

HURDLES TO WOMEN POLITICAL PARTICIPATION AND ADVANCEMENT IN NIGERIA: THE LEGAL LEEWAY*¹

Abstract

A number of quandaries stand in the way of any well-meaning discourse on the position of women in the contemporary Nigerian politics. This study focused on 'Hurdles to Women Political Participation and Advancement in Nigeria: The Legal Leeway'. The specific objectives were to critically examine the impediments to women political participation and advancements in Nigeria, to assess the obnoxious practices backed by law which encourage domestic violence and deter women from self-actualization in politics, and to make some recommendations. These also defined the scope and limitation of the study. The research design and methodology was doctrinal methodology, using analytical and descriptive approaches. The main sources of data collection were various legal documents and materials, both from the library and internet. For the summary of findings, it was submitted in line with observation of the findings that the impediments to women political participation and advancements in Nigeria should be faced squarely, and that the obnoxious practices backed by law which encourage domestic violence and deter women from self-actualization in politics are really cankerworms that should be dealt with. Recommendations followed that obnoxious legislation, judicial decisions reached per incuriam, and customary law repugnant to natural justice should be manifestly jettisoned and a new course of action and approach be taken to effectively combat women's challenges in politics and practically integrate them accordingly. It was concluded that women on their own should play their roles with all sincerity of purpose and they should be able to give good and qualitative leadership when called upon to take positions of power just like they are expected to do in the home front.

Keywords: Women, Political Participation, Advancement, Legal Remedy, Nigeria

1. Introduction

Women are the backbone of every human society as commonly observed. However, women, though free as human beings, are everywhere in chains. Despite the efforts in the legal parlance to ease the chains around women, the chains still remain as cobwebs and not totally off the women. With the development in human society and the advancement in science and technology, the challenges of women also take different dimensions. In the political dimension, the transformations from different phrases of traditional political leadership to the modern political leadership have as well redefined the challenges of women in political leadership. Basically, democracy is the western adoption to replace traditional monarchy and kingship. This replacement does not cause automatic equality in the leadership appointment, election, and administration. Notwithstanding the fact that different provisions of the law provide for women's right and equality in sexes and gender, both locally and internationally, the pragmatic aspect is still in utopia, even worst as some legal instruments still work against it. The foregoing is the driven force to this article. In fact, related literature is scanty in these purviews of concern as they are contemporary issues. Thus, there is adroit imperative to unendingly address the challenges of women in relation to different walks of life, leadership, tribes, and races. Sequel to this, it is a worthwhile topic for this article to delve into the hurdles to women political participation and advancement in Nigeria and the legal leeway.

2. Impediments to Women Political Participation and Advancements in Nigeria

Socio-cultural Factors

In many countries, traditions continue to emphasize women's primary roles as mothers and housewives and to restrict them to those roles. A traditional strong patriarchal value system favors sexually segregated roles, and traditional cultural values militate against the advancement, progress, and participation of women in any political process. Societies all over the world are dominated by an ideology of 'a woman's place'. According to this ideology, women should only play the role of 'working mother', which is generally low-paid and apolitical. In addition, in some countries, men even tell women how to vote. This is the environment, in which a certain collective image of women in traditional, apolitical roles continues to dominate, which many women face.² Given the societal trend, cultural ideas about women can affect women's levels of representation throughout the political process, from an individual woman's decision to enter politics, to

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²Shvedova, N. 'Obstacles to Women's Participation in Parliament Expert Group Meeting' *Online Database* <http://www.idea.int/publications/wip2/upload/2.obstacles_to_Women%27s_participation_in_parliament.pdf> accessed on 26th May, 2021

party selection of candidates, to the decisions made by voters on election day.³ Hence, women face prejudice as leaders because people tend to assume that leadership is a masculine trait. And when women do lead, they face a problem. People evaluate autocratic behavior by women more negatively than the same behavior by men.⁴ Thus, even in countries where women have made gains in employment or education, they face cultural barriers to participation in politics.⁵

In the context of Nigeria, there is a traditional belief that, women are made to take care of children and do kitchen works than participating outside home activity. Hence, there is division of works between men and women, which means home activities are belongs to women and outside home activities are belongs to men. Women are overburdened with different household activities like cooking, taking care of kids, washing and so on. These all activities make women busy in the household and impede their involvement in the politics of the country. In line with this, a study conducted by Gidudu et al⁶ on Socio-cultural Factors that Hinder Women's Access to management positions, revealed that women has to do house duties, gardening, and washing up while men go out for duty and also go for further studies outside the family as women stay back to take charge of the family.⁷ Culturally, there is a belief that women are supposed to be led but not to lead. In fact notions about women constitute major barriers; societal perception about leadership ability of women, women's lack of assertiveness is some barriers that hinder the participation of women. In this regard traditional attitudes towards gender equality influence women's advancement in political participation. Theories of socialization have long emphasized the enduring division of sex roles within a society especially the existence of egalitarian or traditional attitudes towards women in the private and public spheres. Socialization theories emphasize that these attitudes are acquired early in life through formative agencies, including the existence of traditional sex role learnt in the home and family, local community, and in schools and the workplace. In cultures with traditional values concerning the role of women in the home and family, many women may be reluctant to run and, if they seek the office, they may fail to attract sufficient party and electoral support to win.⁸ Most importantly in the country Women are considered subordinate to men and second class members/citizens both in the family and in the society especially in most parts of rural areas.

Religious Factors

Religion is another important source of cultural beliefs in most countries. Arguments about women's inferiority to men are present across all dominant religions, and religion has long been used to exclude women from aspects of social, political, or religious life around the world. But the major religions of the world are differentially conservative or patriarchal in their views about the place of women, both in the church hierarchy and in society. For example, Protestantism promotes nonhierarchical religious practices and more readily accepts women as religious leaders compared with Catholicism and Orthodox Christianity. And Islamic law is typically interpreted in a manner that constrains the activities of women.⁹ Hence, exclusion of women from religious institutions and religious leadership may have a negative impact on women's status in society and limit their opportunities in politics and public life. Hence, religious is one of the anachronistic cultural beliefs in many communities in the country that excludes women from the mainstream of leadership. In most religions, power and authority is believed to divinely belong to men hence subjugating women. Thus women are encouraged to play subsidiary roles since their place is in the kitchen and men are the decision makers. Arguments about women's inferiority to men are present across all dominant religions, and traditionally religion has long been used to exclude women from aspects of social, political, or religious life around the world.¹⁰ Women are also seem to be their own enemies in their own

³Kunovich, L.; Paxton, P. and Hughes, M. 'Gender in Politics', *Annual Review of Sociology* (2007)

⁴Eagly, A.; Makhijani, M. and Klonsky, B. 'Gender and the Evaluation of Leaders: A Meta-analysis', *Psychological Bulletin* 1 (11) (1992) 3-22.

⁵*Ibid.*

⁶Gidudu, H.; Enose, M. and Betty, T. 'Socio-cultural Factors that Hinder Women's Access to Management Positions in Government Grant Aided Secondary Schools in Uganda: The Case of Eastern Region', *International Research Journals* (5) (2014) 241-250.

⁷*Ibid.*

⁸Norris, P. and Inglehart, R. 'Cracking the Marble Ceiling: Cultural Barriers Facing Women Leaders', *Online Database* <[http://www.hks.harvard.edu/fs/pnorris/Acrobat/Marble ceiling professional format.pdf](http://www.hks.harvard.edu/fs/pnorris/Acrobat/Marble%20ceiling%20professional%20format.pdf)> accessed on 26th April, 2021.

⁹Meyer, K.; Rizzo, H. and Ali, Y. 'Islam and the Extension of Citizenship Rights to Women in Kuwait', *Journal of Scientific Study of Religion* (37) (1998) 131-44.

¹⁰Kunovich, L.; Paxton, P. and Hughes, M. 'Gender in Politics' *Annual Review of Sociology*. <<https://www.omicsonline.org/searchresult.php?keyword=stereotyped+notions&search=gotypednotions>> accessed on 26th April, 2021.

political advancement and empowerment, especially when they internalize these long held anachronistic assumptions and perceptions that politics is a dirty game thus a preserve game of men.¹¹

Economic Factors

Women's historical experience of discrimination puts them at a disadvantage position economically. **Socio-economic** status of women to a greater extent plays a significant role in enhancing their participation and representation in political decision making bodies. In this regard Shvedova¹² argues that social and economic status of women in society has a direct influence on their participation in political institutions and elected bodies.¹³ In other word Lack of economic resources is one of the biggest obstacles that prevent women from participating in politics in greater numbers. Making it easier for women to access economic resources, therefore, is a key in expanding women's presence in the political realm.¹⁴ The study done by Kunovich et al also revealed that most of women are financially dependent on their husbands or relatives.¹⁵ So they may not be possible to them to enter in political campaign. Ofong, former Member of Parliamentarian also argues that:

Lack of financial resources is the overwhelming obstacles to women political participation. Women move from their father's home to their husband's home . . . They are like refugees. They have no base from which to develop contacts with the people or to build knowledge and experience about the issues. Furthermore, they have no money of their own; the money belongs to their fathers, their husbands or their in-laws. Given the rising cost of running an effective campaign, this poses another serious hurdle for women in the developing world.¹⁶

In fact women's participation in political life depends largely on their access to employment which gives them not only material independence, but also certain professional skills and greater self-confidence. So that access to means of production and finances has a direct relationship and influence on the participation of women in political institutions. Having aware about the impacts of economy on women, the Nigeria government formulated *Economic Reform Policy* in 1992 with the aims to promoting economic development and improve the living standard of the most vulnerable sections of the society, particularly women.¹⁷ But still, in most Nigerian society, women have no right to decide on one's own property in the household because the household head is always the father which can control every asset and property of the family. Due to these facts, women always need to get permission from their father to buy some consumption materials and other resources in the household. Even if women are salaried, most of the time their incomes are controlled by men and sometimes if father and mother have their own income independently, women cover household expenses while men enjoy outside home like hotels and bars. So women are always dependent on men economically which is the main cause for their low participation to politics of the country.

Gender Roles--Patriarchy

The family is the main institution of patriarchy, which is an important concept in explaining gender inequality.¹⁸ Literarily, it means 'the rule of the father'; more broadly, it refers to a society ruled and dominated by men over women. This is inherent in most African families. Giving men a higher social status over females has crept into public life, which reflects in state activities. The family plays an important role in maintaining this patriarchal order across generations. The socialization of children to expect and accept different roles in life has created a social mechanism for the development of values that engender the several forms of discrimination against the female sex. The greatest psychological weapon available to man is the length of time they have enjoyed dominance over women, who have taken it for granted especially in the

¹¹Douglas, L. (2014) Factors Impeding Political Participation and Representation of Women in Kenya. *Humanities and Social Sciences Journal* (2) (2014) 173-181.

¹²Shvedova, N. 'Obstacles to Women's Participation in Parliament Expert Group Meeting' *Online Database* <http://www.idea.int/publications/wip2/upload/2.obstacles_to_Women%27s_participation_in_parliament.pdf> accessed on 26th June, 2021

¹³*Ibid.*

¹⁴Tovar, M. 'Women and Campaign Finance: High Price of Politics', *Women's Environment and Development Organization* (Dennoid Publishers and Co., 2007) 76.

¹⁵*Ibid* 44.

¹⁶Ofong, I. 'Women's Participation in Politics in Nigeria', *A Paper Presentation* (the 8th International women's worlds congress, Kampala, Uganda, 2002).

¹⁷ *Ibid*

¹⁸Ogonu, C. N. *The Contribution of Women to Socio-economic Development in Enugu State* (Fountains Printing Press Nig. Ltd, 2017) 29.

area of politics that often continue to stereotype women and justify their subordination.¹⁹ In many societies, women are portrayed as weak and incapable of making smart decisions. They have been depicted across generations to be only capable of trivial matters, constantly engaged in gossip and hearsay, utterly incompetent and less intelligent. This was projected and reinforced through the years through male-dominated institutions and patriarchal societies which internalized the idea that the woman was inferior. With the constant reinforcement of the notion that women are inferior in every aspect, it became hard for women to pursue their political rights as an active participant. For a woman to enter politics, such patriarchal attitudes make it even harder. The truth is that such attitudes are not a thing of the past. Such attitudes towards women still exist in societies all over the world today – in both developed and developing countries.²⁰ In Nigerian societies, men and women have clearly defined roles that are dictated by the dominant ideology which is patriarchy. Most of the time, men are taken as breadwinners; head of the household who has the authority to represent the family outside of the home. Since house work is solely the responsibility of women, a man never cooks even if he has no choice but cook to satisfy his hunger pang. It is a shame for a man to step into a kitchen let alone cook.²¹

Family Work and Time Constraints

Continuing uneven distribution of family care responsibilities means that women spend far more time than men in home and child care. Women pay a ‘motherhood penalty,’ across fields relating not just to the time, effort, and medical care of pregnancy and child birth, but to the far greater maternal involvement necessary for breastfeeding, and to the persistent tendency of women to do a larger share of childcare as the child grows. Anyone deeply involved in childcare, whether male or female, would face tough time constraints navigating between family responsibilities and a political position; because the work is rarely equally shared, women are more disadvantaged.²² Like many other women, in Nigeria women are traditionally in charge of domestic chores, while men are responsible for activities outside the home and men often spend their free time socializing outside the home, while women take care of the household which makes them difficult to engage in politics.

To summarize the above points, Nigeria is ranking 118th out of 135 countries in the 2012 Global Gender Gap Report, though an improvement from the previous position reflects the prevalence of resilient gender roles and stereotypes.²³ The position and empowerment of women and girls in society are hindered by negative attitudes perpetuating inequality affecting all aspects of their lives. Although women’s political representation has improved over the years, negative social perceptions about the leadership ability of women, their low socio-economic status, low educational and skills levels and lack of strong role models all contribute to women low participation in decision-making positions. The burden of household chores and inequitable access to higher education also limit women’s ability to enjoy the opportunities and benefits of citizenship as men on an equal footing in the political sphere. In addition to the above mentioned factors, according to Miranda, when many women especially in developing countries were asked if they would consider entering politics, their answer was negative.²⁴ Foremost their reasons is that politics is reputed to be dirty, where methods employed include the illegal and the unethical to win in elections and assume power, and where the corruption of public service for personal and narrow group interests has been the accepted norm.²⁵ To this end, Shvedova argues that men dominate the political arena; men formulate the rules of the political game; and men define the standards for evaluation.²⁶ The existence of this male dominated model

¹⁹Damilola, T. ‘Women’s Participation and the Political Process in Nigeria: Problems and Prospects’ *African Journal of Political Science and International Relations*, 4 (2010) 75-82.

²⁰Aswath, K. *The Patriarchal Barrier to Women in Politics* (Macmillan Publishing Co., 2014) 186

²¹At the practical level, almost every aspect of society’s cultural, social and economic life-seems to enforce the habit of subjection concerning the woman. These are instances feminist have resorted to invalidating the claim that the present structuring of human society seems to endorse the domination of women. Thus, for feminists, rape is a product of the institution of domination over women by men. This is not unconnected to what notable feminists have severally called phallocratic domination. N Hartsock, ‘The Feminist Standpoint: Developing the Ground for a Specifically feminist Historical Materialism’ in D Mayers (ed), *Feminist Social Thought: A Reader* (Rutledge, New York, 1997) 462.

²² Rachel, J. ‘Hewlett, Off-Ramps and On-Ramps: Keeping Talented Women on the Road to Success’, *Pace LawReview* (2009)

²³*Ibid.*

²⁴Miranda, R. Equal Participation of Women and Men in Decision-making Processes: With Particular Emphasis on Political Participation and Leadership’ Online *Database* <<http://www.un.org/womenwatch/daw/egm/eql-men/FinalReport.pdf>> accessed on 26th April, 2021.

²⁵*Ibid.*

²⁶Shvedova, N.A. ‘Obstacles to Women’s Participation in Parliament Expert Group Meeting’ Online *Database* <http://www.idea.int/publications/wip2/upload/2.obstacles_to_Women%27s_participation_in_parliament.pdf> accessed on 26th May, 2021.

results in women either rejecting politics altogether or rejecting male-styled politics. Generally many women in Nigeria have little independents on decision making on most individuals and family issues. Women are also discriminated on the ground of being women and as such low status is characterized virtually every aspects of girls and women's lives.

Lack of or Insufficient Education and Training

Education of women has also been an inhibition to women's role in developmental affairs. As Aksornool²⁷ puts it, empowering women through education creates a ripple effect which first enhances in parallel both their lives as well as those of their families then spills down to positively affect the community, which in turn pulls a nation up onto its feet. What then is obtained in Nigeria and other African nations is that, men's education is preferred to female education. In most homes, women are expected to see themselves as inferior to their male brothers. This is the reason for a few number of educated women and low educational quality or content of women. The poor educational level of women with available statistics according to Egonmwan²⁸, accounted for at least 480 million (60%) of the third world's 795 million illiterates in 1980. He further said, the female illiterate position rose more than 5 million annually in the seventies as against only 2 million yearly for men, an indicator of, perhaps unconsciously sustained gap. An illiterate person does not know his/her role in any topic of discussion – the fellow will be acting as only a follower subject and not even a successful one- no positive input or output, is quite a problem. As Obi²⁹ rightly observed that a woman who lacks access to education cannot be gainfully employed in any meaningful job not to talk of positions of governance and leadership.

Lack of Proper Awareness on Political Activities and Women's Own Factors

Lack of proper awareness towards the activities involved in politics is another major militating factor towards women active participation in politics. Women in the rural areas do not have access to the requisite information needed for development and to the development of the individual. Some are ignorant of what politics is all about. Even at the peak of the Better Life Programme by Maryam Babangida and the Family Support Programme of Maryam Abacha, according to Ene³⁰, women in the rural areas that constitute the largest population of Nigerian women were still ignorant of the roles they could play to enable them fit into the nation's political system. The programmes were viewed by some of the women as a means of 'style' as being portrayed by the urban women. Some argued that is a way to get relief materials so any gathering that has nothing to offer as gifts were constantly shunned by some of these women. Inadequate power supply in most of the rural areas and even the urban areas posed a lot of challenge. Information on Radio, Television and the National dailies hardly get to the ears of these women. Many rely on what their husbands tell them and most times some of these husbands are not educated and where they are, they less concern with the activities of government going on around them. Some of the men cannot even pass on correct information to another person so instead of embarrassing themselves they prefer to keep mute and die in silence with the knowledge of whatever they know.³¹

Another area of interest that affects women participation in politics is the latest advancement in technology. Technological bias is the tools women can use and cannot use exist thereby hindering some women from making use of these tools for economic activities. Heavy agricultural machines that can enhance productive processes are always handled by men and men also undergo trainings on its use. This affects the women in using such equipment for a greater agricultural production leading to good economic resource.³² However, it is noteworthy to say that the use of computers has favoured the women as many of them particularly in the urban areas have used the machine to better their access to economic gains. The Global System for Mobile Communication (GSM) has also added impetus to the technological advancement. Majority of the women now use it as a source of income and a means of communication, much is still expected. The discrimination against women in case of death of a spouse is another major factor militating against women participation in politics. Women are usually accused of killing their husbands and as such, after the necessary burial rites, they are denied access to the man's assets (if any) and this affects the women greatly. In such instance, the woman is always unhappy and withdraws herself from any social activity. The agony of women in such situation can never allow them to be interested in any activity, at times the belief that they actually killed their spouse makes them an outcast within the family circle. If the woman is so brave as let her move ahead with life particularly in area of politics, her opponents will use it against her, 'No wonder she killed her husband because she wants to rub shoulders with men – Do not vote her' (emphasis mine)³³.

²⁷*Ibid.*

²⁸*Ibid.*

²⁹ Obi, M. A. 'UNESCO: Educate to Empower', *International Journal of Studies in the Humanities* (4) (1997).

³⁰ Ene, A. *A Case Study on Benue State Better Life Programme* (Zaria: ABU Press, 1997) 67.

³¹ Eniola, T. 'Where are all the women in Nigerian politics?' *Online Database* <<https://www.equaltimes.org/where-are-all-the-women-in#.XIO3oToo9dg>> accessed on 26th June, 2021.

³²*Ibid*

³³*Ibid.*

Limited Access to Resources

Problem of limited access to productive resources is another major militating factor against women participation in politics. As World Bank in Egonmwan³⁴ described it, women lack ‘pledgeable assets’, women are ineligible to credits, loans and advances because they do not possess collateral securities. In the Nigerian politics, which is a sign of affluence to some politicians, how a woman can raise funds to sponsor or coordinate rallies, even to print posters for voters to see whom they will vote is a difficult task. The attitude of men towards women that are interested in politics will not give the women the opportunity to ask their husbands for such funds. It is no surprise of UNIFEM³⁵ support to women saying the most basic pre- requisite for empowerment in all spheres for women will be economic self-reliance. Women resources are also limited because most traditions deprive them of family inheritance. For instance, the *Administration and Succession (Estate of Deceased Persons)*³⁶ of Anambra State provides:

(i) In all cases to which this law applies the residuary estate of an intestate shall be distributed in the manner or be held on the trusts mentioned in this section and the distribution of the residuary estate of an intestate shall be in accordance with the following table.

(a) If the intestate leaves a husband or wife but does not leave any children or parent or children’s children, the residuary estate shall be held on trust for the surviving spouse absolutely provided; that where the surviving spouse is the wife and the intestate leaves brothers and sisters of the half blood, such wife’s interest shall be for life or until she marries (whichever first occurs) after which the residue of her interest shall go to the intestate brothers and sisters absolutely in equal shares. (Emphasis mine)³⁷³⁸

Obnoxious Traditional Practices

Traditional practice among some ethnic groups in Nigeria is another militating factor against women participation in politics. Women in ‘purdah’ as stated by Ene³⁹ has no access to quality education not to talk of coming out to join men in political activities. They are so restricted that they cannot even come out or appear in public gatherings where men are, how then can such women participate in any issue concerning their welfare? In the Eastern part of the country, women are usually relegated to the background in some parts of the region. They are not expected to contribute in any meeting of the Umunna, any discuss about land and landed properties, is not their concern. It is unfair to treat women as if they are second class citizens but it is culturally in order and tradition supports it in some part of the country.

³⁴*Ibid.* 214

³⁵Washington D. C.: The World Bank. UNIFEM, *Beijing and Beyond Celebrating the 4th World Conference on Women* (New York: UNIFEM, 1996).

³⁶*Administration of Estate Law, Cap C4, Laws of Anambra State of Nigeria*, 1991, s 120.

³⁷*Ibid.*

³⁸ Also, in the locus classicus case of *Ejiamike v Ejiamike*(1972) 2 ECSR, II., Oputa, J held that a widow of a deceased person had no right under Onitsha customary law to administer the estate of her late husband, particularly where the first male issue of the deceased ‘Okpala’ is no longer a minor. This case reminds us of *Aileru&Ors v Anibi*(1952) 2 NLR, 46, where Jibowu held that widows cannot administer the estate of their husband under native law and custom. In the case of *Oshilaja v Oshilaja*(1972) 2 UILR, 313, 10 CCHCJ II, it was held that a widow cannot inherit because as a chattel under native law and custom, she could be inherited. Also in *Nzekwu v Nzekwu*(1989) 2 NWLR (pt. 104) 317 which is a case on a widows right to inherit her late husband estate under Igbo (Onitsha) custom where the widow has only two female children. The court held that her right is only possessory and not proprietary. She has right to occupy the building or part of it subject to good behavior. In *Uboma v Ibeneme*(2001) 14 WRN 31, the court held that daughters cannot inherit their deceased father’s property. That they had no such right and that while land can be allotted to women for farming purposes, they cannot call those lands their own. The provision of *International Covenant on Civil and Political Right* (ICCPR) which otherwise called the Liberty Right Instrument and a first generation right are often found in constitution of nations and contain provision on property rights, subject to the provision of the s. 43 of the CFRN, 1999 as amended every citizen of Nigeria shall have the right to property in Nigeria; *Muojekwu v Muojekwu*(2002) EWCA at 1685.

Therefore, right to property convincingly is a fundamental right which should be held sacrosanct and meaningful to human existence. Some activist judges have in some judicial pronouncements made by them, declared those customs null and viol as they are contrary to the provisions of the statutes and repugnant to natural justice, equity, and good conscience. In *Ukeje v Ukeje*(2001) 14 WRN 31 the court held that the Igbo native law and custom which disentitle female from sharing in their deceased father’s estate is void as it is in conflict with the provision of s. 42(2) of the CFRN. Also in *Euphrain v Pastory*(1993) LAC 231 the court relied on the *African Charter on Human and Peoples Right* (ACHPR) guarantee of equality of all persons contained in the *Universal Declaration on Human Rights* (UDHR), *International Covenant on Civil and People’s Right* (ICCPR) and *International Covenant on Economic, Social and Cultural Right* (ICESCR). The last three are known as the *International Bill of Rights*, to override the customary law which debarred women from selling clan lands while granting men the right to do so. In *Azika v Atuanya*(2008) 17 NWLR (pt 117) 484, the court held that a law which prevents female children to inherit their father’s property was repugnant to natural justice, equity and good conscience. Custom must treat children of the deceased equally with reference to inheritance.

³⁹Kassa, S. ‘Challenges and Opportunities of Women Political Participation in Nigeria’ *Online Database* <<https://www.omicsonline.org/open-access/challenges-and-opportunities-of-women-political-participation-in-ethiopia-2375-4389-1000162.php?aid=64938#1>> accessed on 26th April, 2021.

3. Encouraging and Promoting the Women's Legal Rights in Politics

The Nigerian government has ratified conventions and international legal instruments on women's rights. Often, however, these have not been enacted into national law. Moreover, many women are ignorant of the existence of laws that recognize their rights and can be invoked for their protection. Various systems of customary law, religious ideologies and cultural stereotyping have been used to treat women as minors in the law and household, with few women having equal access to political offices and positions. Socialization and educational processes reinforce this situation; women are raised to believe that they are inferior to men. Traditional women leaders have not been given the same recognition as male chiefs who have been co-opted into new positions of power in their societies. Women are under-represented in high offices of state and positions of decision-making in government, the military, central banks, finance and planning ministries.⁴⁰ Notwithstanding the 30 per cent minimum threshold in decision-making for women recommended in UNDP 1995 *Human Development Report*, average female representation in politics is less than 5 per cent in the country, and many of the women are nominated, not elected. Although they are active in community affairs, women also are not adequately represented, except where conscious efforts have been made to guarantee a quota for them. Women's representation in the judicial system has improved through the growth in numbers of new female lawyers, magistrates and judges but the proportions still tend to be low. Despite the presence of some women in judicial and parliamentary systems and in top ministerial and decision-making positions, their low numbers hamper their effectiveness in initiating change for women. According to Agomor,⁴¹ given the role of the media in influencing people's opinions and attitudes, the increased participation of women, coupled with gender-sensitive education, can lead to more positive portrayals of women, their activities and their capabilities.

4. Promotion of International and National Legal Framework for Gender Equality

Nigeria's constitution and national policies are consistent with international legal instruments on gender equality, including the *Convention on the Elimination of all Forms of Discrimination against Women* (CEDAW); the most comprehensive treaty on women's human rights, which came into force in 1981, has been ratified or acceded to by 165 states worldwide. It calls for equality between women and men in all civil, political, economic, social, and cultural rights and it emphasizes the importance of equal participation of women with men in public life.⁴² States that are parties to the Convention are obligated to ensure women equal opportunities in the right to vote and be eligible for election, the Beijing Platform of Action which focused on full recognition of women's rights and fundamental freedoms, and demands for progress towards gender equality in education and health care, in work and the family, and in the public sphere.⁴³

The *African Charter on Human and Peoples Rights*, and the *Convention on the Rights of the Child* and the Nigerian constitution guarantees the rights of women as equal to those of men in all spheres including equality in marriage, the right to equal employment, and rights to maternity leave with pay, the right to acquire, administer, control, use and transfer property, with emphasis on land and inheritance issues and the right to access family planning and education. Nigeria is therefore making several efforts to strengthen national structures for achieving gender parity.⁴⁴ In this regard, the former South African president Nelson Mandela argues that 'Freedom cannot be achieved unless the women have been emancipated from all forms of oppression. All of us take this on board that the objective of reconstruction and development programme will not have been realized unless we see in visible practical terms that the condition of women in our country has radically changed for better and that they have been empowered to intervene in all aspects of life equal with any other member of the society.'⁴⁵ Likewise the government of Nigeria should work a lot to close gender gap in the country and to bring women at the center of policy making and development. Equality between men and women, and boys and girls, is one of the central pillars of the Growth and Transformation Plan: the Growth and Transformation Plan (GTP) the five year national development plan for Nigeria and the Development Plan for Women and Children (2011-2028) have included specific commitments to increasing women's participation in political life and decision making, promoting women's economic empowerment and reducing violence against women.⁴⁶ Moreover, due to women's

⁴⁰Ijere, M. O. 'Women in Rural Development' In Ijere (Ed) *Women in Nigerian Economy* (Enugu: Acena Publishers, 1991) 175.

⁴¹Agomor, K. S. 'The Role of Women in Politics in Africa' In Odion, A. (Ed.) *Governance: Nigeria and the World* (Hope Publications, Ibadan, 2004).

⁴²Norris, P. and Inglehart, R. 'Cultural Barriers to Women's Leadership: A Worldwide Comparison' *International Political Science Association World Congress* <<https://www.omicsonline.org/searchresult.php?keyword=equal+participation+&search=Go>> accessed on 26th June, 2021.

⁴³ Ibid.

⁴⁴ UNICEF, *Investing In Boys and Girls in Ethiopia: Past, Present and Future* (UNICEF, 2012).

⁴⁵Awotash, A. 'Women Participation in Parliament: Comparative Analysis' *Online Database* <http://www.etd.ceu.hu/2011/tefera_awotash.pdf> accessed on 23rd June, 2021.

⁴⁶Ahmed, S. et al. 'Ethiopia Joint Programme on Gender Equality and Women's Empowerment: Phase II Ethiopia Delivering as one' *Online Database* <http://www.undp.org/content/dam/undp/documents/projects/eth/jp_geweprodoc2012-2015final%282%29.pdf> accessed on 23rd July, 2021.

disadvantage position in the society and as a commitment to gender equality, the Federal Government of Nigeria issued the national Nigerian Policy on women in 1993 with the following objectives.⁴⁷

Facilitating conditions conducive to the speeding of equality between men and women so that women can participate in political, social and economic life of their country on equal terms with men and ensuring that their right to own property as well as their other human rights are respected and that they are not excluded from the enjoyment of their fruits of their labor or from performing public functions and being decision makers. Facilitating the necessary conditions whereby rural women can have access to basic social services and to ways and means of lightening their work load. Eliminating step by step, prejudices as well as customary and other practices that are based on the idea of male supremacy and enabling women to hold public office and to participate in the decision making process at all levels. A new *Federal Family Code*, based on the principle of gender equality also came into effect in July 2000. It rose the minimum age of marriage from 15 to 18 years and established the rights of women to share any assets the household had accumulated if a couple has been living together for at least three years in an irregular union. The Nigerian penal code criminalizes domestic violence and harmful traditional practices including early marriage, abduction and female genital mutilation or cutting.⁴⁸

Nigeria is also one of the countries that embraced the principles of the MDGs at the millennium declaration where by 147 heads of State and Government and 191 nations became signatories for their adoption and implementation. A task has also been set up to realize MDGs in Nigeria. A national action plan for gender equality is also underway to make the gender specific goals of the MDGs a reality in Nigeria.⁴⁹

5. Conclusion and Recommendations

The challenges to women in political participation are unending. This work cannot exhaust them as there are more hidden cultural practices and some hidden in some legislation, as they have been distilled in the foregoing. There are still more concerns, for instance, women, from the general view points, are facing marital challenge. Girls have no personal right to exercise and/or demonstrate before her marriage take place (and that have special provision in both Islam and Christianity) and they do not have choice by themselves; whom they will marry and when.⁵⁰ Divorce challenge also is semi-factor, many girls destined to marry uneducated somebody, who considered nuptial relations as merely source of sexual pleasure and satisfying their orgasmic needs. As a result, they are misguided and never care to make any woman divorcee. Marital rape⁵¹ is another factor through which many husband use to beat, criticize their wives and finally divorce them, reasoning that that is not crime. The issue to them remains as a matter of choice between superior (husband [male]) and inferior (wife [female]).⁵² To combat and eliminate the impediments against women in politics, particularly in Nigeria, there should be commitment in battling corruption through installing a strong institution to ensure there is no more corruption that would optimistically lead to good governing in Nigeria and thus, each and every kind of discriminations will automatically evacuate from the country. The obnoxious legislation, judicial decisions reached *per incuriam*, and customary law repugnant to natural justice should be manifestly jettisoned and a new course of action and approach be taken to effectively combat women's challenges in politics and practically integrate them accordingly. Religious leaders should engage themselves in enlightening their respective followers according to the precise teachings of their religions. To nevertheless, mobilize people about the human condition and the rights he/she deserves in such religions that would low down the discrimination pressures. Governments should be more conscious about marital segment of the citizens by identifying a governmental institution, which will directly be dealing with registering new marriages that will be easier to track misconducts against women and marital-rapes. Government should strengthen sound legislation and other measures to protect women from violence and support victims, including by adopting specific legislation to criminalize domestic violence, marital rape and other crimes of sexual violence; and reforming the evidence requirements to prove rape; removing obstacles to victims' access to justice; ensuring effective prosecution and punishment of offenders; implementing training for all law enforcement personnel; and establishing shelters for women victims of violence.

⁴⁷*Ibid.*

⁴⁸*Ibid.*

⁴⁹'National Report on Progress made in the Implementation of the Beijing Platform for Action in Asia and Pacific.' *Online Database*<<https://www.omicsonline.org/searchresult.php?keyword=democracy>> accessed on 26th April, 2021.

⁵⁰In the case of a girl-child marriage which is mostly the beginning of her enslavement and political deprivation, the court has held in the case of *Akpan v The State* (1967) NMLR 185 that there are four methods of establishing the age of a child: birth certificate, direct evidence, doctor's medical certificate and court declaration; Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, 1962, Art 1;

⁵¹ Marital Rape or Rape within Marriage or Dating Relationship refers to carnal relation between husband and wife. Any husband who forcefully has carnal knowledge of his wife is guilty of marital rape. By section 6 of *Criminal Code Act*, marital rape is still not made a crime in Nigeria.

⁵²*Federal Ministry of Women Affairs and Social Development* (Nigerian Gender Statistics Book, Abuja, 2008).