



Pragmatic Evidence of Gender Disparity Based on Human Rights Laws; A Case of Nigerian Political Leadership

Dr. Otunta Bertha Nnenna

Faculty of Law, University of Benin

Corresponding Author: Otunta, Bertha Nnenna, Faculty of Law, University of Benin

P. Indexing – *Advanced Science* | *Google Scholar* | *Researchbib.com* | *Publons* | *Director of Open Access Scholarly Resources* | *InfoBase Index*

ABSTRACT

Since democracy in Nigeria, the number of women in political leadership has been lower than expected. It is surprisingly decreasing in the current quest for gender equality. The statistics of women in political leadership has not been up to 15% meanwhile, there has not been a woman leader at the principal position of the country. This is thus, against the treaty which Nigeria is a signatory to and against the provisions of the constitution of the country. However, certain factors contribute to gender disparity in the political leadership some of which include, religion and custom, stereotype, lack of funding and the frequent election violence and threats. It is therefore necessary that an affirmative action should be put in place to enhance and empower participation of women in political leadership in Nigeria. This is essential because women leadership have been noted with positive outcomes such as democracy, peace building among others.

Keywords: Gender Disparity; Human Right; Political Leadership; Nigeria

1. Introduction

Since the inception of democracy in Nigeria, the participation of women in political leadership is not up to 15%. This record is very low when compared to the number of women that make up the Nigerian population. Nigeria is a populous country of about 200 million people according to the National Population Commission (NPC) and National Bureau of Statistics (NBS) of which women are 49% of the population (EiENigeria, 2019). Notwithstanding the provisions in the 1999 constitution that upheld the human rights laws and parity in the political and social order, women in Nigeria are still in the suffrage of all kinds of discrimination against the human rights laws especially in the political leadership of the country. The statistics on the participation of women in political leadership in Nigeria is one of many proofs of the discrimination against women, which is against the Convention on Declaration of Human Rights Laws. Nigeria being a member of the United Nations and having signed a treaty on the convention is bound to abide by the laws and protect the human rights of her citizens at all costs and levels.

Gender disparity has been a global concern and an instrument in human rights laws. It has attracted activists all over the world. The quest has been to give women equal opportunity without any form of discrimination based on sex, culture, race, etc. It is on this basis that the Convention on Declaration of Human Rights Laws was established to enhance global protection of human rights. To strengthen this quest, the Convention on Women's Rights was also established. The essence

Citation: Otunta, Bertha Nnenna (2021). Pragmatic Evidence of Gender Disparity Based on Human Rights Laws; A Case of Nigerian Political Leadership. *European Review of Law and Legal Issues*, 5(3), 1-13.

Accepted: August 20, 2021; **Published:** August 31, 2021

Copyright: ©2021 Otunta. This is an open-access article distributed under the terms of the Creative Commons Attribution License, which permits unrestricted use, distribution, and reproduction in any medium, provided the original author and source are credited.

of these legal frameworks is to enable the participation of women in all spheres of life without prejudice or inferiority based on sex or gender.

Nevertheless, this is not the status of women in Nigerian political leadership. It is expected that there should be an increase in women's participation, but the last election showed a decrease from the previous. The gender disparity in Nigerian political leadership as against the human rights laws is centered on certain factors that hinder the participation of women. In Africa, particularly in Nigeria, factors such as stereotypes, lack of funds, election violence, religion, and custom among others encourage gender disparity and limits women's participation in political leadership. It is expected that Nigeria being a member of the United Nations and having signed the human rights laws should uphold gender equality as many other member nations. This study, therefore, investigates the literature on gender disparity in Nigerian political leadership as against the human rights laws which the nation upholds.

The Statistics on Women in Nigerian Political Leadership Since the Return of Democracy

The 1960 Constitution¹ of the Federal Republic of Nigeria included fundamental human rights and granted freedom of participation to women by providing laws against discrimination of women. Participation of women in politics after independence was noted to be evidence of marginalization on women, the freedom of participation of women was a change in the makeup of officeholders rather than the character of the political system (Nelson, 2012). Oluymi (2016) noted that in 1960, a woman became a member of the Federal Parliament,² in 1961 and 1966, the Eastern Nigeria House of Assembly had a woman and two women respectively.

During the Second Republic (1979-1983), few women were elected into the Federal House of Representatives and the State House of Assembly. While two women were appointed as Federal Ministers, there was only a female Permanent Secretary in the whole Federation, few women were also appointed as Commissioners in some states (Oloyede, 2016). A woman was elected into the Senate in 1983 and very few women were elected into the Local Government Councils. During the military rule in 1983³, the federal quota system was introduced which directed all the state governments to appoint at least one woman as a member of the Executive Council. This was effective as some states appointed more than two women as members of the Executive council (Eniola, 2018). Two women according to Oloyede (2016) was appointed Deputy Governors in Kaduna and Lagos State.

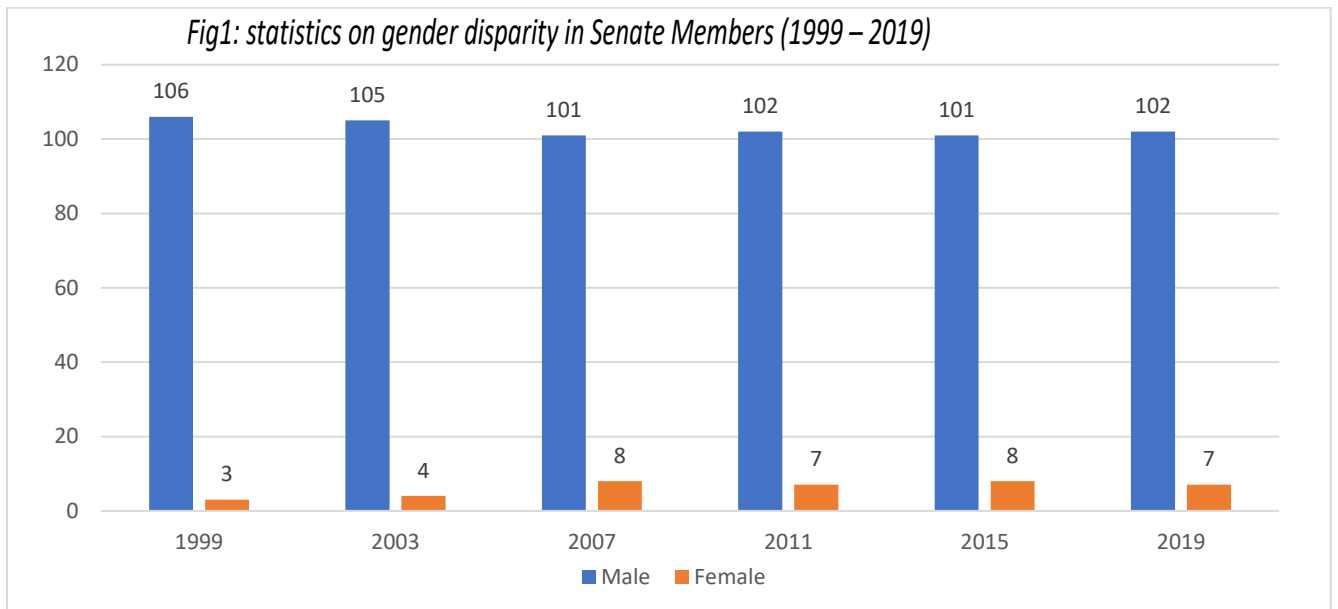
During the third republic, one woman was elected as a local government chairman, few women were elected as local government councilors, two female Deputy Governors were appointed in Lagos State and Cross River State, a woman was elected as a senator, and very few women were elected to the House of Representatives (Oloyede, 2016). In 1993, two women were appointed in the Transitional Council, two female ministers were appointed as ministers, and two women in the Federal Executive Council (Kolawole, et al., 2013).

The return of democracy in the Nigerian System of governance in 1999 coupled with the 1999 constitution provided equal rights and opportunities to both men and women in Nigeria (Eniola, 2018). This is supposed to have provided leadership participatory opportunities for women in Nigeria, however, the record in participation of women in Nigerian politics has been low (Oloyede, 2016). Throughout the administration of 1999-2007, 2007-2011, 2011-2015, 2015-2019, the position of the president and vice presidents in Nigeria has been occupied by males. Although the number of female participation and involvement in the political leadership in Nigeria increased when compared to before, there is still a disparity in gender as against the human rights laws. A chart and tabular representation of the participation of women in Nigerian politics since democracy (1999) is presented below;

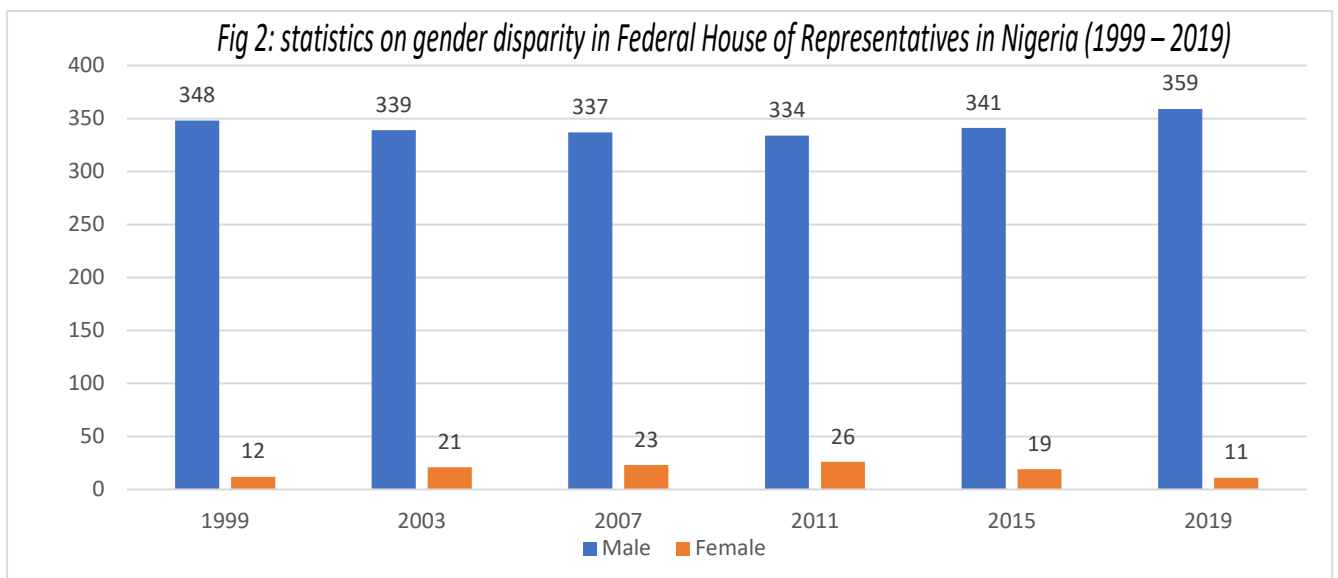
¹ See <http://www.nigeria-law.org/ConstitutionOfTheFederalRepublicOfNigeria.htm>

² In 1960, Mrs. Wuraola Esan from Western Nigeria became the first female member of the Federal Parliament.,

³ Under the regime of General Muhammed Buhari



Source: Oloyede, 2016; EiENigeria, 2019



Source: Oloyede, 2016; EiENigeria, 2019

The chart above showed that the participation of women in Nigerian political leadership did not increase during the 2019 general election⁴. Instead, it showed a decrease in the progress of women's participation since the return of democracy in 1999. The report by the Centre for Democracy and Development (CDD) showed that the percentage of women in the 2019 election was 4.17% of the elected positions which is lower than the 5.65% of women elected in the 2015 general election (Onyeji, 2019)⁵. The concern is when will women be given more chances to participate in Nigerian political leadership? Currently, the political parties in Nigeria are ninety-one (91) and it is expected that women should have a better chance of participation and involvement. Women, however, showed interest in the 2019 general election, but the outcome of the party primaries and the general elections was not in favour of the majority. The female presidential candidates in the 2019 general election stepped down before the election day⁶, this gave the notion that women were not ready to contest in the election (Onyeji, 2019). According to the statistics by Premium Times and CDD, 235 women contested for the

⁴The 2019 general election was not in favour of women. See the Premium Times News <https://www.premiumtimesng.com/news/headlines/326243-2019-elections-worst-for-nigerian-women-in-nearly-two-decades-analysis-show.html>

⁵Reported the Premium times news on gender disparity in the 2019 general election in Nigeria

⁶ But their names were in the ballot paper on the election day. The prominent among them was Mrs. Oby Ezekwesili who was a minister of the federation.

Senate member which 7 were elected (6.42 percent of the total number of elected senators), 533 women contested for member house of representatives, only 11 (3.05 percent of the total number of elected Reps.) were elected. There is also a record of gender disparity in the 2019 election at the state level. Among the 36 states of the Federal Republic of Nigeria, none of the governors is a woman⁷, only four were appointed as deputy governors. The state house of assembly had 55 female legislators in the whole nation.

It is a generally recognized fact that inclusion of women in politics is a vital aspect of democracy, it has been noted that inclusion of women in politics provides benefits such as improved economic growth, policy changes, egalitarian society, and enhanced peace-building (EiENigeria, 2019). The case of Nigeria has become a norm that when progress in the participation of women is expected, there tends to be a decrease in the number of women participating, notwithstanding the provision in the 1999 constitution for equality in leadership regardless of gender.

The 1999 Constitution and Participation of Women in Political Leadership

The Nigerian constitution allowed the active participation of both males and females in the political leadership of the country. Section 14 of the constitution made provisions thus;

“The Federal Republic of Nigeria shall be a state based on the principles of democracy and social justice.” Subsection 2 further stated that *“The participation by the people in their government shall be ensured in accordance with the provisions of this Constitution.”*

Also, section 40 of the constitution added 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.”

Section 42 (1) states 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.”

Section 17 (1) provided that; the social order of the state is based on the principles of justice, freedom, and equality. The social order was further stressed in section 17 (2)⁸ to show that there is no tolerance of any kind of disparity among the citizens. Contrarily, the constitution abridged these provisions⁹ in section 6 (6) (c) where it provided that violations of the social order cannot be redressed in court (Eniola, 2018).

However, various aspects of human rights such as rights to life, personal liberty, freedom from discrimination, dignity, private and family life, freedom of thought, conscience and religion, and freedom of expression are protected in Chapter IV of the constitution.

The International Treaty on Human Rights for Gender Equality

The Universal Declaration of Human Rights (UDHR)¹⁰ is an international document approved by the United Nations that protects the privileges and liberties of every human being. The Declaration comprises 30 articles describing an individual's basic privileges and fundamental liberties and confirming their general character as intrinsic, absolute, and pertinent to all humans. The UDHR obliges countries to recognize all humans as being free-born and equal in self-respect and privileges, irrespective of race, place of birth, ethnicity, and social status (United Nations, 2020).

The Declaration is considered a landmark document due to its universal language which takes no consideration to a specific culture, political structure, or belief. The Universal Declaration of Human Rights is generally acknowledged as the footing for the formulation of international human rights law and also recognized as the first step in the formation of the International Bill of Human Rights, which was completed in 1966 and entered force in 1976 (Akkhad, 2020). The UDHR has encouraged a vast form of legally binding international human

⁷ Since Nigerian, independence, women have not been elected into the principal positions such as president and governor.

⁸ Section 17 (2) (a) every citizen shall have equality of rights, obligations and opportunities before the law; and (b) the sanctity of the human person shall be recognized and human dignity shall be maintained and enhanced.

⁹ Chapter 11 of the constitution to include section 14, section 40, section 42 (1), section 17 (1) and (2).

¹⁰ <https://www.un.org/en/universal-declaration-human-rights/>

rights treaties. The international human rights movement¹¹ was reinforced when the General Assembly of the United Nations implemented the Universal Declaration of Human Rights (UDHR) in 1948. This Declaration spelled out fundamental civil, economic, political, and socio-cultural privileges that all human beings are permitted to enjoy for the first time in history. It has also been extensively accepted as the essential standard of human rights that each party should reverence and defend.

The Universal Declaration of Human Rights is the model standard held in common by countries of the world, although, it bears no force of law. Hence, from the period of 1948 to 1966, the United Nations Human Rights Commission's principal role was to generate a body of international human rights law founded on the Declaration and to create the mechanisms required to impose its implementation and usage. The Human Rights Commission developed two major documents which are the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). These two made up the international law in 1976. The Universal Declaration of Human Rights, alongside these two covenants, makes up the International Bill of Human Rights (United for Human Rights, 2020). The ICCPR pays attention to issues about the right to live, liberty of speech, belief, and voting while the ICESCR focuses on food, clothing, health, and education. Both covenants declare these privileges for all humans and prohibit discrimination.

The International Covenant on Civil and Political Rights (ICCPR)

The ICCPR identifies the intrinsic dignity of every individual and agrees to enhance conditions within various states to allow the enjoyment of both civic and political rights. States that have endorsed the Covenant are obliged "to guard and preserve fundamental human rights and are obligated to take managerial, legal, and legislative measures to defend the privileges enshrined in the agreement and to provide an effective remedy. There are currently 74 signatories¹² and 168 parties to the ICCPR. The uniting themes and principles of the ICCPR are seen in Articles 2 and 3 and are founded on the ground of non-discrimination. Article 2 guarantees that privileges documented in the ICCPR will be esteemed and available to every person within the jurisdiction of those countries who have endorsed the Covenant. Article 3 guarantees the equal privileges of both men and women alike in the enjoyment of all civil and political rights listed in the ICCPR (Canadian Civil Liberties Association, 2015). The international covenant on civil and political rights have two optional protocol¹³. Optional Protocols to human rights agreements are treaties with their rights, opened to signature and accession by states who have adopted the main agreement (United Nations, 2009).

Factors that Enhances Gender Disparity in Nigerian Political Leadership

Gender disparity has been a menace in the political leadership of most African countries, regardless of the effort of gender equality and human rights activists. Certain factors enhance the steady occurrence of gender disparity in the Nigerian political leadership, some of the factors include;

Lack of Funds: oftentimes, the discrimination against women also affects them economically. Economic marginalization of women is rooted in the sexual discriminatory practices of labour, job opportunities, and denial of rights to property ownership (Agbalajobi, 2010) and inheritance. Political activities such as campaigns are money-demanding and require financial backup for success (Agbalajobi, 2010). Most women cannot afford the financial requirement for campaigning and competing for political positions in Nigeria (Eniola, 2018). Political activities such as registration and purchase of a form, and campaign sponsoring are money demanding of which most women cannot afford. Also, society assumes that political activities are meant for men, and as such, women lack sponsors due to the preference of male candidates. Currently, no policy supports the empowerment of women in politics, the continuous loss in the election bid has discouraged most women to participate in political leadership in Nigeria.

¹¹UN High Commissioner for Human Rights, <https://www.ohchr.org/EN/ProfessionalInterest/Pages/InternationalLaw.aspx>

¹² Nigeria is one the Signatories

¹³ The 1st optional protocol for the International Covenant on Civil and Political Rights allows persons, whose states are party to the ICCPR treaty, who claim their privileges outlined in the ICCPR have been debased, and have exhausted all local solutions, to communicate to the UN Human Rights Committee in writing. This protocol was adopted on 16th December 1966 and entered force in 1976. The second optional protocol aims at the eradication of death punishment in State parties. It was proclaimed and implemented by the UN General Assembly on 15th December 1989. This protocol was adopted based on the belief that the eradication of death as a penalty for crimes contributes to the improvement of human self-esteem and the advanced expansion of human rights

Poor Party Structure: the report by Premium Times¹⁴ on the participation of women in the 2019 general election had it that, the poor participation of women in the election as a result of the Nigerian political structure. The report noted that the two major parties of the country do not allow “enough space” for women. The women are often eliminated at the primary election of the party; the primary election is the most important. Also, the structure of the political meetings and traveling which is time-consuming and often lasts into the night discourages women’s participation (Eniola, 2018).

Stereotyping: in Nigeria and most African countries, men are often given higher social status than women. It has been a norm that originates from the family level and has crept into public life and legal affairs (Agbalajobi, 2010). Due to the dominance of men, it is believed that politics is activities that concern men and that political positions should be left for men. It is usually believed that women have nothing to offer and cannot be in public offices. The stereotype that politicians are inhuman and dominated by men leads to the misconception that women in politics are rebellious and must have compromised their virtue to scale through (Nwabunkeonye, 2014).

Election Violence, Threats, Rigging, and Vote Buying: since the return of democracy in Nigeria, the election has been known to be violent and blood-sucking (Agbalajobi, 2010). As a result, women who aspire to partake in the elections are discouraged because they cannot withstand political violence such as threats, rigging, and vote-buying. The belief, therefore, has been that Nigerian politics is for people who can stand the violent environment to compete for electoral positions. This consensus brought about the notion that politics is for men who can stop at nothing to achieve their political ambition and as such created prejudice on performance based on gender (Agbalajobi, 2010).

Religious and Cultural barriers: most of the African customs and traditions had been of discriminatory attributes to women. The customs subdue women to total submission and dependence on men. This has eaten deep into the life of women that some women discourage their fellows who are perceived to attain heights meant for men in their culture. This has been a problem and has encouraged gender disparity because, in obedience to their husbands, female political aspirants are discouraged by their husbands and the society at large. Also, the Christian and Islamic religions which are the dominant religion in Nigeria do not permit or encourage women to take public roles. The religions also subdue women to the image of virtue who should be non-violent and submissive to the husband. And as such, it is with the full consent of a husband that the wife can participate in politics or political appointments (Obi, 2008).

Way Forward

Sound legislation is proven to be the best way forward, according to Premium Times-News. There is a pressing need to make the 35% affirmative action law. In Senegal, women first got 30% through legislation before they moved for parity (a ratio of 50 to 50), and that has made a substantial difference in that country (Onyeji, 2019).

Nondiscrimination of weak groups in the society is augmented by Action, which is a broad term comprising a number of policies where deliberate action is used to counter discrimination. These policies ensure that rules which enhance an equilibrium in opportunities for individuals and disregarded groups are effectively established. The problem, however, lies not in the use of Affirmative action itself, but in the practical effects and how it aligns with the basic human ideas of justice and fairness. In most parts of Nigeria, women are considered subordinates to their male counterparts. An argument for affirmative action on the basis of gender and equal representation in a country where women constitute about 50% of the population is therefore without equality. However, they have been constantly relegated to the background in public, to the point that the percentage of appointive and elective offices¹⁵ held by women has never been more than 15%.

The constitution does not help the situation. It does not accurately ensure equal representation on a sexual basis. The constitution of the Federal Republic of Nigeria does not acknowledge the downtrodden position of women and has no explicit provision for gender equality, unlike its African counterparts, notably South Africa and Uganda (Agbalajobi, 2010). With the exception of a general reference to nondiscrimination on the basis of sex, there is nothing in the Nigerian constitution that is aimed at addressing the inequalities existing in the gender lines in Nigeria. Without legislation, achieving anything would be a Herculean task¹⁶.

¹⁴ The newspaper’s analysis few weeks after the party primaries revealed that women were not given an even playing field, especially by the major parties, which eventually led to the low number of women who emerged as party candidates. Women and young people were either intimidated or threatened to step down or were simply screened out and replaced with their male competitors (Onyeji, 2019).

¹⁵ Figure 1 and 2 above

¹⁶ A suggestion from an interviewer by the Premium times News.

Conclusion

Gender disparity has been rooted in the cultural and traditional norms of Nigeria. Women are often discriminated against in most positions especially in principal leadership positions. This has penetrated the public affairs of the nation; since democracy in Nigeria, women have not attained 15% of the political positions in the country. Participation of women in political leadership as stated in the statistics is evidence of gender disparity as against the human rights laws. Although the Nigerian constitution allows equal participation opportunity to all citizens, women are marginalized in the Nigerian political system. In order to ensure the protection of human rights especially gender parity in Nigeria, there should be affirmative action to encourage and empower women to participate in political leadership so as to fill the gap in gender disparity.

References

- Agbalajobi, D. T. (2010). Women's participation and the political process in Nigeria: Problems and Prospects . *African Journal of Political Science and International Relations*, 4(2), 75-82.
- EiENigeria (2019). *Nigerian women in national assembly and the GEO bill: Matters arising!* Retrieved March 15, 2021, from <https://www.shineyoureya.org/blog/nigerian-women-in-national-assembly-and-the-geo-bill-matters-arising>
- Eniola, B. O. (2018). Gender parity in parliament: A panacea for the promotion and protection of Women's Rights in Nigeria. *Frontiers in Sociology*, 3(34), 1-7.
- Kolawole, O., Adeigbe, K., Adebayo, A. A., & Abubakar, M. B. (2013). Women participation in the political process in Nigeria. *Centerpoint Journal (Humanities Edition)*, 2(15).
- Nelson, E. (2012). Democracy and the struggle for political empowerment of women in Nigeria. *Int. J. Adv. Stud. Govern*, 85-99.
- Nwabunkeonye, U. P. (2014). Challenges to women active participation in politics in Nigeria. *sociol. Anthropol*;; 2, 284-290.
- Obi, M. A. (2008). A theoretical analysis of the socio-economic and political implications of bride price on the Nigerian woman. In J. Ezeilo, & J. E. Alumanah (Eds.), *Bride price and the implications for women's rights in Nigeria* (pp. 63-76). Enugu: Enugu: Women Aid Collective.
- Oloyede, O. (2016). *Monitoring participation of women in politics in Nigeria*. Abuja: National Bureau of Statistics (NBS), Nigeria.
- Onyeji, E. (2019). *UPDATED: 2019 elections worst for Nigeiran women in nearly tow decades, analyses show*. Retrieved March 3, 2021, from <https://www.premiumtimesng.com/news/headlines/326243-2019-elections-worst-for-nigerian-women-in-nearly-two-decades-analyses-show.html>