. This shows how important achieving gender equality is to women's rights and also towards progress in sustainable development.

3.3.2 WOMEN'S CONTRIBUTIONS TO SUSTAINABLE ECONOMIC DEVELOPMENT

It is observed that gender-based discrimination can impede the recruitment or promotion of the best persons for a job who might have innovative ideas and different ways of improving the business; thereby affecting performance and profits.³⁸² Furthermore, there are economic benefits to gender equality for macroeconomic growth; excluding women from the workforce due to discrimination, bias or stigma not only adversely impacts them but also inhibits economic growth thereby affecting society as a whole.³⁸³

It should be noted that economic growth does not necessarily translate to sustainable growth. However, the contribution and expertise of women allows for a more sustainable society. This is because, studies suggest that women entrepreneurs show higher levels of social and environmental orientation than their male counterparts.³⁸⁴ Furthermore, women were found to be more likely than men to emphasise social goals

³⁷⁶ African Charter (n 23) art 4; Maputo Protocol (n 24) art 4(1); ICCPR (n 20) art 6(1).

³⁷⁷ African Charter (n 23) art 5; Maputo Protocol (n 24) art 3; ICCPR (n 20) art 7.

³⁷⁸ African Charter (n 23) art 16; Maputo Protocol (n 24) art 14; ICESCR (n 21) art 12.

³⁷⁹ African Charter (n 23) art 15; Maputo Protocol (n 24) art 13; ICESCR (n 21) art 6 & 7.

³⁸⁰ African Charter (n 23) art 17(1); Maputo Protocol (n 24) art 12; ICESCR (n 21) art 13.

³⁸¹ Maputo Protocol (n 24) art 16; ICESCR (n 21) art 11(1).

³⁸² UN Women, 2030 Agenda for Sustainable Development and Gender Equality (n 368).

³⁸³ *ibid.*

³⁸⁴ UN Industrial Development Organization, 'Women, SMEs and Sustainable Development- Lessons Learnt from the Road Ahead' (2022) < <https://www.unido.org/stories/women-smes-and-sustainable-development-lessons-learnt-road-ahead> > accessed 28th October 2022.

over economic goals and to engage in ecological venturing and they focused their field of operation towards community needs and social needs.³⁸⁵

In a paper titled, 'What influences environmental entrepreneurship? A Multilevel Analysis of the Determinants of Entrepreneurs' Environmental Orientation',³⁸⁶ a study was conducted and it was found that male entrepreneurs have a weaker environmental orientation in their entrepreneurial activities and it was also confirmed that women are more likely to engage in social entrepreneurial activities than in commercial entrepreneurial activities.³⁸⁷

In another instance, sixty women entrepreneurs representing four developing countries and forty executives representing private and public sector companies were selected to conduct a study.³⁸⁸ The study conducted was aimed at examining the role of women entrepreneurs in establishing sustainable development in developing nations.³⁸⁹ It was found that more than 50% of the women entrepreneurs agreed that they run their businesses in ways that minimize negative effects on the environment.³⁹⁰ Many of them stated that garbage disposal and waste management are the key areas that they focus on.³⁹¹ Consequently, it can be evidenced that contributions and decisions of women would more likely allow for sustainability rather than focus solely on profit-making.³⁹² It should be noted that this may not be the case in all situations, but it might be more likely.

It is seen that gender equality and women's economic empowerment is very essential to achieving women's rights and sustainable development. Women's economic empowerment involves ensuring that women have equal control over resources, have control over their own time, lives, and bodies, as well increased voice, agency, and meaningful participation in economic decision-making at all levels from the household to

³⁸⁵ *ibid.*

³⁸⁶ Jacob Horisch, Jana Kollat and Steven A. Brieger, 'What influences environmental entrepreneurship? A Multilevel Analysis of the Determinants of Entrepreneurs' Environmental Orientation' (2017) 48(1) *Small Business Economics* 47.

³⁸⁷ *ibid* 60.

³⁸⁸ Kalpana Ambepitiya, 'The Role of Women Entrepreneurs in Establishing Sustainable Development in Developing Nations' (2016) 1 *World Review of Business Research* 161, 166.

³⁸⁹ *ibid.*

³⁹⁰ *ibid* 167.

³⁹¹ *ibid.*

³⁹² UN Industrial Development Organization (n 384).

international institutions.³⁹³ Women's contribution towards economic development, ensures increased economic diversification and income equality for shared prosperity.³⁹⁴ Furthermore, it is seen that companies greatly benefit from increasing employment and leadership opportunities for women, which is shown to increase organisational effectiveness and growth.³⁹⁵ It is also estimated that companies with three or more women in senior management functions score higher in all dimensions of organisational performance.³⁹⁶

As I have earlier stated, we should not focus on gender equality just because of profit-making or contributions to economic development from women, as achieving gender equality in itself should be the priority to ensure the protection and promotion of the rights of all women and girls. However, we should acknowledge and take into consideration how gender equality allows for sustainable economic development through the contributions of women.

3.3.3 THE KNOWLEDGE AND LIVED EXPERIENCES OF WOMEN

Another area wherein the relationship between gender equality and sustainable development presents itself, is the matter of inclusion. On the one hand, because of the inequalities present in the society, we realise that many women are denied rights such as education and the right to work, which are key resources needed to develop skills and reach their full potential in society. On the other hand, as a result of discrimination and inequalities in society, women are largely excluded from participating and making decisions for policy building that would potentially lead to a more conducive and sustainable society.

Initiatives and expertise of women if given the opportunity to act, allow for the realisation of sustainable development. For example, the Green Belt Movement which was founded by Nobel Prize winner Professor Wangari Maathai in 1977 to respond to the needs of rural Kenyan women that complained that, 'their streams were drying up, their food supply was less secure, and they had to walk further and further to get

³⁹³ UN Women, 'Facts and Figures: Economic Empowerment' (2024) < <https://www.unwomen.org/en/what-we-do/economic-empowerment/facts-and-figures> > accessed 11th January 2025.

³⁹⁴ *ibid.*

³⁹⁵ *ibid.*

³⁹⁶ *ibid.*

firewood for fuel and fencing.³⁹⁷ The movement encouraged the women to, 'work together to grow seedlings and plant trees to bind the soil, store rainwater, provide food and firewood, and receive a small monetary token for their work'³⁹⁸ The movement was started by a ceremony where a few women simply planted seven trees in Maathai's backyard and by 2005, 51 million trees had been planted by participants in the movement on public and private lands.³⁹⁹ The Green Belt movement aimed to bring environmental restoration along with society's economic growth and focused on restoration of Kenya's rapidly diminishing forests as well as empowering the rural women through environmental preservation.⁴⁰⁰

The men in society wanted to cut the trees to use them for industrial purposes while women wanted to keep them since it was their food resource and deforestation was a survival matter for local people.⁴⁰¹ Here, we are able to see a classic example on how women-led initiatives support a sustainable environment. Considering the fact that in many societies women are not given these opportunities shows the need for gender equality to build a sustainable world.

Furthermore, drawing from the point above is the matter of the lived experiences of women and how these experiences shape the knowledge of women in the society, which in turn can be beneficial to sustainable development. When considering aspects such as environmental change, it affects different parts of the world and different people in different ways. However, these changes have more negative effects on the most vulnerable groups in a society, which women account for a greater number.⁴⁰² Building on this,

³⁹⁷ The Green Belt Movement, 'Our History' < <http://www.greenbeltmovement.org/who-we-are/our-history>> 19th October 2022.

³⁹⁸ *ibid.*

³⁹⁹ Taranpreet Kaur Khurana, 'Role of Women in Sustainability' (7th Asia Pacific Business Research Conference, Mumbai, 2020) 4
<https://www.researchgate.net/publication/349711279_role_of_women_in_sustainability_1#fullTextFileContent> accessed 21st October 2022.

⁴⁰⁰ *ibid.*

⁴⁰¹ *ibid.*

⁴⁰² Saoirse Joubert, 'Feminism and Sustainability' <<https://sites.manchester.ac.uk/global-social-challenges/2019/05/30/feminism-and-sustainability/#:~:text=A%20crucial%20aspect%20of%20the,groups%20in%20society%2C%20and%20particularly>> accessed 28th October 2022.

‘There is a general consensus that climate change will affect the poor the most but we must take into account the fact that the poor are not a homogenous group, and that approximately 70% of the world’s poor are women, who are unlikely to have the necessary resources to cope with climate change.’⁴⁰³

Women will be the most affected from food and water scarcity as well as other effects of climate change and it is vital to take this into account because it is these experiences lived by different women that inform effective policies of action to influence the impact of climate change.⁴⁰⁴ According to Women Deliver, ‘Women bear the brunt of climate change, but they are the world’s best bet in the fight for a clean, healthy and a sustainable planet.’⁴⁰⁵ Climate change and environmental degradation represent a great threat to achieving sustainable development; they impact health, food security, nutrition, production and people’s earnings.⁴⁰⁶ It is believed that the first step towards tackling the challenges of climate change is empowering women to safeguard the environment.⁴⁰⁷ This means that, it is when we are fully aware of the actual conditions of things can we then make a change and this is where lived experiences of women are very important. Ensuring that the voices of women are heard is the best step in this direction.

Furthermore, their contribution to environmental decision-making is essential if we want to achieve a situation where all women’s voices are heard in gender equality and environmental issues.⁴⁰⁸ Recent research conducted by Astghik Mavisakalyan, an economics professor at Australia’s Curtin University found that, ‘female representation in national parliaments does lead countries to adopt more stringent climate change policies.’⁴⁰⁹ Professor Astghik and a colleague were able to examine the legislatures of 91 countries and compared the percentage of seats held by women to the rigor of

⁴⁰³ *ibid.*

⁴⁰⁴ *ibid.*

⁴⁰⁵ Women Deliver, ‘Invest in Girls and Women to Tackle Climate Change and Conserve the Environment: Facts, Solutions, Case Studies and Calls to Action’ <https://womendeliver.org/wp-content/uploads/2017/09/2019-10-D4G_Brief_ClimateChange.pdf> accessed 2nd October 2022.

⁴⁰⁶ *ibid.*

⁴⁰⁷ *ibid.*

⁴⁰⁸ Joubert (n 402).

⁴⁰⁹ Samantha Harrington, ‘Countries with More Female Politicians Pass More Ambitious Climate Policies, Study Suggests’ (2019) <<https://valexclimateconnections.org/2019/09/countries-with-more-female-politicians-pass-more-ambitious-climate-policies-study-suggests/>> accessed 30th September 2022.

each country's climate policies and concluded that, 'climate change campaigns may actually succeed more in places where there are more females in political power.'⁴¹⁰

According to UN Women, women's knowledge, agency and collective action are identified as being central to finding, demonstrating and building more economically, socially and environmentally sustainable pathways to manage local landscapes; adapt to climate change; produce and access food; and secure sustainable water, sanitation and energy services.⁴¹¹ One notable demonstration of women's action in ensuring more sustainability is the Chipko Movement started by environmentalist Sunderlal Bahuguna in 1970's to safeguard the rich forest of western Himalaya Range. ⁴¹² This movement concentrated world attention on the environmental problems of the Alaknanda catchment area in the mid-Western Himalayas.

The movement was basically a people movement to resist the cutting of trees; there were frequent floods in the Alkanand River catchment area due to cutting trees for development like the construction of roads and river dam project etc.⁴¹³ The movement was able to ensure a 15-year ban on green felling in 1980 in the Himalayan forests and has overtime been able to spread to other parts of the country and stopped felling in various other parts. In addition to that, the movement has generated pressure for a natural resource policy that is more sensitive to people's needs and ecological requirements.⁴¹⁴

Another clear example of how the knowledge and experiences of women have contributed to sustainable development is the case of women in Ecuador who are trying to restore their fragile ecosystem.⁴¹⁵ The expansion of the agricultural frontier, desertification and overgrazing has left large swaths of land barren and inert in Ecuador's *paramo* ecosystem in the Andes.⁴¹⁶ Many men in these communities have abandoned the wasted land. However, the mothers, daughters, and sisters have

⁴¹⁰ *ibid.*

⁴¹¹ UN Women, World Survey (n 351) 13.

⁴¹² Shyma Prasad Mukherjee, 'Environmental Movements-Chipko Andolan, Narmada Andolan' 6 <<http://www.dspmuranchi.ac.in/pdf/Blog/ENV%201.pdf>> accessed 30th September 2022.

⁴¹³ *ibid.*

⁴¹⁴ *ibid* 7.

⁴¹⁵ UN Women, 'How Women in Ecuador are restoring a Fragile Ecosystem in the Face of Climate Crisis (2021)' <<https://www.unwomen.org/en/news/stories/2021/5/feature-women-in-ecuador-restore-fragile-ecosystem-in-the-face-of-climate-crisis>> accessed 25th August 2023.

⁴¹⁶ *ibid.*

stayed on, caring for their families and tending to the land.⁴¹⁷ In the Azuay province, about 86 women from the five communities meet regularly and they talk, listen and learn from each other, exchanging knowledge and experiences about the management of their land and natural resources.⁴¹⁸ They are able to plant trees and cultivate the land with *organic fertilisers* and take care of the meadows, as that is where their water comes from. These women have continued to practice sustainable farming and also teach others in their community how to grow food while taking care of the fragile ecosystem.⁴¹⁹

The above examples demonstrate how women's knowledge and experiences have led to sustainable development initiatives. However, where women remain excluded from projects and policy-making processes as a result of discrimination or bias against them, we lose valuable contributions from them that would ensure a more sustainable world. Furthermore, other than contributions that may be made, women should be included because it is their right to be represented and to have a say in decisions made that may affect them and the society where they reside.

3.3.4 GENDER EQUALITY AND THE FUTURE GENERATION

Another important link between gender equality and sustainable development is how future generations are affected by the achievement of gender equality. One of the reasons why gender equality is important to sustainable development is because, as defined previously, sustainable development is 'development that meets the needs of the present generation without compromising the ability of the future generation to meet their needs' and this means that the future generation and meeting their needs is an important aspect to sustainable development.

It is imperative that we are able to build a world where future women and girls have a voice and have access to all resources without discrimination or bias. This starts now and with ensuring that the society and the environment is conducive, resources available and unsafe environments for women are eradicated; only then can we truly accomplish the all-encompassing meaning of sustainable development. It should be

⁴¹⁷ *ibid.*

⁴¹⁸ *ibid.*

⁴¹⁹ *ibid.*

noted that, long term sustainability and the fulfilment of the human rights of future generations are closely linked.⁴²⁰ It is by integrating the rights of future generations into decision making today, that we avoid short-termism and strengthen long-term sustainability and intergenerational equity.⁴²¹ This ensures that development efforts are sustainable, equitable, and promote the long-term well-being of society.⁴²² However, the gender inequalities that are not addressed today will definitely affect sustainable development and the human rights of future generations, just as how the persistent gender inequality and discrimination affect the rights of both present generations and sustainable development today.⁴²³

The Maastricht Principles on the Human Rights of Future Generations⁴²⁴ focuses on the rights of future generations and calls for the recognition of these rights. It recognises that, ‘decisions being taken by those currently living can affect the lives and rights of those born years, decades, or many centuries in the future.’⁴²⁵ It also recognises that women and girls continue to bear the burden of many of societies’ greatest challenges including discrimination in the enjoyment of their rights as well as lack of meaningful participation in decision-making processes.⁴²⁶ It states that gender inequality, if unaddressed, undermines the rights of both present and future generations.⁴²⁷

The Maastricht Principles obligate states to eliminate all forms of direct and indirect discrimination⁴²⁸ and protect the present and future generations against all forms of discrimination by public and private actors and prevent the emergence of new forms of discrimination.⁴²⁹ The Principles further call on states to address and remedy intragenerational human rights violations in order to both realise the human rights of

⁴²⁰ Julia Tscherrig, ‘Safeguarding Rights of Future Generations for Long-term Sustainability’ (2023) < <https://sdg.iisd.org/commentary/guest-articles/safeguarding-rights-of-future-generations-for-long-term-sustainability/>> (2023) accessed 12th January 2025.

⁴²¹ *ibid.*

⁴²² *ibid.*

⁴²³ *ibid.*

⁴²⁴ The Maastricht Principles on the Human Rights of Future Generations (2023) < https://www.ciel.org/wp-content/uploads/2023/06/Maastricht-Principles-Light_Jun12.pdf> accessed 7th August 2023.

⁴²⁵ *ibid* preamble V.

⁴²⁶ *ibid* preamble IX.

⁴²⁷ *ibid* preamble.

⁴²⁸ *ibid* art 6(b).

⁴²⁹ *ibid* art 6(c).

present generations and to avoid transmitting these violations to future generations.

430

The rights of the future generation are important, and as seen above, if gender inequality persists, excluding women from the enjoyment of their rights and resources and preventing them from actively participating in decision making processes towards sustainable economic, social and environmental development, will in turn affect future generations. Where the future generation is affected, then we have failed to fully realise all elements of achieving sustainable as we have hindered future women and girls from enjoying said rights and resources.

3.4 GENDER EQUALITY IS NOT A QUICK FIX TO SUSTAINABLE DEVELOPMENT

As highlighted above, gender equality and women empowerment are of great significance to the achievement of sustainable development. However, gender equality should not be pursued solely for the purpose of achieving sustainable development nor should it be viewed as a quick path to sustainable development. Gender equality should first be recognised as a fundamental human right attributed to all persons by virtue of being human. No person should be discriminated against or stigmatised due to any differences or combination of differences.

Gender equality should be pursued as a goal in itself and for the realisation and protection of the rights of women and girls and not as a quick fix for attaining sustainable development. Sustainable development should come as an effect of achieving gender equality, which I strongly contend is important to the progression and development of the society. This thought process is reiterated in 'Gender and the Sustainable Development Goals: Women as a "Quick Fix" for Development', where it is argued that, 'the international community should embrace goals, targets, and indicators that advance gender equality for the sake of equality itself, rather than as a quick fix for economic underdevelopment.'⁴³¹

⁴³⁰ *ibid* art 7(a).

⁴³¹ J. Michael Denney, 'Gender and the Sustainable Development Goals: Women as a "Quick Fix" for Development' (2015) Governance and Sustainability Issue Brief Series: Brief II 1.

Also, it should be noted that achieving gender equality is not an immediate path to sustainable development. It is however a step in the right direction and largely important in achieving all Sustainable Development Goals. It is a crucial factor needed for sustainable development and that is why the 2030 Agenda deemed it fit to be included as one of its standalone goals as well cut across other goals included in the 2030 Agenda. This thesis in the next segment explores this goal and its targets in the 2030 Agenda and further on explores gender equality and other goals.

3.5 AN ANALYSIS OF SUSTAINABLE DEVELOPMENT GOAL 5 AND ITS TARGETS

Women's equality, especially their freedom from violence, full access to resources and equal participation, were made part and parcel of the 2030 Agenda for Sustainable Development as a result of efforts from the UN Women as well as women's organisations around the world.⁴³² Sustainable Development Goal 5 of the 2030 Agenda is a stand-alone goal dedicated to achieving sustainable development by ensuring the participation of women at every level. SDG 5 consists of 9 targets to ensure that the goal is achieved. There are also 14 indicators attached to SDG 5 that represent the metrics used to track whether targets are achieved.⁴³³ Goal 5 and its targets include;

'Achieve gender equality and empower all women and girls

- 1) End all forms of discrimination against all women and girls everywhere;
- 2) Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation;
- 3) Eliminate all harmful practices, such as child, early and forced marriage and female genital mutilation;
- 4) Recognize and value unpaid care and domestic work through the provision of public services, infrastructure and social protection policies and the promotion

⁴³² Beate Rudolf, 'Freedom from Violence, Full Access to Resources, Equal Participation, and Empowerment: The Relevance of CEDAW for the Implementation of the SDGs' in Markus Kaltenborn, Markus Krajewski, Heike Kuhn(eds), *Sustainable Development Goals and Human Rights* (Springer Open 2020) 74.

⁴³³ Our World in Data Team, 'Achieve Gender Equality and Empower all Women and Girls' (2023) <<https://ourworldindata.org/sdgs/gender-equality>> accessed 10th January 2025.

of shared responsibility within the household and the family as nationally appropriate;

- 5) Ensure women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life
- 6) Ensure universal access to sexual and reproductive health and reproductive rights as agreed in accordance with the Programme of Action of the International Conference on Population and Development and the Beijing Platform for Action and the outcome documents of their review conferences;
- 7) Undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance and natural resources, in accordance with national laws;
- 8) Enhance the use of enabling technology, in particular information and communications technology, to promote the empowerment of women;
- 9) Adopt and strengthen sound policies and enforceable legislation for the promotion of gender equality and the empowerment of all women and girls at all levels.⁴³⁴

The indicators to SDG 5 include:

- 1) Indicator 5.1.1: Whether or not legal frameworks are in place to promote, enforce and monitor equality and non-discrimination on the basis of sex;
- 2) Indicator 5.2.1: Proportion of ever-partnered women and girls aged 15 years and older subjected to physical, sexual or psychological violence by a current or former intimate partner in the previous 12 months, by form of violence and by age;
- 3) Indicator 5.2.2: Proportion of women and girls aged 15 years and older subjected to sexual violence by persons other than an intimate partner in the previous 12 months, by age and place of occurrence;
- 4) Indicator 5.3.1: Proportion of women aged 20–24 years who were married or in a union before age 15 and before age 18;

⁴³⁴ The 2030 Agenda (n 7) 18.

- 5) Indicator 5.3.2: Proportion of girls and women aged 15–49 years who have undergone female genital mutilation, by age;
- 6) Indicator 5.4.1: Proportion of time spent on unpaid domestic and care work, by sex, age and location;
- 7) Indicator 5.5.1: Proportion of seats held by women in (a) national parliaments and (b) local governments;
- 8) Indicator 5.5.2: Proportion of women in managerial positions;
- 9) Indicator 5.6.1: Proportion of women aged 15–49 years who make their own informed decisions regarding sexual relations, contraceptive use and reproductive health care;
- 10) Indicator 5.6.2: Number of countries with laws and regulations that guarantee full and equal access to women and men aged 15 years and older to sexual and reproductive health care, information and education;
- 11) Indicator 5.a.1: (a) Proportion of total agricultural population with ownership or secure rights over agricultural land, by sex; and (b) share of women among owners or rights-bearers of agricultural land, by type of tenure;
- 12) Indicator 5.a.2: Proportion of countries where the legal framework (including customary law) guarantees women’s equal rights to land ownership and/or control;
- 13) Indicator 5.b.1: Proportion of individuals who own a mobile telephone, by sex;
- 14) Indicator 5.c.1: Proportion of countries with systems to track and make public allocations for gender equality and women’s empowerment.⁴³⁵

TARGET 5.1: END ALL FORMS OF DISCRIMINATION AGAINST WOMEN AND GIRLS

The first target of the Goal 5 as stated above is to put an end to all forms of discrimination against women and girls. The achievement of this target is very important because gender-based discrimination negatively affects all areas of the lives of women and girls. Discrimination of women and girls is seen as the root cause of so many violations of various rights of women and manifests itself in many different ways such as violence against women, the perpetration of harmful traditional or cultural

⁴³⁵ United Nations Statistics Division (UNSD), ‘SDG Indicators: Metadata Repository’ < <https://unstats.un.org/sdgs/metadata/?Text=&Goal=5>> accessed 10th January 2025.

practices against women and girls, unequal pay and access to work and so many other ways wherein women and girls are treated unfairly as a result of their gender. Discrimination based on sex is prohibited by all major international human rights instruments and according to the Convention on the Elimination of all Forms of Discrimination against women (CEDAW), discrimination means,

‘Discrimination against women shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.’⁴³⁶

CEDAW explicitly in its preamble makes a connection with how the discrimination of women could hamper the development of women themselves as well as the society. It states that,

‘discrimination against women violates the principles of equality of rights and respect for human dignity, is an obstacle to the participation of women, on equal terms with men, in the political, social, economic and cultural life of their countries, hampers the growth of the prosperity of society and the family and makes more difficult the full development of the potentialities of women in the service of their countries and of humanity.’⁴³⁷

It goes further to mention that, ‘it is convinced that the full and complete development of a country, the welfare of the world and the cause of peace require the maximum participation of women on equal terms with men in all fields.’⁴³⁸ These provisions of CEDAW, shows that CEDAW recognises the importance of women to development processes of the society. It makes clear how discrimination against women hinders the full potential and development of women, affects their rights and participation in

⁴³⁶ CEDAW (n 16) art 1.

⁴³⁷ *ibid* preamble.

⁴³⁸ *ibid* preamble.

the political, social, economic and cultural life and in turn affects the prosperity and full development of the country. CEDAW recognises the importance of women and the protection of their rights and how discrimination in the society can affect these rights.

This is very important because, it shows that all forms of discrimination against women and girls must be eliminated as it goes against the principles of equality and hinders the enjoyment of rights attributed to women and girls because they are first and foremost human and thus are entitled to these rights. Going further to recognise the importance of women's participation to the full and complete development of the society then shows results that emanate from eliminating discrimination.

The inclusion of this target to achieving gender equality in the 2030 Agenda follows from the fact that the exclusion of women and biased treatment of women in different fields impedes their enjoyment of rights such as, right to life, right to dignity of human person, right to be free from torture or cruel, inhuman or degrading treatment, right to health, right to food as well as other rights and where women and girls are denied access to their rights and enjoyment of resources, it defeats in part the realisation of sustainable development. Discrimination against women affect their livelihood and creates a pattern of unjust treatment towards women and girls.

According to UN Women, in a 2018 document, in 18 countries, husbands can legally prevent their wives from working; in 39 countries, daughters and sons do not have equal inheritance rights; and 49 countries lack laws protecting women from domestic violence.⁴³⁹ Nigeria may have in place laws that aim to protect the rights of women, in practice however women still suffer these issues.⁴⁴⁰ Situations like these cause women to be deprived of the basic resources needed for their enjoyment and survival. Furthermore, inequality and discrimination affect, different rights of women and

⁴³⁹ UN Women, 'Turning Promises into Action: Gender Equality in the 2030 Agenda for Sustainable Development' 2<<https://www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/Library/Publications/2018/SDG-report-Fact-sheet-Global-en.pdf>> accessed 31st October 2022.

⁴⁴⁰ Mujibat Oshodi, 'The Inheritance of Women in Nigeria' (2023) <https://www.iawj.org/content.aspx?page_id=2507&club_id=882224&item_id=4986>accessed 25th April 2025; Nkiruka Edith Okaphor, Helen Obiageli Obi and Ejike Francis Okaphor, 'Women's Inheritance Rights in Nigeria: An analysis of the Legal Gaps and Reform Prospects' (2024) 11(4) Nnamdi Azikiwe University, Journal of Commercial and Property Law 167; Shajobi-Ibikunle Gloria, 'Domestic Violence in Nigerian Society, Causes, Consequences and Cure' (2024) 7(9) International Journal of Arts and Social Science 151.

hinders enjoyment of resources and participation in society, which resultantly inhibits sustainable development.

TARGET 5.2: ELIMINATE ALL FORMS OF VIOLENCE AGAINST WOMEN AND GIRLS

Flowing from the matter of ending discrimination of women and girls, is the target to eliminate all forms of violence against women and girls. Violence against women forms part of the discrimination faced by women in society. Violence against women persists worldwide and it occurs in every region, country and culture and cuts across income, class, race and ethnicity.⁴⁴¹ It impedes development and prevents women and girls from enjoying their human rights and fundamental freedoms.⁴⁴²

According to the United Nations Declaration on the Elimination of Violence against Women, the term violence against women means, ‘any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life.’⁴⁴³ The Declaration goes further to provide for what encompasses violence against women and states that, ‘

‘Violence against women shall be understood to encompass, but not be limited to, the following: Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation; physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution; Physical, sexual and

⁴⁴¹ UN Women, ‘Violence Against Women: A Brief Overview of the United Nations and Violence Against Women’ <<https://www.un.org/womenwatch/daw/vaw/v-overview.htm> > accessed 1st November 2022.

⁴⁴² *ibid.*

⁴⁴³ UN General Assembly, ‘Declaration on the Elimination of Violence against Women’ Res. 48/104 (20 December 1993) UN Doc A/RES/48/104 art 1.

psychological violence perpetrated or condoned by the State, wherever it occurs.’⁴⁴⁴

Violence against women causes far-reaching consequences on various aspects of the lives of women and girls. In-fact, there are laws that exist that outrightly permit violence against women.⁴⁴⁵ This portrays how deep-rooted the discrimination and violence against women is in our society today. In-fact, In Nigeria, the Penal Code allows the use of force by a husband on his wife for the purpose of correction. Section 55(1)(d) of the Penal code provides that, ‘Nothing is an offence which does not amount to grievous hurt upon a person and which is done by a husband for the purpose of correcting his wife such husband and wife being subject to any customary law in which the correction is recognized as lawful.’ This means that a man who beats his wife, does this within the ambits of the law and this section obviously encourages violence against women.⁴⁴⁶

According to the World Health Organization (WHO), globally about 1 in 3, i.e., 30% of women have been subjected to either physical and/or sexual intimate partner violence or non-partner sexual violence in their lifetime.’⁴⁴⁷ Most of the violence being intimate partner violence, as almost one third, i.e., 27% of women in relationships report that they have been subjected to some form of physical and/or sexual violence by their intimate partner.⁴⁴⁸ Violence against women affect the health and well-being of women. It also affects women’s access to resources needed for their personal development and prevents women from fully participating in the society.

TARGET 5.3: ELIMINATE ALL FORMS OF HARMFUL PRACTICES

Target 5.3 calls for the elimination of all harmful traditional practices such child marriage, forced marriage and female genital mutilation (FGM). These practices are

⁴⁴⁴ *ibid* art 2.

⁴⁴⁵ Oluwakemi Odeyinde, ‘Gender Equality and Sustainable Development: Evaluating the Effectiveness of Nigerian Laws and Practices to Guarantee the Woman’s Human Right’ (2021) 12(2) *The Journal of Sustainable Development, Law and Policy* 392, 413.

⁴⁴⁶ *ibid*.

⁴⁴⁷ World Health Organization, ‘Violence Against Women’ (2021) <<https://www.who.int/news-room/fact-sheets/detail/violence-against-women>> accessed 20th November 2022.

⁴⁴⁸ *ibid*.

symptoms of the inequalities and discriminatory social norms present in the society.⁴⁴⁹ Over 700 million women are married before the age of 18, with a third married before the age of 15. The prevalence is highest in South Asia and sub-Saharan Africa.⁴⁵⁰ Child marriage is seen to be associated with a reduced chance of being educated and also early pregnancy, which often results in complications during childbirth and high rates of maternal mortality for adolescent girls.⁴⁵¹ In the case of FGM, it is estimated that at least 200 million women and girls in 30 countries have undergone FGM.⁴⁵² FGM is a violation of the bodily integrity of women and girls.⁴⁵³ It is seen to be motivated in part by stereotypes about sex and gender roles and also to control their bodies and sexuality.⁴⁵⁴

Harmful traditional practices in Nigeria will be discussed extensively in chapter 5. It is, however, important to note that these practices constitute violence against women and thus violate the rights of women and disrupt access to resources and opportunities needed for their personal growth and development and in turn sustainable development.

TARGET 5.4: RECOGNIZE AND VALUE UNPAID CARE AND DOMESTIC WORK

The recognition and value of unpaid care and domestic work is also contained in goal 5 as one of its targets. Target 5.4 states that the recognition and value of unpaid care and domestic work should be done through the provision of public services, infrastructure and social protection policies and also the promotion of shared responsibility within the household and the family as nationally appropriate. Unpaid care and domestic work involve the caring for and rearing of children; care of the sick, elderly or people with disabilities; and the day-to-day management of the household

⁴⁴⁹ Advocate for International Development, 'SDG 5: Gender Equality: A Legal Guide' 7 < <https://www.a4id.org/wp-content/uploads/2022/02/A4ID-SDG-Legal-Guide-Chapter-5.pdf> > accessed 20th November 2022.

⁴⁵⁰ *ibid.*

⁴⁵¹ UN Women, 'Why Gender Equality Matters Across all SDGs-An Excerpt of Turning Promises into Action: Gender Equality in the 2030 Agenda for Sustainable Development' (2018) 22 < <https://www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/Library/Publications/2018/SDG-report-Chapter-3-Why-gender-equality-matters-across-all-SDGs-2018-en.pdf> > accessed 21st November 2022.

⁴⁵² *ibid* 25.

⁴⁵³ *ibid* 22.

⁴⁵⁴ *ibid.*

and domestic chores. The recognition and value of unpaid care and domestic work is a very important aspect of gender equality because, it is reported that, ‘despite being foundational to all societies, unpaid care and domestic work is neither recognized as work nor valued.’⁴⁵⁵ This is problematic when it is realised that when unpaid work such as household chores is taken into account, women work longer days than men.⁴⁵⁶ In 2016, Action Aid calculated that over their lifetime women spend four additional years working compared to men.⁴⁵⁷

Furthermore, 606 million women of working age perform unpaid care and domestic work on a full-time basis, compared with just 41 million men.⁴⁵⁸ Women on average spend 18% of their day on total unpaid care and domestic work, while men allocate 7% of their day.⁴⁵⁹ The expectation that care work is a woman’s responsibility starts at an early age, as a study shows that girls aged 7–14 do more household work and care of younger siblings than boys the same age.⁴⁶⁰ The division of work classified as women’s work and men’s work continue for many women as they start their own families and penetrates into the workforce. This division influences the kind of work women do outside the home, the conditions under which that work is offered and the payment they receive.⁴⁶¹

The inclusion of this target is necessary because, as a result of unpaid care and domestic work, women spend less time developing themselves in terms of advancement of education, less time or no time at all in paid employment which in turn reduces access to resources. This could also hinder women’s ability to engage in other areas of life including political participation and decision-making processes. It is thus very important that in the society, shared responsibility of these duties is promoted within the household and family and ensure the bulk of the burden is not placed on women and girls which in turn adversely affects their own development.

⁴⁵⁵ *ibid* 25.

⁴⁵⁶ Advocate for International Development (n 449) 8.

⁴⁵⁷ Action Aid, ‘Unpaid Care and Domestic Work’ < <https://www.actionaid.org.uk/our-work/womens-economic-rights/unpaid-care-and-domestic-work> > accessed 26th November 2022.

⁴⁵⁸ *ibid*.

⁴⁵⁹ UN Women, Why Gender Equality Matters Across all SDGs (n 451) 25.

⁴⁶⁰ *ibid* 26.

⁴⁶¹ *ibid*.

Furthermore, domestic work which may be deemed women's work and thus little or no value added nor remuneration should be protected and adequate pay associated with these jobs, as it is seen that, due to these attributes attached to these jobs, they are overlooked and disrespected. It is also important that equitable access to care is provided for and thus moving care out of the realm of the private and into a matter of public policy, which women are best positioned to shape. This also would contribute to sustainable development because it could pertain to poverty reduction, elimination of inequalities by socio-economic status, decent jobs creation and sustainable and inclusive growth.⁴⁶² These jobs are thus essential to the functioning of the society.

The 4Rs Framework is recommended to challenge the disproportionate amount of time spent on unpaid care and domestic work as well as the value attached to them, i.e., the need to recognise, reduce, redistribute and represent.⁴⁶³ Firstly, there is a need to recognise unpaid care and domestic work as a type of work that has real value. It is important to acknowledge and understand the contribution women make to the economy by taking on the bulk of unpaid care and domestic work.⁴⁶⁴ Secondly, it is very important to reduce the total number of hours spent on unpaid care and domestic work. This should be done through better access to affordable and quality time-saving infrastructure for these purposes.⁴⁶⁵

For example, the creation of affordable and effective care facilities for the young and elderly which could greatly reduce the amount of time allocated to unpaid care. The redistribution of unpaid care and domestic work more fairly within the household will also tackle the amount of time spent by women carrying out these tasks allowing for more time for personal advancement. Finally, it is critical that the most marginalised caregivers are represented and their voices heard in the design and delivery of policies, services and systems that affect their lives.⁴⁶⁶

⁴⁶² UN Women, 'Promoting Women's Economic: Recognizing and Investing in the Care Economy'(2018) 12<<https://www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/Library/Publications/2018/Issue-paper-Recognizing-and-investing-in-the-care-economy-en.pdf>> accessed 30th August 2023.

⁴⁶³ Action Aid (n 457).

⁴⁶⁴ *ibid.*

⁴⁶⁵ *ibid.*

⁴⁶⁶ *ibid.*

TARGET 5.5: ENSURE WOMEN'S FULL AND EFFECTIVE PARTICIPATION

Target 5.5 of the 2030 Agenda aims to ensure women's full and effective participation as well as equal opportunities for leadership. It is important that the voices of women are heard and that they actively participate in the decision-making processes as these decisions affect their lives. It is however unfortunate that the participation of women is hindered, as a result of gender norms and expectations that restrict their access to leadership opportunities.⁴⁶⁷

Women face several obstacles to participating in political life. Discrimination and inequalities present in society mean that women are less likely than men to have the education and resources needed to assume leadership positions.⁴⁶⁸ Globally, women continue to be underrepresented at all levels of decision-making worldwide, with 23.3% of cabinets members heading ministries and 26.9% of women in parliaments.⁴⁶⁹ Even in the private sector, women are seen to be under-represented on corporate boards and in managerial positions. The proportion of women in senior and middle management remains below 50% in many countries.⁴⁷⁰ Globally, less than a third of senior and middle management positions are held by women.⁴⁷¹

Ensuring women's full and effective participation and equal opportunities for leadership makes sure that the challenges that specifically affect women in various sectors are highlighted. This is because, the voices of women are infused into policies and laws created. Furthermore, the experiences and expertise of women, both in the public and private sector are crucial to the development of the society or business as the case maybe. The inclusion of women in equal capacity, creates a gender inclusive environment which allows for development in all areas. When women are left out of these positions, the resulting effect is a society that ignores the needs of half of its population. This affects the lives of many women because areas which they struggle

⁴⁶⁷ UN Women, Why Gender Equality Matters Across all SDGs (n 451) 27.

⁴⁶⁸ UN Women, 'Women's Leadership and Political Participation' <<https://www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/Library/Publications/2013/12/UN%20WomenLGThemBriefUSwebrev2%20pdf.pdf>> accessed 5th December 2022.

⁴⁶⁹ UN Women, 'Facts and Figures: Women's Leadership and Political Participation' (2024) <<https://www.unwomen.org/en/what-we-do/leadership-and-political-participation/facts-and-figures>> accessed 12th January 2025.

⁴⁷⁰ UN Women, Why Gender Equality Matters Across all SDGs (n 451) 30.

⁴⁷¹ *ibid.*

with in the country are not addressed such as access to education, access to good working conditions and in turn access to resources. When women are put in decision-making positions, they are able to highlight the issues that affect women in a given society.

Furthermore, decisions made will reflect the true conditions of women and ways to resolve them. It is also important that intersections that may exist are put into considerations when decisions regarding women's lives and well-being are made, to ensure that the conditions of all women are catered to.

TARGET 5.6: ENSURE UNIVERSAL ACCESS TO SEXUAL AND REPRODUCTIVE HEALTH AND REPRODUCTIVE RIGHTS

Ensuring universal access to sexual and reproductive health and reproductive rights is very important as this gives control and bodily autonomy to women on matters that concern them. However, women and adolescent girls continue to face many challenges and risks with respect to their sexual and reproductive health and rights. Ranging from harmful practices affecting these rights, restricted access to services based on age or marital status, requirements for third-party authorisation such as husband's or parental consent before accessing services.⁴⁷² The quality and affordability of sexual and reproductive services are also a barrier to these rights. Women also often lack autonomy in decision-making, such as, refusing sexual intercourse with husbands or partners, in contraceptive use and in own health-care choice.⁴⁷³

According to data from 51 countries, only 57% of women 15 to 49 years old who are married or in a union make their own decisions about sexual relations and the use of contraceptives and reproductive health services.⁴⁷⁴ Women's capacity to make crucial decisions for themselves and to act on them is essential to their empowerment and the full exercise of their reproductive rights, and access to affordable, good and reliable health care facilities.⁴⁷⁵ This is however most times unavailable to many women.

⁴⁷² UN Women, 'Why Gender Equality Matters Across all SDGs (n 451) 31.

⁴⁷³ *ibid.*

⁴⁷⁴ United Nations, *The Sustainable Development Goals Report 2019* (United Nations 2019) 33.

⁴⁷⁵ CEDAW (n 16) art 12; (Maputo Protocol (n 24) art 14.

According to a WHO Progress Report 2023,⁴⁷⁶ there were a combined 4.5 million deaths consisting of maternal deaths, stillbirths and new born deaths.⁴⁷⁷ The Report lists the top 10 countries with the highest burden of these deaths which account for 60% of global maternal deaths, stillbirths, and new-born deaths.⁴⁷⁸ Unfortunately, Nigeria was listed as the second largest contributor of maternal deaths, stillbirths, and new-born deaths accounting for 12% of total deaths.⁴⁷⁹

TARGET 5.7: UNDERTAKE REFORMS TO GIVE WOMEN EQUAL RIGHTS TO ECONOMIC RESOURCES

The fact that access to economic resources is limited for women allows for decline in economic, social and environmental development. Target 5.7 aims to undertake reforms to give women equal rights to economic resources. Economic resources which may include land other forms of property, financial assets, inheritance and natural resources are seen to provide individuals and households with the means to generate income.⁴⁸⁰ It is thus important that women are given access to these economic resources as it provides not only a means of income generation for themselves but also has positive multiplier effects for the achievement of inclusive, equitable and sustainable economic growth.⁴⁸¹

Where women are denied these resources, then development cannot be said to be inclusive and thus defeats the purpose of sustainable development which calls for no one being left behind. Furthermore, access to resources enables poverty reduction, food security and the health and well-being of everyone and in turn works towards achieving the sustainable development goals.

⁴⁷⁶ World Health Organization, UNICEF & UNFPA, *Improving Maternal and New-born Health and Survival and Reducing Stillbirth: Progress Report 2023* (World Health Organization 2023) <<https://www.who.int/publications/i/item/9789240073678>> accessed 15th May 2023.

⁴⁷⁷ *ibid* 3.

⁴⁷⁸ *ibid*.

⁴⁷⁹ *ibid*.

⁴⁸⁰ UN Women, *Why Gender Equality Matters Across all SDGs* (n 451) 32.

⁴⁸¹ *ibid*.

TARGET 5.8: ENHANCE THE USE OF ENABLING TECHNOLOGY

Target 5.8 calls for the enhancement of the use of enabling technology, in particular, information and communications technology (ICT), in order to promote the empowerment of women. In the world today, the advancement of ICT, including the internet and telecommunications have transformed the world.⁴⁸² The benefits of these technologies are far-reaching. For example, the Internet has been a great enabler in creating unprecedented opportunities for entrepreneurs to enter global markets for the first time.⁴⁸³

ICT has also been seen to give access to various needs including healthcare and even education and so many other benefits.⁴⁸⁴ It is however unfortunate that these benefits are not equally distributed between men and women. Large gender gaps exist in ICT access and its use and it is reported that women are less likely than men to own a mobile phone. An estimated 1.7 billion women in low- and middle-income countries do not own a mobile phone and women are seen to be 14% less likely than men to own one.⁴⁸⁵

The gaps in access and use of ICT allows for, 'a growing digital divide between women and men and the deepening of broader gender inequality as women are left out of important spaces for knowledge creation, innovation and entrepreneurship.'⁴⁸⁶ The empowerment potential of technology is greatly limited as a result of this divide. The fact that the world today greatly depends on these technological advancements makes it difficult for women who have no access to these resources to further develop themselves, and access information needed for their own personal growth.

TARGET 5.9: ADOPT AND STRENGTHEN SOUND POLICIES AND ENFORCEABLE LEGISLATION

Target 5.9 calls for the adoption and strengthening of sound policies and enforceable legislation for the promotion of gender equality and empowerment of all women and

⁴⁸² *ibid* 33.

⁴⁸³ International Chamber of Commerce, '3 Reasons Why ICT Matters for Gender Equality' (2017) <<https://iccwbo.org/news-publications/news/3-reasons-ict-matters-gender-equality/>> accessed 2nd July 2023.

⁴⁸⁴ *ibid*.

⁴⁸⁵ UN Women, *Why Gender Equality Matters Across all SDGs* (n 451) 34.

⁴⁸⁶ *ibid* 33.

girls at all levels. This target is very important because the advocacy for gender equality must be backed by policy and legislation to ensure its achievement. Furthermore, the implementation and enforcement of these policies and legislations ensures that active work is put into this endeavour. There should creation of policies that promote gender equality, highlighting how important gender equality is to the protection and promotion of women's rights in the society.

Policies and legislations must also incorporate gender perspectives within them because, this ensures that these policies benefit everyone regardless of gender. Gender mainstreaming is thus very important for policy-making. Gender mainstreaming can be defined as, 'an approach to policy-making that takes into account both women's and men's interests and concerns.'⁴⁸⁷ It involves, 'integrating a gender equality perspective at all stages and levels of policies, programmes and projects.'⁴⁸⁸ It is recognised that the conditions and circumstances of men and women in society today differ, including unequal access to and control over power, resources, human rights and institutions, and conditions may also differ according to country, region, age, or other factors.⁴⁸⁹

Hence, gender mainstreaming should be applied, taking into account differences in circumstances and situations between men and women, when designing, implementing and evaluating policies, programmes and projects, so that they benefit both women and men and do not increase inequality but enhance gender equality.⁴⁹⁰

3.6 GENDER EQUALITY AND ITS EFFECTS ON OTHER SUSTAINABLE DEVELOPMENT GOALS

Gender equality cuts across all the SDGs contained in 2030 Agenda and this will briefly be discussed in this thesis. I will not individually discuss all the SDGs contained in the 2030 agenda as this is not the main focus of this thesis, I will however create an understanding of the importance of gender equality across the 2030 Agenda. Also, I

⁴⁸⁷ Council of Europe, 'What is Gender Mainstreaming' <<https://www.coe.int/en/web/genderequality/what-is-gender-mainstreaming#:~:text=Gender%20mainstreaming%20means%20integrating%20a,tool%20for%20achieving%20gender%20equality>> accessed 13th January 2025.

⁴⁸⁸ *ibid.*

⁴⁸⁹ *ibid.*

⁴⁹⁰ *ibid.*

will briefly explore the concept of development as freedom by Amartya Sen,⁴⁹¹ because the concept helps to give a perspective on how women's agency and freedom translate to development.

SDG 1 calls to end poverty in all its forms everywhere. However, accomplishing this goal will be impossible if some of its populations are left in poverty as a result of inequalities and discrimination in the society. Globally, it is seen that, 'gender inequality and discriminatory practices make and keep women poor, and deprive them of basic rights and opportunities for social, economic and psychological well-being.'⁴⁹² Living in poverty limits access to adequate food and safe drinking water and sanitation. SDG 2 calls to end hunger and achieve food security and improved nutrition, whilst SDG 6 calls for ensuring availability and sustainable management of water and sanitation for all. When women remain in poverty, access to food and safe drinking water is affected. It is noted that, 'female-headed households are generally at greater risk of economic deprivation because of the gender-based income disparities resulting in low coping abilities of such families.'⁴⁹³ The gender-based income disparities and gaps make it difficult for these households to fend for themselves.

Where access to clean water, good food and nutrients is affected then health is automatically affected and because of denial to economic resources and poverty, access to adequate health care facilities is limited. Furthermore, lack of control over resources, gender-based violence, the burden of unpaid care and domestic work, longer working hours and unhealthy work conditions all impede women's ability to lead healthy lives.⁴⁹⁴

Women are made vulnerable to sickness and decline in overall health but lack resources to afford treatment. This thus makes the achievement of SDG 3 which calls for ensuring healthy lives and promote well-being difficult. SDG 4 aims to ensure inclusive and equitable quality education, however, access to education may be denied as a result of inequalities and discrimination, thus, limiting the achievement of this goal. Education empowers individuals to increase their well-being and achieve

⁴⁹¹ Amartya Sen, *Development as Freedom* (Oxford University Press 2001).

⁴⁹² Umesh Chandra Pandey and Chhabi Kumar, *SDG5 - Gender Equality and Empowerment of Women and Girls* (Emerald Publishing Limited, 2019) 104.

⁴⁹³ *ibid.*

⁴⁹⁴ UN Women, *Why Gender Equality Matters Across all SDGs* (n 451) 13.

social and economic gains. If this is denied, it can lead to a limitation in access to work and basic amenities which affects various aspects of life. Thus, where there are these inequalities and discrimination present in the society, it is difficult to promote inclusive and sustainable economic growth as well as full and productive employment and decent work for all which is the aim of SDG 8. Limitations to access to education of women and girls already puts women at a disadvantage.

However, gender inequalities that exist in the labour market makes access to decent work and remuneration even more difficult for women. Where it is difficult to access work opportunities, then ensuring poverty eradication and reduction of inequality within and among countries which make up Goals 1 and 10 of the 2030 Agenda respectively is also difficult to attain. It is noted that, 'a regular and independent source of income not only provides women with greater voice and agency but has also been shown to increase investment in the well-being of other household members, particularly children, with benefits for long-term growth.'⁴⁹⁵ Thus, for sustainable and equitable societies, it is important that women must have equal access to decent work, control over resources and access to financial services.⁴⁹⁶

According to Amartya Sen, 'development requires the removal of major sources of unfreedom: poverty as well as tyranny, poor economic opportunities as well as systematic social deprivation, neglect of public facilities as well as intolerance or overactivity of repressive states.'⁴⁹⁷ He states that, the lack of substantive freedoms relates directly to economic poverty that robs people of the freedom to satisfy hunger, achieve sufficient nutrition, obtain remedies for treatable illnesses, the opportunity to be adequately clothed and sheltered, and even the ability to enjoy clean water or sanitary facilities.⁴⁹⁸ He provides that freedom is central to the process of development in two ways. Firstly, that assessment of progress towards development has to be done in terms of whether the freedoms that people have are enhanced and secondly that achievement of development is dependent on the free agency of people.⁴⁹⁹

⁴⁹⁵ *ibid.*

⁴⁹⁶ Pandey (n 492) 110.

⁴⁹⁷ Sen (n 491) 3.

⁴⁹⁸ *ibid* 4.

⁴⁹⁹ *ibid.*

Hence, using this concept in the case of women, what they can achieve, is influenced by economic opportunities, political liberties, social powers and enabling conditions of good health, basic education,⁵⁰⁰ all of which show the interconnectedness between women's agency and development. He argues that freedom is both the primary end and the principal means of development. Thus, it is through having freedom and agency that we can achieve development, and furthermore, achievement of development gives rise to the enhancement of freedom and choice.

This argument makes sense, when it is taken into consideration the fact that, as explained above, gender inequalities in the society, discrimination and the overall denial of opportunities for women leads to various situations inhibiting the SDG goals and also continually keeping women in these situations that cause harm. Hence, inequality and discrimination take away agency, which leads to poverty, poor health, lack of education, which then leads to limited or no work opportunity, and then continues the poverty cycle of women and in turn affects progress towards achieving all sustainable development goals.

Ultimately, from the above discussion, the existence of inequalities and discrimination against women coupled with violence and the denial of various rights ensures that in truth sustainable development cannot effectively be achieved. These inequalities affect other sustainable development goals and they form a cycle of various causes and effects that continually allow women to remain suffering in inequalities and in turn affect sustainable development. For example, where the girl child is denied access to education, it affects access to good work and employment which contributes to poverty. Poverty contributes to lack of good food, clean water and a healthy life. It also limits access to safe and affordable housing and transport systems.

Furthermore, when one lacks these basic amenities, it is realised that they are more susceptible to climate change and disaster. Another example where inequalities create a cycle of cause and effects that affect women is where women are subjected to violence and harmful practices, it affects their physical and mental health which may lead to poor health and high mortality rate of women. It can also affect their ability to work allowing them to remain in poverty. Harmful practices such as child marriage

⁵⁰⁰ ibid 5.

affects access to education of girls and affects health, which in turn affects work. Summarily, if we do not strive to achieve gender equality, we cannot make progress towards sustainable development as they are connected and must be viewed through the lens of this connection as discussed in this chapter.

3.7 CONCLUSION

Conclusively, there is no doubt that the achievement of gender equality is crucial. The fact that women and girls continue to face inequalities and discrimination is worrisome despite the numerous laws, international and regional human rights documents guaranteeing their right to equality and non-discrimination as well as a host of numerous rights accorded to all persons. It is for this reason that ensuring that all rights are protected and women are free from discrimination is brought to the forefront of global discussions. From this chapter, it is established that gender equality is first and foremost a right of its own. Then, with further study it is realised that there is relationship between gender equality and sustainable development and that in-fact achieving gender equality is a requisite of sustainable development.

This link between gender equality and sustainable development was seen to be so important that the achievement of gender equality was included as one of the sustainable goals and as can be seen from the above cuts across all other sustainable development goals in the 2030 Agenda. Having discussed the relationship between gender equality and sustainable development, the next chapters will focus on the case study of Nigeria.

The next chapter (chapter 4) will focus on Nigeria's obligations towards gender equality under various international and regional human rights instruments. Chapter 5 will then explore the inequalities present in the society and measures taken to tackle these inequalities in Nigeria. Subsequent chapters will delve into the sustainable development progresses in the country. All these will be discussed with the ultimate aim of discovering the impact achieving gender equality in Nigeria will have on the rights of the women in the country as well as the sustainable development of the country.

CHAPTER 4: NIGERIA'S OBLIGATIONS TOWARDS GENDER EQUALITY UNDER INTERNATIONAL AND REGIONAL HUMAN RIGHTS LAW

4.1 INTRODUCTION

The principles of gender equality and non-discrimination are fundamental to women's rights and to realising their full and equal participation in all spheres of life.⁵⁰¹ International and regional human rights instruments contain these principles, along with various rights that must be protected and obligations that State parties are bound by for the achievement of these rights. The ratification, implementation, and reporting of commitments contained in these human rights instruments are vital in achieving gender equality and protection of women rights.⁵⁰² This chapter discusses Nigeria's obligations under these human rights instruments towards gender equality. I will be discussing these obligations because, in the previous chapter,

I have established the need for gender equality in order to achieve sustainable development. Now, this thesis is moving towards what is expected of Nigeria, towards gender equality as a member state to various international and regional human rights instruments. Here, I will highlight that even more than stating that gender equality is important for itself and sustainable development, Nigeria, by virtue of signing and ratifying various treaties is obligated to ensure gender equality and non-discrimination.

In the subsequent chapters, I will then give an overview of what actually is happening in Nigeria concerning gender equality and the protection of women's rights as well as progress towards sustainable development. After which, I will give an analysis of the importance of gender equality to the rights of women and sustainable development in Nigeria.

⁵⁰¹ United Nations Development Programme (UNDP) and Equality Now, 'Gender Equality and International Law in Africa: The Role of Regional Economic Communities' (2023) 1 <<https://equalitynow.storage.googleapis.com/wp-content/uploads/2023/03/28190941/Gender-Equality-Intl-Law-in-Africa-Report-2.pdf>> accessed 12th April 2024.

⁵⁰² *ibid.*

4.2 NIGERIA'S OBLIGATIONS UNDER INTERNATIONAL AND REGIONAL HUMAN RIGHTS LAW: THE TRIPARTITE TYPOLOGY

Achieving gender equality is necessary for the protection and promotion of women's rights in Nigeria and furthermore, for sustainable development. In doing so, certain obligations exist under International and African regional human rights instruments, which, if complied with makes progress towards gender equality and in turn makes progress towards sustainable development and achieving the SDGs and their targets.

International human rights law lays down certain obligations which States are bound by, as a result of becoming parties to international treaties.⁵⁰³ States have obligations and duties under international law to respect, protect and fulfil human rights.⁵⁰⁴ The obligation to respect requires States to refrain from interfering with the enjoyment of rights contained in human rights instruments.⁵⁰⁵ This obligation prevents States from carrying out any action which would result in the violation of the rights of persons. The obligation to respect is also violated when there is express discrimination by public officials against individuals in the enjoyment of their rights by virtue of their sex, race, religion and other status.⁵⁰⁶

The obligation to protect requires States to prevent violations of human rights, including violations by third parties.⁵⁰⁷ This means that States must take positive steps to stop violations of rights contained in human rights instruments by third parties. States are required to take affirmative action in preventing, investigating and punishing human rights violations and even providing compensation where necessary.⁵⁰⁸ The

⁵⁰³ Vienna Convention on the Law of Treaties (adopted 23 May 1969, entered into force 27 January 1980) art 26.

⁵⁰⁴ United Nations, 'The Foundation of International Human Rights Law' <<https://www.un.org/en/about-us/udhr/foundation-of-international-human-rights-law#:~:text=The%20obligation%20to%20fulfil%20means,their%20treaty%20obligations%20and%20duties>> accessed 20th April 2024.

⁵⁰⁵ Katharine G Young, 'Rights and Obligation' in Daniel Moeckli, Sangeeta Shah, Sandesh Sivakumaran and David Harris (eds), *International Human Rights Law* (4th edn, Oxford University Press 2022) 135; UN Human Rights Committee, 'General Comment No. 31[80]' on 'Nature of the General Legal Obligation imposed on State Parties to the Covenant' CCPR/C/21/Rev.1/Add.13 (2004) para 6.

⁵⁰⁶ *ibid* 136.

⁵⁰⁷ *ibid*; UNHRC, General Comment No. 31[80] (n 505) para 8.

⁵⁰⁸ *ibid*.

obligation to fulfil requires States to, ‘take appropriate legislative, administrative, budgetary, judicial and other measures towards full realization’.⁵⁰⁹

In this chapter, I discuss Nigeria’s obligations under certain International and African regional human rights instruments, focusing on the Nigeria’s obligations to respect, protect and fulfil the rights contained in these instruments that ensure gender equality. Under the African regional human rights system, I discuss Nigeria’s obligations under the African Charter on Human and Peoples’ Rights 1981 (African Charter), the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa 2003 (Maputo Protocol) and the African Charter on the Rights and Welfare of the Child 1990 (African Children’s Charter).

Under International human rights law, I discuss Nigeria’s obligations under the Convention on the Elimination of All Forms of Discrimination against Women 1979 (CEDAW), the International Covenant on Civil and Political Rights 1966 (ICCPR) and the International Covenant on Economic, Social and Cultural Rights 1966 (ICESCR).

Table 1: African Regional and International Human Rights Instruments Signed and Ratified by Nigeria.

S/N	Human Rights Instrument	Date Signed by Nigeria	Date Ratified by Nigeria
1	African Charter on Human and Peoples’ Rights 1981 (African Charter)	31 August 1982	22 June 1983
2	Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa 2003 (Maputo Protocol)	16 December 2003	16 December 2004

⁵⁰⁹ ibid 137; UNHRC, General Comment No. 31[80] (n 505) para 7.

3	African Charter on the Rights and Welfare of the Child	13 July 1999	23 July 2001
4	Convention on the Elimination of All Forms of Discrimination against Women 1979 (CEDAW)	23 April 1984	13 June 1985
5	International Covenant on Civil and Political Rights 1966 (ICCPR)	N/A	29 July 1993
6	International Covenant on Economic, Social and Cultural Rights 1966 (ICESCR)	N/A	29 July 1993

4.3 AFRICAN REGIONAL HUMAN RIGHTS INSTRUMENTS

Nigeria signed and ratified the African Charter on 31 August 1982 and 22 June 1983 respectively.⁵¹⁰ The Maputo Protocol was signed and ratified on 16 December 2003 and 16 December 2004 respectively,⁵¹¹ while the African Charter on the Rights and Welfare of the Child was signed and ratified by Nigeria on 13 July 1999 and 23 July 2001.⁵¹²

⁵¹⁰ African Union, 'African Charter on Human and Peoples' Rights' <[https://au.int/sites/default/files/treaties/36390-sl-african charter on human and peoples rights 2.pdf](https://au.int/sites/default/files/treaties/36390-sl-african%20charter%20on%20human%20and%20peoples%20rights%202.pdf)> accessed 13th May 2024.

⁵¹¹ African Union, 'Protocol to the African Charter on Human and Peoples Rights on the Rights of Women in Africa' <[https://au.int/sites/default/files/treaties/37077-sl-PROTOCOL TO THE AFRICAN CHARTER ON HUMAN AND PEOPLES RIGHTS ON THE RIGHTS OF WOMEN IN AFRICA.pdf](https://au.int/sites/default/files/treaties/37077-sl-PROTOCOL%20TO%20THE%20AFRICAN%20CHARTER%20ON%20HUMAN%20AND%20PEOPLES%20RIGHTS%20ON%20THE%20RIGHTS%20OF%20WOMEN%20IN%20AFRICA.pdf)> accessed 13th May 2024.

⁵¹² African Union, 'African Charter on the Rights and Welfare of the Child' <[https://au.int/sites/default/files/treaties/36804-sl-AFRICAN CHARTER ON THE RIGHTS AND WELFARE OF THE CHILD.pdf](https://au.int/sites/default/files/treaties/36804-sl-AFRICAN%20CHARTER%20ON%20THE%20RIGHTS%20AND%20WELFARE%20OF%20THE%20CHILD.pdf)> accessed 13th May 2024.

4.3.1 AFRICAN CHARTER ON HUMAN AND PEOPLES' RIGHTS 1981 (AFRICAN CHARTER)

Article 1 of the African Charter sets out the obligations of States. It provides that,

'The Member States of the Organization of the African Unity parties to the present Charter shall recognize the rights, duties and freedoms enshrined in this Charter and shall undertake to adopt legislative or other measures to give effect to them'⁵¹³

This article provides for the general obligations which Nigeria has towards all the rights in the Charter, including equality and non-discrimination. This means that, a violation of any provision of the Charter, in this case, failing to respect, protect and fulfil all rights accorded to women in Nigeria, is a violation of Article 1 and other substantive articles. According to the African Commission, 'a violation of any provision of the Charter automatically means a violation of Article 1 and the liability in Article 1 is automatically invoked as soon as a violation of the right is deemed to have occurred.'⁵¹⁴ Thus, this obligation covers the equality and non-discrimination provisions contained in the Charter.

Article 2 of the African Charter provides that,

'Every individual shall be entitled to the enjoyment of the rights and freedoms recognised and guaranteed in the present Charter without distinction of any kind such as race, ethnic group, colour, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or any status.'

The African Commission has described Article 2, despite the lack of explicit reference to discrimination as the 'anti-discrimination principle that is essential to the spirit of the African Charter and necessary in the eradication of discrimination.'⁵¹⁵ Using the obligation contained in Article 1, Nigeria has the obligation to respect the enjoyment of all rights without discrimination to women or interference of any form, including

⁵¹³ African Charter (n 23) art 1.

⁵¹⁴ Rachel Murray, *The African Charter on Human and Peoples' Rights: A Commentary* (Oxford University Press 2019) 21.

⁵¹⁵ *ibid* 44.

interferences from third parties. Furthermore, as part of its obligations, Nigeria must ensure that they adopt legislative and other measures to guarantee all rights without discrimination based on any status. Where violation occurs, Nigeria must ensure that adequate reparation is given, which would effectively rectify the violation.

Article 3(1) of the African Charter provides that, 'every individual shall be equal before the law'. Article 3(2) of the Charter goes further to provide that, 'every individual shall be entitled to equal protection of the law.' The interpretation of this provision to an extent can be seen to be limited in its protection, this may be as a result of the reference to the law, which leads focus from equality generally to equality within the context of legal proceedings.⁵¹⁶ The African Commission has on several occasions referred to the 'principle of equality' as underpinning the combination of both Articles 3(1) and (2) and Articles 2 and 3 together.⁵¹⁷ It has stated that, Article 3 of the African Charter contains a general guarantee of equality which supplements the ban on discrimination provided for in Article 2 and has also referred to a right to equality when considering Articles 2 and 3 together.⁵¹⁸

However, the extent to which Article 3 has been interpreted by the African Commission as providing a right to equality per se has not been consistent.⁵¹⁹ In some cases, the African Commission has held that, 'the requirement of 'equality before the law' is of fundamental importance, especially as it is a necessary condition for the enjoyment of a number of other related rights.'⁵²⁰ And in other cases, the African Commission has held that,

'Inequality based on grounds of sex is an analogous ground for discrimination . . . freedom from discrimination is also an aspect of the principles of equality before the law and equal protection of the law under Article 3 of the African Charter because both present a legal and material status of equality and non- discrimination.'⁵²¹

⁵¹⁶ *ibid* 90.

⁵¹⁷ *ibid* 91.

⁵¹⁸ *ibid*.

⁵¹⁹ *ibid*.

⁵²⁰ *ibid*.

⁵²¹ *ibid*.

In my opinion, the inclusion of the terms 'before the law' and 'of the law' in this Article, when read on its own has the potential of limiting the scope of the Article, reducing it to a focus on access to courts and legal proceedings when considering the principle of equality. This is not to say that women having access to legal proceedings is not beneficial, but it does not cover the full scope of equality, including participation, decision making and equal opportunities for women. That is why, it is important that a combined reading of Article 2 and Article 3 is given to offer full protection of women, ensuring that they are accorded all their rights and not discriminated or denied any opportunity.

With the Nigerian government having the obligation to protect women through legislative, judicial, administrative and other measures where violations occur or to prevent the occurrence of violations. This obligation in the African Charter should be applied to all the rights contained within it which are guaranteed to women in Nigeria.

The African Charter, specifically addresses the prohibition of discrimination against women and the protection of the rights of women and children.⁵²² It provides that, 'The State shall ensure the elimination of every discrimination against women and also ensure the protection of the rights of women and the child as stipulated in international declarations and conventions.'⁵²³ The phrase, 'as stipulated in international declarations and conventions' is very interesting because, this provision extends Nigeria's obligations in the African Charter to obligations under all international declarations and conventions concerning the rights of women, including CEDAW. If the African Charter has been domesticated in Nigeria, would it be correct to say that this provision binds Nigeria to the international human rights instruments for the protection of women's rights?

According to Frans Viljoen in his analysis of this provision using CEDAW, he states that a distinction has to be drawn between states that have ratified CEDAW and those that have not.⁵²⁴ He states that, 'for the states that have ratified the CEDAW, the provision in the African Charter serves to reiterate their obligations under it.'⁵²⁵ On the

⁵²² Christof Heyns and Magnus Killander, 'Africa' in. Daniel Moeckli, Sangeeta Shah, Sandesh Sivakumaran and David Harris (eds), *International Human Rights Law* (4th edn, Oxford University Press 2022) 492.

⁵²³ African Charter (n 23) art 18(3).

⁵²⁴ Frans Viljoen, *International Human Rights Law in Africa* (2nd edn, Oxford University Press 2012) 253.

⁵²⁵ *ibid.*

other hand, for those that have not formally undertaken the CEDAW obligations, it is submitted that these states also become bound to observe the provisions of the CEDAW when ratifying the Charter.⁵²⁶

Nigeria has ratified CEDAW and some other international human rights instruments which provide for equality and non-discrimination, so this provision reiterates its obligations under these human rights instruments. It could be argued that by extension they should then have the force of law in Nigeria, if the African Charter does so. However, as will be addressed in Chapter 5, if these conventions are not incorporated into domestic law, then they have no force of law in the country and thus cannot be enforced by the courts.

It is worthy of note that, the African Charter provides for the right to development. Article 22 of the African Charter states that,

‘All peoples shall have the right to their economic, social and cultural development with due regard to their freedom and identity and in the equal enjoyment of the common heritage of mankind. States shall have the duty, individually or collectively, to ensure the exercise of the right to development.’⁵²⁷

Although, this provision does not make mention of sustainable development, it is interesting to see that the African Charter recognises a right to development. Furthermore, the fact that, it specifically states that all peoples have this right, it is then inferred that women have the right to their economic, social and cultural development as well equal enjoyment of common heritage, meaning enjoyment of resources within a state.

The enjoyment of resources and opportunities of all persons, as discussed in the previous chapter, forms a part of what sustainable development entails. Sustainable development is not mentioned in the African Charter, but development of all persons, including the enjoyment of resources is provided for as well as obligations of the state to respect, protect and fulfil this right. This is an important addition, and although

⁵²⁶ *ibid.*

⁵²⁷ African Charter (n 23) art 22(1) & (2).

specifics of what this right contains are not provided, Nigeria has the opportunity to build on this provision, and put into consideration the discussions on gender equality and sustainable development, to ensure that all persons enjoy this right and in turn make progress towards sustainable development.

Moving forward, for many women's rights organisations, Article 18(3) of the African Charter, mentioned previously, which provides for the, 'prohibition of discrimination against women and the protection of the rights of women and children', did not give sufficient protection of the rights of women.⁵²⁸ Although, the African Charter provided for the rights of women, it was considered to provide insufficient protection to women and it was argued that article 18(3) of the African Charter only protected women in the context of the family and that women did not have much protection outside of this arena.⁵²⁹ Also, it was argued that the African Charter failed to address numerous issues affecting the rights of women such as female genital mutilation (FGM), inheritance by women and forced marriages.⁵³⁰

The African Commission working together with the Women in Law and Development in Africa (WiLDAF) organised a seminar on women's rights in 1995 and it was decided that an additional protocol to the African Charter should be drawn addressing women's rights.⁵³¹ Experts were then appointed to draft the protocol and they worked with African non-governmental organisations as well as various other interested parties.⁵³² Julienne Ondziel-Gnelega of the Republic of Congo was the first rapporteur of women in Africa and she mobilised women organisations to help draft the protocol.⁵³³ Women organisations such as Women in Law and Development in Africa (WiLDAF) and

⁵²⁸ Murray, *The African Charter on Human and Peoples' Rights* (n 514) 464.

⁵²⁹ Martin Semalulu Nsibirwa, 'A Brief Analysis of the Draft Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women' (2001) 1 *African Human Rights Law Journal* 40, 41.

⁵³⁰ *ibid.*

⁵³¹ *ibid.*

⁵³² *ibid.*

⁵³³ Oxfam, 'Integrating the Africa Women's Protocol in the Zambia National Legal Policy and Processes: Example from Women and Law in Southern Africa (WLSA)' (2008) 2 <
<https://oxfamlibrary.openrepository.com/bitstream/handle/10546/120550/pi-intergrating-AWP-zambia-national-legal-policy-010208-en.pdf;jsessionid=281E3158DDB36AD30BBA426590BA016A?sequence=1>>
accessed 16th January 2025.

African Communications and Development Network (FEMNET) were a part of this task of drafting the women's protocol.⁵³⁴

The Women and Law in Southern Africa (WLSA) was also a key organisation that participated in the drafting of the Africa Women's Protocol.⁵³⁵ The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa 2003 (Maputo Protocol) was then developed.⁵³⁶ This was done by virtue of Article 66 of the African Charter which provides that, 'special protocols or agreements may, if necessary, supplement the provisions of the present Charter'.

4.3.2 PROTOCOL TO THE AFRICAN CHARTER ON HUMAN AND PEOPLES' RIGHTS ON THE RIGHTS OF WOMEN IN AFRICA 2003 (MAPUTO PROTOCOL)

The Maputo Protocol was adopted to address the concern that, despite the ratification of the African Charter and other international human rights instruments by a majority of State Parties, women in Africa continued to be victims of discrimination and harmful practices, as was expressed in its Preamble.⁵³⁷ The Preamble provides that,

'The States Parties to this Protocol, concerned that despite the ratification of the African Charter on Human and Peoples' Rights and other international human rights instruments by the majority of States Parties, and their solemn commitment to eliminate all forms of discrimination and harmful practices against women, women in Africa still continue to be victims of discrimination and harmful practice have agreed as follows...'⁵³⁸

The Protocol is a binding legal framework on women's rights, that clearly defines what constitutes discrimination against women and girls.⁵³⁹ The Maputo Protocol covers

⁵³⁴ Massan D'Almeida, 'African Women's Organizing for the Ratification. And Implementation of the Maputo Protocol' (2011) < <https://www.awid.org/news-and-analysis/african-womens-organizing-ratification-and-implementation-maputo-protocol>> accessed 16th January 2025.

⁵³⁵ Oxfam, Integrating the Africa Women's Protocol (n 533).

⁵³⁶ Murray, The African Charter on Human and Peoples' Rights (n 514) 464.

⁵³⁷ Frans Viljoen, 'An Introduction to the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa' (2009) 16 Wash. & Lee J.C.R & Soc. Just. 11, 16.

⁵³⁸ Maputo Protocol (n 24) preamble.

⁵³⁹ United Nations Development Programme (UNDP) and Equality Now, 'Gender Equality and International Law in Africa: The Role of Regional Economic Communities' (2023) 6.

women's political, civil, economic, social, and cultural rights.⁵⁴⁰ The central theme of the Protocol and the most basic responsibility imposed on States by the Protocol is that States should ensure that the rights of women are respected.⁵⁴¹ The Protocol specifies the minimum standards expected for the treatment of women, it does this by not only stating certain established rights but goes steps further and creates several innovative provisions.⁵⁴² Rights such as widows' rights,⁵⁴³ right to inheritance,⁵⁴⁴ and even a provision for the elimination of harmful practices with an outright ban on female genital mutilation,⁵⁴⁵ are included in the Maputo Protocol.

The Maputo Protocol in its Preamble recognises Article 2 of the African Charter, which enshrines the principle of non-discrimination. It also takes note of women's rights and essential roles in development and furthermore, it reaffirms the principle of promoting gender equality and the commitment of African states to ensure the full participation of African women as equal partners in Africa's development.⁵⁴⁶ The Protocol places an obligation on State Parties to combat all forms of discrimination against women. It provides that,

'States Parties shall combat all forms of discrimination against women through appropriate legislative, institutional and other measures. In this regard they shall:

- a) Include in their national constitutions and other legislative instruments, if not already done, the principle of equality between women and men and ensure its effective application;
- b) enact and effectively implement appropriate legislative or regulatory measures, including those prohibiting and curbing all forms of discrimination particularly those harmful practices which endanger the health and general well-being of women;

⁵⁴⁰ *ibid.*

⁵⁴¹ Christine Ocran, 'Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa' (2007) 15(1) *African Journal of International and Comparative Law* 147,148.

⁵⁴² *ibid.*

⁵⁴³ Maputo Protocol (n 24) art 20.

⁵⁴⁴ *ibid* art 21.

⁵⁴⁵ *ibid* art 5.

⁵⁴⁶ *ibid* preamble.

- c) integrate a gender perspective in their policy decisions, legislation, development plans, programmes and activities and in all other spheres of life;
- d) take corrective and positive action in those areas where discrimination against women in law and in fact continues to exist;
- e) support the local, national, regional and continental initiatives directed at eradicating all forms of discrimination against women.⁵⁴⁷

It is noticed that the Maputo Protocol goes further than the African Charter in its non-discrimination obligations of States by effectively pointing to the important actions that must be carried out to ensure non-discrimination and promoting gender equality. It goes further than stating 'no discrimination to women' and provides that, positive actions must be taken in order to respect, protect and fulfil women's rights. It calls for the need to prevent discrimination, protect from discrimination and even calls for corrective measures where discrimination has occurred. According to Frans Viljoen, 'the Maputo Protocol adopts a distinctly transformative stance.'⁵⁴⁸ This is because, it emphasises, 'corrective and specific positive or affirmative action.'⁵⁴⁹ The Protocol reiterates the need for positive actions and can be seen to locate them in different contexts when providing for the rights within it.⁵⁵⁰

The Protocol recognises gender equality and mandates that this principle be included in all legislative documents and should be considered in measures taken, for effective application of gender equality in policies and programmes created. This means that, Nigeria has the obligation to refrain from interfering with gender equality where it exists, and to take positive actions to ensure gender equality and non-discrimination when necessary, and should take Article 2 of the Maputo Protocol into consideration and as a guide towards achieving this goal. The Maputo Protocol further highlights

⁵⁴⁷ *ibid* art 2(1).

⁵⁴⁸ Viljoen, *An Introduction to the Protocol to the African Charter* (n 537) 23.

⁵⁴⁹ *ibid*.

⁵⁵⁰ *ibid*.

obligations of State Parties towards gender equality where it provides in Article 2(2) that,

‘States Parties shall commit themselves to modify the social and cultural patterns of conduct of women and men through public education, information, education and communication strategies, with a view to achieving the elimination of harmful cultural and traditional practices and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes, or on stereotyped roles for women and men.’⁵⁵¹

This shows that it is recognised that sometimes discrimination and inequalities towards women are practiced in the name of culture, tradition and what might be generally accepted in a particular society. This does not necessarily mean all traditions are bad, but it reinforces the fact that sometimes some beliefs or norms in the society can be used to discriminate against women and perpetuate violence against women, hence highlighting the inequality in the society. Thus, there is a need to modify culture and re-educate persons on matters that constitute violence and discrimination against women, especially when it comes to cultural beliefs and practices.

It should be noted that the modification of culture may not be easy, as these are beliefs that have existed for centuries and have been passed down from generation to generation. Furthermore, culture in itself is not the problem, but cultures and traditions that are harmful to the rights and well-being of women and girls. The discriminatory and harmful nature of these traditions and cultures should be adequately explained to persons within the country and this should be done through raising public awareness, education in schools and workplaces, especially at the rural areas. Overtime, through focused strategies concerned with eradicating these harmful traditions, this goal will be achieved. The Protocol places an obligation on State Parties to make sure these modifications are made to ensure gender equality; and in chapter 5, when we consider the Nigerian society, it will be shown how the patriarchy as well as some cultures and

⁵⁵¹ Maputo Protocol (n 24) art 2(2).

traditions have led to discrimination and gender inequality and the need for this obligation to be carried out.

The Protocol also covers State obligations towards different rights of women ranging from right to dignity,⁵⁵² rights to life, integrity and security of person,⁵⁵³ right to participation in political and decision-making processes,⁵⁵⁴ and even elimination of harmful practices,⁵⁵⁵ child marriage,⁵⁵⁶ widow's rights,⁵⁵⁷ and so many more important women's rights. Some of these topics will be discussed in chapter 5 on the realities of the lives of women and girls in Nigeria and thus show how these obligations are important in the Nigerian context and for gender equality. It is noted that, all these rights provided for in the Protocol are seen to be accompanied with explicit obligations to State Parties on actions that must be undertaken to guarantee these rights and ensure gender equality.

A notable inclusion in the Maputo Protocol, relevant to this thesis, is the right to sustainable development provided for in Article 19. It provides that

'Women shall have the right to fully enjoy their right to sustainable development. In this connection, the States Parties shall take all appropriate measures to:

- a) introduce the gender perspective in the national development planning procedures;
- b) ensure participation of women at all levels in the conceptualisation, decision-making, implementation and evaluation of development policies and programmes;
- c) promote women's access to and control over productive resources such as land and guarantee their right to property;
- d) promote women's access to credit, training, skills development and extension services at rural and urban levels in order to

⁵⁵² *ibid* art 3.

⁵⁵³ *ibid* art 4.

⁵⁵⁴ *ibid* art 9.

⁵⁵⁵ *ibid* art 5.

⁵⁵⁶ *ibid* art 6.

⁵⁵⁷ *ibid* art 20.

- provide women with a higher quality of life and reduce the level of poverty among women;
- e) take into account indicators of human development specifically relating to women in the elaboration of development policies and programmes; and
 - f) ensure that the negative effects of globalisation and any adverse effects of the implementation of trade and economic policies and programmes are reduced to the minimum for women.⁵⁵⁸

The recognition of the importance of women's inclusion and participation in achieving sustainable development in the Maputo Protocol further highlights the relationship between gender equality and sustainable development that has been emphasised in this thesis. It is important for State Parties to carry out these obligations as they promote gender equality and in turn takes the State closer to achieving sustainable development. Looking at the obligations listed in the Maputo Protocol, we can see a combination of actions needed for the attainment of various SDGs ranging from eradication of poverty, education, gender equality, decent work and access to and enjoyment of resources. As earlier discussed in the previous chapter, women play a significant and key role in achieving sustainable development, ranging from their knowledge and expertise to their lived experiences which are crucial to sustainable development.

Furthermore, there cannot be sustainable development, if women do not have equal access, enjoyment and control of resources in view of economic, social and environmental development. Thus, in order to achieve sustainable development, State Parties must fulfil their obligations towards women's rights to sustainable development. When this obligation is fulfilled, women's equal access and enjoyment of resources is ensured, women's inclusion and participation in development processes and policies is ensured and women are included in the decision-making processes. Furthermore, development processes and policies do not miss out on the beneficial contributions of women as a result of their skills, knowledge, expertise and their lived experiences needed for sustainable development to be achieved.

⁵⁵⁸ *ibid* art 19.

4.3.3 AFRICAN CHARTER ON THE RIGHTS AND WELFARE OF THE CHILD 1990 (AFRICAN CHILDREN'S CHARTER)

The African Charter on the Rights and Welfare of the Child is seen as the principle regional document governing children's rights in Africa.⁵⁵⁹ The African Children's Charter, though not specifically mentioning gender equality, contains a non-discrimination article, it provides that,

'Every child shall be entitled to the enjoyment of the rights and freedoms recognized and guaranteed in this Charter irrespective of the child's or his/her parents' or legal guardians' race, ethnic group, colour, sex, language, religion, political or other opinion, national and social origin, fortune, birth or other status.'⁵⁶⁰

This provision translates to State Parties obligations to ensure that all children regardless of any status, enjoy all the rights contained in the charter. Even though, this provision does not specifically mention gender, the article says his/her and therefore shows the recognition of gender.

The provision places an obligation on states to ensure these rights to children and reading this article in connection with article 1 of the Children Charter, which will be stated below, gives State parties both negative and positive obligations towards the protection of the rights of all children, especially the girl child, as it relates to this thesis. Article 1(1) of the African Children's Charter provides that,

'The Member States of the Organization of African Unity Parties to the present Charter shall recognize the rights, freedoms and duties enshrines in this Charter and shall undertake to take the necessary steps, in accordance with their Constitutional processes and with the provisions of the present Charter, to adopt such legislative or other

⁵⁵⁹ African Committee of Experts on the Rights and Welfare of the Child, *General Comment No 5 on "State Party Obligations under the African Charter on the Rights and Welfare of the Child (Article 1) and Systems Strengthening for Child Protection* (African Committee of Experts on the Rights and Welfare of the Child 2018) 1.

⁵⁶⁰ African Charter on the Rights and Welfare of the Child (adopted 1 July 1990, entered into force 29 November 1999) (African Children's Charter) art 3.

measures as may be necessary to give effect to the provisions of this Charter.⁵⁶¹

Going by this provision, there is an obligation on Nigeria to respect the rights of all children irrespective of any status. Furthermore, there is an obligation to take positive actions and necessary steps to ensure that these rights are given effect and fulfilled. The Charter goes further to state that, 'any custom, tradition, cultural or religious practice that is inconsistent with the rights, duties and obligations contained in the present Charter shall to the extent of such inconsistency be discouraged.'⁵⁶²

As will be discussed in Chapter 5, certain practices based on societal norms and traditions are practiced in Nigeria, detrimental to the general well-being of the girl child and this Charter recognises that these practices should be discouraged. This article concerning harmful practices is necessary, however, the word 'discouraged' being used, does not come across as strong enough to deter these actions. I would have hoped for a stronger language, such as 'prohibited' being used to show the gravity of the situation, where custom, tradition, cultural or religious practices are used adversely towards the children. This shows how challenging the modifying of culture which have been ingrained in a society can be. Changing these cultures and traditions, where necessary would not be easy, and where words like 'discouraged' are used, it downplays what needs to be done to change culture and traditions that are harmful to women and girls.

While the obligation to discourage is not a very strong one, Article 21 of the Charter fortunately provides for the obligation on States to take all appropriate measures to eliminate harmful social and cultural practices affecting the welfare, dignity, normal growth and development of the child.⁵⁶³ It focuses on those customs and practices prejudicial to the health or life of the child; and customs and practices discriminatory to the child on the grounds of sex or other status.⁵⁶⁴

⁵⁶¹ *ibid* art 1(1).

⁵⁶² *ibid* art 1(3).

⁵⁶³ African Children's Charter (n 560) art 21(1).

⁵⁶⁴ *ibid* art 21(1)(a) &(b).

In General Comment No. 5 on State obligations, it was provided by the African Committee of Experts on the Rights and Welfare of the Child that, ‘the overarching State party obligation is to respect Charter rights and to ensure fulfilment of all Charter rights to all children in their territory.’⁵⁶⁵ States Parties are required to undertake all possible positive measures towards the realization of the rights of the child contained in the African Children’s Charter, paying special attention to the most disadvantaged and marginalised groups.⁵⁶⁶

Going by this, in discussing Article 3 which was mentioned above, the Committee recognises that, ‘States Parties are obligated to actively identify individual children and groups of children in respect of whom the recognition and realization of their rights may demand special measures.’⁵⁶⁷ It also makes clear that the application of the non-discrimination principle of equal access to all rights does not mean identical treatment.⁵⁶⁸ It may require taking ‘special measures in order to diminish or eliminate conditions that cause discrimination, whether it is discrimination in the context of civil or political rights, in relation to the fulfilment of social, economic and cultural rights, or in relation to specific measures of protection.’⁵⁶⁹

In all, in order to ensure gender equality, there is a need for Nigeria to protect all children, including the girl child and accord them equal opportunities and in cases where required, special measures need to be taken to eradicate inequalities present in the society.

4.4 INTERNATIONAL HUMAN RIGHTS INSTRUMENTS

Nigeria signed and ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) 1979 on 23 April 1984 and 13 June 1985 respectively.⁵⁷⁰ Nigeria ratified the International Covenant on Civil and Political Rights

⁵⁶⁵ ACERWC, General Comment No 5 (n 559) 5.

⁵⁶⁶ *ibid.*

⁵⁶⁷ *ibid* 9.

⁵⁶⁸ *ibid.*

⁵⁶⁹ *ibid.*

⁵⁷⁰United Nations, ‘United Nations Treaty Collection’ <https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-8&chapter=4&clang=en> accessed 2nd July 2024.

1966 (ICCPR) on 29 July 1993,⁵⁷¹ and the International Covenant on Economic, Social and Cultural Rights 1966 (ICESCR) on 29 July 1993.⁵⁷²

4.4.1 CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW)

CEDAW is the primary international human rights instrument concerned with the protection and promotion of women's rights.⁵⁷³ The purpose of CEDAW is to, 'eliminate all forms of discrimination against women with a view to achieving women's de jure and de facto equality with men in the enjoyment of their human rights and fundamental freedoms.'⁵⁷⁴ Article 2 of t CEDAW obligates State parties to condemn all forms of discrimination against women. It provides that,

'States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

(a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;

(b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;

(c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals

⁵⁷¹United Nations, 'United Nations Treaty Collection' <https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-4&chapter=4&clang=en> accessed 2nd July 2024.

⁵⁷²United Nations, 'United Nations Treaty Collection' <https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-3&chapter=4&clang=en> accessed 2nd July 2024.

⁵⁷³ Simone Cusack and Lisa Pusey, 'CEDAW and the Rights to Non-discrimination and Equality' (2013) 14 Melb J Int'l 54, 57.

⁵⁷⁴ *ibid.*

and other public institutions the effective protection of women against any act of discrimination;

(d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;

(e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;

(f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;

(g) To repeal all national penal provisions which constitute discrimination against women.⁵⁷⁵

This Article takes into consideration various ways women should be protected from discrimination of various forms and takes into account that some laws, practices and customs could perpetuate discrimination and inequality. It calls for states to adopt the principle of equality in every sector, including organisations and enterprises. This means that, CEDAW recognises the fact that, more than refraining from interfering with the rights women, the State, in this case Nigeria, must also protect women from non-state actor interference as well. The principle of respect, protect and fulfil is clearly integrated in CEDAW. This notion is explicitly explained by the Committee on the Elimination of Discrimination against Women in General recommendation No. 28.⁵⁷⁶ It provides that,

‘States parties must address all aspects of their legal obligations under the Convention to respect, protect and fulfil women’s right to non-discrimination and to the enjoyment of equality. The obligation to respect requires that States parties refrain from making laws, policies, regulations, programmes, administrative procedures and institutional

⁵⁷⁵ CEDAW (n 16) art 2.

⁵⁷⁶ UN Committee for the Elimination of All Forms of Discrimination against Women, ‘General Recommendation No. 28’ on ‘The Core Obligations of State Parties under Article 2 of the Convention on the Elimination of All Forms of Discrimination against Women’ (16 December 2010) CEDAW/C/GC/28.

structures that directly or indirectly result in the denial of the equal enjoyment by women of their civil, political, economic, social and cultural rights. The obligation to protect requires that States parties protect women from discrimination by private actors and take steps directly aimed at eliminating customary and all other practices that prejudice and perpetuate the notion of inferiority or superiority of either of the sexes, and of stereotyped roles for men and women. The obligation to fulfil requires that States parties take a wide variety of steps to ensure that women and men enjoy equal rights de jure and de facto, including, where appropriate, the adoption of temporary special measures.⁵⁷⁷

The above clearly shows various ways in which State obligations to respect, protect and fulfil the rights of women can be accomplished. With regards to the elimination of practices that prejudice women's rights, CEDAW provides that,

'States Parties shall take all appropriate measures to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women.'⁵⁷⁸

Here, CEDAW recognises that social and cultural patterns and practices based on stereotypes about men and women affect gender equality and the protection of the rights of women. It recognises that, there are practices which are based on ideas of the superiority of men over women and calls for such practices to be modified. As, mentioned previously, the modification of cultures is not an easy task, as they have been ingrained in our society. However, progressive steps must be taken to ensure that the harmful nature of these beliefs and cultures are fully understood by the people within the society and that efforts are made to change these practices through raising awareness of the effects of these cultural practices, creation of

⁵⁷⁷ *ibid* para 9.

⁵⁷⁸ CEDAW (n 16) art 5(a).

legislations and policies governing these harmful cultures, creation of reporting mechanisms where these practices and culture cause harm and furthermore ensuring access to remedy where necessary.

Due to the deep-seated nature of some of these harmful cultures, modification will be challenging and eliminating the practice and belief of these harmful culture will not be immediate, however where the necessary steps as mentioned above are put into place, progressive steps are made towards the eliminations of all harmful cultural and traditional practices affecting the rights of women in Nigeria.

State parties are also obligated to take measures in all fields, including political, social, economic and cultural fields to ensure the full development and advancement of women to guarantee them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.⁵⁷⁹ Thus, Nigeria must ensure that they take all measures in all fields to realise the full development and advancement of women. Furthermore, Nigeria must ensure that in all areas of their lives, including, political, economic, social and cultural, women are able to exercise and enjoy their human rights without fear of discrimination.

One very interesting feature included in CEDAW, is that it makes provision for the adoption of temporary special measures by States. It provides that,

‘Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.’⁵⁸⁰

The Committee on the Elimination of Discrimination against Women made a general recommendation on article 4(1) of CEDAW.⁵⁸¹ It is recognised in this document that, a purely formal legal or programmatic approach is not sufficient to achieve women’s

⁵⁷⁹ *ibid* art 3.

⁵⁸⁰ *ibid* art 4(1).

⁵⁸¹ CEDAW Committee, General Recommendation No. 25 (n 214)

de facto equality with men, which the Committee interprets as substantive equality.⁵⁸²
It goes further to provide that,

‘The Convention requires that women be given an equal start and that they be empowered by an enabling environment to achieve equality of results. It is not enough to guarantee women treatment that is identical to that of men. Rather, biological as well as socially and culturally constructed differences between women and men must be taken into account. Under certain circumstances, non-identical treatment of women and men will be required in order to address such differences.’⁵⁸³

This shows that, State parties have that obligation to make sure that in special circumstances, special treatment can be accorded to women, where various differences are taken into account and this would not be taken as discriminatory. Equality was discussed extensively in chapter 2 of this thesis and I was able to differentiate various forms of equality and why they are essential to the general achievement of gender equality. Formal equality alone, cannot guarantee the achievement of gender equality and that is why Article 4 of the CEDAW is important.

Even more than these special measures which would lead to equality of results or opportunity, it is important that the root cause of the discrimination or disparity is addressed. This is because, even if temporary measures are put in place, for example to ensure equal number of men and women employed in a given organisation, more women are intentionally being employed during a recruitment process. If this temporary special measure is removed, it is possible that overtime, the percentage of women might reduce once more. It is important to investigate why fewer women were employed or why fewer women applied for particular position or why they do not get that position. When this is discovered, it is important to make permanent changes to remedy the situation.

According to the Committee, ‘the position of women will not be improved as long as the underlying causes of discrimination against women and of their inequality, are not

⁵⁸² Ibid para 8.

⁵⁸³ Ibid.

effectively addressed.⁵⁸⁴ Furthermore, the measures adopted should be geared towards a 'real transformation of opportunities, institutions and systems so that they are no longer grounded in historically determined male paradigms of power and life patterns.'⁵⁸⁵

In respect of gender equality and sustainable development, it is important to point out that CEDAW recognises women's important roles and contributions to the development of the society. CEDAW does not make mention of sustainable development, however, it points out how discrimination of women hampers the development and advancement of women and in turn, development of the society. It also points out that women are the most affected in situations of poverty and lack of access to resources needed for self-development. CEDAW recalls in its Preamble that, '

discrimination against women violates the principles of equality of rights and respect for human dignity, it is an obstacle to the participation of women, on equal terms with men, in the political, social, economic and cultural life of their countries, hampers the growth of the prosperity of society and the family and makes more difficult the full development of the potentialities of women in the service of their countries and of humanity.'⁵⁸⁶

CEDAW also acknowledges that, 'in situations of poverty women have the least access to food, health, education, training and opportunities for employment and other needs.'⁵⁸⁷ CEDAW further provides that, 'the full and complete development of a country, the welfare of the world and the cause of peace require the maximum participation of women on equal terms with men in all fields.'⁵⁸⁸

The above shows that, even though sustainable development is not specifically mentioned, there is a link between achieving gender equality and development processes in a country. Women's inclusion and participation in the development of the

⁵⁸⁴ *ibid* para 10.

⁵⁸⁵ *ibid*.

⁵⁸⁶ CEDAW (n 16) preamble.

⁵⁸⁷ *ibid*.

⁵⁸⁸ *ibid*.

society is recognised and important to development and this can be attributed to sustainable development as discussed in chapter 3. Furthermore, CEDAW, recognises that women bear the brunt of poverty and have the least access to resources, such as access to food, health, education, employment opportunities and other needs, and this is due to the inequality and discriminations that exists in the society. The provision of these resources for all and the eradication of poverty, form parts of the sustainable development goals contained in the 2030 Agenda.

It is only when gender equality and non-discrimination is achieved, that we can protect the various human rights of women and make progress towards the sustainable development goals, such as the ending all of forms of poverty,⁵⁸⁹ ending hunger and achieving food security,⁵⁹⁰ ensuring healthy lives and promoting well-being for all,⁵⁹¹ ensuring inclusive and equitable quality education for all,⁵⁹² promoting sustained, inclusive and sustainable economic growth and employment and decent work for all,⁵⁹³ and all other sustainable development goals provided for in the 2030 Agenda.

Ultimately, CEDAW is very important to the protection of women's rights and the elimination of all forms of discrimination and carrying out obligations under this document in conjunction with the Maputo Protocol will contribute to the achievement of gender equality, which will in turn make progress towards sustainable development. It is important to note that these human rights instruments must go hand in hand with political and social change to achieve gender equality. The Maputo Protocol speaks in a clearer voice about issues of particular concern to African women and locates CEDAW in African reality.⁵⁹⁴

The Maputo Protocol expands the protective scope of women's rights by addressing numerous issues of particular concern to African women that were not included in CEDAW. For example, it provides for the right of a women to be informed on one's health status and to be protected against HIV infection and to know the HIV status of her sexual partner.⁵⁹⁵ Despite any differences they might have, both instruments are

⁵⁸⁹ The 2030 Agenda (n 7) goal 1.

⁵⁹⁰ *ibid* goal 2.

⁵⁹¹ *ibid* goal 3.

⁵⁹² *ibid* goal 4.

⁵⁹³ *ibid* goal 8.

⁵⁹⁴ Viljoen, *An Introduction to the Protocol to the African Charter* (n 537) 21.

⁵⁹⁵ CEDAW (n 16) art 14(d) &(e).

crucial to the protection of women's rights and promotion of gender equality. They serve as key instruments beneficial to the protection and promotion of women's rights. Where Nigeria carries out its obligations to respect, protect and fulfil all rights of women contained within them, then we are closer to achieving gender equality within the society, ensuring the protection of the rights of women and in turn making progress towards the achievement of sustainable development in Nigeria.

4.4.2 INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS 1966 (ICCPR)

The International Covenant on Civil and Political Rights is designed to protect civil and political rights. It contains rights such as the right to life,⁵⁹⁶ freedom from torture, cruel and degrading treatment,⁵⁹⁷ right to liberty and security of person,⁵⁹⁸ and many more very important rights. The ICCPR provides for State obligations towards these rights in Article 2. It provides that,

‘Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.’⁵⁹⁹

From this provision, we can see that States have the obligation to ensure non-discrimination and the enjoyment of the rights contained in this document of all persons. Obligations under the ICCPR are better explained in General Comment No. 31.⁶⁰⁰ The Committee provides that, Article 2 places a legal obligation on State parties and this obligation is both negative and positive.⁶⁰¹ States must refrain from violation of the rights recognized by the Covenant and in accordance with article 2(2), must adopt legislative or other measures, which according to the Committee include

⁵⁹⁶ ICCPR (n 20) art 6(1).

⁵⁹⁷ *ibid* art 7.

⁵⁹⁸ *ibid* art 9(1).

⁵⁹⁹ *ibid* art 2(1).

⁶⁰⁰ UNHRC, General Comment No. 31[80] (n 505).

⁶⁰¹ *ibid* para 6.

judicial, administrative, educative and other appropriate measures in order to fulfil their legal obligations.⁶⁰²

In terms of State obligations towards gender equality, this means that irrespective of whether one is a man or woman or any other intersections that may exist, they must have full enjoyment of all rights contained in the ICCPR. This involves States refraining from interfering with these rights and also taking positive actions by adopting measures to protect rights of women and furthermore, as provided for in Article 2(3) providing remedy where there has been violation of rights. According to Article 2(3),

‘Each State Party to the present Covenant undertakes:

(a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;

(b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;

(c) To ensure that the competent authorities shall enforce such remedies when granted.’⁶⁰³

Article 3 of the ICCPR further throws more light on State obligation towards gender equality within the Covenant. It provides that, ‘the States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant.’⁶⁰⁴ General Comment No. 28 addresses this provision. Here, the Human Rights Committee provides that Article 3 implies that, all human beings should enjoy the rights in the Covenant, on an equal

⁶⁰² *ibid* para 7.

⁶⁰³ ICCPR (n 20) art 2(3).

⁶⁰⁴ *ibid* art 3.

basis and in their totality.⁶⁰⁵ Furthermore, the full effect of article 3 is impaired whenever any person is denied the full and equal enjoyment of any right.⁶⁰⁶

The Human Rights Committee takes a reading of article 2 and 3 together and provides that, State parties should take all necessary steps to enable every person enjoy rights in the Covenant. It goes further to mention some of these steps including, the removal of obstacles to the equal enjoyment of all rights, the education of the population and state officials in human rights and the adjustment of domestic legislation in order to give effect to the undertakings set forth in the Covenant.⁶⁰⁷ It also provides that the State party must not only adopt measures of protection but also take positive measures in all areas so as to achieve the effective and equal empowerment of women.⁶⁰⁸

States parties must also provide information regarding the actual role of women in the society so that the Committee may ascertain what measures, in addition to legislative provisions, have been or should be taken to give effect to these obligations.⁶⁰⁹ Also, information on what progress has been made, what difficulties are encountered and what steps are being taken to overcome them should be provided.⁶¹⁰

The Human Rights Committee also noted that inequality in the enjoyment of women's rights is deeply embedded in tradition, history, culture and even religion, as will be discussed in the next chapter within the context of Nigeria. It thus provides that,

'States parties should ensure that traditional, historical, religious or cultural attitudes are not used to justify violations of women's right to equality before the law and to equal enjoyment of all Covenant rights. States parties should furnish appropriate information on those aspects of tradition, history, cultural practices and religious attitudes which jeopardise, or may jeopardise, compliance with article 3, and indicate

⁶⁰⁵ UN Human Rights Committee, 'General Comment No. 28' on 'Equality of Rights between Men and Women, (Art.3)' U.N. Doc. CCPR/C/21/Rev.1/Add.10 (2000) para 2.

⁶⁰⁶ *ibid.*

⁶⁰⁷ *ibid* para 3.

⁶⁰⁸ *ibid.*

⁶⁰⁹ *ibid.*

⁶¹⁰ *ibid.*

what measures they have taken or intend to take to overcome such factors.⁶¹¹

This is not to say that all aspects of culture, tradition and religion are harmful, however, it has been seen that some aspects of culture and religion have in their practice or outcome constituted the violation of women's rights, discrimination and violence against women. These practices must be eradicated by State parties in order to ensure equality and the protection of women's rights.

The Human Rights Committee also points out that in order to fulfil the obligation set forth in article 3, States parties should take account of the factors which impede the equal enjoyment by women and men of each right specified in the Covenant.⁶¹² This is very important because, it is when these factors have been identified and appropriately dealt with by State parties, then we can achieve gender equality which allows for a total transformation of barriers and structures that impede women's rights, empowerment and growth. State parties must investigate why women face discrimination and inequalities and through legislative, judicial, administrative and other measures remedy the situation.

The Human Rights Committee goes ahead to discuss the various rights in the Covenant and how equality between men and women must be demonstrated within them. In all, there clearly exists within the Covenant an obligation of States towards gender equality. Nigeria as a state party to the ICCPR, must respect, protect, fulfil and even promote the equal rights of women. It is important that State parties carry out their obligations contained in this instrument, because, it ensures progress towards gender equality and the protection of women's rights and this in turn, as emphasised in this thesis ensures progress towards sustainable development.

4.4.3 INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS 1966 (ICESCR)

The International Covenant on Economic, Social and Cultural Rights (ICESCR) provides for economic, social and cultural rights. These rights are critical to survival

⁶¹¹ ibid para 5.

⁶¹² ibid para 6.

and to the development of full human potential.⁶¹³ Rights such as adequate food,⁶¹⁴ shelter,⁶¹⁵ healthcare,⁶¹⁶ education,⁶¹⁷ right to work and favourable conditions of work,⁶¹⁸ social security,⁶¹⁹ the right to participate in and benefit from one's culture,⁶²⁰ are included in the ICESCR.

Article 2(1) is the key provision that outlines the nature of obligations imposed by the Covenant on State parties. It provides that,

‘Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.’⁶²¹

One distinctive feature of the above provision is that it provides for the progressive realisation of the rights contained within the Covenant depending on the availability of resources in a country. According to the CESCR General Comment No. 3, ‘the concept of progressive realisation constitutes a recognition of the fact that full realisation of all economic, social and cultural rights will generally not be able to be achieved in a short period of time.’⁶²²

The Committee however makes clear that the fact that realisation over time or progressively is used, should not be misinterpreted as depriving the obligation all meaningful content.⁶²³ It should however be seen as a necessary flexibility device

⁶¹³ International Women's Rights Action Watch, 'Equality and Women's Economic, Social and Cultural Rights: A Guide to Implementation and Monitoring under the International Covenant on Economic, Social and Cultural Rights' (2004) 7 < <http://hrlibrary.umn.edu/iwraw/CESCRMANUAL.pdf> > accessed 30 August 2024.

⁶¹⁴ ICESCR (n 21) art 11(2).

⁶¹⁵ *ibid* art 11(1).

⁶¹⁶ *ibid* art 12.

⁶¹⁷ *ibid* art 13.

⁶¹⁸ *ibid* art 6 & 7.

⁶¹⁹ *ibid* art 9.

⁶²⁰ *ibid* art 15(1)(a).

⁶²¹ *ibid* art 2(1).

⁶²² UN Economic and Social Council, 'General Comment No. 3' on 'The Nature of States Parties Obligations' (Art. 2, Para. 1 of the Covenant) E/1991/23 (1990) para 9.

⁶²³ *ibid*.

that reflects the realities of the world and the difficulties in ensuring the full realisation of economic, social and cultural rights.⁶²⁴

Whilst the Covenant provides for progressive realisation and acknowledges the constraints due to the limits of available resources, it also imposes various obligations which are of immediate effect.⁶²⁵ One of such obligations which is of immediate effect is the obligation set out in Article 3 of the Covenant, which provides that, ‘the States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant.’⁶²⁶ According to the Committee on Economic, Social and Cultural Rights in General Comment No. 16, ‘the equal right of men and women to the enjoyment of economic, social and cultural right is a mandatory and immediate obligation of State parties.’⁶²⁷

The ESCR Committee points out that Article 2(2) of the Covenant which provides for non- discrimination on the grounds of sex and other status, should be read together with Article 3, citing them as ‘integrally related and mutually reinforcing’.⁶²⁸ It makes clear that, ‘the elimination of discrimination is fundamental to the enjoyment of economic, social and cultural rights on a basis of equality.’⁶²⁹ The ESCR Committee acknowledges that women are often denied equal enjoyment of their rights, due to, in particular, ‘the lesser status ascribed to them by tradition and custom, or as a result of overt or covert discrimination.’⁶³⁰ In-fact, it is noted that, many women experience distinct forms of discrimination due to the intersection of sex with other factors such as race, language, religion, age, disability, ethnicity and other status resulting in compounded disadvantage.⁶³¹ It is thus the obligation of State parties to give immediate effect to this provision.

⁶²⁴ Ibid.

⁶²⁵ Ibid para 1.

⁶²⁶ ICESCR (n 21) art 3.

⁶²⁷ UN Economic and Social Council, ‘General Comment No. 16’ on ‘The Equal Rights of Men and Women to the Enjoyment of All Economic, Social and Cultural Rights (Art. 3 of the Covenant)’ E/C.12/2005/4 (2005) para 16.

⁶²⁸ Ibid para 3.

⁶²⁹ Ibid.

⁶³⁰ Ibid para 5.

⁶³¹ Ibid.

According to the ESCR Committee, the State parties have the obligation to respect, protect and fulfil this provision. The obligation to respect requires States to refrain from discriminatory actions that directly or indirectly result in the denial of equal enjoyment of economic, social and cultural rights of men and women.⁶³² The obligation to protect requires States to take steps aimed at the elimination of prejudices, customary and all other practices that perpetuate the notion of inferiority or superiority of either of the sexes, and stereotyped roles for men and women.⁶³³ This includes the adoption of constitutional and legislative provisions to this effect, regulation of the conduct of third parties by preventing non-state actors from interfering directly or indirectly with enjoyment of rights and also the establishment of institutions, agencies and programmes to protect women.⁶³⁴ The obligation to fulfil requires States to take steps to ensure that in practice, men and women enjoy their economic, social and cultural rights on a basis of equality.⁶³⁵

Steps such as these, but not limited to them include: making available and accessible appropriate remedies, such as compensation, reparation, restitution, rehabilitation, guarantees of non-repetition, declarations, public apologies, educational programmes, prevention programmes; the promotion of equal representation of men and women in public offices and decision making bodies and equal participation in development plans; the development of monitoring mechanisms to ensure that the implementation of laws and policies aimed at promoting the equal enjoyment of economic, social and cultural rights by men and women do not have unintended adverse effects on disadvantaged or marginalized individuals or groups, particularly women and girls; conducting awareness-raising and training programmes on equality, integrating in formal and non-formal education, the principle of the equal right of men and women and so many more innovative ways to bring to realisation gender equality in the country.⁶³⁶

The economic, social and cultural rights contained in the ICESCR are very important towards progress in sustainable development. Gender inequalities and denial of these

⁶³² *ibid* para 18.

⁶³³ *ibid* para 19.

⁶³⁴ *ibid*.

⁶³⁵ *ibid* para 21.

⁶³⁶ *ibid*.

rights hinder progress towards sustainable development and the SDGs. For example, article 6 of the ICESCR provides that,

‘The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right. The steps to be taken by a State Party to the present Covenant to achieve the full realization of this right shall include technical and vocational guidance and training programmes, policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual.’⁶³⁷

Where the right to work is denied, not only are women’s livelihood affected, but economic, social and cultural development is affected as well. Furthermore, progress towards SDG 8 of the 2030 Agenda which provides for the promotion of sustained, inclusive and sustainable economic growth and employment and decent work for all is also affected.

This applies to other rights contained in the ICESCR which are important to the accomplishment of the SDGs and their targets. These include rights such as, the right to adequate food and right to be free from hunger,⁶³⁸ which is beneficial to SDG goal 2, that aims to end hunger and achieve food security. It also includes the right of everyone to the enjoyment of the highest attainable standard of physical and mental health,⁶³⁹ which is beneficial to SDG 3 that aims to ensure healthy lives and promote well-being of all and even the right of everyone to education,⁶⁴⁰ beneficial to SDG 4, which aims to ensure inclusive and equitable education for all. In all, it is important for Nigeria to carry out its obligations towards gender equality and the rights contained within the ICESCR and all other human rights instruments discussed in this thesis, because, carrying out these obligations ensure the rights

⁶³⁷ ICESCR (n 21) art 6 (1) & (2).

⁶³⁸ *ibid* art 11(1) & (2).

⁶³⁹ *ibid* art 12(1) & (2).

⁶⁴⁰ *ibid* art 13.

of women are protected and are also connected to the achievement of sustainable development in the country.

4.5 THE APPROACH OF THE AFRICAN COMMISSION AND AFRICAN COURT TOWARDS EQUALITY AND NON-DISCRIMINATION COMPARED WITH INTERNATIONAL HUMAN RIGHTS TREATY BODIES

Having examined the obligations relating to equality and non-discrimination under regional and international human rights instruments, I will briefly analyse the approach of treaty bodies to equality and non-discrimination. I focus on the approach of the African Commission on Human and Peoples' Rights (African Commission) and the African Court on Human and Peoples' Rights (African Court) within the African context, before briefly comparing this with the approach adopted by international treaty bodies, which includes United Nations Human Rights Committee (HRC), the Committee on the Elimination of Discrimination Against Women (CEDAW Committee), and the Committee on Economic, Social and Cultural Rights (CESCR).

By virtue of its mandate under the African Charter, the African Commission has interpreted the provisions of the Charter through its communications procedure, as well as through the adoption of General Comments and Resolutions.⁶⁴¹ The African Commission in *Egyptian Initiative for Personal Rights and Interights v Egypt*,⁶⁴² addressed discrimination against women. This Communication involved the insults, violence, intimidation and sexual harassment of four female victims in the presence of high-ranking officers of the Ministry of Interior and the Riot police.⁶⁴³ The complainants submitted that these acts and omissions constituted a violation of various articles of the African Charter, including Articles 1, 2, 3 and 18(3) by the State.⁶⁴⁴

In assessing a potential violation of Article 2 of the Charter, the African Commission examined whether the women and male protesters were treated similarly and whether such treatment was fair and just, considering that all individuals on the scene were in

⁶⁴¹ African Charter (n 23) art 45.

⁶⁴² *Egyptian Initiative for Personal Rights and Interights v Egypt*, Communication 323/06 (ACHPR, 12 October 2013).

⁶⁴³ *ibid* para 4.

⁶⁴⁴ *ibid* para 23.

the same situation, that is, exercising their political rights.⁶⁴⁵ Three clear conclusions were obvious from the submissions, the victims were exclusively women, the victims were not protected from the perpetrators and other unidentified actors during the demonstrations and the violations were perpetrated on the Victims because of their gender.⁶⁴⁶ The Commission found a violation of Article 2 of the African Charter.⁶⁴⁷ The African Commission was of the opinion, ‘that the treatment was neither legitimate, nor justifiable because there is no reasonable cause behind the discrimination that was inflicted upon the victims.’⁶⁴⁸ The African Commission highlighted that,

‘Equality and non-discrimination are core principles in international human rights law. Consequently, the premise under Article 3 of the African Charter is that the law shall prohibit any form of discrimination and guarantee to all individuals equal and effective protection against discrimination on any ground, regardless of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. In this respect, the State has an affirmative duty to prohibit discrimination and ensure that all persons are protected by the law and are equal before the law.’⁶⁴⁹

Ultimately, the African Commission was of the opinion that,

‘the Respondent State had a responsibility to provide a police force to protect the victims against violations of their rights during the protest, and to put in place normative systems and institutions to maintain a system of justice that provides remedies for violations and imposes sanctions on violators. It is also the duty of the Respondent State, to investigate when violations have occurred and ensure thorough investigations. Failure to do all the above, is a violation of Article 1 of the African Charter.’⁶⁵⁰

⁶⁴⁵ *ibid* para 129.

⁶⁴⁶ *ibid* para 137.

⁶⁴⁷ *ibid* para 139.

⁶⁴⁸ *ibid* para 149.

⁶⁴⁹ *ibid* para 175.

⁶⁵⁰ *ibid* para 274.

The African Commission has also addressed equality and non-discrimination in *Purohit and Moore v Gambia (The)*.⁶⁵¹ Here, the Complainants, mental health advocates, submitted a communication on behalf of patients detained at a Psychiatric Unit of the Royal Victoria Hospital, alleging that legislation governing mental health in The Gambia is outdated, amongst other complaints involving the legislation.⁶⁵² The Complainants alleged a violation of various articles of the African Charter, including article 2 and 3.⁶⁵³ The African Commission made it clear that, Article 2 and 3 of the African Charter form the anti-discrimination and equal protection provisions of the African Charter.⁶⁵⁴ The African Commission stated that, Article 2 lays down a principle that is essential to the spirit of the African Charter and is therefore necessary in eradicating discrimination in all its guises, while Article 3 is important because it guarantees fair and just treatment of individuals within a legal system of a given country.⁶⁵⁵

It highlighted that, these provisions are non-derogable and therefore must be respected in all circumstances in order for anyone to enjoy all the other rights provided for under the African Charter.⁶⁵⁶ The African Commission found The Gambia in violation of Articles 2 and 3 as well as other articles of the African Charter and urged the Government of The Gambia to repeal their mental health law and replace it with new legislation that is compatible with the African Charter and international standards and norms in the protection of mentally ill and disabled people.⁶⁵⁷

The African Court, which complements the protective mandate of the African Commission,⁶⁵⁸ has jurisdiction to hear all cases and disputes submitted to it concerning the interpretation and application of the African Charter, its establishing Protocol and any other relevant Human Rights instrument ratified by the States

⁶⁵¹ *Purohit and Moore v Gambia (The)*, Communication 241/01 (ACHPR, 29 May 2003).

⁶⁵² *ibid* para 1-8.

⁶⁵³ *ibid* para 9.

⁶⁵⁴ *ibid* para 49.

⁶⁵⁵ *ibid*.

⁶⁵⁶ *ibid*.

⁶⁵⁷ *ibid* 86.

⁶⁵⁸ Protocol to the African Charter on Human and People's Rights on the Establishment of an African Court on Human and People's Rights (adopted 10 June 1998, entered into force 25 January 2004) (African Court Protocol) art 2.

concerned.⁶⁵⁹ Since its commencement of operations, the African Court has developed a relatively progressive human rights jurisprudence, providing the continent with a solid foundation for adjudicating cases involving human rights violations.⁶⁶⁰ The African Court in *African Commission on Human and Peoples' Rights v Kenya*,⁶⁶¹ delivered a judgment on indigenous rights and non-discrimination. The Court found that the forced eviction of the Ogiek community from their ancestral lands violated multiple Charter provisions, including Article 2 of the African Charter.⁶⁶² The African Court made it clear that, 'Article 2 of the Charter is imperative for the respect and enjoyment of all other rights and freedoms protected in the Charter.'⁶⁶³ It stated that,

'the provision strictly proscribes any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment.'⁶⁶⁴

The African Court also emphasised that the right to non-discrimination is closely tied to the right to equality before the law and equal protection under Article 3 of the Charter.⁶⁶⁵ It made it clear that, the scope of the right to non-discrimination extends beyond the right to equal treatment by the law and includes a practical dimension in that individuals should in fact be able to enjoy the rights enshrined in the Charter without distinction of any kind relating to their race, colour, sex, religion, political opinion, national extraction or social origin, or any other status.⁶⁶⁶ The African Court stated that, the expression 'any other status' under Article 2 encompasses those cases of discrimination, which could not have been foreseen during the adoption of the Charter.⁶⁶⁷

⁶⁵⁹ *ibid* art 3(2).

⁶⁶⁰ John M. Mbatia, 'The Emerging Jurisprudence of the African Human Rights Court and the Protection of Human Rights in Africa' (2023) vol 56(2) *Vanderbilt Journal of Transnational Law* 367.

⁶⁶¹ *African Commission on Human and Peoples' Rights v Kenya* (merits) (African Court on Human and Peoples' Rights) Application No 006/2012, 26 May 2017.

⁶⁶² *ibid* para 146.

⁶⁶³ *ibid* para 137

⁶⁶⁴ *ibid*.

⁶⁶⁵ *ibid* para 138.

⁶⁶⁶ *ibid*.

⁶⁶⁷ *ibid*.

In the case of *Association pour le Progrès et la Défense des Droits des Femmes Maliennes (APDF) and the Institute for Human Rights and Development in Africa (IHRDA) v Republic of Mali*,⁶⁶⁸ the African Court examined Mali's Persons and Family Code. The Applicants in this case alleged violations of various articles of the Maputo Protocol, the African Charter on the Rights and Welfare of the Child and CEDAW.⁶⁶⁹ The African Court had the opportunity for the first time to pronounce itself on the provisions of the Maputo Protocol.⁶⁷⁰ The Court held that the Persons and Family Code of Mali had several provisions that were in contravention of the Maputo Protocol and the African Children's Charter, notably violations of the minimum age of marriage, consent to marriage, rights to inheritance and harmful cultural practices.⁶⁷¹ The Court rejected Mali's argument that the law on minimum age of marriage should be seen in the context of the social, cultural and religious realities of Mali.⁶⁷² The African Court emphasised that, State Parties shall take all appropriate measures to eliminate harmful social and cultural practices.⁶⁷³

As demonstrated above, both the African Commission and the African Court have, at various points, emphasised the central importance of equality and non-discrimination, interpreting regional human rights instruments in a manner that elaborates and reinforces these principles in their decision-making. However, international treaty bodies have, as demonstrated above, developed various General Comments that specifically address equality and non-discrimination shedding more light on the interpretation of the international human rights instruments.

The CEDAW Committee as discussed previously, developed General Recommendation No. 28,⁶⁷⁴ and General Recommendation No. 25,⁶⁷⁵ which concerns equality and non-discrimination. The CEDAW Committee in its recommendation, discussed equality that moves beyond formal equality to address structural and

⁶⁶⁸ *Association pour le Progrès et la Défense des Droits des Femmes Maliennes (APDF) and the Institute for Human Rights and Development in Africa (IHRDA) v Republic of Mali* (African Court on Human and Peoples' Rights, Judgment) Application No 046/2016, 11 May 2018.

⁶⁶⁹ *ibid* para 9.

⁶⁷⁰ Magnus Killander and Michael Gyan Nyarko 'Human rights developments in the African Union (January 2017-September 2018) (2018) vol 18 African Human Rights Law Journal 732, 750.

⁶⁷¹ *ibid*.

⁶⁷² *ibid*.

⁶⁷³ *APDF & IHRDA v Mali* (n 668) para 73.

⁶⁷⁴ CEDAW Committee, General Recommendation No. 28 (n 576).

⁶⁷⁵ CEDAW Committee, General Recommendation No. 25 (n 214).

systemic discrimination against women.⁶⁷⁶ The CEDAW Committee has also in its decisions interpreted the rights to equality and non-discrimination. In *Abramova v Belarus*,⁶⁷⁷ the Committee concluded that, the State party failed to meet its obligations under articles 2 and 5 (a) of CEDAW.⁶⁷⁸ The Committee considered the disrespectful treatment of the author by State agents, namely male prison staff, including inappropriate touching and unjustified interference with her privacy constituted sexual harassment and discrimination within the meaning of articles 1 and 5 (a) of CEDAW.⁶⁷⁹ The Committee held the state party accountable under CEDAW for discriminating against and sexually harassing Abramova whilst she was detained under administrative arrest.⁶⁸⁰ This decision clarified that the failure to meet the specific needs of women detainees and the failure to ensure that women prisoners are attended and supervised by women officers constituted discrimination under CEDAW.⁶⁸¹

Similarly, as discussed above, the Human Rights Committee, in General Comment No. 31⁶⁸² and General Comment No. 28⁶⁸³ addressed equality and non-discrimination. Furthermore, the Human Rights Committee in General Comment No. 18, stated that, 'Non-discrimination, together with equality before the law and equal protection of the law without any discrimination, constitute a basic and general principle relating to the protection of human rights.'⁶⁸⁴ In addition, the Committee on Economic, Social and Cultural Rights has addressed issues of equality and non-discrimination in General Comment No. 16,⁶⁸⁵ which was discussed above and which clarifies the immediate and fundamental nature of non-discrimination obligations under the Covenant.

⁶⁷⁶ *ibid* para 8-10.

⁶⁷⁷ *Abramova v Belarus* Communication No. 23/2009, CEDAW/C/49/D/23/2009, 27 September 2011.

⁶⁷⁸ *Ibid* para 7.7.

⁶⁷⁹ *ibid*.

⁶⁸⁰ Simone Cusack and Lisa Pusey, 'CEDAW and the Rights to Non-discrimination and Equality' (2013) vol 14 *Melbourne Journal of International Law* 1, 22.

⁶⁸¹ *ibid*.

⁶⁸² UNHRC, General Comment No. 31[80] (n 505).

⁶⁸³ UNHRC, General Comment No. 28 (n 605).

⁶⁸⁴ UN Human Rights Committee, 'General Comment No. 18' on Non-Discrimination' U.N. Doc. HRI/GEN/1/Rev.1 at 26 (1994) para 1.

⁶⁸⁵ UN Economic and Social Council, 'General Comment No. 16 (n 627).

It is also noteworthy that, the African Charter not only protects the rights of individuals, as most other human rights instruments, but also protects the rights of peoples.⁶⁸⁶ Hence, since a narrow-individualised victim requirement will pose an obstacle to bringing collective communications, the current approach of allowing broad standing in the public interest accords appropriate weight to the concept of peoples rights under the Charter.⁶⁸⁷ Furthermore, The African Commission has also taken the position that the person, persons, or entity submitting the communication need not act with the express consent of the victim.⁶⁸⁸ In this respect, African regional practice differs from that of other international bodies, as the communication may be submitted by another individual (including family members), by a group of persons, or by an NGO.⁶⁸⁹ An NGO may submit a communication on behalf of an individual, a group of individuals, or another NGO and the submitting NGO need not enjoy observer status with the Commission.⁶⁹⁰ Conclusively, the African and international treaty bodies discussed have interpreted the provisions of regional and international human rights instruments relating to equality and non-discrimination, and have continuously developed their jurisprudence and interpretative approaches. This progressive development aims to ensure the effective protection of the right to equality and non-discrimination, as well as all other rights enshrined in these instruments.

4.6 CONCLUSION

In conclusion, from the above, it is shown that regional and international human rights instruments contain certain obligations which States must carry out to ensure gender equality. Even though, gender equality might not be explicitly stated sometimes, a reading of the provisions allows for the clear interpretations of what is expected from State parties concerning the promotion and protection of women's rights. Furthermore, this chapter further demonstrates the relationship between the achievement of gender equality and sustainable development. The obligations Nigeria has under these instruments have been clearly shown, however, it is unfortunate that the reality in Nigeria shows gender inequality and discrimination in the country, resulting from

⁶⁸⁶ Viljoen, *International Human Rights Law in Africa* (n 524) 305.

⁶⁸⁷ *ibid.*

⁶⁸⁸ *Ibid* 304.

⁶⁸⁹ *ibid.*

⁶⁹⁰ *ibid.*

societal and cultural norms, highlighting the belief of the inferiority of women compared to men. The next chapter will also explore what has been done in Nigeria to protect women's rights and whether or not this has been effective.

CHAPTER 5: A CASESTUDY OF THE NIGERIAN SOCIETY

5.1 INTRODUCTION

Gender inequality remains pervasive and entrenched in our societies, the nature and extent of these inequalities vary across countries and regions,⁶⁹¹ and Nigeria is not exempted from this situation. Even though the Nigerian Constitution provides for gender equality and non-discrimination,⁶⁹² women continue to suffer discrimination and disparities exist between men and women in the country. It is observed that, this occurs as a result of various factors which include, 'discriminatory laws, religious and cultural norms, gender stereotypes, low levels of education, and the disproportionate effect of poverty on women.'⁶⁹³

In this chapter, I focus on women's conditions in Nigeria. This is because, I have earlier stated that in order to make progress towards sustainable development and the SDGs, gender equality must be achieved. It is thus important, to see the current state of Nigerian women and how far Nigeria has fulfilled its obligations under international and regional human rights instruments towards gender equality.

Furthermore, it is imperative that I discuss measures that have been put in place towards gender equality and the protection of women rights. This is because, I will then be able to evaluate what has been done and how it can be improved to ensure gender equality and in turn make progress towards sustainable development in Nigeria. Thus, this chapter explores the inequalities in the country and goes further to discuss the laws and measures in place to protect women, evaluating whether or not they are effective and give reasons why.

⁶⁹¹ Linda Anyalebechi, 'The issue of Gender Inequality in Nigeria' (2016) 10(2) *Journal of Policy and Development Studies* 63.

⁶⁹² The Constitution of the Federal Republic of Nigeria, 1999 (CFRN) (as amended) s 42.

⁶⁹³ Anietie Ewang, 'Nigeria Risks Falling Further Behind on Women's Equality: Authorities and Lawmakers Should Ensure Women's Equality and Inclusion in the Constitution' *Human Rights Watch* (8 March, 2022) <<https://www.hrw.org/news/2022/03/08/nigeria-risks-falling-further-behind-womens-equality>> accessed 23rd December 2022.

5.2 BEING A WOMAN IN NIGERIA

Nigeria is the most populous country in Africa and the seventh most populous country globally.⁶⁹⁴ As of 2021, Nigeria has a population of over 206 million, women constitute 49.95% of this number.⁶⁹⁵ Nigeria is a federal republic comprising of 36 states bordering Niger, Chad, Cameroon, and Benin.⁶⁹⁶ Nigeria is a country made up of people from different ethnic groups with the dominant groups being the Igbos, Yorubas and Hausas.⁶⁹⁷ It has more than 250 ethnic groups with different cultural practices, languages and beliefs.⁶⁹⁸

Religion in Nigeria is majorly Christianity and Islam, with Christians predominantly from the South and Muslims predominantly from the Northern region of the country and they form the two largest blocks of religious identities in Nigeria.⁶⁹⁹ Statistics about the proportion of Christians and Muslims in Nigeria are deeply contentious and have been subject to conjecture, this is because of the fact that,

‘In the past, the politicisation of the census on religious and ethnic grounds resulted in unreliable religio-ethnic demographic data in Nigeria, as population statistics were (and still are) often manipulated for political, economic, and religious ends, not least because such figures constitute one basis for the sharing of national revenue and other resources. That partly explains why religious indices were excluded from the recent national census.’⁷⁰⁰

⁶⁹⁴ UN Women Africa, ‘Nigeria’ <<https://africa.unwomen.org/en/where-we-are/west-and-central-africa/nigeria>> accessed 23rd December.

⁶⁹⁵ *ibid.*

⁶⁹⁶ *ibid.*

⁶⁹⁷ Ojua Takim Asu, Ishor David Gever & Ndom Pefun Joshua, ‘African Cultural Practices and Health Implications for Nigeria Rural Development’ (2013) 2(1) *International Review of Management and Business Research* 176.

⁶⁹⁸ *ibid.*

⁶⁹⁹ Andrew Mckinnon, ‘Christians, Muslims and Traditional Worshipers in Nigeria: Estimating the Relative Proportions from Eleven Nationally Representative Social Surveys’ (2021) 63 *Review of Religious Research* 303, 304.

⁷⁰⁰ Afe Adogame, ‘How God became a Nigerian: Religious Impulse and the Unfolding of a Nation’ (2010) 28(4) *Journal of Contemporary African Studies* 479, 479.

Several attempts have been made to move beyond conjectures and recent figures from the World Christian Encyclopedia,⁷⁰¹ provided that percentage of Christians in Nigeria are at 46.3% whilst Muslims are 46.2%.⁷⁰²

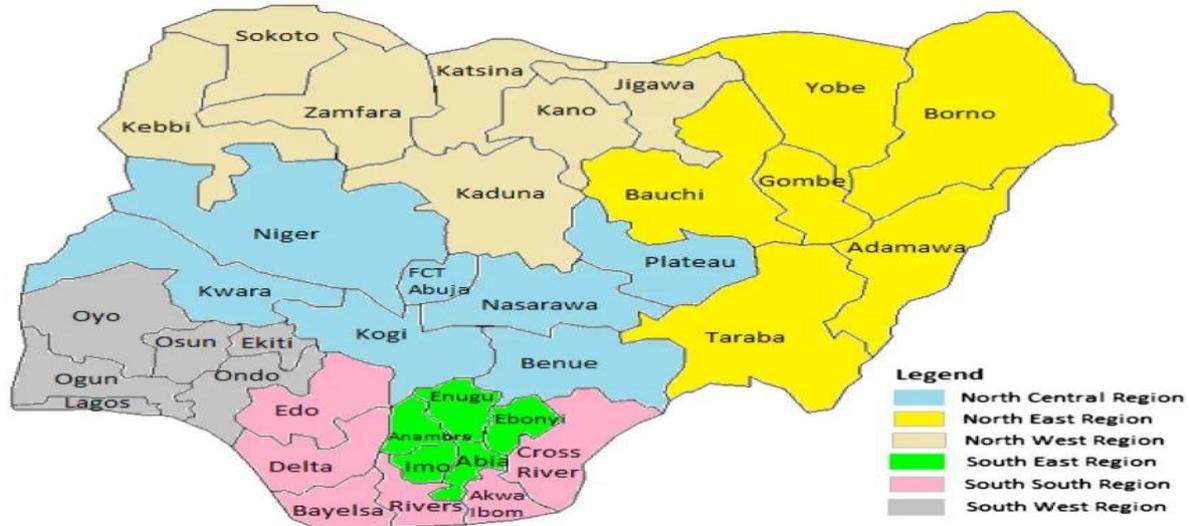


Figure 1: A Map of Nigeria showing Different Regions.⁷⁰³

NIGERIA Largest Religion by Province

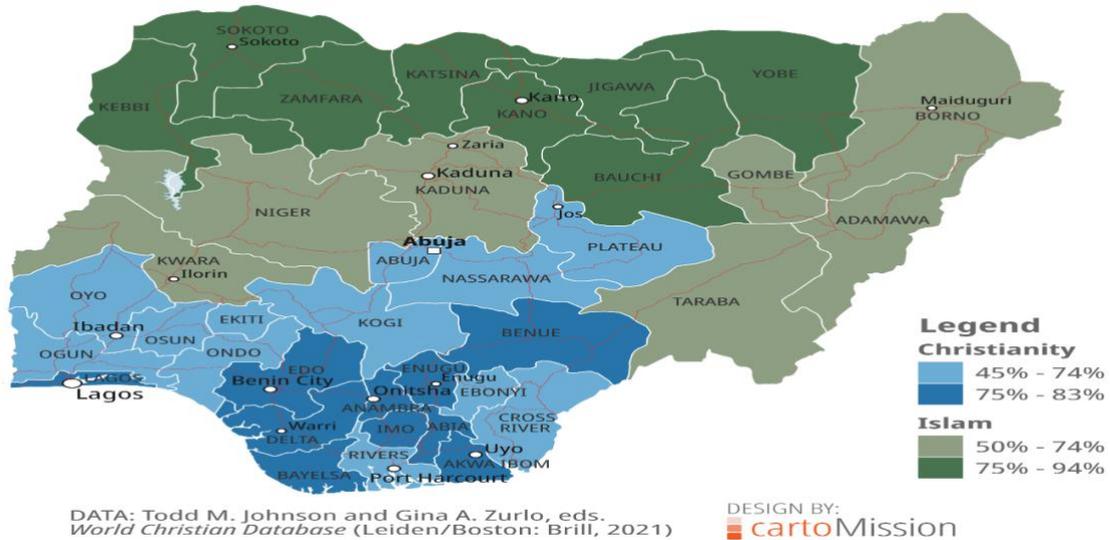


Figure 2: A map of Nigeria showing Religion.⁷⁰⁴

⁷⁰¹ Todd M. Johnson & Gina A. Zurlo, *World Christian Encyclopedia* (3rd edn, Edinburgh University Press 2020).

⁷⁰² Mckinnon (n 699) 305.

⁷⁰³ Maps Nigeria, 'Map of Nigeria showing the Geopolitical Zones' <<https://maps-nigeria.com/map-of-nigeria-showing-the-geopolitical-zones>> accessed 28th April 2025.

⁷⁰⁴ Carto Mission, 'Christianity and Islam in Nigeria' <<https://cartomission.com/2021/08/12/christianity-islam-nigeria/>> accessed 28th April 2025.

Nigerian society, like most of Africa, is patriarchal in nature. Gender roles are distinct and gender relations are informed by the dynamics of patriarchy which casts women in a subordinate role to men.⁷⁰⁵ The traditional socio-political organization of a majority of ethnic groups in Nigeria run a patriarchal system of administration, where the men rule and run the affairs of the communities and this occurrence has permeated into the laws and general practices of the country that have put women in a disadvantaged position.⁷⁰⁶ Nigeria is also a country riddled with poverty, despite being seen as one of Africa's largest economies.⁷⁰⁷ According to Oxfam International in a report titled, 'Inequality in Nigeria: Exploring The Drivers' published in 2017,

'The gap between the rich and the poor may be a worldwide problem, but in Nigeria the scale of inequality is extreme. In one day, the richest Nigerian man can earn from his wealth 8,000 times more than what the poorest 10% of Nigerians spend on average in one year for their basic consumption. The Gender in Nigeria Report categorises Nigeria among the 30 most unequal countries in the world.'⁷⁰⁸

The report provides that, 'the paradox of growth in Nigeria is that as the country gets richer, only a few benefit, and the majority continue to suffer from poverty and deprivation.'⁷⁰⁹ The report further provides that, as a result of the discriminatory traditional and socio-cultural practices in the society, women in Nigeria are more likely to be poorer than men and are excluded from full participation in the country's economic, social and political life.⁷¹⁰

All these factors combined play a role in the subjugation of women in the Nigerian society. A combination of ethnicity, religion and even social status gives varying effects of the inequalities faced by women. Thus, depending on your region within the country, religion, level of education and other determining factors, levels of discrimination may

⁷⁰⁵ Sefinatu Aliyu Dogo, 'The Nigerian Patriarchy: When and How' (2014) 2(5) Cultural and Religious Studies 263, 263.

⁷⁰⁶ Ekwutosi Essien Offiong, Eyo Itam Eyo, Asibong Essien Offiong, 'Patriarchy, Culture and the Social Development of Women in Nigeria' (2021) 1(4) Pinisi Journal of Art, Humanity & Social Studies 79, 80.

⁷⁰⁷ Oxfam International, *Inequality in Nigeria: Exploring the Drivers* (Oxfam International 2017) 4 <https://www-cdn.oxfam.org/s3fs-public/file_attachments/cr-inequality-in-nigeria-170517-en.pdf> accessed 27th December 2022.

⁷⁰⁸ *ibid* 9.

⁷⁰⁹ *ibid*.

⁷¹⁰ *ibid* 4.

vary. This is why intersectionality is very important, as it recognises how a combination of various different factors can lead to unique experiences and various forms of discrimination in varying degrees, and looking at discrimination faced through an intersectional lens promotes inclusive solutions to issues faced for all women in Nigeria.

Nonetheless, in Nigeria, women in general are seen as second-class citizens and there is a general belief system that the best place for women is in the kitchen.⁷¹¹ In fact, this very belief was voiced by the then President of Nigeria, President Muhammadu Buhari in 2016, when he responded to a BBC interview with his wife, Aisha Buhari where she voiced her opinions on his governance.⁷¹² In an interview with Naziru Mikailu from BBC Hausa in 2016, Aisha Buhari was asked about what she thought about the governance of her husband. She was of the opinion that his government had been hijacked by a few people and that the president did not know most of the officials he had appointed.⁷¹³ She clearly stated that, 'the president does not know 45 out of 50 of the people he appointed and I don't know them either, despite being his wife of 27 years.' She followed up by stating that, 'If it continues like this, I'm not going to be part of any re-election movement.'⁷¹⁴

The President, during a joint press briefing with the then German Chancellor Angela Merkel in Germany was asked for his reaction to his wife's comments during the BBC interview.⁷¹⁵ He responded by stating that, 'I don't know which party my wife belongs to, but she belongs to my kitchen and my living room and the other room.'⁷¹⁶ Even though, this may have been passed off as a joke, in reality this belief persists in the Nigerian society. This shows that even from the very top in Nigeria, beliefs about women and their roles and capabilities are plagued by patriarchal norms and views of superiority of men over women and this showcases at home, at work and the society in general. It is thus crucial to discuss and demonstrate how inequalities exist in

⁷¹¹ Makama Godiya Allanana, 'Patriarchy and Gender Inequality in Nigeria: The Way Forward' (2013) 9(17) *European Scientific Journal* 115, 115.

⁷¹² Andreas Rinke & Andrea Shalal, 'Nigeria's Buhari Says Wife 'belongs in the Kitchen' *Reuters* (14 October, 2016) < <https://www.reuters.com/article/us-nigeria-security-buhari-idUSKBN12E1GT>> accessed 29th December 2022.

⁷¹³ BBC, 'Nigeria's President Warned by First Lady Aisha Buhari' *BBC News* (14 October 2016) < <https://www.bbc.co.uk/news/world-africa-37642282>> accessed 13th February 2023.

⁷¹⁴ *ibid.*

⁷¹⁵ Rinke (n 712).

⁷¹⁶ *ibid.*

Nigerian society. I will discuss son preference, violence against women, harmful traditional practices, women's access to education, work and political representation in Nigeria.

5.2.1 SON PREFERENCE

In Nigerian society, gender is associated with sex from the time a child is born and from birth the male child is preferred to the female.⁷¹⁷ According to Nnadi in an article titled 'Son Preference- A Violation of Women's Human Rights: A Case Study of Igbo Custom in Nigeria'

'In Nigeria, the preference for sons is very prevalent and exists in several cultures as it dates back to pre-historic times and it is tied to inheritance, unfortunately it has not succumbed to societal changes but has remained sacrosanct because of the desire for a son to carry on the family name and guarantee the family lineage.'⁷¹⁸

Furthermore, it is observed that,

'In Nigeria, particularly amongst the Igbos, as a matter of culture, the lack of a male issue in a marriage sometimes leads to divorce, separation or the husband taking several wives, until one of the wives is able to produce a male child who is considered to carry on the lineage and name of the family. Son preference is also very prominent in the area of inheritance and succession among the Igbos of Nigeria, where a daughter or a wife is not entitled to inherit her father or husband under customary law.'⁷¹⁹

Son preference is deeply rooted in Nigerian society and this shows that even from birth a number of women and girls already face discrimination and inequalities and this follows them throughout various aspects of their lives.

⁷¹⁷ Dogo (n 705) 265.

⁷¹⁸ Ine Nnadi, 'Son Preference- A Violation of Women's Human Rights: A Case Study of Igbo Custom in Nigeria' (2013) 6(1) *Journal of Politics and Law* 134, 134.

⁷¹⁹ *ibid* 137.

5.2.2 GENDER-BASED VIOLENCE

Following the issue of son preference, women and girls in Nigeria are seen to experience various forms of violence at various points of their lives. According to the Spotlight Initiative in a 2022 Report titled, '16 Facts About Violence Against Women and Girls in Nigeria: For the 16 Days of Activism', almost one in three (31%) women aged 15-49 have experienced physical violence in Nigeria.⁷²⁰

Domestic violence strongly persists in the society with almost two out of every ten married women and girls (16%) reporting experiencing physical or sexual violence at the hands of their spouses or partners at some point during their lives.⁷²¹ Also, one in four girls, including very young ones, have experienced sexual violence⁷²²; half of the girl children who experienced sexual violence, experienced it at home.⁷²³ Unfortunately, even though by statistics schools seem safer than the home, girls do not escape sexual violence in schools. The second most common location where girls reported having experienced sexual abuse is the school and one in six girls experienced sexual violence in schools.⁷²⁴ Furthermore, 86% of people seeking medical attention due to sexual assault in health care facilities are women and girls.⁷²⁵ Unfortunately, the report shows that many cases of violence are not reported and amongst those that are reported most cases are settled out of court.

Alarmingly, only 0.9% of perpetrators of sexual assault are brought to trial, almost none of them are convicted.⁷²⁶ The Report provides that, 'nearly half (45%) of women and girls (15-49 years) facing physical or sexual violence do not to tell anyone about their experience of violence; only one third (31%) seek help, while only 5% of children below 18 years who experienced physical violence sought for help.'⁷²⁷

⁷²⁰ Spotlight Initiative, '16 Facts About Violence Against Women and Girls in Nigeria: For the 16 Days of Activism' (2022) 6<<https://www.unicef.org/nigeria/media/6696/file/16%20facts%20document.pdf>> accessed 3rd January 2023.

⁷²¹ *ibid* 10.

⁷²² *ibid* 8.

⁷²³ *ibid* 10.

⁷²⁴ *ibid* 12.

⁷²⁵ *ibid* 14.

⁷²⁶ *ibid* 20.

⁷²⁷ *ibid*.

5.2.3 HARMFUL TRADITIONAL PRACTICES

Still in the same vein of discussing violence against women and girls, Nigeria is no stranger to harmful traditional practices. Although, there is no single universally agreed definition of what constitutes a Harmful Traditional Practice (HTP), generally, harmful traditional practices are defined as

‘forms of physical or psychological violence that prejudice the bodily integrity or mental well-being of women or girls on the basis of the inferior position of women and girls in the social grouping and are considered as long-established, and community accepted practices deserving tolerance and respect.’⁷²⁸

In Nigeria, various harmful traditional practices exist which violate the rights of women and constitute violence against women. As seen in the previous chapter, Nigeria has an obligation under various international and regional human rights instruments to, modify and abolish customs and practices which are based on stereotyped roles for men and women and which constitute discrimination against women. However, as will be discussed in this chapter, some of these harmful traditions are still practiced today and although modification of these traditions may be challenging, Nigeria’s obligation towards modification is very important. This thesis briefly discusses harmful traditional practices such as child marriage, widowhood practices and female genital mutilation in Nigeria.

5.2.3.a CHILD MARRIAGE

Reports show that, Nigeria has the largest number of child brides in Africa, i.e., 23 million girls and women are married as children, and carries the third largest burden of child brides globally.⁷²⁹ For clarity purposes, according to the Child’s Right Act 2003, a child means a person under the age of eighteen years.⁷³⁰ Nearly half of the Nigerian girls (43%) are married before the age of 18, while one in five girls is married by the

⁷²⁸ African Union Commission Department of Social Affairs, ‘Harmful Traditional Practices Towards Women and Girls in Africa’ (April 2012) 1 <<https://acts-consultancy.com/docs/HTP%20REPORT%20REAL%20FINAL%20.pdf>> accessed 3rd January 2023.

⁷²⁹ Spotlight Initiative (n 720) 24.

⁷³⁰ Child’s Right Act 2003, s 277.

age of 15.⁷³¹ Three main forces that drive child marriages include: poverty, the need to reinforce social ties, and the belief that it offers protection.⁷³² Parents are faced with two economic incentives: to ensure their daughter's financial security and to reduce the economic burden daughters place on the family.⁷³³ To the parents, girls are costly to feed, clothe, and educate, and they eventually leave the household.⁷³⁴ Marriage brings a dowry to the bride's family and the younger the girl, the higher the dowry, and the sooner the economic burden of raising the girl is lifted.⁷³⁵

Also, by marrying their daughter to a good family, parents establish social ties between clans and improve their social status.⁷³⁶ Parents also believe that marrying their daughters young protects them from rape, premarital sexual activity, unintended pregnancies, and sexually transmitted infections.⁷³⁷

The high occurrence of child marriage, especially in the Northern part of Nigeria, leads to high prevalence of girls dropping out of school and adolescent pregnancy. Adolescent pregnancy is linked to high maternal mortality and malnutrition, among other issues in the country.⁷³⁸ It forces girls into adulthood before they are emotionally and physically matured, leading to a range of harmful effects on their health, education, and economic and social development.⁷³⁹ Girls involved in child marriages are especially likely to suffer from different forms of violence, mainly because of their age, which automatically puts them in a position of disadvantage and makes them vulnerable to abuse due to a power imbalance.⁷⁴⁰

Child marriage can hinder access to education, good health and good health facilities, where this occurs access to work and personal development may be affected. Situations like this, cause women to remain in poverty, affect their economic, social

⁷³¹ Spotlight Initiative (n 720) 24.

⁷³² Nawal M. Nour, 'Child Marriage: A Silent Health and Human Rights Issue' (2009) 2(1) *Reviews in Obstetrics & Gynaecology* 51, 53.

⁷³³ *ibid.*

⁷³⁴ *ibid.*

⁷³⁵ *ibid.*

⁷³⁶ *ibid.*

⁷³⁷ *ibid.*

⁷³⁸ Spotlight Initiative (n 720) 24.

⁷³⁹ Kayode Olatunbosun Fayokun, 'Legality of Child Marriage in Nigeria and Inhibitions Against Realisation of Education Rights' (2015) 5(7) *US-China Education Review* 460; 460.

⁷⁴⁰ Giulia Granata, 'Child Marriage Today: Which Perspective for Girls?' (2015) XX (1) *Interdisciplinary Journal of Family Studies* 38, 46.

and cultural development and also interferes with their ability to contribute and participate in the society. And as discussed earlier, women's enjoyment of resources, contribution and participation is crucial to the economic, social and environmental development of the country.

5.2.3.b WIDOWHOOD PRACTICES

Another traditional practice prevalent in Nigeria harmful to the rights of women, are widowhood practices. Widowhood practices are those customary rites that a widow is made to undergo on the death of her husband by members of the husband's family or community.⁷⁴¹ These practices are observed by almost all the ethnic groups in Nigeria, particularly among the Yoruba, Igbo and Hausas.⁷⁴² Although these practices vary depending on ethnicity, some of the widowhood practices women are subjected to include: consuming the water used to wash the corpse of their deceased husbands, sleeping in the same room where the corpse is laid and even forced to marry her deceased husband's brother.

Some other practices include, being confined to a room and forced to sit on ashes, served food on broken plates and in some cases, prohibited from gazing at the person who served the meal. They are restricted to wearing specific colours, styles or tattered clothes for a period of time, sometimes, shaving of their hair with razor blades and are also expected to scream so that people in the community could hear them.⁷⁴³ It is believed that, these practices are observed in order to determine the innocence of a woman concerning the death of her husband or necessary to ward off evil spirits of the deceased from intruding.⁷⁴⁴ Some have also argued that long confinement and isolation are necessary in order to mortify the body of the widow and test her endurance in time of mourning.⁷⁴⁵

⁷⁴¹ Ine Nnadi, 'An Insight into Violence against Women as Human Rights Violation in Nigeria: A Critique' (2012) 2(3) *Journal of Politics and Law* 48,51.

⁷⁴² Adeyemo C. Wuraola, 'Widowhood and its Harmful Practices: Causes, Effects and the Possible Way Out for Widows and Women Folk' (2016) 3(2) *World Journal of Educational Research* 380; 380.

⁷⁴³ Lady Adaina Ajayi, Faith Osasumwen Olanrewaju, Adekunle Olanrewaju & Onwuli Nwannebuife, 'Gendered Violence and Human Rights: An Evaluation of Widowhood Rites in Nigeria' (2019) 6(1) *Cogent Arts & Humanities* 1, 2.

⁷⁴⁴ Ebenezer Durojaye, 'Woman, but not human: Widowhood Practices and Human Rights Violations in Nigeria' (2013) 27(2) *International Journal of Law, Policy and the Family* 176, 182.

⁷⁴⁵ *ibid.*

These practices affect the health of women, infringe on their right to life, right to be free from torture or cruel, inhuman or degrading treatment and even their right to liberty. According to the Maputo Protocol, Nigeria has an obligation to protect the rights of widows. It provides that,

‘States Parties shall take appropriate legal measures to ensure that widows enjoy all human rights through the implementation of the following provisions: a) That widows are not subjected to inhuman, humiliating or degrading treatment; b) That a widow shall automatically become the guardian and custodian of her children, after the death of her husband, unless this is contrary to the interests and the welfare of the children; c) That a widow shall have the right to remarry, and in that event, to marry the person of her choice.’⁷⁴⁶

This shows that the Protocol recognises that these practices affect the rights of women and hence, specifically provides for the protection of widows. The inclusion of this provision in the Maputo Protocol shows how prevalent this practice has been and the need for the elimination of this harmful practice affecting women.

5.2.3.c FEMALE GENITAL MUTILATION

Female genital mutilation (FGM) is a harmful traditional practice also widely practised in Nigeria, and with the country’s large population, Nigeria, as at 2012 had the highest absolute number of cases of FGM in the world, accounting for about one-quarter of the estimated 115–130 million circumcised women worldwide.⁷⁴⁷ Furthermore, estimates from 2018, show that approximately 20 million girls and women had been subjected to FGM in Nigeria at that time, making it the country with the most cases in the world after Ethiopia with an estimate of 23.8 million and Egypt with an estimate of 27.2 million.⁷⁴⁸

⁷⁴⁶ Maputo Protocol (n 24) art 20.

⁷⁴⁷ T.C Okeke, U.S.B Anyaehie & C.C.K Ezenyeaku, ‘An Overview of Female Genital Mutilation in Nigeria’ (2012) 2(1) Annals of Medical and Health Sciences Research 70, 70.

⁷⁴⁸ Landinfo, ‘Report: Nigeria Female Genital Mutilation’ (2023)10 <<https://landinfo.no/wp-content/uploads/2023/11/Report-Nigeria-FGM-2023.pdf>> accessed 20th January 2024.

FGM refers to all procedures involving partial or total removal of external female genitalia or other injuries to the female genital organs for non-medical reasons.⁷⁴⁹ FGM practised in Nigeria is classified into four types: Clitoridectomy or Type I (the least severe form of the practice) and it involves the removal of the hood of the clitoris and all or part of the clitoris. In Nigeria, this usually involves excision of only a part of the clitoris.⁷⁵⁰ Sunna or Type II is a more cruel practice that involves the removal of the clitoris along with partial or total excision of the labia minora.⁷⁵¹ Infibulation or Type III is the most severe form of FGM, and it involves the removal of the clitoris, the labia minora and adjacent medial part of the labia majora and the stitching of the vaginal orifice, leaving an opening of the size of a pinhead to allow or menstrual flow or urine.⁷⁵² Type IV or other unclassified types recognised by including pricking, piercing, or incision of the clitoris or labia, scraping or cutting of the vagina, stretching the clitoris or labia, cauterisation, the introduction of corrosive substances and herbs in the vagina, and other forms.⁷⁵³ In Nigeria, there is a higher prevalence of Type I excision in the south, with extreme forms of FGM such as Type III prevalent in the North.⁷⁵⁴

This practice has no known health benefits but instead significantly affects the health of women and has been known to cause various complications, some of which include: severe pain, shock, haemorrhage (bleeding), tetanus or sepsis, urinary infection and retention, open sores in the genital region and injury to nearby genital tissue, recurrent bladder and urinary tract infections, clitoral cyst formation, fistula obstetric complications, vaginal tears and psychological trauma, infertility, an increased risk of childbirth complications and new born deaths and the need for later surgeries to allow for sexual intercourse and childbirth, increasing the possibility of complications.⁷⁵⁵ Different reasons have been given why FGM is carried out and these are rooted in tradition and cultural beliefs, for example, there is a popular belief by the Bini people

⁷⁴⁹ World Health Organization, *Eliminating Female Genital Mutilation: An Interagency Statement OHCHR, UNAIDS, UNDP, UNECA, UNESCO, UNFPA, UNHCR, UNICEF, UNIFEM, WHO* (WHO Press, Geneva 2008) 1.

⁷⁵⁰ *ibid* 71.

⁷⁵¹ *ibid*.

⁷⁵² *ibid*.

⁷⁵³ *ibid*.

⁷⁵⁴ *ibid*.

⁷⁵⁵ Cheluchi Onyemelukwe, 'Legislating on Violence Against Women: A Critical Analysis of Nigeria's Recent Violence Against Persons (Prohibition) Act, 2015' (2016) 5(2) DePaul Journal of Women, Gender and the Law 1, 32.

in Southern Nigeria that an uncircumcised female is a taboo.⁷⁵⁶ Circumcision in this part of Nigeria is a mark of cultural identity and is supposedly done to prevent promiscuity among young girls and it also believed that circumcision is hygienic and allows for safe delivery during reproductive age.⁷⁵⁷

Justification for FGM as a result traditions and culture passed down from generation to generation might vary from place to place however, common justification for this practice includes, the preservation of chastity and purification, family honour, hygiene, aesthetic reasons, protection of virginity and prevention of promiscuity, modification of sociosexual attitudes, increasing sexual pleasure of husbands, enhancing fertility and increasing matrimonial opportunities.⁷⁵⁸

According to a report titled 'Nigeria: Demographic and Health Survey 2018', almost 93% of girls who had been subject to FGM between the ages of 0 and 14 had experienced FGM by a traditional agent, which includes traditional circumcisers at 82.4%, traditional midwives at 7.5% and other traditional agents at 2.9% in 2018 whilst 85.4% of women between 15 and 49 years old were circumcised by traditional agents with traditional circumciser at 75.7%, traditional midwives at 8.4% and other traditional agents at 8.6%.⁷⁵⁹

International organisations such as the World Health Organization have advocated against FGM, and this has been reinforced in Nigeria by several domestic organisations in the country. In different parts of Nigeria, especially in communities known for the practice of FGM, several organisations work tirelessly to eradicate the tradition. The Value Female Network, a youth-led non-governmental organisation educate communities in Osun State in Nigeria and distribute survival kits to survivors of FGM and gender-based violence.⁷⁶⁰ The Value Female Network in collaboration with the United Nations Children's Fund (UNICEF) and the Ministry of Women, Children &

⁷⁵⁶ Osaruonamen Ibizugbe, 'FGM: Survivors narrate Experiences dealing with Absence of the Clitoris' (Premium Times) (29th January, 2023) < <https://www.premiumtimesng.com/news/headlines/578531-fgm-survivors-narrate-experiences-dealing-with-absence-of-the-clitoris.html>> accessed 18th February 2023.

⁷⁵⁷ *ibid.*

⁷⁵⁸ Okeke (n 747) 71.

⁷⁵⁹ National Population Commission, *Nigeria: Demographic and Health Survey 2018* (2019) 469 < <https://dhsprogram.com/pubs/pdf/FR359/FR359.pdf>> accessed 18th February 2023.

⁷⁶⁰ Violet Ikong, 'She Writes Woman: Giving Mental Health a Voice in Nigeria' (2022)< <https://nigeriahealthwatch.medium.com/she-writes-woman-giving-mental-health-a-voice-in-nigeria-1dbd162543fd>> accessed 18th February 2023.

Social Affairs in Osun State have sensitised about 600 children in the state to dangers of female genital mutilation and child marriage.⁷⁶¹

Efforts have also been made by the HACEY Health Initiative through their StopCut Project in some states in Nigeria, including Ekiti, Osun and Oyo State in Nigeria.⁷⁶² The Initiative hosted a conference to launch a report on FGM laws, research on the knowledge, prevalence, and contributory factors of FGM alongside a video documentary.⁷⁶³ The Report⁷⁶⁴ revealed that despite the FGM laws enacted by the states, the practice is still alarmingly high and the Report identified the gaps in the Nigerian FGM Laws and proffered recommendations based on the gaps identified.⁷⁶⁵ The Report also revealed that in these states, traditional circumcisers known as 'Oloola' in Yorubaland, healthcare practitioners, and traditional birth attendants have been responsible for the practice to date.⁷⁶⁶

The practice of FGM affects women and girls' right to health, right to be free from torture and other cruel, inhumane and degrading treatment and even in some circumstances right to life. This practice leads to health problems for women and girls, including physical and mental health issues which may hinder their self-development and advancement and also has adverse effects on their ability to not only fully enjoy resources but also ability to contribute and participate in development processes of the country.

It should be noted that not all traditional practices in Nigeria could be said to be harmful to women. For example, in Yoruba towns and cities in Nigeria, there are certain chieftaincy titles meant for women, including the title of 'Iyalode' meaning mother/head

⁷⁶¹ Hassan Muaz, 'Value Female Network Partners UNICEF on Dangers of FGM, Child Marriage' *The Eagle Online* (19 June, 2022) <<https://theeagleonline.com.ng/value-female-network-partners-unicef-on-dangers-of-fgm-child-marriage/>> accessed 18th February 2023.

⁷⁶² HACEY, 'HACEY Health Initiative Launches Female Genital Mutilation (FGM) Report and Video Documentary' (29 November 2021) <<https://hacey.org/blog/www-stopcut-hacey-org-conference-copy/>> accessed 19th February 2023.

⁷⁶³ *ibid.*

⁷⁶⁴ HACEY, 'Research on the Knowledge, Prevalence and Contributory Factors of Female Genital Mutilation (FGM), And Implementation of FGM Policies in Ekiti, Osun and Oyo State, Nigeria' <<https://hacey.org/wp-content/uploads/2019/09/FGM-Baseline-Findings-Report.pdf>> accessed 19th February 2023.

⁷⁶⁵ HACEY, HACEY Health Initiative Launches FGM Report and Video Documentary (n 762).

⁷⁶⁶ *ibid.*

of women.⁷⁶⁷ Women with this title, perform civil, religious and arbitrating roles in the land.⁷⁶⁸ They supervise the market system, generally look after women's welfare and represent women's interests in councils, and arbitrate disputes between women or between a man and his wife.⁷⁶⁹ Also in the Igbo region of Nigeria, a tradition known as 'Omugwo' is carried out. It is a 'traditional custom of postpartum care, where the mother of the new mother, or a relative, takes residence with her to care for her and child.'⁷⁷⁰ This is a tradition that sets out to smoothen the transition for new mothers and also show the mother that she is not alone and that she has a community of women who support and love her and her baby.⁷⁷¹

From the above, it is shown that not all traditional practices are harmful to women, however, where these practices in themselves or by their consequences adversely affect the human rights and health of women or put women in a situation where they are prone to violence of any form, then such practice is harmful and should be eradicated completely.

5.2.4 POLITICAL REPRESENTATION

In Nigeria, large disparities exist between men and women in terms of participation and decision-making processes in the country. According to the National Bureau of Statistics' Gender Statistics Quarterly Bulletin for the First Quarter of 2022, political aspirants (i.e. persons contesting for the position) for the 2019 presidential elections recorded 6 female aspirants to 67 male aspirants, vice presidential aspirants recorded 22 females to 52 males.⁷⁷² The gap between female and male governorship aspirants was not any better with 80 female aspirants to 984 male aspirants; 271 female deputy governorship aspirants to 789 male deputy governorship aspirants.⁷⁷³ From 1999 to

⁷⁶⁷ Olupona Adeola Moromoke & Olalere Kunle Oluwafemi, 'Cultural Imperatives of Women Leadership Role in Nigeria' (2020) 9(10) International Journal of Innovative Research & Development 254, 255.

⁷⁶⁸ *ibid.*

⁷⁶⁹ *ibid.*

⁷⁷⁰ Edikan Umoh, 'The Effect of Omugwo on Postpartum Wellbeing in Nigerian Mothers' (2024) <<https://missingperspectives.com/posts/the-effect-of-omugwo-on-postpartum-wellbeing-in-nigerian-mothers/#:~:text=Omugwo%20is%20the%20Igbo%20term%20for%20the,her%20to%20care%20for%20her%20and%20child.&text=During%20Omugwo%2C%20there's%20plenty%20of%20conversation%20and,life%20become%20opportunities%20for%20her%20mother%20to%20counsel>> accessed 21st April 2025.

⁷⁷¹ *ibid.*

⁷⁷² National Bureau of Statistics, 'Gender Statistics Quarterly Bulletin: First Quarter of 2022' (2022) 1 <<https://nigerianstat.gov.ng/elibrary/read/1241167>> accessed 7th January 2023.

⁷⁷³ *ibid.*

2021, the records show that ministerial appointments in Nigeria amount to 13.73% females to 86.27% males.⁷⁷⁴

The legislative arm of government in Nigeria, which consists of the Senate and the House of Representatives does not fare any differently, from 1999-2021, senatorial appointments recorded 15.91% females to 84.09% males.⁷⁷⁵ In 2015, the percentage of men and women in the House of Representatives recorded 5.3% females and 94.7% males.⁷⁷⁶ The Judicial arm of government is not left out in these disparities, a 2020 record of the appointment of Judicial officers in various levels of courts in Nigeria show the appointment of 66 female judicial officers to 138 male judicial officers.⁷⁷⁷

These figures show the gap that exists between men and women in decision-making positions. It shows how generally women are less represented and this could hinder the development of women in Nigeria. This is because, as women are seen to be almost excluded from decision-making positions, it could affect how decisions are made and the outcome it has on women's rights and even affect how the issues concerning women in the country are addressed. Furthermore, women-related issues may not be treated as important, where there is little or no representation of women in decision-making processes of the country.

5.2.5 DISCRIMINATION IN THE WORK FORCE

Discrimination against women in Nigeria also permeates the workforce of the country and affects women's access to work. Firstly, early marriage of women in the country plays a critical role in this regard. According to a Report titled, 'Gender Roles and Inequalities in the Nigerian Labour Market', at age 20, less than 4% of men are married, compared to about 50% of women in rural areas and with early marriage comes early pregnancies and household responsibilities that effectively remove women from labour market opportunities.⁷⁷⁸ Apart from the fact that women are saddled with responsibilities upon marriage which might affect getting work, early

⁷⁷⁴ *ibid* 2.

⁷⁷⁵ *ibid*.

⁷⁷⁶ National Bureau of Statistics, 'Statistical Report on Women and Men in Nigeria' (2017) 33 <<https://nigerianstat.gov.ng/elibrary/read/784>> accessed 16th February 2023.

⁷⁷⁷ National Bureau of Statistics, Gender Statistics Quarterly Bulletin (n 772) 2.

⁷⁷⁸ Sue Enfield, *Gender Roles and Inequalities in the Nigerian Labour Market* (Institute of Development Studies 2019) 2.

marriage also affects the educational level women may attain, and the negative effects from early exit from school can last throughout women's working life.⁷⁷⁹ A gender gap in education limits the choice of occupation for women and according to the Report, completion rates of primary education for boys is about 80% while only 66% for girls.⁷⁸⁰

Where women do get work, it is observed that in some cases, they experience some form of discrimination as a result of their gender. One of the problems women working in Nigeria face is their acceptability in their chosen professions, and this is because of the gender stereotype that brand some jobs as male jobs.⁷⁸¹ This stereotype allows for women in these jobs to be overlooked when tasks are assigned, as there exists an assumption that they are less capable than men.⁷⁸² For example, in the police force, it is believed that women lack the stamina needed for the job and are unable to cope with risk of violence associated with it.⁷⁸³ Hence, women were found more in administrative sections and less in the crime section.⁷⁸⁴

In Nigeria, there is also a perception by employers that due to family responsibilities of married women and mothers, they lack commitment to work and are less productive than men.⁷⁸⁵ Where this occurs, women's expertise and knowledge which could contribute to economic and social development is overlooked and their participation is denied, which has adverse effects on not only the personal development of women but also on sustainable development.

Building on the subject of work in Nigeria, there is a widespread trend where young girls, as young as 10 years old known as 'house girls' are used as domestic help in the country. A house girl is a girl child, who is employed to work in the households of families from higher socio-economic status than her family and in return the employers

⁷⁷⁹ The World Bank, *More, and More Productive, Jobs for Nigeria: A Profile of Work and Workers* (International Bank for Reconstruction and Development 2015) xvii.

⁷⁸⁰ Enfield (n 778) 2.

⁷⁸¹ Ngozi M. Nwakeze, 'Gender and Labour Force Participation in Nigeria: Issues and Prospects' (2010) 2 *International Journal of Research in Arts and Social Sciences* 477, 487.

⁷⁸² *ibid.*

⁷⁸³ *ibid.*

⁷⁸⁴ *ibid.*

⁷⁸⁵ Adedeji Bethel Oluwatosin & Ajayi Oluwatobiloba Ifedolapo, 'Women, Their Rights, and Workplace Discrimination' (2018) 67 *International Affairs and Global Strategy* 22, 28.

pay her a wage or educate or give her the training her family cannot afford.⁷⁸⁶ Many of the house girls are under the age of 18 years and should ideally be in school, but due to poverty they are given out as house girls.⁷⁸⁷

Some of these girls come from homes where the children are so many that their parents cannot care for them and these parents need money the children earn for their upkeep and sometimes the education of their sons. Even where the girls are not being paid, there is one less mouth to feed for the family.⁷⁸⁸ Although, boys also fall victim to this phenomenon, girls are more likely to experience this.

A Research conducted in 2009 showed that, 'from a total of 100 households surveyed in Lagos Metropolitan area, 121 house helps were found, as some of the households had more than one house-help, 116 were females, while 5 were males.'⁷⁸⁹ Many of these house girls have no power, no voice and many of them suffer horrific physical and sexual abuse.⁷⁹⁰ There have been numerous reports of house girls being routinely raped, starved, beaten, disfigured and even sometimes killed by the families that employ them.⁷⁹¹ In my opinion, there is a higher rate of house girls than boys in the country because, families would rather give their girl child out to marriage or work than take care of them. This occurs as a result of son preference, earlier discussed in this chapter and the belief of the superiority of the boy child over the girl child. This pattern leads to lack of education for most of the girls, which in turn leads to reduced prospects in the workforce, with the result that they continue to live in poverty.

Worthy of note in this thesis, is how religion and even region of origin can affect women's work lives, private lives, education, participation and even representation in the country. Reports show that, 42% of adults in the North have no education compared to 13% in the South of the country, following this, over two-thirds of girls in the North aged 15–19 are unable to read, compared with less than 10% in the

⁷⁸⁶ J.O Omokhodion, 'Linking the Dominance of House Girls in Nigerian Households to the Girl-Child Socialization Pattern in Nigeria' (2009) 1(2) Current Research Journal of Social Sciences 1.

⁷⁸⁷ *ibid* 2.

⁷⁸⁸ *ibid*.

⁷⁸⁹ *ibid*.

⁷⁹⁰ Abi Dare, 'Beaten, Raped and Forced to Work: Why I'm Exposing the Scandal of Nigeria's House Girls' *The Guardian* (17 March, 2020) <<https://www.theguardian.com/lifeandstyle/2020/mar/17/beaten-raped-and-forced-to-work-why-im-exposing-the-scandal-of-nigerias-house-girls>> accessed 20th February 2023.

⁷⁹¹ *ibid*.

South.⁷⁹² Reports also show that in the North, only 3% of girls complete secondary school, and 76% are married by age 18 in the North West.⁷⁹³ Muslim women in Nigeria are more likely to not engage in any economic activities and some Muslim women are prohibited as a result of their religion from holding noticeable social roles and so they are less able to participate in a visible work force when compared with women belonging to other religions.⁷⁹⁴

Gender-based physical violence is seen highest in the South South zone and lowest in the North West zone.⁷⁹⁵ With these disparities, it is important to advocate for gender equality and consider intersections at play when trying to protect the rights of women in Nigeria. This ensures that all women depending on their varying circumstances are put into consideration and no one is left behind and that the Nigerian government in making laws and policies are able to protect all women. That being said, it is important to discuss measures currently in place to protect the rights of women in Nigeria.

5.3 MEASURES IN PLACE FOR THE ADVANCEMENT OF GENDER EQUALITY AND THE PROTECTION OF WOMEN'S RIGHTS IN NIGERIA

There has been an active, mass-based demand for an end to gendered injustice in all domains of social, economic, political and cultural lives across the world.⁷⁹⁶ The Nigerian society is not left out, Nigerian women's struggles against social injustice and gender discrimination have been in existence since the nineteenth century and they played significant roles in anti-colonial struggles and post-independence struggles for gender equality.⁷⁹⁷ These anti-colonial struggles resulted in the formation of women's movements and active participation of women in activities aimed to better their lot and the intervention of women helped to improve their status at the grassroots, national and regional levels.⁷⁹⁸

⁷⁹² Enfield (n 778) 7.

⁷⁹³ *ibid.*

⁷⁹⁴ *ibid.*

⁷⁹⁵ *ibid.* 9.

⁷⁹⁶ Olayode (n 24) 281.

⁷⁹⁷ *ibid.*

⁷⁹⁸ *ibid.*

Nigeria has confirmed its commitment to upholding women's rights and gender equality by ratifying several international and regional human rights instruments.⁷⁹⁹ These documents have been instrumental in the development of laws and policies aimed at protecting women from discrimination and inequality. As seen above, till this day, women in Nigeria still continue to face discrimination and violence against them and thus, the protection of women's rights is very important. Nigeria has put in place various measures to protect the rights of women and we also see the efforts of women groups as well in the struggle for gender equality and non-discrimination as will be discussed subsequently. Whether or not these measures are in fact effective is questionable. It is, however, important to discuss them, as they show the attempts made to ensure the protection and promotion of women's rights and steps towards achieving gender equality and in turn sustainable development.

It has been established earlier in chapter 3 that, achieving gender equality is in-fact a step towards the realisation of sustainable development. Discrimination and violence against women are thus a direct impediment to women's full participation in society, and hence to their ability to contribute to sustainable development. It must however be reiterated that, the achievement of gender equality is first and foremost a right in itself and should be pursued for this reason, before it could then advance the achievement of sustainable development.

Before discussing the measures, it is also important to point out the nature of the Nigerian legal system. From 1999, twelve (12) states out of the thirty-six states in Nigeria have had Sharia Law (Islamic legal system) as the controlling legal system for the state.⁸⁰⁰ The Islamic legal system is fully operational in those states, reaching all aspects of life's conduct and existing side by side with the secular system.⁸⁰¹ This means that in those 12 states, Muslims are subject to Sharia law in their dealings. Sharia courts have even been established in a number of states in the Northern parts of Nigeria which are governed by Sharia law and the Penal Code exists in these states as opposed to the Criminal Code in other states in Nigeria. It is noticed that as a result of Sharia Law in some states, the protection of women's rights may be more difficult

⁷⁹⁹ *ibid* 282.

⁸⁰⁰ Vincent O. Nmehielle, 'Sharia Law in the Northern States of Nigeria: To Implement or Not to Implement, the Constitutionality is the Question' (2004) 26(3) *Human Rights Quarterly* 730, 731.

⁸⁰¹ *ibid* 732.

than others. For example, Section 55(1) of the Penal Code allows for a husband to beat his wife for the purpose of correcting her.⁸⁰² Nonetheless, the Nigerian Constitution remains in force.⁸⁰³

5.3.1 LAWS

5.3.1. a THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, (AS AMENDED) 1999

The general frameworks within which human rights are protected in Nigeria are in the Constitution of the Federal Republic of Nigeria 1999 (as amended).⁸⁰⁴ The Nigerian Constitution consists of eight (8) chapters. I will, however, focus on chapter 4 which provides for fundamental rights and chapter 2 which sets out fundamental objectives and directive principles of state policy.

The Nigerian Constitution does not specifically make mention of gender equality, violence against women or harmful traditional practices, but, sections 15(2) and 17(2)(a) provided for in chapter 2 of the Constitution prohibit discrimination and set out equality of rights respectively.⁸⁰⁵ Section 15(2) of the Nigerian Constitution provides that, 'national integration shall be actively encouraged, whilst discrimination on the grounds of place of origin, sex, religion, status, ethnic or linguistic association or ties shall be prohibited.' Section 17(2)(a) goes further to provide that, 'every citizen shall have equality of rights, obligations and opportunities before the law.' The Nigerian Constitution fails to interpret what it means by national integration. Nigerian authors have also given different meanings of the term. However, upon research, a definition I lean towards in the interpretation of this term is that it means efforts to weld together

⁸⁰² Oby Nwankwo, 'Effectiveness of Legislation Enacted to Address Violence Against Women in Nigeria' (2008) 3 <https://www.un.org/womenwatch/daw/egm/vaw_legislation_2008/expertpapers/EGMGPLVAW%20Paper%20_Oby%20Nwankwo_.pdf > accessed 5th May 2023.

⁸⁰³ CFRN 1999 (n 692) s 1(3).

⁸⁰⁴ Olayinka Silas Akinwumi, 'Legal Impediments on the Practical Implementation of the Child Right Act 2003' (2009) 37(3) International Journal of Legal Information 385, 385.

⁸⁰⁵ Thomson Reuters Foundation, 'Nigeria: The Law and FGM' (2018) 2 <[https://www.28toomany.org/media/uploads/Law%20Reports/nigeria_law_report_v3_\(august_2022\).pdf](https://www.28toomany.org/media/uploads/Law%20Reports/nigeria_law_report_v3_(august_2022).pdf)> accessed 18th February 2023.

a plural society to enhance development but without necessarily jeopardizing ethnic identity.⁸⁰⁶

Essentially, the concept of national integration is seen as a situation where the members of a state see themselves as one, treat one another fairly and work together cooperatively and freely agree to and actually resolve their differences peacefully in the overall interest of the nation.⁸⁰⁷ Nigeria is a deeply divided and plural society and is known to have many ethnic groups,⁸⁰⁸ as mentioned earlier in this chapter. The various ethnic groups are seen to represent socio-cultural entities and they consider themselves culturally, linguistically or socially distinct from each other, and most often may view their relations in actual or potentially antagonistic terms.⁸⁰⁹ Consequently, the Constitution may have deemed it important and necessary to encourage national integration whilst making it clear the prohibition of any form of discrimination irrespective of any differing factors that may be present.

5.3.1.a. i CHAPTER 4 OF THE NIGERIAN CONSTITUTION

The Nigerian Constitution in its Chapter IV, which consists of Section 33 to Section 46, guarantees the fundamental rights of all persons, which obviously includes women. All the rights provided for in Chapter IV of the Constitution are justiciable and can be addressed in the court of law and by virtue of Section 46 of the Nigerian Constitution, any person who alleges that any of the provisions of Chapter IV has been, is being or likely to be contravened in any State may apply to a High Court in that State for redress.

According to Section 42(1) of the Constitution,

‘A citizen of Nigeria of a particular community, ethnic group, place of origin, sex, religion or political opinion shall not, by reason only that he is such a person: (a) be subjected either expressly by, or in the practical application of, any law in force in Nigeria or any executive or

⁸⁰⁶ Edosa Enaruna, ‘National Integration, Citizenship, Political Participation and Democratic Stability in Nigeria’ (2014) 3(3) *International Journal of Arts and Humanities* 61, 64.

⁸⁰⁷ *ibid* 65.

⁸⁰⁸ Emmanuel O. Ojo, ‘Federalism and the Search for National Integration in Nigeria’ (2010) 4(9) *African Journal of Political Science* 1,1.

⁸⁰⁹ *ibid*.

administrative action of the government, to disabilities or restrictions to which citizens of Nigeria of other communities, ethnic groups, places of origin, sex, religions or political opinions are not made subject; or (b) be accorded either expressly by, or in the practical application of, any law in force in Nigeria or any such executive or administrative action, any privilege or advantage that is not accorded to citizens of Nigeria of other communities, ethnic groups, places of origin, sex, religions or political opinions.'

The above provision ensures that citizens cannot be discriminated upon by virtue of various characteristics including their sex. However, it is interesting to note that a provision aimed at protecting its citizens, in this case, referring to women, would have a clause limiting its protection. Section 42(3) provides that,

Nothing in subsection (1) of this section shall invalidate any law by reason only that the law imposes restrictions with respect to the appointment of any person to any office under the State or as a member of the armed forces of the Federation or member of the Nigeria Police Forces or to an office in the service of a body, corporate established directly by any law in force in Nigeria.

The inclusion of this provision in my view affects the effectiveness of the protection guaranteed by the Constitution. This provision could be used to perpetuate discrimination against women either directly or indirectly, as appointment might be restricted to one sex using this provision as a justification. Meaning that certain laws could be in place that by its reading have discriminatory aspects and this subsection of the Constitution could be used to justify it. For example, though not explicitly stating out this subsection as its justification, the Nigeria Police Regulations have some provisions specifically directed at women and do not have those provisions for the men.

Section 118 of the Nigeria Police Regulations provides for the enlistment of women police and one of its requirements is that she must be unmarried. This does not however apply to the recruitment of male officers. The Police Regulations further provide in Section 124 that if women police intend to marry, they must apply in writing

to the commissioner of police in the state she is serving asking for permission. She must also provide the name, address and occupation of the person she intends to marry. Permission will only be granted if the intended husband is deemed of good character and if the woman police officer has served in the police for a period not less than three years. Section 127 of the Regulations also provides that if an unmarried woman police officer becomes pregnant, she shall be discharged from the force and shall not be re-enlisted except with the approval of the Inspector-General. The Regulations provide for restrictions for women that do not apply to men, this shows how some laws in the country contribute to the discriminations that women face and by the wording of Section 42(3) of the Constitution, it could be seen to promote the creation of these types of laws if proper precautions are not taken.

The Nigerian Constitution also sets out various fundamental human rights guaranteed to its citizens. Sections 33, 34, and 35 provide for the right to life, dignity of human persons and the right to liberty respectively. These provisions even though not specifically mentioning women or even violence against women, should by their content ensure women are protected. For example, violence against women which also includes harmful traditional practices discussed previously may result to varying degrees of torture, inhuman and degrading treatment and sometimes even lead to death of women. Some of these harmful acts, such as the widowhood practices inhibit personal liberty of women. If women are guaranteed these rights under the Constitution, then these acts may be unlawful as they contravene the Constitution and infringe the rights of women.

5.3.1.a. ii CHAPTER 2 OF THE NIGERIAN CONSTITUTION

Chapter II of the Nigerian Constitution contain very important provisions which if they were guaranteed to its citizens would accord more protection to women. Chapter II of the Nigerian Constitution, titled 'Fundamental Objectives and Directive Principles of State Policy' contains political, economic, social, cultural and developmental rights of

citizens.⁸¹⁰ The provisions contained in this chapter are however rendered non-justiciable by the Constitution.⁸¹¹ Section 6(6)(c) of the Constitution provides that,

‘The judicial powers vested in accordance with the foregoing provisions of this section shall not, except as otherwise provided by this Constitution, extend to any issue or question as to whether any act or omission by any authority or person or as to whether any law or any judicial decision is in conformity with the Fundamental Objectives and Directive Principles of State Policy set out in Chapter II of this Constitution.’⁸¹²

The provision explicitly states that, the courts have no jurisdiction over matters contained in Chapter II, hence the non-justiciable nature of provisions contained in this Chapter. Non-justiciable means, ‘inability of any court of law to try any matter even where real interest and rights are being infringed.’⁸¹³ This position has also been confirmed by the courts in its judgment. In the case of, *Archbishop Olubunmi Okogie v. A.G. of Lagos State*,⁸¹⁴ the court held that,

‘The fundamental objectives identify the ultimate objectives of the nation and the Directive Principles lay down the policies which are expected to be pursued in the effort of the nation to realize national ideals while section 13 of the constitution makes it a duty and responsibility of the judiciary among other organs of government to conform to and apply the provisions of Chapter II, Section 6(6)(c) of the same constitution makes it clear that no court has jurisdiction to pronounce any decision as to whether any organ of government has acted or is acting in conformity with the Fundamental Objectives and

⁸¹⁰ CFRN 1999 (n 692) s 13- s 24; Priscilla Ngozi Nnawuba, ‘Non-Justiciability and Enforcement of Chapter II of the Nigerian Constitution as an Impediment to Enjoyment of Economic Rights and Development’ (2022) Vol. 6(2) African Journal of Law and Human Rights 148.

⁸¹¹ *ibid*, s 6(6)(c).

⁸¹² *ibid*.

⁸¹³ Nnawuba (n 810) 149.

⁸¹⁴ *Archbishop Olubunmi Okogie v. A.G. of Lagos State* [1981] NCLR 218.

Directive Principle of State Policy. It is clear therefore, that section 13 has not made Chapter II of the constitution justiciable.⁸¹⁵

This means that, unfortunately, provisions contained in this chapter of the Constitution are mere policy guidelines and they do not grant legal rights to Nigerian citizens, and their breach cannot be redressed in court.⁸¹⁶ Interestingly, Chapter II consists of Section 13 to Section 24 of the Constitution, thus, contains section 15 and 17 earlier mentioned. Section 17(3) provides that policy should be directed towards ensuring that all citizens have the opportunity for securing adequate means of livelihood, adequate opportunity to secure suitable employment and ensure that conditions of work are just and humane.

It also provides that policy should ensure adequate medical and health facilities for all persons and that there is equal pay for equal work without discrimination on account of sex, or on any other ground whatsoever. It also provides that children should be protected against any exploitation. Section 18(3) says that, 'the Government shall strive to eradicate illiteracy and that the Government shall as and when practicable provide free, compulsory and universal primary education; free secondary education; free university education; and free adult literacy programme.'

Here, provisions which would have accorded further protection to women in areas concerning work, standard of living, education and even health are not a given right and cannot be adjudicated upon if infringed. It calls for the Government to direct policies to ensure these aspects and are not given as a right to citizens. This means that, women cannot use these specific provisions to bring cases to court for their benefit, when matters such as unequal pay or even just working conditions arise. These provisions contained in chapter 2 are not justiciable and cannot be brought to court for adjudication. This is tied to the wider debate about the nature of social and economic rights and the effect of the non-justiciability of economic, social and cultural rights.⁸¹⁷

⁸¹⁵ Nnawuba (810) 150.

⁸¹⁶ Bolanle Oluwakemi Eniola, 'Gender Parity in Parliament: A Panacea for the Promotion and Protection of Women's Rights in Nigeria' (2018) 3 *Frontiers in Sociology* 1, 5.

⁸¹⁷ Aoife Nolan, 'The Justiciability of Social and Economic Rights: An Updated Appraisal' (2007) 3 <https://www.researchgate.net/publication/228275150_The_Justiciability_of_Social_and_Economic_Rights_An_Updated_Appraisal> accessed 25th April 2025.

In summary, the Nigerian Constitution guarantees the rights of all persons within it and also makes provisions for redress where rights are violated; this is, however, subject to its justiciability. The relevance of the Constitution to the protection of women against violence and non-discrimination in Nigeria can be seen from the perspective that the Constitution, being the highest law in the country, sets the standard for other laws to follow and accordingly, any law or practice that is inconsistent with its provisions ought not to stand.⁸¹⁸ The question is whether this is effective and enough to protect the right of women in Nigeria and ensure there is equality and non-discrimination in the country.

5.3.1. b VIOLENCE AGAINST PERSONS (PROHIBITION) ACT, 2015

The Violence Against Persons (Prohibition) Act, 2015 (the VAPP Act) came into force on 25 May 2015 and is the major general law that prohibits violence against persons in Nigeria.⁸¹⁹ The VAPP Act is a federal law and is only effective in the Federal Capital Territory of Abuja, and as such, the other states must pass mirroring legislation to enable the Act to have the force of law in that particular state.⁸²⁰ The VAPP Act came into existence to address gaps that existed in the protection of women and remedies available to women who had suffered various harms as a result of violence meted out to them on account of their gender.⁸²¹ The Act aims to prohibit all forms of violence against persons in private and public life, and provide maximum protection and effective remedies for victims and punishment of offenders.⁸²²

The VAPP Act gives its definition of violence as, ‘any act or attempted act, which causes or may cause any person physical, sexual, psychological, verbal, emotional or economic harm whether this occurs in private or public life, in peacetime and in conflict situations.’⁸²³ Looking at this definition, it is seen that the VAPP Act recognizes different types of violence that women are subjected to including emotional, verbal,

⁸¹⁸ Job Odion & Edoghogho Eboigbe, ‘Eliminating Harmful Practices Against Women in Nigeria: An Examination of the Violence Against Women Persons (Prohibition) Act, 2015’ (2018) 22(7) *The International Journal of Human Rights* 933, 936.

⁸¹⁹ Grace Ayodele Arowolo, ‘Protecting Women from Violence through Legislation in Nigeria: Need to Enforce Anti-discrimination Laws’ (2020) 20(4) *International Journal Discrimination and the Law* 245, 261.

⁸²⁰ Thomson Reuters Foundation (n 805) 3.

⁸²¹ Onyemelukwe (n 755) 23.

⁸²² Violence Against Persons (Prohibition) Act, 2015 (VAPP Act), Explanatory Memorandum.

⁸²³ *ibid* s 46.

psychological, and economic abuse; types of violence which are sometimes overlooked. Sections 1–26 of the Act prohibits and criminalises violent acts including rape, infliction of physical injury or wilfully placing a person in fear of physical injury, spousal battery, harmful traditional practices, attack with harmful substance, administering a substance with intent, political violence, violence by state actors, incest schedule and indecent exposure.⁸²⁴

The Act also specifically mentions harmful traditional practices and defines these practices as, ‘all traditional behaviour, attitudes or practices, which negatively affect the fundamental rights of women, girls, or any person and includes harmful widowhood practices, denial of inheritance or succession rights, female genital mutilation or female circumcision, forced marriage and forced isolation from family and friends.’⁸²⁵

The enactment of the VAPP Act shows some progressive steps in the protection of women’s rights as it criminalises and sets out punishments of matters previously not explicitly recognised as offences under Nigerian law, such harmful traditional practices, female genital mutilation, emotional abuse, abandonment, and attack with harmful substances.⁸²⁶

5.3.1.c CHILD’S RIGHT ACT 2003

The passing of the Child’s Right Act signalled Nigeria’s domestic intentions to protect and preserve the rights of the Nigerian child.⁸²⁷ The Act not only specifies that the best interests of the Nigerian child should be central to all actions, but it also provides the duties and obligations of parents, the government and organisations towards children.⁸²⁸ The Act is a comprehensive legislation dealing with the rights of a child in Nigeria as it covers every situation where a child may be subjected to abuse.⁸²⁹ The Child’s Right Act prohibits child marriage and sexual offences against children.⁸³⁰ It

⁸²⁴ Arowolo (n 819).

⁸²⁵ VAPP Act (n 822) s 46.

⁸²⁶ Onyemelukwe (n 755) 10.

⁸²⁷ Tim S. Braimah, ‘Child Marriage in Northern Nigeria: Section 61 of Part I of the 1999 Constitution and the protection of children against Child Marriage’ (2014) 14 African Human Rights Law Journal 474, 480.

⁸²⁸ *ibid.*

⁸²⁹ *ibid.*

⁸³⁰ Onyemelukwe (n 755) 8.

was enacted in September 2003,⁸³¹ and domesticates to a large extent the provisions of the Convention on the Rights of the Child (CRC) and the African Charter on the Rights and Welfare of the Child (ACRWC).⁸³²

The Act recognises the freedom of a girl child from discrimination on the grounds of belonging to a particular community or ethnic group, place of origin, sex or religion.⁸³³ It goes further to provide that, every child is entitled to respect for the dignity of person and shall not be subjected to physical, mental or emotional injury, abuse, neglect or maltreatment.⁸³⁴ It also provides that no child should be subjected to torture, inhuman or degrading treatment or punishment.⁸³⁵ The Act makes explicit mention of Chapter IV of the Constitution and provides that all rights shall apply to the child as if those provisions were expressly stated in it.⁸³⁶ Thus, the Child's Right Act guarantees the child's right to life, right to dignity, freedom from torture, inhuman or degrading treatment, liberty and all other fundamental human rights contained in the Nigerian Constitution. The Act prohibits all forms of discrimination against children merely by reason of their belonging to a particular community or ethnic group or because of the place of origin, sex, religion or political opinion.⁸³⁷

The Act prohibits both the marriage of those considered to be children and the betrothal of children.⁸³⁸ Concerning child marriages, Section 21 of the Act states, 'no person under the age of 18 years is capable of contracting a valid marriage. Accordingly, a marriage so contracted is null and void and of no effect whatsoever.' Section 22 provides that, 'no parent, guardian or any other person shall betroth a child to any person.' The Act goes further to set out punishment for child marriage and betrothal. It provides that a person who marries a child, or to whom a child is betrothed, who promotes the marriage of a child or who betroths a child commits an offence and is liable on conviction to a fine or imprisonment or both.⁸³⁹

⁸³¹ *ibid.*

⁸³² Arowolo (n 819) 263.

⁸³³ Child's Right Act (n 730) s 10(1).

⁸³⁴ *ibid* s 11(a).

⁸³⁵ *ibid* s 11(b).

⁸³⁶ *ibid* s 3(1).

⁸³⁷ *ibid* s 10.

⁸³⁸ Braimah (n 827).

⁸³⁹ Child's Right Act (n 730) s 22.

The Act also prohibits exploitative labour,⁸⁴⁰ and specifically in Section 30(2)(b) provides that, 'A child shall not be used as a slave or for practices similar to slavery such as sale or trafficking of the child, debt bondage or serfdom and forced or compulsory labour.' This section in practice should protect children from the 'house help' issue discussed earlier in this chapter. Unfortunately, this is not the case and this practice continues to prevail in the country.

A reading of the Child's Right Act and looking at the rights it provides should protect the girl child from various forms of violence discussed in this thesis. It also touches on child marriage which is very rampant in Nigeria and even criminalises the failure of parents and guardians to ensure that their child attends and completes primary school education and junior secondary education.⁸⁴¹ Lack of education being one of the many drawbacks of child marriage makes this criminalisation a step in the right direction. It is however regrettable to note that even with the enactment of the Child's Right Act, children, especially the girl child continue to face discrimination and experience various forms of violence against them, as will be shown when discussing the effectiveness of these measures.

5.3.1. d AFRICAN CHARTER ON HUMAN AND PEOPLES RIGHTS 1981 (AFRICAN CHARTER)

Nigeria is a signatory to many regional and international human rights instruments, however, for these instruments to have the force of law in the country, they must have been ratified and domesticated by virtue of Section 12(1) of the Constitution. This section provides that, 'No treaty between the Federation and any other country shall have the force of law except to the extent to which any such treaty has been enacted into law by the National Assembly.' This means that, a treaty must be passed into law by the legislative arm of government before it can be recognised in the courts and used by citizens to seek redress for harm done. Nigeria ratified and domesticated the African Charter in 1983 by Section 12(1) of the then 1979 Constitution of Nigeria and the African Charter became a domestic law by the African Charter on Human and

⁸⁴⁰ *ibid* s 28.

⁸⁴¹ *ibid* s 15(6).

Peoples' Rights (Ratification and Enforcement) Act.⁸⁴² The African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act, 1983 was made law in Nigeria on 17 March 1983.⁸⁴³ Section 1 of the Ratification and Enforcement Act provides that,

'As from the commencement of this Act, the provisions of the African Charter on Human Rights Peoples' Rights which are set out in the Schedule to this Act shall, subject as there under provided, have force of law in Nigeria and shall be given full recognition and effect and be applied by all authorities and persons exercising legislative, executive or judicial powers in Nigeria.'

From the above section, it is observed that the African Charter is indeed a law in Nigeria and the courts in the case of *General Sani Abacha v. Chief Gani Fawehinmi*, confirmed the Charter as part of Nigerian law and stated that courts must enforce it.⁸⁴⁴

The African Charter does not explicitly mention violence against women or even harmful traditional practices; it however guarantees and protects the rights of all persons, including women from all forms of discrimination.⁸⁴⁵ Although the Charter incorporates traditional values inherited from ancient African civilisations,⁸⁴⁶ which might be read to mean the perceived role of women as fulfilling functions of childbearing, child care, sustaining a family and viewing women as subordinate to men, these values find their counter-weight in the right to non-discrimination provided for in the African Charter.⁸⁴⁷

Thus, even though the African Charter recognises the right to cultural life and calls for the promotion and protection of African traditional values,⁸⁴⁸ this does not excuse any form of discrimination or violations of the rights of women, that may occur and be justified through the protection and promotion of African traditional values. The right to

⁸⁴² Chudi Nelson Ojukwu, 'Enforcement of the African Charter on Human and Peoples' Rights as a Domestic Law in Nigeria' (2000) 25 International Legal Practice 140, 140.

⁸⁴³ African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act, Act No 2 of 1983, Cap 10 LFN 1990, 17 March 1983 <<https://www.refworld.org/legal/legislation/natlegbod/1983/en/104233>> accessed 2nd December 2025.

⁸⁴⁴ *General Sani Abacha v. Chief Gani Fawehinmi* (2000) SC No. 45/1997.

⁸⁴⁵ African Charter (n 23) art 2.

⁸⁴⁶ *ibid* preamble.

⁸⁴⁷ Viljoen, International Human Rights Law in Africa (n 524) 251.

⁸⁴⁸ African Charter (n 23) art 17(2) & (3).

life,⁸⁴⁹ right to dignity,⁸⁵⁰ right to health⁸⁵¹, right to liberty⁸⁵², right to education⁸⁵³ and the general prohibition on cruel and inhuman treatment⁸⁵⁴ which are all provided for in the Charter can be invoked by women in their struggle against various forms of violence and discrimination. The Charter even provides for the right to work under equitable and satisfactory conditions and the receiving of equal pay.⁸⁵⁵

The Charter specifically makes mention of the rights of women and children in Article 18(3) where it provides that, 'The State shall ensure the elimination of every discrimination against women and also ensure the protection of the rights of women and the child as stipulated in international declarations and conventions.' This provision is not only important because it obligates States to ensure and protect the rights of women but also because it by extension obligates States to perform their obligations under all international declarations and conventions concerning the rights of women, which is a progressive step towards the protection of women. However, by virtue of Section 12(1) of the Constitution, if these conventions are not domesticated into law, then they have no force of law in the country and thus cannot be enforced by the courts.

4.3.2 POLICY

Formulation of policies for the protection and promotion of rights of women is another important measure to achieve gender equality. Policy is seen as a decision taken to resolve a reoccurring problem or a similar problem within a given period of time, it can be either a short or a long period of time.⁸⁵⁶ It is an aggregate of decisions and plans formulated by government to deal with public and social problems.⁸⁵⁷ The Nigerian government in 2006 launched the National Gender Policy following an extensive research and consultation process involving various government and public sector

⁸⁴⁹ *ibid* art 4.

⁸⁵⁰ *ibid* art 5.

⁸⁵¹ *ibid* art 16.

⁸⁵² *ibid* art 6.

⁸⁵³ *ibid* art 17(1).

⁸⁵⁴ *ibid* art 5.

⁸⁵⁵ *ibid* art 15.

⁸⁵⁶ Ola Abegunde, *Public Policy and Development in Developing Nations: Selected Cases* (Xlibris 2015) 4.

⁸⁵⁷ *ibid* 5.

development stakeholders and partners.⁸⁵⁸ The implementation plan was designed for a 5-year period, 2008 to 2013.⁸⁵⁹ The National Gender Policy was developed to, 'provide strategic policy guidance for mainstreaming gender at all levels as well as address the inequalities that exist in the socio- economic sphere.'⁸⁶⁰

The review of the National Gender Policy 2006 however became necessary for several reasons including, the glaring gender gaps in terms of representation in decision making, difficulties in accessing and controlling resources and socio-economic opportunities that still continued to prevail and the emergence of gender issues which dealt with experiences of women, girls and other vulnerable groups under the current conflict and complex humanitarian emergencies in the country. ⁸⁶¹ Also, it was reviewed for the purpose of ensuring that policy objectives were aimed at meeting new globally agreed standards in the context of the Sustainable Development Goals.⁸⁶²

The National Gender Policy 2006 was revised and gave rise to the National Gender Policy 2021. The Policy will be in place from 2021 to 2026. The policy represents a set of minimum standards expected of the Nigerian Government to meet its mandate for gender equality, good governance, accountability, and being socially responsive to the needs of its vulnerable groups.⁸⁶³ The policy states its guiding principles as the philosophy and general principles of human rights, gender equality, and women's empowerment entrenched in international, regional, and national laws and instruments.⁸⁶⁴ It recognises that the promotion and protection of women's rights as human rights, provision of social buffers and safety nets, social justice, and equity are critical to national cohesion, growth, and stability.⁸⁶⁵ The overall goal of the policy is, 'to build a just society devoid of discrimination, where the needs and concerns of

⁸⁵⁸ Malcolm Durosaye, 'Deconstructing Nigeria's National Gender Policy (2006) *Policy Vault* < <https://www.policyvault.africa/national-gender-policy/>> accessed 6th May 2023.

⁸⁵⁹ *ibid.*

⁸⁶⁰ Federal Ministry of Women and Gender Affairs, 'National Gender Policy: 2021-2026' xvii < <http://wra.nigeria.org/wp-content/uploads/2022/08/NATIONAL-GENDER-POLICY.pdf>> accessed 6th May 2023.

⁸⁶¹ *ibid* xi.

⁸⁶² *ibid.*

⁸⁶³ *ibid* 8.

⁸⁶⁴ *ibid.*

⁸⁶⁵ *ibid.*

women, men, girls, and boys are mainstreamed equitably into all sectors of national development.⁸⁶⁶

The National Gender Policy 2021 consists of seven strategic objectives which include:

- Bridge gender/social inclusion gaps and achieve parity in all spheres of life;
- Protect women's human rights and mitigate sexual and gender-based violence through appropriate buffers and related services;
- Explore and fully harness women's human capital assets as a growth driver for national development through women's economic empowerment;
- Advance women's participation and representation in leadership and governance;
- Support women and girls' education, lifelong health, survival, and sustainable development;
- Ensure that gender equity concerns are integrated into social protection, and complex humanitarian actions, legislations, and policies, and
- Ensure that the socially excluded groups (e.g., persons with disabilities, the elderly, and the poor) are mainstreamed in development practice.⁸⁶⁷

The National Gender Policy 2021 contains an implementation framework with four targets. First, to adopt a National Gender Management System Model (NGMS). It provides that the NGMS will be set up comprising of four pillars aimed at providing an enabling environment for the intended restructuring of gender role relations in the Nigerian society.⁸⁶⁸ The elements of the NGMS include:

- i) An enabling environment which ensures women in decision making, active participation of civil society organisations, adequate human, material and financial resources;

⁸⁶⁶ *ibid* 9.

⁸⁶⁷ *ibid*.

⁸⁶⁸ *ibid* 58.

- ii) Various processes such as setting up GMS structures and mechanisms, developing and implementing a National Gender Policy Implementation Plan, developing and implementing a Sector Specific Gender Policy;
- iii) Structures in place for the system some of which includes the Federal Ministry of Finance, Federal Ministry of Women and Gender Affairs, Federal Ministry of Economic Development, Budget and Planning, the Judiciary, the Federal Executive Council;
- iv) Tools and mechanisms which consist of gender analysis and mainstreaming, gender education and training as well as gender responsive budgeting.⁸⁶⁹

The second target in the implementation framework is the use of gender mainstreaming as a core strategy for achieving the policy objectives and targets. It requires that government actions incorporate a gender perspective into all policies, plans, programmes and projects to ensure that they impact on women and men in an equitable way.⁸⁷⁰ The next target contained in the implementation framework is the need for an effective coordination framework for Gender Mainstreaming. Gender issues and social inclusion concerns cut across all areas of development; thus, the implementation of the policy requires the involvement of different institutions and sectors in Nigeria.⁸⁷¹

All structures and processes would need to have an awareness of gender integration and this will require all Ministries Departments and Agencies (MDA) and even private sectors to have gender result indicators, which are budgeted and evaluated for technical soundness, appropriateness and impact; gender focal persons that reside within MDAs as bridges of knowledge and feedback channels to the Federal Ministry of Women's Affairs and also have available and accessible implementation plans that clearly show how gender integration will be implemented.⁸⁷²

⁸⁶⁹ *ibid.*

⁸⁷⁰ *ibid* 59.

⁸⁷¹ *ibid* 60.

⁸⁷² *ibid.*

Finally, the implementation framework highlights the coordination role of the Ministry of Women Affairs in the engendering process. One of the challenges that faced the implementation of the 2006 NGP, was the area of coordination and role sharing. It is thus very important to strengthen the coordination mechanisms for the implementation of the policy at all levels and to clearly delineate the functions of key institutions and individual stakeholders.⁸⁷³ The Ministries of Women Affairs at both Federal and State levels are the coordinating units. The Federal Ministry of Women's Affairs has the ultimate responsibility for the effective coordination, monitoring, networking and provision of technical support for the process of advancing gender equity and equality, women empowerment and social inclusion across all MDAs.⁸⁷⁴

The implementation of the National Gender Policy is very important because, just the creation of laws and policies alone do not make changes needed to achieve gender equality. In fact, the 2006 National Gender Policy was revised as a result of lack of implementation of most of its plans. The 2006 Policy set out various outcomes including changes in public perception of the roles of women and increase in respect for women's rights.⁸⁷⁵ This was to be done by integrating changing gender roles in school curricula and also increasing locally produced home videos focusing on gender equality.⁸⁷⁶ There have however been no changes in the curricula of primary and secondary schools integrating the changing roles of men and women in the society.⁸⁷⁷ The 2006 Policy also aimed to ensure the protection and promotion of women's rights.⁸⁷⁸

This was to be accomplished through the creation of a new Constitution with principles of equality and non-discrimination, the increase on the number of laws and the penal codes revised to protect women and also the adoption of gender equality in representation and within the Federal Character Principle.⁸⁷⁹ Till date, there has not been any new constitution that incorporates the principles of gender equality and non-

⁸⁷³ *ibid* 61.

⁸⁷⁴ *ibid*.

⁸⁷⁵ Federal Ministry of Women and Gender Affairs, 'National Gender Policy Strategic Framework (Implementation Plan) Federal Republic of Nigeria 2008-2013' 11<
<https://faolex.fao.org/docs/pdf/nig151427.pdf>> accessed 26th May 2023.

⁸⁷⁶ *ibid*.

⁸⁷⁷ Durosaye (n 858).

⁸⁷⁸ Federal Ministry of Women and Gender Affairs, National Gender Policy Strategic Framework (n 875) 13.

⁸⁷⁹ *ibid*.

discrimination. Representation of women in various sectors of the country remain low compared to the men.⁸⁸⁰ According to the National Bureau of Statistics, between 2010 and 2015, women only accounted for 38% and 42% of state and federal government workers, respectively.⁸⁸¹

The 2006 Policy also called for the promotion of national accountability to gender equality and one of the ways this was to be accomplished was to achieve at least 30% representation of women in governance implemented at the National level and at least a third of the states.⁸⁸² However, as seen earlier in this chapter on the political representation in Nigeria, this was not accomplished and women are still underrepresented in the governance of the country.

Looking at the 2021 Policy, for now, I would not necessarily say that we have been able to create an enabling environment with women in decision-making as we can see that woman in decision making roles in politics as well as workforce still remains low. Furthermore, I have not seen a National Gender Policy Implementation Plan for the Policy yet as a start, containing projected outcomes and indicators. As of this writing in early 2025, the success of the revised Policy does not look so good for now. However, improvement and success rate are foreseeable if the implementation of this Policy by the Nigerian government is treated with great importance.

5.3.3 CIVIL SOCIETY

Civil society form an arena to push for the protection of women's rights in Nigeria, this is because they give a voice to the challenges faced by women in the country and push for a change in that regard. They refer to a wide variety of communities and groups such as non-governmental organisations (NGOs), labour unions, indigenous groups, charitable organisations, faith-based organisations, professional associations, and foundations that function outside of government to provide support and advocacy for certain people or issues in society.⁸⁸³ In this thesis, the term Civil society refers to NGOs and women groups and organisations which specifically advocate for the

⁸⁸⁰ Durosaye (n 858).

⁸⁸¹ *ibid.*

⁸⁸² Federal Ministry of Women and Gender Affairs, National Gender Policy Strategic Framework (n 875) 18.

⁸⁸³ Robert Longley, 'Civil Society: Definition and Theory' (2022) <<https://www.thoughtco.com/civil-society-definition-and-theory-5272044>> accessed 15th March 2023.

promotion and protection of women's rights and the empowerment and advancement of women in the society.

Civil society raise awareness of particular issues, mobilise advocacy campaigns to generate political will among decision-makers to ensure that a change is made and their desired result is achieved and these groups have indeed shaped how the plight of women in Nigeria is addressed. In-fact, the VAPP Act came into existence as a result of the campaigning by various women's rights and civil society groups. The Legislative Advocacy Coalition on Violence Against Women (LACVAW), an umbrella body of various women's and civil rights group, developed the Violence against Women Bill which was presented to the National Assembly in 2002.⁸⁸⁴ The legislators felt that a gender-neutral approach would be more inclusive and the bill was changed from the Violence Against Women Bill to the Violence (Prohibition) Bill, 2003 and after many years of advocacy, the Act was finally signed into law in May 2015.⁸⁸⁵

To further highlight the importance of civil society in the protection and promotion of women's right in various circumstances, it is observed that international organisations often fund civil society for these purposes. For example, the Women's Peace & Humanitarian Fund (WPHF) and Spotlight Initiative channels urgently needed financing to grassroots women's organisations working to end violence against women and advance human rights and gender equality in peace and security contexts.⁸⁸⁶ The WPHF is also supporting 9 projects implemented by 17 women-led and women's rights civil society organisations in Nigeria in various projects across various states in the country.⁸⁸⁷

Civil society do their part in the empowerment and advancement of women which ensures that the livelihoods of different women is improved. For example, the Women Development Initiative (WDI), a non-governmental organisation based in Kano State, Nigeria, has been providing microfinance services to microentrepreneurs in Kano and other states since 1998. WDI was initiated by Hajja Talatu S. Bashir who out of concern for women's plight in the Northern part of the country contacted fellow women

⁸⁸⁴ Onyemelukwe (n 755) 9.

⁸⁸⁵ *ibid.*

⁸⁸⁶ Women's Peace & Humanitarian Fund, 'Nigeria' < <https://wphfund.org/countries/nigeria/>> accessed 15th March 2023.

⁸⁸⁷ *ibid.*

professionals who came together and made concerted efforts to start WDI.⁸⁸⁸ WDI has been able to economically and socially empower over 3,000 women and has led to the establishment of over 50 women groups both in the rural and urban communities.⁸⁸⁹

An important aspect of the work of civil society in the country is that they not only advocate for change and raise awareness but they can also play active roles in the redressing of rights of women that have been infringed upon. The Women's Rights Advancement and Protection Alternative (WRAPA) is a national women's rights organisation in Nigeria, which since 1999, has been advocating for the adoption of CEDAW as well as the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (MAPUTO Protocol). They also offer assistance in this area. One of its core activities is providing legal aid expertise and redress for survivors of violence against women and girls.⁸⁹⁰

The International Federation of Women Lawyers Nigeria (FIDA) is a non-profit, non-political, voluntary association of women lawyers in Nigeria.⁸⁹¹ FIDA Nigeria's primary role is to protect, promote and preserve the rights of women and children in Nigeria.⁸⁹² FIDA Nigeria offers free legal representation for poor women and children. They carry out advocacy and policy campaigns, education and training the protection of women's rights, harm caused by traditional practices and violence against women as discussed in this thesis. In May 2022, FIDA Nigeria conducted a two-day capacity building workshop in Abuja, for traditional and faith leaders across three states in Northern Nigeria to discuss preventive and responsive strategies on issues of sexual and gender-based violence, child early/forced marriage, and trafficking in persons.⁸⁹³

⁸⁸⁸ The Nigerian Microfinance Newsletter, *Women Development Initiative (WDI) Impacts on Women Micro Entrepreneurs in Kano and Jigawa States: Excerpts of Interview with Hajia Talatu S. Bashir, Chief Executive Officer, WDI, Kano* (2009) <<https://www.cbn.gov.ng/Out/2011/publications/dfd/MFNL%20vol.9%202009.pdf>> accessed 15th March 2023.

⁸⁸⁹ *ibid.*

⁸⁹⁰ Oxfam, 'Strengthening Governance Programming Through Tackling Violence Against Women and Girls: Raising Her Voice in Nigeria' (2012) 1 <<https://oxfamilibrary.openrepository.com/bitstream/handle/10546/269173/cs-raising-her-voice-nigeria-160712-en.pdf?sequence=1>> accessed 15th March 2023.

⁸⁹¹ International Federation of Women Lawyers Nigeria, 'We are Experienced Female Lawyers' <<https://fida.org.ng/about-us/>> accessed 1st June 2023.

⁸⁹² *ibid.*

⁸⁹³ International Federation of Women Lawyers Nigeria, 'FIDA Implemented a Two-Day Capacity Building Workshop for Traditional & Faith Leaders across Three States in Northern Nigeria' <<https://fida.org.ng/2022/05/fida-implemented-a-two-day-capacity-building-workshop-for-traditional-faith-leaders-across-three-states-in-northern-nigeria/>> accessed 2nd June 2023.

From the above, it is demonstrated that Civil Society Organisations, particularly Women's Rights Organisations are essential for the achievement of gender equality and the protection of women and girls' rights, peace and security through their programmes, service delivery, policy and advocacy work and their importance cannot be overemphasised. However, it is unfortunate to note that their role is often unrecognised and underfunded.⁸⁹⁴

5.4 ARE THESE MEASURES EFFECTIVE?

In answering the question of whether or not the measures discussed previously have been effective in ensuring gender equality and the protection of women's right, I will discuss several issues that hinder the effectiveness. Firstly, it is important to highlight that Nigeria operates a federal system of government. This means that, each of the thirty-six states of the federation is autonomous and equal to the others and they all have their own legislative system.⁸⁹⁵ Consequently, until an Act is enacted into law in a state, that Act is not binding on that particular state and no court can prosecute violations of the Acts in states that have not enacted it.⁸⁹⁶ That Act will only apply to the Federal Capital Territory and thus, will suffer a limited scope of its geographical coverage until enacted by any given State.

This system in my opinion allows for a major loophole in the advancement and enjoyment of benefits that any Act, new or old may confer on women. It is worrisome that even though, through rigorous efforts a law may be enacted by the Nigerian Government which would potentially advance the state of all women in the country, many women may still be left unprotected. In a Report commissioned by the Westminster Foundation for Democracy (WFD),⁸⁹⁷ it was stated that as of 2021, only 17 states out of the 36 states had adopted the VAPP Act.⁸⁹⁸ This means that only

⁸⁹⁴ Womankind Worldwide, 'The Key to Change: Supporting Civil Society and Women's Rights Organisations in Fragile and Conflict Affected Contexts' <<https://www.womankind.org.uk/wp-content/uploads/2021/01/The-Key-to-Change-Supporting-Civil-Society-and-Womens-Rights-Organisations-in-Fragile-and-Conflict-Affected-Contexts-Overarching-Report-1.pdf>> accessed 16th March 2023.

⁸⁹⁵ Akinwumi (n 804) 391.

⁸⁹⁶ *ibid.*

⁸⁹⁷ Westminster Foundation for Democracy, *The Impact of the Violence Against Persons (Prohibition) Act and Related Laws in Nigeria* (2021)< <https://www.wfd.org/sites/default/files/2023-02/Report%20of%20the%20Impact%20of%20the%20VAPP%20and%20related%20laws%20in%2012%20states.pdf>> accessed 1st May, 2023.

⁸⁹⁸ *ibid* 11.

about half of the States in the country had adopted this Act since its enactment in 2015. Furthermore, in the Report, it is seen that some of these 17 States had not even completed the domestication process.⁸⁹⁹ The delay in the domestication of Acts by States show that laws which could potentially protect and empower women are hindered by this system.

In a system such as this, ensuring domestication of key laws by all States is essential. The question then is, what could be done if States fail or refuse to domesticate any Act important to the protection of rights of all persons across the country? How do we ensure that the various States not only domesticate laws for the protection of women but also do so in a timely manner? Transnational advocacy networks could be beneficial in the pressing for the domestication of laws that protect and promote human rights by all States in Nigeria where necessary. The concept of Transnational advocacy networks was formalised by Margaret Keck and Kathryn Sikkink.⁹⁰⁰ Transnational advocacy networks are seen as 'networks of activists, distinguished largely by the centrality of principled ideas or values in motivating their formation.'⁹⁰¹ Major actors in advocacy networks may include international and domestic research and advocacy organisations, local social movements, foundations, the media, churches, trade unions, parts of regional and international intergovernmental organisations and even parts of the executive and parliamentary branches of government.⁹⁰² The networks work with national civil society and lend voices to their campaigns.

These networks can provide alternative channels of communication to project and amplify concerned voices that are suppressed in their societies into an international arena which in turn echo back in their own country.⁹⁰³ They argue, persuade, strategize, document, lobby, pressure, complain and they build links among actors in civil society, states and international organisations.⁹⁰⁴ It is not far-fetched that with these actions, they can ensure that all States take it upon themselves as an inherent

⁸⁹⁹ *ibid.*

⁹⁰⁰ Margaret E. Keck and Kathryn Sikkink, *Activists Beyond Borders: Advocacy Networks in International Politics* (Cornell University Press 1998).

⁹⁰¹ *ibid.* 1.

⁹⁰² *ibid.* 9.

⁹⁰³ *ibid.* x

⁹⁰⁴ *ibid.* 1.

duty to speedily domesticate all laws that enhance and promote human rights to ensure coverage of all citizens of the country.

One of the many reasons I suggest that Transnational advocacy networks can help in the situation discussed above is the fact that international organisations work with domestic NGOs. A drawback to Transnational advocacy networks could be that there can be a danger that international organisations can come with their own agenda. However, because of the fact these networks are committed to amplifying the voices of citizens of that particular country and their own agenda, this is avoided. Thus, the involvement of persons from that society are present and heard and there is no imposition of the views of international organisations on State. But rather an amplification of the views and thoughts of persons belonging to that State. It ensures that issues of great concern within a state are projected internationally and through persuasion and lobbying, adequate changes are made.

A major issue which also affects the effectiveness of these laws and policies is the enforcement and implementation of them. It is observed that, there is an inconsistency between the passing and enforcement of laws in Nigeria.⁹⁰⁵ For example, even though the Child's Right Act prohibits and criminalises child marriage, child marriages still occur in Nigeria in great numbers. In fact, the notorious case of the 49-year-old Senator Sani Yerima who married a 13-year-old girl in 2009 in Abuja, the country's capital comes to mind.⁹⁰⁶

The fact that the marriage took place in Abuja means that the Child's Rights Act is in force there, so there was obviously a law in place criminalising child marriage but nothing was done. Most alarmingly, is the fact that this was done by a law maker of the country. When criticised for his actions by child rights activists, the senator stated that there is no law in Nigeria that determines when and how to get married and insisted he had done nothing wrong and that if he had, he would have been tried in court.⁹⁰⁷ The Senator was not tried and remained in Senate and after 12 years in the

⁹⁰⁵ Thomson Reuters Foundation (n 805) 6.

⁹⁰⁶ Ahmed Oluwasanjo, 'Nothing Wrong Marrying 13-year-old, Says APC Presidential Aspirant Yerima' *Peoples Gazette* (11 May, 2022) <<https://gazettengr.com/nothing-wrong-marrying-13-year-old-says-apc-presidential-aspirant-yerima/>> accessed 4th May 2023.

⁹⁰⁷ *ibid.*

Senate had intentions to run for the presidency elections in 2023.⁹⁰⁸ This shows that, even where laws are in place, if not enforced, they are merely just words contained in a document. Furthermore, this also shows how persons in power, even law makers, as in this case, contribute to the gender inequalities in the society.

The Nigerian government must go beyond just creating laws, law enactment needs to be followed by effective implementation and, in turn, enforcement of laws.⁹⁰⁹ There has to be 'an engaged and multidimensional process of national implementation supporting legislations'.⁹¹⁰ The process should include: information and awareness raising initiatives; available and accessible services; active institutions; and a wide process of social mobilization.⁹¹¹ It is important that there exists an adequate reporting system for issues of violence and protection services from perpetrators. When mechanisms and institutions are put in place to aid in the protection of rights, the government should make sure that perpetrators of crimes are brought to justice no matter who they are.

Another reason why the protection and promotion of women's rights seem to be hindered is the lack of awareness of rights and laws in place. Most Nigerian women submit themselves to many issues that affect them negatively as a result of ignorance of what the law says or what constitutes breach of their rights.⁹¹² For example, in cases of harmful traditional practices, some women and even perpetrators may not even be aware that these practices are harmful to women and that they constitute violence against women and breaches of their rights. This is because such practices are carried out in the name of culture and tradition. Women groups and NGOs have in many ways made efforts to create awareness and enlighten women of their rights but unfortunately, many women still remain unaware of their basic rights and how to seek redress for wrongs.

⁹⁰⁸ Williams Anuku, 'Former Zamfara Governor, Sani Yerima declares for President' *Daily Post* (6 May 2022) <<https://dailypost.ng/2022/05/06/former-zamfara-governor-sani-yerima-declares-for-president/>> accessed 4th May 2023.

⁹⁰⁹ Plan International, *Protecting Children from Harmful Practices in Plural Legal Systems: With a Special Emphasis on Africa* (New York 2012) 23.

⁹¹⁰ *ibid* 19.

⁹¹¹ *ibid*.

⁹¹² Rufai Muftau, 'An Appraisal of the Legal Rights of Women in Nigeria' (2016) 52 *Journal of Law, Policy and Globalization* 69, 83.

Beyond the creation of laws, the Nigerian government should ensure that there must be knowledge of the law by citizens, and this can be accomplished through education and creation of awareness by the government and its organs. The government must ensure that all persons, especially women and girls, are aware of their rights and actions to carry out where there may be, or there has been a violation of their rights. There must be compulsory education on the effects of violence against women, including harmful practices and beliefs and the importance of the eradication of these harmful practices. There should also be education on how violence against women and denial of rights, including exclusion from decision making and participation affects the development of the country. It is evident that if there is no sufficient knowledge of the law by the people, then the laws in place may not be as effective as they should be, as a person, who is not aware that a wrong has been committed against them cannot seek redress if needed.

Still on the topic of education and awareness, there should be a reorientation against any religious, cultural or traditional beliefs and even the general belief of the superiority of men over women which contribute to the subjugation of women in the country. This is because, educating all persons of these harmful beliefs will work together with the laws, policies and advocacy to ensure gender equality. Tackling these issues from some of the root causes of violence against women and inequality in the society would go a long way in ensuring the protection of women. This is in fact an obligation of states under Article 5 of CEDAW as discussed in chapter 4.

Furthermore, it is important that obligations towards gender equality under international and regional human rights instruments discussed previously are fulfilled. Nigeria must take into consideration all obligations when creating law, policies and take all measures including judicial, administrative and legislative measures in order to achieve gender equality and protect the rights of women in Nigeria. It is also important that Nigeria recognises that not only is gender equality important to the protection and promotion of the rights of women and girls in the society, but also crucial to the sustainable development of the country. It must ensure that laws and policies in place highlight the importance of women's abilities to freely enjoy all resources without any form of discrimination and also highlight the importance of women's inclusion and participation to sustainable development.

A combination of laws and policies which are implemented and enforced, advocacy by groups, awareness programmes, education at schools and workplaces, modification of harmful traditions and beliefs, provision of avenues for redress and remedy for women whose rights have been infringed, will ensure the achievement of gender equality and in turn, contribute towards the progress of sustainable development in Nigeria.

5.5 CONCLUSION

Conclusively, in this chapter, it is observed that Nigerian women still continue to face various forms of discrimination and inequalities ranging from exclusion from participation and decision-making to varying degrees of violence against them. These issues have been seen to stem from patriarchy in the Nigerian society as well some religious, cultural and traditional beliefs that persist in the society. Even though laws and policies may exist to protect women, it is discovered that, they are not as effective as they should be based on some of the issues discussed above. It is apparent that, the Nigerian government must move beyond just creation of laws but must take positive actions to ensure gender equality in the society.

The importance of civil society and their contributions to the protection and empowerment of women is very clear and as suggested the creation of transnational networks consisting of international organisations and bodies will further enhance the strive for non-discrimination and gender equality as well as ensure social change in Nigeria. And as discussed previously, achieving gender equality will allow for not only the full enjoyment and realisation of human rights of women but will ensure the economic, social and environmental development of the country. The next chapter of this thesis will focus on sustainable development and the SDGs in Nigeria and will explore the progress that has been made so far towards sustainable development in Nigeria.

CHAPTER 6: SUSTAINABLE DEVELOPMENT GOALS AND NIGERIA: PROGRESS AND BARRIERS TO SDGS (2012-2025)

6.1 INTRODUCTION

The 2030 Agenda for sustainable development containing 17 goals and 169 targets, as established in earlier chapters envisions a present and a future that is economically sustainable, socially inclusive and environmentally resilient. Nigeria is one of the countries that voted in favour of the 2030 Agenda and expressed commitment to achieving these sustainable development goals.

In this chapter, I explore the progress of the sustainable development goals in Nigeria in the period from 2012 to 2025, looking at the implementation of the goals and the monitoring of the continuous advancement of these goals. I go further to discuss the challenges to achieving the sustainable development goals in Nigeria. I also discuss how women in Nigeria are adversely affected by these challenges and the need for gender equality to achieve sustainable development and its goals and targets.

6.2 SUSTAINABLE DEVELOPMENT GOALS AND ITS PROGRESS IN NIGERIA

According to the Human Development Report 2019,⁹¹³ Nigeria was ranked at 158 in the Human Development Index out of 189 countries, and eleven years earlier, in 2007/2008 Nigeria was ranked 158 still.⁹¹⁴ This, according to Inegbedion and Umoru shows that no progress had been made.⁹¹⁵ They state that, given Nigeria's position from the Human Development Index, Nigeria had performed below par in the social dimension of sustainable development.⁹¹⁶ Interestingly, Nigeria was ranked at 163 out of 191 countries on the recent Human Development Index contained in the Human Development Report 2021/2022 falling under countries with low human

⁹¹³ United Nations Development Programme (UNDP), *Human Development Report 2019 -Beyond Income, Beyond Averages, Beyond Today: Inequalities in Human Development in the 21st Century* (2019) 310 <<https://hdr.undp.org/system/files/documents/hdr2019pdf.pdf>> accessed 10th September 2023.

⁹¹⁴ Nathaniel A. Inegbedion and Godwin Umoru, 'The Legal Framework for the Implementation of the Sustainable Development Goals in Nigeria' in Eghosa O. Ekhaton, Serval Miller and Etinosa Igbinosa (eds), *Implementing the Sustainable Development Goals in Nigeria: Barriers, Prospects and Strategies* (Routledge 2022) 12.

⁹¹⁵ *ibid.*

⁹¹⁶ *ibid* 15.

development.⁹¹⁷ This further solidifies the points made by Inegbedion and Umoru above.

This chapter aims to explore the progress, if any, that has been made in Nigeria towards economic, social and environmental development. It should however be noted that, sustainable development requires the balancing of all pillars of development to truly be sustainable as detailed in chapter 2 of this thesis.

Even before the adoption of the 2030 Agenda by Nigeria in 2015, Nigeria is seen to have sustainable development as one of its commitments to the country's development. In 2012, Nigeria submitted a report titled, 'Nigeria's Path to Sustainable Development through Green Economy: Country Report to the Rio+20 Summit', for the Rio+ 20 Summit.⁹¹⁸ According to the Report, it documents what has been achieved over the last 20 years in the quest for sustainable development.⁹¹⁹ It also highlights policies, programmes and activities and presents an analysis of development activities in the country.⁹²⁰ In the Report, it was highlighted that the 1999 Constitution of Nigeria (as amended) reinforces the policy and legal basis of sustainable development in Nigeria.⁹²¹ It states Section 16(1) and 16(2) to establish its position. Section 16(1) provides that,

'The State shall, within the context of the ideals and objectives for which provisions are made in this Constitution:

(a) harness the resources of the nation and promote national prosperity and an efficient, a dynamic and self-reliant economy;

(b) control the national economy in such manner as to secure the maximum welfare, freedom and happiness of every citizen on the basis of social justice and equality of status and opportunity;

⁹¹⁷ UNDP, *Human Development Report 2021/2022- Uncertain Times, Unsettled Lives: Shaping our Future in a Transforming World* (UNDP 2022) 301.

⁹¹⁸ Federal Government of Nigeria, 'Nigeria's Path to Sustainable Development through Green Economy: Country Report to the Rio+20' (2012) <<https://sustainabledevelopment.un.org/content/documents/1023nigerianationalreport.pdf>> accessed 12th September 2023.

⁹¹⁹ *ibid* x.

⁹²⁰ *ibid*.

⁹²¹ *ibid* 3.

(c) without prejudice to its right to operate or participate in areas of the economy, other than the major sectors of the economy, manage and operate the major sectors of the economy

(d) without prejudice to the right of any person to participate in areas of the economy within the major sector of the economy, protect the right of every citizen to engage in any economic activities outside the major sectors of the economy.’⁹²²

Furthermore, to do this effectively, Section 16(2) provides that

‘The State shall direct its policy towards ensuring:

(a) the promotion of a planned and balanced economic development;

(b) that the material resources of the nation are harnessed and distributed as best as possible to serve the common good;

(c) that the economic system is not operated in such a manner as to permit the concentration of wealth or the means of production and exchange in the hands of few individuals or of a group;

(d) that suitable and adequate shelter, suitable and adequate food, reasonable national minimum living wage, old age care and pensions, and unemployment, sick benefits and welfare of the disabled are provided for all citizens.’⁹²³

The Report also makes mention of Section 17(1) and (2), which emphasises that,

‘State social order is founded on ideals of freedom, equality and justice in which

(a) every citizen shall have equality of rights, obligations and opportunities before the law;

⁹²² CFRN 1999 (n 692) s 16(1).

⁹²³ *ibid* s 16(2).

(b) the sanctity of the human person shall be recognized and human dignity shall be maintained and enhanced;

(c) governmental actions shall be humane;

(d) exploitation of human or natural resources in any form whatsoever for reasons, other than the good of the community, shall be prevented;

(e) the independence, impartiality and integrity of courts of law, and easy accessibility thereto shall be secured and maintained.⁹²⁴

The Report states that the Constitution also places emphasis on the environmental pillar of sustainable development in Section 20(2) of the Constitution which provides that ‘the State shall protect and improve the environment and safeguard the water, air and land, forest and wild life of Nigeria.’

The Report tries to establish the fact that Nigeria takes into consideration economic, social and environmental development as it includes it in its Constitution. However, as discussed in chapter 5, these provisions belong to Chapter 2 of the Constitution which are fundamental objectives and directive principles of State Policy and thus not justiciable. The State is thus not under any legal obligation to ensure that these objectives and principles are fulfilled. The provisions contained in the Constitution alone make it difficult to hold the government to account in carrying out these objectives. They also do not specifically mention sustainable development. Active steps must be taken including the creation of policies and laws that foster sustainability, and such policies and laws must be implemented and enforceable in order achieve sustainable development.

Following the adoption of the 2030 Agenda, the then president, president Buhari affirmed support for the SDGs programme in the country and accordingly, the SDGs initiative was adopted as a federal government programme that comprised of different levels of staff deployed from various relevant federal government ministries.⁹²⁵ The office of the Senior Special Assistant to the President on Sustainable Development

⁹²⁴ *ibid* s 17(2).

⁹²⁵ Akinloye Idowu A., ‘Towards the Implementation of Sustainable Development Goals in Nigeria: Maximizing the Influence of Religious Leaders’ (2018) 4(1) Stellenbosch Theological Journal 39, 43

Goals (SSAP- SDGs) was constituted and designated as the major implementing actor of the programme.⁹²⁶ The SSAP-SDGs is accountable to the Presidential Advisory Committee headed by the President of Nigeria and the mandate of the SSAP-SDGs includes providing leadership and guidance on the SDGs, coordinating and integrating the SDGs into Nigeria's national development plans, and developing an actionable framework for implementation at the national, state and local government levels.⁹²⁷

The SSAP-SDGs was also to consult regularly with all key stakeholders such as the public sector, state governments, local governments, civil society organisations, private sectors, amongst others.⁹²⁸ The SSAP-SDGs was also required to engage in collaboration across sectors in the implementation, monitoring, and reporting of the SDGs and providing regular sensitisation on SDGs' activities to the general public.⁹²⁹

The SSAP-SDGs was instrumental in putting together the first Voluntary National Review (VNR) on implementation of the Sustainable Development Goal in Nigeria in 2017 as well as the subsequent Review in 2020.⁹³⁰ Voluntary National Reviews are part of the follow-up and review mechanisms contained in the 2030 Agenda. The 2030 Agenda provides in paragraph 79 that,

'We also encourage member states to conduct regular and inclusive reviews of progress at the national and sub-national levels which are country-led and country-driven. Such reviews should draw on contributions from indigenous peoples, civil society, the private sector and other stakeholders, in line with national circumstances, policies and priorities. National parliaments as well as other institutions can also support these processes.'⁹³¹

Nigeria, in its pursuit for the implementation of the SDGs in the country carried out its first review in 2017. The report was the outcome of the consultations undertaken by the OSSAP-SDGs with the support of the United Nations Development Programme (UNDP), and other stakeholders including ministries, civil society organisations,

⁹²⁶ *ibid.*

⁹²⁷ *ibid.*

⁹²⁸ *ibid.*

⁹²⁹ *ibid.*

⁹³⁰ Federal Republic of Nigeria, Implementation of the SDGs (n 26) 1.

⁹³¹ The 2030 Agenda (n 7) 33.

organized private sector, academia, development partners, youth groups, women's organisations, persons with disabilities and media organizations.⁹³²

The Report identified key areas where progress had been made towards implementing and achieving the SDGs, some of which include:

- The Establishment of multi-layer and multi-cluster institutional frameworks for enhanced coordination and SDGs mainstreaming processes- this consists of, as discussed earlier, the creation of the office of the Senior Special Assistant to the President on Sustainable Development Goals.⁹³³ Furthermore, to fully harness available resources and effectively engage other stakeholders, a Private Sector Advisory Group (PSAG) and a Donors' Forum on the SDGs were inaugurated.⁹³⁴
- Existence of a Good Policy and Planning Framework- the Report mentions of the Nigeria Economic Recovery and Growth Plan (NERGP) and stated that this framework was to a large extent aligned with the SDGs.⁹³⁵ The NERGP aims to 'restore sustained economic growth while promoting social inclusion and laying the foundations for long-term structural change.'⁹³⁶
- Identifying and Targeting the Poor and Vulnerable Groups- this, was achieved through the establishment of a National Social Register for the poor and vulnerable households.⁹³⁷ The Report further noted that there was a monthly conditional cash transfer of five thousand naira (N5,000) (approximately £2.34) to such households as part of a national social safety net programme.⁹³⁸

The establishment of the Economic Recovery and Growth Plan (ERGP) 2017-2020 was highlighted as one of the progresses made in the achievement of the SDGs in the 2017 VNR and it was evaluated in the 2020 VNR. The Economic Recovery and Growth Plan had three focus areas; restoring growth, investing in people and building a

⁹³² Federal Republic of Nigeria, Implementation of the SDGs (n 26) 1.

⁹³³ *ibid* 2.

⁹³⁴ *ibid*.

⁹³⁵ *ibid* 3.

⁹³⁶ *ibid* 14.

⁹³⁷ *ibid* 3.

⁹³⁸ *Ibid*.

globally competitive economy.⁹³⁹ Upon evaluation, it was shown that this program was not as successful as it intended to be. For example, according to the 2020 VNR, despite the multitude of programmes identified in the ERGP to create jobs, the unemployment rate had worsened since 2016 and that the employment targets had not been met.⁹⁴⁰ It was shown that Nigeria's unemployment rate was 14.2% in 2016 and rose to 20.4 % in 2017 and 23.1% in 2018.⁹⁴¹

It was also highlighted that unemployment is higher among women than among men in the country, even though unemployment has increased for both genders.⁹⁴² Furthermore, unemployment is even more severe among the youths in the country and Nigeria's rate of unemployment was almost five times higher than the global rate of 5% in 2018.⁹⁴³ The increase in the unemployment rate in Nigeria shows how that the ERGP failed to accomplish some of its goals. The question is however, even though the Nigerian government set up plans on what they would do concerning job creation, were these jobs actually created and persons employed? I would mostly blame lack of government commitment to the implementation of these programs, and sometimes coupled with the self-interests of government officials.

In 2021, Nigeria launched a delayed programme that promised to provide jobs for more than 750,000 young people due to the worsening youth unemployment.⁹⁴⁴ The Special Public Works (SPW) programme was to target low-skilled workers and offer three-month job placements, paying 20,000 naira.⁹⁴⁵ The programme created by the Nigerian government which was to pay 20,000 naira is quite shocking because this is less than the minimum wage of 30,000 naira. The government planning to pay persons below the minimum wage, especially with the increased poverty rates coupled with high cost of living in Nigeria is absurd. Where programmes are created, planning and decisions made must reflect the current state of issues in the country and have a target to effectively tackle these issues. The plan to create jobs for people in the country is

⁹³⁹ *ibid* 5.

⁹⁴⁰ Federal Republic of Nigeria, Nigeria- Integration of the SDGs into National Development Planning (n 27) 16.

⁹⁴¹ *ibid* 17.

⁹⁴² *ibid*.

⁹⁴³ *ibid*.

⁹⁴⁴ Emmanuel Akinwotu, 'Nigeria Launches "Biggest Job Creation Scheme" in its History After Long Delay' (2021) *The Guardian* < https://www.theguardian.com/global-development/2021/jan/14/nigeria-launches-biggest-job-creation-scheme-in-its-history-after-long-delay?CMP=Share_AndroidApp_Other> accessed 10th February 2024.

⁹⁴⁵ *ibid*.

a good initiative, however, earning 20,000 naira does not do much to help people in an economy where cost of living is so high.

One of the reasons why the launch of this programme was delayed was due to the months of dispute between politicians and the government over control of the initiative.⁹⁴⁶ The programme was halted the year before, due to a power-tussle between government officials who wanted some control over the distribution of jobs.⁹⁴⁷ This shows that actual progress goes beyond just stating what will be done but actually creating and putting these plans in action, with the sole purpose of economic, social and environmental development and not for individual gains. Furthermore, plans made should actually be beneficial to the people in the country.

With regards to the National Social Safety Net Programme, whether or not money was given to the poor and vulnerable groups in Nigeria can be up for debate. This is because, we know the government stated money was given, however, there is no other source available to confirm with evidence, if this was done or not. In identifying who the poor and vulnerable people are in order to be beneficiaries of these social programmes, I could not find a specific definition of what this meant to the government. However, means of targeting who these beneficiaries should be were developed, some of which I find problematic.

In 2016 the Nigerian Government established the National Social Safety-Nets Coordinating Office (NASSCO) and it was charged with building a body of evidence regarding poor and vulnerable people in the country and this led to the National Social Register (NSR) being established.⁹⁴⁸ The National Social Register was established to be used to target poor households using Geographical Targeting, Community Ranking, Community Based Targeting (CBT), and Proxy Mean Testing (PMT) methods.⁹⁴⁹

The Geographic Targeting makes use of a poverty map or other poverty measurement criteria where the participating state and their local government areas are ranked

⁹⁴⁶ *ibid.*

⁹⁴⁷ *ibid.*

⁹⁴⁸ Federal Republic of Nigeria, 'Nigeria: Multidimensional Poverty Index 2022' (2022) 64 < https://ophi.org.uk/wp-content/uploads/Nigeria_MPI_2022_report.pdf> accessed 20th February 2024.

⁹⁴⁹ *ibid.*

based on their poverty status.⁹⁵⁰ In Community Ranking targeting method, the most deprived communities and households in a local government are given priority in terms of entry and coverage. The availability of amenities and infrastructure are used as the scientific basis of poverty incidence ranking and selection of communities.⁹⁵¹ In the Community Based Targeting method, identification of the poor and vulnerable households is devolved to community members, who identify households in their community that they consider poor and vulnerable, based on agreed criteria.⁹⁵²

The Proxy Mean Testing method uses information on identified poor and vulnerable households characteristics captured by enumerators correlated with welfare levels in a formal algorithm to proxy household income, welfare or need and this makes it possible for poor and vulnerable households in a community to be ranked based on poverty status.⁹⁵³ I find some aspects of these targeting methods problematic because, although they say how they target the poor and vulnerable households using these methods, they do not specifically say the definition or criteria used and this is very important for accountability purposes. For example, the Community Based Targeting method says community members are charged with identifying households in their community that they consider poor and vulnerable, based on agreed criteria. However, we do not know what these criteria are and how they are developed.

Accountability is very important in the documentation of progress made in the SDGs. It is thus important for the Nigerian government to create a platform with information available to the public such as time period when money was paid, how money was received, how many people received the money, how much in total was given out, what particular targeting method was used in identifying the poor households and most importantly a precise definition and clarity on who makes up the poor and vulnerable households. This not only gives evidence that these social programs do actually work and are beneficial but ensures that funds are accounted for to the people, as there has been many allegations of misappropriation of funds in Nigeria.

⁹⁵⁰ *ibid* 65.

⁹⁵¹ *ibid*.

⁹⁵² *ibid*.

⁹⁵³ *ibid*.

Only recently, the Economic and Financial Crimes Commission (EFCC) detained the ex-humanitarian affairs minister, Umar-Farouq, over allegations of corruption in handling 37.1-billion-naira social intervention funds during her tenure.⁹⁵⁴ This matter is still under investigation, however, occurrences like this, creates heavy doubts on whether these programs are really carried out and beneficial to the people. This is why it is important to create platforms which clearly show how these funds are utilised for transparency and accountability purposes.

More recently on the issue of the eradication of poverty in Nigeria, the current president, President Bola Ahmed Tinubu in October 2023, approved the establishment of the Humanitarian and Poverty Alleviation Trust Fund which is to raise 5 billion dollars annually to cushion the effects of economic hardship on vulnerable Nigerians and to cover emergency responses to humanitarian crises.⁹⁵⁵ The Trust Fund is to be financed by the government, the private sector, development partners, individuals, philanthropic individuals, and other innovative forms of crowd-funding and pooling of funds together.⁹⁵⁶ Further information on how this Trust Fund will benefit the people or how targeting will be done has not been given. This seems almost pointless when we are not even sure if previous programs were carried out or how effective they were in the manner they were carried out. Furthermore, if measures would not be in place to ensure accountability and transparency as discussed above, then it may not be as effective as it should be.

The 2017 Report identified major challenges and areas where Nigeria needed support in the implementation of the SDGs. Firstly, Nigeria's over reliance on the oil and gas sector and its dwindling agricultural production was of great concern. It was noted that for the purposes of job creation, poverty eradication and food security, a lot more than oil and gas processes were needed.⁹⁵⁷ Furthermore, climate change, natural and man-made disasters were seen to affect agricultural productivity. Another area of concern identified in the Report was the infrastructural deficit and technology gaps that

⁹⁵⁴ Emmanuel Agbo, 'EFCC detains Ex-Humanitarian Affairs Minister over alleged N37.1 billion Fraud' (2024) *Premium Times* <<https://www.premiumtimesng.com/news/top-news/657040-efcc-detains-ex-humanitarian-affairs-minister-over-alleged-n37-1-billion-fraud.html>> accessed 23rd February 2024.

⁹⁵⁵ Arise News, 'Nigeria Targets \$5bn Annually for Humanitarian, Poverty Alleviation Trust Fund' (2023) *Arise News* <<https://www.arise.tv/nigeria-targets-5bn-annually-for-humanitarian-poverty-alleviation-trust-fund/>> accessed 25th February 2024.

⁹⁵⁶ *ibid.*

⁹⁵⁷ Federal Republic of Nigeria, Implementation of the SDGs (n 26) 4.

hindered service provision and application of science, technology and innovations in many spheres of life.⁹⁵⁸ Economic recession as a result of the fluctuating oil prices in the international market and the humanitarian crisis in some parts of the country also posed as major challenges identified in the Report.⁹⁵⁹

Nigeria once again prepared a Voluntary National Review Report in 2020.⁹⁶⁰ The 2020 Report focused on issues of poverty (SDG-1), health and well-being (SDG-3), education (SDG-4), gender equality (SDG-5), inclusive economy (SDG-8), enabling environment of peace and security (SDG-16) and partnerships (SDG-17).⁹⁶¹ This focus as contained in the Report was based on the current development priorities in the country.⁹⁶² The Report tracked progress against the SDG targets and indicators and provided that, 'progress on the SDGs is mixed, while modest progress has been achieved across the goals and indicators, challenges remain in the achievement of many of the goals.'⁹⁶³

In terms of progress in the eradication of poverty, the 2020 Report points out that 40.1% of Nigerians i.e., about 83 million people, are living in poverty and growth per capita has been negative.⁹⁶⁴ It also provides that poverty continues to rise in rural areas and the northern parts of the country. It however points out that situations in the southern part have generally been improving. The National Social Investment Programme was established to target the poor and vulnerable members of the country.⁹⁶⁵ Unfortunately, as recognised in the Report, 'the federal government's significant efforts to extend social welfare to the growing numbers of poor households is not reaching far enough, deep enough and fast enough.'⁹⁶⁶

I commend the Nigerian Government's admission to its challenges and shortcomings in the eradication of poverty. I also commend their recognition of actions needed in order to achieve SDG 1, some of which include: strengthening the development of

⁹⁵⁸ *ibid.*

⁹⁵⁹ *ibid.*

⁹⁶⁰ Federal Republic of Nigeria, Nigeria- Integration of the SDGs into National Development Planning (n 27).

⁹⁶¹ *ibid* V.

⁹⁶² *ibid.*

⁹⁶³ *ibid.*

⁹⁶⁴ *ibid* XIV.

⁹⁶⁵ *ibid.*

⁹⁶⁶ *ibid.*

women and girls in all sectors, expanding and rolling out social protection and social security schemes without discriminating based on age, gender, disabilities or on any other grounds and even strengthening health and education systems.⁹⁶⁷ Recognising what must be done is a step towards the achievements of these goals. It is, however, important that these actions are actually implemented, the making of policies and laws must be backed with implementation and enforcement to truly count towards progress.

As discussed above, in the matter of social programmes for poverty alleviation, the government should be transparent and accountable on how these processes developed and how they are carried out. This information should be available online and in official documents if truly they are carried out. Furthermore, after identification of challenges specific measures should be developed to tackle challenges. Progress in the SDGs may not be immediate and is a gradual process. However, where these challenges stated are specifically targeted then we are step closer to achieving the goal. Steps could be taken such as setting up committees to review programs and challenges, carrying out research based on those challenges with a view of finding solutions and proper documentation of all work done concerning programs, which are available to the public. Also, it is important that, where the government has identified areas for improvement, as in above, action plans should be created to make these improvements and there should be evaluation processes carried out where programmes are set up, in order to measure success of programmes, policies or laws created for the purposes of sustainable development.

Concerning SDG 3 on good health and wellbeing, the Report provides that the general health of Nigerian citizens, particularly the poor, is deteriorating.⁹⁶⁸ It mentions the very high maternal mortality rate, i.e., 512 per 100,000 as at 2018. It also states that there has been an increase in the under-five mortality rates with deaths per 1000 rising from 128 in 2017 to 132 in 2018.⁹⁶⁹ The Report recognises key areas of focus which includes the reinforcement of the implementation of the Second National Strategic Health Development Plan (NSHDP) prioritizing primary health care.⁹⁷⁰ In doing so, ensuring the revamping of primary health centres to tackle issues of access and

⁹⁶⁷ *ibid.*

⁹⁶⁸ *ibid* XVI.

⁹⁶⁹ *ibid.*

⁹⁷⁰ *ibid.*

affordability, increasing the share of GDP allocated to primary health care and many other actions needed to improve the healthcare sector in Nigeria.⁹⁷¹

The 2020 VNR recorded what has been done and what needs to be done towards the achievement of SDG 4 which calls for inclusive and equitable quality education. It provides that primary school attendance rate was about 60%, it however emphasises the need to do more to increase the low levels of secondary school attendance which is 49%.⁹⁷² The Report provides that the reduced secondary school attendance rate partially explains the low literacy and numeracy rate amongst youths in Nigeria.⁹⁷³ The Report also points out that progress was made towards the psychosocial development of children under five, leading to an increase in psychosocial development of more than 6% in 2016 and 2017.⁹⁷⁴ The Report also points out the disparities in education levels for children in the south and children in the north. The report states that, with Nigeria's population of approximately 206 million people, regional disparities are significant. It records about 78% of south-western children able to read full or part sentences and only 17% of north-eastern children able to so.⁹⁷⁵ Furthermore, a key challenge recorded in the Report affecting the country was that there were over 10 million out-of-school children of primary education age.⁹⁷⁶

Some keys areas to strengthen were identified, these include: increased government funding; adequate remuneration and motivation of the teaching staff; improved infrastructure; strengthening of school-based management committees (SBMC) and ensuring that they facilitate the participation of women and children; effective implementation of the National Inclusive Education Policy which will help to reduce the number of out-of-school children in Nigeria and the adoption of measures to eliminate ageist stereotypes and prejudices about older people's ability to learn and develop at all stages of life.⁹⁷⁷

In addressing the achievement of gender equality and empowerment of women and girls, the Report provides that there has been some improvement in the elimination of

⁹⁷¹ *ibid.*

⁹⁷² *ibid.*

⁹⁷³ *ibid.*

⁹⁷⁴ *ibid.*

⁹⁷⁵ *ibid.*

⁹⁷⁶ *ibid.*

⁹⁷⁷ *ibid.*

gender-based violence (GBV), some of which include: the Federal Ministry of Women's Affairs and Social Development (FMWASD) collaborating with international partners to track, document and disseminate information on gender-based violence.⁹⁷⁸ The Ministry is also collaborating with the gender-based violence sub-sector working group to increase access to comprehensive and well-coordinated gender-based violence response services.⁹⁷⁹ Unfortunately, violence against women and girls remain high with 29.5% of women aged 15-49 been subjected to violence by an intimate partner, current or former partner.⁹⁸⁰

There has also been some improvement to elimination of child marriage of girls before age 15, with the proportion of girls under 15 married decreasing slightly to 15.7% in 2018 compared to 17.3% five years before.⁹⁸¹ There has however been an increase in the proportion of girls married before 18 from 42.8% to 43.4%.⁹⁸² This means that, there is still a large proportion of girls subjected to child marriage but slightly older in age.

The Report provides that political participation has regressed and further provides that the possibility of achieving the SDG targets by 2030 remains very low if, deeply rooted values and social norms, as discussed in chapter 5 of this thesis, are not met by strong political will and serious commitment. The Report also points out that there is insufficient data to assess progress of women in appointive and managerial positions. The lack of up-to-date gender disaggregated data is thus a major challenge to the general achievement of Goal 5.⁹⁸³

This Report shows that there is so much more to do in the achievement of gender equality. Violence against women remain at a high rate and gender inclusiveness is still of major concern. Key areas for action identified in the Report include: the integration of gender issues into national and state level plans, improving the tracking of gender results through national gender databank upgrade and institutionalisation as well selecting women candidates proactively to improve gender balance in the national

⁹⁷⁸ *ibid* 60.

⁹⁷⁹ *ibid*.

⁹⁸⁰ *ibid*.

⁹⁸¹ *ibid*.

⁹⁸² *ibid*.

⁹⁸³ *ibid* XVII.

assembly, cabinet and at permanent secretary level.⁹⁸⁴ But as stated earlier just stating what needs to be done and not implementing these actions contributes to the problems arising. Violence against women, harmful traditional practices and lack of gender inclusiveness still remain pervasive to date, three years after this Report, as have been discussed extensively in chapter 5 of this thesis.

Progress with regards to decent work and economic growth according to the Report was not so favourable. It was stated that, 'Real GDP growth has been positive since the country came out of recession in 2017 but remained lower than the rate of population growth, so people are becoming poorer'.⁹⁸⁵ Furthermore, it was stated that most Nigerians work in the informal sector. However, there is very little job and income security in this sector and the likelihood of transitioning out of poverty remains very low.

The Report shows that Nigeria's informal economy is one of the largest on the continent and it is estimated at 53% of the labour force and accounts for 65% of GDP.⁹⁸⁶ In fact, it is estimated that 75% of all new jobs are informal and only 10% of the working-age population is employed in formal wage labour, with more than half of those jobs in the public sector.⁹⁸⁷

Going by this, it is then apparent that about half of the labour force may be engaging in jobs not secure and more susceptible to poverty. According to a Report titled, 'Unmasking the Barriers to Women's Participation in Nigeria's Labour Market', this affects more women than men.⁹⁸⁸ It is stated that, 'women make up the larger amount of Nigeria's economically active population, with 61.3 million, i.e., 50.5%'.⁹⁸⁹ However, the Report showcases that, they are underrepresented in the labour force with a gap of 13.42% when compared to men.⁹⁹⁰

⁹⁸⁴ *ibid.*

⁹⁸⁵ *ibid* XVIII.

⁹⁸⁶ *ibid.*

⁹⁸⁷ *ibid.*

⁹⁸⁸ Jobberman, 'Unmasking the Barriers to Women's Participation in Nigeria's Labour Market' (2022) 13 <<https://v.fastcdn.co/u/c4f10d83/61542802-0-Jobberman-Nigeria--G.pdf>> accessed 12th January 2024.

⁹⁸⁹ *ibid.*

⁹⁹⁰ *ibid.*

Furthermore, while 20 million of the total employed population (46 million) are women, less than a million women are in the formal employment sector, while 95% are engaged within the informal sector.⁹⁹¹ Unfortunately, as discussed above, involvement in the informal sector is not secure and persons involved are more susceptible to poverty. The Report also shows that female unemployment rate in Nigeria is 35.2%.⁹⁹² The Report identifies that, ‘the underrepresentation of women in the labour force and their growing participation in the informal sector has largely been linked to patriarchy, as well as gaps in policy and education that prevents women from developing the skills and confidence to be employable.’⁹⁹³

Even more dire is the fact that, youths have a combined unemployment and under-employment rate of 55.4%, with 38% of the 15 to 24-year-olds not in education, employment or training.⁹⁹⁴ This means that they are not gaining the skills needed to enter the labour market or even be self-employed. Access to decent work has thus seen little progress and because all SDGs have been seen to be interlinked, this affects the general achievement of sustainable development. Some key areas for action were identified by the VNR 2020 such as, placing more emphasis on vocational skills and entrepreneurial training specifically tailored towards the needs of older persons in the informal sector, investing in infrastructure, making land tenure more secure and improving educational outcomes and building skills.⁹⁹⁵

The Report viewed SDG 16, which calls for peaceful and inclusive societies, access to justice and inclusive institutions as critical to achieving all other SDGs. Upon review, it was concluded that, the absence of peace, justice, and accountable institutions will lead to the failure of Nigeria to achieve the overall objectives of the SDGs and thus it is essential to learn to do things differently and creatively.⁹⁹⁶ The Report identified key areas of action which included reducing the opportunity to partake in corruption through transparent processes, frequent verification and robust accountability mechanisms as well as reframing the work on corruption using a behaviour change

⁹⁹¹ *ibid.*

⁹⁹² *ibid.*

⁹⁹³ *ibid.*

⁹⁹⁴ Federal Republic of Nigeria, Nigeria- Integration of the SDGs into National Development Planning (n 27) XVIII.

⁹⁹⁵ *ibid.*

⁹⁹⁶ *ibid* XIX.

lens such as reducing the motivation for corrupt practices by salaries being adequate and hence no need to collect bribes.⁹⁹⁷

Concerning SDG 17, which calls for strengthening the means of implementation and revitalising the global partnership, the Report emphasises that, 'besides better management of oil resources, further domestic resource mobilization and diversification of government revenues are critical.'⁹⁹⁸ It provides that Government only raises about 8.5% of GDP in revenue and points out the need to increase revenue, if it is to invest in education and health, among other things.⁹⁹⁹ The Report provides that there is need for more reliable administrative capacity to collect taxes, more robust social contracts between the people and the government, as well as strengthening the economics through the digitization of its economy.¹⁰⁰⁰

Having gone through this section on progress to the SDGs in Nigeria, I do not think that substantial progress has been made towards achieving the SDGs. In fact, it is noticed that in some instances issues such as poverty level and unemployment rates have increased. As suggested above, it is important for the government to provide more information on programmes carried, how these programmes are carried out and beneficiaries to programmes to booster transparency and accountability.

Another important factor that would enhance progress, is to ensure gender equality in all areas including education, work and ensuring the participation and inclusion of women. This is because, where women are denied these opportunities, it leads to the high levels of poverty, mortality rates, high number of children out of school and even high unemployment rates, some of the issues mentioned above that are affecting sustainable development in Nigeria.

As mentioned above, more women are in the informal sector than men and this is as a result of, 'lower levels of education, social norms (including more unpaid care work and household responsibilities for women), legal barriers, early pregnancy and

⁹⁹⁷ *ibid.*

⁹⁹⁸ *ibid* XX.

⁹⁹⁹ *ibid.*

¹⁰⁰⁰ *ibid.*

marriage, preferences for job flexibility, difficulty and lack of safety to go to work, poverty, and discrimination.¹⁰⁰¹

Furthermore, it is seen that many girls drop out of secondary education because of financial constraints, household responsibilities or early marriage or pregnancy and this in turn often leads these women and girls to find work in low-paying jobs in the informal sector.¹⁰⁰² This also results in the increasing poverty level of women and lack of access to resources such as healthcare, food and clean water. It is thus important that in working towards the achievement of the sustainable development goals, the Nigerian government inputs a gender perspective, taking into consideration how gender inequality and denial of access to resources for women affect progress to the sustainable development goals.

Furthermore, it is important that barriers, which would be identified and discussed in the next section of this thesis, should be tackled, because, any progress they would have made, would always be significantly hindered by these barriers that will be discussed shortly. It would also be shown that women face the brunt of these barriers. Hence the need to tackle these issues for the sake of progress to sustainable development and its goals and targets and also for the protection of women and girls.

6.3 BARRIERS TO PROGRESS

Following the various Reports from Nigeria, some steps have been made in order to achieve sustainable development as discussed above. However, there is still a lot lacking for these goals to be realised. Matthias Schmale, the United Nations Resident and Humanitarian Coordinator, Nigeria, during a 2-day hybrid event held at Abuja Nigeria, 2022, with the theme, 'Rethink, Rebuild, Recover, Accelerating Growth for the SDGs' stated that, 'Nigeria currently lags behind on achieving the Sustainable Development Goals by 2030.'¹⁰⁰³ He stated that, 'Nigeria, like many African countries, have gaps in development that can only be filled by active collaboration across all

¹⁰⁰¹ ibid 23.

¹⁰⁰² ibid.

¹⁰⁰³ Claire Mom, 'Nigeria Not on Track to Achieve SDGs by 2030, Says UN Resident Coordinator' (2022) *The Cable* <<https://www.thecable.ng/nigeria-not-on-track-to-achieve-sdgs-by-2030-says-un-resident-coordinator>> accessed 21st November 2023.

levels of government and other critical stakeholders.¹⁰⁰⁴ He however commended the Sterling One Foundation for the event held to accelerate growth towards the 2030 Sustainable Development Goals across Africa.¹⁰⁰⁵

He also stressed the need for intensive collaborations and partnerships among African leaders across the public and private sectors including the civil society groups to aid the achievement of the 2030 goals.¹⁰⁰⁶ In this section of the thesis, I will be discussing various factors that can be seen as barriers to the achievement of the SDGs.

6.3.1 PRIORITISATION OF SOME GOALS OVER OTHERS

According to Orelope-Adefulire, the Senior Special Assistant (SSA) to the President on Sustainable Development Goals in 2022, the UN allows members to prioritise SDGs according to national priorities since no country could achieve all SDGs at the same time as a result of economic challenges.¹⁰⁰⁷ Thus, Nigeria, prioritised seven goals which were included in the 2020 VNR Report as discussed above.

It is quite understandable that some goals have been prioritised over others due to difficulties in achieving them all at once. But I believe this adds to some of the barriers in achieving sustainable development. I am of this opinion because, all SDGs are interlinked and thus it is likely that focusing on one and not the other might have adverse effects on the general achievement of sustainable development. For example, Goal 6 which calls for access and availability of clean water and sanitation for all, if overlooked might have adverse effects on the health of people, or even overlooking Goal 13 which calls for climate action might undo developmental progress already made. Beginning a project with the mindset of leaving out some goals in preference for others, in my opinion is already a barrier in itself to fully achieving sustainable developments and its goals.

¹⁰⁰⁴ *ibid.*

¹⁰⁰⁵ Africa Social Impact Summit, 'UN Commends Sterling One Foundation on the Africa Social Impact Summit' (2022) <<https://theimpactsummit.org/admin/un-commends-sterling-one-foundation-on-the-africa-social-impact-summit/>> accessed 22nd November 2023.

¹⁰⁰⁶ *ibid.*

¹⁰⁰⁷ Clement Olawole Oluwasuji, 'Prospects and Challenges to the Attainment of Sustainable Development Goals (SDGs) in Nigeria' (2023) VII(VI) International Journal of Research and Innovation in Social Science 1266, 1271.

6.3.2 CORRUPTION

Corruption is highlighted as one of the key barriers to progress to SDGs in Nigeria. According to Onimisi, 'corruption remains the single greatest hindrance to the attainment of sustainable development goals in Nigeria.'¹⁰⁰⁸ It is highlighted that,

'Corruption in the political system of Nigeria has not only affected the implementation of sustainable development in the country, but corruption has also caused the greater political deficit and question the credibility of basic policy measure which focuses on empowerment, poverty reduction, inequality, accountability, popular participation.'¹⁰⁰⁹

It is recognised that, 'effects of corruption are felt in the economic, political and social spheres either directly or indirectly.'¹⁰¹⁰ The direct costs of corruption may be high in terms of lost revenue or funds diverted from their intended use. The indirect costs in terms of the economic distortions, inefficiencies and waste resulting from corrupt practices are seen to be more problematic over the long-term and are thus more difficult to address.¹⁰¹¹

Corruption has hindered the implementation of sustainable development goals as public officers tend to be more interested in collecting bribes than achieving the targeted policy objectives that may be in place for the SDGs.¹⁰¹² Furthermore, various projects across the country which ordinarily assist in attaining or achieving sustainable development goals, have been affected, as poor and weak infrastructures spread in all sections of the country due to poor supervision.¹⁰¹³ This is because, supervisory officers are more interested in collecting bribes as against ensuring the successful

¹⁰⁰⁸ Timothy Onimisi, 'Corruption and the Implementation of Sustainable Development Goals in Nigeria: An Overview' in Felicia Azuoma Anyogu, Cecilia Amaoge Eme & John Agbo Ogbodo (eds), *University-Led Knowledge and Innovation for Sustainable Development* (Boldscholar 2021) 92.

¹⁰⁰⁹ *ibid* 97.

¹⁰¹⁰ Wanan Cornelius Terzungwe & Michael Chinonso Ogba, 'Corruption as an Impediment in Achieving Development Goals in Nigeria: A Critical Reflection' (2021) 3(3) *Jalingo Journal of Social and Management Sciences* 205, 210.

¹⁰¹¹ *ibid*.

¹⁰¹² *ibid*.

¹⁰¹³ Onimisi (n 1008) 98.

completion of such projects or policy actions and this remains a setback to the attainment of the goals.¹⁰¹⁴

Corruption has also been seen to be one of the contributions to the increasing poverty in Nigeria, and eradication of poverty is one of the SDGs to be achieved. Unfortunately, as a result of the high level of corruption, bribery, and fraud in the country, inefficiency, diversion of resources, and general infrastructure decay in the country have prevailed which have contributed to increasing poverty in the country.¹⁰¹⁵ Corruption ensures that resources and infrastructure in place do not benefit the masses who remain in poverty.¹⁰¹⁶

6.3.3 POVERTY

Ultimately, poverty stands as a barrier to the realisation of sustainable development in Nigeria and the implementation of the goals. The eradication of poverty is seen as Goal 1 of the 2030 Agenda, and where this goal is failed to be achieved, all other goals will be very difficult to accomplish. This is discussed as a barrier because of the poverty level in Nigeria. According to Statista, in 2022, an estimated population of 88.4 million people in Nigeria lived in extreme poverty, out of a population of over 215 million people,¹⁰¹⁷ with the poverty threshold at 1.90 U.S. dollars a day and this amounted to about 12.9% of the global population in extreme poverty.¹⁰¹⁸

National Bureau of Statistics also presented results from the 2022 Multidimensional Poverty Index (MPI) Survey and it was revealed that 63% of persons living within Nigeria, about 133 million people are multidimensionally poor.¹⁰¹⁹ It revealed that,

¹⁰¹⁴ *ibid.*

¹⁰¹⁵ Rabui Barau Bal, Ibrahim Abdullahi, Ali Jamila & Nasiru Anas, 'Sustainable Development Goals and Poverty Reduction in Nigeria: Challenges and Prospects' (2022) 12(1) *International Journal of Social Sciences and Humanities Reviews* 120, 122.

¹⁰¹⁶ *ibid* 124.

¹⁰¹⁷ Statista, 'Demographics of Nigeria- Statistics & Facts' (2023) <<https://www.statista.com/topics/6477/demographics-of-nigeria/#topicOverview>> accessed 20th January 2024.

¹⁰¹⁸ Statista, 'Number of People Living in Extreme Poverty in Nigeria 2016-2025' (2023) <<https://www.statista.com/statistics/1287795/number-of-people-living-in-extreme-poverty-in-nigeria/#:~:text=As%20of%202022%2C%20an%20estimated,the%20said%20state%20of%20poverty>> accessed 24th November 2023.

¹⁰¹⁹ National Bureau of Statistics, 'Nigeria Launches its Most Extensive National Measure of Multidimensional Poverty' (2022) <<https://nigerianstat.gov.ng/news/78#:~:text=Highlights%20of%20the%202022%20Multidimensional,quarter%20of%20all%20possible%20deprivations>> accessed 4th December 2023.

'over half of the population of Nigeria are multidimensionally poor and cook with dung, wood or charcoal, rather than cleaner energy.'¹⁰²⁰ Furthermore, it was shown that higher deprivations were apparent nationally in sanitation, access to healthcare, food insecurity, and housing.¹⁰²¹ The occurrence of monetary poverty was seen to be lower than the incidence of multidimensional poverty.¹⁰²²

It is now being generally accepted that poverty is more than the absence of income, but also the multiple consequences of this absence that are simultaneously experienced by people in poverty.¹⁰²³ Multidimensional poverty encompasses, 'the various deprivations experienced by poor people in their daily lives – such as poor health, lack of education, inadequate living standards, disempowerment, poor quality of work, the threat of violence, and living in areas that are environmentally hazardous, among others.'¹⁰²⁴ Where people are living without money, it is difficult for them to consider other factors that do not ensure immediate survival. Thus, factors such as education, participation in the affairs of the country, climate issues or even the quality of the life they live is not of great importance to them.

According to A.W Lawrence, 'The poor people in Nigeria and in many places are desperate to survive and preaching to them, to protect the environment and starve is like pouring water on the back of a duck.'¹⁰²⁵ Ibitoye and Owolabi in their paper also highlighted that poverty is a threat to sustainable development and emphasised that, 'any individual deprived of the basic cannot participate effectively in a democratic political process. Therefore, a poor person is not a full-fledged social individual, as he or she lacks the basic freedom to engage in the lives he or she enjoys.'¹⁰²⁶ This idea

¹⁰²⁰ *ibid.*

¹⁰²¹ *ibid.*

¹⁰²² *ibid.*

¹⁰²³ Robert Walker, 'Multidimensional Poverty' (2015) <https://assets.publishing.service.gov.uk/media/57a0898140f0b652dd000260/Multidimensional-Poverty_RP.pdf> accessed 17th January 2024.

¹⁰²⁴ Oxford Poverty and Human Development Initiative, 'Policy- A Multidimensional Approach' <<https://ophi.org.uk/policy/multidimensional-poverty-index/>> accessed 17th January 2024.

¹⁰²⁵ Anthony Wakwe Lawrence, 'Towards Better Performance in Achieving Sustainable Development Goals in Nigeria' (2018) 6(3) *International Journal of Developing and Economic Sustainability* 27, 29.

¹⁰²⁶ Ibitoye M.O & Owolabi A.O., 'Poverty as Obstacle to Achieving Sustainable Development in Nigeria' (2018) 5(2) *International Journal of Research and Analytical Reviews* 219, 224.

was briefly discussed in chapter 3, when discussing Development as Freedom by Amartya Sen.¹⁰²⁷

Thus, the poverty situation in the country causes deficiencies in other areas and affects other goals and without eradicating poverty for persons in the country, achieving sustainable development will be difficult.

6.3.4 INSECURITY

Insecurity in Nigeria has also been identified as one of the major barriers to achieving sustainable development in the country. Nigeria over the recent years has been plagued with a plethora of security issues including, insurgency, kidnappings across the country, banditry as well as terrorism.¹⁰²⁸ In Nigeria, kidnappings have become the norm, and destruction of lives and property has become a daily reoccurrence which affects efforts to achieve sustainable development in the country.¹⁰²⁹ According to a Report released by Skill-Based Morgen (SBM) Intelligence, a socioeconomic research firm, 10,366 people in Nigeria lost their lives to insecurity in 2021.¹⁰³⁰ Insecurity acts as a challenge to the achievement of sustainable development because, these issues affect and disrupt education, businesses and in general the economy. This in turn disrupts the health and wellbeing of people in the country, access to basic amenities and makes certain that people continually remain living in poverty.¹⁰³¹

Furthermore, infrastructures provided by the government are targeted by bandits and militia groups, many government facilities such as pipelines, security facilities and recently rails have been bombed by the bandits, causing more damage to development that might have been achieved.¹⁰³² Tackling the insecurities in the

¹⁰²⁷ Sen (n 491).

¹⁰²⁸ Oluwasuji (n 1007) 1273.

¹⁰²⁹ Peace N. Ngwoke & Gladys N. Akabike, 'Insecurity and its Implication for Sustainable Development in Nigeria: The Role of Religion' (2022) <<https://hts.org.za/index.php/hts/article/view/7776/23508>> accessed 27th November 2023.

¹⁰³⁰ Terhemba Daka, John Akubo & Rotimi Agboluaje, 'Insecurity: 10,366 killed in 2021, Buhari Pledges Change in North East' (2022) <<https://guardian.ng/news/insecurity-10366-killed-in-2021-buhari-pledges-change-in-north-east/>> accessed 27th November 2023.

¹⁰³¹ Ngwoke (n 1029).

¹⁰³² *ibid.*

country is thus very important in the achievement of sustainable development and its goals.

6.3.5 INADEQUATE AND UNRELIABLE DATA SYSTEM

Inadequate and unreliable data system in the country has also contributed to some of the challenges faced in the implementation of the SDGs and their achievements. As discussed previously, lack of data and information in certain areas have led to difficulties in achieving these goals. Nigeria lacks reliable data or systems to collect and analyse data, and this in turn makes planning and implementing of measures to meet SDG targets difficult.¹⁰³³ Furthermore, due to the absence of reliable data, it is even more difficult to track progress made in meeting these SDGs.¹⁰³⁴

In fact, in discussing progress made towards achieving sustainable development in this chapter heavy reliance was placed on the VNR 2017 and 2020, and even these documents compiled by the government made mention of the lack of up-to-date data.¹⁰³⁵ This shows how this has affected the achievement of these goals. It is important that ensuring the data collection and analysis system in Nigeria is updated as this will go a long way in implementation of the SDGs.

6.3.6 LACK OF FINANCE

Finance has been identified as an important component in the actualisation of SDGs. According to Inegbedion and Umoru, it is responsible for the failure of some of the SDG projects.¹⁰³⁶ During the Summit of Heads of State and Government at the 15th Conference of the Parties organised by the United Nations Convention to Combat Desertification (UNCCD) held in Côte d'Ivoire, the then President, President Buhari stated that, lack of funds hinder Nigeria from complying with environmental obligations.¹⁰³⁷

¹⁰³³ Nathaniel A. Inegbedion & Godwin Umoru, 'The Legal Framework for the Implementation of the Sustainable Development Goals in Nigeria' in Eghosa O. Ekhtator, Servel Miller & Etinosa Igbinsosa (eds), *Implementing the Sustainable Development Goals in Nigeria: Barriers, Prospects and Strategies* (Routledge 2022) 18.

¹⁰³⁴ *ibid.*

¹⁰³⁵ Federal Republic of Nigeria, Nigeria- Integration of the SDGs into National Development Planning (n 27) XVII.

¹⁰³⁶ Inegbedion (n 1033) 21.

¹⁰³⁷ Vivian Chime, 'Buhari: Lack of Funds Hinders Nigeria from Achieving Environmental Obligation' (2022) *The Cable* <<https://www.thecable.ng/buhari-lack-of-funds-hinders-nigeria-from-achieving-environmental-obligations>> accessed 8th January 2024.

It was also stated by Uzodimma Adirieje, the National Coordinator Afrihealth Optonet Association, (a civil society organisation) that, ‘lack of funding and neglect on the side of the government have been identified as some of the reasons forestalling the actualisation of the SDGs in communities of the South-East and the South-South zones of the country.’¹⁰³⁸

Whilst I agree that lack of finance can be a barrier to progress of sustainable development goals, I do not think this is an issue on its own. I believe that the indiscriminate corrupt practices in the country either by government officials or persons in charge of carrying out SDG projects is the major issue. These corrupt practices allow for the diversion of otherwise available funds, present for sustainable development goals and projects. I believe that funds allocated to the achievement of these goals are present but some individuals may choose to misuse these funds.

For example, the current minister of Humanitarian Affairs, Betta Edu was suspended and under investigation for allegedly directing that the sum of 585 million naira worth of grants be paid into a private account.¹⁰³⁹ It seems strange that official funds meant for social programs should be directed into a single private account. The issue is still under investigation; however, this highlights the fact that lack of funds is not necessarily the issue. Thus, misuse of finance rather than the actual lack of finance seems to be the problem.

6.3.7 THE IMPACT OF THE COVID-19 PANDEMIC

Some authors have identified the impact of the global pandemic, i.e., COVID-19 as one of the challenges to the achievement of SDGs in Nigeria. According to an article titled, ‘The Challenges of Sustainable Development in Nigeria Amidst the Global Pandemic (COVID-19)’, it was stated that, ‘the COVID–19 pandemic seriously adversely affected the Nigerian economy, and the effect of the lockdown nearly shut down the whole of the economy by halting operations in the manufacturing sector and

¹⁰³⁸ Chinonso Alozie Owerrri, ‘Why SDG Projects Failed in Oil Communities of South-East, South-South’ (2018) *Vanguard* <<https://www.vanguardngr.com/2018/12/why-sdg-projects-failed-in-oil-communities-of-south-east-south-south-2/>> accessed 8th January 2024.

¹⁰³⁹ Aljazeera, ‘Nigerian President Suspends Humanitarian Minister in Corruption Scandal’ (2024) *Aljazeera* <<https://www.aljazeera.com/news/2024/1/9/nigerian-president-suspends-humanitarian-minister-in-corruption-scandal>> accessed 23rd February 2024.

disruption in the supply chain.¹⁰⁴⁰ It further stated that, 'Nigeria's estimated poverty rate had risen by 5.14%, with the percentage rising from 37.68% in 2018 to 42.82% in 2022.¹⁰⁴¹ Following this, calculations using historical income distribution estimates, population predictions by age and educational attainment, and GDP projections, poverty was also predicted to continue in this downward trend through 2026 and only return to the 2019 levels around 2029.¹⁰⁴²

There was a nationwide lockdown in Nigeria and according to the 2020 VNR, with the lockdown of major political and economic cities such as Abuja, Lagos, Kano, Kaduna, and Rivers, the country's services, trade and financial sectors witnessed significant disruptions.¹⁰⁴³ The 2020 Report stated that, the emergence of COVID-19 led to a decline in oil prices by 55% between the last quarter of 2019 and April 2020.¹⁰⁴⁴ Hence, as the oil and gas sector contributed about 65% and 90% to government and total export revenues respectively, the Federal Government, in consultation with the National Assembly, called for a drastic review and changes in the revenue expectations and fiscal projections.¹⁰⁴⁵ It was stated in the Report that, 'this COVID-19- induced liquidity squeeze will undermine the capacity of Federal and State Governments to implement policies and programmes designed to reduce poverty and promote inclusive growth and development.'¹⁰⁴⁶

However, what of the documentation of progress made before 2020 and the pandemic? Progress attained before Covid, if any, should have been recorded. The Report should have been able to show how successful programmes carried out were before Covid-19 and how progress made was eventually affected by the global pandemic. The fact that Covid-19 which became of concern in 2020 was used to justify increase in issues like poverty rates, without first, recording what was accomplished before that time and in what degree Covid affected the progress made from 2017 does

¹⁰⁴⁰ Abubakar Abdulkadir, Ahmad Abdullahi, Fatima Abdulkadir & Abdulkadir Saidu, 'The Challenges of Sustainable Development in Nigeria Amidst the Global Pandemic (Covid-19)' (2022) 10(2) *Journal of Law and Sustainable Development* 1, 7.

¹⁰⁴¹ *ibid.*

¹⁰⁴² *ibid.*

¹⁰⁴³ Federal Republic of Nigeria, Nigeria- Integration of the SDGs into National Development Planning (n 27) 13.

¹⁰⁴⁴ *ibid.*

¹⁰⁴⁵ *ibid.*

¹⁰⁴⁶ *ibid.*

not seem right. This shows that Covid -19 should not entirely be blamed for the lack of success then and especially now in 2025.

It is without doubt that the Covid-19 pandemic affected many countries across the world, Nigeria inclusive. However, whether so much more would have been achieved but for the pandemic is up for debate. I am of this opinion because, before the start of the pandemic in 2020, not much had been achieved and after the pandemic, about 4 years later as of the time of writing this thesis, not much has still been achieved. I cannot fully agree that the pandemic is responsible for the lack of major progress to SDGs as of 2024.

6.4 WOMEN AND THE SUSTAINABLE DEVELOPMENT GOALS IN NIGERIA

This chapter has identified some of the progress that has been made towards achieving the SDGs in Nigeria. However, this progress has been very limited and the challenges also identified seem to affect further progress. It is important that I discuss how these challenges to achieving the SDGs have specifically affected the Nigerian women and why there is a need to tackle these problems affecting progress of the SDGs, as doing so improves the conditions of women in Nigeria and will also enhance the SDGs in Nigeria. Generally speaking, discrimination and inequalities in the Nigerian society in my opinion is the major factor why these obstacles affect women in greater proportion in the country and also why there is a need for gender inclusion and equality to tackle these obstacles as well as to achieve these goals.

In Nigeria, women experience poverty more than men. According to a 2019 paper, women constitute over 60% of the poorest people in Nigeria.¹⁰⁴⁷ This has been attributed partly to the burden of unpaid care and domestic work which constraints them from building their human capitals such as education and skills.¹⁰⁴⁸ It is shown that, unequal access to and control over economic resources, labour market segmentation, discriminatory laws, customs and social norms as well as

¹⁰⁴⁷ Onwuka Ifeanyi, Nwadiubu Anthony and Isiwu Prisca, 'Poverty among Women in Nigeria- Psychological and Economic Perspective: A Study Based on South West, Nigeria' (2019) 14(11) International Journal of Business and Management 90.

¹⁰⁴⁸ Goodness Chichetaram Ndimele, 'Poverty Reduction among Women in Nigeria through Paid Care Work: Lessons from Lvliang China' (2022) 24(3) Journal of Sustainable Development in Africa 92.

disproportionate share of unpaid care work hampers the ability of women to earn a living.¹⁰⁴⁹

In essence, the conditions that leave more women in poverty continuously affects every area of their lives. Ultimately, poverty further marginalises women and future generations making it very difficult for the realisation of the SDG goals. The interconnectedness of the SDGs goals can be clearly seen here. Eradication of poverty is Goal 1 of the 2030 Agenda, and poverty in this thesis has been identified as a barrier. This is because poverty affects the achievement of quality education, access to food and good drinking water, housing, conducive environments, good jobs and working conditions, and ultimately equality in terms of participation, decision making and control over oneself.

This proves to be a cycle because, for example, lack of access to education and good jobs continues to keep women in poverty. We can thus see that women living in vast poverty affects every other area of life and causes them to still remain in poverty. How can Nigeria commit to eradicate all forms of poverty by 2030, when due to the gender inequality in the country more women continue to remain in poverty, both monetary and multi-dimensional poverty. One of the means to tackle poverty is to ensure that women and girls are given access to good education, work and opportunities for self-development and advancement. Where this is done, we move closer to eradicating poverty and ensuring other sustainable development goals.

In the same vein, the insecurity in the country which has been identified as an obstacle to SDG progress has also been reported to have specific adverse effects on women in the country. Insecurity in Nigeria has led to loss of lives and properties, attacks which have taken the form of the bombing of churches, schools, and police stations, destruction of government facilities and instances of destruction of crops.¹⁰⁵⁰ Nigeria has also faced large-scale burning of residential buildings, rampant kidnapping of passengers traveling on the road for ransom and kidnapping of girls and women.¹⁰⁵¹ The infamous kidnapping of the Chibok schoolgirls comes to mind, where about 276

¹⁰⁴⁹ *ibid* 95.

¹⁰⁵⁰ Comfort Yemisi Afolabi, 'Women and Insecurity in Nigeria: The Way Forward' (2022) 7 *Frontiers in Sociology* 1.

¹⁰⁵¹ *ibid*.

female students were kidnapped in 2014.¹⁰⁵² Since the Chibok school girls kidnapping a plethora of schools have been targeted, with girls being abducted, raped, killed or forced into marriages with their abductors.¹⁰⁵³

Even herdsmen and farmers violent clashes have become rampant in various parts of country and in many rural communities, where there are many female farmers, the fear of these herdsmen and destruction of their crops has discouraged many of these female farmers from continuing their farming activities which have resulted in rising scarcity and poverty among many rural dwellers, especially women.¹⁰⁵⁴ The insecurity in Nigeria, has also led to so many internally displaced persons in the country and they are forced to stay at Internally Displaced Persons' Camps (IDPCs) that were established by the government.¹⁰⁵⁵ Unfortunately, many women and girls in these IDP camps are sexually assaulted by males from within and outside the camps, such as other male IDPs and men whom the abused females regarded as their protectors in the camps.¹⁰⁵⁶

It is disheartening to see that these obstacles which have affected the achievement of sustainable development goals have also specifically affected women's all-round growth and development in the country. Furthermore, the combination of various factors such as discriminatory laws, customs and traditions, religion and patriarchy in the Nigerian society as discussed in earlier chapters, have made it harder for the protection of the rights of women, as well as the inclusion and participation of Nigerian women in the society and in turn the achievement of sustainable development. The insecurity in the country, especially in relation to women leads to poverty, lack of access to basic amenities and health facilities, education and also allows for various forms of violence against women.

¹⁰⁵² Amnesty International, 'Nigeria: Nine Years after Chibok Girls' Abducted, Authorities Failing to Protect Children' (2023) <<https://www.amnesty.org/en/latest/news/2023/04/nine-years-after-chibok-girls-abducted/>> accessed 15th January 2024.

¹⁰⁵³ *ibid.*

¹⁰⁵⁴ Afolabi (n 1050) 2.

¹⁰⁵⁵ *ibid.*

¹⁰⁵⁶ *ibid.*

The corruption in the country makes things far worse for women. It is seen that corruption affects both men and women but in different ways.¹⁰⁵⁷ There has been an increased attention on research on corruption differential impacts on women and men and this is because of the emerging evidence that corruption can disproportionately affect poor women and girls especially in access to essential public services.¹⁰⁵⁸ It is seen that, ‘corruption reduces public revenue which often results in lower levels of spending on education healthcare, family benefits and other social services and this predominantly affects the welfare of women and children who often rely most on accessing the vital services provided by the state.’¹⁰⁵⁹

In a research project centred on the intersection between corruption and women in Nigeria, it was stated that ‘the lack of oversight in government funding for the provision of basic services, such as education, social amenities, and health care facilities, leads to funds being diverted for self-serving purposes by individuals in positions of authority.’¹⁰⁶⁰ One of the key informants for the project stated that, it was very common to see the funds meant for women and children taken to other sectors because women’s issues were considered less important.

Furthermore, it was also noted that women’s right to life is seen to be negatively impacted by corruption.¹⁰⁶¹ Two key informants emphasized that ‘some services required to save lives are compromised by the actions of those committing corruption.’¹⁰⁶² They went further to highlight that corruption in the healthcare, including diverting of funds for medicines and medical equipment, ‘can be linked to the high maternal, infant and under 5 mortality that is recorded in Nigeria.’¹⁰⁶³

¹⁰⁵⁷ Mary-Ann O. Ajayi and Emeka Polycap Amechi, ‘Corruption in Nigeria: Protection of Women and Children’ (2018) 3 African Journal of Criminal Law and Jurisprudence 69.

¹⁰⁵⁸ *ibid* 74.

¹⁰⁵⁹ *ibid* 75.

¹⁰⁶⁰ Global Network of Women Peacebuilders, ‘Intersections between Corruption, Human Rights and Women, Peace and Security: Nigeria Case Study’ (2020) 16 <https://gnwp.org/wp-content/uploads/Corruption-Research-Report_Dec-2020-Nigeria.pdf> accessed 5th February 2024.

¹⁰⁶¹ *ibid*.

¹⁰⁶² *ibid*.

¹⁰⁶³ *ibid*.

6.5 CONCLUSION

Conclusively, after a perusal of the VNR 2017 AND 2020, it can be said that the progress made is not as substantial as it should be. This is the case when we see that there has even been, in some cases, worsening of some conditions in the country. This is especially problematic because, we are more than half way to 2030, and significant progress has not been made.

Furthermore, barriers identified which hinder progress to SDGs, were also discovered to not only affect progress but disproportionately affect more women than men. This shows the importance of tackling these challenges with a focus on women. This is not to say that everyone in the country is not important. However, due to the disproportionate effects on women, which can be attributed to the gender inequality in the Nigeria society, it is important that action plans created to tackle these issues have sections specifically concerned with women and tackling the inequalities that cause these disparities.

Hence, where these barriers are tackled with the aim of also dealing with gender inequality, we take great steps in achieving sustainable development. This can be seen to further highlight the relationship between gender equality and sustainable development. The next chapter discusses how gender equality can be achieved in Nigeria and how achieving gender equality will impact the lives of women in Nigeria and also its impact on sustainable development.

CHAPTER 7: TOWARDS ACHIEVING GENDER EQUALITY AND ITS IMPACT ON WOMEN'S RIGHTS AND DEVELOPMENT IN NIGERIA

7.1 INTRODUCTION

The relationship between gender equality and sustainable development has been discussed in earlier chapters, this chapter will now situate this relationship in Nigeria showing the importance and relevance of gender equality to women's rights and sustainable development in Nigeria. I argue that achieving gender equality will advance the situation of women in Nigeria and make major improvements to the enjoyment of their rights. Furthermore, achieving gender equality in Nigeria is vital to the sustainable development of the country and this will be discussed in this chapter. A gendered approach to sustainable development will be explored, calling for transformative equality in order to protect women and achieve sustainable development in Nigeria.

7.2 THE IMPORTANCE OF GENDER EQUALITY TO WOMEN'S RIGHTS AND SUSTAINABLE DEVELOPMENT IN NIGERIA

Gender equality exists when men and women are able to share in the distribution of power and influence; have equal opportunities for financial independence through work or through setting up businesses without bias or discrimination; enjoy equal access to education and also have the opportunity to develop personal ambitions, interests and talents; share the responsibility for the home and children and are completely free from coercion, intimidation and gender-based violence both at work and at home.¹⁰⁶⁴

In chapter 3 of this thesis, I identified the connection between gender equality and sustainable development and highlighted the fact that without gender equality, achieving sustainable development is hindered. I explained this relationship in various ways including, the enjoyment of resources by women, women's contribution to sustainable economic development, the knowledge and lived experiences of women and how this impacts sustainable development and also how the achievement of

¹⁰⁶⁴ Adeyanju Ademola Lateef, Bamigbade Femi Adegboyega & Ajayi Abayomi Oluwasegun, 'Gender Equality: A Panacea to Social Justice and Sustainable Development in Nigeria' (2020) 4(2) Social Science Education Journal 97, 104.

gender equality impacts the future generation and development. The purpose of this chapter, as stated above is to situate this relationship in Nigeria.

Sustainable development involves development that meets the needs of all persons, this includes the enjoyment and control of resources of all persons. As discussed in chapter 5, in Nigeria, gender inequality persists in many sectors of the country. These inequalities adversely affect the enjoyment of various rights of women which have been guaranteed under international and regional human rights instruments. Gender equality can be seen as a right in itself and in turn impacts all other rights. When women are discriminated against and denied opportunities this can in turn affect their right to life, right to dignity, right to education, right to health and so many other rights. The alternative of non-discrimination, however, puts Nigerian women, in the position to both enjoy their rights and also actively contribute to society.

Bias and discrimination against women can affect different rights at once and when women are denied their rights it affects sustainable development, in terms of taking part in control and enjoyment of resources and also contributions towards economic, social and environmental development. For example, in Nigeria, a common trend which has been seen, especially in Lagos, is the discriminatory practice of some landlords who refuse to rent their properties to single women and mothers.¹⁰⁶⁵ It is seen that many of these landlords due to bias suspect single women looking to rent properties as being sex workers.¹⁰⁶⁶ In some instances, after going long months searching on their own for housing, women are forced to squat in the houses of others, may have to bring along a man or have a man rent housing on their behalf.¹⁰⁶⁷ It did not matter if they could afford to rent or not, whether they had work or not, landlords requested to see a spouse, partner or even father before they would rent out property to a woman.¹⁰⁶⁸

¹⁰⁶⁵ Premium Times, 'Stop Discriminating, Punishing Us- Single Ladies to Lagos Landlords' *Premium Times* (May 13, 2024) <<https://www.premiumtimesng.com/entertainment/naija-fashion/694002-stop-discriminating-punishing-us-single-ladies-to-lagos-landlords.html>> accessed 30 September 2024.

¹⁰⁶⁶ Abigail Ony Nwaohuocha, 'Why Single Nigerian Women Battle to Rent Homes' *BBC* (August 15, 2018)<<https://www.bbc.co.uk/news/world-africa-45169688#:~:text=Many%20landlords%20in%20Nigeria%20suspect,city%20in%20south%2Dwestern%20Nigeria>> accessed 30 September 2024.

¹⁰⁶⁷ Premium Times (n 1065).

¹⁰⁶⁸ Nwaohuocha (n 1066).

This discrimination is based on societal standards and how women are perceived in Nigerian society. There is a focus on how women can afford housing without a man and there is suspicion that women who could afford rent on their own must be earning their money in illicit ways. This stems from the belief of the superiority of men over women, previously discussed in chapter 5, which highlights the patriarchal nature of Nigerian society and prejudice against women. This belief presents itself in different forms including various forms of discrimination against women, denial of rights, harmful traditional practices.

This discrimination by landlords affects women's rights to adequate housing, which, not surprisingly, affects other areas of their lives. Women who find it very difficult to get housing may be forced to accept what they can get, which may not be a very safe alternative. This could lead to dangers to health and even life, depending on the area they are able to get housing. Where one does not have satisfactory access to proper housing, they are not only being denied access to resources, which forms part of sustainable development, but are also put in a position where, safeguarding survival is one's foremost worry at that point.

Maslow's hierarchy of needs can be used to explain this occurrence. According to Maslow, 'human needs are arranged in a hierarchy, with physiological (survival) needs at the bottom and the more creative and intellectually oriented self-actualization needs at the top.'¹⁰⁶⁹ The needs, beginning from bottom to top include, physiological needs, safety needs, love and belonging needs, esteem needs and self-actualization needs.¹⁰⁷⁰ Physiological needs, which includes needs such as food, water, shelter are our most basic needs.¹⁰⁷¹ Safety needs follow which include, financial security, social stability, health and well-being.¹⁰⁷²

It is when basic needs have been satisfied that one can pursue love/belonging needs, esteem needs and finally self-actualization needs. Thus, when women in Nigeria, use most of their resources to secure basic needs, they have little left to pursue their own

¹⁰⁶⁹ Saul McLeod, 'Maslow's Hierarchy of Needs' (2024) 2
<https://www.researchgate.net/publication/383241976_Maslow's_Hierarchy_of_Needs> accessed 27 November 2024.

¹⁰⁷⁰ *ibid* 1.

¹⁰⁷¹ *ibid* 3.

¹⁰⁷² *ibid*.

aims, build community with others, let alone think about the development of the country. It is only when women are secure, that they have the ability to work, pursue their own goals, become a part of a group, and in doing so, contribute towards sustainable development. Here, we can see a picture of how inequalities and discrimination can translate to the denial of different rights and also how it negatively impacts sustainable development.

It is also seen that in Nigeria, resources are distributed unequally due to societal norms and stereotypes. Inequality within society and across all sectors reveals the wide disparities between women and men which contribute to uneven development and feminization of poverty.¹⁰⁷³ In order to attain sustainable development, the hitherto feminization of poverty must be addressed by ensuring that women have access to resources and opportunities as men do, without bias or discrimination.¹⁰⁷⁴

The eradication of poverty is one of the SDGs of the 2030 Agenda, however due to gender inequality in Nigeria the achievement of this goal is difficult. As previously stated in chapter 6 of this thesis, women experience poverty more than men and they constitute over 60% of the poorest people in Nigeria.¹⁰⁷⁵ It is thus important that women and girls are provided equal access to education, decent work and also included in decision making process without bias, as this will go a long way in safeguarding women's rights and in achieving sustainable development.

It is very important to break the cycle which consistently puts more women in Nigeria in poverty. This can only be broken where norms and attitudes are changed and bias against women are eradicated. This cycle can begin as early as birth, due to son preference in Nigeria, as discussed in chapter 5. This flows into the education of the girl-child and then transcends into the working environment, leaving so many women in poverty. Being poor and vulnerable, leaves the space for gender-based violence and denial of basic human rights, and when women's human rights are continuously denied, the prospects of sustainable development recede. Interestingly, as

¹⁰⁷³ Chikanele Asuru, 'Gender Equality and Sustainable Development in Nigeria' (2017) 5(1) International Journal of Advanced Studies in Economics and Public Sector Management 74, 75.

¹⁰⁷⁴ Dupe Adesubomi Abolade, 'Gender Equality and Sustainable Development in Nigeria: Issues and Challenges (2021) 37(1) Trends Economics and Management 9, 13.

¹⁰⁷⁵ Onwuka (n 1047).

demonstrated above, women do not necessarily need to be poor to be denied basic rights, as can be seen in the case of housing of single women. Gender equality is thus very important to the protection and promotion of women's rights and in turn sustainable development. This is because as emphasised earlier, gender equality allows women to have access to and enjoy opportunities and resources without bias, allow women to participate in decision making processes and ensure that women fully contribute to social, economic and environmental development.

This leads to the protection of the various human rights of women and also ensures inclusive economic growth, an inclusive society, reduction of poverty, environmental development as well as contribution towards a sustainable future. It is only where the inequality in the Nigerian society is addressed, that we can ensure women's access and enjoyment to resources as well as women's contribution to development, which forms part of the relationship between gender equality and sustainable development as discussed in chapter 3.

Women's contribution to the economic development of Nigeria also forms part of the importance of gender equality to the rights of women and sustainable development in Nigeria. Firstly, where gender equality is achieved, women's right to education, women's right to work and access to resources is guaranteed. This will in turn reduce the poverty levels in the country. Furthermore, the participation of women in the workforce is not only important for covering the level of inequalities of poverty among women, but it is also very essential towards raising household income and the overall economic development of Nigeria.¹⁰⁷⁶ It is thus important that women and girls in Nigeria have access to education and resources that would lift them out of poverty and provide them with greater opportunity to actively be involved in community activities that tend towards providing sustainable development.¹⁰⁷⁷ The education, employment, and ownership rights of women has great influence on their ability to control their environment and also contribute to economic development.¹⁰⁷⁸

According to the National Women's Economic Empowerment (WEE) Policy and Action Plan (2023), for decades, Nigerian women have lacked access to economic

¹⁰⁷⁶ Adeyanju (n 1064) 105.

¹⁰⁷⁷ *ibid.*

¹⁰⁷⁸ *ibid.*

opportunity, despite progress made over the years, Nigerian women, especially in the north of the country still have much lower access to economic opportunity, capital, productive assets, and favourable workplace conditions than Nigerian men.¹⁰⁷⁹ It notes the following,

- Nigerian women account for 70% of the country's extremely poor, even though they comprise 49.3% of the general population;
- Only 45% of women have access to financial services, compared to 56% of Nigerian men;
- Nigerian women account for 70-80% of agricultural labour and output in Nigeria, however, only 10% of landowners in Nigeria are women;
- While 67% of boys in Nigeria will complete secondary school, only 53% of girls have the same opportunity and this number is less than 25% in some parts of the country;
- Only 34% of Nigerian women and girls have access to the internet, compared to 54% of men and boys;
- Only few women in the Nigerian economy manage to reach the senior management and governance positions in the private sector and only about 1 in 5 board members of the companies represented on the Nigerian Stock Exchange are women.¹⁰⁸⁰

The Policy acknowledges that, in order for Nigeria to achieve its full productive and economic potential, it must empower and work with communities and key stakeholders to provide economic access and productive tools that women and girls require to meaningfully contribute and compete in the economy.¹⁰⁸¹ On the subject matter of agriculture in Nigeria, the Policy provides that, closing the gender productivity gap in agriculture in Nigeria could boost GDP by at least \$2.3 billion and also potentially, as

¹⁰⁷⁹ Federal Ministry of Women's Affairs & Federal Ministry of Finance, Budget & National Planning, 'National Women's Economic Empowerment (WEE) Policy and Action Plan' (2023) 11 < https://nigeria.iom.int/sites/g/files/tmzbd11856/files/documents/2024-02/nigeria-national-wee-policy-and-action-plan-may-230519_133503.pdf> accessed 31st December 2024.

¹⁰⁸⁰ *ibid.*

¹⁰⁸¹ *ibid* 15.

much as \$8.1 billion due to spill overs to other economic sectors.¹⁰⁸² The Policy also provides that Nigeria's GDP could grow by \$229 billion if women engaged in the workforce at the same level as men.¹⁰⁸³

The Policy also provides that, 'Nigerian women are less likely to be active agents in the traditional labour market, they are more likely to be in lower-earning roles in the agriculture and informal sector.'¹⁰⁸⁴ The participation of women in the informal sector is largely due institutional and cultural barriers and not necessarily interest in the informal sector. In a survey carried out across three Nigerian states (Lagos, Kano, and Kaduna), about 51% of Nigerian women indicated that they are more interested in formal work, compared to 17% who said they wanted to be self-employed and 12% who were interested in entrepreneurship.¹⁰⁸⁵ In sectors such as manufacturing, oil and gas, and engineering, Nigerian women are underrepresented, despite the high potential for job creation and economic growth and this is largely due to gender stereotypes, limited access to education and training, and discriminatory hiring practices.¹⁰⁸⁶

Gender equality and inclusion is thus essential to change the gender imbalance in workplaces in Nigeria and create sustainable pathways for women to economically empower themselves through their careers and also through their work contribute towards sustainable development. It should be noted that gender equality should not be pursued just to make profit and increase economic growth in Nigeria, however, it should be acknowledged that this is an important by-product of ensuring gender equality in Nigeria.

Achieving gender equality also ensures the political empowerment of women. With gender equality, Nigerian women are included and are able to participate in the decision-making process of the country. This allows for the incorporation of women views in the formulation of policies affecting them in the society.¹⁰⁸⁷ Where women are absent from structures of governance, it inevitably means that national, regional and

¹⁰⁸² *ibid* 24.

¹⁰⁸³ *ibid* 35.

¹⁰⁸⁴ *ibid* 36.

¹⁰⁸⁵ *ibid* 37.

¹⁰⁸⁶ *ibid*.

¹⁰⁸⁷ Adeyanju (n 1064) 105.

local priorities, such as, how resources are allocated, are decided, without meaningful input from women, whose life experiences give them a different awareness of the community's need, concern and interests different from those of men.¹⁰⁸⁸ The knowledge and lived experiences of women and its importance to sustainable development were also discussed in chapter 3. Nigeria has been plagued with various man-made disasters such as oil spillage, deforestation, desertification, water and air pollution.¹⁰⁸⁹ In Nigeria, 'women are the farmers, hewers of fuelwood, water haulers yet they are repeatedly ignored by sustainable environmental projects.'¹⁰⁹⁰

Women in Nigeria have borne the huge burden of the declining environment and yet their role is hardly ever considered when planning and implementing measures aimed at enhancing the sustainable environment.¹⁰⁹¹ It is someone who actually works and utilises these areas that would truly understand what to do, e.g., where there is an oil spillage, they would know the most affected areas, how it affects the land or water, what it causes and even how it affects people around the area and this will go a long way in addressing the issues and ensure a more sustainable environment. Nigerian women have been seen to carry out works to improve the environment.

For example, in the ecologically devastated lands in the Niger Delta, women have been involved in the clearing up of farmlands and water bodies after cases of oil spills.¹⁰⁹² Also, in the savannah belts of Nigeria, women are actively involved in activities such as mulching, collection and application of plants and animal remains to restore soil fertility, productivity, and stability.¹⁰⁹³

However, due to the gender inequalities in society, women's contributions are usually overlooked and their importance goes unnoticed. Furthermore, they are denied the opportunity to participate in the decision-making processes for development plans and projects. The value of women's roles is not recognised. However, if women were to stop carrying out these activities, it would affect the day to day running of households

¹⁰⁸⁸ *ibid* 106.

¹⁰⁸⁹ Raimi Morufu Olalekan, Bilewu Olaolu Oyinlola, Adio Zulkarnaini Olalekan & Abdulrahman Halimat, 'Women Contributions to Sustainable Environments in Nigeria' (2019) 5(4) *Journal of Scientific Research in Allied Sciences* 35, 36.

¹⁰⁹⁰ *ibid* 38.

¹⁰⁹¹ *ibid* 43.

¹⁰⁹² *ibid*.

¹⁰⁹³ *ibid*.

and communities. This fact is ignored and women's work is taken for granted. This is a reflection of the entrenched societal norms and attitudes towards women that continues to discriminate and disempower women in Nigeria.

Sustainable development projects are at risk of missing out on women's knowledge and expertise, unless the Nigerian government ensures that they properly recognise, value and make use of women's contributions to sustainable development projects. Furthermore, it is crucial that women are included and participate in decision-making processes that would affect them and society, as they are better equipped to point areas of concern to them that needs addressing by the Government.

Finally, in establishing the importance of gender equality to the rights of women and sustainable development in Nigeria, we consider the fact that the future generation is also affected if women and girls in the present are continually denied access to resources, opportunities and denial of participation in decision-making processes. According to the Maastricht Principles on the Rights of Future Generations, 'future generations are those generations that do not yet exist but will exist and who will inherit the Earth. Future generations include persons, groups and peoples.'¹⁰⁹⁴

The Maastricht Principle acknowledges the fact that women and girls bear the burden of societies' challenges and if not addressed, the rights of both present and future generations are affected. It provides that,

'Women and girls continue to bear the burden of many of societies' greatest challenges. Pervasive social norms and gender stereotypes continue to hold society back from attaining substantive gender equality. Women and girls face systemic discrimination in their enjoyment of all human rights, including a lack of meaningful participation in decision-making processes despite their influence and vital role in securing community and household resources. Gender inequality, if unaddressed, undermines the rights of both present and future generations.'¹⁰⁹⁵

¹⁰⁹⁴ The Maastricht Principles on the Human Rights of Future Generations (n 424) art 1.

¹⁰⁹⁵ *ibid* preamble IX.

The Maastricht Principles makes it very clear that States must eliminate all forms of direct and indirect discrimination, including intersectional discrimination.¹⁰⁹⁶ It also obligates States to take special measures to eliminate and prevent all forms of discrimination against groups and peoples that have experienced historical and systemic forms of discrimination, this includes discriminatory gender norms and practices and patriarchy.¹⁰⁹⁷

The above shows that existing discriminatory norms, beliefs and practices affecting women and girls are most likely going to affect the future women and girls if not addressed. If not now, then when is the question? A major part of sustainable development is development that meets present needs without compromising future needs. According to the 1987 Report of the World Commission on Environment and Development, sustainable development is the, 'development that meets the needs of the present without compromising the ability of future generations to meet their own needs.'¹⁰⁹⁸

However, the cycle that continually leaves many Nigerian women excluded from participation, denied their rights and generally being discriminated upon will continue, if not addressed now. Sustainable development cannot be achieved if this continues, as this will lead to the intergenerational transmission of the inequality, poverty and oppression faced by women in Nigeria. How can we have development that meets the needs of the future generation, if we are already unable to meet the needs of the present generation. Nigeria must strive towards gender equality in order to not only protect women and girls now, but also future generations and thereby fulfilling part of the requirements of sustainable development which concerns meeting the needs of future generation and ensuring that future generation enjoy rights, resources and opportunities irrespective of gender or any other status.

7.3 GENDERED APPROACH TO SUSTAINABLE DEVELOPMENT IN NIGERIA

The main takeaway from this thesis is that ensuring equal enjoyment by women and men of opportunities, resources and rewards greatly impacts the enjoyment and

¹⁰⁹⁶ *ibid* art 6(b).

¹⁰⁹⁷ *ibid* art 6(d).

¹⁰⁹⁸ The World Commission on Environment and Development (n 230).

protection of women's civil, political, economic, social and cultural rights and also sustainable development in Nigeria. As emphasised in this thesis, gender equality does not mean that men and women become the same, but that access to resources and opportunities should not depend on nor be constrained by an individual's gender, sex, religion, ethnicity or even class, whilst recognising the intersections that may exist. This is expressed in various international and regional human rights instruments that provide for gender equality and non-discrimination, such as CEDAW, ICCPR, ICESCR, the African Charter and the Maputo Protocol, all of which were previously discussed in this thesis.

Furthermore, it is made clear that in order for Nigeria to achieve sustainable development, it must focus on eradicating the gender inequalities and discrimination present. It should be noted, however, the main reasoning for the Nigerian government's focus on achieving gender equality should not be solely based on sustainable development, as women should not be viewed as tools geared towards achieving sustainable development. Striving for gender equality as a country should be done because it is the right of women and girls as human beings, first and foremost.

As has been established in this thesis, gender equality must be achieved because it is a human right, and it is a prerequisite to sustainable development. Now the question is, how does the Nigerian government move towards a gendered approach in their quest for sustainable development. I suggest that the Nigerian government in its bid to achieving gender equality should work within the framework of Transformative Equality, in this case, Transformative Gender Equality, as I focus on gender equality.

As discussed in chapter 2, Transformative Equality takes a multi-dimensional approach to equality and considers four dimensions of equality which work together to realise equality. The four dimensions of transformative equality include: the distributive dimension; the recognition dimension, the participative dimension and the transformative dimension.¹⁰⁹⁹ Transformative equality aims to advance the position of disadvantaged groups and individuals by changing existing social structures and how institutions function.¹¹⁰⁰ This framework should be used in the context of gender issues and achieving gender equality in Nigeria and with this approach, we move a step closer

¹⁰⁹⁹ Fredman, Working Together (n 28) 13.

¹¹⁰⁰ Clifford (n 97) 430.

to achieving sustainable development and the SDGs. The dimensions should be considered simultaneously. There should be focus on the interaction and synergies of each, with the aim of optimising all of them, rather than asserting a pre-established order of priority.¹¹⁰¹

The distributive dimension focuses on redressing socio-economic disadvantages present in access to work, wellbeing and access to resources.¹¹⁰² This encompasses ensuring equal access to decent work and secure livelihoods.¹¹⁰³ It requires that rather than assuming that men and women should be treated alike, focus should be on the disadvantage which attaches to gender.¹¹⁰⁴ This means that affirmative action or special measures to redress disadvantage, do not constitute a breach of equality, they are rather a means to achieve equality.¹¹⁰⁵

As discussed in chapter 5, issues of gender gaps in education, work and poverty of women in Nigeria are present. It is thus necessary to redress these issues, and as this dimension stipulates special measures should be put in place to remedy this situation, these special measures would not be seen as inequality. For example, in a community where girls rarely attend school, special scholarships and incentives should be awarded to girls to increase the number of girls attending school. It should, however, be noted that more than this, a study should be carried out to discover the underlying reasons why there are fewer girls in school and work towards addressing the prejudice, eliminating barriers and transforming the structures that makes this so. This would be a holistic approach of remedying the disadvantage when the dimensions are utilised together.

It should also be noted that, in redressing a disadvantage, the nature of the disadvantage must be understood. There should be a consideration of the power relations which impede access to resources, particularly within the family.¹¹⁰⁶ Understanding disadvantage must also confront women's different social locations

¹¹⁰¹ University of Oxford Social Sciences Division, 'A Fresh Approach to Assessing Equality in Human Rights Law Paves the Way for a Fairer World' <<https://www.socsci.ox.ac.uk/a-fresh-approach-to-assessing-equality-in-human-rights-law-paves-the-way-for-a-fairer-world>> accessed 11th November 2024.

¹¹⁰² Leach, Sustainable Development: A Gendered Pathways Approach (n 364) 7.

¹¹⁰³ *ibid.*

¹¹⁰⁴ Fredman, Working Together (n 28) 13.

¹¹⁰⁵ *ibid.*

¹¹⁰⁶ *ibid.*

and recognise the interacting roles of class, ethnicity, disability, religion and gender in creating gendered disadvantage.¹¹⁰⁷ As discussed in chapter 5, depending on the religion, class, ethnicity and region of Nigeria a woman or girl comes from, disadvantage would vary.

For example, a Christian girl from the southern part of Nigeria might have a different experience from a Muslim girl from the northern part of Nigeria. The difference in experience occurs as a result of differing religion and traditions practiced in these parts of the country, that affect women's access to opportunities and resources in varying degrees. According to the World Bank,

'when comparing working women in the North and in the South, it is important to recognize that the characteristics of working women in each of these regions are different. On average, working women in the North are 4 years younger, 17% points more likely to be married, and 29% points more likely to have never attended school than working women in the South. Working women in the North also live in less wealthy households that have an average of 3 more people than working women in the South.'¹¹⁰⁸

The World Bank provides that, in Nigeria, 18% and 43% of girls marry by age 15 and 18, respectively and further provides that the rates are particularly high in the Northwest, where the median age of marriage for women is 15.8 years old.¹¹⁰⁹ The increased rate of early marriage in the North, leads to fewer educated girls in the North and thus fewer girls in the North with access to work and resources. This is why intersections are very important in redressing disadvantage. Recognising the varying experiences that these intersections could produce and working with them ensures that whatever affirmative action taken would be effective.

The recognition dimension focuses on addressing stigma, stereotyping, prejudice and violence.¹¹¹⁰ This is the dimension that speaks to our basic humanity. It requires that,

¹¹⁰⁷ *ibid.*

¹¹⁰⁸ World Bank Group, *Closing Gaps, Increasing Opportunities: A Diagnostic on Women's Economic Empowerment in Nigeria* (World Bank Publications 2022) 24.

¹¹⁰⁹ *ibid* 26.

¹¹¹⁰ Fredman, *Working Together* (n 28) 13.

‘equality attaches to all individuals, not because of their merit, or their rationality, or their citizenship or membership of any particular group, but because of their humanity.’¹¹¹¹ This dimension thus includes, ‘challenging stereotypes around masculinity and femininity; assuring freedom from violence and violations of dignity and security; assuring bodily integrity and sexual and reproductive health and rights; and recognition and respect for diverse forms of knowledge.’¹¹¹²

For example, the stereotypical assumption that women should take on the primary responsibility for care and domestic work.¹¹¹³ This stereotype undervalues care and domestic work on the assumption that, ‘even if performed in the paid labour market, such work can in principle be performed unpaid at home.’¹¹¹⁴ This in turn creates and sustains widespread gender pay gaps.¹¹¹⁵ Furthermore, due to the responsibilities attached to care work and domestic work, it is difficult for women to participate in full-time work, causing them to engage in precarious work and undermining decent standards of work.¹¹¹⁶

In Nigeria, there is a rapid increase in the elderly population and projections indicate that there will be a significant increase in the number of citizens aged 65 and above in the coming years.¹¹¹⁷ This would take the elderly population from 9.4 million in 2020 to 25.5 million by 2050, a 171% increase in the elderly population.¹¹¹⁸ This increase in the elderly population poses a major challenge, because, demand for long-term care and the burden on informal family caregiving structures is predominantly borne by women.¹¹¹⁹ This burden affects various aspects of the lives of women in Nigeria, such as, work and education opportunities, social and personal relationships, financial security, and mental and physical wellbeing.¹¹²⁰

¹¹¹¹ Fredman, Substantive equality revisited (n 110) 730.

¹¹¹² Leach, Sustainable Development: A Gendered Pathways Approach (n 364) 7.

¹¹¹³ Fredman, Working Together (n 28) 13.

¹¹¹⁴ *ibid.*

¹¹¹⁵ *ibid.*

¹¹¹⁶ *ibid.*

¹¹¹⁷ B.N Christian, ‘Transforming Family Caregiving: Professionalising Unpaid Care for Sustainable Development’ (2004) 14(1) Public Health Action 40, 40.

¹¹¹⁸ *ibid.*

¹¹¹⁹ *ibid.*

¹¹²⁰ *ibid.*

Furthermore, caregiving perpetuates existing gender roles in Nigerian society and limits women's choices. The increasing ageing population in Nigeria amplifies the need for family caregiving and elderly care, and intensifies caregiver burdens, widening gender disparities.¹¹²¹ This leads to reduced workforce engagement, healthcare hurdles and mental health challenges among caregivers, impacting economic productivity, straining relationships and disrupting societal cohesion.¹¹²² It is thus important to formalise unpaid care work in Nigeria and this involves acknowledging the economic and social value of the work and integrating it into formal systems, policies and frameworks.¹¹²³

Professionalising family caregiving would enhance caregivers' status and conditions of employment in Nigeria. Ways in which this could be achieved include; providing formal education, certifications and ongoing training to family caregivers, developing standardised practices and ethical standards, elevating social status of caregivers through fair compensation and career advancement opportunities, implementing supportive policies for rights and safety of caregivers, raising awareness about the importance of care work and advocating for policies that respect the contributions of caregivers.¹¹²⁴

In Nigeria, women, especially in rural areas are largely involved in farming, however, they are usually not the owners of the farm and are mostly unpaid workers on these farms assisting husbands or relatives.¹¹²⁵ Value added to this work in terms of monetary value and importance are usually considered low because of the assumption that it can just be carried out for free by the women in the household. Furthermore, this leaves women without proper wage jobs and even if they are able to carry out such jobs, it may be unstable and difficult to handle them all. This is apart from the fact that, they remain in poverty and also the fact that juggling all these jobs alone might have adverse effects on their health and well-being. It is seen that, 'the

¹¹²¹ *ibid.*

¹¹²² *ibid.*

¹¹²³ *ibid.*

¹¹²⁴ *ibid.*

¹¹²⁵ Adeyinka A. Adejugbe and Adedolapo N. Adejugbe, 'Women and Discrimination in the Workplace: A Nigerian Perspective' (2018) 9 <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3244971> accessed 24 November 2024.

continuous heavy burdens of unpaid domestic work, child bearing and childcare, restrict the time and energy available for income-earning activities.¹¹²⁶

Recognition and value must be attributed to this work, activities including the care of children and the elderly, fetching of water and firewood in communities, farming and other care and domestic work must be valued, because these jobs form great importance to the day to day running of communities and the society. Furthermore, it is important that enlightenment and awareness is raised to people in Nigeria, not only on the importance of these roles but also the need for shared responsibilities in the household to ensure that women are able to adequately develop other areas of their lives.

In Nigeria, as discussed previously, son preference, violence against women perpetrated through harmful traditional practices exist and these are enhanced and justified by stereotypes and prejudice against women. For example, the belief that having a son as opposed to a daughter is better because, sons would carry on the family name and guarantee the family lineage,¹¹²⁷ or justifying FGM with assumptions that it would prevent promiscuity or preserve chastity.¹¹²⁸ It is thus important that stereotypes, prejudice and stigmas attached to women are addressed and as earlier stated all dimensions utilised to achieve gender equality. When this is achieved, women are in a better position and are able to fully enjoy resources and contribute to economic, social and environmental development.

The participative dimension requires facilitating participation and enhancing the voices of women.¹¹²⁹ This dimension encourages and values each person's right to have their choices respected and to also have a say over decisions that affect them. It calls for inclusion in the political sphere as well social inclusion in the community.¹¹³⁰ This dimension is not just about having the right to vote in elections, but also the right to participate in the formulation of government policy, to hold public office and to participate in non-governmental organisations.¹¹³¹ It involves enhancing equal

¹¹²⁶ *ibid* 10.

¹¹²⁷ Nnadi, Son Preference (n 718) 134.

¹¹²⁸ Okeke (n 747) 71.

¹¹²⁹ Fredman, Working Together (n 28) 13.

¹¹³⁰ *ibid* 14.

¹¹³¹ *ibid* 17.

participation in decision-making at multiple levels, and includes supporting women's agency, power and voice in institutions and decision-making; allowing contributions and inclusion on deliberations on sustainable development goals and assuring the space for women's civil society organisation.¹¹³²

As highlighted in chapter 5, in Nigeria, large disparities exist between men and women in terms of participation and decision-making processes. Political representation of women in Nigeria is very low compared to their male counterparts, as detailed in chapter 5. It is important that women in Nigeria are represented in decision making processes, especially on issues that affect them, with consideration of the various intersections that may exist, ensuring that all voices are heard and all disadvantages are redressed. Furthermore, the voices of women should be amplified and matters concerning them, should be addressed and remedied. Women should be able to contribute and make inputs which are crucial for sustainable development, because their expertise, knowledge and lived experiences are beneficial to sustainable development projects in the country.

It is important that a combination of all dimensions is used in achieving gender equality, because as earlier emphasised, it is important to view disadvantage through the intersection and redressing them appropriately. The issues affecting women in the urban parts of Nigeria may differ from or vary in degree to the issues faced by women from the rural areas of the country, thus participation should also include these considerations, to avoid some voices of a group of women overshadowing others on the problems they may face.

For example, In Nigeria, women in rural areas disproportionately bear the burden of multidimensional poverty, and continuously experience gender-based discrimination, harmful social norms, underrepresentation in secure and well-paid jobs and unequal access to healthcare, education and property.¹¹³³ Also, in a study conducted in Enugu state, Nigeria, comparing women residing in rural and urban areas, it was found that, the prevalence of domestic violence among women in rural areas was significantly

¹¹³² Leach, Sustainable Development: A Gendered Pathways Approach (n 364) 7.

¹¹³³ Tolulope R. Jerumeh, 'Incidence, Intensity and Drivers of Multidimensional Poverty among Rural Women in Nigeria' (2024) 10(3) *Heliyon* 1, 2.

higher than that among women in urban areas.¹¹³⁴ The prevalence of physical violence in particular, was significantly higher among women in rural areas than among women in urban areas.¹¹³⁵

Rural women and urban women did not differ significantly in the proportion of those that had experienced psychological or sexual violence, however, the proportion of women who believed that domestic violence was excusable was significantly higher among women in rural areas than among women in urban areas.¹¹³⁶ This further highlights the need for taking into consideration intersections that may exist when creating plans and policies to combat inequalities and discrimination in order to achieve gender equality for all women in Nigeria.

The transformative dimension aims to address structural barriers and achieve structural change.¹¹³⁷ It focuses on the notion that, 'existing social structures must be changed to accommodate difference, rather than requiring members of out-groups to conform to the dominant norm.'¹¹³⁸ This dimension is very important because, redressing disadvantage alone will not be substantial by itself where it is remedied on an already established structure that promotes these disadvantages. So, for example, where a platform is given to allow women's contribution to a particular project, it is not enough that women contributed to that project. It is important to discover reasons why they are normally excluded from contributing in the first place and change the system that reinforces this issue, removing the barriers which make it possible in the first place. This is because, if this structure is not evaluated, then, for the next project women may still remain excluded.

Another example is the issue of unpaid domestic and care work, which as discussed above has very wide effects on the rights of women. Women continue to carry out a disproportionate share of caring responsibilities, it is important to recognise the value of this work and its importance to the day to day running of the Nigerian society. But more than that, there must be a change of the structure that allows women to bear the

¹¹³⁴ Leonard Ogbonna Ajah, Chukwuemeka Anthony Iyoke, Peter Onubiwe Nkwo, Boniface Nwakoby & Paul Ezeonu, 'Comparison of Domestic Violence against Women in Urban versus Rural Areas of Southeast Nigeria' (2014) *International Journal of Women's Health* 865, 865.

¹¹³⁵ *ibid.*

¹¹³⁶ *ibid.*

¹¹³⁷ Fredman, *Working Together* (n 28) 14.

¹¹³⁸ Fredman, *Substantive equality revisited* (n 110) 733.

brunt of this responsibility. Thus, domestic and work needs to be regarded as valued work, with properly regulated terms and conditions. Furthermore, stereotypes that these roles are specifically the roles of women should be addressed. It should be valued and considered a shared responsibility for both men and women. Public awareness and education should be given to emphasise this point through campaigns, workplace training, education in schools, holding of workshops in various parts of the country addressing this issue.

Furthermore, it is very important that women should be included in the decision-making processes on these issues as it is one that directly affects them and through their own experience are able to tell where changes should be made. Thus, to move towards an actual change and seek improvements on this issue, which continues to widen the gender pay gap, contribute to poverty of women, impede women's ability to participate in public and political life and generally affect the health and wellbeing of women, then structural change must occur related to how this work is viewed and how it is carried in the country. It is important that, Nigeria strives to meet target 5.4 of the SDGs which calls for states to,

‘recognize and value unpaid care and domestic work through the provision of public services, infrastructure and social protection policies and the promotion of shared responsibility within the household and the family as nationally appropriate.’¹¹³⁹

The addition of ‘nationally appropriate’ attached to this target, seems problematic, because what exactly is ‘nationally appropriate’ and what would Nigeria consider as ‘nationally appropriate’? I believe that it is essential that these duties are carried out and the promotion of shared responsibilities is a must in the society. Nigeria must be committed to this duty, as it is significant to achieving transformative equality. Where this is done, the value of the work is recognised, and regulations accorded to it to ensure adequate pay. Most importantly, promotion of shared responsibilities in the household and society are carried, which helps to relieve this burden.

Another important area which might lessen the burden is the building of better and adequate infrastructures in the country. For example, provision of better infrastructure

¹¹³⁹ The 2030 Agenda (n 7) 18.

for electricity and water by the Nigerian government, especially in the rural areas of the country. This is because these areas mostly suffer from lack of electricity and water, which causes women and girls to head out to fetch firewood and water and thus increasing their burden. It is important that the government provides these amenities as it is part of the issues that also contribute to the burdens of these work.

Structural change and transformation also involve a complete change of how women are seen in the society. Current views contribute to the disadvantage faced by women in the private and public sphere of the country. Thus, as provided in Article 2(2) of the Maputo Protocol,

‘States Parties shall commit themselves to modify the social and cultural patterns of conduct of women and men through public education, information, education and communication strategies, with a view to achieving the elimination of harmful cultural and traditional practices and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes, or on stereotyped roles for women and men.’¹¹⁴⁰

This is also highlighted in Article 5(a) of CEDAW, where it provides that,

‘States Parties shall take all appropriate measures: (a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women.’¹¹⁴¹

This is very important because these social and cultural patterns can be seen as the root causes of the issues affecting Nigerian women. These ideologies lead to gender-based violence and demeaning of women, harmful traditional practices against women, discrimination of women in society, workplace and household, denial of human rights, even as discussed above, denial of adequate housing. This belief

¹¹⁴⁰ Maputo Protocol (n 24) art 2(2).

¹¹⁴¹ CEDAW (n 16) art 5(a).

system must be changed, if not, progress towards gender equality will be futile. Furthermore, if women are treated as inferior, many of their human rights will be infringed upon and sustainable development impossible. As discussed previously, modifying culture will be very challenging, as they have existed for years and ingrained in the society. However, it is important that traditions and cultures that are harmful to women and affect their rights are eradicated through education, legislation, administrative and judicial measures by the Nigerian government.

Where these dimensions work together to realise gender equality, then Nigeria is on a pathway to sustainable development and achieving the 2030 Agenda. Women and girls in Nigeria who are most of the time marginalised and mostly bear the brunt of issues that affect the society as discussed in this thesis, are prioritised and structures changed to accommodate all persons. We would have poverty reduction, reduction in hunger, better access to clean water, ensure access to good health and wellbeing, access to quality education, access to work and favourable living conditions for all persons and nobody is denied these resources as a result of preconceived notions of the place of women in the society. Women's voices would be heard and participation of women would be normalised, which, with their knowledge, expertise and lived experiences contribute to economic, social and environmental development.

In practice, international human rights mechanisms, such as the Committee on the Elimination of Discrimination against Women have adopted transformative equality principles in their jurisprudence and recommendations. The CEDAW Committee, in the case of *Karen Tayag Vertido v The Philippines*,¹¹⁴² put wrongful gender stereotyping at the heart of the case and the communication was framed as one concerning the Philippines' legal liability for judicial stereotyping in a rape trial, rather than for rape only.¹¹⁴³ This was a rape case, where the accused was acquitted as a result of insufficient evidence to prove beyond all reasonable doubt that the accused was guilty of rape.¹¹⁴⁴ The author submitted a communication to the CEDAW Committee, alleging that the acquittal of the accused constituted a violation, by the Philippines, of the rights to non-discrimination and an effective remedy, and the

¹¹⁴² *Karen Tayag Vertido v The Philippines* [2000] UNTS 83.

¹¹⁴³ Simone Cusack and Alexandra S.H Timmer, 'Gender Stereotyping in Rape Cases: The CEDAW Committee's Decision in *Vertido v The Philippines*' (2011) 11(2) Human Rights Law 329, 330.

¹¹⁴⁴ *ibid* 331.

freedoms from wrongful gender stereotyping and gender-based violence against women.¹¹⁴⁵

In this case, the CEDAW Committee affirmed that CEDAW requires States Parties to ‘take appropriate measures to modify or abolish not only existing laws and regulations, but also customs and practices that constitute discrimination against women’.¹¹⁴⁶ The Committee determined that the judge in the initial rape case, expected a certain stereotypical behaviour from the author and formed a negative view of her creditability because she had not behaved accordingly.¹¹⁴⁷ It was concluded that,

‘that the Philippines had violated its obligations under Articles 2(f) and 5(a) of CEDAW to eliminate wrongful gender stereotyping, as well its obligation under Article 2(c) to provide effective remedies. It recommended that the Philippines adopt a wide range of measures, including to ensure ‘that all legal procedures in cases involving crimes of rape and other sexual offenses are impartial and fair, and not affected by prejudices or stereotypical gender notions.’¹¹⁴⁸

According to Cusack and Timmer, the decision in *Vertido* holds great transformative potential through its focus on wrongful gender stereotyping.¹¹⁴⁹ They however believe that, it does not reach its full potential and one reason it falls short in this respect is that the CEDAW Committee failed to address systemic stereotyping of rape victims in the Philippines judiciary.¹¹⁵⁰ They state that,

‘the Committee does not address the systemic nature of judicial gender stereotyping in the Philippines or point States Parties to appropriate tools to address wrongful gender stereotyping in the private sphere, in some ways, the structural discrimination of women in general, and rape victims/survivors in particular, is left intact.’¹¹⁵¹

¹¹⁴⁵ *ibid.*

¹¹⁴⁶ *ibid* 332.

¹¹⁴⁷ *ibid.*

¹¹⁴⁸ *Ibid* 333.

¹¹⁴⁹ *Ibid* 342

¹¹⁵⁰ *ibid.*

¹¹⁵¹ *ibid*

Looking at this case, transformative equality principle is seen embedded within it, however as previously stated and as pointed out by Cusack and Timmer, it is important that all dimensions work together in order to realise real change in the system.

The transformative equality framework is not perfect, even Fredman states that, ‘the four dimensions create a complex and dynamic conception of the right to equality, which build on existing understandings but also invite further development and evolution.’¹¹⁵² She makes it clear that, this approach does not solve all the challenges raised by the right to equality.¹¹⁵³ However, she states that, she hopes that this contribution continues the vibrant process of enriching the right to equality through conversation and engagement.¹¹⁵⁴

Goldschmidt highlights that, ‘the awareness of the fact that the underlying patterns and structures of laws are not always neutral is the first step towards a more fundamental form of substantive equality: transformative equality.’¹¹⁵⁵ She reiterates that, transformative equality arises from the recognition that equality is not necessarily about sameness, but recognition of the need to change rules and laws in a way that includes different perspectives and not only the dominant or majority's views and experiences.¹¹⁵⁶ Similarly, Biholar focuses on transformative equality and highlights that, transformative equality challenges social and institutional structures and requires the removal of the causes of entrenched forms of discrimination.¹¹⁵⁷ She states that,

‘ensuring women’s freedom from discrimination and their full enjoyment of equality requires steps to be taken beyond the guarantee of *de jure* or formal and *de facto* or substantive equality. Real enjoyment of equality is achieved not only by removing formal barriers; it is achieved when social and cultural structures and power

¹¹⁵² Fredman, Substantive equality revisited (n 110), 738.

¹¹⁵³ *ibid.*

¹¹⁵⁴ *ibid.*

¹¹⁵⁵ Jenny E. Goldschmidt, ‘New Perspectives on Equality: Towards Transformative Justice through the Disability Convention?’ (2017) vol. 35 no. 1 *Nordic Journal of Human Rights* 1, 5.

¹¹⁵⁶ *ibid.*

¹¹⁵⁷ Ramona Georgeta Biholar, *Transforming Discriminatory Sex Roles and Gender Stereotyping: The Implementation of Article 5(a) CEDAW for the Realisation of Women’s Rights to be Free from Gender-Based Violence in Jamaica* (Intersentia Ltd 2013) 25.

relations that perpetuate models of subordination-domination of sexes are modified. This calls for transformative equality.’¹¹⁵⁸

From the above, the importance of transformative equality is highlighted as well as the need to move beyond formal and substantive equality. It is also highlighted that this framework calls for further development to ensure its full practical potential, however as seen above, all dimensions of transformative equality are very important to the achievement of gender equality. CEDAW, in its decisions and recommendations have continued to showcase how transformative equality could be achieved. The CEDAW Committee in its observations on the combined seventh and eighth periodic reports of Nigeria, applied transformative equality principles in various areas.¹¹⁵⁹ For example, when addressing the issues of rural women in Nigeria, it made recommendations that highlighted the need to address and change the structural problems that affected rural women. It provided that,

‘The Committee recommends that the State party:

- (a) Ensure the full participation of women in decision-making, including on rural development programmes and policies;
- (b) Continue to expand women’s access to microfinance and microcredit at low interest rates to enable them to engage in income-generating activities and to start their own businesses with a view to combating poverty among rural women and promoting rural women’s advancement;
- (c) Review the Land Use Act of 1990, the Land Administration Act of 1978 and related land laws and repeal any provisions that prevent women’s access to land in order to ensure that rural women have access to land;
- (d) Take measures to holistically address structural problems facing rural women so as to meet their needs in respect of health care, family planning services, education, employment and other basic services.’¹¹⁶⁰

¹¹⁵⁸ *ibid* 11.

¹¹⁵⁹ Committee on the Elimination of Discrimination against Women, ‘Concluding Observations on the Combined Seventh and Eight Periodic Reports of Nigeria’ (24 July 2017) CEDAW/C/NGA/CO/7-8.

¹¹⁶⁰ *ibid* para 42.

The Committee, also addressed the issue of stereotypes and harmful practices. It provided that,

'The Committee recommends that the State party:

(a) Intensify awareness-raising among, targeting of and partnering with the media and the film industry (Nollywood) in order to raise public awareness about discriminatory gender stereotypes regarding the roles and responsibilities of women and men in the family and at all levels of society, with a view to eliminating them; (b) Expand public education programmes on the negative effect of such stereotypes on women's enjoyment of their rights, in particular in rural areas, targeting men and boys, as well as the traditional and religious leaders who are the custodians of customary and religious values in the State party; (c) Take effective measures to prohibit and eliminate child marriage, wife inheritance and polygamy; (d) Conduct an impact assessment of the nationwide awareness campaign on the elimination of discriminatory stereotypes and harmful practices and regularly monitor and review the measures adopted to eliminate them.'¹¹⁶¹

Looking at these recommendations, as well as many others contained in the Concluding Observations, it is demonstrated that the Committee adopts a transformative approach to gender equality. The Committee goes beyond formal equality by advocating inclusive and structural changes aimed at improving the lived realities of women in Nigeria.

The courts in India have in some instances been seen to refer to Fredman's four dimensions of equality in their decisions. In the case of *Jane Kaushik vs Union of India*, the petitioner, Ms. Kaushik, a transgender woman invoked the writ jurisdiction under Article 32 of the Constitution of India, being aggrieved by the discrimination and humiliation she faced as a transgender person in employment which allegedly resulted in her termination from two different schools situated in two different States in the span

¹¹⁶¹ *ibid* para 22.

of a year.¹¹⁶² The court adopted Fredman's four dimension framework in this decision, explicitly discussing the four-dimensional approach.¹¹⁶³ The court stated that, 'a positive obligation has been placed by the Constitution upon the State to redress disadvantages faced by marginalized sections of the society, whether they be historical, social or political.'¹¹⁶⁴ The petitioner was awarded damages from the respondents by way of compensation.¹¹⁶⁵

It can be argued that the utilisation of the four dimensions in this decision was not as effective, because, it failed to apply the framework effectively, as envisioned by Fredman.¹¹⁶⁶ According to Gurmehar Bedi & Ashwath Ram, the measures adopted by courts which included, invoking powers under laws already in place, such as, the Transgender Persons (Protection of Rights) Act, 2019, remain more administrative rather than transformative and do little to amend the historical injustice perpetuated against transgender persons.¹¹⁶⁷ The absence of affirmative action, means that transgender persons are still forced to compete within structured environments traditionally suited for cisgender majorities.¹¹⁶⁸ They also criticise the fact that, the Court does not provide recommendations to enhance the right to information available to the transgender population and to improve their political participation.¹¹⁶⁹ They believe that, the binding measures adopted by the court, do not seek to remove the detriments faced by the transgender community but merely offer remedies after an overt act of discrimination occurs.¹¹⁷⁰ They however believe that,

'the judgment albeit with a few shortcomings, signals an emphatic step in the ripening of India's equality jurisprudence. It is one of the few decisions that adopts Fredman's four-dimensional model.'¹¹⁷¹

¹¹⁶² *Jane Kaushik vs Union of India* (2025) INSC 1248, para 4.

¹¹⁶³ *ibid* para 69-114.

¹¹⁶⁴ *ibid* para 77.

¹¹⁶⁵ *ibid* para 214.

¹¹⁶⁶ Gurmehar Bedi & Ashwath Ram, 'Fredman's Four Dimensions and the Supreme Court's Pursuit of Transgender Equality' (2025) <<https://vidhilegalpolicy.in/blog/fredmans-four-dimensions-and-the-supreme-courts-pursuit-of-transgender-equality/>> accessed 10th January 2026.

¹¹⁶⁷ *ibid*.

¹¹⁶⁸ *ibid*.

¹¹⁶⁹ *ibid*.

¹¹⁷⁰ *ibid*.

¹¹⁷¹ *ibid*.

Thus, even though, it can be argued that the application of this framework was not effectively utilised, we can see this as a step in the right direction ensuring equality, particularly gender equality as is concerned in this thesis. Nigeria should adopt this framework in order to move towards the achievement of gender equality and also ensure that entire framework with its four dimensions as a whole are considered to make progress.

In all, I do not claim that gender equality in Nigeria would be easily or speedily achieved with this framework, but I view these dimensions as turning points in addressing all areas needed to truly achieve gender equality in Nigeria. Furthermore, I also do not claim that as soon as gender equality is achieved then so is sustainable development. I do however posit that sustainable development can never be attained if the inequalities and discrimination towards women in the Nigerian society is not addressed. I view it as impossible to achieve sustainable development and meet the SDGs in Nigeria, if we do not focus on eliminating these inequalities, as they are stumbling blocks to ensuring that the needs of all persons, both present and future are met. Furthermore, in general, the Nigerian government should strive towards gender equality, in order for women and girls in Nigeria to enjoy their rights. The Nigerian government has an obligation to respect, protect, fulfil and even promote the rights of all persons. And where due to bias, belief, culture, tradition or any other reason, this is denied, then Nigeria has failed in its obligations towards half of its population.

7.4 CONCLUSION

Conclusively, as identified in this thesis, achieving gender equality, which presents as access to opportunities, access and enjoyment of resources irrespective of gender and without discrimination is important and it greatly impacts the rights of women in Nigeria. The different ways inequalities and discrimination against women present themselves in the Nigerian society affects the different rights of women, including right to life, right to dignity, right to participation and freedom of speech, right to education, adequate work and living conditions and many more rights. Thus, achieving gender equality greatly improves the various rights of women in Nigeria.

Furthermore, achieving gender equality is important to sustainable development and this is explained in this thesis using four major points, which include the enjoyment of

resources of all persons, including women; women's expertise, innovation and contributions towards economic, social and environmental development; women's knowledge and lived experiences which can bring forth changes and remedies to persisting problems in Nigeria and finally, the enjoyment of resources of the future generation, because if these issues are not dealt with now, then the future generation suffers. It is thus important as discussed above that Nigeria should work towards transformative equality as it covers all areas for the proper achievement of gender equality and in turn progress towards sustainable development and the SDGs.

CHAPTER 8: CONCLUSION AND RECOMMENDATIONS

8.1 CONCLUSION

Gender equality is fundamental to advancing women's rights and sustainable development in Nigeria. It has been shown in this thesis to be vital to the protection and promotion of women's rights as well as achievement of sustainable development. Achieving gender equality, as emphasised in this thesis, would lead to poverty reduction, improved economic opportunities and economic development, improved participation and inclusion of all persons, environmental sustainability, ensuring adequate access to resources and opportunities which not only improve the lives of women but also ensures the development of the country, ensuring that the rights of the future generation are secured and also guaranteed. Where women continue to face inequalities and discrimination as a result of their gender, then we risk failing to achieve progress and sustainable development in Nigeria. Gender inequality not only affect women, but also the society as a whole.

The research questions I set out to answer in this thesis are: what is the impact of achieving gender equality on the rights of women and on sustainable development in Nigeria? And how can gender equality be achieved to ensure the protection and promotion of the human rights of women in Nigeria and sustainable development in Nigeria. In answering these research questions that form the main aim of my thesis, I listed out objectives that would serve as a guide. These include:

- a) Discussing the meaning of gender equality and why it is important.
- b) Discussing the history and meaning of sustainable development and show why development today needs to be sustainable.
- c) Discussing the relationship between gender equality and sustainable development.
- d) Discussing the obligations of Nigeria under international and regional human rights law towards gender equality.
- e) Discussing the reality of women living in Nigeria, as well as exploring the measures taken by Nigeria to ensure gender equality and how effective or

not these measures are, especially considering how gender inequality is very prevalent in Nigeria.

- f) Discussing progresses and barriers towards achieving sustainable development in Nigeria.
- g) Discussing how the achievement of gender equality will not only promote the rights of women in Nigeria but also translate to the sustainable development of Nigeria, emphasising the need for a gendered pathway towards the achievement of sustainable development in Nigeria.

I have been able to fulfil these set out objectives and in doing so, I have considered the Nigerian society, discussing the Nigerian government's obligations under international and regional human rights law, analysed the current situation of women in Nigeria as well as the progress made towards sustainable development. Upon extensive research, I have been able to identify the relationship between gender equality and sustainable development and been able to highlight the importance of gender equality on the rights of women and sustainable development in Nigeria.

In chapter 2 of this thesis, I discussed the meaning of gender equality. I did this by first identifying what gender and equality meant. I took into consideration various meanings of gender and then clearly stated what I meant by gender. Gender for the purposes of this thesis was defined as the socially constructed and culturally defined roles, norms, behaviours, responsibilities, attributes, and entitlements assigned to people based on their sex assigned at birth. I also analysed the concept of equality, identifying various forms of equality including formal equality, substantive equality and transformative equality and highlighted the importance of these forms of equality.

I further defined gender equality and identified gender equality as, 'the equal rights, responsibilities and opportunities of women and men and girls and boys.'¹¹⁷² I made it clear that equality does not mean that women and men will become the same but that women's and men's rights, responsibilities and opportunities will not depend on whether they are born male or female.¹¹⁷³ Gender equality implies that the interests,

¹¹⁷² UN Women, Concepts and Definitions (n 148).

¹¹⁷³ *ibid.*

needs and priorities of both women and men are taken into consideration, recognizing the diversity of different groups of women and men.¹¹⁷⁴ I also discussed the history and meaning of sustainable development, emphasising the fact that, there must be a balance of economic, social and environmental development with consideration of the future generation to achieve sustainable development. I introduced the 2030 Agenda; its goals and targets and also the indicators attached to these goals.

In chapter 3, I discussed the relationship between gender equality and sustainable development. The importance of gender equality to the advancement of women's rights and sustainable development was pointed out in this chapter, for example, providing opportunities for decent work ensures and improves wellbeing, safeguards human rights and thus provides a key pathway for alleviating poverty and protecting the environment, which are some of components to achieving sustainable development.¹¹⁷⁵ I argued that without achieving gender equality, progress towards sustainable development cannot be made. In this chapter, I discussed this relationship using four major points, which include: the enjoyment of resources by women, women's contribution to sustainable economic development, the knowledge and lived experiences of women and how this impacts sustainable development and how the achievement of gender equality impacts the future generation and development.

I made it clear that gender equality is important as a right in itself, to other rights and to sustainable development, hence it was included as a sustainable development goal. I discussed sustainable development goal 5 (gender equality) under the 2030 Agenda and how goal 5 was connected to other sustainable development goals. I established that the existence of inequalities and discrimination against women in the society, lead to violence and the denial of various rights and furthermore prevents progress towards sustainable development. I took into consideration how bias against women affected various other aspects of their lives and its correlation with the sustainable development goals. For example, where girls are denied equal access to adequate education as a result of the inequality and discrimination in the society, it affects access to good work and employment which contributes to poverty. Poverty contributes to lack of good food, clean water and a healthy life. It also limits access to safe and affordable housing

¹¹⁷⁴ *ibid.*

¹¹⁷⁵ Braunstein (n 358).

and transport systems. This also makes women more susceptible to violence and also vulnerable to climate change and disaster. This cycle continues if gender inequality is not addressed.

In chapter 4, obligations of State Members towards gender equality under international and regional human rights instruments was discussed. I focused on highlighting Nigeria's obligation to respect, protect and fulfil under the African Charter, the Maputo Protocol, African Children's Charter, CEDAW, ICCPR and ICESCR to ensure gender equality. It was important to do this because it showed that aside from just stating that gender equality is important, Nigeria also has a legal commitment to ensure gender equality under international and regional human rights law. I was able to give an insight into what is expected of Nigeria, as a state party to the above human rights instruments, in the protection and promotion of the rights of all persons. I highlighted that, Nigeria must refrain from interfering with the enjoyment of rights contained in these human rights instruments and from carrying out any action which would result in the violation of the rights of persons. I also made it clear that Nigeria, must take positive steps to stop violations of the rights contained in these instruments.

Furthermore, I pointed out that affirmative actions including preventing, investigating and punishing human rights violations, providing compensation where necessary must be undertaken by Nigeria. Nigeria must also take all measures, including legislative, administrative, budgetary, and judicial to ensure gender equality and protect the rights of women. In this chapter, I continuously linked how fulfilling these obligations towards gender equality will contribute towards protecting women's rights and make progress towards sustainable development.

In chapter 5, I discussed the reality of women living in Nigeria. I explored different situations where women faced inequality and discrimination, including women's access to work, political participation, access to education, violence against women, including harmful traditional practices against women. I did this, to give a contrast of what is expected, as discussed in chapter 4 and what is actually happening in Nigeria. I also explored measures taken by Nigeria to ensure gender equality and how effective or not these measures are. I discussed laws and policies which provide for gender equality and protection of women's rights. I also highlighted actions taken by several Civil Society Organisations in Nigeria towards gender equality and the protection and

promotion of women's rights as part of measures towards advancement of gender equality.

In discussing the effectiveness of the measures in place to advance gender equality in Nigeria, I was able to point out various issues that affect effectiveness of these measures. I explained the fact that until an Act at the federal level is enacted into law in a state, that Act is not binding on that particular state and no court can prosecute violations of the Act in states that have not enacted it.¹¹⁷⁶ This means that the Act will only apply to the Federal Capital Territory (Abuja) and that the 36 states in Nigeria, will have to enact that Act into a law in that state. This causes the legislation to suffer a limited scope of its geographical coverage until enacted by any given State. I clearly stated that this system allowed for a major loophole in the advancement and enjoyment of benefits that any Act, new or old may confer on women.

It showed that even though, through rigorous efforts a law may be enacted by the Nigerian Government which would potentially advance the state of all women in the country, many women may still be left unprotected. I also pointed out issues with the enforcement and implementation of laws and policies in Nigeria and also the lack of awareness of rights and laws in place by the citizens in Nigeria. I highlighted various means to which these issues should be addressed and they will be reiterated as some of the recommendations I will be discussing shortly.

In chapter 6, I discussed the progress made so far by Nigeria towards sustainable development. I focused on progress made towards achieving goals in the 2030 Agenda, and also highlighted steps taken before 2015 towards sustainable development. I used the Voluntary National Reviews 2017 and 2020 published by the Nigerian government to analyse progress made. I also discussed barriers to the progress towards sustainable development and identified various factors including poverty, corruption amongst others. I was also able to analyse how the barriers identified disproportionately affected women and highlighted the need and importance of tackling these challenges with a focus on women. I acknowledged the importance of everyone in Nigeria, however, due to the disproportionate effects on women, which can be attributed to the gender inequality, it is important that action plans created to

¹¹⁷⁶ Akinwumi (n 804) 391.

tackle these issues have sections specifically concerned with women and tackling the inequalities that cause these disparities.

Finally, using a combination of all chapters in this thesis I was able to analyse the impact achieving gender equality will have on the rights of women in Nigeria and on sustainable development. I highlighted the fact that when women face discrimination and are denied opportunities, it affects their right to life, right to dignity, right to education, right to health and so many other rights guaranteed under the various international and regional human rights instruments discussed in this thesis. Furthermore, I highlighted the fact that gender equality would allow women to have access to and enjoy opportunities and resources without bias, allow women to participate in decision making processes and ensure that women fully contribute to social, economic and environmental development. Achieving gender equality would lead to the protection of the various human rights of women and also ensure inclusive economic growth, an inclusive society, poverty reduction, environmental development as well as contribute towards a sustainable future, as was extensively discussed in this thesis.

I discussed the importance of women's contributions, expertise, knowledge and lived experiences to sustainable development in Nigeria, sighting various examples to highlight this point. I also emphasised the importance of achieving gender equality to future generation. I made clear that, if we are unable to meet the needs of the present generation, this includes all women, then it will be difficult to meet the needs of the future generation, if the gender inequalities persist.

With all the above, discussed in great detail throughout this thesis, I was able to show the impact and importance of gender equality on the rights of women and on sustainable development in Nigeria. In doing this, I was able to answer part of my research question as identified in this thesis.

After establishing the impact of gender equality on the rights of women and sustainable development in Nigeria, I moved on to answer the question how can gender equality be achieved in Nigeria to ensure protection of rights and also sustainable development. I suggested focusing on a gendered approach to sustainable development, and in doing so, applying a Transformative Equality Framework. I made

it clear that, Transformative Equality takes a multi-dimensional approach to equality and considers four dimensions of equality which work together to realise equality. The four dimensions of transformative equality include: the distributive dimension; the recognition dimension, the participative dimension and the transformative dimension.¹¹⁷⁷

I explained these dimensions in great detail and made it clear that these dimensions must be used together to achieve transformative equality in Nigeria. I highlighted that where a transformative equality approach is taken then women and girls in Nigeria who are mostly marginalised and mostly bear the brunt of issues that affect the society are prioritised and structures changed to accommodate all persons. There would be poverty reduction, reduction in hunger, better access to clean water, access to good health and wellbeing, access to quality education, access to work and favourable living conditions for all persons and nobody is denied these resources as a result of preconceived notions of the place of women in the society. Women's voices would be heard, and participation of women would be normalised, which, with their knowledge, expertise and lived experiences contribute to economic, social and environmental development. With this approach, it is shown that women's rights are protected and progress towards sustainable development would be made.

Conclusively, it should be noted that, as stated previously in this thesis, I do not claim that gender equality in Nigeria would be easily or speedily achieved with this framework, but applying these dimensions to the processes of achieving gender equality will ensure that focus is given to areas that are needed for gender equality. And as emphasised in this thesis, will in turn have an impact on the protection of women's rights and on sustainable development in Nigeria. I also made it clear that, I do not claim that as soon as gender equality is achieved then so is sustainable development, however, I have argued that sustainable development cannot be attained if gender inequalities in Nigeria are not addressed.

¹¹⁷⁷ Fredman, Working Together (n 28) 13.

8.2 RECOMMENDATIONS

The main themes of this thesis involve gender equality, women's rights and sustainable development. In this thesis, I have suggested applying a Transformative Equality Framework to achieve gender equality. This is in order to ensure a gendered pathway to sustainable development. This was extensively discussed in chapter 7 and forms a general recommendation to achieving gender equality in Nigeria. I will now provide some specific recommendations to enhance the achievement of gender equality and in turn the protection of women's rights and make progress towards sustainable development. These recommendations include:

- 1) Incorporation of International and Regional Human Rights Instruments into Law in Nigeria: As discussed previously, Nigeria has signed and ratified several human rights instruments mentioned in this thesis, including the African Charter, the Maputo Protocol, African Children's Charter, CEDAW, ICCPR and ICESCR. However, by virtue of the Nigerian Constitution, 'no treaty between the Federation and any other country shall have the force of law except to the extent to which any such treaty has been enacted into law by the National Assembly.'¹¹⁷⁸

This means that, a treaty must be passed into law by the legislative arm of government before it can be recognised in the courts and used by citizens to seek redress for harm done. The African Charter has been incorporated into Nigerian law; however other instruments discussed in this thesis have not been incorporated. It is important to incorporate into law these international and regional human rights instruments in order to make their provisions enforceable by the courts and other relevant agencies in Nigeria.¹¹⁷⁹ If not done, the provisions of these human rights instruments are merely persuasive and not enforceable in courts in Nigeria.¹¹⁸⁰

¹¹⁷⁸ CFRN 1999 (n 692) s 12(1).

¹¹⁷⁹ Odion (n 818) 943.

¹¹⁸⁰ *ibid.*

2) Adoption of Legislation by all States in Nigeria: In Nigeria, until an Act is enacted into law in a state, that Act is not binding on that particular state and no court can prosecute violations of the Acts in states that have not enacted it. And as I pointed out, this causes the legislation to suffer a limited scope of its geographical coverage until enacted by any given State. It is thus important that legislations such as the VAPP Act and the Child Rights Act, discussed in this thesis, are formally enacted by all the thirty-six states of the federation in order to expand its scope of coverage and make it more meaningful in the protection of the rights of women in Nigeria. This applies to all legislations which may be created in future with regards to gender equality and the protection of women's rights. It is only when these legislations are adopted by every state, will it apply to all women in the country.

However, where States fail or refuse to domesticate any Act important to the protection of rights of all persons across the country, including doing so in a timely manner, Transnational advocacy networks could be beneficial for advocating for the enactment of laws that concern gender equality and protect and promote women's rights by all States in Nigeria where necessary. As discussed in chapter 5, Transnational advocacy networks are seen as 'networks of activists, distinguished largely by the centrality of principled ideas or values in motivating their formation.'¹¹⁸¹ Major actors in advocacy networks may include international and domestic research and advocacy organisations, local social movements, foundations, the media, churches, trade unions, parts of regional and international intergovernmental organisations and even parts of the executive and parliamentary branches of government.¹¹⁸²

These networks can provide alternative channels of communication to project and amplify issues in their societies into an international arena for the benefit of their own country.¹¹⁸³ Actions of these networks can ensure that all States take it upon themselves to speedily enact all laws that enhance and promote human rights to ensure that all persons are protected by these laws. I suggest

¹¹⁸¹ Keck (n 900) 1.

¹¹⁸² *ibid* 9.

¹¹⁸³ *ibid* x.

that Transnational advocacy networks can help in the situation because it would involve international organisations working with domestic NGOs to argue, persuade, strategize, lobby and pressure States to enact federal legislation into laws in their states.

- 3) Effective Implementation and Enforcement of Policies and Laws: Another issue identified in this thesis, is the lack of effective implementation and enforcement of policies and laws. The Nigerian government must go beyond just creating policies and laws for gender equality. These policies and laws need to be followed by effective implementation and enforcement.¹¹⁸⁴ There has to be ‘an engaged and multidimensional process of national implementation supporting legislations’¹¹⁸⁵ These include: information and awareness raising initiatives; available and accessible services; active institutions; and a wide process of social mobilization.¹¹⁸⁶

For example, in cases of gender-based violence, including harmful traditional practices, more than laws that are created to criminalise these practices, there should be a reporting system established where victims, or would be victims, can utilise to seek protection. Women and girls who are at risk of violence against them can conveniently report these occurrences through reporting systems created specifically for this purpose. The privacy and confidentiality of those who report must be guaranteed. Furthermore, there should be agencies created specifically for providing protection and care to victims. This ensures that women can seek protection and care where necessary. There should exist mandatory restraining or protection orders to safeguard the rights of persons at risk of harmful practices, and provide for their safety.¹¹⁸⁷ Physical and psychological recovery and reintegration of victims in an environment that fosters their health, self-respect and dignity should be carried out by these agencies.¹¹⁸⁸

¹¹⁸⁴ Plan International (n 909) 23.

¹¹⁸⁵ *ibid* 19.

¹¹⁸⁶ *ibid*.

¹¹⁸⁷ *ibid* 40.

¹¹⁸⁸ *ibid*.

- 4) Creation of Awareness of Laws and Policies in Place to Protect Women: Another reason identified in this thesis, why the protection and promotion of women's rights seem to be hindered is the lack of awareness of rights and laws in place to protect women. Most Nigerian women submit themselves to many issues that affect them negatively as a result of ignorance of what the law says or what constitutes breach of their rights.¹¹⁸⁹ The Nigerian government should ensure that they provide knowledge of the law to its citizens, and this can be accomplished through education and creation of awareness by the government and its organs. This can be carried out in schools, workplaces, and even public spaces. The government must ensure that all persons, especially women and girls, are aware of their rights and actions to carry out where there may be, or there has been a violation of their rights. Furthermore, women and girls should be educated on not only their rights but on how to identify when their rights have been violated and how and where to sought help.

Modification of Social and Cultural Patterns and Practices based on the Idea of the Inferiority or Superiority of either of the Sexes: As provided for in the Maputo Protocol¹¹⁹⁰ and CEDAW¹¹⁹¹, Nigeria must take all appropriate measures to modify the social and cultural patterns of conduct of men and women, in order to the eliminate prejudices and practices based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women. As I earlier stated, doing this will be challenging due to the long history of these patterns and practices. It is however necessary, where these practices are detrimental to the rights of women.

There must be compulsory education on the effects of violence against women, including harmful practices and beliefs and the importance of the eradication of these harmful practices. There should also be education on how violence against women and denial of rights, including exclusion from decision making and participation affects the development of the country. The changing gender roles should be integrated into school curricula and education should be given

¹¹⁸⁹ Muftau (n 912).

¹¹⁹⁰ Maputo Protocol (n 24) art 2(2).

¹¹⁹¹ CEDAW (n 16) art 5(a).

on the importance of gender equality as a right and also its importance in the society as identified in this thesis. Awareness should be raised on the effects of any religious, cultural or traditional beliefs and even the general belief of the superiority of men over women which contribute to the subjugation of women in the country. This is because, educating all persons of these harmful beliefs will work together with the laws, policies and advocacy to ensure gender equality.

- 5) Creation of Platforms with Information Available to the Public on Social Programmes and Projects carried out for Accountability and Transparency Purposes: it is important for the government to provide more information on social programmes carried out. This information should include, how these programmes are carried out and beneficiaries to programmes to booster transparency and accountability. Accountability is very important in the documentation of progress made in sustainable development and in the achievement of the SDGs. It is thus important for the Nigerian government to create a platform with information available to the public on how social programmes were carried out.

For example, where the government has taken on a programme for poverty alleviation through the giving of funds to citizens, there should be information provided on this. Information such as, time period when money was paid, how money was received, how many people received the money, how much in total was given out, methods used in identifying the poor households and most importantly a definition and clarity on who makes up a poor and vulnerable household. This not only gives evidence that these social programmes are carried out and actually work and are beneficial, but ensures that funds are accounted for to the people.

- 6) The 4Rs Framework (recognise, reduce, redistribute and represent) should be applied to Challenge the Disproportionate Amount of Time Spent on Unpaid Care and Domestic Work by Women: As identified in this thesis, there is a stereotypical assumption that women should take on the primary responsibility

for care and domestic work.¹¹⁹² In Nigeria, demand for long-term care and the burden on informal family caregiving structures is predominantly borne by women.¹¹⁹³ I also identified that activities such as farming are usually done by women, especially women in rural areas, however, they are usually not the owners of the farm and are mostly unpaid workers on these farms assisting husbands or relatives.¹¹⁹⁴

Essentially, women in Nigeria disproportionately bear the responsibility of unpaid care and domestic work. As I have identified in this thesis, this stereotype undervalues care and domestic work on the assumption that, 'even if performed in the paid labour market, such work can in principle be performed unpaid at home.'¹¹⁹⁵ It also creates and sustains widespread gender pay gaps.¹¹⁹⁶ Furthermore, due to the responsibilities attached to care work and domestic work, it is difficult for women to participate in full-time work, causing them to engage in precarious work and undermining decent standards of work.¹¹⁹⁷

A more specific framework can be applied to challenge the disproportionate amount of time spent on unpaid care and domestic work by women. The 4Rs Framework is recommended to challenge the disproportionate amount of time spent on unpaid care and domestic work as well as the value attached to them, i.e., the need to recognise, reduce, redistribute and represent.¹¹⁹⁸ Firstly, there is a need to recognise unpaid care and domestic work as a type of work that has real value. It is important to acknowledge and understand the contribution women make to the economy by taking on the bulk of unpaid care and domestic work.¹¹⁹⁹

Secondly, it is very important to reduce the total number of hours spent on unpaid care and domestic work. This should be done through better access to

¹¹⁹² Fredman, Working Together (n 28) 13.

¹¹⁹³ Christian (n 1117).

¹¹⁹⁴ Adejugbe (n 1125) 9.

¹¹⁹⁵ Fredman, Working Together (n 28) 13.

¹¹⁹⁶ *ibid.*

¹¹⁹⁷ *Ibid.*

¹¹⁹⁸ Action Aid (n 457).

¹¹⁹⁹ *ibid.*

affordable and quality time-saving infrastructure for these purposes.¹²⁰⁰ For example, the creation of affordable and effective care facilities for the young and the elderly which could greatly reduce the amount of time allocated to unpaid care. The redistribution of unpaid care and domestic work more fairly within the household will also tackle the amount of time spent by women carrying out these tasks allowing for more time for personal advancement. Finally, it is critical that the most marginalised caregivers are represented and their voices heard in the design and delivery of policies, services and systems that affect their lives.¹²⁰¹

Applying this specific framework, to challenge the disproportionate amount of time spent on unpaid care and domestic work by women, whilst pursuing gender equality through the Transformative Equality Framework, ensures that this issue is properly and effectively dealt with.

- 7) Tackling Barriers to the Achievement of the Sustainable Development Goals with a Focus on Women: In this thesis, I was able to identify various obstacles that affect progress towards achieving sustainable development and the sustainable development goals. I also pointed out that the obstacles which have affected the achievement of sustainable development goals in Nigeria have also specifically affected women's all-round growth and development in the country. It was identified that these obstacles affect women in greater proportion in the country. I highlighted that, there is a need for gender inclusion and equality to tackle these obstacles as well as to achieve sustainable development goals.

I recommend that action plans created to tackle these issues have sections specifically concerned with women and tackling the inequalities that cause these disparities. It is important to tackle these challenges with a focus on women. This is not to say that everyone in the country is not important, as I earlier pointed out. However, due to the disproportionate effects on women,

¹²⁰⁰ *ibid.*

¹²⁰¹ *ibid.*

which can be attributed to the gender inequality in Nigeria, it is important that action plans created to tackle these issues have sections specifically concerned with women and tackling the inequalities that cause these disparities.

For example, in trying to tackle poverty, which disproportionately affect women in Nigeria, where an action plan is created, it is important that a section is specifically dedicated to women, in order to tackle this barrier. One of the means to tackle poverty is to ensure that women and girls are given access to good education, work and opportunities for self-development and advancement, and this should be taken into consideration when trying to tackle poverty. Where this is done, we move closer to eradicating poverty and achieving the sustainable development goals.

The recommendations contained in this thesis, if applied by the Nigerian government, will contribute to the achievement of gender equality and also as extensively discussed the protection of women's rights and in turn progress towards sustainable development in Nigeria.

BIBLIOGRAPHY

PRIMARY SOURCES

African Charter on Human and Peoples' Rights (adopted 1 June 1981, entered into force 21 October 1986) (African Charter)

African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act, Act No 2 of 1983, Cap 10 LFN 1990, 17 March 1983 <<https://www.refworld.org/legal/legislation/natlegbod/1983/en/104233>>

African Charter on the Rights and Welfare of the Child (adopted 1 July 1990, entered into force 29 November 1999) (African Children's Charter)

African Committee of Experts on the Rights and Welfare of the Child, *General Comment No 5 on "State Party Obligations under the African Charter on the Rights and Welfare of the Child (Article 1) and Systems Strengthening for Child Protection* (African Committee of Experts on the Rights and Welfare of the Child 2018)

Charter of United Nations (adopted 26 June 1945, entered into force 24 October 1945) 1 UNTS XVI (UN Charter)

Child's Right Act, 2003 (Nigeria)

Committee on the Elimination of Discrimination against Women, 'Concluding Observations on the Combined Seventh and Eight Periodic Reports of Nigeria' (24 July 2017) CEDAW/C/NGA/CO/7-8.

Convention on the Elimination of All Forms of Discrimination against Women (adopted 18 December 1979, entered into force 3 September 1981) (CEDAW)

Federal Government of Nigeria, 'Nigeria's Path to Sustainable Development through Green Economy: Country Report to the Rio+20' (2012) <<https://sustainabledevelopment.un.org/content/documents/1023nigerianationalreport.pdf>>

Federal Ministry of Women and Gender Affairs, 'National Gender Policy: 2021-2026' <<http://wra.nigeria.org/wp-content/uploads/2022/08/NATIONAL-GENDER-POLICY.pdf>>

Federal Ministry of Women's Affairs & Federal Ministry of Finance, Budget & National Planning, 'National Women's Economic Empowerment (WEE) Policy and Action Plan' (2023) <https://nigeria.iom.int/sites/g/files/tmzbd11856/files/documents/2024-02/nigeria-national-wee-policy-and-action-plan-may-230519_133503.pdf>

Federal Republic of Nigeria, 'Implementation of the SDGs: A National Voluntary Review' (2017) <<https://hlpf.un.org/sites/default/files/vnrs/2021/16029Nigeria.pdf>>

Federal Republic of Nigeria, 'Nigeria- Integration of the SDGs into National Development Planning: A Second Voluntary National Review' (2020) <https://hlpf.un.org/sites/default/files/vnrs/2021/26309VNR_2020_Nigeria_Report.pdf>

Federal Republic of Nigeria, 'Nigeria: Multidimensional Poverty Index 2022' (2022) <https://ophi.org.uk/wp-content/uploads/Nigeria_MPI_2022_report.pdf>

International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) (ICCPR)

International Covenant on Economic, Social and Cultural Rights (adopted 16 December 1966, entered into force 3 January 1976) (ICESCR)

Protocol to the African Charter on Human and People's Rights on the Establishment of an African Court on Human and People's Rights (adopted 10 June 1998, entered into force 25 January 2004) (African Court Protocol)

Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (adopted 11 July 2003, entered into force 25 November 2005) (Maputo Protocol)

The Constitution of the Federal Republic of Nigeria, 1999 (CFRN) (as amended)

The Maastricht Principles on the Human Rights of Future Generations (2023)

UN Committee for the Elimination of All Forms of Discrimination against Women, 'General Recommendation No. 28' on 'The Core Obligations of State Parties under Article 2 of the Convention on the Elimination of All Forms of Discrimination against Women' (16 December 2010) CEDAW/C/GC/28

UN Economic and Social Council, 'General Comment No. 16' on 'The Equal Rights of Men and Women to the Enjoyment of All Economic, Social and Cultural Rights (Art. 3 of the Covenant)' E/C.12/2005/4 (2005)

UN Economic and Social Council, 'General Comment No. 3' on 'The Nature of States Parties Obligations' (Art. 2, Para. 1 of the Covenant) E/1991/23 (1990)

UN Human Rights Committee, 'General Comment No. 18' on Non-Discrimination' U.N. Doc. HRI/GEN/1/Rev.1 at 26 (1994)

UN Human Rights Committee, 'General Comment No. 28' on 'Equality of Rights between Men and Women, (Art.3)' U.N. Doc. CCPR/C/21/Rev.1/Add.10 (2000)

UN Human Rights Committee, 'General Comment No. 31[80]' on 'Nature of the General Legal Obligation imposed on State Parties to the Covenant' CCPR/C/21/Rev.1/Add.13 (2004)

United Nations Committee on the Elimination of Discrimination Against Women (CEDAW), 'General Recommendation No. 25, on Article 4, Paragraph 1, of the Convention on the Elimination of All Forms of Discrimination against Women, on Temporary Special Measures' UN Doc A/59/38 at 78 (2004) (General Recommendation No. 25)

United Nations General Assembly Resolution 48/104, 'Declaration on the Elimination of Violence against Women' (20 December 1993) UN Doc A/RES/48/104

United Nations General Assembly Resolution 70/1, Transforming Our World: The 2030 Agenda for Sustainable Development (25 September 2015) UN Doc A/RES/70/1

United Nations General Assembly Resolution 71/313, 'Work of the Statistical Commission pertaining to the 2030 Agenda for Sustainable Development (6 July 2017) UN Doc A/Res/71/313

United Nations, *Report of the World Summit on Sustainable Development, Johannesburg, South Africa, 26 August-4 September 2002* (United Nations Publication 2002) 1 < <https://docs.un.org/en/A/CONF.199/20>>

Universal Declaration of Human Rights (adopted 10 December 1948) UNGA Res 217 A(III) (UDHR)

Violence Against Persons (Prohibitions) Act, 2015 (Nigeria)

SECONDARY SOURCES

Abdulkadir A, Abdullahi A, Abdulkadir F and Saidu A, 'The Challenges of Sustainable Development in Nigeria Amidst the Global Pandemic (Covid-19)' (2022) 10(2) Journal of Law and Sustainable Development 1

Abegunde O, *Public Policy and Development in Developing Nations: Selected Cases* (Xlibris 2015)

Action Aid, 'Unpaid Care and Domestic Work' <<https://www.actionaid.org.uk/our-work/womens-economic-rights/unpaid-care-and-domestic-work>>

Adejugbe AA and Adejugbe AN, 'Women and Discrimination in the Workplace: A Nigerian Perspective' (2018) <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3244971>

Adeyanju AL, Bamigbade FA & Ajayi AO, 'Gender Equality: A Panacea to Social Justice and Sustainable Development in Nigeria' (2020) 4(2) Social Science Education Journal 97

Adeyemo CW, 'Widowhood and its Harmful Practices: Causes, Effects and the Possible Way Out for Widows and Women Folk' (2016) 3(2) World Journal of Educational Research 380

Adogame A, 'How God became a Nigerian: Religious Impulse and the Unfolding of a Nation' (2010) 28(4) Journal of Contemporary African 479

Advocate for International Development, 'SDG 5: Gender Equality: A Legal Guide' <https://www.a4id.org/wp-content/uploads/2022/02/A4ID-SDG-Legal-Guide_Chapter-5.pdf>

Afolabi CY, 'Women and Insecurity in Nigeria: The Way Forward' (2022) 7 Frontiers in Sociology 1

Africa Social Impact Summit, 'UN Commends Sterling One Foundation on the Africa Social Impact Summit' (2022) <<https://theimpactsummit.org/admin/un-commends-sterling-one-foundation-on-the-africa-social-impact-summit/>>

African Union Commission Department of Social Affairs, 'Harmful Traditional Practices Towards Women and Girls in Africa' (April 2012) <<https://acts-consultancy.com/docs/HTP%20REPORT%20REAL%20FINAL%20.pdf>>

Agbo E, 'EFCC detains Ex-Humanitarian Affairs Minister over alleged N37.1 billion Fraud' (2024) *Premium Times* <<https://www.premiumtimesng.com/news/top-news/657040-efcc-detains-ex-humanitarian-affairs-minister-over-alleged-n37-1-billion-fraud.html>>

Agrawal A, 'Doctrinal and Non-Doctrinal Legal Research' (2024)<<https://lawbhoomi.com/doctrinal-and-non-doctrinal-legal-research/#:~:text=understand%20social%20behaviour.-.Importance%20of%20Combining%20Doctrinal%20and%20Non%2DDoctrinal%20Research,gaps%20in%20the%20legal%20system>>

Aina OI, *Two Halves Make a Whole: Gender at the Crossroads of the Nigerian Development Agenda* (Obafemi Awolowo University Press 2012)

Ajah LO, Iyoke CA, Nkwo PO, Nwakoby B and Ezeonu P, 'Comparison of Domestic Violence against Women in Urban versus Rural Areas of Southeast Nigeria' (2014) *International Journal of Women's Health* 865

Ajayi LA, Olanrewaju FO, Olanrewaju A and Nwannebuife O, 'Gendered Violence and Human Rights: An Evaluation of Widowhood Rites in Nigeria' (2019) *Cogent Arts & Humanities* 2

Ajayi MO and Amechi EP, 'Corruption in Nigeria: Protection of Women and Children' (2018) 3 *African Journal of Criminal Law and Jurisprudence* 69

Akanle O, 'The Sociology of Gender Equality and Development in Democratizing Nigeria' (2011) 9 *The Nigerian Journal of Sociology and Anthropology* 22

Akinloye IA, 'Towards the Implementation of Sustainable Development Goals in Nigeria: Maximizing the Influence of Religious Leaders' (2018) 4(1) *Stellenbosch Theological Journal* 39

Akinwotu E, 'Nigeria Launches "Biggest Job Creation Scheme" in its History After Long Delay' (2021) *The Guardian* <https://www.theguardian.com/global-development/2021/jan/14/nigeria-launches-biggest-job-creation-scheme-in-its-history-after-long-delay?CMP=Share_AndroidApp_Other>

Akinwumi OS, 'Legal Impediments on the Practical Implementation of the Child Right Act 2003' (2009) 37(3) *International Journal of Legal Information* 385

Aljazeera, 'Nigerian President Suspends Humanitarian Minister in Corruption Scandal' (2024) *Aljazeera* <<https://www.aljazeera.com/news/2024/1/9/nigerian-president-suspends-humanitarian-minister-in-corruption-scandal>>

Amadiume I, *Male Daughters, Female Husbands: Gender and Sex in an African Society* (Zed Books 1987)

Ambepitiya K, 'The Role of Women Entrepreneurs in Establishing Sustainable Development in Developing Nations' (2016) 1 *World Review of Business Research* 161

Amnesty International, 'Nigeria: Nine Years after Chibok Girls' Abducted, Authorities Failing to Protect Children' (2023) <<https://www.amnesty.org/en/latest/news/2023/04/nine-years-after-chibok-girls-abducted/>>

Amnesty International, 'Women's Rights' <<https://www.amnesty.org/en/what-we-do/discrimination/womens-rights/>>

Andreassen BA, Sano H and McInerney-Lankford S, 'Human Rights Research Method' in Andreassen BA, Sano H and McInerney-Lankford S (eds), *Research Methods in Human Rights: A Handbook* (Edward Elgar Publishing Limited 2017)

Anuku W, 'Former Zamfara Governor, Sani Yerima declares for President' *Daily Post* (6 May 2022) <<https://dailypost.ng/2022/05/06/former-zamfara-governor-sani-yerima-declares-for-president/>>

Anyalebechi L, 'The issue of Gender Inequality in Nigeria' (2016) 10(2) *Journal of Policy and Development Studies* 63

Arise News, 'Nigeria Targets \$5bn Annually for Humanitarian, Poverty Alleviation Trust Fund' (2023) *Arise News* <<https://www.arise.tv/nigeria-targets-5bn-annually-for-humanitarian-poverty-alleviation-trust-fund/>>

Arowolo GA, 'Protecting Women from Violence through Legislation in Nigeria: Need to Enforce Anti-discrimination Laws' (2020) 20(4) *International Journal Discrimination and the Law* 245

Asuru C, 'Gender Equality and Sustainable Development in Nigeria' (2017) 5(1) *International Journal of Advanced Studies in Economics and Public Sector Management* 74

Ayeni VO, 'The Impact of the African Charter and the Maputo Protocol in Nigeria' in Ayeni VO (ed), *The Impact of the African Charter and the Maputo Protocol in Selected African States* (Pretoria University Law Press 2016)

Bac PD, 'A History of the Concept of Sustainable Development: Literature Review' (2008) <https://www.researchgate.net/publication/242219096_A_history_of_the_concept_of_sustainable_development_Literature_review>

Bal RB, Ibrahim A, Jamila A and Anas N, 'Sustainable Development Goals and Poverty Reduction in Nigeria: Challenges and Prospects' (2022) 12(1) *International Journal of Social Sciences and Humanities Reviews* 120

BBC, 'Nigeria's President Warned by First Lady Aisha Buhari' *BBC News* (14 October 2016) <<https://www.bbc.co.uk/news/world-africa-37642282>>

Beate R, 'Freedom from Violence, Full Access to Resources, Equal Participation, and Empowerment: The Relevance of CEDAW for the Implementation of the SDGs, in Kaltenborn M, Krajewski M and Kuhn H (eds), *Sustainable Development Goals and Human Rights* (Springer Open 2020)

Bedi G & Ram A, 'Fredman's Four Dimensions and the Supreme Court's Pursuit of Transgender Equality' (2025) <<https://vidhilegalpolicy.in/blog/fredmans-four-dimensions-and-the-supreme-courts-pursuit-of-transgender-equality/>>

Biholar RG, *Transforming Discriminatory Sex Roles and Gender Stereotyping: The Implementation of Article 5(a) CEDAW for the Realisation of Women's Rights to be Free from Gender-Based Violence in Jamaica* (Intersentia Ltd 2013)

Bolanle OE, 'Gender Parity in Parliament: A Panacea for the Promotion and Protection of Women's Rights in Nigeria' (2018) 3 *Frontiers in Sociology* 1

Bradley H, *Gender* (2nd Edition, Polity Press 2012)

Braimah TS, 'Child Marriage in Northern Nigeria: Section 61 of Part I of the 1999 Constitution and the Protection of Children against Child Marriage' (2014) 14 *African Human Rights Law Journal* 474

Braunstein E and Houston M, 'Pathways Towards Sustainability in the Context of Globalization: A Gendered Perspective on Growth, Macro Policy and Employment' in Leach M, *Gender Equality and Sustainable Development* (Routledge 2016)

Butler J, *Gender Trouble: Feminism and the Subversion of Identity* (Routledge 1999)

Byrnes C and Featherstone L, 'A History of Gender' in Sellberg K (ed), *Gender: Time* (Macmillan Interdisciplinary Handbooks Farmington Hills, Macmillan Reference USA 2018)

Carto Mission, 'Christianity and Islam in Nigeria' <<https://cartomission.com/2021/08/12/christianity-islam-nigeria/>>

Chaudhry D, 'Climate Change and Health of the Urban Poor: The Role of Environmental Justice' (2024) 15 *The Journal of Climate Change and Health* 1

Chime V, 'Buhari: Lack of Funds Hinders Nigeria from Achieving Environmental Obligation' (2022) *The Cable* <<https://www.thecable.ng/buhari-lack-of-funds-hinders-nigeria-from-achieving-environmental-obligations>>

Christian BN, 'Transforming Family Caregiving: Professionalising Unpaid Care for Sustainable Development' (2004) 14(1) *Public Health Action* 40

Clifford J, 'Equality' in Farrior S, *Equality and Non-Discrimination under International Law* (Volume II, Routledge 2016)

Coetzee A, 'Feminism is African and other Implications of Reading Oyeronke Oyewumi as a Relational Thinker' (2018) 1(1) *Gender and Women's Studies* 1

Conceicao P, *Human Development Report 2019- Beyond income, beyond averages today: Inequalities in human development in the 21st century* (United Nations Development Programme 2019)

Concern Worldwide, 'Gender Inequalities We Need Address Now' (2024) <<https://www.concern.net/news/gender-inequalities-we-need-to-address>>

Cooper B, 'Intersectionality' in Disch L and Hawkesworth M (eds), *The Oxford Handbook of Feminist Theory* (Oxford Academic 2015)

Cownie F and Bradney A, 'Socio-Legal Studies: A Challenge to the Doctrinal Approach' in Watkins D and Burton M (eds), *Research Methods in Law* (2nd edn, Routledge 2018)

Crenshaw K, 'Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics' (1989) 1989(1) *University of Chicago Legal Forum* 139

Crenshaw K, 'Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color' (1991) 43(6) *Standard Law Review* 1241

Creutzfeldt N, Mason M and McConnachie K, 'Socio-Legal Theory and Methods: Introduction' in Creutzfeldt N, Mason M and McConnachie K (eds), *Routledge Handbook of Socio-Legal Theory and Methods* (Routledge 2020)

Crockett E, 'The Controversy over Chimamanda Ngozi Adichie and Trans Women, Explained' <<https://www.vox.com/identities/2017/3/15/14910900/chimamanda-ngozi-adichie-transgender-women-comments-apology>>

Cusack S and Pusey L, 'CEDAW and The Rights to Non-discrimination and Equality' (2013) 14 *Melbourne Journal of International Law* 1

Cusack S and Timmer ASH, 'Gender Stereotyping in Rape Cases: The CEDAW Committee's Decision in *Vertido v The Philippines*' (2011) 11(2) *Human Rights Law* 329

D'Almeida M, 'African Women's Organizing for the Ratification. And Implementation of the Maputo Protocol' (2011) <<https://www.awid.org/news-and-analysis/african-womens-organizing-ratification-and-implementation-maputo-protocol>>

Daka T, Akubo J and Agboluaje R, 'Insecurity: 10,366 killed in 2021, Buhari Pledges Change in North East' (2022) <<https://guardian.ng/news/insecurity-10366-killed-in-2021-buhari-pledges-change-in-north-east/>>

Dare A, 'Beaten, Raped and Forced to Work: Why I'm Exposing the Scandal of Nigeria's House Girls' *The Guardian* (17 March, 2020)<<https://www.theguardian.com/lifeandstyle/2020/mar/17/beaten-raped-and-forced-to-work-why-im-exposing-the-scandal-of-nigerias-house-girls>>

De Aguiar GJM, 'Distinguishing Between Method and Methodology in Academic Research' (2024) 11(1) *Journal of Advance Research in Mathematics and Statistics* 20

De Paula N, 'Gender Equality: The Formula to Accelerate Implementation of the 2030 Agenda for Sustainable Development' (International Institute for Sustainable Development Brief 14, 2021) <<https://www.iisd.org/system/files/2021-03/still-one-earth-gender.pdf>>

Diamant J, 'The Countries with the 10 Largest Christian Populations and the 10 Largest Muslim Populations'(2019)<<https://www.pewresearch.org/fact-tank/2019/04/01/the-countries-with-the-10-largest-christian-populations-and-the-10-largest-muslim-populations/>>

Dianova International, 'A Human-Rights Approach to SDGs' (Statement to the Human Rights Council Intersessional Meeting for Dialogue and Cooperation on Human Rights and the 2030 Agenda, January 2019)<https://www.ohchr.org/sites/default/files/Documents/Issues/SDGS/2030/Dianova_International_Human_Rights.pdf>

Dogo SA, 'The Nigerian Patriarchy: When and How' (2014) 2(5) *Cultural and Religious Studies* 263

Dovlo D, 'People and Their Health Systems: The Right to Universal Health Coverage and the SDGs in Africa' in Kaltenborn M, Krajewski M, Kuhn H (eds), *Sustainable Development Goals and Human Rights* (Springer Open 2020)

Du Pisani JA, 'Sustainable Development- Historical Roots of the Concept' (2006) 3(2) *Environmental Sciences* 83

Dupe AA, 'Gender Equality and Sustainable Development in Nigeria: Issues and Challenges (2021) 37(1) *Trends Economics and Management* 9

Durojaye E, 'Woman, but not human: Widowhood Practices and Human Rights Violations in Nigeria' (2013) 27(2) *International Journal of Law, Policy and the Family* 176

Durosaye M, 'Deconstructing Nigeria's National Gender Policy (2006) *Policy Vault* <<https://www.policyvault.africa/national-gender-policy/>>

Eckert P and McConnell-Ginet S, *Language and Gender* (Cambridge University Press 2013)

Edosa E, 'National Integration, Citizenship, Political Participation and Democratic Stability in Nigeria' (2014) 3(3) *International Journal of Arts and Humanities* 61

Ejumudo KBO, 'Gender Equality and Women Empowerment in Nigeria: The Desirability and Inevitability of a Pragmatic Approach' (2013) 3(4) *Developing Country Studies* 59

Ekwutosi EO, Eyo IE, Asibong EO, 'Patriarchy, Culture and the Social Development of Women in Nigeria' (2021) 1(4) *Pinisi Journal of Art, Humanity & Social Studies* 79

Emmanuel-Olowonubi OM and Daniel CO, 'Women, Marriage and Choices in Olu'Dolapo's Omolewa' (2020) 2(1) *Journal of Humanities and Social Sciences* 11

Enfield S, *Gender Roles and Inequalities in the Nigerian Labour Market* (Institute of Development Studies 2019)

Esquivel V and Sweetman C, 'Gender and the Sustainable Development Goals' (2016) 24(1) *Gender & Development* 1

Esquivel V, 'Power and the Sustainable Development Goals: A Feminist Analysis' (2016) 24(1) *Gender & Development* 9

Ewang A, 'Nigeria Risks Falling Further Behind on Women's Equality: Authorities and Lawmakers Should Ensure Women's Equality and Inclusion in the Constitution' *Human Rights Watch* (8 March, 2022) <<https://www.hrw.org/news/2022/03/08/nigeria-risks-falling-further-behind-womens-equality>>

Fayokun KO, 'Legality of Child Marriage in Nigeria and Inhibitions Against Realisation of Education Rights' (2015) 5(7) *US-China Education Review* 460

Filho WL, Kovaleva M, Tsani S, Tirca D, Shiel C, Dinis MAP, Nicolau M, Sima M, Fritzen B, Salvia AL, Minhas A, Kozlova V, Doni F, Spiteri J, Gupta T, Wakunuma K, Sharma M, Barbir J, Shulla K, Bhandari MP and Tripathi S, 'Promoting Gender Equality across the Sustainable Development Goals' (2023) 25 *Environment, Development and Sustainability* 14177

Fineman MA, 'Equality Across Legal Cultures: The Role for International Human Rights' (2004) 27(1) *Thomas Jefferson Law Review* 1

Fredman S, 'Substantive equality revisited' (2016) 14(3) *International Journal of Constitutional Law* 712

Fredman S, *Working Together: Human Rights, the Sustainable Development Goals and Gender Equality* (The British Academy 2018)

Friends of the Environment, 'SDG 5: Gender Equality in Nigeria- A Critical Political Analysis' (2018) <<https://fote.org.ng/sdg-5-gender-equality-in-nigeria-a-critical-political-analysis/>>

Fukuda-Parr S, 'From the Millennium Development Goals to the Sustainable Development Goals: Shifts in Purpose, Concept and Politics of Global Goal Setting for Development' (2016) 24(1) *Gender & Development* 43

Gell T, 'Desk Research: What It Is and How You Can Use It' (2023) <<https://www.driveresearch.com/market-research-company-blog/desk-research-what-it-is-and-how-you-can-use-it/>>

Gender and Development Network, 'Intersectionality, Race and Decolonisation' <<https://gadnetwork.org/issues/intersectionality/>>

Gender and Development Network, 'Intersectionality: Reflections from the Gender & Development Network' (2017) <<https://static1.squarespace.com/static/536c4ee8e4b0b60bc6ca7c74/t/5a130e9d53450a0abd9c0f8f/1511198367912/Intersectionality+GADN+thinkpiece+November+2017.pdf>>

Girls Not Brides, 'Nigeria: Prevalence Rates' <<https://www.girlsnotbrides.org/learning-resources/child-marriage-atlas/regions-and-countries/nigeria/>>

Giwa SAO, Logie CH, Karki KK, Makanjuola OF, Obiagwu CE, 'Police Violence Targeting LGBTIQ+ people in Nigeria: Advancing Solutions for a 21st Century Challenge' (2020) 1(1) Greenwich Social Work Review 36

Global Network of Women Peacebuilders, 'Intersections between Corruption, Human Rights and Women, Peace and Security: Nigeria Case Study' (2020) <<https://gnwp.org/wp-content/uploads/Corruption-Research-Report-Dec-2020-Nigeria.pdf>>

Goldschmidt JE, 'New Perspectives on Equality: Towards Transformative Justice through the Disability Convention?' (2017) 35(1) Nordic Journal of Human Rights 1

Gosepath S, 'Equality' (2021) <<https://plato.stanford.edu/entries/equality/>>

Gosepath S, 'The Principle and the Presumption of Equality' in Fourie C, Schuppert F and Wallimann-Helmer I (eds), *Social Equality: On What It Means to Be Equals* (OUP 2015)

Granata G, 'Child Marriage Today: Which Perspective for Girls?' (2015) XX (1) Interdisciplinary Journal of Family Studies 38

HACEY, 'HACEY Health Initiative Launches Female Genital Mutilation (FGM) Report and Video Documentary' (29 November 2021) <<https://hacey.org/blog/www-stopcut-hacey-org-conference-copy/>>

HACEY, 'Research on the Knowledge, Prevalence and Contributory Factors of Female Genital Mutilation (FGM), And Implementation of FGM Policies in Ekiti, Osun and Oyo State, Nigeria' <<https://hacey.org/wp-content/uploads/2019/09/FGM-Baseline-Findings-Report.pdf>>

Hameed N and Faiq AM, 'The Concept of Gender according to Different Approaches'(2014)<https://www.researchgate.net/publication/332289875_The_Concept_of_'Gender'_According_to_Different_Approaches/citations>

Hamzani AI, Widyastuti TV, Khasanah N, Rusli MHM, 'Legal Research Method: Theoretical and Implementative Review' (2023) 20(2) International Journal of Membrane Science and Technology 3610

Hanacek K, Roy B, Avila S and Kallis G, 'Ecological Economics and Degrowth: Proposing a Future Research Agenda from the Margins' (2020) 169 Ecological Economics 1

Harrington S, 'Countries with More Female Politicians Pass More Ambitious Climate Policies, Study Suggests'(2019)<<https://yaleclimateconnections.org/2019/09/countries-with-more-female-politicians-pass-more-ambitious-climate-policies-study-suggests/>>

Heyns C and Killander M, 'Africa' in Moeckli D, Shah S, Sivakumaran S and Harris D (eds), *International Human Rights Law* (4th edn, Oxford University Press 2022)

Hoogland RC, 'Gender, Theories of' in Malti-Douglas F, (ed), *Encyclopedia of Sex and Gender* (Vol 2, Macmillan Reference USA 2007)

Horisch J, Kollat J and Brieger SA, 'What influences environmental entrepreneurship? A Multilevel Analysis of the Determinants of Entrepreneurs' Environmental Orientation' (2017) 48(1) Small Business Economics 47

Hutchinson T, 'Doctrinal Research: Researching the Jury' in Watkins D and Burton M (eds), *Research Methods in Law* (2nd edn, Routledge 2018)

Ibitoye MO and Owolabi AO, 'Poverty as Obstacle to Achieving Sustainable Development in Nigeria' (2018) 5(2) International Journal of Research and Analytical Reviews 219

Ibizugbe O, 'FGM: Survivors narrate Experiences dealing with Absence of the Clitoris' (Premium Times) (29th January 2023) <
<https://www.premiumtimesng.com/news/headlines/578531-fgm-survivors-narrate-experiences-dealing-with-absence-of-the-clitoris.html>>

Ihugba U, *Introduction to Legal Research Method and Legal Writing* (Malthouse Press Ltd 2020)

Ikong V, 'She Writes Woman: Giving Mental Health a Voice in Nigeria' (2022)<
<https://nigeriahealthwatch.medium.com/she-writes-woman-giving-mental-health-a-voice-in-nigeria-1dbd162543fd>>

Inegbedion NA and Umoru G, 'The Legal Framework for the Implementation of the Sustainable Development Goals in Nigeria' in Ekhatior EO, Serval Miller and Igbinosa E (eds), *Implementing the Sustainable Development Goals in Nigeria: Barriers, Prospects and Strategies* (Routledge 2022)

International Chamber of Commerce, '3 Reasons Why ICT Matters for Gender Equality' (2017) <<https://iccwbo.org/news-publications/news/3-reasons-ict-matters-gender-equality/>>

International Women's Rights Action Watch, 'Equality and Women's Economic, Social and Cultural Rights: A Guide to Implementation and Monitoring under the International Covenant on Economic, Social and Cultural Rights' (2004) <
<http://hrlibrary.umn.edu/iwraw/CESCRMANUAL.pdf>>

Jerumeh TR, 'Incidence, Intensity and Drivers of Multidimensional Poverty among Rural Women in Nigeria' (2024) 10(3) Heliyon 1

Jobberman, 'Unmasking the Barriers to Women's Participation in Nigeria's Labour Market' (2022) <<https://v.fastcdn.co/u/c4f10d83/61542802-0-Jobberman-Nigeria--G.pdf>>

Johnson TM and Zurlo GA, *World Christian Encyclopedia* (3rd edn, Edinburgh University Press 2020)

Joubert S, 'Feminism and Sustainability' <<https://sites.manchester.ac.uk/global-social-challenges/2019/05/30/feminism-and-sustainability/#:~:text=A%20crucial%20aspect%20of%20the,groups%20in%20society%2C%20and%20particularly>>

Keck ME and Sikkink K, *Activists beyond borders: Advocacy Networks in International Politics* (Cornell University Press 1998)

Kerschner C, 'Economic De-growth vs. Steady-state Economy' (2010) 18 *Journal of Cleaner Production* 544

Killander M and Nyarko MG 'Human rights developments in the African Union (January 2017- September 2018) (2018) 18 *African Human Rights Law Journal* 732

Krieger N, 'Genders, Sexes and Health: What are the connections- and why does it matter?' (2003) 32 *Int J Epidemiol* 652

Landinfo, 'Report: Nigeria Female Genital Mutilation' (2023) <<https://landinfo.no/wp-content/uploads/2023/11/Report-Nigeria-FGM-2023.pdf>>

Langford M, 'Interdisciplinarity and Multimethod Research' in Andreassen BA, Sano H and McInerney-Lankford S, *Research Methods in Human Rights: A Handbook* (Edward Elgar Publishing Limited 2017)

Lawrence AW, 'Towards Better Performance in Achieving Sustainable Development Goals in Nigeria' (2018) 6(3) *International Journal of Developing and Economic Sustainability* 27

Leach M, Mehta L and Prabhakaran P, 'Sustainable Development: A Gendered Pathways Approach' in Leach M (ed), *Gender Equality and Sustainable Development* (Routledge 2016)

Lennon K and Alsop R, *Gender Theory in Troubled Times* (John Wiley & Sons 2020)

Longley R, 'Civil Society: Definition and Theory' (2022) <<https://www.thoughtco.com/civil-society-definition-and-theory-5272044>>

Loper K, 'Substantive Equality in International Human Rights Law and its Relevance for the Resolution of Tibetan Autonomy Claims' (2011) 37(1) North Carolina Journal of International Law 1

Makama GA, 'Patriarchy and Gender Inequality in Nigeria: The Way Forward' (2013) 9(17) European Scientific Journal 115

Mama A, 'Challenging Subjects: Gender and Power in African Contexts: Plenary Address, Nordic Africa Institute Conference: 'Beyond Identity: Rethinking Power in Africa', Upsala, October 4-7th (2001) 5(2) African Sociological Review 63

Mama A, 'Feminism or Femocracy? State Feminism and Democratisation in Nigeria' (1995) 20(1) Africa Development 37

Maps Nigeria, 'Map of Nigeria showing the Geopolitical Zones' <<https://maps-nigeria.com/map-of-nigeria-showing-the-geopolitical-zones>>

Mbaku JM, 'The Emerging Jurisprudence of the African Human Rights Court and the Protection of Human Rights in Africa' (2023) 56(2) Vanderbilt Journal of Transnational Law 367

McConville M and Chui WH, 'Introduction and Overview' in McConville M and Chui WH (eds), *Research Methods for Law* (2nd edn, Edinburgh University Press 2017)

McIntyre O, 'The World Court's Ongoing Contribution to International Water Law: The Pulp Mills Case between Argentina and Uruguay' (2011) 4(2) Water Alternatives 124

Mckinnon A, 'Christians, Muslims and Traditional Worshippers in Nigeria: Estimating the Relative Proportions from Eleven Nationally Representative Social Surveys' (2021) 63 Review of Religious Research 303

McLeod S, 'Maslow's Hierarchy of Needs' (2024) <[https://www.researchgate.net/publication/383241976 Maslow's Hierarchy of Needs](https://www.researchgate.net/publication/383241976_Maslow's_Hierarchy_of_Needs)>

Mensah J, 'Sustainable Development, Meaning, history, principles, pillars, and Implications for Human Action: Literature Review' (2019) 5(1) Cogent Social Sciences 1

Michael Denney JM, 'Gender and the Sustainable Development Goals: Women as a "Quick Fix" for Development' (2015) Governance and Sustainability Issue Brief Series: Brief II

Moeckli D, 'Equality and Non-Discrimination' in Moeckli D, Shah S, Harris D, Sivakumaran. S(eds), *International Human Rights Law* (Oxford University Press 2018)

Mohanty CT, *Feminism Without Borders: Decolonizing Theory, Practicing Solidarity* (Duke University Press 2003)

Mom C, 'Nigeria Not on Track to Achieve SDGs by 2030, Says UN Resident Coordinator' (2022) *The Cable* <<https://www.thecable.ng/nigeria-not-on-track-to-achieve-sdgs-by-2030-says-un-resident-coordinator>>

Moore N, *How to do Research: A Practical Guide to Designing and Managing Research Projects* (3rd edn, Facet Publishing 2006)

Morrow K, 'Gender and Sustainable Development Goals' in French D and Kotze LJ (eds), *Sustainable Development Goals: Law, Theory and Implementation* (Edward Elgar Publishing Limited, 2018)

Muaz H, 'Value Female Network Partners UNICEF on Dangers of FGM, Child Marriage' *The Eagle Online* (19 June, 2022) <<https://theeagleonline.com.ng/value-female-network-partners-unicef-on-dangers-of-fgm-child-marriage/>>

Muftau R, 'An Appraisal of the Legal Rights of Women in Nigeria' (2016) 52 Journal of Law, Policy and Globalization 69

Mukherjee SP, 'Environmental Movements-Chipko Andolan, Narmada Andolan' <<http://www.dspmuranchi.ac.in/pdf/Blog/ENV%201.pdf>>

Murray R, *The African Charter on Human and Peoples' Rights: A Commentary* (Oxford University Press 2019)

Murray SO, Roscoe W, and Epprecht M, *Boy-Wives and Female Husbands: Studies in African Homosexualities* (State University of New York Press 2021) <<https://muse.jhu.edu/chapter/2866764>>

National Bureau of Statistics, 'Gender Statistics Quarterly Bulletin: First Quarter of 2022' (2022) <<https://nigerianstat.gov.ng/elibrary/read/1241167>>

National Bureau of Statistics, 'Nigeria Launches its Most Extensive National Measure of Multidimensional Poverty' (2022) <<https://nigerianstat.gov.ng/news/78#:~:text=Highlights%20of%20the%202022%20Multidimensional,quarter%20of%20all%20possible%20deprivations>>

National Bureau of Statistics, 'Statistical Report on Women and Men in Nigeria' (2017) <<https://nigerianstat.gov.ng/elibrary/read/784>>

National Population Commission, *Nigeria: Demographic and Health Survey 2018* (2019) <<https://dhsprogram.com/pubs/pdf/FR359/FR359.pdf>>

Nawal MN, 'Child Marriage: A Silent Health and Human Rights Issue' (2009) 2(1) *Reviews in Obstetrics & Gynaecology* 51

Ndimele GC, 'Poverty Reduction among Women in Nigeria through Paid Care Work: Lessons from Lvliang China' (2022) 24(3) *Journal of Sustainable Development in Africa* 92

Ngwoke PN and Akabike GN, 'Insecurity and its Implication for Sustainable Development in Nigeria: The Role of Religion' (2022) <<https://hts.org.za/index.php/hts/article/view/7776/23508>>

Nmehielle VO, 'Sharia Law in the Northern States of Nigeria: To Implement or Not to Implement, the Constitutionality is the Question' (2004) 26(3) *Human Rights Quarterly* 730

Nnadi I, 'An Insight into Violence against Women as Human Rights Violation in Nigeria: A Critique' (2012) 2(3) *Journal of Politics and Law* 48

Nnadi I, 'Son Preference- A Violation of Women's Human Rights: A Case Study of Igbo Custom in Nigeria' (2013) 6(1) *Journal of Politics and Law* 134

Nnawuba PN, 'Non-Justiciability and Enforcement of Chapter II of the Nigerian Constitution as an Impediment to Enjoyment of Economic Rights and Development' (2022) 6(2) African Journal of Law and Human Rights 148

Nolan A, 'The Justiciability of Social and Economic Rights: An Updated Appraisal' (2007) <https://www.researchgate.net/publication/228275150_The_Justiciability_of_Social_and_Economic_Rights_An_Updated_Appraisal>

Nsibirwa MS, 'A Brief Analysis of the Draft Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women' (2001) 1 African Human Rights Law Journal 40

Nwakeze NM, 'Gender and Labour Force Participation in Nigeria: Issues and Prospects' (2010) 2 International Journal of Research in Arts and Social Sciences 477

Nwankwo O, 'Effectiveness of Legislation Enacted to Address Violence Against Women in Nigeria' (2008) <https://www.un.org/womenwatch/daw/egm/vaw_legislation_2008/expertpapers/EGM_GPLVAW%20Paper%20Oby%20Nwankwo_.pdf>

Nwaohuocha AO, 'Why Single Nigerian Women Battle to Rent Homes' *BBC* (August 15 2018) <<https://www.bbc.co.uk/news/world-africa-45169688#:~:text=Many%20landlords%20in%20Nigeria%20suspect,city%20in%20south%20western%20Nigeria>>

Obiezu T, 'Nigeria's LGBTQ Community Fights Restrictive Cross-Dressing Bill' *Voa* (19 May 2022) <<https://www.voanews.com/a/nigeria-s-lgbtq-community-fights-restrictive-cross-dressing-bill-/6580426.html>>

Ocran C, 'Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa' (2007) 15(1) African Journal of International and Comparative Law 147

Odera JA and Mulusa J, 'SDGs, Gender Equality and Women's Empowerment: What Prospects for Delivery?' in Kaltenborn M, Krajewski M, Kuhn H (eds), *Sustainable Development Goals and Human Rights* (Springer Open 2020)

Odeyinde O, 'Gender Equality and Sustainable Development: Evaluating the Effectiveness of Nigerian Laws and Practices to Guarantee the Woman's Human Right' (2021) 12(2) *The Journal of Sustainable Development, Law and Policy* 392

Odion J and Eboigbe E, 'Eliminating Harmful Practices Against Women in Nigeria: An Examination of the Violence Against Women Persons (Prohibition) Act, 2015' (2018) 22(7) *The International Journal of Human Rights* 933

OECD, *SIGI 2021 Regional Report for Africa* (OECD Publishing 2021)

Ogundipe-Leslie M, 'African Women, Culture Another Development' (1987) 141 *Présence Africaine* 123

Ogundipe-Leslie M, *Recreating Ourselves: African Women and Critical Transformations* (Africa World Press, Inc. 1989)

Ojo EO, 'Federalism and the Search for National Integration in Nigeria' (2010) 4(9) *African Journal of Political Science* 1

Ojua TA, Ishor DG and Ndom PJ, 'African Cultural Practices and Health Implications for Nigeria Rural Development' (2013) 2(1) *International Review of Management and Business Research* 176

Ojukwu CN, 'Enforcement of the African Charter on Human and Peoples' Rights as a Domestic Law in Nigeria' (2000) 25 *International Legal Practice* 140

Okaphor NE, Obi HO and Okaphor EF, 'Women's Inheritance Rights in Nigeria: An analysis of the Legal Gaps and Reform Prospects' (2024) 11(4) *Nnamdi Azikiwe University, Journal of Commercial and Property Law* 167

Okeke TC, Anyaehie USB and Ezenyeaku CCK, 'An Overview of Female Genital Mutilation in Nigeria' (2012) 2(1) *Annals of Medical and Health Sciences Research* 70

Olayode K, 'Women's Activism for Gender Equality and Social Justice in Nigeria (1900-2015)' in Soetan F and Akanji B(eds), *Through the Gender Lens: A Century of Social and Political Development in Nigeria* (Lexington Books 2019)

Olunade OY, Oyibode BO, Idowu BO, George TO, Iwelumor OS, Ozoya MI, Egharevba ME and Adetunde CO, 'Understanding Gender Issues in Nigeria: The Imperative for Sustainable Development' (2021) 7(7) *Heliyon* 1

Olupona AM and Olalere KO, 'Cultural Imperatives of Women Leadership Role in Nigeria' (2020) 9(10) *International Journal of Innovative Research & Development* 254

Oluwasanjo A, 'Nothing Wrong Marrying 13-year-old, Says APC Presidential Aspirant Yerima' *Peoples Gazette* (11 May, 2022) <<https://gazettengr.com/nothing-wrong-marrying-13-year-old-says-apc-presidential-aspirant-yerima/>>

Oluwasuji CO, 'Prospects and Challenges to the Attainment of Sustainable Development Goals (SDGs) in Nigeria' (2023) VII(VI) *International Journal of Research and Innovation in Social Science* 1266

Oluwatosin AB and Ifedolapo AO, 'Women, Their Rights, and Workplace Discrimination' (2018) 67 *International Affairs and Global Strategy* 22

Omokhodion JO, 'Linking the Dominance of House Girls in Nigerian Households to the Girl-Child Socialization Pattern in Nigeria' (2009) 1(2) *Current Research Journal of Social Sciences* 1

Onimisi T, 'Corruption and the Implementation of Sustainable Development Goals in Nigeria: An Overview' in Anyogu FA, Eme CA and Ogbodo JA (eds), *University-Led Knowledge and Innovation for Sustainable Development* (Boldscholar 2021)

Onwuka I, Nwadiubu A and Isiwu P, 'Poverty among Women in Nigeria- Psychological and Economic Perspective: A Study Based on South West, Nigeria' (2019) 14(11) *International Journal of Business and Management* 90

Onyemelukwe C, 'Legislating on Violence Against Women: A Critical Analysis of Nigeria's Recent Violence Against Persons (Prohibition) Act, 2015' (2016) 5(2) *DePaul Journal of Women, Gender and the Law* 1

Organisation for Economic Co-operation and Development, *Gender and Sustainable Development: Maximising the Economic, Social and Environmental Role of Women* (OECD, 2008)

Oshodi M, 'The Inheritance of Women in Nigeria' (2023) <https://www.iawj.org/content.aspx?page_id=2507&club_id=882224&item_id=4986>

Our World in Data Team, 'Achieve Gender Equality and Empower all Women and Girls' (2023) <<https://ourworldindata.org/sdgs/gender-equality>>

Owate Y, 'Feminism Rooted in Culture and Religion: STIWANISM and Islamic Feminism' (2021) <<https://yinxybelle.medium.com/feminism-rooted-in-culture-and-religion-stiwanism-and-islamic-feminism-372803ca7855>>

Owerri CA, 'Why SDG Projects Failed in Oil Communities of South-East, South-South' (2018) *Vanguard* <<https://www.vanguardngr.com/2018/12/why-sdg-projects-failed-in-oil-communities-of-south-east-south-south-2/>>

Oxfam International, *Inequality in Nigeria: Exploring the Drivers* (Oxfam International 2017) <https://www-cdn.oxfam.org/s3fs-public/file_attachments/cr-inequality-in-nigeria-170517-en.pdf>

Oxfam, 'Integrating the Africa Women's Protocol in the Zambia National Legal Policy and Processes: Example from Women and Law in Southern Africa (WLSA)' (2008) <<https://oxfamilibrary.openrepository.com/bitstream/handle/10546/120550/pi-intergrating-AWP-zambia-national-legal-policy-010208-en.pdf;jsessionid=281E3158DDB36AD30BBA426590BA016A?sequence=1>>

Oxfam, 'Strengthening Governance Programming Through Tackling Violence Against Women and Girls: Raising Her Voice in Nigeria' (2012) <<https://oxfamilibrary.openrepository.com/bitstream/handle/10546/269173/cs-raising-her-voice-nigeria-160712-en.pdf?sequence=1>>

Oxford Poverty and Human Development Initiative, 'Policy- A Multidimensional Approach' <<https://ophi.org.uk/policy/multidimensional-poverty-index/>>

Oyewumi O, *The Invention of Women: Making an African Sense of Western Gender Discourses* (University of Minnesota Press 1997)

Palmer R and Nursey-Bray M, 'Rio Declaration on Environment and Development' in Paul Robbins (ed), *Encyclopedia of Environment and Society* (Sage Publications 2007)

Pandey UC and Kumar C, *SDG5 - Gender Equality and Empowerment of Women and Girls* (Emerald Publishing Limited, 2019)

Para-Mallam FJ, 'Gender Equality in Nigeria' in Ortenblad A, Marling R and Vasiljevic S (eds), *Gender Equality in a Global Perspective* (Taylor & Francis 2017)

Plan International, *Protecting Children from Harmful Practices in Plural Legal Systems: With a Special Emphasis on Africa* (New York 2012)

Premium Times, 'Stop Discriminating, Punishing Us- Single Ladies to Lagos Landlords' *Premium Times* (May 13, 2024) <<https://www.premiumtimesng.com/entertainment/naija-fashion/694002-stop-discriminating-punishing-us-single-ladies-to-lagos-landlords.html>>

Raimi MO, Bilewu OO, Adio ZO and Abdulrahman H, 'Women Contributions to Sustainable Environments in Nigeria' (2019) 5(4) *Journal of Scientific Research in Allied Sciences* 35

Rattray S, 'Human Rights and the SDGs-Two Sides of the Same Coin' (United Nations Development Programme, (2009) <<https://www.undp.org/content/undp/en/home/blog/2019/human-rights-and-the-sdgs---two-sides-of-the-same-coin.html> >

Rinke A and Shalal A, 'Nigeria's Buhari Says Wife 'belongs in the Kitchen' *Reuters* (14 October, 2016) <<https://www.reuters.com/article/us-nigeria-security-buhari-idUSKBN12E1GT>>

Roberts P, 'Interdisciplinarity in Legal Research' in McConville M and Chui WH (eds), *Research Methods for Law* (2nd ed, Edinburgh University Press 2017)

Robinson M, 'Why Gender Equality is Key to Sustainable Development' (2015) <<https://www.weforum.org/agenda/2015/03/why-gender-equality-is-integral-to-sustainable-development/>>

Rolleri LA, 'Understanding Gender and Gender Equality' (2013) <
<https://www.coursehero.com/file/19490903/Understanding-Gender-and-Gender-Equality/>>

Sachs JD, *The Age of Sustainable Development* (Columbia University Press 2015)

Schwerdtfeger A, 'The Human Rights Dimension: The Impact of the Right to a Healthy Environment' in Peters B and Lohse EJ (eds), *Sustainability through Participation?* (Brill 2023)

Sen A, *Development as Freedom* (Oxford University Press 2001)

Seye A, 'Reps Move to Ban Cross-dressing, Offenders to Face 6 Months Imprisonment' *Daily Post* (5 April 2022) <
<https://dailypost.ng/2022/04/05/reps-move-to-ban-cross-dressing-offenders-to-face-6-months-imprisonment/>>

Shajobi-Ibikunle G, 'Domestic Violence in Nigerian Society, Causes, Consequences and Cure' (2024) 7(9) *International Journal of Arts and Social Science* 151

Solanki S, 'Sources of Legal Research' (2023) <
<https://legal.thomsonreuters.com/blog/sources-of-legal-research-primary-secondary-and-the-role-of-ai/#:~:text=In%20addition%20to%20restating%20the,firmly%20planted%20in%20primary%20sources>>

Sport and Dev Org, 'Introduction to the Sustainable Development Goals' <
<https://www.sportanddev.org/en/learn-more/sport-and-sustainable-development-goals/introduction-sustainable-development-goals>>

Spotlight Initiative, '16 Facts About Violence Against Women and Girls in Nigeria: For the 16 Days of Activism' (2022) <
<https://www.unicef.org/nigeria/media/6696/file/16%20facts%20document.pdf>>

Statista, 'Demographics of Nigeria- Statistics & Facts' (2023) <
<https://www.statista.com/topics/6477/demographics-of-nigeria/#topicOverview>>

Statista, 'Number of People Living in Extreme Poverty in Nigeria 2016-2025' (2023) <
<https://www.statista.com/statistics/1287795/number-of-people-living-in-extreme->

The World Commission on Environment and Development, *Our Common Future* (Oxford University Press 1987)

Thomson Reuters Foundation, 'Nigeria: The Law and FGM' (2018) <[https://www.28toomany.org/media/uploads/Law%20Reports/nigeria_law_report_v3_\(august_2022\).pdf](https://www.28toomany.org/media/uploads/Law%20Reports/nigeria_law_report_v3_(august_2022).pdf)>

Umoh E, 'The Effect of Omugwo on Postpartum Wellbeing in Nigerian Mothers' (2024) <<https://missingperspectives.com/posts/the-effect-of-omugwo-on-postpartum-wellbeing-in-nigerian-mothers/#:~:text=Omugwo%20is%20the%20Igbo%20term%20for%20the,her%20to%20care%20for%20her%20and%20child.&text=During%20Omugwo%2C%20there's%20plenty%20of%20conversation%20and,life%20become%20opportunities%20for%20her%20mother%20to%20counsel>>

UN Industrial Development Organization, 'Women, SMEs and Sustainable Development- Lessons Learnt for the Road Ahead' (2022) <<https://www.unido.org/stories/women-smes-and-sustainable-development-lessons-learnt-road-ahead>>

UN Women Africa, 'Nigeria' <<https://africa.unwomen.org/en/where-we-are/west-and-central-africa/nigeria>>

UN Women, '2030 Agenda for Sustainable Development and Gender Equality' (UN Women Training Centre) <<https://trainingcentre.unwomen.org/course/view.php?id=204>>

UN Women, 'About UN Women' <<https://www.unwomen.org/en/about-us/about-un-women>>

UN Women, 'Concepts and Definitions' <<https://www.un.org/womenwatch/osagi/conceptsanddefinitions.htm>>

UN Women, 'Facts and Figures: Women's Leadership and Political Participation' (2024) <<https://www.unwomen.org/en/what-we-do/leadership-and-political-participation/facts-and-figures>>

UN Women, 'Promoting Women's Economic: Recognizing and Investing in the Care Economy'(2018)<<https://www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/Library/Publications/2018/Issue-paper-Recognizing-and-investing-in-the-care-economy-en.pdf>>

UN Women, 'Turning Promises into Action: Gender Equality in the 2030 Agenda for Sustainable Development'
<<https://www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/Library/Publications/2018/SDG-report-Fact-sheet-Global-en.pdf>>

UN Women, 'Violence Against Women: A Brief Overview of the United Nations and Violence Against Women'
<<https://www.un.org/womenwatch/daw/vaw/v-overview.htm>>

UN Women, 'Why Gender Equality Matters Across all SDGs-An Excerpt of Turning Promises into Action: Gender Equality in the 2030 Agenda for Sustainable Development' (2018) <
<<https://www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/Library/Publications/2018/SDG-report-Chapter-3-Why-gender-equality-matters-across-all-SDGs-2018-en.pdf>>

UN Women, 'Women's Leadership and Political Participation'
<<https://www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/Library/Publications/2013/12/UN%20WomenLGThemBriefUSwebrev2%20pdf.pdf>>

UN Women, *World Survey on the Role of Women in Development 2014: Gender Equality and Sustainable Development*' (United Nations 2014)

United Nations Development Programme (UNDP) and Equality Now, 'Gender Equality and International Law in Africa: The Role of Regional Economic Communities'(2023)<<https://equalitynow.storage.googleapis.com/wp-content/uploads/2023/03/28190941/Gender-Equality-Intl-Law-in-Africa-Report-2.pdf>>

United Nations Development Programme (UNDP), *Human Development Report 2019 -Beyond Income, Beyond Averages, Beyond Today: Inequalities in Human*

Development in the 21st Century (2019) <
<https://hdr.undp.org/system/files/documents/hdr2019pdf.pdf>>

United Nations Statistics Division (UNSD), 'Launch of the UN Data Commons for SDGs' <<https://unstats.un.org/sdgs>>

United Nations Statistics Division (UNSD), 'SDG Indicators: Global Indicator Framework for the Sustainable Development Goals and Targets of the 2030 Agenda for Sustainable Development' <<https://unstats.un.org/sdgs/indicators/indicators-list/>>

United Nations Statistics Division (UNSD), 'SDG Indicators: Metadata Repository' <<https://unstats.un.org/sdgs/metadata/?Text=&Goal=5>>

United Nations, 'Gender Equality' <<https://www.un.org/en/global-issues/gender-equality>>

United Nations, 'Millennium Summit, 6-8 September 2000, New York: Development Goals for a New Millennium' <<https://www.un.org/en/conferences/environment/newyork2000>>

United Nations, 'Our Work on the Sustainable Development Goals in Nigeria: How the UN is supporting the Sustainable Development Goals in Nigeria' <<https://nigeria.un.org/en/sdgs#:~:text=Our%20Work%20on%20the%20Sustainable%20Development%20Goals%20in%20Nigeria,-How%20the%20UN&text=Since%20the%20adoption%20of%20the,ownership%20of%20the%20implementation%20process.>>

United Nations, 'The Foundation of International Human Rights Law' <<https://www.un.org/en/about-us/udhr/foundation-of-international-human-rights-law#:~:text=The%20obligation%20to%20fulfil%20means,their%20treaty%20obligations%20and%20duties>>

United Nations, 'United Nations Conference on Environment and Development, Rio de Janeiro, Brazil, 3-14 June 1992' <<https://www.un.org/en/conferences/environment/rio1992>>

United Nations, 'United Nations Conference on Sustainable Development, 20-22 June 2012, Rio de Janeiro: Building on the Millennium Development Goals' <<https://www.un.org/en/conferences/environment/rio2012>>

United Nations, 'United Nations Summit on Sustainable Development, 25-27 September 2015, New York: Changing Our World' <<https://www.un.org/en/conferences/environment/newyork2015>>

United Nations, 'United Nations Treaty Collection' <https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-3&chapter=4&clang=en>

United Nations, 'World Summit on Sustainable Development, 26 August- 4 September 2002, Johannesburg: An Opportunity to Move Forward' <<https://www.un.org/en/conferences/environment/johannesburg2002>>

United Nations, *The Sustainable Development Goals Report 2019* (United Nations 2019)

University of Oxford Social Sciences Division, 'A Fresh Approach to Assessing Equality in Human Rights Law Paves the Way for a Fairer World' <<https://www.socsci.ox.ac.uk/a-fresh-approach-to-assessing-equality-in-human-rights-law-paves-the-way-for-a-fairer-world>>

Vandenhoe W, 'De-Growth and Sustainable Development: Rethinking Human Rights Law and Poverty Alleviation' (2018) 11(2) *Law and Development Review* 647

Verloo M and Lombardo E, 'Contested Gender Equality and Policy Variety in Europe: Introducing a Critical Frame Analysis Approach' in Verloo M (ed), *Multiple Meanings of Gender Equality: A Critical Frame Analysis of Gender Policies in Europe* (Central European University Press 2007)

Viljoen F, 'An Introduction to the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa' (2009) 16 *Wash. & Lee J.C.R & Soc. Just.* 11

Viljoen F, *International Human Rights Law in Africa* (2nd edn, Oxford University Press 2012)

Walker R, 'Multidimensional Poverty' (2015) <
https://assets.publishing.service.gov.uk/media/57a0898140f0b652dd000260/Multidimensional-Poverty_RP.pdf>

Weiland S, Hickmann T, Lederer M, Marquardt J and Schwindenhammer S, 'The 2030 Agenda for Sustainable Development: Transformative Change through the Sustainable Development Goals?' (2021) 9(1) *Politics and Governance* 90

Westminster Foundation for Democracy, *The Impact of the Violence Against Persons (Prohibition) Act and Related Laws in Nigeria* (2021)

Womankind Worldwide, 'The Key to Change: Supporting Civil Society and Women's Rights Organisations in Fragile and Conflict Affected Contexts' <
<https://www.womankind.org.uk/wp-content/uploads/2021/01/The-Key-to-Change-Supporting-Civil-Society-and-Womens-Rights-Organisations-in-Fragile-and-Conflict-Affected-Contexts-Overarching-Report-1.pdf>>

Women Deliver, 'Invest in Girls and Women to Tackle Climate Change and Conserve the Environment: Facts, Solutions, Case Studies and Calls to Action' <
https://womendeliver.org/wp-content/uploads/2017/09/2019-10-D4G_Brief_ClimateChange.pdf>

Women's Peace & Humanitarian Fund, 'Nigeria' <
<https://wphfund.org/countries/nigeria/>>

World Bank Group, 'The World Bank in Nigeria' (2024) <
<https://www.worldbank.org/en/country/nigeria/overview>>

World Bank Group, *Closing Gaps, Increasing Opportunities: A Diagnostic on Women's Economic Empowerment in Nigeria* (World Bank Publications 2022)

World Health Organization Regional Office for Europe, *Policy Brief: Health and Gender Equality* (World Health Organization

2019)<<https://iris.who.int/bitstream/handle/10665/346823/WHO-EURO-2019-3702-43461-61058-eng.pdf?sequence=1>>

World Health Organization, 'Violence Against Women' (2021) <<https://www.who.int/news-room/fact-sheets/detail/violence-against-women>>

World Health Organization, *Eliminating Female Genital Mutilation: An Interagency Statement OHCHR, UNAIDS, UNDP, UNECA, UNESCO, UNFPA, UNHCR, UNICEF, UNIFEM, WHO* (WHO Press, Geneva 2008)

World Health Organization, UNICEF & UNFPA, *Improving Maternal and New-born Health and Survival and Reducing Stillbirth: Progress Report 2023* (World Health Organization 2023) <<https://www.who.int/publications/i/item/9789240073678>>

Young KG, 'Rights and Obligation' in Moeckli D, Shah S, Sivakumaran S and Harris D (eds), *International Human Rights Law* (4th edn, Oxford University Press 2022)