

**ENHANCING WOMEN'S PARTICIPATION IN THE NIGERIAN LEGISLATURE: IS THE RESERVED SEATS POLICY THE WAY TO GO?\***

**Abstract**

Since the first United Nations World Conference on Women in 1975, there has been an increasing agitation for women's participation in politics. However, women's representation in politics, particularly in the Nigerian legislature, has been slow and discouraging. Adopting a desk-based research methodology, this study examines the status of women in the Nigerian legislature. In so doing, the study found that the low representation of women in the legislature may affect the realization of basic women's rights, among others. The study therefore proceeds to highlight the significance of women's participation in politics, particularly in the legislature. In addition, the study analyses the factors that inhibit women's participation in politics, particularly in Nigeria. It further examines the potency of special measures and gender equality policies in the quest towards gender equality in the legislature. It also highlights the most recent step taken towards gender equality in the Nigerian legislature. The study concludes that even though this step is laudable, it is however inadequate. The study therefore concludes by proffering relevant recommendations.

**Keywords:** Gender Equality, Reserved Seats, Gender Quotas, Legislature, Nigeria.

**1. Introduction**

One of the greatest social problems the world is faced with is that of increasing inequality.<sup>1</sup> In spite of the compelling case for addressing inequality, it has continued to gain ground around the globe, and several forms of inequality have become more profound.<sup>2</sup> Inequality refers to a difference in the social status, wealth, rights or opportunities between people or groups.<sup>3</sup> Equality on the other hand, refers to the capacity of individuals to have equal opportunities to pursue a life of their choice and be free from extreme deprivation in outcomes.<sup>4</sup> Thus, inequality could be described as a difference in opportunities and outcomes for different persons or groups of persons. Inequality of outcomes refers to differences in what people achieve in life for instance, unequal pay for equal work done.<sup>5</sup> Inequality of opportunities on the other hand, refers to differences in people's background or circumstances that condition their outcomes for instance, differences in social treatment and conditions such as unequal access to employment or education, etc.<sup>6</sup> Hence, inequality of opportunities has been described as more of a result of circumstances while inequality of outcomes as more of the result of personal efforts.<sup>7</sup> Consequently, inequality of opportunities is generally regarded as 'unfair' while the 'fairness' of inequality of outcomes is deeply contested.<sup>8</sup> The argument is that inequality is more likely to be accepted where all persons have equal opportunities to improve their position and outcomes. However, where some persons or groups have consistently worse opportunities than others, social justice and the human right to equality and non-discrimination is undermined.<sup>9</sup> Equality and non-discrimination are core principles of international human rights law and enshrined in several international and regional human rights convention, as well as national laws. For instance, the Nigerian Constitution (the Constitution) provides that, '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 be subjected to any form of discrimination'.<sup>10</sup> Similarly, the International Covenant on Civil and Political Rights (ICCPR) enjoins the enjoyment by all individuals of all prescribed rights without distinction of any kind such as sex, among others.<sup>11</sup> It is noteworthy from these provisions that women's rights form part of the fundamental human rights protected

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<sup>1</sup> JA Crone *How Can We Solve Our Social Problems?* (2nd ed, 2011, Pine Forge Press) at 47; M Branko *Global Inequality: A New Approach for the Age of Globalisation* (2016, Harvard University Press) at 10.

<sup>2</sup> United Nations Department of Economic & Social Affairs *The Inequality Predicament: Report on the World Social Situation 2005* (2005, United Nations Department of Economic & Social Affairs) at 2.

<sup>3</sup> JA Crone *How Can We Solve Our Social Problems?* above at note 1 at 49.

<sup>4</sup> The World Bank *World Development Report 2006: Equity and Development* (2005, World Bank) at 2.

<sup>5</sup> United Nations International Children's Emergency Fund & United Nations Women 'Global Thematic Consultation on the Post-2015 Development Agenda: Addressing Inequalities' (2013) Report of the UN Global Public Consultation on the Post-2015 Development Agenda 2013.

<sup>6</sup> Ibid.

<sup>7</sup> The World Development Report 2006, above at note 4.

<sup>8</sup> P de Barros et al. *Measuring Inequality of Opportunities in Latin America and the Caribbean* (2009, World Bank and Palgrave Macmillan); B Rohwehder, 'Poverty and Inequality' (2016) Governance and Social Development Resource Centre, UK.

<sup>9</sup> Ibid.

<sup>10</sup> See the Constitution of the Federal Republic of Nigeria 1999 (as amended) at sec 42.

<sup>11</sup> The International Covenant on Civil and Political Rights, UNGA Res 2200A (XXI) 1966, art 2(1). See also the African Charter on Human and Peoples' Rights 1981, art 2 for a similar provision.

under international human rights law. This is notwithstanding the provisions of specific international human rights instruments for the protection of women's rights.<sup>12</sup> It is noteworthy that the sphere of women's rights includes, but is not limited to the right of women in education, business, politics, and family life, among others.

However, the focus of this study is on women in politics, particularly women in parliaments. This is because politics remains an area where the journey towards gender equality has been slowest.<sup>13</sup> The journey to achieving gender equality in politics has been a long one. In 1990, the United Nations Economic and Social Council (ECOSOC) set a standard of 30% minimum representation for women in all public spaces.<sup>14</sup> However, twenty decades after, the figures are disappointing even in the so-called developed world.<sup>15</sup> Only few countries have passed the 30% mark.<sup>16</sup> According to the World Economic Forum Global Gender Index, the statistics of women in politics is lowest compared to the status of women in other areas such as health, education, and participation in the economy.<sup>17</sup> Women currently are 25% of parliamentarians and merely 21% of cabinet members. When it comes to leadership in parliaments, only 20.5% of parliamentary houses have female leaders.<sup>18</sup> Although the above figures show a slight improvement from a global average of 11.3% in 1995,<sup>19</sup> there is still cause for concern regarding how and why attaining gender equality in politics has been more challenging compared to other spheres. According to the United Nations, 'women's empowerment and their full participation on the basis of equality in all spheres of society, including participation in the decision-making process and access to power, are fundamental for the achievement of equality, development and peace'.<sup>20</sup> Thus, various international instruments, as well as national laws, emphasise the right of women to participate in the political affairs of their States fully and actively. For instance, the Nigerian Constitution provides that 'the Federal Republic of Nigeria shall be a State based on the principles of democracy and social justice ... and the participation by the people in their government shall be ensured in accordingly'.<sup>21</sup> The Constitution further provides that 'every person shall be entitled to assemble freely and associate with other persons, and in particular, he may form or belong to any political party, trade union or any other association for the protection of his interest'.<sup>22</sup> These provisions guarantee that both men and women are entitled to join political parties in Nigeria, and to participate in the governance structures of the country. More specifically however, Nigeria has implemented a 'National Gender Policy' (NGP), which commits the government to building a nation devoid of gender discrimination and guarantees equal access to political and social opportunities for men and women.<sup>23</sup> Aside these domestic provisions, Nigeria is a signatory to several international instruments that address gender equality in politics. First, is the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), which provides that;

State parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and in particular, shall ensure to women, on equal terms with men, the right to vote in all elections and public referenda, and to be eligible for election to all publicly elected bodies; participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government; participate in non-governmental organizations and associations concerned with the public and political life of the country'<sup>24</sup>

Second, is the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol), which provides that 'State Parties shall take specific positive action to promote participative governance and the equal participation of women in the political life of their countries through affirmative action, enabling national legislation and other measures to ensure that women participate without any discrimination in

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<sup>12</sup> See for instance, the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) 1979.

<sup>13</sup> World Economic Forum 'Global Gender Gap Index' (2020) available at: <[www.weforum/report/gender-gap-2020-report-100-years-pay-equality](http://www.weforum/report/gender-gap-2020-report-100-years-pay-equality)> (last accessed 26 December 2020).

<sup>14</sup> D Dahlerup 'Introduction' in D Dahlerup (ed) *Women, Quotas and Politics* (2006, Routledge) at 6.

<sup>15</sup> See Inter-Parliamentary Union, available at: <<https://data.ipu.org/>> (last accessed 23 December 2020).

<sup>16</sup> United Nations Women, available at: <[www.unwomen.org/en/what-we-do/leadership-and-political-participation/facts-and-figures](http://www.unwomen.org/en/what-we-do/leadership-and-political-participation/facts-and-figures)> (last accessed 23 December 2020).

<sup>17</sup> World Economic Forum, above at note 13.

<sup>18</sup> Ibid.

<sup>19</sup> United Nations Women, above at note 16.

<sup>20</sup> The Beijing Declaration and Platform for Action 'The Report of the United Nations Fourth World Conference on Women' 15 September 1995. available at: <<https://www.un.org/womenwatch/daw/beijing/platform/index.html>> (last accessed 21 July 2021).

<sup>21</sup> The Constitution of the Federal Republic of Nigeria, sec 14(1) & (2).

<sup>22</sup> Ibid, s 40.

<sup>23</sup> The Federal Ministry for Women Affairs and Social Development 'National Gender Policy' (2006) available at: <[www.aacoalition.org/national\\_policy-women.htm](http://www.aacoalition.org/national_policy-women.htm)> (last accessed 23 July 2021).

<sup>24</sup> CEDAW, above at note 12, art 7.

all elections'.<sup>25</sup> Third, is the Solemn Declaration on Gender Equality in Africa by which member-States of the African Union affirmed their decision on gender parity, and commitment to continue, expand, and accelerate efforts to promote gender equality at all levels.<sup>26</sup> The ICCPR enjoins the equal right of men and women to the enjoyment of all civil and political rights prescribed by the Covenant.<sup>27</sup> Furthermore, the United Nations enjoins States to take measures to ensure women's equal access to, and full participation in power structures and decision making, and must increase women's capacity to participate in decision making and leadership.<sup>28</sup> The United Nations further calls for the achievement of gender equality, and targets among other things, an end to all forms of discrimination against all women; women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political and public life; and the adoption and strengthening of sound policies, and enforceable legislation for the promotion of gender equality at all levels.<sup>29</sup>

Although Nigeria is a signatory to several of these international norms on women's rights, there have been no adequate opportunities for the full realization of these rights. Although women represent about half of the Nigerian population,<sup>30</sup> this is not reflected in their political representation. This is more so in the legislature, where women have continually been politically marginalized. As of 1999, when Nigeria returned to democratic governance, women constituted about 3.40% of the legislature. In subsequent elections, women constituted about 4.90%, 7%, 6.80%, and 5.60% respectively.<sup>31</sup> Presently, only eight (8) of the one hundred and nine (109) senators are women, while only thirteen (13) of the three hundred and sixty (360) representatives are women.<sup>32</sup> These numbers connote that only about 7% and 4% respectively of the total number of legislators are women. According to a recent ranking of the percentage of women in national parliaments, Nigeria ranked 181 out of the 192 countries ranked.<sup>33</sup> This low level of political representation in the legislature adversely affects women's capacity to lobby and influence the realization of their rights.<sup>34</sup> This is because major measures, such as domestication of international treaties, legislating women's rights, etc., that enhance or enable the realization of women's rights take place in the legislature. For instance, when the Gender and Equal Opportunity Bill was presented to the National Assembly in 2016, it could not go past the second reading because it was rejected by majority of the legislators. Since only seven of the 109 senators were women, the bill could not gain the support of the required two-third majority of the senators. Probably, if there were more women, they could have been able to support one another and lobby for the required support. It has therefore become very expedient for relevant and significant measures and policies to be implemented to improve gender equality in politics, and particularly, in the Nigerian legislature.

## **2. Theoretical Framework of Study**

This study is basically premised on the theories of distributive and social justice. Distributive justice is defined as the ways that the benefits and burdens of the society are shared among members of the society.<sup>35</sup> Equality and equity have been argued to constitute the major criteria for evaluating distributive procedures.<sup>36</sup> Thus, distributive justice could be referred to as the fair allocation of resources in the society. Social justice is defined as the fair and equitable distribution of power, resources, and obligations in society to all people.<sup>37</sup> The fundamental principles of social justice include inclusion, collaboration, cooperation, equal access, and equal opportunity.<sup>38</sup> It is therefore apparent that the theories of social and distributive justice are synonymous, and aimed at the

<sup>25</sup> The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) 2003, art 9(1).

<sup>26</sup> The Solemn Declaration on Gender Equality in Africa, AU Doc. Assembly/AU/Decl.12(III) Rev. 1 available at: <[www.au.int/en/documents/20200708/solemn-declaration-gender-equality-africa](http://www.au.int/en/documents/20200708/solemn-declaration-gender-equality-africa)> (last accessed July 23, 2021).

<sup>27</sup> The ICCPR, above at note 11, art 3.

<sup>28</sup> The Beijing Declaration and Platform for Action, above at note 20.

<sup>29</sup> The United Nations Sustainable Development Goals, goal 5, available at: <[www.sdgs.un.org/](http://www.sdgs.un.org/)> (last accessed 21 July 2021).

<sup>30</sup> See Statista <<https://www.statista.com/statistics/967908/total-population-of-nigeria-by-gender/>> (last accessed 21 July 2021).

<sup>31</sup> Inter-Parliamentary Union 'Nigeria- Proportion of Seats Held by Women in National Parliaments' available at: <[www.ipu.org/](http://www.ipu.org/)> (last accessed 21 July 2021).

<sup>32</sup> Policy and Legal Advocacy Centre 'Women Representation in the National Assembly' available at: <[www.placing.org/i/groundbreaking-bill-to-alter-constitution-and-create-special-additional-seats-for-women-passes-second-reading/](http://www.placing.org/i/groundbreaking-bill-to-alter-constitution-and-create-special-additional-seats-for-women-passes-second-reading/)> (last accessed 21 July 2021).

<sup>33</sup> The Inter-Parliamentary Union 'Global Data on National Parliaments' (2021) available at: <[www.data.ipu.org/women-ranking?month=60year=2021](http://www.data.ipu.org/women-ranking?month=60year=2021)> (last accessed 25 July 2021).

<sup>34</sup> BO Eniola 'Gender Parity in Parliament: A Panacea for the Promotion and Protection of Women's Rights in Nigeria' (2018) 3 *Frontiers in Sociology* 34.

<sup>35</sup> C Armstrong *Global Distributive Justice: An Introduction* (2012, Cambridge University Press) at 16.

<sup>36</sup> RT Buttran, R Folger, and BH Sheppard 'Equity, Equality and Need: Three Faces of Social Justice' in BB Bunker and M Deutsch (eds) *Conflict, Cooperation and Justice: Essays Inspired by the Work of Morton Deutsch* (1995, Jossey-Bass Inc.) at 261.

<sup>37</sup> E Ayala, S Hage, and MM Wilcox 'Social Justice Theory' in RJR Levesque (ed) *Encyclopaedia of Adolescence* (2011, Springer) at 2794.

<sup>38</sup> Ibid.

achievement of the same outcomes. They aim for a democratic and egalitarian society, as well as a just and fair treatment of every member of a society. It is noteworthy that such fair and just, as well as egalitarian and democratic society ensures the absence of conflict and enhances the legitimacy of any sitting government. Hence, both theories justify the implementation of special measures and policies for the achievement of gender equality in all spheres of the society, including politics. Furthermore, such special measures and policies are justifiable on utilitarian grounds because they benefit more people and cause more happiness and therefore, may be deemed morally right and the right thing to do.

### **3. Inhibitors of Women's Participation in Politics**

Several factors have been identified for the low level of participation by women in politics. For instance, in sub-Saharan Africa, politics is considered a 'dirty' business where women have no place. Women who venture into politics are perceived as abnormal women who have abandoned their original duties of taking care of their families.<sup>39</sup> More so, culture and religion which are extraordinarily strong influences in the region, consider women as weak and incapable of making excellent decisions. Particularly, the Nigerian society is patriarchal in nature, and portrays women as weak and subordinate to men.<sup>40</sup> Thus, it is seen as an affront on the male gender, which is considered as the natural head and leader, to be sought to be governed by women. It is more or less regarded as a usurpation of the male authority. Aside the cultural and religious factors that inhibit women from participating in politics, there are other factors such as the stereotyped domestic roles of women which make it difficult for women to balance domestic responsibilities with political duties.<sup>41</sup> There is also the issue of the stigmatization of women in politics as domineering and non-submissive in the family.<sup>42</sup> In addition is financial constraints and lack of confidence which limits the capacity of women to effectively participate in politics.<sup>43</sup> The cost of contesting elections, ranging from the purchase of nomination forms to the cost of campaigning, is relatively high. A survey of two hundred and ninety-two (292) parliamentarians around the globe indicates that females viewed lack of finance as a significant impediment to contesting elections than the males.<sup>44</sup>

### **4. Women's Participation in Politics: Why is it Significant?**

The role of politics in shaping society cannot be overemphasized. Hence, there is a need to be concerned with the status of representation of women in such an important societal sphere. A few arguments can be advanced in support of the necessity of women in politics. Equality of representation is one argument.<sup>45</sup> Since women are about half of the world's population,<sup>46</sup> it is expected that they are seen and heard in one of the most significant public spheres that is, public governance. In fact, it is arguable that such full participation of women in politics and governance strengthens and enhances democracy and promotes a more equitable society. Second, a fully inclusive legislature enhances a strong and vibrant democracy.<sup>47</sup> Arguably, there cannot be a claim to true democracy when half of the population is not duly represented in the democratic process. Thus, the presence of women in politics is evidence of true democracy. Moreover, it has been argued that there is a fundamental relationship between democracy and political partnership between men and women in the management of public affairs.<sup>48</sup> This study is of the opinion that this is as a result of the widely accepted interpretation of democracy as a government of the people, by the people, and for the people. The concept of 'people' undeniably connotes inclusiveness. Another argument is the need to have women representing the interest of women.<sup>49</sup> A critique of this argument is that women are already represented since parliamentarians sit on behalf of all members of their constituencies.<sup>50</sup> This response would be correct assuming parliamentarians are delegates who seek specific instructions from their constituencies before acting. Moreover, it is trite that parliamentarians make decisions without consulting all members of their constituencies, thus, it is incorrect to assume that men already speak for women. Furthermore, the full participation of women in the legislature will promote the integration of new concerns and priorities in political agendas through the adoption and implementation of policies and laws.

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<sup>39</sup>A Tripp, D Konaté and C Lowe-Morna 'Sub-Saharan Africa: On the Fast Track to Women's Political Representation' in D Dahlerup (ed) *Women, Quotas and Politics* (2006, Routledge) at 127.

<sup>40</sup>GA Makama 'Patriarchy and Gender Inequality in Nigeria: The Way Forward' (2013) 9/17 *European Scientific Journal* 115.

<sup>41</sup>UP Nwabunkeonye 'Challenges to Women Active Participation in Politics in Nigeria' (2014) 2/7 *Sociology and Anthropology* 284; D Agbalajobi 'Women's Participation and the Political Process in Nigeria: Problems and Prospects' (2010) 4/2 *African Journal of Political Science and International Relations* 75.

<sup>42</sup> Ibid.

<sup>43</sup> Ibid.

<sup>44</sup> Inter-Parliamentary Union 'Equality in Politics: A Survey of Women and Men in Parliaments' (2008) Report No. 54 available at: <<http://archive.ipu.org/pdf/publications/equality08-e.pdf>> (last accessed 31 July 2021).

<sup>45</sup> C Bacchi 'Arguing for and against Quotas: Theoretical Issues' in D Dahlerup (ed) *Women, Quotas and Politics*, above at note 14 at 32-36; Drude Dahlerup 'Introduction' above at note 14 at 3-31.

<sup>46</sup> Our World in Data available at: <[www.ourworldindata.org](http://www.ourworldindata.org)> (last accessed 28 December 2020).

<sup>47</sup> Inter-Parliamentary Union 'Equality in Politics: A Survey of Women and Men in Parliaments' above at note 43.

<sup>48</sup> Ibid.

<sup>49</sup> Drude Dahlerup 'Introduction' above at note 14 at 3-4.

<sup>50</sup> C Bacchi 'Arguing for and Against Quotas' above at note 44 at 36.

Similarly, it will enable the mainstreaming of gender issues into laws and policies made. For instance, it has been argued that while men and women share common national interests, women are more likely to agitate for interests that have to do specifically with women and children's concerns, and those of general family issues.<sup>51</sup> Some of the ways women participation will change the policy agenda include prompting debates and introducing bills on issues such as childcare, parental leave, gender-based violence, child marriage, recognition of care work, etc., as well as proposing amendments to existing laws in this regard. For instance, in South Africa, where voluntary party quotas are used, the female parliamentarians have supported women focused bills that have become laws. Some of them are Termination of Pregnancy Act 1997, and Domestic Violence Act 1998.<sup>52</sup> The above arguments in favour of the need for women representation in politics are not exhaustive. However, it will be going outside the scope of this paper to analyse them all.<sup>53</sup>

## **5. Measures that Enhance Women's Participation in Politics**

The debate over which strategy best serves the advancement of women's rights is a widely contested one. On one hand is the significance of special measures for the advancement of women's rights, and on the other is the role of equal opportunities policies towards the achievement of women's rights. Though both strategies claim to work towards substantive gender equality, their approaches differ.<sup>54</sup> While special measures aim for equality of outcomes, gender equality aim for equality of opportunities.<sup>55</sup> Thus, where special measures will advocate the use of measures such as gender quotas and affirmative actions as an effective way of attaining gender equality, equal opportunities policies will advocate the institutionalization of gender issues in all policies through national machineries such as women ministries for instance.

### **Special Measures as Strategy for Gender Equality in Politics**

Special measures are also referred to as affirmative actions that are directly targeted at women to give them a boost or advantage so they can cover up existing gender gap.<sup>56</sup> Affirmative actions can be traced back to the civil and women's right movements in the USA.<sup>57</sup> Also, CEDAW encourages affirmative action in favour of women which are expected to be temporal.<sup>58</sup> One of the major special measures adopted globally for the achievement of gender equality is gender quota. Gender quota refers to positive measures 'aimed at accelerating the achievement of gender-balanced participation and representation by establishing a defined proportion/percentage or number of places or seats to be filled by, or allocated to, women and/or men, generally under certain rules or criteria'.<sup>59</sup> Since this study focuses on representation in the legislature, gender quota in this context means giving advantage to women to increase their representation in the legislature. Gender quota can either be voluntary or legal.<sup>60</sup> It is legal where there is a constitutional provision or other substantive law which specifically set aside some slots for women whether as candidates in elections or in the form of reserved seats.<sup>61</sup> Voluntary quota is usually used by political parties. Here, political parties set aside seats for women whether as aspirants or candidate.<sup>62</sup> The challenge with voluntary quota is the absence of sanctions. Political parties may choose not to follow their declarations. However, with activism from civil society, voluntary quotas have been effective in countries like South Africa, Cameroon, Mozambique, and Namibia.<sup>63</sup> The use of gender quota is founded on the argument that equality of outcomes is as important, or even more important than equality of opportunities. Another argument is that women who suffer from the injustice of exclusion should not bear the burden of remedying the injustice, rather the

<sup>51</sup> SL Michele *The Difference Women Make: The Policy Impact of Women in Congress* (2002, University of Chicago Press); United Nations Research Institute for Social Development *Gender Equality: Striving for Social Justice in an Unequal World* (2005, United Nations Research Institute for Social Development) at 163.

<sup>52</sup> MY Yoon 'Democratization and Women's Legislative Representation in Sub-Saharan Africa' (2001) 8/2 *Democratization* 169 at 184.

<sup>53</sup> For further discussion, see SM Rai 'Institutional Mechanisms for the Advancement of Women: Mainstreaming Gender, Democratizing the State?' in SM Rai (ed) *Mainstreaming Gender, Democratizing the State?* (2018, Manchester University Press) ch 1; D Stockemer 'The Proportion of Women in Legislatures and Cabinets: What is the Empirical Link?' (2017) 49/3 *Polity* 434-460; A Tripp, D Konaté and C Lowe-Morna above at note 38 at 112-137; C Bacchi above at note 44; D Dahlerup 'Conclusion' in D Dahlerup (ed) *Women, Quotas and Politics* (2006, Routledge) at 293-397.

<sup>54</sup> Crusmac Oana 'A Defence of Gender-Based Affirmative Action Grounded on a Comparison of the United States and of the European Union Models' (2019) 19/1 *Studia Politica: Romanian Political Science Review* 35 at 46.

<sup>55</sup> *Ibid* at 46.

<sup>56</sup> D Dahlerup 'Introduction' above at note 14 at 5.

<sup>57</sup> S Tamale *When Hens begin to Crow: Gender and Parliamentary Politics in Uganda* (1999, Routledge) at 22; JS Leonard 'Women and Affirmative Action' (1989) 3/1 *The Journal of Economic Perspectives Winter* 61 at 62.

<sup>58</sup> See CEDAW above at note 12, art 4; Maputo Protocol above at note 25, art 9(1).

<sup>59</sup> The European Institute for Gender Equality 'Gender Quotas' available at: [available at: <https://eige.europa.eu/thesaurus/terms/1203>](https://eige.europa.eu/thesaurus/terms/1203) (last accessed 31 July 2021).

<sup>60</sup> D Dahlerup 'Introduction' above at note 14 at 19.

<sup>61</sup> *Ibid* at 19-20.

<sup>62</sup> *Ibid* at 20.

<sup>63</sup> CM Arendt 'From Critical Mass to Critical Leaders: Unpacking the Political Conditions behind Gender Quotas in Africa' (2018) 14 *Politics and Gender* 295 at 297.

institutions which perpetuate such injustice.<sup>64</sup> Special measures mechanisms have been mainly criticized for being anti-merit, discriminatory against men, promoting tokenism and further affirming women as second-class citizens, among other criticisms.<sup>65</sup> For example, gender quotas have been criticized as a defeat of the merit-based system. The argument is that quota women legislators may not be as qualified as the men they are picked over.<sup>66</sup> Furthermore, gender quota is criticized among liberal feminists for further promoting the view of women as second-class citizens who are incapable of succeeding on their own. They are of the position that if women are treated equally with men, the gender gap would eventually be bridged.<sup>67</sup> In spite of these criticisms, gender quota has been established as a 'fast track' means of increasing the number of women in parliaments.<sup>68</sup> Current statistics from sub-Saharan Africa show that gender quota is an effective tool for improving the number of women in parliament. Rwanda currently has the highest number of women in parliament – 61.3% overtaking the Nordic countries significantly. Eleven other countries in the region also have 30% or more representation in their parliaments.<sup>69</sup> All these countries use either voluntary or legal quotas while some combine both. Countries like Nigeria and Ghana<sup>70</sup> who use no gender quota have abysmally low proportion of women in their legislature. Consequently, without gender quota, it will take decades to attain gender equality in parliaments particularly, in sub-Saharan Africa. Also, in support of gender quota, it is argued that when women join parliaments in large numbers, it affords the opportunity for women to offer each other support to promote their rights.<sup>71</sup> In addition, it has been argued that such special measures constitute a form of compensation for the direct and/or indirect (such as cultural and religious) discriminations suffered by women in the society over a period of time.<sup>72</sup>

### **Equal Opportunities as Strategy for Gender Equality in Politics**

'Equal opportunities' is not a straightforward term, both in theory and practice. Thus, it is apt to begin a discussion on equal opportunities with equal treatment. Equal treatment posits that the best approach in achieving women's rights is to treat men and women equally.<sup>73</sup> This is done through anti-discrimination laws which remove legal barriers against women. In politics, it would be in the form of laws which provide that both sexes may vote or be voted for. This strategy advocates for formal equality implying that as soon as women can vote or be voted for legally, nothing else stops them from doing so. Although anti-discrimination law is an important first step in achieving gender equality, it is not an effective strategy in bringing about substantive equality. It ignores culture, religion, economic status as factors that may indeed be more powerful than laws in keeping women out of politics. Equal opportunity appears to move a step further from equal treatment as it in addition to anti-discrimination law, uses national institutions and machineries such as women ministries or departments to further the cause of women.<sup>74</sup> A further step in the equal opportunity strategy is gender mainstreaming. The term gender mainstreaming was coined by feminist scholars in the 1970s but came to popular usage from the Beijing Conference of 1995.<sup>75</sup> It was subsequently adopted by the European Union as its strategy for attaining gender equality in all spheres.<sup>76</sup> According to the Council of Europe, gender mainstreaming 'is the (re)organisation, improvement, development, and evaluation of policy processes, so that a gender equality perspective is incorporated in all policies, at all levels and at all stages, by the actors normally involved in policy-making'.<sup>77</sup> Gender mainstreaming proponents argue that women focused projects are not sufficient to uplift the status of

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<sup>64</sup> A Tripp, D Konaté and C Lowe-Morna, above at note 38 at 112-137.

<sup>65</sup> C Bacchi above at note 44 at 32, 35.

<sup>66</sup> Ibid at 33.

<sup>67</sup> D Dahlerup and L Freidenvall 'Quotas as a 'Fast Track' to Equal Representation for Women' (2005) 7/1 *International Feminist Journal of Politics* 26-48.

<sup>68</sup> Ibid at 27.

<sup>69</sup> These countries are South Africa 46.6%, Namibia 43.3%, Senegal 43%, Mozambique 41.2%, Ethiopia 38.8%, Burundi 38.2%, Tanzania 36.9%, Uganda 34.9%, Cameroon 33.9%, Zimbabwe 31.9%, and Angola 30%; see Data from International Institute for Democracy, and Electoral Assistance International Institute for Democracy and Electoral Assistance available at: <[www.idea.int/data-tools/data/gender-quotas/regions-overview](http://www.idea.int/data-tools/data/gender-quotas/regions-overview)> (last accessed 23 December 2020).

<sup>70</sup> The use of gender quotas in Ghana ended with the coup d'état of 1966. See Nordic Africa Institute 'Women's Political Representation and Affirmative Action in Ghana' (2019) 1 NAI Policy Note available at: <<https://nai.diva-portal.org/smash/get/diva2:1284607/FULLTEXT01.pdf>> (last accessed 11 January 2021).

<sup>71</sup> D Dahlerup 'Conclusion' in D Dahlerup (ed) *Women, Quotas and Politics* (2006, Routledge) at 293, 300.

<sup>72</sup> D Dahlerup 'Electoral Gender Quotas: Between Equality of Opportunity and Equality of Result' (2007) 43/2 *Journal of Representative Democracy* 73.

<sup>73</sup> CrusmacOana above at note 53 at 45.

<sup>74</sup> Ibid at 46.

<sup>75</sup> I Jamil et al. 'Introduction: Gender Mainstreaming in Politics, Administration, and Development in South Asia' in Ishitiaz et al (eds) *Gender Mainstreaming in Politics, Administration, and Development in South Asia* (2020, Palgrave Macmillan) at 2.

<sup>76</sup> Ibid at 1-16; S Walby 'Introduction: Comparative Gender Mainstreaming in a Global Era' (2005) 7/4 *International Feminist Journal of Politics* 453-470.

<sup>77</sup> M Stratigaki 'Gender Mainstreaming vs Positive Action: An Ongoing Conflict in EU Gender Equality Policy' (2005) 12/2 *European Journal of Women's Studies* 165, 167.

women and that a better approach is to bring gender implication into all government policies.<sup>78</sup> Thus, by identifying the impact of government policies for both men and women, these challenges are addressed at the point of formation and implementation of the policies. Therefore, gender mainstreaming is complementary to anti-discrimination laws and affirmative actions.<sup>79</sup> Just like special measures, equal opportunity policies have been criticized for being mere talk without action, and for being without any verifiable tool for measurement of impact.<sup>80</sup> However, regardless of the criticisms and praise of both approaches, this study is of the position that a stand-alone approach is not the way to go. Neither special measures nor gender equality policies can solely achieve gender equality. Therefore, it is submitted that gender equality in politics must be achieved through a combination of gender equality policies such as gender mainstreaming, and special measures such as affirmative actions, legislated gender quotas,<sup>81</sup> reserved seats policy,<sup>82</sup> and political party quota system.<sup>83</sup> Political Party Quota is more applicable in a country like Nigeria, where women may find it more challenging to win their party tickets in a primary election. Such electoral quota system has been argued to effectively enhance women's political representation as it improves both equality of opportunity and outcome. Moreover, it is recognized globally as the most effective measure for increasing women's political representation.<sup>84</sup> According to a United Nation's report, 30% represent the minimum percentage required for women to exert any significant influence in the legislature, and this may be achieved through gender quotas for women.<sup>85</sup> In fact, about 50% of the world has been reported to have implemented some form of electoral gender quota system, either by constitutional amendment or electoral law.<sup>86</sup> This has been noted to have impacted positively in addressing the gender imbalance in national legislatures.<sup>87</sup> For instance, Rwanda has been ranked first in a recent ranking of the percentage of women in national parliaments. Rwanda has forty-nine women of the eighty seats in the lower house (61.3%), and ten women of the twenty-six seats in the upper house (38.5%).<sup>88</sup> This feat is attributable to the Rwandan Constitution which reserves 30% of parliamentary seats for women, and requires political parties to ensure that women hold at least 30% of elected internal positions.<sup>89</sup> Likewise, more than a hundred political parties across fifty-three countries have put in place voluntary measures to increase the number of women electoral candidates.<sup>90</sup> In fact, seven of the ten leading countries for women representation in politics, have political parties that have voluntarily implemented rules on gender quota.<sup>91</sup> For example, the national statute of the 'Justicialist Party' in Argentina requires women representation to be respected at all levels within the party and on electoral lists. The provincial statutes of the party further specify percentages of women representation varying from 30% to 50%.<sup>92</sup> Similarly, the 'Australian Labor Party' introduced in 2002 a quota system requiring either sex to be represented by no less than 40% on party electoral lists.<sup>93</sup> Other such political parties include 'the Cameroon People's Democratic Movement', 'New Democratic Party' in Canada, 'Botswana Congress Party', among others, all prescribing a minimum percentage of women representation on their electoral lists.<sup>94</sup>

## **6. Towards Enhancing Gender Equality in the Nigerian Legislature**

The Nigerian 'National Gender Policy' is premised on the recognition of gender issues as central and critical to the achievement of national development, and the promotion and protection of human rights, social justice, and

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<sup>78</sup> H Derbyshire 'Gender Mainstreaming: Recognising and Building on Progress: Views from the UK Gender and Development Network' (2012) 20/3 *Gender & Development* 405,407.

<sup>79</sup> Maria Stratigaki, 'Gender Mainstreaming vs Positive Action' above at note 77 at 168.

<sup>80</sup> HH Zachariassen 'From the Bottom up: Lessons about Gender Mainstreaming in the Andes from Digni's Women Empowerment and Gender Equality (WEGE) Program' (2012) 20/3 *Gender & Development* 481,489.

<sup>81</sup> That is, a situation whereby a statutory percentage is prescribed for women representation in politics.

<sup>82</sup> This is where special seats, for instance in parliament, are reserved for women only.

<sup>83</sup> Here, political parties are required by law to introduce in their party Constitutions, a minimum percentage of women presented as electoral candidates by the parties.

<sup>84</sup> J McCann 'Electoral Quotas for Women: An International Overview' (2013) Australian Department of Parliamentary Services, Research Paper Series 2013-14.

<sup>85</sup> United Nation Department of Economic and Social Affairs 'Equal Participation of Women and Men in Decision-Making Processes with Particular Emphasis on Political Participation and Leadership' Report of the Division for the Advancement of Women 'Expert Group Meeting' 24-27 October 2005, Addis Ababa.

<sup>86</sup> D Dahlerup & L Freidenvall above at note 66 at 26.

<sup>87</sup> Inter-Parliamentary Union 'Women in Parliament in 2012: The Year in Perspective' (2013) available at: <[www.archive.ipu.org/pdf/publications/WIP2012e.pdf](http://www.archive.ipu.org/pdf/publications/WIP2012e.pdf)>(last accessed 28 July 2021).

<sup>88</sup> The Inter-Parliamentary Union 'Global Data on National Parliaments' above at note 32.

<sup>89</sup>The Constitution of Rwanda 2003, art 75 and 80 available at: <[www.constituteproject.org/constitution/Rwanda\\_2015.pdf?lang=en](http://www.constituteproject.org/constitution/Rwanda_2015.pdf?lang=en)> (last accessed 25 July 2021).

<sup>90</sup> A Slaughter & F Binda, 'How Do We Get More Women in Politics?' available at: available at <[www.weforum.org/agenda/2018/09/closing-the-political-gender-gap](http://www.weforum.org/agenda/2018/09/closing-the-political-gender-gap)> (last accessed 25 July 2021).

<sup>91</sup> International Institute for Democracy and Electoral Assistance 'Gender Quotas Database' available at: <[www.idea.int/data-tools/data/gender-quotas](http://www.idea.int/data-tools/data/gender-quotas)> (last accessed 25 July 2021).

<sup>92</sup> Ibid.

<sup>93</sup> Ibid.

<sup>94</sup> Ibid.

equity, among others. One of the core strategies recognised by the policy for the achievement of these objectives is legislative reform to guarantee gender justice and respect for human rights.<sup>95</sup> Recently, a step towards such legislative reform was initiated by the Nigerian legislature. A bill for an Act to alter the provisions of the Constitution to create additional special seats for women in the legislature was introduced in the National Assembly. The bill was presented for the first time in the House of Representatives on April 22, 2021. It comprises six major clauses that seek to alter sections 48, 49, 71, 77, 91, and 117 of the Nigerian Constitution as amended. The alterations seek to remedy the low representation of women in the legislature by providing for the creation of special seats to be occupied by women only in the legislative houses. Thus, the bill is seeking to adopt a legislated special seats policy for enhancing gender equality in the Nigerian legislature. The bill already scaled through the second reading and is currently at the committee stage.<sup>96</sup> If the bill is passed into law, the Senate would have a minimum of thirty-seven (37) women out of one hundred and forty-six (146) members, representing about 25.3%. Likewise, the House of Representatives would have a minimum of seventy-four (74) women out of four hundred and thirty-four (434) members of the house, representing about 17.1%. Although such reserved seats policy will improve the number of women in the legislature, it has been argued that it is not sufficient. This is because it only gives room for a minimum representation threshold, and saves women the challenges of competing with men for political seats thereby engendering the issue of gender inequality the more.<sup>97</sup> Second, it has been argued that considering the post-covid economic reality in Nigeria, the need for a reduction in the cost of governance has been increasingly emphasised.<sup>98</sup> Thus, creating additional seats in the legislature may be unreasonable and unnecessary in the present situation. More so, considering the cost of running the National Assembly, with Nigeria having the second highest paid legislators globally,<sup>99</sup> Nigeria may be unable to incur the costs of a larger parliament.<sup>100</sup> Therefore, a gender quota system, which prescribes a minimum percentage of women, or a reserved seat policy within the already existing seats have been held preferable to the creation of additional seats.<sup>101</sup>

## **7. Conclusion and Recommendations**

The parliament is an arm of government that sets national policy direction and therefore, should reflect the views and interests of members of the society. This allows national policies to be shaped by the perspectives of the different societal segments. Hence, this study examines the status of women in politics, particularly in the Nigerian legislature. In so doing, the study finds that the percentage of women in the legislature is extremely low. The study also asserts that this low representation affects the realization of basic women's rights in the country. Therefore, the study proceeds to discuss the significance of women participating in politics, and analyze some of the factors that inhibit their participation in Nigeria. The study also discusses the importance of special measures such as gender quotas, reserved seats policy, as well as gender equality policies, such as gender mainstreaming, to the achievement of gender equality in politics. The study subsequently examines the step taken to enhance gender equality in the legislature in Nigeria. It was found that the recent bill introduced to the National Assembly seeking to create additional special seats for women in the legislature, even though is laudable, is not without some demerits. This study therefore concludes that the reserved seat policy does not represent a stand-alone approach to achieving gender equality in the Nigerian legislature. Although it is a laudable approach, and will contribute immensely to the achievement of gender equality in the Nigerian legislature, it will however be more effective if adopted together with other strategies such as, implementation of political quota system, gender mainstreaming in politics, inter alia.

This study totally aligns with the line of thought that creating additional seats in the national assembly may not be appropriate considering the present economic situation of the country. Hence, this study supports the recommendation that such reserved seat policy should be implemented within the available seats in the National Assembly. In other words, the reserved seat policy should reserve a minimum number of seats for women within the already existing seats. As stated earlier, where the bill is passed into law, it will enable only a minimum of 25.3% of women in the Senate, and only a minimum of 17.1% of women in the House of Representatives. Although this a significant improvement from what obtains presently, it is however far below the 30% minimum

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<sup>95</sup> The National Gender Policy above at note 23.

<sup>96</sup> L Nwabughogu 'Reps to Create Special Seats for Women in NASS, State Assemblies' (28 April 2021) *The Vanguard* (Abuja).

<sup>97</sup> D Agbalajobi 'Nigeria's National Assembly: Why Adding Seats for Women Isn't Enough' (31 May 2021) available at <<http://theconversation.com/nigerias-national-assembly-why-adding-seats-for-women-isnt-enough-161514>> (last accessed 31 July 2021).

<sup>98</sup> World Bank 'Nigeria's Economy Faces Worst Recession in Four Decades Says New World Bank Report' World Bank Press Release (26 June 2020); O Ajayi 'Cutting High Cost of Governance is a Top Priority of the Government-Budget Minister' (23 December 2020) *Nairametrics* available at: <<http://nairametrics.com/2020/12/23/cutting-high-cost-of-governance-is-a-top-priority-of-the-government-budget-minister/>> (last accessed 31 July 2021).

<sup>99</sup> 'How Much Does Lawmaking Cost Nigerians?' (15 October 2019) Stears Business, available at: <<http://stearsng.com/article/how-much-does-lawmaking-cost-nigerians/>> (last accessed 31 July 2021).

<sup>100</sup> D Agbalajobi 'Nigeria's National Assembly: Why Adding Seats for Women Isn't Enough' above at note 96.

<sup>101</sup> Ibid.



threshold recommended by the United Nations, and implemented by leading countries in the area of gender equality in politics. It is therefore recommended that a legislated quota system may be more effective than such reserved seat policy. The constitutional amendment may instead of creating additional special seats, stipulate a minimum percentage of women required to be in the National Assembly in every election year. A minimum of 30% as recommended by the United Nations is recommended. Likewise, a legislated political party quota system is recommended. Political parties in Nigeria should be encouraged to have a minimum percentage of women candidates on their electoral lists. For example, political parties in Georgia that include a minimum of 30% of each gender on their electoral lists receive a 30% supplementary fund from the State's budget. Similarly, political parties in Ireland lose 50% of their State funding if their electoral lists include less than 30% of either gender.<sup>102</sup> Such a political quota system is highly recommendable because it does not discriminate against either gender but provides a minimum acceptable percentage of representation by both men and women in politics.

Moreover, simply using a reserved seat policy to increase the number of women in the legislative houses may not necessarily resolve the issues of gender inequality in the Nigerian legislature. In fact, it may further perpetuate them. For instance, women are likely to be disregarded in the parliament and considered as incompetent especially when they must miss crucial meetings due to caring and other domestic responsibilities. Thus, without addressing the structural and intersectional issues that prevent women from being in the parliament in the first place, simply using a reserved seat policy will not produce a widespread impact across board. It may just be a mere 'add women and mix' approach. In fact, such challenges, if not tackled, may still prevent women from occupying such reserved seats. For instance, the domestic care obligations coupled with public perception of a 'woman's role' particularly in a patriarchal society like Nigeria, may significantly undermine the willingness of women to contest elections and occupy such reserved seats. Therefore, beyond such special measures and policies, a more strategic approach to enhancing women participation in politics, and particularly in the legislature, will be to tackle the underlying challenges inhibiting their participation. First, there is need to encourage family-friendly and gender-sensitive legislature that accommodates the domestic needs of both genders. For instance, it is recommended that child care facilities should be put in place within the National Assembly complex to take care of the needs of parliamentarians with kids. Second, sitting hours should be managed to take account of the domestic responsibilities of parliamentarians. Thus, late evening and night sittings should not be encouraged in the legislature, as this will greatly hinder the ability of women with families to effectively partake in legislative proceedings. Just as it is practiced in countries like South Africa, it is also recommended that parliamentary calendar be organized along school calendar so that parliamentarians are either in recess or on constituency time when schools are on vacation, while the parliament is in session when schools are in session. This will ensure that women with children are not left out of parliamentary proceedings while caring for their wards during school vacation.

Furthermore, there is a need for reorientation, education, as well as public awareness on the role of women in politics. This may be engaged in by civil society organization, especially those that agitate for women's rights and gender equality. The objective of this is to change public perception about the stereotyped role and view of the responsibilities of women in the society. This will ensure that women who are willing to contest political offices are not ashamed or fearful of the public backlash and stigmatization that comes with being a female politician. In line with gender mainstreaming, it is recommended that viable policies be put in place to support women by affording legislative processes more flexibility so that all gender can meet up with family responsibilities. Thus, policies that promote proxy voting, virtual plenaries, among others, should be encouraged in the legislature.

Moreover, it is noteworthy that while social, religious, and cultural barriers affect women's capacity to contest elections, it does not affect their ability. So, a significant factor that must be tackled is the ability of women to effectively hold legislative positions. It is not just about women being members of the legislature, but about their preparedness to deliver effectively in such positions. Thus, it is recommended that women who are willing to hold political offices, be mentored and afforded the opportunity to benefit from targeted trainings that enhance their governance skills and ability.<sup>103</sup> This also may be engaged in by civil society organizations that promote women's rights and gender equality. An example is the 'Women's Political Academy', which is a joint project of the 'United Nations Women' and a Tunisian Women's Rights Organization, 'Aswat Nissa', which trains Tunisian women political candidates on local governance, missions, and roles of municipal councils and media relations.<sup>104</sup>

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<sup>102</sup> A Slaughter & F Binda, above at note 89.

<sup>103</sup> It is noteworthy that this recommendation does not imply that men are natural political leaders; these trainings are recommended to bridge the gap of experience between men and women.

<sup>104</sup> United Nations Women 'Historic Leap in Tunisia: Women Make Up 47 Per Cent of Local Government' (27 August 2018) available at: <<http://unwomen.org/en/news/stories/2018/8/feature-Tunisian-women-in-local-elections>> (last accessed 31 July 2021).