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Recognising patriarchy at the core of gender discrimination in Nigeria

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Abstract

This paper examines the concept of patriarchy as a major impediment to the enforcement and protection of women's rights in Nigeria. Over the years, African countries and Nigeria in particular have gained the unsavoury reputation as countries where women are relegated to the background. This belief that women should be heard and not seen is reflected in several customs, practices and laws prevalent in Nigeria. Consequently, there is resultant abuse and segregation of women. This paper by means of the doctrinal method- which is qualitative in nature and mostly library based employs information necessary to analyse and verify as well as support legal hypothesis which will impact decision-making and actions pursuant to address this scourge of gender discrimination in Nigeria. This paper further identifies some of the effects of patriarchy in Nigeria, such as the existence of abusive customary practices, unequal social, economical and political participation of women in Nigeria. It also examines the existent laws that aid patriarchy in a bid to identify the relevance or otherwise of these laws in addressing rights violation where applicable. This paper concludes by recommending inter-alia, legislative reforms as well as retraining of the relevant personnel in the institutions charged with the protection and enforcement of women's rights.

Keywords: Patriarchy, gender discrimination, reproductive rights, women's rights, human rights

Introduction

In recent times, the proliferation of scholarly research and discourse on the evolving concept of women rights has led to multiple discussions springing up across the globe. The significance of these works cannot be overemphasized as they have significantly influenced the promulgation of laws and policies to guide and protect rights of women the world over. Many of these discussions have invariably whipped up controversies and diverse sentiments. There have been countless outcries across the world, as the concept of women's rights and liberation have been viewed in many circles as ungodly, immoral as it is believed to generate unfounded disregard for cultural and religious beliefs as we have known it for years. Consequently, the arguments that law should be gender neutral and should not undermine or enable oppression of the female is what is now known today as feminist jurisprudence ^[1]. Today, it has become globally acknowledged that safeguarding and enforcing women's rights is a significant element to engender societal development and progress. This can be traced back to that significant conference in Cairo Egypt, where it all began and the global acknowledgement that the fulfillment of women's right is a condition precedent for societal development.

The discourse on gender equality is incomplete without a discourse on rights of women, which is summed up in Reproductive rights, which refers to the protection of women's rights and protection against abuses ^[2]. It further includes the right to plan one's family, freedom from interference in reproductive decision making and the right to be free from all forms of violence and discrimination which affect the reproductive life of a woman ^[3]. Succinctly put, it encompasses the ability of a woman to the total freedom of enjoyment of her fundamental human rights. For instance the entirety of section 42 of the Constitution of the Federal Republic of Nigeria cannot be fully appreciated if a woman is denied fair and equal participation in politics or at the work place. Pursuant to this view, feminist scholars have endlessly advocated for the incorporation of gender specific human rights protection into national law and legal systems ^[4]. The battle for the recognition of gender specific rights in Nigeria has nonetheless encountered limitations and impediments.

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Currently, standard and literal interpretation of National and international Human Rights have been adopted in reproductive health matters. The human rights provisions in Section 17, sections 33 to 45 The Constitution of the Federal Republic of Nigeria have been made applicable to the protection of reproductive health and rights of women in Nigeria^[5]. This paper will discuss the menace of patriarchy in Nigeria, its effects as well as recommendations for the creation of policies with a view to suppress and eventually eradicate patriarchy while promoting gender equality in Nigeria.

Conceptual Clarification

Gender Discrimination

This is the unequal or disadvantageous treatment of an individual or group of individuals based on their gender. For example, Sexual harassment against women constitutes gender discrimination^[6]. Gender discrimination involves dealing with an individual differently or being biased because of their gender^[7]. Gender discrimination is the bane of many debates and controversial conversations globally. The advocacies that have birthed several laws and policies on reproductive rights are all traceable to the complications arising from gender discrimination.

The distinguished scholar, Shirley Chisholm succinctly puts it thus:

The Emotional, Sexual and psychological stereotyping of females begins when the doctor says: 'it's a girl'^[8]. This quotation explains the mindset of most persons especially in Africa, when a girl child is born. In most African societies, girl children are seen as inferior to the boy child. The emblem of a refined society is the ability to exhibit social equality which is void of discrimination^[9].

It therefore appears that customs and social values are the justification for discrimination and inequality in a typical Nigerian society today.

b) Reproductive Rights

Over several years, it can easily be construed that there has been a continuous battle by both government and society for the exercise of control over women's reproductive and sexual capacities, with society consistently trying to box the female gender to a subservient position without regard for her inherent abilities. Undoubtedly, customs have reigned over these capacities, subsequently; we see governments applying criminal laws as an instrument to control morality, for instance through the prohibition of birth control and abortion or by penalizing unacceptable forms of sexual behavior^[10]. Global awareness has increased in relation to the protection and promotion of Reproductive rights all thanks to the impact of the ICPD and the Beijing platform. Both conferences projected the recognition and protection of Reproductive Rights to the global stage, increasing awareness that such matters are now matters of social justice which can be addressed through improved application of human rights provisions already contained in existing national laws, regional and international human rights treaties^[11].

The ICPD^[12] points out that reproductive right represent some human rights already recognized in national law, International Human Rights and other United Nations documents^[13]. These rights are hinged on the recognition of the rights of individuals of couples to freely decide the number, spacing and timing of their children and to access

information on safe means to do so^[14]. In exercising these rights they should take into consideration, their needs and responsibilities as well as the needs of their future children^[15].

Reproductive rights are closely linked but not limited to health rights. It encompass the right to reproductive healthcare which includes the right to regular access to safe, high-quality reproductive healthcare services and the right to reproductive autonomy^[16]. This includes but not limited to, the right to plan one's family, freedom from interference in reproductive decision making and the right to be free from all forms of violence and discrimination which affect the reproductive life of a woman^[17]. In addition to health, reproductive rights promote the concept of autonomy, choice and freedom in matters of reproduction as well as full enjoyment of freedom of participation in social, economic as well as political spheres.

c) Patriarchy

This is a system of society or government in which the men hold the power and women are largely excluded from it. It is system in which relationships, beliefs and values embedded in political, social and economic systems boost gender inequality^[18]. Women's access to the benefits of development and the emancipation of women is particularly difficult to assess in Africa due to the existence of patriarchal structures and ideology^[19]. It is unarguably one of the major travesties of African women, that men often take undue advantage over their bodies. In the typical African traditional societies, the quest to retain autonomy over their bodies has been a consistent battle for the women. In reality, African men take advantage of women majorly because of the authority which the society accords the African men as a result of the Patriarchal cultural practice which is traditionally entrenched within the African society. This patriarchy has directly and indirectly affected the economy as well as the power structure in the African society^[20].

Historical View of Gender Discrimination

The research propagated by Mary Wollstonecraft^[21] has undoubtedly provided enlightenment and awareness on the importance of annihilating gender discrimination and the need for women empowerment. She dismissed the cultivation of traditional female virtues of submission and service and argued that women could not even excel at motherhood, wifehood, and management without proper education. She decried the expectation that women were meant to stay home, maintaining a dainty and delicate appearance with a gentle demeanor, while sacrificing education and intelligence^[22]. She advocated for women to be educated equally as men and that women should be treated with dignity as well as the necessity for proper training to equip them to be not just companions for their husbands but intelligent women overall. She put it succinctly thus; connected with man as daughters, wives and mothers, the moral character of women may be judged by how they fulfill the simple duties expected of them; however what is most important in the end should be the development of their own faculties and the acquisition of conscious virtue and dignity.

This paper submits that many of the challenges pertaining to women in her time, when she authored this material, are no longer prevalent today. For example during the era

surrounding her work, the celebrated case of *Bradwell v. Illinois* ^[23] came up. In that case, Mrs. Bradwell had been denied admission to the Illinois Bar. Notably, Justice Bradley had pointed out thus.

“The natural and proper timidity and delicacy which belongs to the female sex evidently unfits it for many of the occupations of civil life.” This paper is grateful that, this appalling and derogatory decision was overturned by the United States Supreme Court in 1971. Notably the movement for women education and gender equality began to advance in the 70s. Today, even in Nigeria and other developing countries, countless number of women and girls are continually being called to the Bar, as well as being inducted into several other prestigious occupations.

This paper pays homage to the works of women like Mary Wollstonecraft ^[24], who have paved the way for women education and career advancement as a tool to self-development which inevitably leads to societal progress. Thus, the contribution of her work cannot be undermined in any gender study today. Undoubtedly, change comes with resistance, in many cases it is painful as it causes a breaking away from the familiar into the unfamiliar, however in the end it is always worth it.

As noted earlier, feminist scholars have over the years, aggressively advocated on the importance of incorporating gender specific human rights protection into national law and legal systems ^[25].

It is unarguable that the control of women's rights dates back in time. From time past, customs have controlled women's capacities and rights, subsequently; we see governments applying criminal laws as an instrument to control morality and societal conduct, especially that of women. Until quite recently, matters relating to women's rights were considered by most Africans as issues for discussion only by 'queers' and liberal feminist groups ^[26]. The typical traditional African values and societal norms view reproduction and sexual practices as very private issues not meant for public discussion. Thus, it was more or less a “sacrilege” to advocate for sexual rights, safe abortion and reproductive choice. Cultural practices like female genital mutilation (FGM) were accepted by many societies and the practice was perpetrated by many-albeit they are harmful and a gross violation of reproductive health and rights.

It is now accepted that gender and the law are an important component of Nigerian Jurisprudence. Thus, beyond advocating for feminine jurisprudence, an understanding of human behavior and values today, is paramount in the deterrence of discrimination ^[27]. It is believed that the crux of gender and human rights studies is to expose the injustice suffered by women in society, in a bid to influence and motivate policy makers on a review of the law thereby producing practical and viable remedies for gender challenges ^[28]. Feminist jurisprudence highlights the laws that have obviously been enacted from the male perspective, in other words it is based on how men view society ^[29].

Feminist jurisprudence incites general criticism of female inequality and domination of men both sexually and otherwise in academic discourse. Feminist jurisprudence attempts to explore and criticize the law from the female point of view ^[30]. This implies that the major cause of women's problem is the law itself, as it encourages and enables the suppression and oppression of women. Thus feminine jurisprudence is on a mission to reform the law

and transform it to a tool for liberation and protection of women.

Gender Discriminatory Statutes in Nigeria

An in-depth study of Nigeria's legal framework immediately points to a lack of gender specific laws as a paramount problem and impediment to promotion and protection of reproductive rights. The fact that the provision in section 17 of the Nigerian Constitution ^[31] is non-justiciable and, unenforceable, adds to the milieu. Although the National Health Policy and Strategy, 1988 ^[32], remains relevant, there is no apparent backing from the existing laws, which are nevertheless riddled with several contradictory provisions ^[33]. Without controversy, the existing legal framework is not only meager, but is bedeviled with restrictive provisions and as such unfit to serve the purpose of providing assurance for the enforcement of women's reproductive rights ^[34].

As provided in the Constitution of Nigeria ^[35], discrimination on grounds of the circumstances surrounding the birth, gender or tribe of a person is highly prohibited. Notwithstanding this provision, Nigeria has discriminatory legislations that still encourage female discrimination. Some of these are discussed below:

Criminal Code and Penal Code

The provisions of the section 353 of the Criminal Code, which describes unlawful assault of a man as a felony attracting imprisonment of 3 years while section 360 describes unlawful assault of a woman as a mere misdemeanor attracting imprisonment of 2 years, is clearly reflective of the age long gender disparity. This paper contends that this disparity is unnecessary as it appears that the difference in liability is because men are more human than women hence greater punishment is prescribed when the offence is against men: Another example of a discriminatory law in Nigeria is the Penal Code which is only applicable in the Northern states of Nigeria. It is disturbing that section 55 (1) (d) provides that:

An assault by a man on a woman is not an offense if they are married, if native law or custom recognizes such “correction” as lawful, and if there is no grievous hurt.” Thus, this provision is enabling domestic violence under the guise of “discipline by the husband.

This provision further reflects the deeply entrenched problem of patriarchy as the bane of discrimination in Nigeria.

This paper therefore asserts that the Nigerian laws in their present state are contributory to the discrimination and inequality meted on women, and as such is in dire need of legislative reform ^[35]. As earlier asserted, the legal framework should at all times be a reflection of a people's ideals and goals and as such the legislature should consider both perspectives of men and women when drafting the laws ^[36]. This paper begs to answer the question, what is the rationale for the disparity in the punishment for assaulting a man and a woman, are they not both assault of a ‘human being’, is one human (the man) greater than the other human (the woman)? This paper finds no basis for calling the assault of a man a felony which is a serious crime while assault of a woman is a misdemeanor which is a less serious offence. It is quite exasperating the same criminal enables marital rape ^[37] by providing that in so far as the marriage is subsisting and the woman has attained puberty then any

sexual intercourse with her does not amount to rape. We see a similar provision in the penal code ^[38]. This paper posits that besides from the imbalance in this legislation, the provision is significantly vague and ambiguous. It covers assault in the general sense and makes no reference or provision for violence in a relationship or marriage; it also makes no provision for relief or maintenance, shelter custody of children of the woman who is the victim ^[39].

It is trite that the law has an obligation to be impartial in its duty of effecting social change, therefore any law that does not accord women equality, is a partial law and in need of urgent review. Women must be regarded as equal under the law and it must reflect on the face of the laws. Therefore any legal system that promotes a culture of relegating women is contemptuous ^[40].

Nigerian Police Force Regulation ^[41]

The Police Act provides that an unmarried woman, who becomes pregnant while in service, shall be discharged from the force and shall require the approval of the Inspector General of Police before she can be re-listed ^[42]. Not only is this clearly discriminatory, it is a clear violation of a woman's right to freedom of thought and conscience as well as a violation of her right to private family life ^[43]. This paper points to the case of *Women Empowerment and Legal Aid v. Attorney-General of the Federation* ^[44] where the Federal High Court Per Adah J. (As he then was) held as follows:

The most fundamental issue is if this is the policy laid down for the police, does it apply to the men folk? It is not. So it is only issued to women police officers because of their gender as women and this is very much unconstitutional ^[45].

There seems to be light at the end of the tunnel for women's rights in Nigeria. Recently, in a landmark judgment delivered by the Ondo State, Akure Division of the National Industrial Court, Justice D.K Damulak, held that "the police regulation which permits the dismissal of an unmarried pregnant officer was discriminatory, illegal, null and void" ^[46].

Labour Act

It recognizes maternal health in section 54 by providing for maternity leaves which is in line with the provisions of Article 13 of the African Commission on Human and Peoples Rights Protocol on Women's rights mandates State parties to enforce measures to adequate, paid maternity leaves. Unfortunately, this is the exclusive preserve of women in the organized labour sector, leaving out their rural counterparts- thus the rights of women in rural areas are not guaranteed in this regard. Additional discriminatory provisions in the Labour Act can be found in section 55(1) which precludes a woman from being employed for night shifts. Section 56 (1) prohibits women from being employed for underground mining jobs.

This paper submits that such laws should be reviewed to reflect the current trend of gender equality as well as protection of women's rights. A notable example worthy of emulation is Slovakia, which has the Anti-Discrimination Act 2004. This Act incorporated the provisions of the European Commission on gender equality- which makes it illegal to pay unequal wages based on gender in Slovakia, this is an example of a gender specific law. A lesson can be learnt by Nigeria, from the case of *Frontiero v. Richardson* ^[47]. In that case, the Supreme Court of the United States,

held that any federal law that grants dependent status to wives of service men but does not do the same to husbands of servicewomen, was discriminatory law. Justice William Brennan put it succinctly thus:

There can be no doubt that our nation has had a long and unfortunate history of sex discrimination. Traditionally, such discrimination was nationalized by an attitude of "romantic paternalism" which, in practical effect has put women in a cage rather than a pedestal.

This is a call for women to be bestowed equality under the law and this should also be reflected in legislation ^[48]. He argues that the Nigeria law is a reflection of its cultural beliefs and indoctrination which seeks to relegate women to the background. This paper finds it unsettling that the Nigerian legal system clearly engenders domination and relegation of women ^[49]. Significantly, since the days of the ICPD Nigeria has taken "baby steps" in propounding policies to implement the goals of reproductive rights.

The law rides on the wheels of implementation. For regulations to have the desired effect, there must be provision for their enforcement. The problem of how to implement international human rights, particularly those concerned with the advancement of women, into domestic systems is a complex one to which there is no quick and easy solution ^[50].

Patriarchy as the Bane of Gender Discrimination in Nigeria

Nigeria is a definitive example of a typical patriarchal African society in whose system of social stratification and gender differentiation enables men to subjugate women in all spheres of life ^[51]. As noted earlier, Nigeria has gained the unpopular recognition globally as a patriarchal society in which the inalienable rights of women are often subjected to ridicule, extensive abuse, neglect and violations. This explains why concepts like marital rape as described in the Violence against Persons Prohibition Act received a backlash from the male folk. The rejection of the Gender and Equal Opportunities Bill 2016 by the National Assembly is also a sad reflection of the dominant role of patriarchy and similar sentiments in Nigerian governance. The Nigerian legislature has failed to enact the Gender and Equal Opportunities Bill 2016, a piece of legislation that would have domesticated the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in Nigeria. Strong religious and cultural convictions, misunderstanding of the notion of gender equality, and poor strategic approaches from civil society organizations, have contributed to this result ^[52]. In order to ensure that Nigeria fulfils its international obligations, it is important for advocates of the bill from the legislature and civil society to adapt their strategies so that they are better suited at targeting the factors that are directly hindering the success of the bill ^[53].

Notably, women are denied access to many platforms which men have unfettered access to; there are also cases of unequal pay, and unequal working standards between men and women in organizations ^[54]. This in turn leads to unequal access to resources, consequently poverty, sufferings, health risks and even death. They also make reference to studies that show a significant percentage of the population living below the poverty line and women account for a large proportion of that percentage. This in turn leads to poor reproductive health and low standard of

enforcement of reproductive rights ^[55].

Though Nigeria has a national gender policy that focuses on the empowerment of women and advocates against any form of discrimination against women, and the Nigerian Constitution prohibits discrimination on the basis of sex. There has also been improvement in terms of gender equality in education: Girls' school enrolment has steadily increased, particularly in the Northern part of Nigeria, which in the past witnessed a high rate of neglect and discrimination toward women. However, there is still significant gender disparity when it comes to labour force participation and representation in government ^[56].

Gender discrimination is a canker worm that is eating deep into the Nigerian society. Article 1 of CEDAW defines the term 'discrimination against women' as any distinction, exclusion or restriction made on the basis of sex which has the 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" ^[57]. Equality implies non-discrimination, and discrimination is violation of the right to equality ^[58]. While the Convention acknowledges the maternal function of women, social and cultural patterns of conduct often glorify motherhood in a manner that limits the women's right to freedom in making life choices ^[59]. Cultural and religious attitudes may value women according to their ability to produce children. Their health may consequently be jeopardized by repeated pregnancies spaced too closely together, often as the result of efforts to produce male children. Women who have not borne children may be cast out of marriages on the assumption that they, rather than their male partners, are infertile. Women may be denied access to health care that is unrelated to their reproductive functions, and their health needs may be considered secondary to those of their children or, in the case of pregnant women - to the health of their fetuses ^[60].

This area of discourse is particularly associated with the equality theory because of what has already been noted as "real" differences between women and men - some biological (Or physiological), and some social ^[61]. Women's health needs are different from men's due to both biological differences and societal factors. This is particularly true as regards women's reproductive and sexual health, not only because biological differences are of the essence, but also because discrimination against women is closely associated with prejudices and stereotypes based on patriarchal notions of women's sexual and reproductive roles and functions ^[62]. Stereotypes around women's sexuality underlie codes of chastity that circumscribe women's freedom of movement and their participation in public life. Certain practices harmful to women's health are related to discriminatory attitudes about women's sexuality that deny them the right to a satisfying sex life ^[63]. These entail unnecessary interventions, such as female genital mutilation, forced virginity examinations and hymen repair. Women's sexuality is frequently subordinated to the satisfaction of male needs, exposing them to risks of sexual abuse and violence. As a consequence of unequal power relations based on gender, women and girls are often unable to refuse sex or negotiate safe sex; they therefore face risks of contracting sexually transmitted diseases, including HIV/AIDS ^[64].

The discriminatory nature of African society towards women can be explained thus;

In Africa, societies have often used the occasion of a woman's pregnancy to suspend her human rights. In some countries, the legislature and the courts continue to limit women's rights based on their reproductive health status. All women are entitled to their inherent human rights, which include and are not limited to the rights to dignity, liberty, equality, health and bodily integrity. These rights constitute reproductive health rights of women and are enshrined in the Universal Declaration on Human Rights, global and regional human rights treaties and national Constitutions across the continent ^[65]. This is an expatiation of what women go through on a regular basis in Africa, where male judges are often seen to treat matters of women's rights with levity. Even the military, for example the police in Nigeria have been known to send back female complainants of domestic violence with words like, "it is a family issue, go home and settle with your husband."

In Nigeria, it could be said that the abuse of the natural rights of a woman begins from the time of her birth and only comes to an end at the time of her death ^[66]. Many customs fail to acknowledge the existence of the rights of women. This position is largely encouraged and thrives due to widespread belief pervaded by patriarchy which is deeply rooted in African societies, where men are seen as over-lords. Patriarchy is without a doubt the pillar of many cultural and customary practices which aggravate violence and discrimination against women ^[67]. In many parts of Nigeria, and significantly in the Northern parts, under aged women are prematurely and compulsorily betrothed to a man at birth. Thus they are denied basic education and become generally burdened with domestic household chores even before they come of age enough to appreciate these roles, which have been prematurely thrust upon them. This gives rise to a lifetime of complete dependence on a man she barely knows or even has feelings for: Where such a man eventually dies, she is absolutely denied any right to inherit his property and because she had been completely depended on him all this time, she is suddenly miserable and impoverished. Unfortunately her woes are just beginning as she made to undergo torture and several forms of inhumane and degrading treatment which according to the obnoxious customs and practices is a sign of respect for the deceased husband. These cultural, religious and societal norms are indisputably the bedrock of the historical maltreatment of widows in Nigeria, and are clearly championed by patriarchy ^[68].

All these prejudicial customary practices in Nigeria not only violate women's rights but are also a breach of other constitutionally protected rights ^[69]. For instance, despite the existence of section 42(1) of the Constitution, which provides for freedom from discrimination, women still suffer prejudice monumental infringement of their rights in Nigeria. The discrimination against women on the basis of their gender is still a current phenomenon in several fractions of Nigeria. Daily, women are denied access to several platforms, which men can access without hindrance. There are pervading incidences of unequal pay, and unequal working standards set for men and women in even in the same organizations ^[70]. The resulting consequences from this imbalance are unequal access to resources, which of course engenders poverty, suffering, health risks, and could ultimately culminate in death.

Irrespective of the Constitutional provision prohibiting discrimination on grounds of gender, gender discrimination and inequality still holds sway in the Nigerian society. An ideal constitution should be reflective of a country's desire to promote protection of all, women inclusive. The same cannot be said of the Nigerian Constitution, which seems to have been drafted without the input of relevant stakeholders- women inclusive. The couching of the 1999 charter is reflective of the absence of women's input. This is reflected clearly in the language of the law. The obvious use of only the male pronoun is a dead giveaway ^[71]. For emphasis, a closer look at section 131 list out the qualifications for the office of the president of Nigeria using the pronoun 'he'. The clear implication is that the makers of that document never envisaged a woman president for Nigeria- little wonder, the country has neither produced a female president nor an aspiring candidate of the female gender ^[72]. There is need for Nigeria to embrace the global culture shift which is increasingly adopting a more women friendly system that allows women unfettered access and equal participation in all areas of governance.

It is however commendable that Nigeria has a national gender policy that focuses on the empowerment of women and advocates against any form of discrimination against women, and the Nigerian Constitution prohibits discrimination on the basis of sex ^[73]. Over the past years, there has been tremendous advancement in the girl child education: there has been steady increase in the enrollment of girls in school, significantly in the northern areas of the country where girl child marriages hitherto thrived. Nonetheless there is still significant disparity between genders in work spaces and Government participation and representation ^[74].

This paper acknowledges the increased participation of women in politics in recent times, however there is room for improvement. The representation of women in the legislature is insignificant- only seven women out of 109 seats in the senate and eleven women out of 360 seats in the House of Representatives ^[75]. Nigeria currently has the lowest rate of female representation in parliament across Africa as she ranks as 181st out of 193 ^[76]. Gender equality should not be in words only but should be seen to be at work indeed. There is need for proper structures to be put in place to enable women have unfettered access to the same platforms that men have no problem accessing ^[77].

Finally section 26 of the Constitution provides that a foreign woman married to a Nigerian man is eligible for Nigerian citizenship but there is no similar provision for instances where a foreign man is married to Nigerian woman- this disparity is a clear reflection of the prevailing gender imbalance and inequality fuelled by patriarchy in Nigeria. These are a reflection of the spate of gender inequality in Nigeria. Against this backdrop, this paper makes the following recommendations:

Recommendations and Conclusion

1. The need for education and the creation of awareness cannot be over emphasized. Government sponsored seminars, conferences and trainings will be useful tools in helping women attain self-awareness.
2. Women empowerment programs should be created as a means to eliminate poverty which has been identified as one major reason why women remain in abusive relationships. Civil society groups and NGOs must also

be proactive in their support for women.

3. The Gender and Equal Opportunities Bill 2016 as of necessity should be passed into law as this will give effect to PART II of the Constitution (which solves the age-long challenge of non-justiciability).
4. The promulgation of the Gender and Equal Opportunities Bill will further give effect to the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) as well as the Additional Protocol on Women's Right to The African Charter 2003(Maputo protocol), which are key tools for the advancement of women's rights.
5. It is imperative that International instruments such as CEDAW (which contains an extensive protection of women's rights), The Additional Protocol on Women's Right to The African Charter 2003 be domesticated to aid its enforcement and implementation by the courts.
6. As noted in this paper, the Constitution of the Federal Republic of Nigeria is long overdue for amendment. Consequently, the language of the constitution which is not gender inclusive should be rectified; Finally, the non- justiciable provisions should be moved to Part IV and made enforceable in our courts of law.

This paper submits that strong religious and cultural convictions, an apparent misunderstanding of the notion of gender equality, and poor strategic approaches from civil society organizations, are all contributory factors to gender imbalance in Nigeria. As noted earlier, Nigeria has gained the unsavory reputation internationally as a society where patriarchy thrives. This is no surprise, considering that in every sphere, women are subjected to constant subjugation and infringement of their inalienable rights. Women are often subjected to ridicule, extensive abuse, neglect and violations, whether in workplaces, schools, and even on social media. It therefore is no surprise at the public outcry and open condemnation of concepts like marital rape as inculcated in the Violence against Persons Prohibition Act as well as the public criticism and subsequent rejection of the Gender and Equal Opportunities Bill 2016 before the National Assembly. This is a sad reflection of how deeply entrenched patriarchy is in Nigeria. Therefore in order to fulfill obligations both at the international and local level, amendments must be made to the existing legal framework as well as the need for solid mechanisms in place to foster gender equality and protection of women's rights, going forward. There is also a dire need for the general unlearning of old and archaic customs as well as retraining of the relevant personnel in the institutions charged with the protection and enforcement of women's rights.

References

1. Olomojobi Y. Human Rights, On Gender, Sex and the Law in Nigeria (Lagos: Princeton Publishing Co; c2013. p. 38.
2. Ibid.
3. Ibid.
4. Aniekwu NI. Reproductive Health Law; A Jurisprudential Analysis of Gender Specific Human Rights for the African Region 1st ed. (Nigeria: Ambik Press 2011) p. 15.
5. Izevbuwa OG, Akhirome-Omonfuegbe L. Examining the Impediments to Enforcement of Women's Reproductive Rights in Nigeria" International Journal

- of Advanced Multidisciplinary Research and Studies Int. j. adv. multidisc. res. stud. 2023;3(4):605-612 2023.
6. Langston University, Gender Discrimination Defined <https://www.langston.edu/title-ix/gender-discrimination-defined> [Accessed 29th September 2023].
 7. Ibid.
 8. Olomajobi Y., Human Rights, On Gender, Sex and the Law In Nigeria (Lagos: Princeton Publishing Co. 2013). p. 38.
 9. Ibid.
 10. Erhun M. A Legal Framework for the Enhancement of Women's Reproductive Health as a Means of Attaining Sustainable Development in Nigeria, Journal of Law, Policy and Globalization, Faculty of Law, Obafemi Awolowo University, Ile-Ife, Nigeria, 2015, 40.
 11. Anyaleye AO. Women and Reproductive Health Rights in Nigeria Ontario Development Agency SSN 1923-6654.128 <http://www.ssrn.com/link/OIDA-Intl-Journal-Sustainable-Dev.html> [Accessed 31st March 2020].
 12. The International Conference on Population and Development (ICPD) held in Cairo, Egypt in 1994 Par 7.2 of ICPD Program of Action.
 13. Supranote 11 Anyaleye A. O.
 14. Para 7.3 ICPD Programme of Action.
 15. Supra note 10 Mercy Erhun
 16. Ibid.
 17. <https://www.sciencedirect.com> [Assessed March 21th 2024].
 18. Parpart JL. Gender, Patriarchy and Development in Africa: The Zimbabwean Case Women and International Development Michigan State University h <http://www.isp.msu.edu/lwid> [Assessed March 12th 2024].
 19. Olowoniya J. Patriarchal Influence On The Right Of Women Over Their Bodies <https://acj.org/index.php/aquino/article/view/2511> [Assessed March 12th 2024].
 20. Wollstonecraft M. A Vindication of the Rights of Women (London: Walter Scott, 1972).
 21. Ibid.
 22. [1873] 83 US 130.
 23. Wollstonecraft M. A Vindication of the Rights of Women (London: Walter Scott, 1972).
 24. Aniekwu NI. Reproductive Health Law; A Jurisprudential Analysis of Gender Specific Human Rights for the African Region 1st ed. (Nigeria: Ambik Press; c2011).
 25. Ibid.
 26. Olomajobi Y., Human Rights, On Gender, Sex and the Law in Nigeria (Lagos: Princeton Publishing Co. 2013). Author's preface p.vii.
 27. Ibid.
 28. Ibid.
 29. Ibid. p. 1.
 30. Which provides for adequate medical and health facilities for citizens.
 31. The Federal Ministry of Health, National Policy and Strategy to achieve health for all Nigerians; c1988.
 32. Izevbuwa OG. Akhirome-Omonfuegbe L. Examining the Impediments to Enforcement of Women's Reproductive Rights in Nigeria International Journal of Advanced Multidisciplinary Research and Studies Int. J adv. multidisc. Res. stud. 2023;3(4):605-612.
 33. Ogugua I. Customary Perspective on Reproductive Health Rights (2014).4-5 Journal of Health Law and Reproductive Rights (JHLRR) 60.
 34. s42 (2).
 35. Izevbuwa OG, Akhirome-Omonfuegbe L. Examining the Impediments to Enforcement of Women's Reproductive Rights in Nigeria International Journal of Advanced Multidisciplinary Research and Studies Int. j. adv. multidisc. Res. stud. 2023;3(4):605-612 2023.
 36. Ibid.
 37. Section 357 Criminal Code Cap C38 LFN 2004.
 38. Section 282 Penal Code.
 39. These aspects have now been addressed in the Violence against Persons Prohibition Act and the Administration of Criminal Justice Act.
 40. Olomajobi Y., Human Rights, On Gender, Sex and the Law in Nigeria (Lagos: Princeton Publishing Co. 2013). p. 52.
 41. Laws of the Federation LFN 2004 sec 118, Cap N359.
 42. Regulation 127 Police Establishment Act 2020.
 43. Izevbuwa O.G., Akhirome-Omonfuegbe L., Examining the Impediments to Enforcement of Women's Reproductive Rights in Nigeria International Journal of Advanced Multidisciplinary Research and Studies Int. J adv. multidisc. Res. stud. 2023;3(4):605-612 2023.
 44. Women Empowerment and Legal Aid v. Attorney-General of the Federation (2015) 1 NHRLR 39 at 57.
 45. Ibid.
 46. Abdullahi I. Unmarried cop sacked for getting pregnant, gets N5 million damages Punch Newspaper 11th January 2023.
 47. 411 U.S. 677 (1973).
 48. Olomajobi Y. Human Rights, On Gender, Sex and the Law in Nigeria (Lagos: Princeton Publishing Co. 2013). p. 52.
 49. Ibid.
 50. Freedman L, Isaacs S. Human Rights and Reproductive Choice. Studies in Family Planning. 1993;24(1):18-30.
 51. Adisa T. Patriarchal Hegemony: Investigating the Impact of Patriarchy on Women's Work Life Balance <https://repository.uel.ac.uk/download/e4833095388ee390e280672443d26e193b3f9c5ee389c151ad47603aa6fa65d2/550069/7721.pdf> [Assessed March 12th 2024].
 52. Amal M. The Gender and Equal Opportunities Bill: Nigeria's Track Record of its Commitment to Women's Rights <https://academiccommons.columbia.edu/doi/10.7916/d8-tr76-6a77> [Accessed 18th March 2021].
 53. Ibid.
 54. Olawuyi D, Ajibade I. Climate Change Impacts on Housing and Property Rights in Nigeria and Panama: Toward a Rights-Based Approach to Adaptation and Mitigation", in: Dominic Stucker and Elena Lopez-Gunn (eds.) Adaptation to Climate Change through Water Resources Management: Capacity, Equity and Sustainability (New York: Routledge 2014) p. 264-284.
 55. Ibid.
 56. Odiaka NO. Women's Rights in Nigeria: What's Holding Nigeria's Women Back? <https://www.worldpoliticsreview.com/insights/20822/womens-rights-in-nigeria-what-s-holding-nigeria-s-women-back> [Accessed 27th July 2020].
 57. The Convention on the Elimination of Discrimination against Women.

58. Carmel S. Rights to Sexual and Reproductive Health - the ICPD and the Convention on the Elimination of All Forms of Discrimination against Women
<https://www.un.org/womenwatch/daw/csw/shalev.htm>
[Accessed 30th May 2022].
59. Ibid.
60. Ibid.
61. Ibid.
62. Ibid.
63. Carmel S. Rights to Sexual and Reproductive Health - the ICPD and the Convention on the Elimination of All Forms of Discrimination against Women
<https://www.un.org/womenwatch/daw/csw/shalev.htm>
[Accessed 30th May 2022].
64. Ibid.
65. Human Rights and African Abortion Laws; A handbook for Judges (Ipas Africa Alliance: Nairobi, Kenya 2014).
66. Odiaka NO. The Concept of Gender Justice and Women's Rights in Nigeria: Addressing the Missing Link 122608-Article Text-336344-1-10-20150923.pdf
[Accessed 18th March 2021].
67. Ogugua I. Customary Perspective on Reproductive Health Rights Journal of Health Law and Reproductive Rights (JHLRR) Issue 4-5, 2013- 2014 p. 59.
68. Supranote 66 Odiaka N.O.
69. Ogugua I. Customary Perspective on Reproductive Health Rights (2014) 4-5 Journal of Health Law and Reproductive Rights (JHLRR) 60.
70. Olawuyi D, Ajibade I. Climate Change Impacts on Housing and Property Rights in Nigeria and Panama: Toward a Rights-Based Approach to Adaptation and Mitigation", in: Dominic Stucker and Elena Lopez-Gunn (eds.) Adaptation to Climate Change through Water Resources Management: Capacity, Equity and Sustainability (New York: Routledge 2014) 264-284.
71. Izevbuwa OG, Akhirome-Omonfuegbe L. Examining the Impediments to Enforcement of Women's Reproductive Rights in Nigeria International Journal of Advanced Multidisciplinary Research and Studies Int. J adv. multidisc. Res. stud. 2023;3(4):605-612 2023.
72. Ibid.
73. Ibid.
74. Odiaka NO. Women's Rights in Nigeria: What's Holding Nigeria's Women Back?
<https://www.worldpoliticsreview.com/insights/20822/womens-rights-in-nigeria-what-s-holding-nigeria-s-women-back> [Accessed 27 July 2020].
75. Izevbuwa OG, Akhirome-Omonfuegbe L. Examining the Impediments to Enforcement of Women's Reproductive Rights in Nigeria International Journal of Advanced Multidisciplinary Research and Studies Int. J adv. multidisc. Res. stud. 2023;3(4):605-612.
76. Anonymous, 'Nigerian Women in National Assembly and the GEO Bill: Matters Arising'
<https://www.eienigeria.com> [Accessed 1st August 2020].
77. Supranote 75 Izevbuwa OG, Akhirome-Omonfuegbe L. Examining the Impediments to Enforcement of Women's Reproductive Rights in Nigeria International Journal of Advanced Multidisciplinary Research and Studies Int. J adv. multidisc. Res. stud. 2023;3(4):605