

## **AFFIRMATIVE ACTION AND THE ROLE OF THE LEGISLATURE IN PROMOTING WOMEN PARTICIPATION IN ELECTION PROCESSES IN NIGERIA\***

### **Abstract**

*Nigerian women constitute about half of the population of the country, but despite their population they are yet to achieve equality between men and women. Nigeria has been recording low participation of women in both elective and appointive positions. This is a growing concern to many Nigerians. The world of politics has for a long time been regarded as a place reserved for men. However, there is a growing agitation for doors to open for women in politics. Today, democracy is the order of the day as various countries are working towards women's participation and representation in politics, even their inclusion in areas of decision making in governance. However, concerted efforts have been made by government and non-governmental organizations to increase the level of participation of women in politics in line with the declaration made at the fourth World Conference on women in Beijing, which advocated 30% affirmative action. This paper sought to appraise the request made by female activists for the amendment of affirmative action bill both in the constitution and the new amended Electoral Act, 2022. This paper further sought a critical review of the role of the legislature in promoting women participation in politics, monitoring women participation in politics in Nigeria vis-à-vis the affirmative declaration. The research methodology was doctrinal approach, using expository and analytical research design. The main sources of data collection were various legal literatures, both from the physical library and the e-library. It was recommended among others that Nigerian legislators should amend the Gender Affirmative Action Bills in the constitution and include the five gender bills in the new amended Electoral Act 2022. It was also recommend that the legislature should have sound principles by enacting laws to advance women's political participation. Finally, this article was made to be significant to all stakeholders in human right and feminism.*

**Keywords:** Gender Equality, Affirmative Action, Role of the Legislature, Women Participation, Electoral Processes, Nigeria

### **1. Introduction**

Under international standards, both men and women should have equal rights and opportunities to everything worldwide, most especially to participate fully in all aspects and at all levels of political processes. Globally, women constitute over half of the world's population and contribute in vital ways to societal development generally. In most societies, women assume some key roles, which are: mother, producer, home-manager, and community organizer, sociocultural and political activists. Of these many roles mentioned, the last has been engendered by women movement. In line with global trend, Nigerian women constitute nearly half of the population of the country. But despite the major roles they play with their population, women roles in the society are yet to be given recognition. This is due to some cultural stereotypes, abuse of religion, traditional practices and patriarchal societal structures. In Nigeria the awareness about the role of women in development of a nation came up in 1980s. The International Conference on women in Beijing in 1995 enhanced the effective participation of women in politics in Nigeria. Affirmative Action is usually a measure put in place to ensure non-discrimination; it is a broad term encompassing a host of policies that seek to support weak groups in society. They include policies where deliberate action is used to stop discrimination. A policy process of this kind allows for rules that have the objective of enhancing equal opportunity for individuals and the improvement, in the situation of marginalized groups.

The world of politics has for a long time been regarded as a place reserved for men. However today, there is a growing agitation for doors to open for women in politics. Today, democracy is the order of the day, various countries are working towards women's participation and representation in politics, even their inclusion in areas of decision making in governance. Nigerian women constitute about half of the population of the country and are known to play vital roles as mothers, producers, time managers, community organizers and social and political activists. But despite the major roles they play and their population they are yet to achieve equality between men and women. The Beijing conference requires every country that participated in the conference to reserve 35 percent of positions and offices to women but in Nigeria we are yet to attain it. Women are marginalized in politics because of social, cultural and religious factors. Despite these, women are still under represented in both elective and appointive positions. Available statistics revealed that overall political representation in government of Nigeria is less than 7 percent<sup>1</sup>.

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This shows that Nigeria has not attained 30 percent affirmative as prescribed by the Beijing Platform of Action. Nigeria has been recording low participation of women in both elective and appointive positions. As Nigerians prepare for the 2023 general elections, clamour for more women representation in elective positions is increasing, even as women activists bemoaned the refusal of the National Assembly to include five key gender bills in the Electoral Act of 2022<sup>2</sup>. In Nigeria, the extant National Gender Policy (NGP) recommended 35% affirmative action instead and sought for a more inclusive representation of women with at least 35% of both elective political and appointive public service positions respectively. The under representation of women in political participation gained root due to the patriarchal practice inherent in our society. The national average of women’s political participation in Nigeria has remained 6.7 percent in elective and appointive positions, which is far below the Global Average of 22.5 percent, Africa Regional Average of 23.4 percent and West African Sub Regional Average of 15 percent. For instance, out of the 36 recently confirmed ministerial appointments by the administration now in power, only six (6) are women, representing 16.7 percent. In the National Assembly, women constitute 5.6 percent of members of the House of Representatives and 6.5 percent of the Senators. Also with the fifteen years of uninterrupted democratic governance (1999-2015), Nigeria is yet to produce a female governor in any of the 36 states of the Federation.

## 2. Re-Introduction of Democracy and Women Political Participation

The return of democracy in May 29, 1999 gave hope for a new dawn in the struggle for more participation of women in Nigeria politics. Democracy is about fair representation of all interest groups in the society and the low representation of women is a violation of the principle of democracy. Despite all efforts put in place, we are yet to meet the 30% and 35% affirmation as contained in Beijing platform for action and National Gender Policy respectively. There have been five administrations between 1999 and 2015. President Obasanjo occupied the office of president between 1999 and 2007, President Umaru Musa Yaradua (2007-2010), President Goodluck Jonathan (2010-2011; 2011-2015) and President Muhammadu Buhari (at present). The position of vice president in Nigeria followed the same trend as that of the president. Four males have dominated the seat since the return of democracy in 1999. The Senate and House of Representative Since the return of democracy in 1999, the Senate has been dominated by males. In 1999 there were only 3 women out of the 109 members representing 2.8 per cent of the members of the Senate. In 2007 the number increased to 8 (7.3 per cent). However, there was a decrease from 8 women members in 2007 to 7 in 2011 which is 6.4 per cent and 8 (7.3 per cent) in 2015.<sup>3</sup>

### Elective Position (1999 – 2015)<sup>4</sup>

Office	1999		2003		2007		2011		2015	
	Seat Ava.	Women	Seat Ava.	Women	Seat Ava.	Women	Seat Ava.	Women	Seat Ava.	Women
<b>President</b>	1	0	1	0	1	0	1	0	1	0
<b>Vice President</b>	1	0	1	0	1	0	1	0	1	0
<b>Senate</b>	109	3 (2.8)	109	4 (3.7)	109	8(7.3)	109	7 (6.4)	109	8(6.4)
<b>House of Rep.</b>	360	12(3.3)	360	21(5.8)	360	23(6.4)	360	26(7.2)	360	19(5.3)
<b>Governor</b>	36	0	36	0	36	0	36	0	36	0
<b>Deputy Governor</b>	36	1 (2.8)	36	2 (5.5)	36	6 (16.7)	36	3 (8.3)	36	4
<b>SHA Elected Member</b>	990	12(1.2)	990	38(3.8)	990	52(5.3)	990	62(6.3)		

<sup>1</sup>D T Agbalajobi, ‘Women’s Participation and the Political Process in Nigeria: Problems and Prospects’ *African Journal of Political Science and International Relations* (2010) Vol. 4(2), pp. 075-082.

<sup>2</sup>T Awodipe, ‘Towards Improving Women’s Participation in 2023 Elections’ *Online Database* <<https://guardian.ng/politics/towards-improving-womens-participation-in-2023-elections/>> accessed on 18 May 2022.

<sup>3</sup>O Oluymi, ‘Monitoring Participation of Women in Politics in Nigeria’, *Online Database* <[https://unstats.un.org/unsd/gender/Finland\\_Oct2016/Documents/Nigeria\\_paper.pdf](https://unstats.un.org/unsd/gender/Finland_Oct2016/Documents/Nigeria_paper.pdf)> accessed on 18<sup>th</sup> May, 2022.

<sup>4</sup>N E Akpa, ‘Men without Women: An Analysis of 2015 General Election in Nigeria’, *Country Report on Women* <[https://unstats.un.org/transitionalgeneralelectionoverview\\_paper.pdf](https://unstats.un.org/transitionalgeneralelectionoverview_paper.pdf)> accessed on 20<sup>th</sup> May, 2022.

<b>SHA C'ttee Chair</b>	829	18(2.2)	881	32(3.6)	887	52(8.9)	887	62(6.3)		
<b>L.G.A Chairpers on</b>	710	9(1.2)	774	15(1.9)	740	27(3.6)	740			
<b>Councilors</b>	8,810	143 (0.02)	6368	267(42)	6368	235(3.7)	6368			

### 3. Role of Legislature in Promoting Women Political Participation

#### Need for the Amendment of the Constitution and Electoral Act 2022 and Implementation of Affirmative Action Bills

There is urgent need for the National Assembly to amend the Constitution and Electoral Act of 2022 in order to include the five key gender bills as was requested by women activist. As Nigerians prepare for the 2023 general elections, clamour for more women representation in elective positions is increasing, even as women activists bemoaned the refusal of the National Assembly to include five key gender bills in the Electoral Act of 2022. The demand of the women activists is genuine and proper. One of the bills, the affirmative action bill seeks to amend section 223 of the Constitution, to ensure women occupy at least 35 percent in appointive positions. Another bill, which was rejected is the bill on ministerial or commissioner nomination, which seeks to amend sections 147 and 192, so that at least 35 percent of nominees are women while the last bill, the reserved seat bill is to among others, amend sections 48, 49 and 91 of the Constitution to create additional 37, 74 and 108 seats for women at the Senate, House of Representatives and state House of Assemblies. Section 223<sup>5</sup> provides on that

- (1) The constitution and rules of a political party shall
  - (a) Provide for the periodic election on a democratic bases of the principal officers and members of the executive committee or other governing body of the political party; and
  - (b) Ensure that the members of the executive committee or other governing body of the political party reflect the federal character of Nigeria.
- (2) For the purposes of this section
  - (a) The election of officers of the executive committee of a political party shall be deemed to be periodical only if it is made at regular intervals not exceeding four years, and
  - (b) the members of the executive committee or other governing body of the political party shall be deemed to reflect the federal character of Nigeria only if the members thereof belong to different state not been less in number than two-thirds of all the states of the federation and Capital Federal Territory Abuja.

From the above position, the women activist requests that the affirmative action bill seeks the National Assembly to amend Section 223 of the Constitution to ensure that women occupy at least 35 per cent in appointive positions. So that any political party that wins in the election must preserve at least 35 per cent appointive positions to women. I advocate that the women's request is proper and should be granted.

Another bill which was rejected is the bill on ministerial or commissioners nomination which seeks to amend sections 147<sup>6</sup> and 192<sup>7</sup>. Section 147 provides as follows:

- (1) There shall be such offices of Ministers of the Government of the Federation as may be established by the president
- (2) Any appointment to the office of Minister to the Government of the Federation shall, if the nomination of any person to such office is confirmed by the Senate, be made by the President.
- (3) Any appointment under subsection (2) of this section by the president shall be in conformity with provisions of section 14(3) of the Constitution.

Provided that in giving effect to the provisions aforesaid the President shall appoint at least one minister from each State, who shall be an indigene of such state.<sup>8</sup>

Section 14(1) provides that: 'The Federal Republic of Nigeria shall be a State based on principles of democracy and social justice.'<sup>9</sup> Further on, section 14(3) provides that:

<sup>5</sup>Constitution of Federal Republic of Nigeria, 1999 (as altered), section 223.

<sup>6</sup> *Ibid*, section 147.

<sup>7</sup> *Ibid*, section 192.

<sup>8</sup> *Ibid*, section 167.

<sup>9</sup> *Ibid*, section 14(1).

The composition of the Government of the Federation or any of its agencies and the conduct of its affairs shall be carried out in such a manner as to reflect the Federal Character of Nigeria and the need to promote National unity and also to command national loyalty, thereby ensuring that there shall be no predominance of persons from a few States or from a few ethnic or other sectional groups in that Government or in any of its agencies.

In the instant, the women activists were only requesting that sections 147 and 192 of the Constitution be amended to reserve at least 35 percent of the nominees to the women. In the same vein, section 192 provides for the nomination of Commissioners of State Government as follows:

- (1) There shall be such offices of Commissioner of the Government of a State as may be established by the Governor of the State.
- (2) Any appointment to the office of Commissioner of the Government of the Government of a State shall, if the nomination of any person to such office is confirmed by the House of Assembly of the State, be made by the Governor of that State and in making any such appointment, the Governor must conform with the provisions of section 14 (4) of this Constitution.<sup>10</sup>

Section 14(4) gives further impetus that:

The composition of the Government of a State, a Local Government Council or any of the agencies of such Government or Council, and the conduct of the affairs of Government or Council or such agencies shall be carried out in such manner as to recognize the diversity of the people within its area of authority and the need to promote a sense of belonging and loyalty among all the peoples of the Federation.<sup>11</sup>

The women requested that in the affirmative action Bill those sections 147 and 192 of the Constitution and Electoral Act of 2022 should both be amended to ensure that women at least 35 per cent in appointment of Ministers and Commissioners in Nigeria and the request was refused. The refusal can be attributed to under representation of women in National Assembly. The last Bill is for the National Assembly to amend sections 48, 49 and 91 of the Constitution to create additional 37, 74 and 108 seats for women at the Senate, House of Representatives and State Houses of Assemblies. Sections 48, 49 and 91 provide for the composition of the Senate, House of Representatives and House of Assembly of a State. Section 48<sup>12</sup> provides that: 'The Senate shall consist of three Senators from each State and one from the Federal Capital Territory Abuja.' Section 49<sup>13</sup> provides that: 'Subject to the provisions of the Constitution, the House of Representatives shall consists of three Hundred and sixty members representing constituencies of nearly equal population as far as possible, provided that no constituency shall fall within more than one State.' Also in line with the above two sections, section 71 of the constitution provides that:

- (a) The Independent National Electoral Commission shall divide each state of the federation into Senatorial districts for purposes of election to the Senate, and
- (b) subject to the provisions of Section 49 of the Constitution, divide the federation into three hundred and sixty federal constituencies for purposes of elections to the House of Representatives.<sup>14</sup>

Furthermore, section 91<sup>15</sup> provides that:

Subject to the provisions of the Constitution, a House of Assembly of a State shall consists of three or four times the number the number of seats which that State has in the House of Representatives divided in a way to reflect, as far as possible nearly equal population: Provided that a House of Assembly of a State shall consists of not less than twenty four and not more than forty members.

From the above three sections of the Constitution, Nigerian women were requesting for reservation of additional 37 seats in the Senate, 74 seats in the House of Representatives and 108 seats in the State House of Assembly. However, the concerned women groups are still mounting pressure and seeking speedy passage of these bills. Women political stakeholders have noted that even now, women's participation in active politics is not only low but the number of women that run for elective posts and get elected is even more dismal, the lowest in the world, with the situation only getting worse over the years, despite efforts by concerned stakeholders to halt the trend.

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<sup>10</sup> *Ibid*, section 192(1).

<sup>11</sup> *Ibid*, section 147 (4).

<sup>12</sup> *Ibid*.

<sup>13</sup> *Ibid*.

<sup>14</sup> *Ibid*, section 71.

<sup>15</sup> *Ibid*, section 91.

### **Urgent Need for the Implementation of the Affirmative Gender Bills by National Assembly**

The request made by the women activist in relation to the affirmative gender bill which they requested the legislature to amend sections 233, 147, 192, 48, 49 and 91 of the Constitution and Electoral Act 2022 is to the best of my knowledge a good step to women empowerment and it will lead to national development. The women activist did not request for something that is impossible. Their first and second request is that 35 per cent appointive and elective positions should be reserved for the women. Their final request is that additional 37, 74, and 108 seats should be reserved for the women in the senate, House of Representative and State Houses of Assemblies respectively. In essence, the import is that 37 seats reserved for female aspirants means one female candidate from each state of the federation including one female candidate from federal capital territory Abuja. Secondly, the additional 74 seats that were requested for the female House of Representative means that two female candidates from each state of the federation plus two female candidates from federal capital territory Abuja.

Finally, for the additional 108 seats which was requested to be reserved for state house of assembly, means that each state of the federation will reserve at least three additional seats for female in every state house of assembly. In summary, the women activists are requesting for additional one female senate representative, two female candidates for House of Representatives and three female candidates for state house of assembly from every state of federation of Nigeria. Actually, he who pays the piper dictates its tune; the delay in enforcement of affirmative action bill is attributed to under representation of women in both appointive and elective positions especially in the legislative houses. It is too appalling.

In 1999 and 2003 elections, out of 109 senators only 3 and 4 are women and 106 and 105 were men. The difference and gap is clear and it explains why the request has not been implemented. Women that are made up of more than half of the population of the country and perform vital roles need to be fully involved in decision making and especially in enactment of laws that affects the interest of the female gender because he who wears the shoe knows where it pitches most. Actually, the women activists are justified to bemoan the refusal of the National Assembly to implement the five Gender Bills in the amended Electoral Act of 2022 and to amend the six affected sections in the constitution.

The affirmative action bill which seeks to amend the following sections; section 233 which deals on the constitution and rules of political parties, section 147 on appointment of ministers of federal government, section 192 on appointment of commissioners of state government, section 48 deals on the composition of the senate, section 49 deals on the composition of the house of representatives and finally section 91 deals on the composition of house of assembly of a state. Women activist request that sections 233, 147 and 192 should be amended to reserve at least 35 per cent of appointive and elective positions to women while sections 48, 49 and 91 of the constitution should be amended to create additional 37, 74 and 108 seats for women at the senate, house of representatives and state house of assemblies.

The National Assembly has voted against a bill providing for affirmative action for women in political parties administration. The lawmakers also voted against the bill to create special seats for women in the national and state assemblies. Both bills got an abysmal number of votes during the ongoing constitution amendment at both chambers in the parliament. During the voting process at the Senate, 30 senators voted for the creation of special seats and 58 voted against it. At the House of Representatives, 81 voted for the bill, while overwhelming 208 lawmakers voted against it. For affirmative action, 34 senators voted for and 53 voted against. The bills did not get the required number of votes to be passed.<sup>16</sup> Women represent about half of Nigeria's population, but occupy less than 10 percent of political positions. Women's rights are part of the fundamental human rights that are recognized in international human rights treaties. While Nigeria has acceded to a number of international instruments on the promotion and protection of women's rights, women in this country have yet to realize their rights. One of the reasons is inadequate representation of women in the country's parliament. This is despite the fact that the right of women to participate in decision making processes at all levels is guaranteed in both international and domestic instruments. Women's lack of participation in legislative processes has negatively impacted promotion and enforcement of their rights.

An example is the Gender and Equal Opportunity Bill which was presented at the Nigerian Senate for a second reading on 15th March, 2016 and was rejected.<sup>17</sup> Also recently the Affirmative Action bill which seeks to amend

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<sup>16</sup>Q E Iroanusi and B Majeed, 'Updated Vote against Bills on Extra Legislative Seats for Women: Affirmative Action' *Online Database* <<https://www.premiumtimesng.com/news/top-news/514582-updated-senate-rep-vote-against-bills-on-extra-legislative-seats-for-women-affirmative-action.html>> accessed on 23<sup>rd</sup> May, 2022.

<sup>17</sup>B O Eniola, 'Gender Parity in Parliament: A Panacea for the Promotion and Protection of Women's Rights in Nigeria' *Online Database* <<https://doi.org/10.3389/fsoc.2018.00034>> accessed on 23<sup>rd</sup> May, 2022.

some sections of the constitution was also rejected. One could argue that one of the reasons why these Bills were not passed is because only seven of the 109 senators are women. Men's efforts, if any, to promote these rights are not sufficient, because they are not direct beneficiaries. The Nigerian legislature should wake up from their slumber and see the essence in implementing the five gender bills with immediate effect. When women are fully involved in administration and decision making of any nation, it leads to massive development of that nation. A society that relegates women to the background cannot go far. The vulnerability of the female gender calls for affirmative action which the five gender bills seeks to reflect and such wonderful initiative by women never be overlooked if we want our nation to grow to greater heights.

#### **4. Challenges Bedeviling Women Participation in Politics in Nigeria**

The challenges facing women are enormous, however, researchers have shown that the under listed are likely responsible for the huge marginalization of Nigerian women in politics.

##### **Lack of Public Acceptance**

One possible explanation for women's under representation in politics is lack of public acceptance of women in politics. Women who are actively participating in politics are not publicly accepted because they are seen and treated as free women (prostitutes or way ward) of easy virtues, stubborn people, whores, too domineering, and culturally rebellious etcetera. Some of these women are often exposed to public shame and are socially stigmatized by both men and women. The use of negative labeling, derogatory names, abusive languages and expressions to describe women poses a big challenge to women in politics.

##### **Socio-Cultural Practices**

The entrenched socio-cultural practices in the Nigeria society prevail in favour of men against women. Women are often not permitted to involve in public life from childhood via adulthood by authority figures such as husband, fathers, mothers and other relations due to cultural image of a virtuous woman defined as quiet, submissive, docility who should be seen not heard because of the patriarchal nature of the Nigeria society. Most Nigerians including women still believe and embrace the traditional perspectives that view women as inferior to men, second-class citizens, weaker sex, child bearers, and primary care givers and so on. Most times they feel the game of politics is exclusive to men and women who dare venture into it and those who struggle to venture are usually contented with back seat. Many women psychologically acknowledged and perceive the social stigma that politics is a "dirty game" and as such tend to wrongly perceive few women that participate in politics as arrogant and irresponsible and the society will do anything to pull them down.<sup>18</sup> Women are seen culturally as quite submissive and image of virtue. However, they are not to be seen in public domain. And so it is a challenge to women participation in politics

##### **Inadequate Education**

The lack of education and exposure among majority of the women folk in relation to the requirements or demands of political leadership is a problem incidental to women's participation in politics. As a result of low education and professional attainment, they are poorly equipped mentally to venture into the male-dominated world of politics. Owing to lack of education, professional ability and poor leadership skills, the Nigerian women lack self-confidence, courage audacity, will power and boldness required to aim for the highest post in political arena. The National Adult Literacy Survey, 2010 published by National Bureau of Statistics revealed that the adult literacy rate in English in Nigeria is 50.6 per cent while literacy in any other language is 63.7 per cent (female adult age 15 and above). This explains why most women are least qualified for political offices due to low educational attainment.<sup>19</sup>

##### **Unhealthy Political Environment**

This is another challenge to women's active participation. The political terrain is a do-or-die affair and fraught with violence, maiming, assassination, threats, blackmail, intimidation, humiliation etcetera which are utilized by most men to scare women away from active participation in politics. Moreover, involvement of thugs during and after elections and the attendant insecurity such as destruction of lives and properties, fear of unknown gun men that characterized a typical electoral process in Nigeria makes politics something scaring for women.

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<sup>18</sup> *Ibid.*

<sup>19</sup> Awodipe (n2).

### Religion

Religious practices are also used as powerful instruments of stereotype against Nigerian women political aspirants/politicians from active participation in politics. The Purdah system (that is, house seclusion of women) of the Islamic doctrine strictly bars women from participating in politics.<sup>20</sup>

### Right of Inheritance

Traditionally, the patrilineal Nigerian society excludes women from ownership of landed property<sup>21</sup>. The principle of male superiority is apparent in Nigeria; generally, women in Nigeria have no right of inheritance over the property of a deceased relative, particularly in the South Eastern part of Nigeria. The issues are apparent in the case of *Muojekwu v Muojekwu*<sup>22</sup>. However the situation is changing as held in *Muojekwu v Iwuchukwu*<sup>23</sup> and *Asika v Atuanya*<sup>24</sup>. In *Asika's* case, the court upheld the provisions of the Nigerian 1999 constitution as in section 42 and 43<sup>25</sup>. There is no gainsaying the fact that the customary inhibition of any class of females to access and/or acquire land by way of rights to inheritance or succession is detrimental to development of any nation<sup>26</sup>. The female should have right of disposal of any property inherited as was held in the Tanzanian case of *Ephraim v Pastory & Anor*<sup>27</sup> that a woman has a right to any parcel of land inherited by her to transfer in commercial transaction. Men who inherited clan land sell same as and when necessary.

The effect of denial of land to the women folk can be economic, social and psychological. Women are responsible for most food production in developing countries. There is stark poverty in the country especially amongst the females. Many women suffer psychologically due to the non-recognition of women's rights to land by most customs. It breeds insecurity among women and exposes them to self-pity and lack of confidence, and frustrations and this in effect affect their political ambition and participation, because political campaigns are highly monetized. In *Nezianya v Okagbue*, the court held that a widow cannot appropriate her deceased husband's property without the permission of male members of her deceased husband's family. That she has only possessory right to the property. That her female children were not entitled to the said landed property of their deceased father. Just on the same vein, in *Akinnubi v Akinnubi*,<sup>28</sup> the Supreme Court reiterated that it is the custom of most traditions in Nigeria, that a widow is also a chattel (part of her deceased husband's property) to be inherited by her deceased husband's male relatives.

### Male Dominated Political Party

Women mostly play 'cheerleader role' in politics. Women are the enthusiastic supporters. Most women merely were content to cheer contestants of the opposite sex to victory. Women are being used for electoral campaigns, they sing praises of men and when the men got elected, they forget that these women have a role to play in their policy formation. The biggest challenge of women in politics and in intra party elections is the domineering and want-to-be-the-head nature of men, they hardly give room for women to participate. This can be a big discouragement to women.<sup>29</sup> Men create unnecessary hurdles, purposely to make life difficult, if not impossible, for women. Political meetings hardly commence before 12 midnight just as to deter women from attending such meetings.

### Lack of Support from Fellow Women

Jealousy and envy among women are manifested in the way women condemn female politicians by calling them names and assassinate their character. Women need to support one another and work together to achieve collective empowerment in the face of a male- dominated society. The women should unlearn all the negative ideologies they have unconsciously imbibed from the societal values through their upbringing in a male dominated society. Some women have been made to be haters of one another and they do not know that they are fearfully and wonderfully made and they underrate the capability and leadership potentials they possess.

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

<sup>21</sup> M Oekalago, 'Nigerian News BBC' <<http://newsbbcco.ukin /programmes>> accessed on 24<sup>th</sup> May, 2022.

<sup>22</sup> *Married Women's Property Act*, 1882 (an Act of British Parliament that is a statute of general application in Nigeria, Article 17 of UDHR, Article 17 of ACHPR, *Married Women Property Law of Western Region of Nigeria* 1999, S. 4(a), 4(3) of *Widows and Widowers (Prohibition) Law*, 2005.

<sup>23</sup> *Muojekwu v Muojekwu* (1997) 5 NWLR (pt. 567) 208.

<sup>24</sup> *Muojekwu v Iwuchukwu* (2004) 1 NWLR (pt.883) p. 190 (103).

<sup>25</sup> *Asika v Atuanya* (2008) 17 NWLR (pt. 117).

<sup>26</sup> *Constitution of the Federal Republic of Nigeria*, 1999 (as altered) sections 42 and 43.

<sup>27</sup> O Ikpeze, *Gender Dynamics of Inheritance Rights in Nigeria* (Folmech Printing Pub. Co Ltd, 2009) 95.

<sup>28</sup> *Ephraim v Pastory & Anor* (1993) LRC 231.

<sup>29</sup> *Akinnubi v Akinnubi* (1963) 1 ALL NLR 352.

<sup>30</sup> Awodipe (n2).

### **Lack of Fund**

Politics in Nigeria especially seeking elective position is expensive requiring huge financial involvement and solid financial backing. Generally, the relatively pathetic poor financial disposition of most women is a critical challenge which mostly accounts for poor participation in politics and political defeats in elections. In spite of concession granted by some major political parties which lowers the cost of obtaining party nomination forms for women into elective office, the prize of achieving electoral goals is still farfetched from the reach of the most esteemed women in the absence of ‘a godfather’ who foots the bill in exchange for unlimited favour when the seat is eventually secured. Considering financial backing the godfathers and other financiers of politicians in Nigeria prefer male political aspirants to female ones based on the societal value assumption and political activities are masculine and male candidates are believed to stand a better chance of winning elections. Women are vulnerable because of their role in child bearing and nursing. In addition discrimination and subjugation of women are further enforced by custom, traditional practices, beliefs and the laws are some of the factors militating against the female gender.<sup>30</sup>

### **Patriarchy**

It refers to a society ruled and dominated by men over women, which in turn has given rise to women being looked upon as mere household wives and non-partisans in decision making process in households not to talk of coming out to vie for political positions.

### **Child Marriage**

Child marriage leads to women’s under representation in politics. Child marriage leads to poverty and illiteracy and they are factors militating against women political participation in Nigeria. Child Marriage is the act of giving out a female child for marriage at a very tender age.<sup>31</sup> In some parts of Northern Nigeria, the average age of marriage is eleven years. Early marriage limits educational and other opportunities for girls and often leads to early child bearing and increased health risks. These girls are denied access to education which will automatically lead to underrepresentation of females in politics. When most of these young girls are married off at a very tender age, they are psychologically and emotionally devastated and dependent on others all their lives. One of the underpinning factors behind the continued practice of child marriage in Nigeria is poverty.<sup>32</sup> Statistics have shown that the rate of poverty in Nigeria is put at 67%.<sup>33</sup> Consequently, parents prefers sending their male children to school simply because they will continue their family lineage, while girls are giving out in marriage at tender ages to relieve their parents of the burden of catering for these girls.<sup>34</sup>

### **Meeting Schedules**

The time scheduled for caucus meetings to strategize and map out political plans either for the pre or post-election periods are odd and are not conducive for responsible and family women. The slated time are often time which women are expected to take care of their children and family. This method of schedules is viewed as an attempt to side-lining women from engaging in political process.

## **5. Conclusion and Recommendations**

Women Participation in Nigerian politics is a topic of importance. Politically, women have been relegated to the background, despite the tremendous effort put forward by government and nongovernmental organizations following the declaration made at the fourth World Conference on women in Beijing, which advocated 30% affirmative action and National Gender Policy (NGP) recommendation of 35% affirmative action for a more inclusive representation of women both in elective and appointive positions. It is worthy to note that Nigerian women are still being marginalized due to the style of leadership inherent in the country. Despite the challenges women are facing, it is surprising and very difficult to comprehend the reason why the Five Gender Bills was rejected by the National Assembly. Therefore, the relevant stakeholders are advised to advocate for the protection of women from abuse, empower them economically and politically and review the necessary legislations to accommodate the growing interest of women in politics both elective and appointive positions.

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<sup>30</sup> *Ibid.*

<sup>31</sup> H I Buzza, ‘Domestic Violence and Women’s Right in Nigeria’ (4) (2009) *Societies without Borders*, 175-192.

<sup>32</sup> National Bureau of Statistics Report of 2014, quoted by T Braimah, ‘Child Marriage in Northern Nigeria: Section 61 of Part I of 1999 Constitution and the protection of children against child marriage’ *African Human Right Law Journal*, 14(2) 2014, 481.

<sup>33</sup> *Ibid.*

<sup>34</sup> J Audi, ‘Child Custody (Hadannah) Under Islamic Law in Nigeria: Looking at the Best Interest of the Child’ *Journal of Private and Corporate Law* (1) (2016) 218.



### **Statutory Intervention**

It is recommended that the normal election will be conducted for everybody both male and female. The affirmation action bills can be applied by recommendation of the female candidate by appropriate authority. The women must belong to political parties of their choice. During election the parties will conduct party primary election where competent women will be nominated. The names and curriculum vitae of the nominated female candidates that are vying for the post of senate, members of House of Representatives, and members of State House of Assembly will be submitted by the political parties to President and Governors respectively. The appointment of the female candidates to the position of Senate and members of House of Representatives shall be made by the President subject to confirmation of such appointment by the senate.

Just on the same vein, the appointment of female candidates to the position of the House of Assembly of the various States shall be made by the Governors of the State subject to confirmation of such appointment by the House of Assembly of each State. The appointed female candidates will represent the state from which they were appointed. The salary of the legislatures should be slashed so that the total amount used previously will still be used after the implementation of the affirmation action bill. A committee of experts on Finance and Economist will be set up to work out modalities on a new salary structure for the members of National State Houses of Assemblies. The National Assembly should amend Sections 223, 147, 192, 48, 49 and 91 of the Constitution and Electoral Act 2022 which will enhance the participation of women in politics and will ensure that women occupy at least 35 per cent of appointive and elective positions in Nigeria. The legislature should enact a law to stop child marriage. The enactment of the Child Rights Act<sup>35</sup> into a State law is solely the responsibilities of respective states in Nigeria because issues concerning children are in the Residual list which only the state has the authority to legislate. Issues relating to children should be placed in the Exclusive Legislative List so that the Child Rights Act can be applicable to all states of the federation.

### **Sensitization of the Public in General**

In order to solve the problem of under representation of women in politics, there is need to create public awareness and sensitization of both male and female. There is need for government to collaborate with religious and traditional rulers, town unions, youth groups, faith based organization, women and men groups, non-governmental organization and other stake holders to sensitize the people to have a rethink and see the need to support and involve women in politics and decision making. There is also need to sensitize the populace through radio, social media, television programmes, conferences and seminars on the need of equal representation of both sexes in politics.

### **Societal Impediment**

The time for meetings should be fixed during the day in order to be convenient for the women. Politics is time consuming and involves traveling and meetings that could last late into the night. This discourages women from entering politics as responsible wives are expected to be home taking care of their family. Moreover, Nigerian politics should be conducted in an orderly manner and in a peaceful atmosphere to be conducive for both men and women. Nigerian politics is marred by political violence and intimidation of both voters and candidates during elections, further hindering women's participation. Cultural and religious inhibitions should be controlled. Most cultures in Nigeria do not afford women political rights. A woman's rights are believed to be subsumed in her husband. Payment of a bride price, which is widespread in Nigeria, gives a man control over his wife. A husband could prevent his wife from participating in politics or taking up a political appointment if she does not seek his approval. The two major religions in the country (Christianity and Islam) preach that women should be submissive and by implication are not expected to be leaders, further enhancing their political marginalization.

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<sup>35</sup> Child's Rights Act, 2003.