



**Toxic Gender Norms and the Erosion of Women's Rights to Equality under International Law**

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**ABSTRACT**

*The right to freedom from discrimination in political office and other decision-making bodies is a right belonging to all Nigerians, including women. It is a fundamental right justiciable under the Nigerian Constitution that there shall be no discrimination on grounds of gender. Unfortunately, the implementation of this right remains a distant reality, as women stand vulnerable among their male counterparts in the political arena. The representation of women in political office-holding in Nigeria has remained at the lowest ebb; studies reveal that as at 2025, women occupy only 4 seats out of 109 in the Senate, representing a mere 2.7%, while in the House of Representatives, women occupy 16 seats out of 469, representing a meagre 4.7%. The unfair treatment of women in political positions stems from the fragile nature of women's ability to compete with their male counterparts, who clandestinely regard ingress into the male-dominated political system as an aberration of cultural values and norms. Women constitute almost half of the population, yet they are grossly under-represented in the decision-making bodies of the country. This doctrinal research reveals that in other jurisdictions such as Rwanda, South Africa, and Cabo Verde, women are well represented and are given meaningful avenues to participate in political affairs. In the case of Nigeria, there is a systemic exclusion of women from various decision-making bodies, and to further compound the torment and marginalization meted out to women in Nigerian public offices, there are persecutions ranging from sexual harassment to physical assault. It is the recommendation of this paper that the Nigerian government should apply the political will to implement the provisions of Section 42 of the Nigerian Constitution as well as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). It is further recommended that women be given their rightful place of equality in political affairs, so that the country may advance on the path to sustainability. Women are intelligent, proactive, and accomplished in all areas of endeavour, including politics.*

**Keywords:** Women, Human Rights, CEDAW, Nigerian Constitution

**INTRODUCTION**

The right to freedom from discrimination falls within the scope of fundamental rights<sup>1</sup> in Nigeria. This freedom is a right widely recognized by both domestic and international legislation as a human right. It is a right freely conferred on every human being, irrespective of sex, race, religion, language, or social status. Therefore, every woman must be treated humanely, with respect, dignity, and equality, under the protection of the necessary laws. Without any doubt whatsoever, all human rights are sacrosanct, non-derogable, and non-negotiable. The Universal Declaration of Human Rights (UDHR),<sup>2</sup> being the ground norm in the modern quest for rights, recognizes the human person as a subject of law entitled to human rights, which must be carefully protected and safeguarded by appropriate legislation. The protection of human rights is synonymous with the maintenance of world peace and order. The desecration of human lives during World War II accelerated the definition and expansion of human rights, as members of the various constituent bodies of the United Nations came together and produced the numerous articles that gave rise to the legislation providing that all human beings are born equal.<sup>3</sup>

<sup>1</sup>Section 42 of the 1999 Constitution of Nigeria, as amended.

<sup>2</sup>United Nations Charter, 1948.

<sup>3</sup>Article 1 of the UDHR.

The Holocaust was a watershed moment for human rights in modern history. That ordeal in human existence was an existential threat to humanity. It will be recalled that the harrowing experience of the Jewish people — of mass murder by the Nazis and their collaborators in the earlier part of the twentieth century — was occasioned by hatred, ethnic cleansing, and xenophobia. Discrimination degenerates a society into a state of despair and despondency; it is a highly unimaginable and derogatory attitude. It is particularly unconscionable when a society heavily dominated by male counterparts allows such attitudes to remain unchanged. Freedom for all — women included — is indisputable; women have undeniable rights, equal to those of men, in a just and equitable society.

### **Human Rights**

Human rights are the rights meant to be enjoyed by all human beings, whether male or female, simply by virtue of being human. They are natural rights that must be exercised; they are neither negotiable nor alienable — rights that cannot be divorced from the human person even at death. Human rights may even extend to the deceased with regard to the treatment of their remains.<sup>4</sup> This was demonstrated in the work of Henri Dunant following the Battle of Solferino in 1859, where more than 6,000 soldiers lay dead and many others were wounded. These victims were not all male; some were female. These circumstances led to the establishment of the International Committee of the Red Cross (ICRC). Dunant recommended that dead bodies must be treated without discrimination, but with dignity and respect. This illustrates that human beings — whether dead or alive — must enjoy a degree of rights. These rights are not restricted by status or sex; human rights must be non-discriminatory, regardless of nationality or sex. The Universal Declaration of Human Rights (UDHR) of 1948, supported by the two major covenants comprising the International Bill of Rights — the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), both of which came into force in 1966 — vehemently condemned discrimination by supporting international human rights conventions regardless of social status. The indivisibility and interdependence of these rights are manifested in every sphere of life, whether in political leadership or other forms of leadership involving men or women in Nigeria. In Nigeria, without justification, there is discrimination against women in almost every sector, and most noticeable and troubling is the discrimination in the political trajectory and travails of women aspiring to and holding political office. Women are systematically reduced to second-fiddle roles in governance and in decision-making bodies. The few fortunate enough to attain such positions are either sexually harassed or rendered redundant.<sup>5</sup> The prevailing discriminatory tendencies in the Nigerian political space effectively reduce women to an endangered species in the political arena. It is on record that a number of Nigerian women have played crucial roles in political and economic victories in Nigeria, among whom are Mrs.

Funmilayo Ransome-Kuti, Margaret Ekpo, Emotan of Benin, Queen Amina of Zaria, and others. It is also on record that Margaret Ekpo and Funmilayo Ransome-Kuti were trailblazers in the fight against colonialism, oppression, and gender inequality in Nigeria. They were nevertheless subjected to second-fiddle treatment in the nation's political arena by those who parade their masculine authority within a culture of male chauvinism — an antithesis to socio-economic growth and national unity. In contemporary times, Nigerian women are placed on an inferior political footing, a situation diametrically opposed to collective nation-building. Women are not tax-exempt; they pay what men pay, yet are unjustly marginalized in political positions for the singular reason of being women.

### **Who is a Woman?**

The definition of a woman has become complex in recent times owing to emerging trends and advances in technology and science. While dictionaries such as the Cambridge Dictionary now define 'woman' beyond the concept of the female human being to include any adult who identifies as female, regardless of biological sex,<sup>6</sup> this represents a departure from the earlier definition of an adult female

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<sup>4</sup>Gagnebin, Bernard. *Encounter with Henri Dunant*. Geneva, Switzerland: Librairie de

l'Université Georg & Cie, 1963, pp.40–41.

<sup>5</sup>See the recent sexual scandals and allegations made by a female senator against the President of the Senate in Nigeria in 2025.

<sup>6</sup>Kaur, Hermeet. CNN, 15 December 2022.

human being. In a landmark judgement, however, the Supreme Court in *For Women Scotland Ltd v. The Scottish Ministers*,<sup>7</sup> the United Kingdom excluded transgender men from the definition of ‘women,’ ruling that the definition of a woman in the Equality Act 2010 refers to a biological woman and biological sex, while maintaining that transgender persons are still protected from discrimination under that Act. The key clarification in the ruling is that the United Kingdom Supreme Court held that, in the Equality Act 2010, ‘sex’ means biological sex, affirming that:

*A woman is a biological woman or girl (a person born female), while a man is a biological man or boy (a person born male).*<sup>8</sup>

Biologically, a woman is an adult female person defined by the capacity to produce ova (egg cells) and, in humans, typically by possessing a pair of X chromosomes (XX) inherited from each parent.

A digression from the above account, and within the religious sphere, is instructive. From the biblical account, God did not create a woman as a separate being; rather, He created Adam first and subsequently formed another being from his rib. It is noteworthy that it was not God who named her ‘woman.’<sup>9</sup> It was Adam who gave her the name ‘woman,’ meaning an extension of a man — implying that whatever was taken from a man carries the essence of a man in another form. It is therefore argued that a woman is another manifestation of a man, which is evident through several international and domestic instruments that equate the rights of men and women on the recognition that men and women are equal<sup>10</sup> in rights and, by extension, in privileges.

Scripture records specifically that God said:

*“Let us make man in our image, after our likeness. And let them have dominion over the fish of the sea and over the birds of the heavens and over the livestock and over all the earth and over every creeping thing that creeps on the earth.” So God created man in His own image; in the image of God He created him; male and female He created them.*<sup>11</sup>

God created ‘him’ both male and female — implying that the female is also included within the term ‘him.’ The male and female are both referred to as ‘him;’ therefore, every woman is equally a ‘him.’

The verse in Galatians states that:

*“There is neither Jew nor Greek, there is neither slave nor free, there is neither male nor female, for you are all one in Christ Jesus.”*<sup>12</sup>

This passage underscores the spiritual unity in Christ, transcending societal distinctions. From the above passages, women are equal to men from the very moment of God’s creation; it was society that subsequently distinguished and diminished their rights through male dominance.

### **The Rights of Women**

After World War II, the United Nations threw its weight behind the incorporation of the right to equality and freedom from discrimination as part of the rights that determine human worth, dignity, and value — rights to be universally recognized and safeguarded, disregarding gender.<sup>13</sup> Article 1 of the United Nations Declaration of Human Rights focuses specifically on the rights to freedom, recognition, equality, and non-discrimination. It states that all human beings are born equal in rights and dignity and must be treated as such. Article 2 provides for freedom from discrimination on grounds such as sex, race, political opinion, language, national origin, political affiliations, property, circumstances of birth, or other

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<sup>7</sup>For Women Scotland Ltd v. The Scottish Ministers [2025] UKSC 16.

<sup>8</sup>Ibid.

<sup>9</sup>Genesis 2:23.

<sup>10</sup>Galatians 3:28.

<sup>11</sup>Genesis 1:26–27.

<sup>12</sup>Galatians 3:28.

<sup>13</sup>Khaitan, Tarunabh. 'The Right to Freedom of Religion and the Right against Discrimination: Theoretical Distinctions.' International Journal of Constitutional Law, Oxford Legal Studies Research Paper No. 14/2019, University of Melbourne Legal Studies, Vol. 17, Issue 4, 2019, p.1132.

considerations.<sup>14</sup> Women's rights have been a subject of debate for centuries, specifically the question of whether to equate them with those of their male counterparts.

### **Discrimination and Women's Rights under Law and Treaties**

There are entrenched assumptions that underpin the discriminatory treatment of women — namely, that by virtue of being a woman, one must not be equal to a man and that women occupy an inferior status. This is a direct violation of the UDHR 1948, which provides for equal rights and dignity for all persons, irrespective of race and sex. This right is also emphasized in the African Charter on Human and Peoples' Rights, which, in its preamble, establishes that freedom and justice to humanity remain essential aspects of the African Union. These rights are recognized and protected under the Charter. Article 2 of the Charter provides that every individual shall be entitled to enjoy rights of equality, irrespective of gender.<sup>15</sup> The discrimination based on gender has propelled the enactment of a series of anti-discrimination laws and treaties over time. The need for gender equilibrium and equal rights between men and women across the globe gave rise to specific legislation directly addressing women's emancipation. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) came into force in 1979 for the purpose of protecting women's rights against violation.

CEDAW was recognized by the United Nations General Assembly as the International Bill of Rights for Women, and this Convention has been ratified by many countries across the world. It was a welcome development in the fight against discrimination against women in every aspect of life, whether private or public. It was the hope of the General Assembly that with CEDAW, all forms of discrimination against women would come to an end. Prior to the enactment of CEDAW, no other legislation was as specific in addressing gender equality and freedom for women.

The Convention prohibits:

*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.*<sup>16</sup>

The first World Conference on Women was held in Mexico City in 1975. At the conference, the marginalization of women was vehemently condemned. Women were praised for their immeasurable contributions to world peace and development, and the conference declared the equality of men and women in all spheres of life.<sup>17</sup> The Beijing Declaration of 1995 marked the global commitment to eradicate gender discrimination in all its forms,<sup>18</sup> proclaiming the human rights of women and girls to be not only 'inalienable' but also 'an integral and indivisible part of all human rights and fundamental freedoms.'<sup>19</sup> The Maputo Protocol — an additional protocol to the African Charter — was adopted in 2003 as a further effort by the African Union to end all forms of discrimination against women in Africa. Aimed at enhancing and ensuring the actualization of the human rights of African women, particularly against cultural norms that inhibit their freedom, it was immediately ratified by 15 members of the African Union. In July 2023, African women reconvened in Kenya to commemorate two decades of the Maputo Protocol. The Protocol stands

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<sup>14</sup>See generally the UDHR Articles.

<sup>15</sup>See Article 2 of the African Charter on Human and Peoples' Rights.

<sup>16</sup>Article 1 of CEDAW; see also Keck, M.E. and Sikkink, K. *Activists Beyond Borders: Advocacy Networks in International Politics*. Cornell University Press, 1998, p.168.

<sup>17</sup>International Women's Year: First UN World Conference on Women, held in Mexico City, July 1975.

<sup>18</sup>The Beijing Declaration is also considered part of the international Bill of Rights for Women. See also Wangrawa Sadia Rita Sonia, 'Women's Rights in Africa – Progress and Problems.'

<sup>19</sup>See Article 9 of the Beijing Declaration, Annex I, Platform for Action, 4th World Conference on Women, A/CONF.177/20/Add.1 (1995).

for women's dignity<sup>20</sup> in line with CEDAW. Today, more African countries have ratified the Protocol and have also created awareness of anti-discrimination laws aimed at reducing gender disparities.

These instruments provide guidelines for the operation of these laws and seek to ensure that women and men enjoy equal rights — whether in property acquisition, inheritance, succession, or political rights. Countries such as Nigeria, Ethiopia, South Africa, and Gambia have recognized the rights of women in family succession and to own, manage, and dispose of their properties in accordance with CEDAW. Nigeria has not yet fully implemented comprehensive political rights for women in its daily affairs, notwithstanding its treaty obligations; however, some African countries — notably Rwanda and South Africa — have demonstrated genuine willingness to allow women's full actualization in political and leadership positions. In Rwanda, under President Kagame, women are allowed to occupy sensitive positions in government. In 2013, the President addressed women as follows:

*"The liberation day we celebrate marked the liberation of all Rwandans without exception. We cannot speak of a liberated and developed nation if we do not include women. The Rwanda Patriotic Front (RPF) and Rwanda stand for inclusive politics, where all members of society are equal."*

President Kagame urged all women present to begin by believing in their right to equality. He spoke further:

*"Gender equality in every sector is not a favour. It is your right. It is the way it should be. The right to equality is not something that can be given or taken; it begins with each of you believing in your equal ability to achieve."*

The President further encouraged his audience with these words:

*"Fighting against inequality and poverty and working for development will only succeed if it involves men and women equally. It is the responsibility of each of us. We cannot claim to be on a sustainable path to transform Rwanda if we exclude women, who are more than half of the population."*

The President of the National Women's Council, Francesca Tengera, once highlighted some of her country's achievements in gender equality:

*"Rwandan women today have access to credit to start businesses, they inherit land, and they are not afraid to join any profession. We have women who fly planes, women in construction businesses, and we lead the world in the number of women in parliament."*

The Rwandan parliament shows 63.3% of seats held by women, a figure that exceeds the constitutional provision of a 30% quota allotted to women in all state decision-making bodies. Yet the nation is not troubled by this ratio. Out of 81 seats in parliament, Rwandan women occupy 51. Other nations that also encourage active roles for women in politics, and the corresponding levels of representation, are enumerated below:

- South Africa – 44.7%
- Cabo Verde – 44.4%
- Ethiopia – 41.9%
- Senegal – 41.2%
- Namibia – 40.6%
- Mozambique – 39.2%
- Angola – 39.1%
- Burundi – 38.2%
- Tanzania – 37.8%

Of the 54 countries on the African continent, only two have female heads of state. Ethiopia and Tanzania are the only two countries led by women: President Sahle-Work Zewde was appointed in 2018 to lead

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<sup>20</sup>See Treaties and Conventions Promoting Women's Rights: An Overview, March 2023, Facts and Figures. <https://focus2030.org/treaties-and-conventions-promoting-women-s-rights>. Accessed 11/12/2025.

Ethiopia, while Ms. Samia Suluhu Hassan was sworn in as President of Tanzania in 2021. In addition, Africa has five female Prime Ministers:

- Rose Christiane Ossouka Raponda of Gabon
- Saara Kuugongelwa of Namibia
- Najla Bouden of Tunisia
- Victoire Tomegah Dogbé of Togo
- Robinah Nabbanja of Uganda.<sup>21</sup>

In contrast, Nigeria has among the lowest and poorest representation of women in politics and governance positions, both within Africa and globally. As at 2024, Nigeria had only 4.4% female representation in the House of Representatives, and only 3.7% in the Senate. Since the return of democracy in 1999, no woman has been elected President, Vice President, or Governor. In current ministerial appointments, women also constitute only a small percentage. All of this amounts to the socio-cultural barriers and systemic discrimination facing female politicians in Nigeria. As at 2025, out of 109 senatorial seats in the National Assembly, women occupy only 4 (representing 2.7%), and out of 469 seats in the House of Representatives, women occupy only 16 (representing 4.7%).

From the foregoing, it is clear that women in Nigeria are often relegated to the margins in a supposedly male-dominated political arena. From a straightforward analysis: what can 4 members achieve among 109?<sup>22</sup> And what can 16 members achieve among 469 in the House of Representatives? These figures represent a clear case of marginalization and discrimination against Nigerian women in politics, constituting a manifest violation of the provisions of CEDAW, the Beijing Declaration, and the African Charter on Human and Peoples' Rights, all of which guarantee equality in every facet of life.

### **Marginalization of Nigerian Women in Political Office**

Marginalization and discrimination are among the greatest enemies of economic and social development in any nation. A system that discriminates on the grounds of gender disparity is tantamount to retrogression and disunity in nation-building. This exclusionary policy is rooted in an inhumane and archaic worldview predestined for failure. In contrast, the equality of citizens is the benchmark of liberal democracy, which contributes to the peace and unity necessary for national development. It is important to state that the inspiration derived from a sense of personal awareness and dignity compels the moral obligation of the individual to act objectively and in the defence of the nation without reservation.<sup>23</sup> In Nigeria, there is a systemic marginalization of women politicians. It constitutes a deliberate exclusion of women from political leadership and other decision-making positions, despite their constituting almost half of the general population. There is political hostility towards women in their bid to rise to political heights, as the legislative representation figures reviewed earlier make plain. Issues of sexual harassment — including sexually suggestive comments, remarks on a woman's body and appearance, and unwanted physical contact — dominate the Nigerian political space and accompany women when they interface with their male counterparts. Politics is often viewed as a male-dominated domain; therefore, any woman who wishes to belong to this domain must endure sexual harassment at high frequency. She may either yield to this immoral pressure or be made redundant, irrelevant, and inconsequential in her chosen political career. The cultural norms of most African societies that expect a woman to dwell solely within the domestic space constitute a regrettable obstacle to women's active participation in politics. Women rarely occupy influential positions in party internal structures; party chairmanships and deputy positions are invariably reserved for men, with lesser posts sometimes given to women only when no male contestant is available. The weak political institutionalization of women's rights in Nigeria has adversely contributed to women's poor representation across the different tiers of government. Nigeria is a party to CEDAW, yet inequality in women's right to governance persists.

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<sup>21</sup><https://www.uneca.org/sites/default/files/gender/eca-fast-facts-women-leadership-and-political-participation.pdf>. Accessed 11/12/2025.

<sup>22</sup><https://www.naltf.gov.ng/meet-women-in-the-10th-assembly>.

<sup>23</sup>Nwabueze, B.O. 'Equality before the Law.' In *Essentials of Nigerian Law*. NIALS Lagos Series No. 2, 1989, p.39.

Section 42 of the 1999 Constitution ostensibly guarantees every Nigerian the right to freedom from discrimination on whatever grounds. The Constitution protects all Nigerians — male or female — from abuse based on gender, tribe, religion, and political affiliation. The phrase ‘circumstances of birth’ in Section 42(2) of the Constitution extends to status, sex, whether born within or outside wedlock, colour, and tribe.

Female politicians have endured serious injustices at the hands of their male counterparts. One of the most high-profile incidents in 2025 involved Senator Natasha Akpoti-Uduaghan, who accused the Senate President, Godswill Akpabio, of sexual harassment, further alleging that the Senate President had been victimizing her and frustrating all her motions simply because she had rejected his sexual advances. Though the accusation was denied, the Senate rejected her complaint on procedural grounds, and she was thereafter suspended for six months for allegedly violating the sitting rules of the chamber — an offence considered minor and disproportionate to such grave punishment. With only 4 female senators among 109, her defences were overruled in a male-dominated arena where an injury to one man translates into an injury to all men. The suspension of Senator Natasha would not have succeeded had there been a sufficient number of female representatives in the Senate chamber. The remaining three women senators became effectively voiceless in her defence, perhaps for fear of jeopardizing their own careers.

Another incident occurred in July 2020, when two female legislators in the Imo State House of Assembly — Hon. Ngozi Obeifule and Hon. Uju Onwudiwe — were harassed and molested by a male member of the same Assembly, Samuel Otuibe. The act was widely condemned by civil society organizations and human rights groups. In 2016, another incident involved Senator Oluremi Tinubu and Senator Dino Melaye on the floor of the Senate. In Nigeria, it is pertinent to note that allegations of sexual harassment by female politicians against male colleagues are invariably handled poorly and follow predictable patterns:

- Denial by the accused, often even before the commencement of formal investigation.
- Delays in addressing the complaint.
- No independent investigation is conducted.
- The focus is shifted to the female complainant, who is characterized as politically motivated, and the complaint is dismissed before any investigation is set up.
- A lack of evidence is cited to avoid taking action.
- The institution is protected from public embarrassment by the concealment of material facts.
- The complainant is suspended.
- The media is used to attack the reputation of the complainant.
- Other women in the chamber are threatened not to support their female colleague; and ultimately, the victim is pressured to apologize to the accused, because the arena is patriarchal in nature — a male-dominated domain where women are seen as prey.

Another reason why the accused invariably goes unpunished is that many legislators resolve to protect their party’s image rather than demand accountability from the accused. Some women who have suffered these injustices prefer to remain silent in order to protect their political careers, fearing that speaking out will cast them in a negative light. Some also choose silence because previous complaints by colleagues have resulted in no deterrent measures; rather, the accused continues to boast and threaten the whistle-blower.

### **Women’s Constitutional Rights in Nigeria**

Fundamental rights are rights belonging to all Nigerians, including women. Chapter 4 of the Nigerian Constitution of 1999, as amended, makes extensive provision for these rights, and all women are entitled to benefit from them. The right to freedom from discrimination is an essential component of this chapter; every woman, by virtue of this chapter, has the right to freedom from discrimination in all human endeavours, including the right to participate in political activities and to hold political offices as leaders. There is, however, a derogation clause to this right in Section 45 of the Constitution, which provides inter alia that a right may be derogated from:

- In the interest of defence, public safety, public order, public morality, or public health; or
- For the purpose of protecting the rights and freedoms of other persons.<sup>24</sup>

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<sup>24</sup>Section 45(1)(a) & (b) of the 1999 Constitution.

This derogation clause cannot defeat the right to freedom from discrimination as provided for all Nigerians. The insidious, institutionalized erosion of women's rights through discrimination in political offices is not accommodated by this restriction clause. The right to freedom from discrimination is a justiciable right for all Nigerians, including women. The importance attached to this right extends beyond political office-holding into the right to acquire and own property anywhere in the country without discrimination of any sort.<sup>25</sup> Chapter 2 of the Nigerian Constitution of 1999 contains the Fundamental Objectives and Directive Principles of State Policy. Section 15 emphasizes the political objectives of the government, stipulating that national integration shall be encouraged whilst discrimination on grounds of place of origin, sex, religion, status, or ethnic or linguistic association shall be prohibited.<sup>26</sup>

This provision also recognizes that discrimination based on gender is toxic to peace, unity, and the development of the country, because the role of women in nation-building cannot be underestimated. Relegating women to the domestic arena or to secondary roles is therefore a waste of national potential. It is worth emphasizing that a Nigerian Senate with only 4 female members out of 109 is a violation of Section 16 of the Constitution, which stresses economic objectives based on social justice and equality of status and opportunity.<sup>27</sup> If equality and justice are indeed the foundations upon which a nation is built, then equality in the justice system of a nation ought to guarantee adequate fairness in the selection or election of political leadership, without regard to gender. The phrase 'all citizens' used in the Constitution encompasses both male and female; it is not restrictive to any particular gender. Section 18 of the Constitution advocates for the social objectives of the government to be founded on the ideals of freedom, equality, and justice.<sup>28</sup> There shall therefore be equality of rights, obligations, and opportunities for all citizens before the law.<sup>29</sup>

The realization of equality for all citizens as provided in the Constitution can only be achieved if women are given equal representation in decision-making systems and are freed from all forms of discrimination. The number of female legislators in the National Assembly must be commensurate with their male counterparts; grievances must be addressed on their merits, free from bias; and women must be given unrestricted access to climb to the highest levels of political leadership in the country. A woman can and should be President of Nigeria. To achieve social justice, all rights and privileges due to women in politics must not be denied simply because they are women. The state is obligated to ensure that:

*All citizens, without discrimination on any ground whatsoever, have the opportunity to secure adequate means of livelihood as well as adequate opportunity to secure suitable employment.*<sup>30</sup>

Though the right to employment is not directly justiciable under the Constitution, fairness, justice, and impartiality in the discharge of public duties and the enforcement of laws require that every citizen, including women, be treated on equal terms with men in respect of employment opportunities. Women's rights in Nigeria also extend to the provisions of the African Charter on Human and Peoples' Rights, which has been largely domesticated into the Nigerian Constitution,<sup>31</sup> thereby becoming an integral part of Nigerian municipal law.<sup>32</sup> For the protection of citizens against discrimination, the Fundamental Rights (Enforcement Procedure) Rules 2009 have also become an essential instrument for the enforcement of the Charter's provisions as fundamental rights in Nigeria. The liberal interpretation and application of the Nigerian Constitution is in full consonance with the African Charter in a manner that promotes and protects

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<sup>25</sup>Onah, Chinedu A. et al. 'Women's Right to Acquire and Own Land in Nigeria: Examining the Conflicts between Statutory and Customary Law.' *Unizik Journal of Public and Private Law*, Vol. 12, 2022, p.2.

<sup>26</sup>Section 15(2) of the 1999 Constitution.

<sup>27</sup>Section 16(1) of the 1999 Constitution.

<sup>28</sup>Section 17(1) of the Nigerian Constitution.

<sup>29</sup>Section 17(2)(a) of the Nigerian Constitution.

<sup>30</sup>Section 17(3)(a) of the Nigerian Constitution.

<sup>31</sup>African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act, Cap A9, LFN 2004.

<sup>32</sup>See also *Sani Abacha v. Fawehinmi* (2000) SC No. 45/1997.

human freedom — implying that the African Charter is directly enforceable in Nigeria as a source of fundamental rights, and that anyone who suffers discrimination in Nigeria may invoke the Charter to assert their rights before any court of competent jurisdiction (*Gani Fawehinmi v. Abacha*).

Additional efforts to address challenges surrounding the right to freedom from discrimination in Nigeria are found in Paragraph 3(b)(ii) of the Preamble to the 2009 Fundamental Rights Enforcement Procedure Rules, which compels Nigerian courts to give due regard to municipal, regional, and international human rights instruments, including CEDAW, the UDHR, the ICCPR, and other protocols within the United Nations human rights system. The Fundamental Rights (Enforcement Procedure) Rules are sacrosanct in respect of individuals, including women, invoking the provisions of the African Charter directly in both Nigerian courts and the ECOWAS Court in seeking redress for all forms of injustice occasioned by discrimination.

The Nigerian Constitution and the African Charter both promote and protect the rights and freedoms of women as guaranteed by the preamble of the Charter.<sup>33</sup>

### **Approaches to Feminism in Other Jurisdictions**

Some African countries have distinguished themselves as role models in the treatment of women in political positions. In these countries, women are treated with full empathy and are fully protected against discriminatory conduct by their male counterparts. As noted earlier, Rwanda is the foremost country in the world in terms of showcasing the value of women through their appointment to and election into various governmental positions, with an impressive 63.8% of the country's cabinet made up of women. South Africa is another country that greatly values the contribution of women, with 44.7% of its cabinet composed of women. Cabo Verde has 44.4% female cabinet representation. South Africa explicitly and extensively prohibits unfair discrimination on a wide range of grounds, including race, gender, sex, pregnancy, marital status, colour, culture, belief, religion, age, disability, and other similar characteristics.<sup>34</sup> This provision in the South African Constitution reflects a spirit of inclusiveness and a proper understanding of equality and equity within the framework of feminist principles. Cabo Verde shares similar sentiments. Cabo Verde is a mixed society situated on an archipelago of volcanic islands in the central Atlantic Ocean, reflecting a blend of Portuguese and West African heritage. It was the first African country to introduce legislative candidate quotas in 1999 and subsequently had a female-majority government in 2015. There is a strong women's advocacy organization called the Organisation of Women of Cape Verde (OMCV), founded in 1981, and a network of women parliamentarians (RMPD-CV), which actively promotes women's rights and gender mainstreaming in policy. A legal framework including the Gender-Based Violence (GBV) Law of 2011 exists, aimed at empowering women through parliamentary networks that monitor implementation.

Returning to South Africa, retrospective remedial measures are permissible to address historical injustices or systemic disadvantages experienced by marginalized groups such as women and socio-economically vulnerable persons. For instance, the allocation of resources in favour of women is justified on the basis of correcting long-standing gender imbalances in the system. To create lasting gender equity, women are sometimes specifically targeted with beneficial interventions to compensate for prolonged exclusion from certain benefits. This initiative reflects a feminist legal consciousness that seeks not only formal equality but also transformative justice, ensuring that those who have been historically marginalized receive meaningful support and empowerment from government. The South African Constitution has shifted from merely prohibiting discrimination to actively promoting equality, especially for women and

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<sup>33</sup>Sanni, Abiola. 'Fundamental Rights Enforcement Procedure Rules, 2009 as a Tool for the Enforcement of the African Charter on Human and Peoples' Rights in Nigeria: The Need for Far-Reaching Reform.' *African Human Rights Law Journal*. University of Pretoria, 2011, p.512.

<sup>34</sup>Section 9(3) of the South African Constitution, 1996.

other disadvantaged groups.<sup>35</sup> This position was demonstrated in the South African cases of *President of the Republic of South Africa v. Hugo*<sup>36</sup> and *City Council of Pretoria v. Walker*.<sup>37</sup>

In *Hugo*, the then South African President Nelson Mandela had refused to grant the applicant state clemency, despite having granted clemency to female inmates convicted of the same offences. Hugo argued that he had been discriminated against before the law. In defence, the President asserted that he had granted the female inmates the unilateral favour in atonement for the long history of abandonment of women's rights, and also for the benefit of their infant children, given the typical primary care-giving roles performed by women, which generally surpass those of their male counterparts. Supporting the President's action, the Court agreed that mothers have a more direct and vital role in nurturing the welfare of younger children than fathers.<sup>38</sup> This constitutionalism, which supports women's emancipation, should be upheld in all circumstances — if not in the form of remedial measures, then at the very least by ensuring that meaningful representation of women is felt in all decision-making bodies and political positions within the Nigerian political arena.

### Conclusion

The right to participate in a nation's political affairs and the right to political leadership are not the exclusive preserve of men. Constitutionally, men and women are to share the same measure of rights in all aspects of life. The right to equality and justice belongs to all, irrespective of sex, religion, race, gender, or colour. Section 42 of the 1999 Constitution is demonstrative of this provision, as are other international human rights instruments and protocols. Though many African nations have ratified most international conventions into their domestic legislation, the level of implementation has remained far too low in Nigeria, in contrast to other African nations. In Nigeria, women politicians are treated as rivals by their male counterparts. The cultural norm that confines the future of women to the kitchen, the sitting room, and the other rooms — as famously expressed by a former President — is a reflection of a deeply entrenched Nigerian patriarchal ideology intertwined with cruelty, ignorance, and backwardness. The equality of men and women must be visible in practice for progressive change to occur in a society yearning for socio-economic development. The subordination of women to male authority, in both private and public spheres, merely on account of being a woman, is tantamount to a deprivation of the right to equality — a practice most notorious in African societies. The fact of being a woman must not be seen as a misfortune or a condition of servitude, but rather as a dignified expression of the human person, entirely capable of contributing to societal well-being, as exemplified by the founding mothers of Nigeria. The right to equality is the right to equity, and womanhood deserves nothing less.

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<sup>35</sup>Albertyn, C. 'Substantive Equality and Transformation in South Africa.' *South African Journal on Human Rights* (2007) 23(2), pp.253–272.

<sup>36</sup>*President of the Republic of South Africa v. Hugo* 1997 (4) SA 1 (CC); 1997 (6) BCLR 708 (CC).

<sup>37</sup>*City Council of Pretoria v. Walker* 1998 (2) SA 363 (CC).

<sup>38</sup>See Langa, Pius Nkondo. 'Equality Provisions of the South African Constitution.' *SMU Law Review* (2001) Vol. 54, Issue 4.