

Curtin University Sustainability Policy (CUSP) Institute

**Leaving No One Woman Behind: An Exploration of Gender
Equality in Nigeria**

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**This thesis is presented for the Degree of
Doctor of Sustainable Development
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Declaration

To the best of my knowledge and belief, this thesis contains no material previously published by any other person except where due acknowledgment has been made. This thesis contains no material which has been accepted for the award of any other degree or diploma in any university.

Human Ethics: The research presented and reported in this thesis was conducted in accordance with the National Health and Medical Research Council National Statement on Ethical Conduct in Human Research (2007)—updated March 2014. The proposed research study received human research ethics approval from the Curtin University Human Research Ethics Committee (EC00262), Approval Number # HRE2017-0229.

Signature:

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Abstract

This thesis seeks to investigate gender inequality in Nigeria in light of the global commitment to gender equality for women and girls. Using the SDG framework, it explores the role and impact of the legal and policy framework in Nigeria and its importance in achieving the commitment to leaving no one behind in development. This qualitative case study explores the gender equality policy framework in Nigeria. Using feminist legal theory and grounded theory, the thesis draws on a conceptual review of literature, demographic and statistical information as well as empirical data in the form of semi-structured interviews with relevant stakeholders from various professional and service backgrounds. Focus group discussions were also held with women participants to explore and analyse progress towards gender equality and women's empowerment based on the SDG 5 targets and indicators.

The study finds that overall, the current legal and policy framework is weak and is unable to address the underlying and structural factors that perpetuate inequality and discrimination against women, nor can it potentially deliver significant and positive development outcomes for women in Nigeria. This is not because of a lack of policies and laws seeking to address gender inequality and discrimination. Other underlying factors, such as religio-cultural inclinations, traditional gender roles, socio-economic inequalities, legal pluralism, government inaction towards progressive reforms, strategies and interventions, and lack of commitment to the rights of women and girls, continue to greatly influence the policy and legal implementation framework. These drivers of inequality seem to be largely ignored in policy discourse, framing, and making and these will have major implications for sustainable development in Nigeria as well as for progress towards achievement of SDG 5 and the commitment to leaving no one behind.

This thesis provides a nuanced narrative to rethinking the current approach to gender equality policy and implementation in Nigeria. It argues

that because of the complexity surrounding gender equality in this country, there are no monolithic solutions and thus progress towards gender equality and empowerment for women and girls in Nigeria requires a holistic, multi-dimensional, and multi-sectoral approach. While progressive reforms related to the gender equality policy and legal framework are important, they are not enough if they do not take into consideration the nuances, realities, and specific challenges that women in Nigeria face. Furthermore, as women in Nigeria are not a homogenous group, solutions, strategies, and interventions have to be deliberate and intentional, context-specific, and tailored to address their precise needs to ensure positive and better development outcomes that leave no one behind.

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Dedication

I dedicate this thesis to all women in Nigeria who despite the many odds, challenges, and obstacles are unrelenting in the fight for equality and better outcomes for themselves.

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Abbreviations and Acronyms

AU	African Union
BPFA	Beijing Platform for Action
BUDFOW	Business Development Fund for Women
CEDAW	Convention on the Elimination of all Forms of Discrimination against Women
CSOs	Civil Society Organisations
ECOWAS	Economic Community of West African States
FAO	Food and Agriculture Organization
FBOs	Faith-Based Organizations
FEAP	Family Economic Advancement Programme
FGM/C	Female Genital Mutilation/ Cutting
FMWASD	Federal Ministry of Women Affairs and Social Development
GAD	Gender and Development
GBV	Gender-Based Violence
GDP	Gross Domestic Product
GEO	Gender and Equal Opportunities
HDI	Human Development Index
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICPC	Independent Corrupt Practices Commission
ICPD	International Conference on Population and Development
ICT	Information and Communications Technology
IDP	Internally Displaced Persons
ILO	International Labour Organization
IMF	International Monetary Fund
MDGs	Millennium Development Goals
NAPTIP	National Agency for the Prohibition of Trafficking in Persons
NAR	Net Attendance Ratio
NBS	Nigeria Bureau of Statistics
NCC	Nigeria Communications Commission
NCS	Nigerian Correctional Service
NGO	Non-governmental organization

NGP	National Gender Policy
NITDA	National Information Technology Development Agency
OAU	Organization for African Unity
PAP	Poverty Alleviation Programme
SAP	Structural Adjustment Policies
SDGs	Sustainable Development Goals
SMEDAN	Small and Medium Enterprises Development Agency of Nigeria
SOWESS	Social Welfare Service Scheme
STIWA	Social Transformation Including Women in Africa
UNDP	United Nations Development Fund
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNICEF	United Nations Children's Fund
VAPP	Violence against Persons Prohibition
VAW	Violence against Women
WAD	Women and Development
WHO	World Health Organization
WID	Women in Development
WRAPA	Women's Rights Advancement and Protection Alternative
YES	Youth Empowerment Scheme

**PART I: INTRODUCTION, LITERATURE
REVIEW AND METHODOLOGY**

Chapter 1: Introduction

*We resolve, between now and 2030, to end poverty and hunger everywhere; to combat inequalities within and among countries; to build peaceful, just and inclusive societies; to protect human rights and **promote gender equality and the empowerment of women and girls**.....As we embark on this collective journey, we pledge that **no one will be left behind**.... And we will endeavour to reach the furthest behind first.*

Para 3 & 4 of the Declaration to the SDGs. P3/35 of the *2030 Agenda for Sustainable Development Declaration*, 2015, A/RES/70/1.

1.1 Background

On September 25, 2015, at the United Nations summit in New York, world leaders and heads of member states of the United Nations adopted the 2030 Agenda for Sustainable Development with the new Sustainable Development Goals (SDGs) replacing the Millennium Development Goals (MDGs). With 17 goals and 169 targets to end poverty, protect the planet, and ensure prosperity for all, the agenda covers global social, economic, and environmental issues and challenges. The goals integrate the three dimensions of sustainable development: (1) people—human development; (2) prosperity—economic growth; and (3) the planet—environmental sustainability. This is not the first nor perhaps the last of this kind of universal development agenda that seeks to address and tackle global challenges. Since 1966, there have been various international conferences, summits, conventions, laws, and agreements on global issues such as poverty¹, environment², social development issues, children³, climate change, migration⁴, refugees⁵, human rights,⁶ women⁷, and discrimination⁸. However,

¹ United Nations Decade for the Eradication of Poverty (2008-2017); Millennium Development Goals.

² United Nations Framework Convention on Climate Change (UNFCCC) 1992, 2015, 2016

³ Convention on the Rights of the Child, 1989.

⁴ International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990.

⁵ Convention Relating to the Status of Refugees, 1951.

⁶ International Covenant on Economic, Social and Cultural Rights, 1976; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1985; Universal Declaration of Human Rights, 1948; Convention on the Rights of Persons with Disabilities, 2007.

⁷ Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), 1979; Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (the Trafficking Protocol or UN TIP Protocol), 2000.

⁸ Convention against Discrimination in Education, 1960; International Convention on the Elimination of All Forms of Racial Discrimination, 1965.

in comparison to prior global frameworks, the SDGs are different for several reasons.

First, this is a global agenda applicable to all countries—developed, developing, emerging, and underdeveloped—as well as to all other actors and stakeholders, including those from business, civil society, government, and individual citizens (Hajer et al., 2015). Unlike the MDGs whose main driver was improving the lives of the world’s poorest by reducing and eradicating extreme poverty in all countries by 2015, the SDGs are more comprehensive. The global goals address various global concerns including poverty (Goal 1), hunger (Goal 2), health (Goal 3), education (Goal 4), gender equality (Goal 5), decent work and economic growth (Goal 8), rising inequality (Goal 10), environmental sustainability (Goals 6, 13, 14, and 15), sustainable production and consumption (Goal 12), effective institutions, peace and justice (Goal 16) and global partnerships (Goal 17) (see Figure 1).

Figure 1

The Global Goals for Sustainable Development



Source: *Resources* (<https://www.globalgoals.org/resources>). In the public domain.

Secondly, in terms of the goal setting, global discussion, participation, and negotiation, the process was different from the others as it was remarkably inclusive and transparent with intergovernmental and multi-stakeholder involvement (Esquivel & Sweetman, 2016; Gore, 2015; Shahra Razavi, 2016; Shawki et al., 2016). The Agenda drew on a recommendation from the 2012 United Nations Conference on Sustainable Development (Rio+20) outcome document *The Future We Want*, which called for “inclusive and transparent intergovernmental process on sustainable development goals that is open to all stakeholders” (UN General Assembly, 2012, p. 63, Para 248). The multi-stakeholder process was led by governments with input from civil society, academics, scientists, think-tanks, and the private sector, “taking into account both the Millennium Declaration on which the MDGs were based and ‘The Future We Want’” document (Dodds, 2014, p. 203).

Thirdly, the Agenda emphasizes the notion of equality as an objective and an outcome. Goal 10:3 is to “*Ensure equal opportunity and reduce inequalities of outcome, including by eliminating discriminatory laws, policies, and practices and promoting appropriate legislation, policies and action in this regard*” [emphasis added] (UN, 2015b). Prioritizing and tackling inequality—economic, social, group-based inequalities, discrimination, and disadvantage—is a main theme within the Agenda. Unlike the MDGs, it acknowledges that factors such as power inequalities, gender bias, discrimination in law and practice, and suppression of women through social and cultural norms cut across the socio-economic and political spaces, and proposes ways to address these issues (Shahra Razavi, 2016; Shawki, 2015). The push for gender equality in the political, economic, social spaces, and women’s empowerment as integral and a precursor for sustainable development has never been so explicitly emphasized. With a stand-alone gender-specific goal (Goal 5- Achieve gender equality and empower all women and girls), the Agenda highlights the importance of achieving gender equality and women’s empowerment; ending all forms of discriminatory laws; eliminating harmful practices; violence against women and girls in public and private spheres; and addressing human rights including sexual and reproductive rights.

Finally, and most importantly for this research, is the Agenda's commitment to "leaving no one behind". This is the core of the Agenda, placing social justice, equality, and non-discrimination at the heart of sustainable development (Shawki et al., 2016). Leaving no one behind implies that the goals of sustainable development can only be considered to be achieved when met by all groups in society without excluding anyone from the development process (UNDP, 2017). It has been well established that people are at the centre of sustainable development and that development is only sustainable and transformative when it affects them positively, providing better outcomes and sustainable choices for all (Haq, 1995; Nayyar, 2007; Pieterse, 1998). Shawki et al. (2016) argued that international norms shape government and national policies in different ways and thus the commitment to leave no one behind will represent multiple perspectives for different groups and countries. An implication of this is that for some countries, the utmost priority and consideration might be given to people experiencing vulnerability, disability, disadvantage, and/or discrimination, such as those living in extreme poverty or conflict or post-conflict situations, or being affected by the impacts of environmental degradation (UNDESA, 2016).

The big questions are: Who are those left behind or likely to be left behind? Why are they left behind in the pursuit of sustainable development? What strategies, policies, and mechanisms need to be in place to ensure that they are not left behind? The SDGs recognize that there are 'group-based inequalities' (Kabeer, 2010) whereby certain categories of people are systematically excluded from the social, economic, and political process, based on factors including age, disability, race and ethnicity, birth, religion, sexual orientation, and gender. Thus in the Agenda, some of those that have been identified as being at risk of being left behind are children, youths, women and girls, rural dwellers, indigenous peoples, ethnic minorities, people with disabilities, older people, people living with HIV/AIDS, refugees, internally displaced persons and migrants (UN General Assembly, 2015). With women and girls identified as one of the groups that may be left behind, it is important to understand the reasons why they are or might be, left behind

as well as to examine current strategies and advocate for approaches to ensure this does not happen.

Against the backdrop that gender equality is an overarching precondition for sustainable development and the SDGs' commitment to "leave no one behind", there is a stand-alone Goal on gender equality which reflects the priority placed on addressing gender injustices, discrimination, and empowerment of women and girls. This includes eliminating discriminatory laws and practices and gender-based violence, improving health and reproductive rights, achieving gender equality in decision making and political participation, and enabling access to decent work and equal pay, economic, productive resources, and opportunities. Translating this into a national framework remains a challenge for many countries if one is to judge by how previous global agendas, international instruments and goals have been implemented. Despite ambitious international agendas, there are still significant gaps in the policy and legal frameworks, implementation, and reality in many countries.

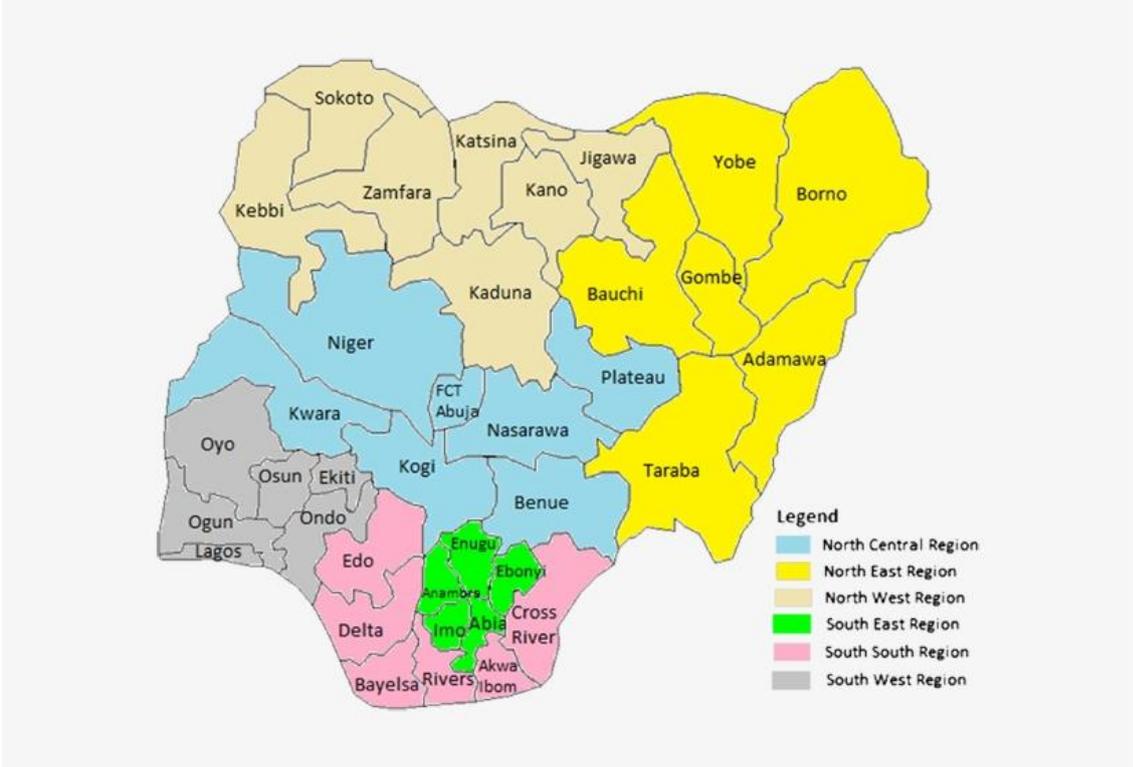
1.2 Nigeria: Human and Gender-Related Development

Located in West Africa, Nigeria has a landmass of 910,768 sq km (351,650 sq miles) and a population of approximately 196 million (UNDESA, 2018), making it the most populous country in the African continent and seventh most populous country in the world. Nigeria has the highest nominal Gross Domestic Product (GDP) in Africa (World Bank, 2018b) and is the continent's biggest oil producer and the 13th largest producer of oil in the world, producing about 2.1 million barrels per day (OPEC, 2018). Its other natural resources include natural gas, tin, iron ore, coal, limestone, niobium, lead, zinc, and arable land.

Nigeria is a culturally diverse and heterogeneous society with over 250 ethnic groups (Falola, 2001) and about 526 languages (Ethnologue, 2018). The country is divided into six geopolitical zones—North East, North Central, North West, South East, South West, and South-South—made up of 36 states and a Federal Capital Territory, Abuja (see Figure 2).

Figure 2

Map of Nigeria



Source: *Map of Nigeria* (<https://www.nicepng.com/>). In the public domain.

In terms of its religious demographic, about 46% of its population identify as Muslims, 46.3% as Christians, and 7.7% as traditionalists and other religions (Pew Research Centre, 2019). Although spread across all geographic regions of Nigeria, the majority of Muslims are from and reside in the Northern part of Nigeria (Nmehielle, 2004).

With its population growing faster than its economy, it is estimated that Nigeria will become the third most populous country of over 300 million people by 2050 (United Nations, 2017). This a looming challenge as high rates of poverty exist, with nearly two-thirds of the population classified as poor (Nigeria Bureau of Statistics, 2016; Office of the Senior Special Assistant to the President on SDGs, 2017, p. 22). According to the World

Poverty Clock, about half of Nigeria's population, estimated to be about 98 million, people currently live in extreme poverty (below the international poverty line of \$1.90 a day). Nigeria is off-track and falling behind on achieving *SDG Goal 1: Ending Poverty* (World Data Lab, 2018). Despite being one of the fastest-growing economies with the highest nominal GDP in Africa (World Bank 2018), Nigeria is plagued with underdeveloped and overstretched infrastructure. It lacks basic amenities and social services, including education and health facilities, electricity, clean water, and good roads, especially in rural areas. Nigerians face high rates of unemployment, high rates of maternal and child mortality, high illiteracy levels, internal conflicts and insecurity, civil and political crises/unrest, and income inequality (African Population and Health Research Center, 2017; Ajibade et al., 2013; Akanle & Adesina, 2015; Isokpan & Durojaye, 2016; Lawal & Oluwatoyin, 2011; Zuhumnan, 2018).

In terms of development measures, the country is amongst those with the highest inequality rates and low human development indicators, ranking poorly on the Human Development and Gender Equality Indices. Its Human Development Index (HDI) value for 2017 was 0.527, having increased from 0.471 in 2012. This ranks Nigeria 158th out of 182 countries, placing it in the low HDI category (UNDP, 2017). On the Gender Equality Index, it ranks 118th out of 134. In Oxfam's 2017 report *The Commitment to Reducing Inequality Index*, which assessed 152 countries, Nigeria was at the bottom, ranking 152nd overall. It had the least commitment to address and reduce inequality in terms of its health, education, social protection policies, and spending (Lawson & Martin, 2017).

Various reports and analyses of trends have shown that progress in meeting the Sustainable Development Goals and targets has been slow in many sub-Saharan African countries which are furthest from reaching the targets with some of the highest numbers of people who might be left behind (UNDESA, 2016, 2017). Considerable, consistent progress has been made especially in North African countries on some of the SDGs, e.g. Goal 1, 2, 3, 4, and 7. However, the majority of the countries in Africa are underperforming

and falling behind (The Sustainable Development Goals Center for Africa, 2019). Regrettably, Nigeria remains among the worst-performing countries in achieving the SDG goals and targets, ranking 43rd out of 52 on the Africa SDG Index 2019 (SDGC/A & UNSDSN, 2019) and appearing on the OECD's 2018 list of fragile states (OECD, 2018). This is extremely worrying. Even more sobering is that it recently plummeted downwards in terms of persistent and extreme poverty, overtaking India to become the country with the highest number of extremely poor people, and earning the title of the "poverty capital of the world" (Kazeem, 2018; World Data Lab, 2018).

For a country like Nigeria that did not perform well under the Millennium Development Goals (Easterly, 2009) and is lagging in the achievement of the SDGs, understanding and addressing some of the factors and challenges that contribute to its underperformance might help in identifying better pathways towards the successful implementation and achievement of such global commitments. Global efforts to achieve the Sustainable Development Goals (SDGs) between 2016 and 2030 have moved from the planning to the implementation stage for many countries. However, for most developing countries especially African countries, implementation is hindered by many challenges. These include integrating and mainstreaming the goals; financing, monitoring, and evaluating their implementation; developing the appropriate policy and governance framework; and enhancing the capacity for data collection and statistical analysis (Institute for Global Environmental Strategies, 2015; Shahra Razavi, 2016)

1.3 Research Problem

Women make up about half of the population in Nigeria and contribute significantly to Nigeria's economic development and growth, however, their full capacity is grossly underutilized (Dauda, 2007; Iyiola & Azuh, 2014; Lawanson, 2008). In addition to inadequate human development and poverty, the inherently patriarchal nature of Nigerian society constrains women's full participation in the development process through gender inequality, male-dominated power structures, and gender-discriminatory laws and practices (Aina, 1998; Molaria Ogundipe-Leslie, 1993). Many factors that

persist in Nigerian society hinder women's rights and opportunities and development process:

- inequality in socio-economic and political participation;
- historical and entrenched patriarchy to implicit and openly discriminatory law, social, customary, religious practices;
- gender stereotyping;
- lack of political will to change the status of women;
- unequal opportunities in the labour market;
- non-recognition and remuneration of unpaid work;
- insufficient social support;
- lack of access to credit facilities (Ajala, 2017; Hodges et al., 2001; Makama, 2013).

Notwithstanding Nigeria's recognition and ratification of several international treaties, protocols, and agreements on human rights, equality, and non-discrimination, women still face discrimination in law and practice. Openly discriminatory laws (*de jure*) exist in the Constitution, and customary and religious law also results in indirect (*de facto*) discrimination such as misogynistic attitudes and cultural practices, social norms, and gender-based violence (Agbalajobi, 2010; Ogunlela & Mukhtar, 2009; Okojie, 1994). Although the Nigerian Constitution prohibits discrimination based on sex, specifically in Sections 15 (2) and 42, parts of the Constitution retain discriminatory provisions. Likewise, the problematic contradictions of its present legal system of law also reinforce gender discrimination against women. A tripartite system of law—Common law, Customary and Sharia law—operates in Nigeria in terms of personal status law (matters relating to inheritance, marriage, child custody, divorce, and other marital relationships (Elias, 1963; Obilade, 1979). Thus, depending on the geographical location, and cultural or religious norms or customs, the legal system allows citizens to freely determine the personal law that suits them.

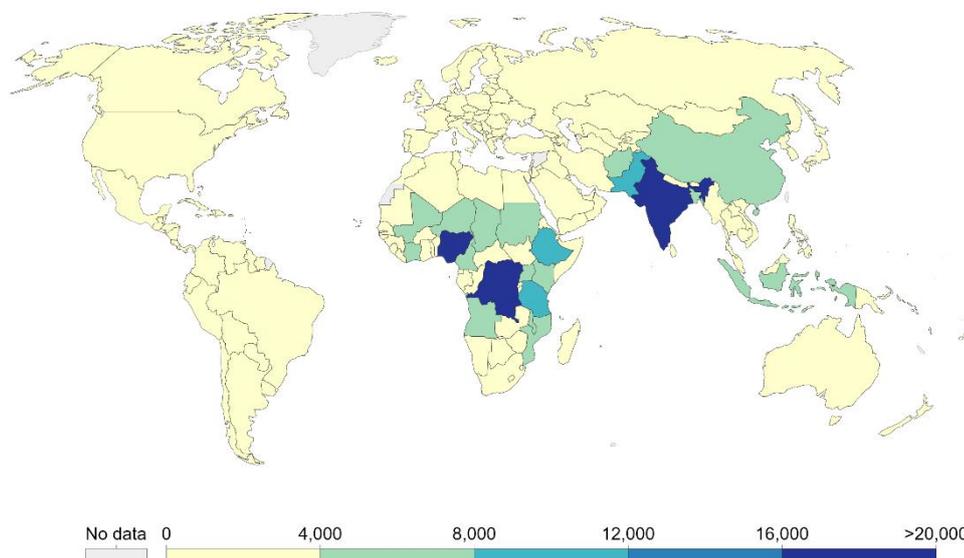
Also, in terms of the administration of criminal justice, the Criminal Code operates in the South while the Penal Code and Sharia law apply in the

North. Each geopolitical zone has a different disposition towards women's rights and issues. Some aspects of these laws restrict women's rights to equal inheritance, land ownership and other benefits, while others categorically promote patriarchal control, marital rape, and violence against women by encouraging wife battery by her husband for "correction". For instance, Section 55 (1) (d) of the Penal code provides that: "*Nothing is an offence, which does not amount to the infliction of grievous harm upon any person and which is done by a husband for the purpose of correcting his wife*".

Apart from formal inequality and discrimination, substantive inequality remains manifest, denying women equal status in society (Agbalajobi, 2010; Essien & Ukpung, 2012; Makama, 2013; Para-Mallam, 2010; Tuwor & Sossou, 2008). These inequalities are manifested through practices that put women and girls at risk in terms of their health, opportunities for education and self-advancement, e.g. early child marriage, gender-based violence (GBV), female genital cutting (FGC), sexual exploitation, and obnoxious widowhood rites. In 2000, the World Health Organization ranked the performance of Nigeria's healthcare system 187th among 191 United Nations member states (World Health Organization, 2000). Nigeria accounts for about 14% of the global maternal death rates, the third-highest in the world, and the highest in Africa (African Population and Health Research Center, 2017; World Bank, 2012) (see Figure 3).

Figure 3

Number of Maternal Deaths, 2015



Source: *Number of Maternal Deaths: The Number of Women who die from pregnancy-related causes, 2015*. Roser & Ritchie (2015). In the public domain.

In terms of education, high and alarming rates of illiteracy remain, with women and girls accounting for nearly 60% of the country's illiterate population (Egbo, 1997; National Population Commission [NPC]/Nigeria & ICF International, 2014). This is reflected in the growing number of out-of-school children. Nigeria accounts for 47% (8.7 million) of the world's population of out-of-school children with about 60% being girls. Data from the 2015 Nigerian Education Data Survey showed that of the 1.5 million children (children aged 6–14) that were not in school at the time of the survey, 53% were girls. In a more recent study, Oxfam (2018, 26) reports that more than 10 million children do not go to a school of which 60% are girls. Likewise, in the Northern zone of the country, only about 4% of girls complete secondary school (NPC & RTI International, 2016). These worrying statistics continue to challenge the ability to narrow the gender gap and ultimately the future of the country and particularly its women (see Table 1).

Table 1: Gender Gap in Nigeria

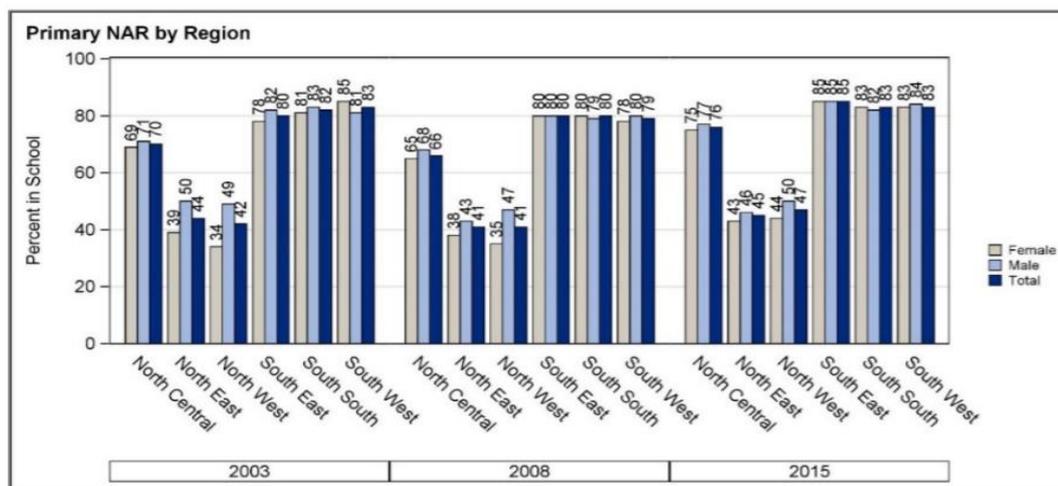
Indicator	Male %	Female %
Labour force participation rate	59.9	50.5
Wage and salaried workers	22.1	13.1
Legislators, senior officials and manager	69.7	30.3
Representation in parliament	96.6	3.4
Appointment in ministerial positions	92.0	8.0
Literacy rate	71.3	52.7
Literacy rate (age 15-24)	81.6	68.3
Enrolment in primary education	70.0	58.1
Enrolment in secondary education	53.4	46.6
Enrolment in tertiary education	12.0	8.3
Distribution of land ownership by gender	38.1	7.2

Source: *The World Economic Forum Global Gender Gap Report 2020 and World Bank Gender Data Portal* (<https://reports.weforum.org/global-gender-gap-report-2020/>; <https://www.worldbank.org/en/data/datatopics/gender>). In the public domain.

It is important to note that although women in Nigeria, in general, face gender inequality, their experiences are varied, as women in Nigeria are not a homogenous group. Rural and urban differences, factors such as class, ethnicity, culture, and socioeconomic status, are important determinants of their economic, social empowerment, and agency. Although there is no tangible dividing line between the North and South, the North is significantly different from the South in some ways. For example, women and girls in Northern Nigeria have very limited educational opportunities. Only a few girls complete their primary education, mostly due to inaccessibility of formal schools especially for rural communities, early marriage, poverty, mobility restrictions, and often socialization into gender-specific roles indoctrinated through interpretations of religion. Data from the 2015 Nigerian Education Data Survey shows that primary and secondary school enrolments and attendance in the Northern states were lower than in the Southern states.

See Tables 2 and 3 below for the primary and secondary Net Attendance Ratio (NAR) of the regions.

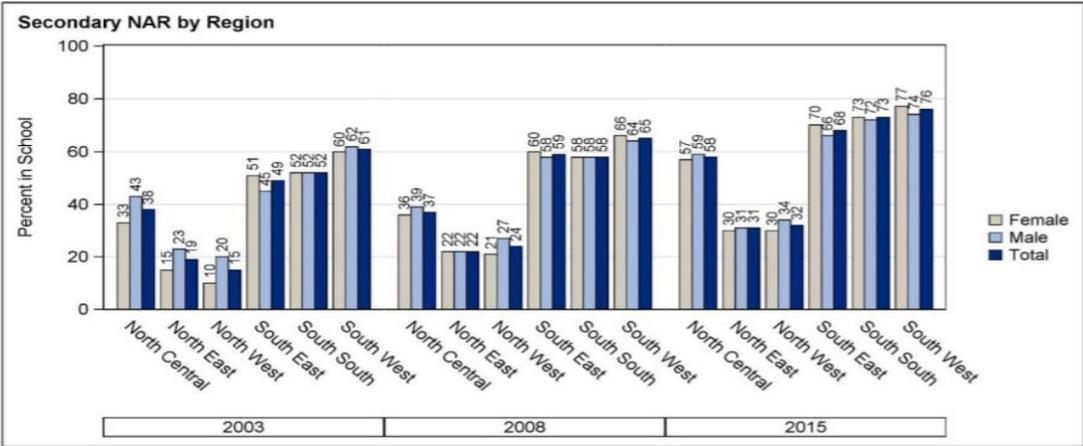
Table 2: Primary School Net Attendance Ratio (NAR) by Region



Source: 2015 Nigeria National Education Data Survey (NEDS)

<https://shared.rti.org/content/2015-nigeria-national-education-data-survey-neds>. In the public domain.

Table 3: Secondary School Net Attendance Ratio (NAR) by Region



Source: 2015 Nigeria National Education Data Survey (NEDS) URL? <https://shared.rti.org/content/2015-nigeria-national-education-data-survey-neds>. In the public domain.

Nigeria is a signatory to numerous international and regional treaties, agreements, and conventions on human rights, women's rights, and non-discrimination, however commitment to these have continued to be of little or no significance in terms of national legislation, policies, and programmes. The country became a signatory to and ratified the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), the international norm and framework that condemns every form of discrimination in 1985. However, several attempts to domesticate the convention have failed. In 2017, after years of pushing through for legislation seeking to end discrimination and advance women’s rights (political, social, economic, reproductive, and so on), the National Assembly in Nigeria again failed to pass into law the Gender and Equal Opportunities (GEO) Bill that sought to eliminate all forms of discrimination against women in education, employment, citizenship and other spheres of life. The Bill sought to domesticate parts of CEDAW and the African Union Protocol on the Rights of Women in Africa (Federal Ministry of Women Affairs and Social Development, 2013). After several adjustments and setbacks from as far back as 2010, the bill was voted out by the National Assembly in 2017 for lack of merit and for conflicting with religious beliefs and culture (The Independent Online, 2016). This continued lack of political will and payment

of lip service to the change of the status of women is one of the factors that has continued to increase gender inequality. This might impact the country's achievement of sustainable development, including SDG 5 (Ayodeji et al., 2017).

A quick look at the literature and research on women empowerment in Nigeria shows that most of the approach to women's empowerment in terms of policies and strategies have been particularly geared towards empowering women in relation to economic participation and poverty reduction, access to financial resources, entrepreneurship skill and income-generating activities (Asiyanbola, 2005; Ogunlela & Mukhtar, 2009; Ogwumike, 2002; Okeke, 1995). An overview of empowerment interventions and programmes from government agencies, non-governmental organizations, and development agencies shows a proliferation of policies, programs, and projects aimed at promoting the economic status of women, especially at the micro-level and often designed to assist low-income women. These range from informal petty trading loans to assisting low-return activities such as hairdressing, traditional handicrafts, bead making, sewing and tailoring, soap making, baking, and small-scale food production (Nigeria Stability and Reconciliation Programme [NSRP], 2017). Such activities have not produced significant economic transformation or substantial poverty reduction, nor have they manifested the desired change for women in terms of equality and empowerment (Ajala, 2017; Ekpe, 2016; Ojobo, 2008).

While there is a clear understanding of how the SDGs are intended to be achieved through putting in place appropriate legal frameworks, policies, and programmes, the challenge as backed up by research has shown that although having a legal framework is important, it is not enough to achieve gender equality (Esquivel & Sweetman, 2016; Rooney, 2013; Shawki, 2015; Shawki et al., 2016). Challenges such as the dilemma of context and nuance in policy approach and implementation; policy priority and coherence in national planning to weak institutions; and citizen participation; all tend to undermine the implementation of global development aspirations and frameworks like the SDGs. In terms of women's empowerment and questions

of agency, it has been noted that empowerment cannot be conferred or given to people; rather it can be facilitated (Gore, 2003; Rahnema, 1992; UNESCO, 2003b).

I argue that even though there is a nexus between laws and achieving gender equality, the legal and policy framework in Nigeria has not translated into practical realities that can significantly shape or improve gender equality outcomes, especially in the application of international instruments on human rights and women's rights. I emphasize that there are gaps in the literature as to why international legal instruments on women's rights and global development norms have not successfully influenced formal and substantive equality for women in Nigeria. Secondly, I argue that the literature on women, gender equality, and sustainable development in developing countries often ignores the nuances, diverse context, and complexity of social relations that influence the legal and policy framing as well as the implementation of the dimensions of sustainable development as it affects women.

Thus, the question is whether the current policy framework can facilitate women's empowerment and achieve the sustainable development goals and targets on gender equality. Are women participants or beneficiaries on issues that affect and shape their lives, households, communities, and country? How are women's interests, priorities aligned to development policies? Who and what decides? These are some of the dilemmas in terms of achieving the goal of gender equality in Nigeria.

1.4 Research Objectives and Question

Against the above background, the purpose of this study is to examine the extent to which the policy and legal frameworks in Nigeria can contribute to the implementation of the Sustainable Development Goal on gender equality, namely SDG 5. Using Nigeria as a case study, this thesis seeks to unravel some of the social, economic, political, cultural and institutional complexities as well as fundamental gaps in the current framework that constrain women from full participation in the development process. Key international, regional and national laws, instruments and agreements on gender equality, non-

discrimination and empowerment of women are analysed. This thesis examines whether Goal 5 targets and indicators can catalyse sustainable development and lead to better outcomes for women from the context and perspectives of women in a developing country such as Nigeria.

In order to gain an in-depth understanding of this problem, the research question is:

To what extent and how is the existing sustainability policy framework in Nigeria promoting or impacting gender equality for Nigerian women?

This study's objectives are:

1. to examine the historical perspective of women and development vis a vis gender equality discourses, including how they relate to the sustainable development goal on gender equality in Nigeria;
2. to analyse the opportunities, obstacles, and gaps in the existing policy framework and its potential impact on the achievement of the goals and targets for gender equality in Nigeria;
3. to investigate factors that impact gender equality implementation in Nigeria;
4. to explore areas of improvement in government legislations and policies and offer recommendations that support gender equality.

The 'policy framework' in this thesis also includes procedures, legal and regulatory documents, programmes and plans that facilitate implementation.

1.5 Research Approach

This study uses a qualitative approach to answer the research question and to understand the phenomenon of gender inequality and its impacts on women and sustainable development in Nigeria. Qualitative research was conducted in the form of focus group interviews with women participants in Nigeria, and in-depth interviews with stakeholders and subject matter experts such as development practitioners, policy makers, government officials, academia, policy analysts and women rights advocates. Secondary data such as government reports, articles, journals, and data from government and public websites were used for desktop research. The data collected was analysed manually as well as using NVivo to find out emerging categories or themes for the study which were discussed to reach conclusions.

1.6 Importance

- a. There is a need to analyse gender equality specifically as an important consideration in achieving sustainability. There is limited research that explores in depth the existing legal and policy implementation framework on gender equality and sustainable development in Nigeria. This is particularly important in analysing the implementation and progress towards achieving the SDG on gender equality. More interesting however is the fact that some studies on their precursor—the MDGs—in Africa and Nigeria have focused on the MDGs mostly from a point of view of the failure and weakness of the Agenda itself. Issues including missing goals, targets, ownership, consultation process, and implementation challenges have been criticized individually, but their failure from a multifaceted point of view has not been addressed (Oleribe & Taylor-Robinson, 2016; Soremekun & Oyelaran-Oyeyinka, 2016; United Nations, 2015b).

Likewise, there are not enough in-depth studies into how other factors such as intersecting inequalities, hegemonic power structures, political will, and governance structures impact the gender equality implementation frameworks and strategies within the national context especially from the perspective of participants—women in this

instance. An understanding of this will provide insight into Nigeria's implementation framework and how this will shape and impact its progress towards achieving the Sustainable Development Goal 5 by 2030 and beyond.

- b. One major weakness in the development literature is the non-nuanced understanding and analysis of the historical and cultural diversity of women in developing countries. Thus, the continued homogenization of the needs of women in developing countries by development agencies has consistently led to prescribing a one-size-fits-all approach towards empowerment, participation, and equality (Mohanty, 1988; Nnaemeka, 2004; Yuval-Davis, 2006). Although women in developing countries may share common experiences, women's issues are not monolithic and over time, social transformations have created diverse female groups whose needs, experiences, social relations, and understanding of empowerment are different and culturally diverse (Okeke, 2000; Porter, 2013). A significant number of literature sources and research on women in Nigeria emphasizes the subjugation and marginalization of women, paying little or no attention to the nuances, the context of women's needs, and varied experiences (Bako & Syed, 2018; Makama, 2013; Para-Mallam, 2010). Thus, this thesis focuses on a nuanced and context-specific approach in understanding the aspirations and developmental needs of women as well as proffering solutions by including local knowledge rather than a generalized one-size-fits-all development approach.
- c. Lastly, women's voices have often remained unheard even on issues that affect them, and oftentimes, they are beneficiaries of policies and programmes where they are not carried along or engaged as participants in the design and planning process (Briant, 2016; Kabeer, 2006). Women in Nigeria are often excluded from political participation and decision making on issues that affect them. Possible reasons for this range from lack of political influence, disempowerment, lack of information, corruption, marginalization, poverty, and economic

vulnerability. Studies have shown that any developmental process that aims to be sustainable must take into consideration social inclusion, understand the diversity of the needs of women, and encourage the involvement and engagement of women in policy and political participation (Cornwall, 2003; Mayoux, 1995).

Pieterse (1998) noted that agency is key for development and that modern development is not just in overarching institutions and structures but anchored in the lives of its subjects. This research seeks to fill a lacuna in the empowerment literature on Nigeria by listening to the voices of women on the subject of development and gender equality, especially as key actors and active participants, and not just passive partakers and project beneficiaries in the empowerment process.

1.7 Structure of the Thesis

This research is divided into three parts. Part I which is the study background consists of Chapters 1, 2 and 3. Chapter 1 introduces the study and provides background information to the study. This chapter also introduces the case study on Nigeria, women and sustainable development, the problem statement, the research question and objectives, the argument of this thesis as well as its importance. Chapter 2 examines the relevant literature on sustainable development, the global sustainable development goals, gender equality, and women's empowerment. It also discussed the conceptual and theoretical framework on women and development, the status of women in Nigeria, development and gender equality approaches in Nigeria, as well as the limitations of the framework. Chapter 3 discuss the research design and methodology, data collection methods, and analysis used to answer the research question and objectives.

Part II, which is the empirical analysis, consists of Chapters 4 to 7. Chapter 4 explores the current legal and policy implementation framework for the Sustainable Development Goal 5–Gender equality in Nigeria. This chapter uses feminist legal theory to analyse laws, official policy documents,

and programmes to offer a critical perspective on the policy and legal framework on gender equality and some of the biases. It discusses the legislative and policy arrangement, the contradictions, and its implications for each specific target in SDG 5. Chapters 5–7 present the results and findings of the study using thematic data analysis of the focus group interviews and in-depth interview transcripts. The major themes and sub-themes are identified and discussed with quotes and excerpts from the participants. Chapter 5 explores the need for a nuanced understanding of gender inequality and development in Nigeria and ways of rethinking the current development and gender equality approach. Chapter 6 analyses the role of the State and challenges in the policy and implementation framework. Chapter Seven discusses the role of women’s voices, agency, and action in advancing gender equality as well the constraints.

Part III, which is the research outcome, consists of Chapters 8 and 9. Chapter 8 presents the discussion and assessment of the findings from the study against the reviewed literature. Chapter 9 concludes the study by revisiting the research question and objectives, offers recommendations and policy implications for the achievement of gender equality for women and girls in Nigeria, and provides suggestions and indications for future research on gender equality sustainability policy in Nigeria.

Chapter 2: Literature Review

This chapter presents a review of relevant literature related to the concepts of women and development. It starts with a review of the global literature on sustainable development and gender inequality and then proceeds to examining gender inequality and the status of women in Nigeria from a historical point of view. It then presents an overview of approaches to gender and development, from both a practical and theoretical perspective, before analysing global interventions against inequality for women and specifically SDG5 and its implementation in Nigeria. The last section of the chapter explores theoretical approaches to understanding the place of women in development through feminist legal theory and grounded theory. By reviewing these bodies of literature, this chapter discusses the global sustainable development agenda on gender equality in Nigeria. It explores the historical perspectives of some of the factors that have shaped the status of women in Nigeria, as well as global interventions that have influenced its gender and development approach and gender equality framework.

2.1 Sustainable Development

Despite economic growth and development in the 1970s, there remained the problems of unequal distribution of resources, inequality, war, poverty, discrimination, and environmental degradation. There was a global acknowledgment of an imminent ecological crises caused by human activity (Du Pisani, 2006). The dominant and prevailing neoliberal economic model which promoted unlimited economic growth, production, and industrialization was harming the environment and contributing to ecological degradation (Du Pisani, 2006; Meadows, 1972; Mebratu, 1998). The development model failed to address increasing and uncontrolled population growth, environmental and ecological damage plus underlying inequalities, and disproportionate socioeconomic gaps. These concerns were emphasized at the time by publications such as *The Limits to Growth* (Meadows, 1972) which noted that the Earth's resources are finite and thus industrialization, unlimited extraction, and use of natural resources need to be checked. Such realizations of the required changes to production and consumption patterns

led to a global call for the adoption of alternative development pathways, which were more holistic, integrated, equitable, and sustainable. This led to the establishment of the World Commission on Environment and Development (WCED) and the concept of sustainable development.

The Commission recognized one central theme that “*many present development trends leave increasing numbers of people poor and vulnerable, while at the same time degrading the environment. How can such development serve the next century's world of twice as many people relying on the same environment?*” [emphasis added] (WCED, 1987, p. 12). This brought about the awareness of the need for a new development path that sustains human progress for the entire planet and the future (WCED 1987). Thus, the Commission’s 1987 report titled *Our Common Future* (also known as the *Brundtland Report*) defined sustainable development as:

“*...development that meets the needs of the present without compromising the ability of future generations to meet their own needs*” [emphasis added] (WCED, 1987, p. 41).

This definition of sustainable development has been the most used and most often cited and has become the central goal and guiding norm of environment and development politics (Lafferty, 1996). The Brundtland definition emphasized that for development to be sustainable, it must integrate the economic, social, and environmental dimensions of progress as well as *intergenerational* and *intragenerational* equity. It states that “a development path that is sustainable... implies a concern for social equity *between* generations and a concern that must logically be extended to equity *within* each generation” [emphases added] (WCED, 1987, p. 41). Therefore, whilst meeting essential human needs without compromising the ability and well-being of future generations in meeting their needs, attention must be paid to the state of the present generation in terms of human development, equity, social justice, inclusion, and effective citizen participation in decision making. Thus, the same time, factors that aggravate inequality, social inequity, and widespread poverty must be minimised. Sen and Anand explored this further and argued that it would “be a gross violation of the

Universalist principle if we were to be obsessed about intergenerational equity without at the same time seizing the problem of intragenerational equity: the ethic of universalism certainly demands such impartiality” (Anand & Sen, 2000, p. 2038). Similarly, Ulluwishewa (2018) re-echoed this while also noting that the concept of sustainability needs to be expanded to take into account happiness which he described as the ultimate goal of development. According to him, “sustainability hinges on the ability of any individual, community or country to meet their needs and live happily without compromising the ability of other individuals, communities, countries and future generations to meet their needs and live happily” (Ulluwishewa 2018, p. 66).

A key objective of sustainable development is to address inequities—economic, social and environmental—and disadvantages. Todaro (1985) puts it succinctly: “development must be conceived as a multidimensional process involving major changes in social structures, popular attitudes, and national institutions, as well as the acceleration of economic growth, the reduction of inequality and the eradication of poverty” (p. 85). The focus of the social dimension of sustainable development is human progress in equality, human rights, social justice, access to resources, economic freedom and security, political stability and security as well as engaging and participating in the sustainable development process. However, different factors constrain and limit the participation of certain people or groups and actors in the development process. One of these is inequality based on issues such as income, ethnicity, race, gender, religion, and disability. In many situations, women, girls and children are more likely to experience deprivation, disadvantage, and social exclusion based on the interactions between the horizontal (group-based) and vertical (individual) dimensions of inequality (Jayaraj & Subramanian, 2006; King, 1980; Stewart et al., 2005). Recognizing the underlying causes of inequalities and tackling them play critical roles in global progress and the achievement of sustainable development.

2.1.1 Women and Sustainable Development

The role of women in sustainable development and as important drivers of economic advancement and growth has long been established (Boserup, 1970; Braidotti, 1994; Cecelski, 2000; Kabeer, 2012, 2015; Stevens, 2010). Their role and contribution to environmental management, social and economic development is undeniable, indisputable, and cannot be overemphasized (Agarwal, 1997; Arora-Jonsson, 2011, 2014; Boserup, 1970; Braidotti, 1994; Shiva, 2016; WCED, 1987). Growing evidence and research highlights the synergy that women's agency, empowerment, knowledge, education, access to resources and inclusion have on providing more sustainable pathways in terms of environmental protection, economic growth, improved maternal health, better outcomes for their families, communities, and society (Buckingham-Hatfield, 2002; FAO, 2008; UN Women, 2014; Warth & Koparanova, 2012a; World Bank, 2018a; World Health Organization, 2005, 2009, 2010).

Various global agendas, conventions, summits, and other forums have emphasized the critical role of women in sustainable development: poverty reduction; protecting and managing the environment, including land and water resources; population control; reproductive health; food production and consumption; and the pressing need to address women's empowerment. One of these forums was the *Third World Conference on Women in Nairobi* in 1985, which emphasized the central role of women as actors rather than beneficiaries in development, and in achieving better outcomes in the terms of policy development. Paragraph 15 of the *Forward-looking Strategies for the Advancement of Women in 1985* states:

The enhancement of women's equal participation in development and peace requires the development of human resources, recognition by society of the need to improve women's status, and the participation of all in the restructuring of society. The attainment of the goals and objectives of the Decade requires a sharing of this responsibility by men and women and by society as a whole and requires that women play a central role as intellectuals, policy-makers, decision-makers,

planners, and contributors and beneficiaries of development
[emphasis added]. (United Nations, 1985)

Likewise, Principle 20 of the 1992 United Nations Conference on Environment and Development (Rio Declaration) states, “Women have a vital role in environmental management and development. Their full participation is, therefore, essential to achieve sustainable development”. The 1995 Beijing Declaration and Platform for Action was another global commitment towards substantive equality and empowerment of women through gender mainstreaming and integration of a gender-balanced perspective in policies and programmes. It further acknowledged that the rights of women and girl-children are an inalienable, integral, and indivisible part of universal human rights.

However, this knowledge and portrayal of women as key to sustainable development has not changed the narrative for many of them, especially in developing countries, in terms of participation and outcomes. Women remain absent from active participation in key policy and decision-making processes on issues that affect them. For instance, notwithstanding recognized and well-documented literature on the inherent value, active role, and participation of women in environmental and natural resource management (Benería & Sen, 1981; Jackson, 1993), they remain underrepresented in environmental decision making, policy formulation, and research (Agarwal, 1997; Arora-Jonsson, 2014; Denton, 2002; The Guardian, 2015; UNESCO, 2015). Similarly, the impact of environmental degradation, unsustainable production, and consumption patterns tend to affect women in developing countries significantly and disproportionately more as oftentimes their livelihood depends directly on natural resources (Agarwal, 1997; Braidotti, 1994; Eregha & Irughe, 2009; Keeble, 1988; Rodda, 1991).

2.1.2 Gender Equality, Women’s Empowerment, and the Sustainable Development Goals

The principle of gender equality as a major and critical dimension of sustainable development is well established. However, there remain

difficulties and constraints in gender issues in policy development and implementation, and legal inequality, which continue to exacerbate inequality between men and women across many societies. This section discusses the links between gender equality and sustainable development.

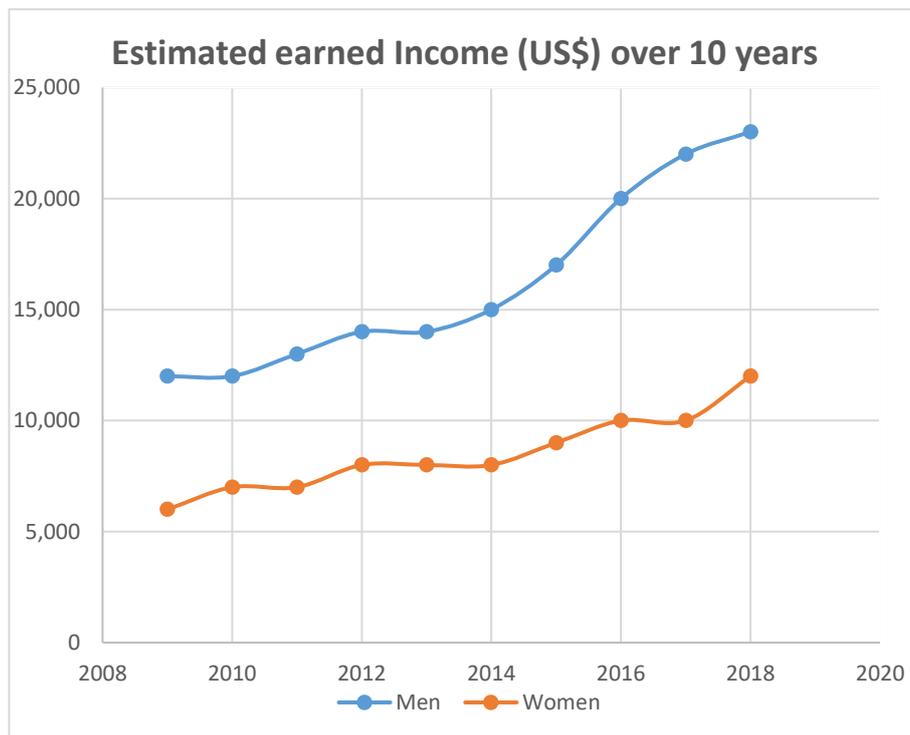
Gender equality

Gender equality means “equal treatment of women and men in laws and policies, and equal access to resources, economic participation, and decision-making within families, communities, and society” (World Health Organization, 2001, p. 43). It is achieved “when women and men have equal conditions for realizing their full human rights and for contributing to and benefiting from, economic, social, cultural and political development” (UNESCO, 2003a, p. 1). However, social, economic, cultural, and political systems have for centuries discriminated between the sexes with, more often than not, women treated as unequal to men. In terms of status, power, political, economic, and social arrangements, women are a disadvantaged group in many countries (Chafetz, 1991; Glick & Fiske, 2001; Lorber, 2001; Sen, 1995). Until the end of the nineteenth century, in many countries, cultures, and societies, gender bias was deeply ingrained, resulting in women being treated as inferior or as property and being excluded from taking part in public life—from politics, education, and participation in certain professions (Lagon & Hughes, 2016; Mill, 1869; Whisnant, 2009).

Even though women make up about half of the world's population, they receive a minor share of developmental opportunities and remain largely represented among the poor, often taking on precarious, informal, and unpaid domestic work (Narayan, 2000; Quisumbing et al., 2001; World Bank, 2017). Gender pay-gaps, difficult working conditions, unpaid and undervalued work, limited access to resources, discrimination in law and practice, unfair treatment due to culture and religion continue to disadvantage women. Figures 4 and 5 show some global trends. Although overall incomes have increased, the gender gap seems to have widened (see Figure 4). Representation of women in parliament remains low at 24% (see Figure 5). Although progress has been slow as there is a continual struggle for equal

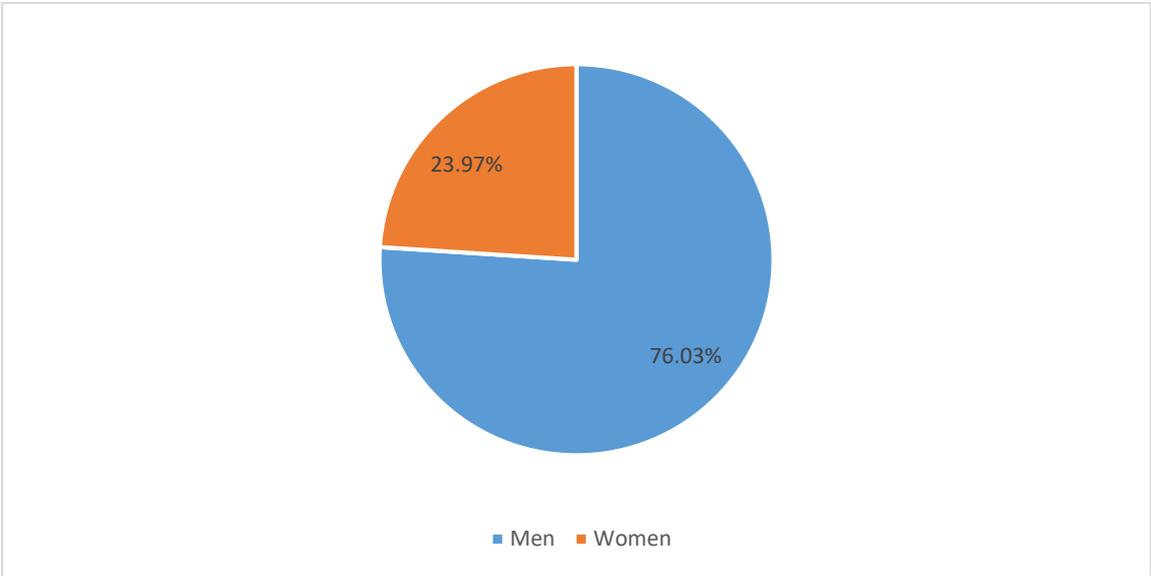
rights and opportunities for women in many areas, there are certainly improvements and increased opportunities in certain areas such as employment, education, political representation. For example, in terms of political representation in parliaments around the world, there has been a significant increase to 23% in 2018, as opposed to 18.3% and 11.8% in 2008 and 1998 respectively (IPU, 2018).

Figure 4: The 2018 Global Gender Gap (Income)



Source: Charts based on the World Economic Forum's Global Gender Gap Index 2018 available at <https://reports.weforum.org/global-gender-gap-report-2020/dataexplorer/>. In the public domain

Figure 5: Gender representation in National Parliaments across all regions and parliamentary structure in 2018



Source: 2018 Parliaments at a glance: Women parliamentarians available at <http://archive.ipu.org/wmn-e/world.htm> (in the public domain)

The literature on women and development has consistently shown that aside from poverty and gender inequality, discrimination in law and practice remain barriers to development, economic growth, and poverty reduction (Ajala, 2017; Duflo, 2005; Kabeer, 1996, 2000; Robeyns, 2003; Rogers, 2005). Stevens (2010, p. 1) noted that “an increasing number of studies indicate that gender inequalities are extracting high economic costs and leading to social inequities and environmental degradation around the world”. Inequality of any kind remains an impediment to growth and development and thus eradicating discrimination, exclusion and other underlying drivers of poverty is a huge step towards eliminating poverty. Discrimination as a form of inequality remains one of the hardest types of imbalance to eradicate (Stiglitz, 2012). Poverty, intersecting with inequality and multiple discriminations in law and practice, tends to aggravate the subordination and oppression of women (Kabeer, 2010; Unterhalter, 2009). Kabeer (2015, p. 196) noted that “Gender inequality tends to exacerbate the disadvantages generated by the intersection between vertical inequalities and other forms of horizontal inequalities”. Gender inequality is not confined

to the poor, neither is the subordination of women entirely a poverty issue (Jackson, 1996). However, there exists a relationship between gender inequality and poverty, and oftentimes, gender inequality tends to be more pronounced among the poor (Aragon & Miller, 2012; Duflo, 2005).

Women in developing countries tend to fare worse in comparison to their counterparts in developed economies in a variety of measures ranging from discriminatory laws and practices, unequal power relations, unpaid work, weak or non-existent property rights for women, weak access to credit markets, gender stereotypes, and limited college enrolment (Jayachandran, 2015; Kabeer, 2015; Para-Mallam, 2010). Factors such as culture and tradition, religion, and other structural inequalities including lack of education and empowerment, place women in a disadvantaged position, inhibiting their contribution to, and participation in, the development and policymaking process. In many developing countries, women continue to bear a disproportionate amount of family responsibilities due to institutionalized gender roles, forcing a large percentage of women to work and operate in the informal sector. This limits their participation in the formal labour market, thereby reinforcing occupational segregation (Cha, 2013; Fapohunda, 2012a; Kabeer & Natali, 2013). For instance, in 2016, in sub-Saharan Africa, the average unadjusted wage gap was placed at about 30% costing the region about \$95 billion in productivity loss annually (UNDP, 2016).

Women's Empowerment

Empowerment remains a widely used construct in various disciplines from psychology, social work, economics, education, human resources, business, leadership, development—all with different understandings of and interpretations of the term (Mayoux, 2001; Page & Czuba, 1999). With various definitions across disciplinary lines, as well as measurements, context, and dimensions, the concept has remained an “essentially contested concept” (Gallie, 1955). Rappaport (1984, p. 1) noted that “empowerment is easy to define in its absence...but difficult to define positively only because it takes on different forms in different people and contexts.”

In development literature, the term empowerment is a commonly used word that holds various meanings and approaches to different groups of people. Batliwala (1994, p. 1) describes it as “one of the most widely used and abused lexicons and concepts in development discourse and has become one of that buzzwords or catchphrases that have been robbed and emptied of their original meaning”. Mosedale (2005, p. 243) describes it as an “often cited goal of development intervention”. Cornwall and Brock (2005a) explain it as “one of those feel-good terms made and sustained by development agencies, one of those words that once spoke of politics and power that have come to be reconfigured in the service of today’s one-size-fits-all development recipes, spun into a politicized form that everyone can agree with”. Despite the aforementioned notion, global agendas, policy, and development discourse continue to emphasize its need and it has become one of those terms firmly and explicitly embedded in mainstream development practice (Cornwall & Brock, 2005b).

Research has shown that empowerment is a process as well as an outcome occurring at all levels—individual community, group, or country (Batliwala, 1994; Cornwall & Brock, 2005b; Freire, 1972; Rowlands, 1995; Zimmerman, 2000). Page and Czuba (1999, p. 2) define empowerment as a “multi-dimensional social **process** [emphasis added] that helps people gain control over their own lives. It is a process that fosters power in people, for use in their own lives, their communities, and in their society, by acting on issues that they define as important”. Mosedale defined it as “the process by which women redefine and extend what is possible for them to be and do in situations where they have been restricted, compared to men, from being and doing” (Mosedale, 2005, p. 252).

The diversity of the idea, process, and measurement of empowerment requires that its understanding must take into consideration diverse settings, people, context, nuance, individual aspirations, and consciousness as well as the complexity of culturally differentiated meanings (Kabeer, 1999b; Porter, 2013). A rich body of literature and academic research has provided for a multidimensional interpretation and measurement of empowerment (Alkire,

2007; Folbre, 2006; Ibrahim & Alkire, 2007; Kabeer, 1999a, 1999b, 2012; Lopez-Claros & Zahidi, 2005; Malhotra & Schuler, 2005; Richardson, 2018). There are many forms of empowerment, including economic empowerment; political empowerment and participation; education; social and cultural empowerment, legal empowerment, and psychological empowerment. Therefore, measuring women's empowerment continues to pose significant challenges to researchers (Kabeer, 1999b; Mason, 2003; Richardson, 2018).

Although various definitions and measures of empowerment abound, most scholars and feminist researchers agree on some essential elements. First, the main idea is that empowerment is a multi-dimensional process that seeks to address power structures, and hence at the core of empowerment is the notion of power (Batliwala, 1994, 2007; Kabeer, 1999b; Rowlands, 1995). Several authors have argued that real empowerment is impossible without addressing power inequities and factors that entrench disempowerment (Batliwala, 1994, 2007). This could take various forms: self-determination and control over material assets, resources and ideology (Batliwala, 1994, p. 129); challenging and eradicating patriarchal domination, including formal and informal norms and institutions that oppress and perpetuate discrimination against women; and/or removing political, legal, social barriers that work against particular groups (Cornwall, 2016; Porter, 2013).

Secondly, agency is a key determinant and aspect of empowerment. Sen defines agency as "what a person is free to do and achieve in pursuit of whatever goals or values he or she regards as important" (Sen, 1982, p. 206). Nussbaum (2011, p. 176) explains, "Agency is taken to be central to what it is to be a human being. It is agency that allows an individual to shape his or her own life and make choices that are important to define his or her interests, projects, and goals". Kabeer (1999b) describes it as a process by which women acquire the ability to make strategic life choices (p 1). Mosedale (2005, p. 244) defines it as a process of "making decisions on matters which are important in their lives and being able to carry them out".

Thirdly, empowerment is contextual. For instance, an increasing or high level of agency leading to empowerment in certain areas and dimensions may or may not translate into empowerment in other areas or dimensions. For instance, research has shown that although economic empowerment is crucial for women's empowerment and gender equality (Blumberg, 2005; Senzu, 2016), it has not necessarily positively impacted other cultural and social domains. Being economically empowered does not necessarily translate into power, agency, or social or political empowerment for many women, especially in developing countries (Cronin-Furman et al., 2017; Malhotra & Schuler, 2005).

The Sustainable Development Goals (SDGs)

The United Nations, as well as other global development institutions, have continued to advocate for gender equality and women's empowerment through various conventions, agreements, treaties, policy frameworks, programmes, and projects. For instance, at the UN Conference on Sustainable Development in Rio on June 19, 2012 (Rio +20), there was renewed recognition of the vital role of women in sustainable development, a resolve to promote gender equality and women's empowerment as well as ensure the full and effective participation in sustainable development policies and programmes at all levels (General Assembly resolution 66/288, annex, paras. 31 and 45). The outcome report of the Conference titled "The Future We Want" called for the negotiation and adoption of internationally agreed development goals, which brought about the Sustainable Development Goals or the Global Goals.

The SDGs (Agenda 2030) affirms that gender equality and women's empowerment are key to their achievement. Paragraph 20 of the agenda reiterated this:

Realizing gender equality and the empowerment of women and girls will make a crucial contribution to progress across all the Goals and targets. The achievement of full human potential and sustainable development is not possible if one half of humanity continues to be denied its full human rights and opportunities. Women and girls must

enjoy equal access to quality education, economic resources, and political participation as well as equal opportunities with men and boys for employment, leadership and decision-making at all levels. (UN, 2015b para 20)

Gender equality as a distinct goal as well as a fundamental prerequisite and precondition for achieving sustainable development underscores the SDG approach to development. Goal 5 of the SDGs—the stand-alone goal on gender equality and women—has targets that include: ending all forms of discrimination (5.1); eliminating all forms of violence against all women and girls (5.2); eliminating all harmful practices, such as child, early and forced marriage and female genital mutilation (5.3); recognizing and valuing unpaid care and domestic work (5.4); ensuring full and effective participation in leadership, decision-making in political, economic and public life (5.5); ensuring universal access to sexual and reproductive health and rights (5.6). Other targets are undertaking reforms under national law to give women equal rights to economic and natural resources (5A); enhanced use of technology to promote the empowerment of women (5B); adopting and strengthening policies and legislation for the promotion of gender equality and empowerment of women at all level (5C).

Goal 5 has a nexus and implication for other SDGs. Some of those explicitly linked include:

- Goal 1: ensuring equal rights and access to economic resources for women (1.5);
- Goal 2: access to nutrition food, increase income for female small-scale food producers (2.1–2.3);
- Goal 3: reduced maternal mortality rates, access to sexual and reproductive health services and rights (3.1, 3.7);
- Goal 4: eliminate gender parities in education and access to education at all levels (4.1–4.5);

- Goal 6: improved sanitation and hygiene with special attention to the needs of women and girls (6.2);
- Goal 8: creating access to decent jobs, protecting labour rights, equal pay for equal work (8.1–8.8);
- Goal 10: Equality of opportunity and outcomes, economic social and political inclusion irrespective of sex (10.2–10.3);
- Goal 11: access to safe, affordable, and sustainable public transport, green and public spaces with particular attention to women (11.2, 11.7);
- Goal 13: Raise capacity for effective climate change planning and management including focusing on women (13.b);
- Goal 16: Enforce and promote non-discriminatory laws and policies, inclusive and participatory decision making, reduce violence against women and girls (16.1–16.2, 16.7, 16.b).

As previously indicated, the Sustainable Development Goals (SDGs) replaced the Millennium Development Goals (MDGs). Despite the largely acclaimed successes of the MDGs worldwide, there were varied performances and unequal progress across regions and countries. Specifically, countries in sub-Saharan Africa made little progress and lagged significantly on most targets (Clemens et al., 2007; Easterly, 2009; Fehling et al., 2013; United Nations, 2015a). Although major progress was made worldwide with education enrolment, the largest disparities in terms of education enrolment and gender pay gaps were seen in women in sub-Saharan Africa and Southern Asia (United Nations, 2015a). For example, according to the 2010 MDG Report, while there was progress of about 18 percentage points—from 58 per cent to 76 per cent—between 1999 and 2008 in primary education enrolment in Sub-Saharan Africa, gender disparities in tertiary education widened from 71 women per 100 men to 67 women per 100 between 1999 and 2008 (United Nations, 2010, pp. 17 & 20). Similarly, at a global level, the share of women in paid employment outside the agricultural sector has continued to increase slowly and reached 41 per cent in 2008; however, growth levels in Southern Asia, Northern Africa and

Western Asia lagged behind remaining at only 20 per cent (United Nations, 2010, p. 22). Nigeria, like many other countries in sub-Saharan Africa (see Table 4), recorded glaring underachievement of most of the MDGs and targets. High poverty rates, food insecurity, and hunger, high maternal and child mortality rates and gender inequality persist (Sarwar & Hoy, 2015; UNECA et al., 2011).

Table 4: Gender parity indices of completion rate of the poorest males and females by education level (2010–2015)

	Gender Parity Index				
	Pre-Primary	Primary	Lower Secondary	Upper Secondary	Tertiary
World	0.99	1	0.99	0.98	1.12
Central Asia	1.04	0.99	0.99	1.03	1.04
Eastern and South Eastern Asia	1	0.99	1.01	1.02	1.13
Europe and Northern America	0.99	1	0.99	1.01	1.28
Latin America and the Caribbean	1.01	0.95	0.93	0.96	1.01
Pacific	0.98	0.97	0.95	0.94	1.38
Southern Asia	0.94	1.06	1.04	0.95	0.95
Sub-Saharan Africa	1.01	0.94	0.90	0.84	0.70

Source: Global Education Monitoring Report using data from UNESCO Institute for Statistics (UIS) available at https://gem-report-2017.unesco.org/en/chapter/gender_monitoring_participation-and-completion/

Some have argued that the MDGs were unfair to countries in Africa as they were poorly and arbitrarily designed agendas that assumed that all developing countries faced analogous problems. These critics argue that the MDGs were predisposed to failure through inappropriate methodological and performance indexes to measure the progress towards the goals and targets (Clemens et al., 2007; Correll, 2008; Easterly, 2009; Loewe & Rippin, 2015). Others have noted that the failure of the MDGs was due to a lack of clear ownership and leadership both internationally and nationally, as well as their inability to address group inequality, gender inequality and other factors that perpetuate women’s disadvantage (Fredman et al., 2016; Shawki et al., 2016; Udoma, 2017; Waage et al., 2010). The question is: Will the implementation of the SDGs in Nigeria differ from that of the MDGs?

Achieving gender equality and empowering women will be an overriding test for the SDGs. The SDGs underscore the importance of legislation, policies and programmes for achieving the goals and targets, with states obliged to eliminate both *de jure* and *de facto* discrimination against women and put in place measures to achieve equality between the genders. Almost all, if not all, international treaties, agreements, and agendas on gender equality and empowerment of women require enforcement and adoption of legal frameworks to promote equality and advancement for women. Legislative reforms are also needed to tackle discriminatory norms and legal constraints to equality. One of the indicators for Goal 5 is whether legal frameworks are in place to promote, enforce, and monitor equality and non-discrimination based on sex (SDG Indicator 5.1.1). This indicator seeks to measure legal and other implementation frameworks put in place by governments that seek to promote, enforce, and monitor gender equality. How this will be achieved in Nigeria to ensure that women are not left behind is the crux of this thesis.

2.2 Gender Inequality and the Status of Women in Nigeria

The inherently patriarchal nature of Nigerian society is evident in its distinct social structure, gender relations, roles, and norms. In many cultures and traditions across the country, right from birth to adulthood, there is the male child preference. The family and society treat boys differently to girls, often preferentially. With a few exceptions, there is a strong patrilineal sense and belief in many cultures that boys are the heirs and agents of continuity to sustain the family's name and perpetuate the lineage, such that it is considered an accomplishment to have a male child (Isiugo-Abanihe, 1994; Nwokocha, 2007; Omadjohwoefe, 2011). From a young age, boys are conditioned according to roles and stereotypes of masculinity, authority, and leadership, while girls are nurtured and expected to be "good wives and mothers", helping with household chores, younger siblings and waiting on the older members of the household (Dogo, 2014). Emphasis is placed on motherhood, procreation, nurturing, and reproductive roles, with women "deriving their social status from their role as wife and mother" (Aina, 1993, p. 4). As such a woman who is married and bears children is respected and

elevated to a higher status in society above an unmarried or childless woman, to almost a mythological position in certain cultures (Boehmer, 2005; Egejuru, 1997).

This has contributed to the continued marginalization of women and girls along with factors related to socio-cultural barriers, discriminatory laws and policies and poor socio-economic development (Asiyanbola, 2005; Okediran et al., 2006). A historical overview of the status of women is essential to shedding light on the reasons that gender inequality, marginalization, and discrimination are still rife in Nigeria. Any serious or successful analysis of the legal and policy framework on gender equality must critically examine the historical, political, and cultural context in which people live and how this shapes the way the system values or devalues a particular social group—women in this instance.

Some theorists have argued that a historical context is important to understanding law, feminist thinking, and theories as they relate to gender inequality and development (Charlesworth et al., 1991; Parpart et al., 2000). It would be ineffective to try to analyse such issues and grasp the challenges of the policy and legal framework for gender equality and sustainable development without understanding how economic, political, and social histories have given rise to the present status of women. Thus, it is important to understand the status of women as a social group in Nigeria and how the challenges associated with their status continue to influence sustainability and development and ultimately the SDG on gender equality and the commitment to leaving no one behind.

Nigeria's history can arbitrarily be divided into three periods, namely before, during and after British colonialism. Throughout these three periods, the status of women varied and represented the dominant cultural values, particularly as they related to power and agency within society.

2.2.1 Women in Pre-colonial Nigeria

Before the arrival of the British colonials, oral history and literature show that women in Nigeria were active participants in economic, social, and political development as in many traditional West African societies (Amoah-Boampong & Agyeiwaa, 2019; Berger & White, 1999; Johnson, 1982; Sudarkasa, 1986). Although a patriarchal and patrilineal society and while women's status varied across locations, in many traditional Nigerian cultures, their roles were interdependent and complementary to those of men (Aina, 1993). Emeka Anyaoku (as cited in Egejuru, 1997, p. 17) explained this:

In normal traditional African society, women and men perform different tasks. The problem arises when the attitudes of the industrialized countries are brought to bear upon these separate activities, and some are judged superior and some inferior, with women seen as performing what is seen as inferior tasks. Such judgments are alien to the traditional African viewpoint, which finds its social action, not in the part but the whole [emphasis added].

Women had a certain degree of power (both political and economic), agency, and autonomy and were considered as 'free adults' under customary law (Awe, 1992; Denzer, 1994). Although they rarely had land rights or control, many had access to communally-owned farms, cultivated their food, sold food produce, participated in trade and income-generating activities, and had income independence (Illumoka, 2012; Sone, 2019; Wole-Abu, 2018).

In some communities (as women in pre-colonial Nigeria were not a homogenous group), women held unique and visible political positions and leadership roles through female lines of authority that existed in parallel to the male hierarchy (Achebe, 2011; Denzer, 1994). Some were female warriors who went to war in combatant roles, some acted as advisers in the chieftaincy councils in towns and village, queen mothers, and others were traditional diviners, cultural bearers, or custodians of the sanctuaries of the traditional gods and goddesses (Garba, 1999; Nkomo & Ngambi, 2009; Oluwaniyi, 2019).

The pre-colonial African woman, or woman in African kin groups, is stereotypically portrayed as relegated to and suppressed in their conjugal roles and the domestic sphere (Paulme, 1963). Contrary to this representation, women in pre-colonial West African societies differed in terms of their labour and economic participation from most of their Western counterparts (Amoah-Boampong & Agyeiwaa, 2019; Ogbomo, 2005). The historical literature showed that in many traditional Nigerian societies, their economic roles were complementary to those of men and they were industrious and contributed to the economy in many ways, including manufacturing, food processing, and trading of kola nuts, cocoa, textiles and arms (Denzer, 1994; Toyin Falola, 2019; Leith-Ross, 1939; McIntosh, 2009). Qualls (1994) explained this well:

The lives of middle-class Nigerian women differ greatly from those of most western women...women retained certain economic opportunities within the social system. In fact, before the middle of the twentieth century, Nigerian women traditionally played a more significant role in society than did western women. Traditional or tribal society in Nigeria expected women to be significant wage earners in the family. They laboured in farming, fishing, herding, and commerce (for instance, pottery, cloth making, and craftwork) alongside Nigerian men. Women traditionally had the right to profit from their work, although the money usually served as a contribution to the family income. This economic freedom was much different from many western societies, where women had to fight for the right to work.
[emphasis added]

This was the case even among the Hausa Fulani women in the Northern region of Nigeria, largely populated by Muslims with some practicing Purdah (seclusion) which restricts women's participation in the formal sector of the urban economy (Qualls, 1994; VerEecke, 1993). Research shows that this did not inhibit their economic activities and participation as they contributed through subsistence, pastoral farming, and food processing (Callaway, 1987; Schildkrout, 1982).

Despite women's active participation in society and considerable economic influence and independence in many traditional societies in pre-colonial Nigeria, there was still gender inequality. Afonja (1981) in her study of production and the sexual division of labour among the Yorubas (one of the major ethnic groups located in South-western Nigeria) notes that "although women in traditional Yoruba culture had considerable autonomy before the colonial era, there were embedded inequalities in the division of responsibilities which although hardly perceived from within because they are culturally legitimized" (p. 304).

Also, when it came to inheritance and property rights, due to the patrilineal structure of the society, in certain cultures and under customary law, women cannot inherit property from their parents because of their gender, thus giving men a better head start and economic advantage especially in terms of farmland ownership, assets, access to credit and productive resources (Tsikata, 2009). Likewise, certain traditions such as some funeral rites, misogynistic widowhood practices, female circumcision also tended to subordinate women (Leith-Ross, 1939; Ogbomo & Ogbomo, 1993).

2.2.2 Women in Colonial Nigeria

The advent of colonialism altered gender relations and marked a radical shift for women in many African societies and Nigeria, altering and changing existing cultural, legal, socio-economic, and political structures in favour of men and limiting women's economic and political role (Bernstein, 2000; Etienne & Leacock, 1980). Although this is not to dismiss the existence of gender inequality in pre-colonial times, the literature shows this was made worse by colonialism. It altered gender relations, entrenched and institutionalized gender inequality and this legacy continued into independence (Awe, 1992; Leith-Ross, 1939; Ocheni & Nwankwo, 2012). As in many African societies, the advent of colonialism introduced new economic, political, legal, religious, and educational institutions (Amoah-Boampong & Agyeiwaa, 2019; Sudarkasa, 1986). This disrupted the existing traditional structure as the British Colonial administration introduced unfair

and arbitrary legal, political and economic systems, which reinforced the patriarchal socio-cultural beliefs and practices that placed women in a subordinate position/status to men (Johnson, 1982; Soetan & Akanji, 2018). Some of these included the arbitrary use of power by the warrant chiefs (local agents of the British colonials) helping themselves to women's agricultural produce and domestic livestock, forcefully marrying women, and not conforming with customary practices of their right to refuse a suitor (Afigbo, 1972; Onwuteka, 1965). Hence, this led to the deterioration in the position of women in Nigeria.

In terms of the social impact of colonialism on women in Nigeria, Garba (1999) noted, "*Not only did colonial structures result in the politics of class...it also stripped women of most of their rights to administer their affairs and protect their own future. In other words, the people, especially women, lost their autonomy and most of their rights*" (p. 135). This exclusion of women was visible for instance in the imposition of the colonial educational curriculum which emphasized homemaking and domestic science abilities for girls while boys were encouraged to learn clerical, technological, and scientific skills. This further alienated women from economic and educational opportunities as well as from the formal labour market and made them more economically dependent on men (Ademuson, 2016; Mama, 1997).

The literature shows that the colonial experience saw major political marginalization and exclusion of women; failure to acknowledge the role of women in public decision-making; and removal of the legitimacy of women's traditional political institutions leading to them being disempowered and disenfranchised politically (Davidson, 2014; Ogundipe-Leslie, 1994; Oguntuyi, 1979). This occurred despite revolts, protests and other forms of resistance against unfavourable taxation, disenfranchisement, and legislation controlling women's sexuality (Phillips, 2005; Van Allen, 1975). Groups led by prominent women such as Margaret Ekpo, Funmilayo Ransome Kuti, and Hauwa Sambo organized themselves into formal and informal pressure bodies to resist and challenge the colonial authorities, their oppressive imperialist gender policies, and the declining status of women. Examples

include the 1949 Abeokuta Women's Revolt and the 1929 Aba Women's Riots to protest political marginalization, and the imposition of outrageous and exploitative taxes on women. Women were concerned that the heavy taxes and financial burden imposed on them by the British Colonial administrators were increasing while their economic and political participation was declining. They refused to pay taxes separately from their husbands or allow census officers to count their properties maintaining that until they were adequately represented and allowed economic freedom, their tax-exempt status had to be preserved. Their request was rejected, which led to mass protests, sit-ins, demonstrations and riots which lasted for weeks and months in some cases until the tax was abolished (Byfield, 2003; Van Allen, 1975).

Van Allen (1975, p. 12) notes that while colonialism weakened women's position, the importance of the revolt of Nigerian women against the colonial power was a response to the general dissatisfaction with the system of administration, women's invisibility, and their declining status under colonial rule. Byfield (2003) substantiated this assertion in her analysis of Women, the colonial state, and the 1947 Egba women's tax revolt. She noted

The 1947 revolt was not only about taxation. It was also an effort to force the colonial state to recognize women's economic and social conditions as well as their contribution to the state. Moreover, it was an opportunity to make clear their expectations of the state and redress the political marginalization they had experienced under colonialism (p. 270).

Despite the brute force, assault, fines, and jail terms that some of the women suffered because of the resistance, it led to some reforms such as the abolishment of the unfair flat taxes on women, eliminating corrupt local agents, and warrant chiefs and representation of women in local councils. Chuku (2005) notes that while men's complaisance with the colonial policy was out of fear of reprisal by the colonial authority, "women enjoyed certain immunity and acted as untouchable vultures in their resistance to certain colonial, missionary, and foreign trading companies' policies and programs that threatened their religious, political and economic spaces" (p. 4). This

also reinforced feminist consciousness and women's ability to maintain some level of influence and power within their communities and protect their interests (Byfield, 2003; Van Allen, 1975). Although this 'influence and visibility' was temporary and short-lived, it created some sort of political structure and coalition which was pivotal and contributed to some extent to the mobilization and fight for independence and nationalist struggle in Nigeria (Nwankwor, 2018).

In terms of the legal system, although customary and native law was not recognized as modern law by the colonial administration, it continued to co-exist and operate (supervised by colonial courts giving them the powers to interpret native laws and customs as they deemed fit) alongside colonial legislation represented by English or Common law (Atsenuwa, 2001; Ilumoka, 2012). While some of the statutory provisions of the English legal system saw changes that improved the legal rights of women, such as the right to property and inheritance, other provisions such as laws on polygyny and strict monogamous marriage provided little security for women in statutory marriages further weakening their status, especially in cases of divorce, separation or child custody (Agbaje, 2019). Likewise, in many Nigerian cultures, the traditional marriage system was relational and promoted commonality and thus polygamy was prevalent for various reasons including wealth, fertility, multiple offspring, kinship and friendship among the wives, mitigation of the impact of household health shocks, and men taking on a widow as a wife to take care of her (Leith-Ross, 1939; Ukaegbu, 1977). The advent of colonialism, as well as the Christian missionaries, changed this dynamic, criticizing the practice of polygamy as inferior. The western marriage system of monogamy and individuality, as well as policing of women's bodies and sexuality, was introduced through the Marriage Act and Matrimonial Causes Act. While the majority of men, including those married under the Act, continued to practice polygamy without any repercussions, women married under statutory law were confined to monogamous marriages, which restricted their freedom and autonomy to decide to be in communal relationships. This was less advantageous for many women at the time (Uchendu, 1965).

Many historians and scholars have argued that the colonial system diminished and gradually eroded women's social influence and power and active participation in traditional African societies (Dobkin, 1968; Fadipe, 1970; Toyin Falola & Amponsah, 2012; Ocheni & Nwankwo, 2012; Sudarkasa, 1986). Others have argued that the period also enhanced women's position and saw some positive strides for women, especially their legal rights under the law (Denzer, 1994; Van Allen, 1975). Mba (1982, p. 67) noted, "Under colonialism, the position of the Nigerian woman was both diminished and enhanced". Similarly, Van Allen (1972, p. 1), corroborated this in her essay on the influence of colonialism on the Political institution of Igbo women in Nigeria:

In the conventional wisdom, Western influence has "emancipated" African women - through the weakening of kinship bonds and the provision of "free choice" in Christian monogamous marriage, the suppression of "barbarous" practices, the opening of schools, the introduction of modern medicine and hygiene, and, sometimes, of female suffrage. But Westernization is not an unmixed blessing. The experience of Igbo women under British colonialism shows that Western influence can sometimes weaken or destroy women's traditional autonomy and power without providing modern forms of autonomy or power in exchange.

History and the literature shows that the colonial era institutionalized legal, social, economic, and political systems that further discriminated against and subordinated women, and have continued to shape the Nigerian society until today. These institutions have in many ways persisted in perpetuating poverty and gender inequality, while favouring the elites and ruling class (Acemoglu & Robinson, 2012; Chuku, 2009; Kenschaft et al., 2015).

2.2.3 Women in Post-Colonial Nigeria until today

In post-colonial Nigeria, colonial influence and the inherently patriarchal nature of the society have affected the status of women. Many of them had been left behind in education, politics, and economically. The literature shows

that after colonization, especially in the early years after Independence, the role of women in Nigeria significantly declined in terms of their social, political and economic status (Chuku, 2009; Denzer, 1994; Nolte, 2008). Politically, the period after independence was a period of re-awakening for women and a number of them joined political parties and held political office. However, all this success became short-lived with the military coup and take-over between 1983 and 1999 (Agbalajobi, 2010).

During the military era, women were hardly recognised in politics and had minimal representation in the military governments. Agitations from women's organizations led to a subsequent introduction of a quota system by the military administration that stipulated that at least one female member must be appointed a member of the executive council in every state (Effah Attoe, 2002; Okome, 2000). Mama (1998) in her paper *Gender Discourses and Militarism in Nigeria* argued that although "the ambivalence and inconsistencies present in the policies of the colonial state was not evident in the military administration, the carnivalesque programs mounted in the name of "women's development" were equally ineffective in ensuring full participation for women" (p. 13). She said this of the military regime:

The regimes have treated women as a single homogenous category of people who benefit from military rule. The establishment of grandiose, but ineffective, bureaucratic structures was not accompanied by any meaningful policy initiatives. Despite the continued appointment of a small number of women as commissioners, director-generals, and local government administrators by successive military governments, women continue to be seriously underrepresented in all decision-making. (Mama, 1998, p. 14)

On the return to democratic rule in 1999, the Constitution of the Federal Republic of Nigeria guaranteed equal political rights and participation for men and women and although still in very low numbers, more women have actively participated in politics (Agbalajobi, 2010; Akiyode-Afolabi & Arogundade, 2003).

Despite improved and increasing women's and girls' access to education, politics, and labour force participation, gender disparities remain between men and women in Nigeria (Makama, 2013). In this country, women are still underrepresented in almost all spheres of politics and public policy decision making, (Ikpe, 2004; Nwankwor, 2019; Omotola, 2007). In the formal economy, women's participation is still disproportionately low. They remain largely outnumbered in comparison to their male counterparts with only very few rising to senior managerial and management positions. The majority are often employed in low-income roles such as cooks, cleaners, receptionists, secretaries within the formal sectors. From the private sector to the civil service to the top government officials and high-ranking government administrators, there is a staggering imbalance and gender disparity between men and women.

Data on work and employment released from the Nigerian Bureau of Statistics (NBS) show that the percentage of women employees in the State Civil service across the country from 2010 to 2015 was 38.16% while it was 61.84% for men (Nigeria Bureau of Statistics, 2018). Lawson (2008) in her study on trends of female labour participation in Nigeria from 1980-2005, using data from the National Bureau of Statistics and Federal Civil Service, noted that despite women accounting for about 49% of the population, the employment ratio of female and male employees in the Federal Civil Service over the entire 25-year period was about 13% and 87% respectively, with little variation.

Similarly, data from the 2018 Statistical Report on Women and Men in Nigeria showed that the percentage of female registered medical doctors from 2015 to 2017 was 34.2% compared to 65.8% for men, while the percentage of female dentists for the same period was 39.1% in comparison to men at 60.9% (Nigeria Bureau of Statistics, 2018). In the judiciary, there also was a prevalence of male judges over female judges across the federal courts in Nigeria. The percentage of female judges from 2011-2016 was 29.38% compared to 70.62% for men in the same period. These disparities

also extend to tertiary institution employment. See the table showing employment data for the year 2017, disaggregated by gender.

Table 5: Academic and Non-Academic Staff of Nigerian Universities, 2017

Category	Male	Female	% Male	% Female
Academic	46,709	14,801	75.9	24.1
Non- Academic	78,610	44,713	63.7	36.3
Professors			84.57	15.43

Source: *NUC National University Commission, 2017*

(<https://www.nuc.edu.ng/nuc-statistical-digest-2017/>). In the public domain.

The above data shows that like most African countries, next to the agricultural sector, the informal sector remains the largest employer of women (Bonnet et al., 2019; Kraemer-Mbula & Wunsch-Vincent, 2016). The majority of the employed female population in Nigeria is engaged in the informal and unregulated sector, often characterized by low survival activities, low productivity, and indecent working conditions (Fapohunda, 2012b). These are often rural women engaged in subsistence agriculture, while those in the urban areas are mainly low skilled, casual workers, daily wage labourers, small roadside vendors, petty traders, artisans, or engaging in retail and wholesale business either as self-employed or unpaid family workers (Lawanson, 2008; Nigeria Bureau of Statistics, 2018; SMEDAN, 2013).

As highlighted in Chapter 1 and further discussed in Chapter 6, while women's low socioeconomic status in many parts of Nigeria is apparent, their experiences of development, inequality, and discrimination vary in different parts of the country. The social, demographic, and cultural differences in the various regions, the rural and urban dichotomy, and customary and religious laws all contribute and have implications for sustainable development (Iweagu et al., 2015; Iwobi, 2008; Nwokoye et al., 2017). A large and growing body of literature has investigated the links between gender inequality and

sustainability in Nigeria. Ademuson (2016) argued that despite the claims by the State of promoting sustainability, gender parity and women's empowerment's at both national and regional levels, in reality, the possibility of doing so in Nigeria has been limited by the inherent patriarchal socio-cultural climate in Nigerian society as well as institutional and contemporary prejudices against the female gender, amongst other factors (p. 33). Even in the informal and agricultural sectors, gender inequality and disparities remain prevalent. Ogunlela and Mukhtar (2009), exploring gender issues in agriculture and rural development in Nigeria, noted that even in the rural areas, where more women than men participate and rely on subsistence agriculture, food processing, labour input, animal production and other related activities as their source of livelihood, women's role in farm management decision-making process is minimal as they are more likely to be tasked with household management and decision making.

While these reasons are not incorrect, the literature often remains largely blind to the underlying nuances of gender inequality that are caused by the long and systematic impoverishment of women. One of these is the effect of colonialism and imperialism on the legal system as well as on the State. The State has continued to reproduce gender discriminatory laws and policies even after independence in many African countries (Villalón & Huxtable, 1998). Anunobi (2002), examining gender and development in Africa, contended that the challenge of gender inequality in Africa is further complicated because the modern state did not emerge from indigenous social structures, rather it was imported from outside as it has its roots in colonial experience and its imperialist agenda. As such, state gender policies and practices are shaped, embedded, and continue to be based on colonial ideologies (p. 48). Ilumoka (2013), in her study on legal imperialism and the development of land law and rights for women in Nigeria, noted that the effects of colonialism and imperialism (which was largely patriarchal, elitist, and male-biased) continue to characterize the post-modern Nigerian legal system. Colonial conceptions of law and gender coupled with persistent biases against women, and hegemony of and subordination by the political and ruling class have continued to create a crisis of legitimacy in terms of

gender and social power relations. They remain largely unchallenged in the gender equality discourse in Nigeria and thus reflect in laws and policies as well as the state's attitude towards gender equality and development.

Secondly, most of the conventional theories and literature on women, development, and gender inequality tend to lump women as a homogenous group, e.g. "African women", "Nigerian women" and whilst for identification purposes, this might be acceptable, the experiences and realities are different for women even within the same country. Anunobi (2002, p. 43) said "It is important to note that African societies and gender roles are highly diverse; this makes efforts at generalization somewhat tentative and not applicable to every society". In Nigeria, aside from income and social inequality across the country, regional and geographical disparities make women's realities and experiences varied and these differences are pronounced, especially in the Northern region. This is reflected starkly in the very low human development outcomes in this region, which in turn affects gender inequality (Aka, 1994). The literature often tends to homogenize women's realities in Nigeria and sometimes fails to investigate these intersecting inequalities to understand how these factors and social dynamics influence gender inequality within these societies. Iweagu et al. (2015) investigating some of the determinants of female labour force participation in rural and urban Nigeria noted that women's age, educational qualifications, and literacy levels are significant determinants of their labour force participation in urban areas, whereas in rural areas marital status, religion, family dynamics are some of the determinants of labour force participation. This shows some of the differences, nuances, and complexities that need to be considered in policymaking and implementation. Failure to gain a nuanced understanding by investigating these patterns has often resulted in legislation or policy reforms that make no significant changes for women in Nigeria.

Thirdly, various researchers have linked gender inequality and marginalization of women to failure to adopt and domesticate international norms, agreements, and conventions on non-discrimination and women's rights, which can influence national laws and policies. Bako & Syed (2018)

argued that an approach toward eradicating the marginalization of women in Nigeria includes the local adaptation of international norms as well as law reforms. Whilst this is important, many of the international norms which have been ratified and adopted, as well as national and local policies and legislation, have not resulted in action or transformative outcomes for women in Nigeria for various reasons, one of which is the legal system and governance framework across the country.

The next section takes a historical look at the global response to women, gender, and development and how this has shaped and influenced the discourse in Nigeria.

2.3 Gender and Development

Over the years, various development approaches, patterns, frameworks, and theories have been promulgated by global institutions, multilateral organizations, national governments, and non-governmental organizations in response to gender and development issues and the need to improve women's rights, especially as they affect women in developing and third world countries. This section discusses some of the practical approaches and perspectives that have underpinned and characterized issues of gender and development. The use of human rights, global policy interventions on sustainability, economic and welfare approaches, and development projects are considered in terms of how they have shaped the gender and development policy and process in Nigeria.

2.3.1 Practical approaches to Women's Issues in Development

Pietilä and Vickers (1990) identified and documented the practical approaches to women's issues in development as follows.

- The 1950s to 1960s: the focus was on human rights and a rights-based approach, which integrated the standard norms and principles of the international human rights framework into development planning and processes.

- The 1970s: the focus shifted to women being recognized as important to development and that to improve the status of women, they needed to stop being objects or resources for development. Thus the “integrate women into development” approach/effort was developed to improve the economic, education, health, and status of women which saw the theoretical WID (Women in Development), WAD (Women and Development), and GAD (Gender and Development) approach take prominence.
- The 1980s were known as the United Nations' Third Development Decade and this period gave rise to the “trend towards seeing women as equals, as agents and beneficiaries in all sectors and at all levels of the development process” (Pietilä & Vickers, 1990, p. viii).

Various classifications of development approaches and interventions have been identified, some categorized chronologically and linearly, but in practice, they have been applied simultaneously, overlapped, or combined. Moser (1993), building on Buvinić's (1986) three-stage categorization of development policy developed a five-stage description of policy approaches and how each of these approaches has created awareness or become incorporated into existing development approaches and theories and contributed to the emergence of new ones. These are discussed below.

The 1950s–1960: Welfare approach: This approach viewed women through their reproductive roles as objects or passive beneficiaries of development, not as active participants. Thus, development projects, planning, and policy were around social welfare and the domestic needs of women such as financial aid and relief, food, health care, family planning, and nutrition advice. Although the scope has widened considerably over the years, welfare programmes and policies remain popular and have become institutionalized in many developing countries including Nigeria because they are politically safe, non-confrontational do not challenge traditional gender stereotypes, division of labour, and gender inequality (Moser, 1993, pp. 60-61).

The 1970s: Equity approach: This approach was prompted by the UN Decade for Women: Equality, Development, and Peace. It recognized that women's active participation in both their productive and reproductive roles required removing the obstacles and addressing the discrimination that inhibits full and equal participation in development and advancement (Moser, 1993, p. 62). The approach challenges women's subordination. Buvinić (1986) described it as "the women-oriented model concerned about the inequality between men and women across socio-economic groups in both the public and private sphere of life (p. 659)". There was a strong focus on the intervention of the state through political and legislative change, which also saw the adoption of CEDAW across the world and in Nigeria.

The 1970s: Anti-poverty approach: The decade saw a shift to increasing women's socio-economic and productive roles especially among low-income women. The approach focused on addressing women's poverty and economic disenfranchisement as an underdevelopment problem caused by a lack of access to economic resources such as capital and land rather than the subordination of women. The decade saw the introduction of poverty alleviation strategies as well as income and employment generating options and schemes for low-income women towards addressing income poverty and low economic status of women (Moser, 1993, p. 67). In Nigeria, this approach gained traction only in the late 1970s and early 1980s with poverty alleviation programmes, skills training programmes, access to productive resources, credit schemes, and other programmes. Some of these were the 1974 Agriculture Development Project and the 1977 Agricultural Credit Guarantee scheme, the objectives of which were to increase food production and incomes of small farmers as well as to provide subsidized input on seeds, fertilizers, chemicals, and equipment hire/purchase services. Unfortunately, this did not benefit many rural women farmers. Okojie (1991) analysed some of the implementation failures and noted that amongst other reasons, the majority of the programmes and incentives failed to enhance rural women's productive role in food production because of discrimination. She said "many of the programme implementations resulted in discrimination

in favour of urban dwellers and against rural dwellers, male and female, but especially against rural women...the benefits were reaped mainly by larger-scale farmers, many of whom were not even rural dwellers” (Okojie, 1991, p. 41).

The 1980s: Efficiency approach: This approach replaced the anti-poverty approach and it was based on the idea that women’s increased participation in their economic, reproductive, and community roles would create an equal and just society. This period coincided with the economic recession, debt, falling export prices in Africa and Latin America at the time. In response to this, the approach included economic development strategies, including those spearheaded by multilateral organizations, such as the World Bank and IMF; economic liberalization advocated by international aid agencies; and Structural Adjustment Policies (SAPs) and measures, which focused on efficiency and productivity. One of the criticisms of the approach was that rather than improving efficiency and productivity for women, it led to increased workload for them in the form of unpaid work (Chant & Sweetman, 2012; Koczberski, 1998). Moser described it this way “in reality, SAPs often simply mean a shifting of costs from the paid to the unpaid economy, particularly through the use of women’s unpaid time (Moser, 1993, p. 71).

For many developing countries, some of the structural adjustment ‘conditionality’ policies of the IMF and World Bank such as trade liberalization, removal of subsidies, privatization and external debt management strategies led to a decline in income levels and living conditions of many citizens as a result of governments’ reduction of social expenditure, welfare, education and health spending (Moser, 1993). In Nigeria, the approach included economic austerity measures, devaluing the national currency, achieving self-sufficiency in agriculture and food production, promoting foreign trade and non-oil export, import tariff reduction, drastic government social expenditure cuts, and spending. One of the main challenges and criticisms in Nigeria was that apart from it being a top-down approach, the design and implementation of programmes were not people-centred. Thus, policies and cutbacks in government spending increased the

burden of already vulnerable groups, especially women, further widening the inequality gap (Anyanwu, 1992; Umukoro, 2014).

Elabor-Idemudia (1994), in her analysis of the quality of life of rural women under the Structural Adjustment Policy and programmes in Nigeria, noted that that the approach did not positively improve the quality of life, productivity, or self-reliance of rural women in Nigeria but rather it exploited the traditional division of labour, which in turn fosters gender inequality.

The 1990s: Empowerment: This approach, like the equity approach, acknowledges the inequalities between men and women and recognizes that challenging gender inequality required a significant shift in the power dimensions between the genders. The approach focuses on the redistribution of power, raising consciousness, improving and helping women develop skills and ability to increase their self-reliance and influence, and take decisions affecting their lives and status in society (Moser, 1993, p. 78). The period saw many women's organizations and NGOs playing a key role in organising women and raising feminist awareness. Also, there was an emphasis on the notion of collective action in challenging structural discrimination as well as participatory planning through a bottom-up development approach (Kabeer, 1999b; Moser, 1993). One of the criticisms of this approach is that, unlike the equity approach which was confrontational and challenged women's subordination through legislative changes, the empowerment approach "avoids direct confrontation" (Moser, 1993, p. 77) and focused on "action-oriented political strategies to bring about women's empowerment" (Shahrashoub Razavi & Miller, 1995, p. 31).

In Nigeria, this period saw programmes such as the Poverty Alleviation Programme (PAP), Youth Empowerment Scheme (YES), Social Welfare Service Scheme (SOWESS), and the establishment of the National Commission for Women Affairs in 1999 that later became the Ministry of Women Affairs and Poverty Alleviation. This ministry was saddled with the responsibility of implementing government policies, poverty alleviation, women's empowerment, and improving the general well-being of women in

Nigeria (Bola, 2005). However, many of the programmes were plagued by poor governance, corruption, nepotism, and mismanagement, as well as ineffective targeting of the beneficiaries (Oshewolo, 2010).

The year 2000 to the 2020s: From the year 2000 until now, the gender and development approach across many developing countries has been a mix of all the practical approaches. However, there has been an increased focus on women's economic and social rights frameworks, poverty alleviation, participatory development, and gender mainstreaming. From the introduction of relevant and time-bound international development targets and indicators for women's economic empowerment to the commitment to leaving no one behind (UN, 2015; UNIFEM, 2000). During this decade, world leaders and heads of states signed the United Nations Millennium Declaration, adopted by the General Assembly in September 2000 (UNGA, 2000), and the Post-2015 Development Agenda (UN General Assembly, 2015). The objectives of these formed the basis for the agenda and target for the 2010-2015 Millennium Development Goals (MDGs) and the 2015–2030 Sustainable Development Goals (SDGs) respectively. Both agendas recognized the importance of gender equality and women's empowerment and are based on the international human rights framework to achieve sustainable development.

In Nigeria, the period saw the adoption of gender mainstreaming through various policy documents and programmes. One was the National Policy on Women (2000) to ensure justice, freedom, and promote a gender-sensitive and responsive culture in gender planning and national development (FMWA, 2007). This policy was replaced with the National Gender Policy (NPC) in 2006 to promote fundamental human rights and protect the health, social, economic, and political wellbeing of all citizens in order to achieve equitable rapid economic growth (FMWASD, 2019). This period also saw the adoption and implementation of the Millennium Development Goals and Sustainable Development Goals.

2.3.2 Theoretical Frameworks in Women and Development

The practical approaches to gender equity and women's empowerment corresponded to a range of theoretical developments, mainly in Western literature. They reflected the need to understand how society responds to women's roles and contributions. The section below describes these theoretical frameworks.

Women in Development (WID)

This development approach or model essentially originated in the 1970s as a response to Boserup's contribution in her work *Women's Role in Economic Development*. Boserup's analysis of the economics of and sexual division of labour in agrarian societies challenged the discourse and narrow view of women as wives and mothers who are needy beneficiaries of welfare programmes and instead focused on their role as productive and active contributors to economic development (Buvinic et al., 1983; Shahrashoub Razavi & Miller, 1995). The approach explained the increased economic participation and access for women as a prerequisite for gender equality and development. This approach was closely linked to modernization theory, which emphasized that improved education, health services, employment opportunities, welfare services will trickle down to create economic growth and development for every member of the society (Hettne, 1990; Rathgeber, 1990).

Some scholars have argued that the Women in Development (WID) approach failed as it used capitalism to challenge the root causes of inequality between men and women. Also, WID was described by Rathgeber as a "non-confrontational approach" due to its failure to confront the critical issues of women and poverty (Rathgeber, 1990, p. 491). It focused on increasing women's economic and productive labour as a way of improving their status while neglecting and ignoring the domestic and unpaid work done by women as well as the social variables that constrain their economic choices (Parpart, 1989; Shahrashoub Razavi & Miller, 1995).

While the literature shows that economic development can enhance gender equality, this is not always the case in many societies, as an increase in resources does not always correlate to a decrease in the rate and occurrence of gender inequality (Inglehart & Norris, 2003; Kabeer & Natali, 2013). In Nigeria, some of the WID approaches included the *1987 Better Life for Rural Women*, the *Family Economic Advancement Programme (FEAP)* and other entrepreneurship programmes, which were geared towards empowering and improving the quality of life of women by boosting their economic and income-generating activities especially in agriculture, cottage industries, and small businesses.

They were successful in some ways in achieving women's economic empowerment through access to economic resources and labour participation especially in rural areas, even though these benefits only lasted a few years. However, overall, these approaches and programmes addressed the symptoms of poverty and women's inequality and failed to challenge systemic inequality or meet the actual development needs of women. Some other studies have noted that "the approach left patriarchal structures intact" (Makama, 2013, p. 138) and further deepened inequality as it was more culturally acceptable and less confrontational in addressing the causes of income and gender inequality that women face (Afshar, 1991; Para-Mallam, 2006b).

Women and Development (WAD)

This approach sought to challenge some of the limitations of WID, offering a more critical way of viewing women's position in development. It acknowledges that women are already in development through the specific and distinctive economic, political, and social roles that they play. Emphasis was on the economic agency and productive role of women with less emphasis on their reproductive role. The approach argues that the focus should be on equal participation of women in development rather than on strategies for integrating women into development or what development needs from women (Rathgeber, 1990, p. 492). Despite its criticisms of the WID approach, the WAD approach also failed to challenge the unequal

power relations and the systemic and underlying causes of gender inequality (Parpart, 1989). As Rathgeber (1990) succinctly states, “while WAD offers a more critical view of women’s position than WID, it fails to undertake a full-scale analysis of the relationship between patriarchy, differing modes of production and women’s subordination and oppression” (p. 493).

This approach in Nigeria included a focus on the feminization of poverty and calls for anti-poverty programmes and policies to address this. Some of these “employment-oriented policies” and “redistribution with growth” policies to combat poverty and promote women’s economic participation and agency were designed and promoted by the World Bank and the International Labour Organization (ILO) for many developing countries to adopt in their national plan (Keeton, 1984, p. 287).

Gender and Development (GAD)

The Gender and Development (GAD) approach developed in the 1980s as an alternative to the WID and WAD. It holds that the unequal status and secondary roles of women in development are due to a neoliberal approach to improving their productive and reproductive capacities (Rathgeber, 1990, p. 494). This approach confronted questions of power, agency, and gender relations and suggested that underlying causes of inequality and oppression of women's unequal status should be examined from the existing power dynamics that shape the socio-economic relationships between the genders in the society. Parpart et al. (2000) noted that one of the challenges of this approach was that because it is a long-term approach towards improving women’s position, it was difficult for development planners and organizations to implement as it did not fit into the short-term implementation strategies of the existing system.

In Nigeria, the National Gender Policy (NGP) 2006 was developed using the GAD framework with the objective and underlying assumption that national development and poverty reduction require prioritizing gender equality (Kura & Yero, 2013). The Policy emphasized that the enjoyment of fundamental human rights and a society devoid of discrimination are critical

to achieving rapid economic growth and sustainable development. However, studies analysing the implementation of the objectives of the NGP showed that aside from the lack of political commitment to implement the policy, the ideals and provisions of the policy did not match the reality as it failed to affect any real change for women or challenge gender roles and institutional structures of discrimination and oppression (FMWA, 2007; Para-Mallam, 2007).

Gender Mainstreaming

This grew out of concerns in the 1980s within the United Nations and national governments that women and gender issues should be at the centre and core of development policy, planning, and practice. Thus, integrating a gender perspective into all aspects of development planning, decision-making led to the idea of “gender mainstreaming” (Smyth, 2007, p. 585). The United Nations defines a gender-mainstreaming perspective as:

a process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in all areas and at all levels. It is a strategy for making women's as well as men's concerns and experiences an integral dimension of the design, implementation, monitoring, and evaluation of policies and programmes in all political, economic, and societal spheres so that women and men benefit equally and inequality is not perpetuated. The ultimate goal is to achieve gender equality. (UN Economic and Social Council Resolution, 1997)

Gender mainstreaming requires that gender equality strategies be reflected and integrated into policy planning, making and implementation processes, development planning, and programmes, public and private institutions, politics, and decision-making (Kanjere & Rachidi, 2014; Rai, 2003). The aim is to achieve and institutionalize gender equality, however, gaps and challenges in the practical implementation have shown that gender mainstreaming has not been entirely successful in transforming gender relations as well as challenging complex and sustained gender inequality and power relations between men and women (True & Parisi, 2013). Kanjere and

Rachidi (2014) argued that one of the challenges of gender mainstreaming is with the practical implementation of well-documented declarations and policies, as there are gaps between policy formulation and policy implementation. Caglar (2013) corroborates this, noting that one of the failures of gender mainstreaming is “not only a result of institutional and political resistance to substantially changing gender relations but also a matter of conceptual clarity” (p. 337).

In Nigeria, this approach saw the adoption of several policies, legislations and programmes to bridge the gender gap. These include the *Better Life for Rural Women* (1987) programme, the *Family Support Programme* (1994), *Family Economic Advancement Programme* (FEAP) (1996), the establishment of the Ministry of Women Affairs and Poverty Alleviation (1999), *National Policy on Women* (2000), and the *National Gender Policy* (2006). However, despite the plethora of policies and conventions, an overview of the impact shows that many of the policies and programmes were unsuccessful due to a lack of political will and commitment to the intent of the policies as well as bureaucracy, corruption, and socio-cultural and religious resistance (Archibong et al., 2018). Likewise, they failed to challenge inequality or discrimination against women. As Makama (2013) noted, “unfortunately, as gender was being mainstreamed, patriarchy was not touched and the position of women remains precarious” (Makama, 2013, p. 138).

Several of these approaches were focused on the effectiveness of development policies, improving women’s participation and empowerment, economic growth, poverty reduction, promoting human and women’s rights, as well as women’s well-being. However, the realization grew that people are the centre of development and that without equal rights and equal participation of every member of the society, development cannot be said to be achieved led to a shift in women and development approaches. Article 2 of the Declaration on the Right to Development states that the human is the central subject of development and should be the active participant and beneficiary of the right to development. This led to a shift so that the global

community started to view and understand development as an inalienable human right rather than just a process, and also that equal rights and women's full participation is a prerequisite for development. Some of the global interventions are discussed below.

2.3.3 Gender Inequality and Global Interventions

Global gender awareness and the importance of the role of women in development around the '70s led to rethinking gender and development strategies by development organizations and governments in the hope that women would become more involved in 'development' (Willis, 2011). However, gender inequality and discrimination against women remain a challenge towards an effort to achieving sustainable development. At the international, regional, and national levels, there have been various attempts, advocacy, and actions to address and tackle gender inequality and discrimination from international legislative frameworks, treaties, agreements, conventions, declarations as well as an institutional response to women's right. The 1952 Convention on the Political Rights of Women declared equal political, voting rights, and liberty for women (United Nations, 1952). In 1967, the United Nations General Assembly adopted the Declaration on the Elimination of Discrimination against Women, which declared that discrimination against women is fundamentally unjust (United Nations General Assembly, 1972).

Although there were activism and advocacy for gender equality driven by early feminists and women's liberation movements in the 1960s and 70s in Europe and America, at the international level, the year 1975 was when focus and attention were drawn to promoting gender equality, eliminating discrimination and violence against women and girls. Leading the call to advance women's rights around the world, the United Nations declared the year 1975 as the International Women's Year (United Nations Office of Public Information, 1975), and subsequently the years 1976–1985 was declared the UN Decade for Women (UN General Assembly, 1979).

In 1979, the UN General Assembly adopted the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), also known as the International Bill of Rights for Women, a key treaty and agenda in the fight for gender equality and non-discrimination against women (UN General Assembly, 1979). The instrument has been described as the central and most comprehensive document guaranteeing women's rights to equality and non-discrimination (Cusack & Pusey, 2013; United Nations OHCHR, 2003). It established an agenda for action by member states of the United Nations to ensure that their national strategies and plans ensure the realization of gender equality and non-discrimination against women. Article 3 of CEDAW affirming the principle of equality requires state parties to:

...take in all fields, in particular in the political, social, economic and cultural fields, "all appropriate measures, including legislation, to ensure the full development and advancement of women, to guarantee them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

In 1995, the Beijing Declaration and Platform for Action was adopted at the Fourth World Conference on Women, also known as the Beijing Women's Conference (United Nations, 1996). The Action was unanimously adopted by 189 countries and became a key policy document on gender equality and women empowerment globally from countries' national governments to advocacy groups and organizations, NGOs, and individuals all over the world. It raised significant consciousness and awareness that equal and full enjoyment of all human rights and fundamental freedoms for women and girls is the key to achieving gender equality and women empowerment (United Nations, 1995).

In Nigeria, some of the outcomes of the Beijing Platform for Action included the upgrading of the National Commission for Women to become the Ministry of Women Affairs and Social Development at the federal level of government (Federal Ministry of Women Affairs and Social Development, n.d). At the federal level, the National Policy on Women in 2000 was adopted, which was improved and replaced by the National Gender Policy in

2006, which, amongst other things, entrenched a 35% affirmative action—a minimum threshold for women’s participation in politics whether in appointive or elective positions. There was also the passing into law of the *Child Rights Act 2003*, *Violence Against Persons Prohibition (VAPP) Act 2015* as well as several gender equality laws at the State level (FMWASD, 2019).

At the regional level, one similar convention and instrument is the *African Charter on Human and People’s Rights (ACHPR)* (also known as the *Banjul Charter*) which was approved and adopted by the Organization for African Unity (OAU) in 1981 and came into force in 1986 (Organization of African Unity, 1981). The Charter was to promote and protect human rights, basic freedom, and equal treatment without discrimination based on race, ethnic group, colour, sex, language, religion, or politics. Subsequently, there was the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa 2003 also known as the Maputo Protocol, which reiterates that women's rights should be recognized and guaranteed in all international human rights instruments, international and regional conventions and covenants as inalienable, interdependent and indivisible human rights (Organization of African Unity, 2003). The Maputo Protocol strongly advocated gender equality; obliged state parties to take concrete steps and develop appropriate legislation to:

- eliminate discrimination against women;
- prevent, punish and eradicate gender-based violence;
- affirm the economic, social welfare, and sexual and reproductive rights of women and girls;
- eliminate discrimination against the elderly, and people living with disabilities, or HIV/AIDS; and
- support participation in political and decision-making process [Art 2, 9, 13, 14, 26(1) & (2)].

This charter has been signed by all member states except Botswana, Cape Verde, Egypt, Eritrea, Malawi, Mauritania, and Tunisia (Africa Union, 2010).

Other instruments and conventions include the *Ouagadougou Action Plan to Combat Trafficking in Human Beings, Especially Women and Children* (2006); the *Maputo Plan of Action for Sexual and Reproductive Health and Rights* (2006); the *Cairo Declaration for the Elimination of Female Genital Mutilation* (2003); and the *African Charter on the Rights and Welfare of the Child* 1990. Nigeria is a signatory to all of these.

Various researchers have highlighted gender equality as a prerequisite or precondition for sustainable development (Buckingham-Hatfield, 2002; Stevens, 2010). Women are central to the economic and social wellbeing of societies and without their full participation, sustainable development cannot be achieved (Housman, 1991; Snyder & Tadesse, 1995; Warth & Koparanova, 2012b). The United Nations Conference on Environment and Development (UNCED) or Earth Summit, held in Rio de Janeiro in 1992, was the first United Nations conference to specifically highlight gender equality as a key criterion for sustainable development. The United Nations, in Agenda 21 (the policy document of the Earth Summit), agreed that to achieve sustainable development, women needed to be more involved in decision making at all levels, particularly for environmental sustainability. Subsequently, the 2012 United Nations Conference on Sustainable Development and the 2015 Addis Ababa Action Agenda—a convention on Financing for International Development—became an integral part of the global 2030 Agenda for Sustainable Development. This expanded the idea of gender equality beyond environmental sustainability to include economic and human dimensions. This can be found specifically in Paragraph 1 of the Agenda:

Our goal is to end poverty and hunger and to achieve sustainable development in its three dimensions through promoting inclusive economic growth, protecting the environment, and promoting social inclusion. We commit to respecting all human rights, including the right

to development. We will ensure gender equality and women's and girls' empowerment. We will promote peaceful and inclusive societies and advance fully towards an equitable global economic system in which no country or person is left behind, enabling decent work and productive livelihoods for all, while preserving the planet for our children and future generations". (International Conference on Financing for Development)

Other parts of the Agenda also confirm gender equity, including Paragraph 6: "We reaffirm that achieving gender equality, empowering all women and girls, and the full realization of their human rights are essential to achieving sustained, inclusive, and equitable economic growth and sustainable development."

Similarly, Paragraph 41 confirms gender equity:

"We are committed to women's and girls' equal rights and opportunities in political and economic decision-making and resource allocation and to removing any barriers that prevent women from being full participants in the economy."

Various development approaches, global agendas, international frameworks, conventions, and instruments have placed on states and governments around the world the obligations to adopt policies, legislations, mechanisms, and strategies that promote equality, uphold the rights of women, as well as end discriminatory and unfair practices. However, the challenge and question remain as to whether these development commitments and agendas have translated from rhetoric to action.

2.3.4 SDGs and Nigeria

The body of literature on the global goals, norms, International treaties, and agreements continues to highlight that beyond the legal obligations they create, international law, conventions, treaties, and global norms can be powerful tools to raise consciousness, and influence national and domestic laws, practices, norms, and behaviour (Cassel, 2001; Koh, 1998; Risse et al.,

1999). Hathaway (2002, p. 2021), commenting on the role of international treaties, noted that they could be instrumental and expressive tools as they can “express the position of the individual nation-state and the community of nations on the subject of the treaty” as well as reflecting what conduct is and is not acceptable to the community of nations.”

Similarly, other studies have also examined and analysed the impact and continued challenge of integrating and aligning human rights standards, global and regional norms, and international instruments into local contexts through national policies and frameworks (Finnemore & Sikkink, 1998; Shawki, 2011; Zwingel, 2005, 2012). While some have argued that although international laws and treaty can influence national and domestic policies, laws and norms, other have questioned their efficacy and effectiveness to transform behaviour and impact change in practice, especially international human rights treaties. Hathaway (2002), noted that “there are more instances in which human rights treaty ratification has no apparent impact...even though they do not consistently make practices worse, seem so consistently not to make them better” (Hathaway, 2002, p. 2003). Similarly, George (2020) noted that evidence and studies on the impact of the ratification of the international human rights treaty on local practice within the Arab Gulf region from the 1990s to 2000s show that while ratification is important and a step towards progress, the impact within the region has been marginal as is seen in its low ranking in global human rights rankings.

Some of the challenges associated with implementing international law and instruments within local contexts include but are not limited to: vague and flexible legal definitions; framing and adaptation into local practices and context; the role and influence of translators, state and non-state actors on the implementation process; political commitment; cultural values and belief. (George, 2020; Robinson & Maxwell, 2008; Zwingel, 2005). Levitt and Merry’s (2009) study on how global ideas on women’s rights are translated into local contexts captures some of the challenges. The study noted that the process of “vernacularization” by which international ideas and norms are localized or adapted into local context varies and is dependent on several

factors. Some of the factors they highlighted include the local history and cultural context; framing of human rights idea in local terms; the content of the global women's rights in question and how this is relevant or affects the everyday life of women; and the social position of the vernacularizers as well as the channels and technologies of transmission of these ideas (p. 441).

In the same vein, Zwingel (2012) on the "global to local flow" of international gender equality norms noted the significance of acknowledging "transnational, national, and local dynamics as a crucially important step—or stumbling block—on the path of norm implementation in domestic settings. The reasoning behind this argument stemmed from her theorizing about the impact and influence of international women's rights norms on national and domestic contexts. Zwingel found that "translation of global gender norms requires an understanding of the specific domestic power constellations that create and maintain discrimination, institutionalize norms that reinforce gender hierarchies or differentiation" (2012, p. 116).

Others have noted also that international enforcement of human and women's rights treaties, especially in a world of sovereignty, also has implications for the implementation of international law and treaties (Levitt & Merry, 2009; Zwingel, 2012). Hathaway (2002) noted that because human rights treaties are generally only minimally monitored and enforced, there seems to be little incentive for countries to make the actual commitment to policy changes to meet their treaty obligations and commitments if they seem costly (p. 2021).

Based on the above argument, although the SDGs are not binding and may be classified as soft laws (Kim, 2016), the SDG Agenda and framework is "grounded in international law and consistent with existing international human rights instruments and agreements" (p. 2). Thus, they are to be implemented at the country level in a manner that is consistent with the rights and obligations of states under international law (UN General Assembly, 2015). State parties implement the SDGs differently based on their country's characteristics to fit into their local contexts and practices, influenced by

some of the factors discussed above, such as the legal and institutional framework, socialization of international norms and ideas, and historical and cultural contexts.

Nigeria is a signatory to most international and regional agreements on women's rights and gender equality, all of which can form the basis of a robust gender and equality framework. However, many of its obligations under these international and regional agreements as well as constitutional provisions and legislation at the national and state levels on women's rights have not been fulfilled. Implementation has largely remained a major challenge and gaps remain between the policy and legal frameworks and the reality for women in Nigeria. This speaks to the complexity of gender equality and how the historical, legal, political, and social arrangements and frameworks shape the country's response (Agomo, 2012; Akanle, 2011).

The scholarly literature on gender equality, women's rights and sustainable development in Nigeria shows that despite the various development approaches and international human rights instruments, sustained and systemic inequality, discrimination and marginalization of women remains (Makama, 2013; Para-Mallam, 2006a). Whilst several factors have been identified as reasons for the continued and sustained inequality, the major policy response is often characterized by a focus on law, legal and policy reforms, as a fix to achieve gender equality, especially in the public sphere. Similarly, various articles, reports, research on policy reforms, legal and policy frameworks for gender equality in Nigeria argue that some of the challenges of gender equality and sustainable development stem from the gaps in domesticating and implementing international human rights and women's rights instruments and conventions at the country level.

For instance, Eniola (2018) explored ways in which women's rights promote gender parity in politics in Nigeria. She argued that despite the robust legal framework, the underrepresentation of women in politics and the continued gender discrimination in the public and private spheres are due to inadequate domestic and national laws as well as laws and policies, which

are not in accordance with international human rights legislation and instruments.

In a similar vein, Eneh and Nkamnebe (2011), investigating the gender gaps and sustainable development in Nigeria, noted some of the reasons for the underdevelopment of women and girls include discriminatory socio-cultural practices, inadequate social amenities, poor representation in governance, and lack of access to financial resources. In their analysis, one of the reasons for policy failure was inadequate formal legislation to tackle underdevelopment and one of the policy recommendations was the incorporation of principles of international conventions into domestic laws.

While formal equality and calls to implement international instruments and treaties into national laws and policies are important, more often than not, in Nigeria, this has not been a holistic approach, nor one that conscientiously takes historical, political, cultural contexts and nuances into consideration. Thus, despite improved education, economic participation, empowering women, and gender mainstreaming, the systemic and underlying structure of socio-cultural gender prejudice and oppressive discriminatory practice continues. Aluko (2016) explored the role and impact of electoral gender quotas specifically affirmative action (the 35% stipulated for the employment of women and occupation of top public offices on women's political participation in Nigeria). She noted that while affirmative actions are designed to promote women's inclusion and representation in public office, their effectiveness, in reality, remains to be seen. She explained further that "the so-called 30% affirmative action is one of those policies treating the cause of women in isolation to the real struggle for their liberation" (Aluko, 2016, p. 223). Moreover, the establishment of arbitrary quotas for women serves as a vehicle for a minority of careerists, which gives the impression that something is being done while leaving the basic problems untouched (Aluko, 2016, p. 223).

Policy and legal frameworks are critical for national development and are important instruments for guaranteeing gender equality (Ginsburg, 2000;

Rooney, 2013; World Bank Group, 2015). However, there is a myriad of underlying factors and drivers of gender inequality which are deep-seated, strongly enduring ideologies that continue to reproduce and preserve gender inequality. Such challenges are often systemic and structural from discriminatory laws and policies backed by religious and socio-cultural institutions to the plurality of the law and legal system. These are often not justiciable or easily addressed by law (Akanle, 2011; Para-Mallam, 2006a). Thus, a deeper and nuanced approach and understanding of the challenges of practical implementation and translation is needed to ensure the commitment of leaving no one behind is achieved. Agomo (2012) noted that “there is a need to take a more pragmatic and multidisciplinary approach to address gender inequality and the role of legislation” (p. 14).

I argue that the challenge of gender inequality and development in Nigeria is multifaceted, from a political, economic, cultural, and legal perspective. Underlying these are structural and intersecting inequalities and a system that continues to perpetuate unequal power relations between men and women. Often these are not addressed, and solutions are grazing the surface of systemic and structural inequality and discrimination, which is why the policy and legal framework has not created lasting change. This is why no monolithic solution such as the existence of a legal, policy instrument, or formal equality can produce significant shifts or changes to inequality to ensure that women are not left behind. These are some of the issues that will be explored and addressed in this study.

2.4 Understanding Development

Various theories, perspectives, and arguments have developed in response to gender inequality, women’s oppression, patriarchy, and its impact on development. The most prominent theoretical viewpoint derives from feminist perspectives. Feminist theory includes liberal feminism, radical feminism, cultural feminism, Marxist feminism, social feminism, African feminism, ecofeminism, postcolonial feminism, postmodern/poststructuralist feminism, psychoanalytic feminism, and intersectional feminism. All of these have contributed and will continue to contribute to the intellectual discourse

as well as movements to address and challenge patriarchy, gender relations, the oppression and subordination of women, environmental degradation, and violence against women.

While each praxis of feminism analyses and responds to women's oppression and marginalization differently, there is a core consensus that women's subordination in various forms in society is a result of the cultural, political, social, and historical power differential between men and women. This continues to limit their progress and development, hence the need to reject and eradicate all forms of male domination and oppression. Gustavo Esteva, describing development in *The Development Dictionary*, noted that while "development occupies the centre of an incredibly powerful semantic constellation, in common parlance, it is the process through which the potentialities of an object or organism are released until it reaches its natural complete, full-fledged form" (Sachs, 2010, p. 3). Explaining further, he noted, "The meaning of development has continued to transform over the century and has become a mere algorithm whose significance depends on the context in which it is employed...No matter the context in which it is used or the precise connotation the person using it wants to give, the word always implies a favourable change, a step from the simple to the complex, from the inferior to the superior, from worse to better (p. 6). Thus, over the years there have been different connotations and semantics of development including human development, economic growth, modernization, post-development, and sustainable development, and ways in which this can lead to equality and prosperity for people and countries.

However, feminist theories have noted that the failure of women in reaching their natural, complete, and full-fledged form in society is because of the fundamental gender bias and discrimination against women as well as the dominant understanding of development, which has become synonymous with economic growth, capitalism, material and natural resources rather than people. Feminists have continued to critique and question the concept of development itself and models of development, as discussed earlier in Section 2.3.1 on the practical approaches to development. Whilst different

analyses, views, and thought permeate feminist thinking and theories—some have claimed that women are asking for too much or too little or argue that incremental reforms within existing paradigms only reinforce subordination and the status quo. Irrespective of the differences in approaches, the overall aim of feminism is to achieve justice and equality for women and freedom from male domination, sexism, patriarchy, and misogyny. A quick look at some of the most prevalent feminist perspectives is provided below.

Liberal feminism has been described as “the moderate or mainstream face of feminism with a focus on the struggle for legal, political and institutional equality with men in the public sphere” (Beasley, 1999, p. 51). Liberal feminists focus on practical political strategies, and legal and societal reform rather than radical or revolutionary change.

Radical feminism sees sexual oppression as the primary fundamental and most profound form of oppression of women. It challenges and rejects liberal views of feminism and advocates revolt against male supremacy and dominance in the public and the private sphere of life. It challenges the inequality, domination, and oppression of women by men in the social order because of their sex/gender. It argues that unequal power relations stem from patriarchy and systemic male supremacy, which is expressed in sexual power relations, historical, material, and psychological systems of society (Beasley, 1999, p. 55). They advocate a radical and revolutionary model of social change in power relations.

African women scholars have also critiqued some of the prevalent feminist theories and their relevance and representation of women in African and other third world countries and offered alternatives that fit into their understanding, context, and perspective of feminism. Notable amongst these are Nnaemeka ‘s Nego-Feminism, which is the “feminism of negotiation, as well as no ego feminism” (Nnaemeka, 2004, p. 360). The theory is taken from the notion of the shared value of “negotiation, give and take, balance”, which is the core of many African cultures. Thus, the approach seeks the dynamism “of knowing where, when, and how to negotiate with or negotiate around

patriarchy in different contexts” (Nnaemeka, 2004, p. 378). Another similar alternative is Akachi Adimora-Ezeigbo’s Snail sense feminism which is also based on negotiation, dialogue, education, and patience. She notes women in African culture often adopt a conciliatory and cooperative attitude towards their men. She uses the imagery of a snail to depict pragmatic ways in which women can navigate patriarchy in African society.

Akin to what the snail does with the environment in which it moves and exists. The snail crawls over boulders, rocks, thorns, crags, and rough terrains smoothly and efficiently with a well-lubricated tongue which is not damaged or destroyed by these harsh objects. The Igbo people say, *Ire oma ka ejule ji aga n’ogwu*—meaning, ‘the snail crawls over thorns with a fine and lubricated tongue’. Moreover, the snail carries its house on its back without feeling the strain. It goes wherever it wishes in this manner and arrives at its destination intact. If danger looms, it withdraws into its shell and is safe. This is what women often do in our society to survive in Nigeria's harsh patriarchal culture. (Ezeigbo, 2012, p. 27).

Another alternative was “STIWANISM” created by Molara Ogundipe Leslie, which was coined from STIWA: Social Transformation Including Women in Africa which is about the inclusion of African women in the contemporary, social and political transformation of Africa (Ogundipe-Leslie, 1994, pp. 229-230). She argued that rather than African women being imitators of western feminism, women and feminists in Africa should resist this urge and focus on African-centred or indigenous feminism. This is inclusive and takes into context the many factors and socio-economic hierarchies such as class, religion, race, ethnicity, culture in both individual and collective ways, even when they seem contradictory.

Similar to this is “Africana Womanism” another alternative to feminism espoused by Clenora Hudson-Weems. The premise for this, she argues, is the need for a nuanced understanding and perspective on the peculiar issues and needs of African women (Reed, 2001). She claims, “Africana womanism is an ideology created and designed for all women of African descent which

offers an alternative to feminism, it is neither an outgrowth nor an addendum to feminism. It is a terminology focused on African culture and gender (womanism), therefore, it necessarily focuses on the unique experiences, struggles, needs, and desires of African women” (Hudson-Weems, 1995, p. 154).

My aim is not to choose a particular feminist approach or thought because first, I recognize that feminism is multilayered and women’s experiences in Nigeria vary and because the feminist schools are not clear-cut. Therefore, it suffices to focus on the flexibility of feminist theorizing. Harcourt (1994, p. 7) argued: “there are no right or wrong feminist perspectives on sustainable development, nor is there a completely consensual view on how to enter the debate in a constructive or politically useful way...rather the strength of the feminist position is the openness which its diversity brings”. Secondly, this research seeks a more pragmatic and nuanced understanding of gender inequality and its impact on sustainable development by analysing how, despite the existence of policy frameworks and legal instruments, inequality, and gender discrimination continue to exist. Thus, rather than going into a debate about which feminist praxis is the most appropriate for this study, I seek to use feminism as an analytical tool for explaining the seeming lack of progress on gender equality despite formal equality laws, policy, programmes, adoption, and ratification of the various international instruments, and the implications of this for the implementation of the SDGs in Nigeria.

Thus, the two main theoretical frameworks around which this research is woven are Feminist Legal Theory and Grounded Theory. They are discussed in turn below.

2.4.1 Feminist Legal Theory

The feminist legal theory under feminist jurisprudence is the study of the relationship between women and the influence of patriarchy on the law and legal structures and its bias towards men (Bartlett, 1990). This theory was developed towards the late 1970s and early 1980s “out of political concern

for how the working of the law may be implicated in women's subordination" (Graycar, 2002, p. 198). Fineman (1990) argues that the subordinate position of women in society is a manifestation of hierarchical power relationships created and enshrined in law that reinforces the unequal and inequitable position of women (p 33). This has shown in the difficulty of the law to create effective social change, address gender inequality and discrimination, and eliminate gender-based violence and other injustices which some have ascribed to the gendered (male) nature of law which preserves male advantage and to the detriment of women (Binion, 1995; Fineman, 1990; Finley, 1989). This is why Feminist Legal Theory seeks to analyse and challenge norms in the law, the legal system and institutions, which are structured to oppress women, sometimes inadvertently. Bartlett and Kennedy (1991) noted that feminist legal theory provides "powerful analyses of the relationship between law and gender and new understandings of the limits of, and opportunities for, legal reform" (p. 1).

I adopt this theoretical approach as espoused by feminist legal theorists such as Catherine Bartlett, Martha Fineman, Catharine MacKinnon, Deborah Rhode, and Martha Chamallas who, drawing on the critical analysis of the relationship between law and gender as well as women's experiences, argue that while the law can be said to be a tool to emancipation and equality, they have consistently rejected its claim to neutrality and objectivity in regards to gender relations (Chamallas, 2012; Fineman, 1990; MacKinnon, 2005; Rhode, 1990).

As Atsenuwa (2014) noted:

Legal feminism is interested in unpacking the layers in the existing body of knowledge to bring to the top, the subterranean foundations of prejudice and exclusion. The basic message is that law is not neutral. Law, whether as modern law or customary law or even religious law, is historically prejudiced in its making. The historical subordination of women in society and their exclusion from political participation and decision-making means that their voices are not heard, neither are their realities responded to by law (p. 29)."

While some scholars have argued that “due to the androcentric and masculine nature of law, using law as a tool of emancipation, standard or conceptual framework for promoting women’s issues makes it difficult for some to understand and accept a veritable feminist tool” (Persadie, 2012 p.40). Others have argued that there must be something to start with and the law is a central plank in the feminist struggle against discrimination and that is a starting point (Tamale, 2014). Similarly, Smart (1989) analysing the relationship between law and feminism noted that one must be cautious as while it is the case that the law does not hold the key to unlock patriarchy and women’s oppression, it provides a forum to challenge masculine powers (p. 2). Likewise, (A. V. Atsenuwa, 2001) Atsenuwa (2001) noted that although legal feminists consider that law has been historically complicit in institutionalizing gender injustice, it is still a useful tool to be engaged for institutionalizing gender justice (p. 19).

It is important to clarify that the use of “law” in feminist legal theory is not a narrow focus on formal legal doctrinal and policy documents, rather it extends to the social, political, and cultural interpretations and manifestations of law, women’s experience and perception of the law. Fineman explained this:

The best feminist legal scholarship is about the law in its broadest form, as a manifestation of power in society, and recognizes no division between law and power. Law is not found only in courts and cases, and legislatures and statutes, but in implementing institutions, such as social work and law enforcement, as well. Law is found in the discourse used in everyday life. Law is evident in the beliefs and assumptions we hold about the world in which we live and in the norms and values we cherish (Fineman, 1990, p. 34).

The focus of this study is on critically evaluating the effectiveness of the legal and policy framework in achieving equality as well as ensuring non-discrimination towards women in a patriarchal society. Using feminist legal

theory in this study is ideal to offer a critical perspective and powerful analysis of some of the biases and imbalances in the policy and legal framework on gender equality and non-discrimination in Nigeria, especially within the context of the implementation of Sustainable Development Goal 5. This study will be using feminist legal theory by systematically analysing the policy and legal framework on gender equality to examine how and where the law has contributed to women's inequality as well as its impact on the explicit and implicit exclusion of women from development and whether it is advancing gender justice for women in Nigeria.

Grounded theory

Having addressed the theoretical framework that will be used for analysing the current policy and legal framework in Nigeria, it is important to also examine how other factors impact gender inequality and sustainable development from the perspective of the lived experience of women in this country. Most of the literature on gender equality and sustainable development in Nigeria is often based on the "collective experience" as well as the impact of formal laws and policies on the public sphere or lives of women. It rarely captures the nuances and complexities of the personal and varied experiences of women, as well as their perspectives on the influence of the policy framework on gender relations and women's socially constructed roles. Understanding why some women make certain choices or decisions and whether laws or policies can influence such choices is very important. For example: does the law impact or influence the private sphere of women's lives (family, reproduction, and sexuality); what are women's real interest in the labour force participation; what are some of the reasons beyond cultural and societal stereotypes that inform women's decision not to take on full-time jobs or work in the informal sector when raising their children? Some of these issues are often deemed to be outside the scope of legal regulation and state intervention as they relate to the private sphere (Bridgeman & Millns, 1998).

Because of the multiplicity of perspectives and truths, this aspect of the research will employ Grounded Theory, which is a research theory used

when little is known about a phenomenon and one is seeking to construct a theory about issues of importance in people's lives (Glaser, 1978; Strauss & Corbin, 1998). I am using this theory because this is exploratory research and even though I could assume to understand the literature and legal framework, Grounded Theory is needed to enable me to hear the perspectives and experiences of those whose lives are directly affected by gender inequality, and the legal and implementation frameworks, and to describe those experiences in "the most faithful way possible" (Munhall, 2001, p. 540).

The importance of women's voices is significant in understanding the impact and influence of legal and policy frameworks on gender relations and women's experiences beyond the public sphere. As Agomo (2012) noted: "the mere existence of a legal policy instrument is not enough evidence of gender compliance. It is so easy to reel out the various policies and laws that are supposedly gender-specific as evidence of change, without a thought as to the impact of those policies and laws on the lives of those they are meant to serve" (p. 15). Thus, I explore gender inequality from the perspectives of those whose lives are directly impacted to gain insight into their experiences, perceptions of development, and how the policy framework can be specifically suited to meet the needs of women in Nigeria. Also, it is important to understand how women in Nigeria are defining and interpreting development in the context of global agendas like the SDGs and navigating the complex social and gender inequalities that they face. This study might help to proffer solutions and alternative ways of approaching gender struggles and challenging gender inequality in Nigeria.

2.5 Conclusion

This chapter has been a review of the literature on gender equality and sustainable development globally, the historical context of gender inequality, women, and development discourse in Nigeria. The literature shows that the complex legacy and consequences of colonialism still shape the contemporary realities and status of women as well as the gender equality policy framework in Nigeria. Similarly, global development approaches and interventions have also influenced and shaped gender and

development discourse, however, these have not radically changed or transformed the historical and structural inequalities, exclusion, and subordination of women in Nigeria. Also, this chapter explores the literature on the centrality and role of laws and policies to redressing inequality and discrimination against women specifically as they relate to the implementation of SDG 5. Using feminist legal theory, this study will explore ways in which the law influence and shapes the gender equality framework, its biases, and implications for the achievement of SDG 5.

The next chapter details the methodology and research design for this study.

Chapter 3: Research Design and Methodology

This chapter examines the research design and methodology of this study, starting with the philosophical stance, the choice of a qualitative approach, and reasons for a case study methodology, followed by the data collection technique, ethical considerations, and the data analysis process. The study aims to provide answers to the research question which is:

To what extent and how is the existing sustainability policy framework in Nigeria promoting or impacting gender equality for Nigerian women?

Having an appropriate methodology and a properly planned design is critical for any type of research or study to answer the research question, problem, or phenomenon being investigated. Yin (2014, p. 19) defines “research design” as “*a logical plan for getting from here to there*, where ‘*here*’ may be defined as the initial set of questions to be answered and ‘*there*’ as some set of answers (conclusions) about this question”.

3.1 Research philosophy

Research philosophy (also known as a research paradigm) means the ideas and beliefs that inform the research. Creswell (2013) describes a research philosophy as “the lens from which the researcher views or shapes a study being evaluated or about to be evaluated” (p. 19). It can also mean “a cluster of beliefs that dictate what research should be done, how it should be done, and how the results should be interpreted” (Bryman, 2016, p. 637). Guba (1990, p. 17) describes it as “the basic belief system of the researcher's epistemological, ontological, and methodological assumption premise or an interpretive framework”.

An appropriate philosophical stance justifies and underpins the researcher's assumptions, methodology, data collection techniques, method of analysis, and interpretation used (Higgs, 2007, p. 203). There are different philosophical worldviews (Creswell, 2008; Denzin & Lincoln, 2003), however,

two main distinctions often employed in addressing research questions are the positivist/analytical methods and the interpretative methods (Bryman, 2016).

Positivism is an epistemological position that is based on the idea that the natural and social worlds operate within a strict set of laws and can only be measured through scientific observation or natural science methods (Bryman, 2016; Gray, 2014). Positivist advocates posit that natural and human science can be studied using the same logical and methodological principles (Hughes & Sharrock, 1997). With an ontological assumption of objectivity, positivists believe that only a single reality exists which can be understood and measured systematically or statistically (Cassell & Symon, 2004). This approach is based on deductive theorizing and relies mostly on quantitative data collection and analysis methods. Positivist researchers often present results as objective knowledge, facts and established truth (Crotty, 1998). Positivism seeks to determine, analyse, or compare trends, quantify the variation or determine variables in a situation, event, phenomenon, or occurrence (Kumar, 2011). It is however important to accept that positivism is not synonymous with science inquiry or scientific research (Bryman, 2008; Hughes, 1997).

Interpretivism, on the other hand, is an epistemology that takes a major stance against positivism with a view that natural reality (and the laws of science) and social reality are different (Gray, 2014). Thus for the interpretive approach, in studying the social world, there is a fundamental difference from the natural sciences and thus the natural or scientific method is not appropriate to understand it; a different research approach that reveals “the distinctiveness of humans” is required (Bryman, 2016, p. 26). Closely linked to this, is the argument that to reduce facets of the real world to the interaction of variables loses the distinct humanness, richness, and significance of individual experience (Cassell & Symon, 1998, p. 2; Hughes, 1997, p. 102).

This approach employs a comprehensive, holistic methodology to probing meanings, exploring, developing a detailed understanding of a situation, phenomenon, or event. It allows the use of various sources of information and mostly relies on qualitative methods; however, the use of quantitative data is not excluded (Mason, 1996). The interpretive approach situates within an ontological position referred to as constructivism, with emphasis on the notion that there is no single reality or clear-cut objectivity (Cassell & Symon, 2004). It posits that all realities are socially constructed and not discovered, and that subjects construct their meaning in different ways (Maxwell, 2013). Interpretive researchers recognize multiple interpretations based on perceptions and experiences, “culturally derived and historically situated interpretations” in the construction of social reality (Crotty, 1998, p. 67).

Neither of the approaches is superior to the other (Kumar, 2011), rather the appropriateness of which approach of inquiry to employ is essentially determined or driven by the purpose of the research or nature of the topic being investigated, the expected outcome, and underlying theoretical paradigms (Bryman, 2016). This study embraces an interpretive or social constructivist approach because a positivist approach is not suitable for the following reasons.

First, the aim of my study is not to test, hypothesize, analyse, quantify or compare trends or variables in a situation, event, phenomenon, or occurrence, which is the focus of the positivist approach. Rather it aims to probe meanings, explore, describe and develop a detailed understanding of the sustainability policy and implementation frameworks, their impact on gender inequality in Nigeria, and the practical implications of how this might influence sustainable development outcomes for women and the commitment to leaving no one behind.

Secondly, this study is exploratory and seeks to gain a holistic insight into or “thick description” (Geertz, 1973) of the phenomenon being investigated. This fits perfectly within the interpretive perspective. Holloway (1997, p. 100) describes “thick description” as “the detailed account of the process, events,

context and people in the research, inclusive of the meanings and intentions of the participant within the social context". Mills et al. (2010, p. 210) note that a thick description allows researchers "to delve into the details about the "localized" lived realities, social discourses, and the cultural contexts that manifest in a given phenomenon".

This study aims to arrive at a thorough understanding of the uniqueness and context of the status of women in Nigeria, and factors that impact gender equality and sustainable development policy in that country. Using the Sustainable Development Goal framework, this study seeks to understand how the existing policy framework in Nigeria will impact the implementation of SDG 5: gender equality. This has to be achieved through interaction with, and interpretation and construction of the multiple realities of the different social actors using various sources of information.

3.2 Research Strategy: Qualitative Research

One of the most common classifications of the research strategy is qualitative or quantitative research. Quantitative research emphasizes quantification in the collection and analysis of data, an approach often used in the natural sciences. Qualitative research, on the other hand, emphasizes the use of words, meanings, and is mostly employed in the human and social sciences to study social phenomena (Bryman, 2016). They both have valuable and legitimate uses and neither of these methods is intrinsically better than the other; however, some topics or research contexts are more suited or amenable to one strategy over the other (Babbie, 2008). Many times, researchers combine both qualitative and quantitative methods in a single research study in what is termed mixed-methods research design.

The interpretive epistemology is grounded in qualitative research. Mason (1996) notes that:

Qualitative research is grounded in a philosophical position which is broadly 'interpretive' in the sense that it is concerned with how the social world is interpreted, understood, experienced, produced, or

constituted. ... based on methods of data generation which are both flexible and sensitive to the social context... methods of analysis, explanation and argument building which involve understandings of complexity, detail, and context [emphasis added]. (p. 3)

The use of qualitative research as a form of inquiry in social and human science has been particularly advocated as the best form of inquiry especially for its strengths in terms of richness, holism, and its strong potential for revealing complexity (Miles & Huberman, 1994a, p. 10). It has become widely used as an appropriate strategy for researchers to understand people and the social and cultural contexts within which they live (Myers, 2009). It has also been thought to be valuable in investigating social problems; socio-economic, political occurrences and intervening to bring changes (Bernard, 2000); exploring and addressing matters of equity and social justice (Denzin & Lincoln, 2003, 2008); and evaluating and influencing social policy (Majchrzak, 1984).

No single theoretical framework, method, or distinct set of practices exist for qualitative research (Denzin & Lincoln, 2003; Stake, 1995), as it draws on various disciplines, fields, and subject matter. Though difficult to define, below are some generally accepted characteristics of qualitative research.

1. In-depth understanding and interpretation: Cassell and Symon (1998) note that interpretation is a key characteristic of qualitative research: *a focus on interpretation rather than quantification; an emphasis on subjectivity rather than objectivity; flexibility in the process of conducting research; an orientation towards process rather than outcome; a concern with context—regarding behavior and situation as inextricably linked in forming experience; and finally, an explicit recognition of the impact of the research process on the research situation [emphasis added]. (p. 7)*

Qualitative research as a form of inquiry values rich descriptions of the social world and the meaning people bring to them (Denzin & Lincoln, 2003).

It is most suitable when a researcher seeks to be acquainted with a phenomenon or issue of interest and therefore seeks to achieve an in-depth understanding of how research participants or informants think and feel about the issue through an interpretive, naturalistic approach (Creswell, 2008).

2. Collection and use of various sources of empirical data and information: To develop an in-depth understanding of a subject matter or phenomenon, qualitative researchers employ a wide range of data sources and data collection methods such as observation and participatory methods, field studies, case studies, interviews, and focus groups, surveys and questionnaires, documents and texts, artifacts, cultural texts and productions (Denzin & Lincoln, 2008).
3. Holistic: Qualitative research aims to produce a systematic, rich, encompassing, and integrated overview of a subject matter or phenomenon (Miles & Huberman, 1994a).
4. Inductive research strategy: Qualitative research oftentimes does not begin with theory testing or stating hypotheses at the outset, rather hypotheses or theoretical ideas are frequently generated from analysis of the data as they emerge (Silverman, 2011). This is not to assume that qualitative research cannot be used to test a theory or have a pre-specified theory (Bryman, 2016, p. 382).
5. Another characteristic of qualitative research methodology is that it is based on “emic” (Pike, 1954) or insider perspective of issues and focused on understanding the actors or people who belong to a case from their experiential perspective (Given, 2008).

The qualitative approach is chosen as the most appropriate and useful strategy for this study because I want to understand the phenomenon of gender inequality, how it impacts women and sustainable development in Nigeria and the role of policy and legal framework in addressing this. I needed to examine the meanings and experiences that women in Nigeria

give, feel, and interpret regarding the concepts of development, gender inequality, and sustainable development. The qualitative research method is the most appropriate approach to provide the necessary insight into how the existing policy framework influences the lived realities of women.

3.3 Case study methodology

In understanding the “how” and “why” questions of research or in an instance where the research question focuses on descriptive or explanatory issues intending to understand events and people, Yin (2014, p. 14) suggests that a case study is appropriate. Gillham (2000, p. 1) defines a case study as an investigation to find answers to specific research questions that seek a range of different pieces of evidence situated in the care setting. Yin (2003, p. 23) defines a case study as “an empirical inquiry that investigates a contemporary phenomenon within its real-life context, especially when the boundaries between phenomenon and context are not clearly defined”. Case study research has become one of the most popular and widely used methods in qualitative inquiry (Stake, 1995). The case study method as a form of qualitative analysis seeks “to understand an individual, situation or an institution through careful and complete observation of every aspect of the unit in minute detail, and through this process, drawing inferences and case data generalization” (Kothari, 2004, p. 113).

Given the interpretive position adopted in this study and the nature of the research question, I adopt the case study methodology as the most appropriate approach for the following reasons:

1. Case study methods offer in-depth and holistic analysis and description of a case, event. One of their main characteristics is the ability to provide an invaluable and in-depth understanding of a case (Creswell, 2007). The case study methods offer an in-depth and holistic analysis of real-life experiences of women in Nigeria in terms of how discrimination and inequality affect their participation in development and how the existing policy framework has impacted or currently impacts development outcomes for women in Nigeria.

2. The case study approach is especially useful to investigate “complex social units consisting of multiple variables of potential importance in understanding the phenomenon” (Merriam, 2009, p. 50). To understand the phenomenon of gender inequality as it affects the participation of women and girls in Nigeria, there is a need to investigate what factors or variables contribute to or intensify gender inequality.
3. Another reason why the case study approach fits is its ability to use and combine a variety of data collection methods such as interviews, questionnaires, observations, artefacts, and archives (Yin, 2014, p. 12). To fully explore and answer the research questions, there is a need to use a variety of data collection methods. This study employs a combination of interviews, focus groups, document reviews, and archival records to obtain a “*thick description*” [emphasis added] (Geertz, 1973) of the phenomenon being studied.
4. Case studies are known to be advantageous in many regards when done properly as they “are usually quick, cost-efficient and allow room for impressionistic analysis of a situation”(Majchrzak, 1984, p. 63). They also offer opportunities to examine policy formulation and implementation, and for developing recommendations concerning the future implementation of policy options.
5. Case studies often focus on insight, discovery, and interpretation rather than hypothesis testing to produce results and information that provide evidence-rich account (Merriam, 2009, p. 42).

Some literature has argued that using case studies is a weak research method and that it does little to address the issue of generalizability or provides no basis for scientific generalization (Abercrombie et al., 1984; Gerring, 2006). However, Denzin and Lincoln (2000) argued that case

studies can be generalized, “looking at multiple actors in multiple settings enhances generalizability” (p. 193). Corroborating this, Yin (2014) points out, “case studies like experiments are generalizable to theoretical propositions and not to populations or universes.... your goal will be to expand and generalize theories (analytical generalization) and not to extrapolate probabilities or enumerate frequencies (statistical generalization)” (p.21).

Similarly, Chreim et al. (2007) while addressing the applicability of their case study—a Canadian clinic—to other cases or situation noted:

Our study is based on one case. Although some may view this as a limitation impeding generalizability, it should be noted that naturalistic case studies should be judged not based on generalizability, but on the basis of transferability and comparability (p. 1535).

Reinforcing this point, Flyvbjerg (2006) in *Five Misunderstandings About Case-study research*, explains:

One can often generalize based on a single case, and the case study may be central to scientific development via generalization as a supplement or alternative to other methods. But formal generalization is overvalued as a source of scientific development, whereas ‘the force of example’ is underestimated (p. 1).

Case studies do not necessarily seek to provide generalizable results; often the method is well suited to produce new knowledge (Tsang, 2014, p. 379) and insight (Gerring, 2006). This study does not seek to generalize but rather to produce knowledge, useful information as well as a “development of a nuanced view of reality” (Flyvbjerg, 2006, p. 225).

3.4 The Unit of Analysis: Research Site and Participant Selection

In a case study, it is essential to understand and be clear about the unit of analysis or case (Bryman, 2016). A case can be defined as “a phenomenon of some sort occurring in a bounded context” (Miles & Huberman, 1994a, p.

25). Yin (2014) notes two steps to consider in understanding a case or unit of analysis:

- a. defining the case
- b. bounding the case.

Defining the Case: In defining a case, Baxter and Jack (2008) recommend a researcher asks the question: “What do I want to analyse—an individual, a programme, a process, difference between organizations, etc.?” (p .545–546). A case need not be a person or individual, a case may vary in definition from individuals to roles, a community, group, a country, site, nation, episode, spatial setting, event, cultures, a period, people, institutions, a responsibility, a programme, a collection, policy, a population community (Gillham, 2000; Merriam, 2009; Miles & Huberman, 1994a).

Bounding the case: This means that the unit of study or the case is defined by certain boundaries. Bounding a case helps to decide what the case will not be and ensuring it remains within a reasonable scope (Baxter & Jack, 2008, p. 547). People, time, place, geographical location, activity, definition, and context could bound a case (Miles & Huberman, 1994b). Jones et al. (2006) note that the “single most defining characteristic of a case study methodology is the emphasis on the bounded system or the case” (p. 55).

3.4.1 Nigeria

Considering how Nigeria fared under the Millennium Development Goals, it is important to study the country to gain insight into some of the causes of its underperformance with the MDGs to enable better implementation of the SDGs. For the SDGs especially Goal 5 to be efficacious, it is necessary to understand the socio-economic, political drivers, and other factors that continue to affect the marginalization and exclusion of women, as well as ways to promote equality and better outcomes for women in Nigeria.

For this study, the unit of analysis or case is Nigeria with an emphasis on the status of women in this country, the role and influence of policy and the

legal and institutional framework in achieving Goal 5 of the SDGs. Nigeria was chosen as my case study because I have a strong connection to the country, as it is my place of birth. Also, having worked in the international development sector in Nigeria especially among women in the South West over the last few years, it was most appropriate to use this as my case study to understand how the SDG5 will impact women in Nigeria. To bind the unit further, I narrowed the study down to Lagos State in southwest Nigeria.

3.4.2 Lagos State

Situated in the South West of Nigeria, Lagos State, the former capital of the country, is a port city sitting on about 1,171.28 square kilometers of land. With an estimated population of about 21 million, it is the most populous city in Nigeria. It has a very diverse population due to massive and heavy migration from other parts of Nigeria and surrounding countries. Lagos is home to over 200 ethnic groups including Yorubas, Igbos, Hausas, Fulanis, small minorities of foreigners from neighbouring African countries as well as Lebanese, British, Americans, Chinese, and Indians. Like many urban megacities in developing countries, it is groaning under the weight of population explosion and also has its fair share of concentration of poverty and poor people. About one-fifth of the city's residents are either living in or at risk of poverty, according to a 2016 Oxford University study (Oxford University and Human Development Initiative, 2016).

3.4.3 Participants Selection

The choice of participants in this study was based on purposeful, criterion-based sampling (Patton, 1990). Participants were selected deliberately and strategically to provide the information and data needed to answer the research questions. Purposeful sampling takes place when the researcher selects a sample from which the most can be learned (Merriam, 2009) as it allows data to be interrogated purposefully, and reflects diversity, nuances, and sensitives involved (Barbour, 2007).

Achieving sustainable development and ensuring that no one is left behind in the development agenda requires the collaborative effort and active

participation of all members and stakeholders in society. Agenda 2030 calls for global partnership, shared commitments, and participation of all countries, all stakeholders, and all people to focus on the needs of the poorest and most vulnerable in the implementation of the SDGs (UN General Assembly, 2015). Stakeholders are those individuals or groups of people who either have some input into the decision-making process or are affected by policy decisions on a social problem (Majchrzak, 1984).

To identify the stakeholders or participants that are key to this study, Section 52 of Agenda 2030 provides an insight.

We the Peoples” are the celebrated opening words of the UN Charter. “We the Peoples” are embarking today on the road to 2030. Our journey will involve Governments as well as Parliaments, the UN system and other international institutions, local authorities, civil society, business, and the private sector, the scientific and academic community, and all people. Millions have already engaged with and will own, this Agenda. It is an Agenda of the people, by the people, and for the people—and this, we believe, will ensure its success [emphases added].

For selecting participants, Stake (1995) advises that the best people are those who will help in understanding the case. Thus, it was imperative to recruit participants from each underlined sector in the quote above to obtain rich and robust information about the level of awareness, implementation strategy, legal, and policy structure for the implementation of the SDG 5 in Nigeria. For this study, participants included women in Lagos State as well as other key stakeholders. I interviewed Nigerian women because I could not assume to know the challenges and marginalization that women in this country are facing without actually talking to them to understand how laws and policies shape their lives into their social realities.

Other participants included policymakers, government officials, staff and officials from NGOs working with women in Nigeria, United Nations agencies, and international organizations, donor agencies, members of

the academia and the private sector that are involved in one way or another in governance, implementation, and monitoring as they relate to the Goal 5 targets and indicators. Including this category of participants is necessary to get insight from those who are key in the implementation of the Goals at national and local levels. Based on their position, knowledge, expertise, and work they can assess and discern the areas where Nigerian women are lagging, in order to articulate goals and indicators of high priority, develop concrete strategies, and ensure that all stakeholders work together to enable the achievement of the SGD 5: gender equality.

3.5 Data collection method

Data collection methods are simply the processes by which the information is gathered. While other research methods might successfully employ one data collection technique, qualitative research can “facilitate exploration of a phenomenon using a variety of data sources” (Baxter & Jack, 2008, p. 544). One of the unique and key characteristics of case study research is its ability to use and combine multiple sources of data or a variety of evidence (Patton, 1990; Stake, 1995). Yin (2014) describes it as a “chain of evidence” which includes documents, archival records, interviews, direct observation, participant-observation, physical artifacts, and so on.

To obtain in-depth analysis and rich evidence, this study employed multiple sources of data or evidence. The primary data sources include focus group interviews with women in Lagos and semi-structured interviews with government officials, policymakers, UN agencies officials, international organizations and donor agencies, non-governmental organizations, members of the academia, and the private sector. Secondary sources included publicly available data sources, peer-reviewed academic journal papers, reports, books, media reports, documents, and government policy and legislation.

3.5.1 Semi-Structured Interviews

Interviews remain undoubtedly one of the most widely employed data collection techniques in qualitative research and social science inquiry (Ritchie et al., 2013). They can be unstructured, structured, and semi-structured with individuals, or focus-groups. Semi-structured interviews have features of both structured (clarity of focus, closed questions) and unstructured interviews (flexibility, open-ended questions). When done properly, semi-structured interviews have been known to be the richest single source of data (Gillham, 2000, p. 65). They allow the freedom to ask additional questions, probe for in-depth explanations and details whilst employing a certain amount of focus and structure.

The semi-structured interview method was most applicable for this study because it allows the interviewer to obtain in-depth and valuable information as the interviewees can talk and freely express themselves rather than follow a particular path as in structured interviews. Besides, there is the flexibility the method provides wherein the interviewer can dig further and probe for clarity or change the structure or order of questions during the interview. This was particularly important for this study, as I had to frame questions relating to the SDGs and indicators in a manner that would be easily understandable by the participants who might be unaware of this policy agenda. This helped the participants to bring their knowledge to bear and for me to gain a better understanding rather than relying on “a mechanical conversion of the research questions into an interview guide” (Maxwell, 2013, p. 92).

There were two categories of respondents who were asked fairly similar questions to address the research aims of the study. Questions posed to respondents were framed around the goals and targets on gender equality—the opportunities, potentials, obstacles, and gaps in the existing policy implementation and legal framework and their implications for Nigeria’s national and sustainable development. The first set of questions attempted to understand the perceptions and awareness of the respondents about the opportunities and obstacles that enable or inhibit gender equality and transformational development for women in the public and private sphere

within the overall social environment. Discriminatory laws, policies, social attitudes, and other such issues were discussed. In comparison, the second set of questions sought to understand specifically the workings of the legal, policy, and institutional framework for gender equality and development and their impact on achieving sustainable development and ensuring that no one is left behind.

Individual Semi-Structured Interviews

Sample size: Samples for qualitative studies tend to be smaller than those used in quantitative research. However, the issue of what sample size should be used remains a challenge for most qualitative researchers. The sample size varies as there is no ideal number of sample sizes to undertake in qualitative research. Some authors suggest having an adequate number of participants in the sample to answer the research or problem question or to support convincing conclusions (Merriam, 2009). Others have suggested sampling “based on expected reasonable coverage of the phenomenon” (Patton, 2002, p. 246) or sampling until a point of saturation or redundancy, that is a point when new data information is not stimulating new or better understanding of the research (Bryman, 2016; Charmaz, 2006).

Because understanding the gender equality policy and implementation frameworks as they affect the phenomenon being researched was important and crucial to answering the research question, I conducted 27 semi-structured interviews which provided reasonable coverage to answer the research question. Various categories of stakeholders were interviewed:

- a. ten respondents from across various local, international not-for-profit organizations and donor agencies working on women and development issues, gender equality, policy, legal reforms in Nigeria;
- b. three members of academia;
- c. three policymakers/ policy influencers
- d. five government officials;
- e. three members of the private sector.
- f. three stakeholders- social, gender, and women rights activist.

An ethics application was completed, and approval was granted by the University before the commencement of data collection.

Recruitment Process: Participants were recruited using my networks and contacts in Nigeria. A snowballing technique was also used where I was referred by participants to other people in their networks who might be willing to participate.

The interviews took place in Lagos and Abuja (the Federal Capital Territory where many of the international development organizations and donor agencies have their head office) from May to August 2017. All interview participants were based in Nigeria and the interviews took place mostly at the offices or an agreed place most convenient for the participants. They were conducted in English and lasted between 30 minutes and one hour. I had sent out information sheets to participants before the respective interview to inform them about the research and the information that would be required from them. However, before conducting an interview or focus group, I explained the research briefly and consent was sought through the signing of a consent form.

Most of the interviews were digitally recorded with the consent of the participants and subsequently transcribed into Microsoft Word by a professional transcription service provider. I took detailed notes in instances where tape recording was not possible, particularly as some participants (Government officials and policymakers) did not want their interviews recorded. I also took field and observation notes as quickly as possible and I read the observational notes to most of the participants at the end of each interview to allow for any comments and corrections.

3.5.2 Focus Groups

Focus groups have increasingly become commonly used as extremely valuable data collection techniques in qualitative research (Finch et al., 2014). A focus group is a technique of interviewing a group of people to

explore and discuss a specific topic or theme in depth. Morgan (1996) defines focus groups as “a research technique that collects data through group interaction on a topic determined by the researcher” (p. 130). Focus groups help to explore the perceptions, experiences, and understandings of a group of people who share common experiences about a phenomenon, situation, or event (Barbour, 2007). Focus groups are different from group interviews where the researcher directs questions to the participants and uses a collection of individual interviews and responses. Rather, data and insight are generated from the synergetic interactions, discussions, and responses between the participants (Finch et al., 2014).

One of the strengths of a focus group is the efficiency it produces given the amount of time, cost, and logistics to conduct and analyse individual interviews (Fern, 1982; Morgan, 1997). Barbour (2007) notes that because focus group techniques “closely resemble feminized patterns of interaction and exchange, it is often used to elicit or access the perspective of specific groups especially women” (p. 21). Using this technique also allows for comparison between the data as sharing and comparing among participants is a valuable aspect of focus groups (Morgan, 1997, p. 21).

Focus groups were well-suited because the goal was not to learn about each informant in detail, or access narratives or attitudes, but to get an understanding of their lived experiences and perceptions of the phenomenon of gender inequality as women living in Nigeria and a collective sense of the phenomenon being studied (Barbour, 2007). Also, the use of focus groups was considered appropriate given the logistics, time, and labour that would be spent on travelling or visiting each individual, conducting an interview, and transcribing each individually. As this study seeks to understand the factors that contribute to and inhibit the development potential and empowerment of women and how the policy framework also affects them, I decided to conduct three focus groups with women about their experiences as women in Nigeria and how gender inequality or the role of the laws and policies impacts them. The focus group discussion centred on the women’s understanding, experiences, and lived reality of their status as women, gender inequality,

development, policy, and laws dealing with gender inequality and their implications for sustainable development (See Appendix 5 for interview questions).

Because focus groups require greater attention, as the moderator, I also had an assistant moderator to be present at the focus group meeting and act as a scribe to capture very key and important things that came up in the discussions. Focus groups like any other data collection technique tend to have their unique ethical issue of privacy as participants share their information among other people (Morgan, 1993). In order to deal with this and other issues around confidentiality, participants were urged to keep everything discussed confidential and during the session, not to answer or share any information which they are not comfortable communicating.

Sample size: In considering or determining the number and size of a group, Morgan (1997) believed that the purposes of the research and constraints of the field situation need to be taken into account. If a focus group is too small, there might be difficulty in sustaining a discussion and if the group is too big, there is also the difficulty in controlling the discussion. Also, it is advised that using homogenous groups is a good idea—homogenous in terms of background and not attitudes (Morgan, 1997). In a similar vein, Finch et al. (2014) note that a degree of commonality or proximity in the way participants relate, experience, or connect to the research subject or topic is necessary for a successful focus group. Thus, for pragmatic reasons, the selection of participants for the focus groups was based on similarities in age, family, socio-economic, educational, and marital status. The sample size for the focus group was 23 participants, divided into groups of eight, nine, and six women respectively. The participants in the focus group fell between the ages of 23–76 years of age. Most identified as Christians or Muslims except three who identified as non-religious. The focus groups are described below.

Focus Group 1: Women within this group had no or very low educational qualifications and very low socioeconomic status. They included low-income

earners, petty traders, market women, and housewives aged between the ages of 35 and 60 years all from different cultural backgrounds and parts of the country.

Focus group 2: This group included women from different parts of the country within the mid-educational and socioeconomic status, including retired, professionals, businesswomen, non-professionals, housewives, teachers, and widows within the age range of 40–76 years.

Focus Group 3: This group had younger women, single as well as married, within the age bracket of 23-36 years all from different cultural and ethnic backgrounds. They included young professionals, entrepreneurs, and small business owners. They were mostly of the middle/upper socioeconomic status and all have higher education.

Recruitment process: Participants were recruited through the database of a non-governmental organization working with women in Lagos, names of women were identified, calls were made to them to find out if they were interested in participating in a study, and those who indicated interest were then sent the information sheet which explained what the research was about and how the interview would be conducted through a focus group. A cash incentive of 2000 Nigerian Naira (10 dollars) each was given to cover the cost of transportation to the venue for participants.

3.5.3 Secondary Data and Desktop Research

As part of the process of answering the research question, I conducted desktop research that included material used in the literature review chapter, analysis of the current legal and policy framework, and discussion of the findings. This included a review of documents, existing and publicly available datasets, information from journals, textbooks, public sources, libraries, government and non-government websites such as United Nations, World Bank, and other international development organizations and agencies. Previously collected data and research related to women, development, gender inequality and sustainable development was reviewed to obtain larger

and more representative samples. Secondary data are cost-effective while providing a valuable tool for research as the data has been “collected compiled and archived” for easy access (Johnston, 2017).

3.6 Data Analysis

Simply put, data analysis is the process of making sense of the data. The goal is to find answers to the research questions (Merriam, 2009). It involves the management, analysis, and interpretation of data (Bryman, 2016, p. 12). This research data analysis involved a mix of manual and computer management in interpreting the data using thematic analysis. Braun and Clarke (2006) refer to thematic analysis as “a method for identifying, analysing, and reporting patterns (themes) within data” (p17). The data analysis process employed the Braun and Clarke (2006) inductive coding method—familiarization with the data, generating initial codes, searching for themes among the codes, reviewing themes, defining and naming themes, and producing the final report. Upon returning from the fieldwork in Nigeria, all interview audiotapes were professionally transcribed. All data was organized and securely stored in a password-protected computer file folder. These transcripts were then used to conduct the thematic analysis.

In familiarizing myself with the data, I replayed and listened to the originally recorded audiotapes alongside the transcribed interviews to amend and correct inaccuracies, inaudible responses, and colloquial language in the transcripts (MacLean et al., 2004). I read the entire transcripts first in a cursory manner to get a sense of the interviews as a whole. I then proceeded to a detailed line by line reading, identifying and noting for main ideas and themes within paragraphs on what the text might be saying itself without any focus on the research question. To avoid being distanced from the data, I proceeded to code the information manually by colour coding, highlighting responses, and making notes in the margins of the transcripts.

In case study research, Yin (2014) emphasized the need for searching the data for “patterns” “insights” or “concepts” that may explain or identify causal

links in the gathered data. This process often referred to as coding entails the “process of segmenting and labelling text to form description and broad themes in the data” (Creswell, 2008, p. 243). Coding involves searching for patterns, critical themes, and meanings that emerge from the data. ‘Themes’ also known as ‘categories’ are the cornerstone of developing a theory, as they also provide how a theory can be integrated (Corbin & Strauss, 1990, p. 7). This process involves reading critically, bearing in mind initial impressions, main ideas or series of ideas, similar ideas and differences, and potential themes in the interview transcripts on the phenomenon being examined, such as poverty, empowerment, religion, education, intersecting inequalities, patriarchy, policy challenges, women’s voices, and agency.

This was followed by revising and reviewing similar labels and themes and categorizing them together using a visual mind map which helped to reduce and refine the themes and sub-themes effectively. Merriam (2009) highlighted some criteria that categories or themes should meet:

- a. Must be responsive to the purpose of the research
- b. Must be exhaustive
- c. Must be mutually exclusive
- d. Must be as sensitive to the data as possible
- e. Must be conceptually congruent

All of these criteria were met in the research process.

To further ‘define and refine’ the data as suggested by Braun and Clarke (2006) through the identification of the essence of what each theme is about and determining what aspect of the data each theme captures, I imported the transcribed data into NVivo version 10 for better organization of the information and analysis. NVivo version 10 was chosen due to its features such as searchable annotation, running queries, hierarchical categories using tree maps to show the frequency of words. The software was also very useful for its ability and capacity to store useful words, and layout data in a manner that enabled better visualization of the data. In analysing the interview data

using grounded theory and linking this with feminist legal theory, three major themes emerged: (1) Rethinking Nigeria's Current Gender Equality Approach; (2) Policy Incoherence and Inconsistency, Weak Legal and Implementation Framework; and (3) Women's Voice, Agency and Collective Action. These themes and their sub-themes are discussed in Chapters Five to Seven using direct and verbatim quotes from the participants.

There are a few important things to keep in context while reading this analysis of the findings. First, although the interviews were based on and guided by the research question and objectives, due to the flexible nature of the semi-structured interviewing process, the respondents were allowed the freedom to share their opinions, thoughts, and views when they were still within the ambit of the study area. Secondly, the majority of the respondents in the focus groups were unaware of the UN Sustainable Development Goals or any legislation or policies that impact women and development. Thus, the interview questions were largely based on general knowledge and understanding of economic progress, gender inequality, laws, regulations, programmes and their implications for women in Nigeria. Thirdly, in accordance with grounded theory, the analysis flowed from how the themes emerged rather than the sequence of questioning and provided answers to the interview questions as well as from other important themes and findings.

3.7 Ethical Considerations

Ethical standards and considerations were of utmost importance in this study. Before the commencement of the fieldwork, an ethics approval application (which included a detailed proposal for data collection, participant's recruitment mail/letter, interview questions, and consent form) was made to Curtin University Human Research Ethics Committee. Approval for this low-risk research study was granted in April 2017 (see Appendix 2).

The Australian regulations and the guidelines relating to consent, privacy, confidentiality, and the right to withdraw from participation were strictly adhered to in the interview and focus group sessions. This was very important as Nigeria, where the fieldwork was being carried out, does not

have a reciprocal formal ethics approval process for human research, except for health research. Following the Australian guidelines, local contact was nominated for participants to access if there was any concern about the research. There were no queries or reports about the data collection process or study. Information Sheets (Appendix 3) were sent to participants before the interview informing them of the objectives of the study and why they were invited to participate.

Before each interview began, there was a quick recapitulation of the objectives of the study, privacy, and confidentiality, and the participants were assured that the information collected would only be used for this research purpose. Informed consent was obtained from all participants in this research. Participants were free to decide whether to participate or not and also were free to withdraw at any stage of the interviewing process. The consent form used for this purpose is attached in Appendix 4.

3.8 Reflections

The quality of any research is often dependent on several factors, from the attitude, willingness, and perceptions of participants or organizations towards the research and research findings, to access given to documents and sites. This was also the case in this study.

During data collection, the focus groups were very insightful and were characterized by openness, trust, and willingness of participants to share their experiences. In one of the focus groups, even though I had told the participants that this was a research study for educational purposes, they kept urging me to go and give the information shared and feedback to the government on some of the discussion we had and let the government know how they felt on issues such as development, poverty, and inequality within the country. They trusted my ability to listen and hear their voices on things that mattered to them and were close to their heart. They felt heard, and some said this was the first time they were able to speak or discuss issues affecting them at a forum or within a group.

In the recruitment process, accessing policymakers and top government officials in Nigeria is like a camel going through the eye of a needle (King James Bible, 1769/2017). There were several bureaucratic and administrative bottlenecks, cancellation of appointments, and people not answering requests for interviews. For instance, I had great difficulty getting access and interviewing some legislators and policymakers who were key to the research and had key information required for the study. There were many official processes and even after I managed to go through them, the policymakers cancelled or just refused to show up or honour the scheduled meetings, after I had been waiting for hours in some instances.

Furthermore, some of the government officials that I was able to interview, did not want to have the interviews recorded on audiotape due to suspicions especially about giving out information. Also, one of the perceptions that I had was that some participants especially government officials were reluctant to be interviewed as they suspected that I was an undercover media practitioner seeking to obtain information that may portray them in a bad light to the public. One of them later told me that she had fallen victim to this sort of thing before. In all cases, I had introduced myself as a student and researcher and explained that this interview was for my thesis and academic research and that I was not on a mission to expose or shame anyone and more specifically in writing the findings, all participants will remain anonymous.

Overall, I was successful in recruiting a sufficient number of participants and in conducting meaningful interviews.

One of the limitations was that due to the logistic challenges and state of insecurity in the Northern region of the country, it was impossible to conduct interviews with some of the women in that region to obtain firsthand information about their reality and experiences to provide more robust insight for the study. However, even though this may have provided a larger data set, the individual perspectives of the participants that were interviewed remain valuable, provided important insight, and still touched on the reality

and experience of most women in Nigeria. Another point to note is that although the interviews were conducted in English, this did not skew the findings towards elitist or educated women. Even though some of the participants had very low or no educational qualifications, they were able to communicate in a way that could be understood in simple English language or adding bits of Pidgin English (spoken by non-native English speakers) which I as the researcher could decipher. Secondly, with Nigeria being a multi-ethnic and multi-lingua country, there would have been time and financial constraints were the interviews to be translated from various dialects and ethnic languages to English. As this was not a feasible option, there was a requirement that all interviewees had a basic knowledge of English.

3.9 Conclusion

This chapter examined and outlined the research design and methodology used in this study. It discussed the rationale for the research paradigm or philosophy used by making a distinction between positivist and interpretivist approaches. The interpretivist stance of this research determined the qualitative approach to this study and subsequently shaped the research methodology, namely a case study. This chapter also included a section on the data collection methods within the case study approach. Interviews and focus groups as the data collection techniques were best suited for this study as it sought to understand the reality and perspective of participants on gender inequality, sustainable development as well as the current policy framework in Nigeria towards inclusive and sustainable development for women. Thematic data analysis was conducted on the interviews, documents, and field notes using a combination of manual and computer-assisted qualitative data analysis software NVivo for coding. Ethical integrity and respect were of utmost importance and ethical boundaries were maintained during and after the fieldwork. Some challenges in the study were also discussed.

The next chapter is an analysis of the current legislative and policy framework and arrangement of each of the targets in SDG 5 in Nigeria and

its implications for the overall achievement of the sustainable development goals as well as advancing women's rights and equality.

PART II EMPIRICAL ANALYSIS

Chapter 4: Current Legal and Policy Framework for the Sustainable Development Goal on Gender Equality in Nigeria

This chapter examines the current legal and policy framework on gender equality and women's empowerment in Nigeria within the context of Sustainable Development Goal 5. Although the SDGs are not legally binding, their implementation is grounded in international law, and the goals and targets provide a framework that can influence State parties' national and domestic legal and policy frameworks for achieving the SDGs. This chapter analyses some of the national legislations and policies to offer a critical perspective on the policy and legal framework on gender equality. It discusses the legislative and policy framework, the contradictions and current situation of each specific target in Goal 5, and its implications for the overall achievement of the sustainable development goals as well as for advancing women's rights and equality.

4.1 Role and influence of international regional instruments and agreements on women's rights and gender equality in Nigeria

Nigeria is a signatory to several international and regional normative human rights instruments, conventions, protocols, and treaties that recognize, promote, advance, and protect the rights of women, as well as affirming the fundamental principles of equality and non-discrimination against women (see List of Legislations in Appendix 1).

Numerous criteria have been used from time to time to assess and measure the effectiveness of international instruments, from the level of compliance to enforcement, the system of sanction, and the ability to transform or influence the behaviour of countries and other actors (Aust, 2013; Weiss, 1998). Critics have however questioned the universal relevance and effectiveness of some of these international laws, especially human rights instruments and their ability to challenge fundamental, structural factors that promote inequality and discrimination (Defeis, 2010; Tomuschat, 2014). This is seen in form of political resistance, reservations on the

grounds of culture, religion, and tradition, and persistent objector doctrine (Bradley & Gulati, 2010; Dumberry, 2010). McInerney-Lankford (2009) notes that one of the reasons for these objections and resistance is that apart from the perception of human rights as a potentially controversial and divisive subject, sometimes countries resist being dictated to on human rights because of development assistance or lending instruments. Many “oppose what they perceive as double standards or hypocrisy when the dictates come from countries with economic power rather than exemplary human rights records” (McInerney-Lankford 2009, p. 56). Others have argued that some of the laws or global agendas do not take into context the divergence between the North and South of Nigeria. These treaties or global goals are continually placed on a pedestal that makes them a universal, all-encompassing international development goal, to be implemented without regard to context or empathy for their intended beneficiaries (Charlesworth, 2011, p. 37). This was the argument of Attaran (2005) while critiquing the approach to some of the measurement of the MDGs, noting that the technical measurements and ethical accountability of these goals, especially in the context of developing countries, were flawed. He pointed out that the MDGs were acclaimed by some scholars as a “zeitgeist of the global development enterprise or a common vision of what matters most for improving the lives of people living in poor countries” without taking into consideration other factors such as social cohesion, cultural rights, and community (Attaran, 2005, p. 5).

Notwithstanding the arguments for or against, international instruments, agendas and treaties remain important in influencing and shaping the legal and policy frameworks of countries and show clear intentions and commitments from the government (Cassel, 2001; George, 2020). Viljoen (2007, p. 1) argued that “the critical test of international human rights law is the extent to which it takes root at the national level, and its ability to flourish in the soil of states and to bear fruit in the lives of people.”

While Nigeria has signed and ratified most of the global/international instruments and agreements on non-discrimination, gender equality and women’s rights, many are yet to be incorporated into Nigerian legislation via

domestication or domestic ratification (Egede, 2007). Domestication of international legislation is the process whereby state parties or signatories incorporate an international law or instrument into their domestic legislation through a constitutional or legislative process to make them recognized, applicable and enforceable by the domestic courts (Sloss, 1999).

4.2 National Legal and Policy Framework for Gender Equality in Nigeria

The legal framework for gender equality and protection of women in Nigeria is situated in the various sources of law that make up its domestic laws. While there are various legislative enactments, case laws, and judicial precedents in the legal framework that protect women's rights in Nigeria, the Constitution, legislation, Received English Law, Customary law and Sharia/Islamic law are the primary sources of law (Obilade, 1979). They are explained below.

- a. The Constitution: The Constitution of the Federal Republic of Nigeria 1999 is the supreme and main law of Nigeria and has binding force on all authorities and persons throughout the country (Elias, 1963).
- b. Legislation: This includes Acts, statutes, State legislation, ordinances, decrees, edicts, by-laws, regulations, and subsidiary legislation enacted by the legislative arm of government, military government, or a designated body of persons conferred with such power by an appropriate and competent legislature (Elias, 1963).
- c. Received English law: This includes common law, doctrines of equity and statutes of general application that were in force in England on 1 January 1900 and statutes and subsidiary legislation on specified matters. English law was introduced into Nigeria by the British colonial administration as part of its colony and this has formed and continues to influence its legal system. For example, the Criminal Code, Laws of

Probate, Divorce, Matrimonial Causes in Nigeria are part of received English law (Elias, 1963).

- d. Customary law: This includes ethnic or tribal laws that reflect the customs and culture of members of the community and accepted as binding among them. (Obilade, 1979). Nigeria is made up of several ethnic groups with different customs and cultures and each customary law can differ from one ethnic group to the other. Customary law is mostly applicable in the Southern part of Nigeria and it is often unwritten and enforced by the customary courts. It typically governs areas of personal and family law such as marriage, divorce, child custody, guardianship, and inheritance (Elias, 1963).
- e. Islamic/ Sharia law: This is applicable in the Northern part of Nigeria where the population is predominantly Muslim. Islamic law, unlike customary law, is written and is based on Islamic religion, teachings from the Quran, the practice of the Prophet Muhammed, and the consensus from Islamic scholars. It governs civil, criminal, and personal law and is enforced by the Sharia courts (Obilade, 1979).
- f. Judicial precedents or case laws: These are laws that are based on the previous case decision of the court or judges.

National Gender Policy Framework

In the year 2000, the National Policy on Women was adopted to “integrate women fully into national development, to remove those gender inequalities that have evolved through structures and processes created by patriarchy, colonialism, and capitalism” (Federal Government of Nigeria, 2000, p. 4). The policy draws from the Women in Development (WID) and Gender and Development (GAD) frameworks (Amadi, 2017). However, this policy did not gain traction as the operational framework was weak and was not linked to the government’s national development plan, resource allocation framework, or other existing sectoral policies, programmes, and strategies at the time. Thus, programmes and projects under the policy failed to materialize or

assume institutional permanence. Neither did the policy challenge inequality between men and women (FMWA, 2007).

This led to the realization that a different approach was needed. As a result, the Federal Executive Council developed and adopted a new National Gender Policy in 2006. This policy drew on the Beijing Platform of Action (BPA) and gender mainstreaming. The goal of the National Gender Policy (NGP) was to prioritize women's empowerment and to establish a national framework for the advancement of women's status in society as a way of achieving gender equality and gender mainstreaming through introducing a gender perspective into government institution programmes, policy, national development planning, and societal culture (FMWA, 2007).

4.3 Legal framework for the Implementation of Sustainable Development Goal (SDG) 5 in Nigeria

The implementation of SDG 5: *Achieve gender equality and empower all women and girls* within a national context is dependent on a variety of factors that range from formal to substantive equality approaches. Formal approaches to addressing gender inequality include laws, policies, and programmes that treat women the same as men in terms of legal, economic, and social rights and opportunities. Although not enough to guarantee gender equality outcomes, formal equality approaches are important to advance and enhance gender equality, protect women's rights and achieve empowerment and positive outcomes for women. Substantive equality approaches affirm the equality of both genders and take into consideration the differences and unequal power relations between men and women as well as the structural and historical disadvantage and discrimination that women Equality of access, opportunity, and outcomes for women are prioritised. While the Sustainable Development Agenda has set out specific global objectives and targets for the 17 goals, countries are expected to take ownership of and incorporate the Agenda into their national framework to achieve each goal. This section analyses some of the formal legal and policy frameworks in Nigeria for each of Goal 5's targets and indicators: the key policies and

legislations, inconsistencies, and contradictions within them as well as the current reality and challenges of achieving each goal.

4.3.1 Legal frameworks in place to promote, enforce, and monitor equality and non-discrimination on the basis of sex

The CEDAW remains the most comprehensive international legal instrument for women as it requires signatory countries to take all appropriate measures to eliminate discrimination of all forms against women and girls. Freeman et al. (2012, p. 444) note that CEDAW was the first international instrument that brought violence against women unequivocally into the domain of international human rights law. Articles 1-5 and 5-16 of CEDAW outline many forms of discrimination against women in employment, education, health care, public life, private life, and politics that need to be ended. Nigeria is a signatory to CEDAW but is yet to domesticate (pass a law to incorporate) this, as required by its constitution. On the other hand, the African Charter on Human and Peoples' Rights of 1981 has been incorporated into domestic law as the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act of 1983. Section 18 (3) of the Act provides that "the State shall ensure the elimination of every discrimination against women and also ensure the protection of the rights of the woman and the child as stipulated in international declarations and conventions".

The Constitution of the Federal Republic of Nigeria guarantees the right to freedom from discrimination with several non-discriminatory provisions and principles of equality in the Constitution. Section 15 [2], 42[1][a] and [b], [2] and [3] prohibit discrimination on the basis of place of origin, ethnic group, sex, religion or linguistic association. Specifically, for employment, Section 17 provides that every citizen shall have equality of rights, obligations, and opportunities before the law. Section 17 [3] [e] provides that "there is equal pay for equal work without discrimination on account of sex, or on any other ground whatsoever".

There are however certain inconsistencies, inadequacies, and discriminatory provisions in particular legislation in Nigeria including some of the framing and wordings of the Constitution and other laws that contravene the broad non-discriminatory provision and other international human rights instruments. First, the language of representation of gender in the constitution does not use gender-neutral language and tends to use more gender masculine nouns and pronouns references. For example, words such as 'he', 'him', 'his' himself, and 'chairman' are frequently used throughout the Constitution and to describe who can occupy elective posts, take up political appointments, sit on boards of government agencies and parastatals. Alternative gender-neutral references such as 'person' 'citizen' 'chairperson' 'head of' or 'director of' are not used. While this might not be deliberate and seem innocuous, it can create a semblance of gender bias or be misconstrued as not covering women or also contribute to the socialization of girls and women into thinking that elective posts or political appointments are the preserve of the male gender.

Secondly, although Section 1(3) of the Constitution states that where any other law is inconsistent with the provisions of the Constitution, the latter shall prevail and the other law shall to the extent of the inconsistency be void, some of the inconsistencies and discriminatory provisions in the legal framework remain and often have to be determined and redressed or remedied by the Courts. They are discussed below.

a. Application for Citizenship by Registration

Section 26(2) (a) of the 1999 Constitution, which applies to the process of acquiring citizenship by registration provides for those who may be registered as a citizen of Nigeria as "any woman who is or has been married to a citizen of Nigeria or every person of full age and capacity born outside Nigeria any of whose grandparents is a citizen of Nigeria. The language of this provision explicitly permits foreign spouses of Nigerian men to register as citizens whereas the same benefit is not extended to foreign spouses of Nigerian women to apply for citizenship by registration.

b. Discrimination Relating to Work and Employment Labour Act

Section 55 of the Labour Act prohibits the employment of women for night work in private and public industrial and agricultural undertakings, except women employed as nurses in any public or private industrial or agricultural undertaking as well as women holding responsible positions of management who are not ordinarily engaged in manual labour. A night under industrial undertakings is at least eleven consecutive hours, including the interval between ten o'clock in the evening and five o'clock in the morning. For agricultural undertakings, a night is at least nine consecutive hours including the interval between nine o'clock in the evening and four o'clock in the morning.

Section 55(5) provides that the Minister charged with Labour may by order exclude from the prohibition of night work, women covered by a collective agreement in force which permits night work for them. However, before making such an order the Minister shall be satisfied that adequate provision exists for the transportation and protection of the women concerned. Also, Section 56 (1) provides that no woman shall be employed on underground work in any mine except women holding positions of management who do not perform manual labour; women employed in health and welfare services; women who in course of their studies spend a period of training in underground parts of a mine and any other women who may occasionally have to enter the underground parts of a mine for a non-manual occupation.

While there have been moves to delete the above provisions from the Labour Act through the Labour Amendment Bill 2016, this has not yet been successful.

Police Act

Under the Nigeria Police Regulation, Section 127 provides that, “an unmarried police officer who becomes pregnant shall be discharged from the force and shall not be re-enlisted except with the approval of the Inspector-General” (Nigeria Police Regulations 1968). Also, Section 118 (g) prohibits the enlistment of a married woman into the Police force as the prescribed

marital status for a woman seeking enlistment in the Police Force must be unmarried.

Regulation 124 of the Police Act requires written permission from the Commissioner of Police for a woman police officer to marry while men do not have to apply for the same permission. It provides:

A woman police officer who is desirous of marrying must first apply in writing to the commissioner of police for the State Police command in which she is serving, requesting permission to marry and giving the name, address, and occupation of the person she intends to marry. Permission will be granted for the marriage if the intended husband is of good character and the woman police officer has served in the Force for not less than three years.

Although a Federal High Court in Nigeria (Anaba, 2012), has declared the above provision to be illegal and unconstitutional due to its inconsistency with Section 42 of the Constitution and annulled it under section 1(3) of the Constitution, this gender-discriminatory provision has not yet been repealed and deleted from the Police Act.

Regulation 124 of the Police Act and the subsequent refusal to delete this discriminatory provision despite the court's pronouncement shows how the law can sometimes be complicit in institutionalizing gender injustice. This is one of the reasons why feminist legal theory has been consistently critical of the neutrality of the law as well its effectiveness in achieving social change, gender equality in this instance. This also supports the theory that the law does not necessarily hold the key to unlock patriarchy and women's oppression, eliminating gender-based violence and other injustices

c. Discriminatory Provisions in the Penal Code and Criminal Acts

Section 34 of the Constitution provides that every individual is entitled to respect for the dignity of their person, and accordingly, no person shall be subject to torture or to inhuman or degrading treatment and this includes domestic violence such as wife battering, rape, and assaults. However,

certain provisions of the Penal Code which are applicable in the Northern part of Nigeria violate these fundamental human rights and include provisions that encourage gender-based violence against women.

Spousal Battery and Domestic Violence: Section 55 (1) (d) of the Penal Code allows a husband to beat his wife to correct her. It provides that “nothing is an offence, which does not amount to the infliction of grievous harm upon any person and which is done by a husband to correct his wife. Such husband and wife being subject to any natural law or custom in which such correction is recognized as lawful”. This is inconsistent with the provision of Sec 34 (1) of the Constitution, which provides that everyone is entitled to the dignity of their person and should not be subject to torture, inhuman, or degrading treatment. Similarly, one of the grounds for the dissolution of marriage as provided for in Section 16 (e) of the Matrimonial Causes Act of 1970 is spousal violence or abuse.

Also, the Criminal Code discriminates against women on the issue of prescribed punishment against personal assaults. Section 353 and 360 of the Criminal Code provide for the punishment of indecent assaults on males and females respectively. The punishment for unlawful and indecent assaults on any male person is a felony and three years’ imprisonment while unlawful and indecent assaults on a woman or girl are considered a misdemeanour and are liable to imprisonment for two years. This makes the punishment and sanctions for the offence to women less stringent or less serious than men.

While there is no overarching national legal or monitoring framework for gender equality in Nigeria, there are various policies, legislation, and provisions that seek to promote, enforce equality and non-discrimination based on gender. However, a closer look shows there are some provisions within these policies and laws which are discriminatory in that they are based on gender and impede women’s opportunities. For Goal 5.1 to be achieved, there is a need to expunge and amend some of these discriminatory provisions.

4.3.2 Legal framework relating to eliminating all forms of violence against women and girls in the public and private spheres, including trafficking, sexual and other types of exploitation

There is no single national statutory framework dealing with violence against women (VAW) in Nigeria, however, various domestic legislation in Nigeria address the dignity of women and prohibit VAW. Apart from the Constitution, other national legislation that contains provisions that protect women and girls in Nigeria includes the Criminal Code, the Penal Code, the Marriage Act, the Violence against Persons Prohibition Act 2015, and Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, 2003, the Children's Rights Act of 2003 among others. The Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, 2003 prohibits sexual exploitation of women including seduction, prostitution, pornography, defilement, rape, kidnapping, abduction, slavery, and trafficking for prostitution or slavery. It also establishes a National Agency for Prohibition of Traffic in Persons and other related matters (NAPTIP). The Agency has the responsibility for the investigation and prosecution of offenders and the counselling and rehabilitation of trafficked persons.

Section 34 of the Constitution guarantees the right to the dignity of the human person thus prohibiting the subjection of any person to slavery or servitude/ forced or compulsory labour. Sections 28, 32-36 of the Child Rights Act prohibits child labour, slavery, forced and exploitative labour, selling, procuring, and trafficking of children. Sections 222–225 and 278–280 of the Criminal Code prohibit unlawful compulsory labour, buying or selling slaves or persons, or facilitating trade in prostitution. The Labour Act provides for a minimum age of work and prohibits forced labour, hazardous occupations, and activities for children and child trafficking.

In terms of protection from sexual harassment, there is no specific national legislation on protection or remedies for sexual harassment in employment. The Labour Act which governs employment relations does not have any such provision. However, the National Industrial Court (NIC) in its Civil Procedure Rules 2017 (Order 14) Rule 1 (a), (b), (c) and (d) makes provisions for

categories of acts that may constitute workplace sexual harassment. Other legislations that offer remedies to sexual harassment or assault include the Criminal Code, which prohibits assault, and the Criminal Law of Lagos 2011 that prohibits sexual harassment which is punishable by imprisonment. In 2016, legislation on sexual harassment in educational institutions - the Sexual Harassment in Tertiary Educational Institutions Prohibition Act was passed by the National Assembly but is yet to receive Presidential assent. Besides, the bill has been criticized as a piecemeal solution to the broader problem of sexual harassment because of its limitation to educational institutions and not taking into consideration other spheres of society such as workplaces and religious institutions (Iroanusi, 2019).

At the State level, there is various legislation on the protection of women's rights. This is possible as the legislative competence for issues relating to women's rights falls under the concurrent legislative list. Because Nigeria operates a Federal system of government, the Constitution assigns legislative powers to the federal and state legislatures according to two lists: exclusive and concurrent. Matters that fall under the exclusive legislative list are reserved for the National Assembly, while the concurrent legislative list contains matters that relate to both the Federal and state. Thus, the Federal Government and the State can legislate issues on women's and child's rights.

As stated above, legislating on domestic violence falls under the legislative competence of States and not the National Assembly. Thus, a bill such as the Violence against Persons Prohibition Act (VAPP Act) 2015, although enacted by the National Assembly can only be enforced in the Federal Capital Territory. Even when the Federal Government ratifies or assents to an international treaty or legislation that seeks to protect women's rights or gender equality, this might not necessarily trickle down or make an impact at the state and local levels as the States have the autonomy to decide whether to reciprocate the ratification or enact similar laws at the State level. Some States in Nigeria have some form of legal measure addressing GBV, prohibition of harmful widowhood practices, early marriage, trafficking, female

genital mutilation and circumcision of female children, and prescribed penalties for violators of the law. (See List of Legislations in Appendix 1)

Current Reality

There are huge data gaps on the prevalence of violence against women and girls in Nigeria. Accurate or readily available statistics on the incidence of rape and GBV in Nigeria are largely non-existent or inconsistent and grossly inadequate to show the real picture. There are no national statistics by the Nigerian statistical agency on VAW and because reporting rates remain low, there is an inability to report accurate domestic violence rates in Nigeria. For instance, figures from the Nigeria Bureau of Statistics (NBS) and Nigerian Correctional Service (NCS) showed differences in percentage on sexual offences. The 2013 data from NCS on “prison admission by type of offence” showed that 5,797 Nigerians were admitted for “sex offences”, in 2014, this figure dropped to 4,436 while figures from the NBS showed that in 2017 police recorded 2,279 cases of “rape and indecent assault” across the country. Often, details about incidents of domestic violence are documented by non-governmental organizations or reported by the media (Ojigbo, 2009).

According to the 2013 Nigeria Demographic and Health Survey (NDHS), domestic violence remains among the top four most common types of crime experienced by respondents. Of the women who experience physical or sexual violence, less than one-third seek assistance (Nigeria 2013, 20). Of those that sought help, more than 70% did so from their own families, nearly 30% from their partner's family, and only 2% sought help from the police (Nigeria 2013, 20). Some of the reasons for this include lack of trust in the criminal justice system and the Police force, stigmatization, absence of social support, and police extortion (LEDAP 16 Oct. 2014; Project Alert 16 Oct. 2014). A large number of victims of domestic violence and assault do not make formal reports at police stations. There have been cases in which the police have arrested abusive husbands, and subsequently, the women have then asked for legal proceedings to be dropped because they are financially dependent on their spouses (Ojigbo, 2009). Another aspect is the

lackadaisical attitude by the government to issues of rape and violence against women. In 2016, Amnesty International reported incidences of sexual abuse and exploitation at the Internally Displaced Persons (IDP) camps in North-East Nigeria by the Nigerian military and Civilian Joint Task Force (Amnesty International, 2018). However, despite the Police's statement that they would investigate the allegation, the military rejected the allegation and there was no word about it again.

Exploitation and Trafficking

According to UNICEF (2017), the percentage of women aged 20 to 24 years in Nigeria who were first married or in union before their 15th and 18th birthday was 18% and 44% respectively. Child marriage is particularly common in the North part of Nigeria, with the majority of girls married between the ages of 14 and 18 (Atim, 2017; Braimah, 2014). Although there are legislations that prohibit this as highlighted earlier, e.g., the Bauchi state Prohibition of Withdrawal of Girls from School for Marriage Act exists, their enforcement is lax as the incidence of child marriages continues unabated in many states. The rates are higher in the North, but this is not peculiar to this subdivision of the country as there are communities in other parts of Nigeria where early child marriage still occurs. Another form of sexual exploitation or modern slavery is the “ money wives or money marriage” tradition among Nigeria's Becheve community of Cross River State where young girls are sold off into marriage in exchange for money or to pay off their parents' debt; sometimes, these “money wives” can be passed from one owner to another. Up until 2018, this practice was still in place, although there have been several calls to address this and end this form of exploitation (BBC News, 2018).

Commercial sex exploitation, child labour, and domestic servitude remain some of the worst forms of exploitation in Nigeria and the biggest threat to decent work especially for girls and young women (Avis, 2017; Ortiz-Ospina & Roser, 2016). This ranges from forced begging, street hawking, car washing, to working as underpaid domestic help in the homes of prosperous

urban families caring for children, cleaning, cooking, or working in semi-formal and informal businesses and other dangerous and hazardous businesses such as quarrying and mining. Oftentimes, these child domestic workers are subjected to verbal, physical, and sometimes sexual violence. Despite the various Institutional establishment and Nigeria's Child's Rights Taskforce to enforce and monitor laws and regulations on child labour and trafficking, enforcement remains lax and inadequate. There have only been a few cases of prosecution and conviction of offenders (U.S. Department of State, 2018). According to the NAPTIP website, of the 314 investigated cases into the worst forms of child labour by criminal investigators between 2016 and 2018, only 5 resulted in convictions (NAPTIP, 2019).

Female Genital Mutilation/Cutting (FGM/C): In 2015 about 24.8% of girls and women, aged 15–49 years have undergone female genital mutilation/cutting (UK Home Office, 2017). According to data from the Multiple Indicator Cluster Survey 2016-17, about 25.3% of girls aged 0-14 years have undergone some form of FGM/C (NBS and UNICEF, 2018).

Sexual Harassment in the Workplace and the Educational System: The occurrence of sexual harassment in employment and higher educational institutions remains a huge social problem in Nigeria. Only recently has there been a successful prosecution and conviction for sexual harassment in any educational institution in Nigeria. In this 2018 case, a female student in one of the tertiary institutions in Nigeria (Obafemi Awolowo University Ile-Ife) recorded a phone conversation between her and a particular lecturer, where the latter was negotiating sex for grades. The academic was dismissed by the university after investigation without prosecution. However, the Independent Corrupt Practices Commission (ICPC), an anti-corruption agency in Nigeria, brought criminal proceedings against him and the court sentenced him to two years in jail. While many applauded the decision as setting precedence to deter other offenders, some have argued that the judgment is not enough to end what is a “social malaise” as the issues are deeper than imagined (Fatunde, 2019). Specifically, one of the lecturers interviewed in this newspaper report said “*the Judge was emotionally involved in the spirit and letter of her judgment, the judge was unable to*

remove herself from the case. She simply offered herself to protect female students with a judgment telling the men that they have to stop disrespecting the women...women have come of age and they could protect themselves” (Fatunde, 2019, p. 1). This response is a reflection of the societal attitude to female harassment and exploitation in Nigeria.

In conclusion, the current policy framework for Target 2 and 3, shows that there are laws and policies both at the national and state levels, all aimed at eliminating violence and harmful practices (trafficking, child labour, child marriage, FGM/C, widowhood practices) against all women and girls in the public and private spheres. This looks good on paper, but there are still serious gaps and challenges in moving from words (laws and policies) into actions that eliminate violence and harmful practices against women and girls, from implementation to monitoring and enforcement, to government fulfilling their obligations and promises to the citizens and especially women and girls.

4.3.3 Legal framework and policies relating to unpaid care, provision of public services, and social protection

Unpaid care and domestic work affect female labour participation in terms of women’s employment opportunities and most instances of such work undermine the quality of employment available to them. In Nigeria, traditional and cultural norms place the responsibility of caring on women or mothers, and more often than not, they usually shoulder the most responsibility, thus placing an unequal duty or burden on women within the household. There are no policies to promote unpaid care, childcare, the well-being of children, and pro-family policies in Nigeria, as these activities are assumed and believed to be the domain of the private sphere. This remains one area of priority for policy and advocacy—to recognize unpaid care as a contribution to economic growth, making it visible by incorporating it in gender policies, health promotion policies, and other similar policies. The only policy which is close to a childcare policy in Nigeria is the Integrated Early Childhood Development (IECD) Policy (2007), the objective of which is to provide care for children while their parents are at work, as well as to prepare the children

for further education. However, the implementation and effectiveness of this legislation are almost non-existent. Another important issue is that there is a lack of data on time spent on unpaid domestic and care work by sex, age, and location.

Nigeria is a signatory to a number of international and regional social equality instruments and policies such as the International Covenant on Economic, Social and Cultural Rights of 1966, Addis Ababa Action Agenda of 2015, and the Africa Union's Social Policy Framework (SPF) of 2008, all of which call for State parties to provide welfare and social protection for citizens. However, the scale of social protection policies and programmes in comparison to the country's high poverty profile and growing inequality in Nigeria is almost negligible with only about 2% of its GDP on social protection covering only about 4.4% of the population (ILO, 2019a). Similarly, between 2017–2019, only about 0.1 % of persons with severe disabilities in Nigeria were receiving disability benefits (ILO, 2019b).

There have been several programmes and policies adopted and implemented at the Federal and State level (e.g. The Agba Osun Elderly Scheme in Osun and the Ekiti State Social Security Scheme provides for its elderly who are unable to fend for themselves the sum of N10, 000 (50US\$) and N5000 naira (25US\$) respectively). Nevertheless, there is a lack of an overarching national social protection policy in Nigeria. A draft Social Protection Policy developed in 2004, 2013, and 2016 by the National Planning Commission (NPC) has neither been adopted nor implemented. Some of the social protection measures keep changing with every change in government. These have ranged from structural adjustment programmes to poverty reduction programmes, donor and international organization supported programmes, and conditional cash transfer programmes. Long-term development problems nor gender inequalities are often not addressed (Ariyo & Olaniyan, 2014). There is the Contributory Pensions Scheme which covers Federal, state, and local government public sector employees and private-sector employees working in firms with at least three employees where there is a minimum contribution of 8% and 10% of the gross monthly

income by the employee and employer respectively (Eme et al., 2014). However, the scheme does not cover workers in the informal sector or self-employed persons which is the sector in which many women are employed. Even for women in the formal sector, the scheme has not been as effective as it is meant to be, especially for employees in the private sector, because a lot of employers are defaulting in remitting contributions without adequate sanctions. The majority of the social assistance programmes and policies have not been transformative or able to tackle social vulnerability effectively or in any way “transferred income or assets to the poor, protected the vulnerable against livelihood risks nor enhanced the social status and rights of the marginalized” (Sabates-Wheeler & Devereux, 2008, p. 70).

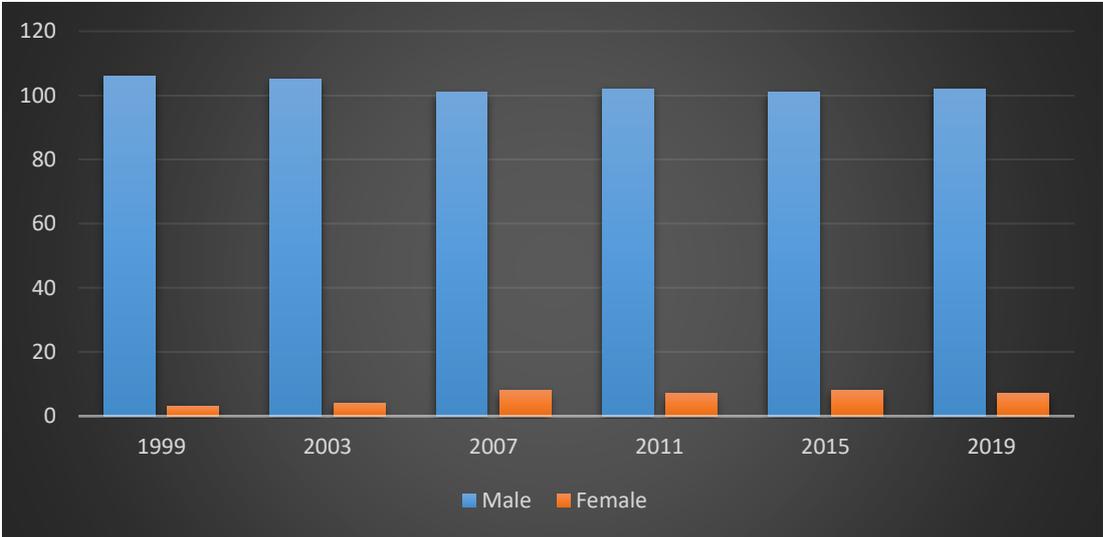
Notwithstanding the above challenge, Chapter II of the 1999 Constitution under the Fundamental Objectives and Directive Principles of State Policy, which lays out the duty and responsibilities of government, provides that the security and welfare of the people shall be the purpose of governing. Section 16 (1) (b) and (2) (d) provides that the government “shall control the national economy in a manner as to secure the maximum welfare of citizens and that suitable and adequate shelter, suitable and adequate food, a reasonable national minimum living wage, old age care, and pensions, and unemployment, sick benefits, and welfare of the disabled are provided for all citizens” (Nigeria, 1999). However, despite the importance of this provision in ensuring sustainable development in the country and that no one is left behind, these provisions are non-justiciable, and thus the nation-state cannot be compelled to deliver this fundamental objective nor can there be a right of action for breach of this duty. Thus, this lack of an overarching social protection framework and lacunae in the Constitution will pose a major challenge to achieving this goal on the provision of public services, infrastructure, and social protection policies.

4.3.4 Legal framework relating to equal opportunities for leadership at all levels of decision-making in political, economic, and public life

No law discriminates against women's political participation as the Constitution guarantees equal rights of citizens in political participation. However, there is no affirmative action provision in the constitution or any legislated electoral gender quotas to advance or increase women's political participation. Women's participation in politics and decision making in Nigeria has been very dismal (See Table 6 and 7) for various reasons but primarily because of gender inequality. The National Gender Policy (NGP) 2006 recommended 35% affirmative action in women representation of both elective political and appointive public service positions (Para-Mallam, 2006b). Also, one of the objectives of Nigeria's *5th National Development Plan*, The *2010 Economic Transformation Policy* also known as *Nigeria Vision 20: 20* was to have at least 30 % of women in executive positions in the workforce by the year 2020 (Nigeria National Planning Commission, 2009).

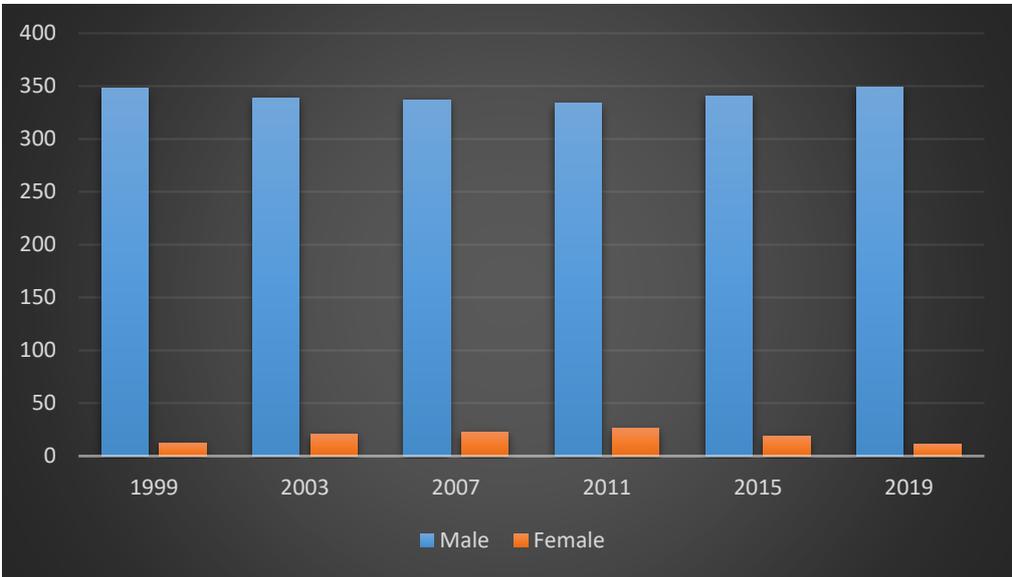
In terms of women's participation in managerial roles, discriminatory provisions in the Labour Act were discussed earlier, such as women not permitted to be employed in night work in industrial and agricultural positions, except in nursing or supervisory management positions. A 2016 survey on gender diversity on corporate boards of companies in Nigeria over three years (2013–2015) showed that of the 915 directors on the boards of the 132 companies quoted on the Nigerian Stock Exchange, female representation was only 14%, while 86% of directors were male (DCSL, 2016). Also, there are discriminatory employment policies and unfair practices, especially in the private sector, that hinder women's full participation. There have been situations where some organizations, especially financial institutions and banks, refuse to comply with employment laws and regulations, with instances of employment discrimination, refusal to employ married or pregnant women, or policies that prohibit their female workers from becoming pregnant for the first three years of their employment (Adejuge & Adejuge, 2018; Ero, 2017).

Table 6: Gender representation in the Senate



Source: The National Assembly of the Federal Republic of Nigeria website (<https://www.nassnig.org/>). In the public domain.

Table 7: Gender representation in the House of Representatives



Source: The National Assembly of the Federal Republic of Nigeria website (<https://www.nassnig.org/>). In the public domain.

Women's full participation in political and economic, public life in Nigeria remains at an all-time low. Even though there are no discriminatory laws

against women's political participation, other factors such as structural inequalities, political party structures, lack of funds, disproportionate domestic and caregiving burden on women, patriarchal attitudes and gender stereotypes continue to hinder women from effective participation in leadership positions in Nigerian society. Even though Nigeria has returned to democracy for over 20 years, women's participation in decision making at all levels of government and public life has not been inclusive and reflects the power imbalance and inequality which ultimately will impact negatively on national development as well as achieving the sustainable development goal and the commitment to leaving no one behind.

4.3.5 Legal and policy framework relating to sexual and reproductive health and rights

This right to access quality reproductive health services towards advancing the status of women is enshrined in various international instruments including CEDAW; the United Nations International Conference on Population and Development (ICPD); and the Programme of Action to the Maputo Protocol–African Charter on Human and Peoples' Rights (ACHPR).

Articles 12, 14 (2) (b), (c), and 10(h) of CEDAW provide for the Right to Health Care, Reproductive Health Care, and Family Planning. The right/freedom of women to decide freely and responsibly their fertility, reproduction, child birthing, family planning, protection in pregnancy, and to have access to information, education, and the means to enable them to express these rights is expressly provided for in Article 16 (e) of CEDAW. In 1995, the Fourth World International Conference on Women held in Beijing further recognized that women's right to control their sexuality and sexual relations and to decide on these matters on an equal basis with men is imperative to advance the status of women (United Nations, 1995).

While the Nigerian Constitution does not explicitly recognize the protection of the reproductive health rights of women, some policies are relevant to reproductive health. The National Health Policy and the National Policy on Population acknowledge the right to access comprehensive, quality

reproductive health care services. They define family planning and the role of government in providing education, counselling, the provision of information on child spacing, and fertility treatment (Westoff & Ejembi, 2016). Others include Nigeria's National Policy on Population in 1988; National Health Policy and Strategy 1988 and 1998; Maternal and Child Health Policy (1994); National Adolescent Health Policy (1995); National Policy on HIV/AIDS/STIs Control (1997); National Policy on the Elimination of Female Genital Mutilation (1998); and Breastfeeding Policy (1994); However, implementation and enforcement have been weak.

The National Health Insurance Scheme (NHIS), a social health insurance programme was established in 2005 to ensure easy access to good healthcare services, universal health coverage, and to protect families from the financial hardship of huge medical bills. Only a small percentage of the population, about 10%, are covered by the scheme. Thus millions of Nigerians still lack access to universal and quality health care, especially those in rural areas (Adewole et al., 2015). Some have attributed the poor figures to the non-mandatory nature of the scheme, ineffective and inadequate service delivery, and expensive out-of-pocket payment (Onyeji, 2019). In 2018, the much-awaited inclusion of the 1% consolidated revenue fund for Basic Health Care Provision Fund (BHCPF) in the 2018 Budget, as enshrined in the National Health Act (2014), was implemented. It took three years of persistent advocacy by civic actors to eventually secure the implementation of the Act. The Federal government set aside 1% (about N55 .1 billion) of Consolidated Revenue Fund and contributions from donor grants. The Bill and Melinda Gates Foundation contributed \$2 million. The Global Financing Facility (GFF) has also committed \$20 million to the fund, while the Department for International Development (DFID) is also putting 50 million pounds sterling over the next five years to fund the basic health needs of Nigerians through the BHCPF. Although this is some progress, it is a tiny drop in the ocean and difficult to maintain in a country as big as Nigeria. The Chairman, Senate Committee on Health, Lanre Tejuosho at the launching of the scheme noted: "*the quantum of resources for the BHCPF is small as compared to the problem on the ground, we should use this opportunity to*

make a difference and not spend unwisely” [emphasis added] (Onyeji, 2019, p. 2). Because spending on health and provision of adequate health services and facilities is generally poor in Nigeria, access to sexual and reproductive health care and services and the overall health and wellbeing especially for women and girls will also be negatively impacted.

Nigeria has restrictive abortion laws under which abortion is an offence punishable by imprisonment. This is governed by the Criminal Code in the South and the Penal Code in the North. Both legal systems prohibit access to abortion services at any stage of pregnancy unless the abortion is performed to save a pregnant woman’s life (Sections 228- 230 Criminal and Sections 232- 234 of the Penal Code).

Current Reality

Relative to other countries in sub-Saharan Africa, public spending on health in Nigeria is very low and this has implications for women’s health and reproductive rights (ILO, 2019b). High maternal mortality rates remain in Nigeria especially among the rural poor due to lack of affordable and quality health services. Poorly equipped health facilities; understaffed primary health care centres in many communities, and non-availability of modern contraceptives (Adewole et al., 2015; African Population and Health Research Center, 2017).

Roughly, close to about 50 % of maternal mortality death in Nigeria is from illegal and unsafe abortions or complications from abortion. Despite the restrictive laws, abortion rates and incidence remain high. In 2012, there was an annual rate of 33 abortions per 1,000 women aged 15–49 estimated at 1.25 induced million abortions (Bankole et al., 2015). In a more recent survey of abortion incidence among reproductive-age women (15–49) in Nigeria, these figures had increased to about 41.1 abortions per 1,000 women aged 15–49 at nearly 1.8–2.7 million abortions annually. Of these numbers, only four in about ten abortions were considered safe, with more than 11% of women experiencing complications of unsafe induced abortion for which they sought post-abortion care at a health facility (Zimmerman et al., 2017). Many

poor and low-income women and girls procure this abortion from quack and unqualified people leading to loss of life. Others resort to self-induced abortion throwing the foetus or unwanted babies in the pit latrine, toilet, dumpsite, and canal or by the roadside (Bell et al., 2020).

There is a paucity of data on women making their own informed decisions regarding reproductive rights, sexual rights relations, and the use of contraceptives in Nigeria. The current use or level of contraceptives varies substantially across the population demographics, based on factors such as geographical location, education, awareness, access to health services, female autonomy, marital status, male partner education, household wealth, religion, availability, and ease of access to contraceptives (Ejembi et al., 2015; Westoff & Ejembi, 2016). A 2013 survey showed that despite about 85% of women and 95% of men being aware of a contraceptive method, only about 15% use it. Of women of reproductive age (15–49), only about 16% were using any form of contraceptive (NPC and ICF International, 2014). Low rates of modern contraceptive use are evident across Nigeria with some States in the country having the lowest levels of contraceptive use in the world. For example, the 2013 DHS survey showed a very dismal 1% use in Kano State (NPC and ICF International, 2014). Although in 2012, Nigeria set a goal of a 36% contraceptive prevalence rate by 2018 (Champions for Change, 2015), this goal has not been met, in 2017, the government came up with an updated commitment to achieve a 27% modern contraceptives prevalence rate among all women by 2020 (Federal Government of Nigeria, 2017). A 2019 report showed a national 14.2% modern contraceptive prevalence rate and a 14.8% projection for 2020 (Family Planning 2020, 2019). Most abortions result from unintended pregnancies. Thus, improving access, awareness, and information on modern contraceptives is important for women's reproductive health, population growth, and sustainable development.

In conclusion, achieving Target 5.6 in Nigeria is first and foremost linked to the wider issues of quality health care and access, improved women and maternal health, and until there is significant improvement or progress,

women's sexual and reproductive health rights will remain negatively impacted. Also, while there are several policies on women's health and reproductive rights, some of the objectives have not transformed into actions or positive realities for women in Nigeria. This implies that while there may be a commitment in writing through policies and laws, unless and until this becomes implemented effectively to produce positive and transformative outcomes, it remains no more than empty rhetoric.

4.3.6 Legal framework including national reforms to give women equal rights to economic resources, ownership and control over land and other forms of property, financial services, inheritance, and natural resources

Some of the international legal and policy instruments that guarantee women's equal right to land and other productive resources are the International Covenant on Economic, Social and Cultural Rights 1966, CEDAW, International Conference on Population and Development (Cairo, 1994), the Maputo Protocol, African Union's Declaration on Land Issues and Challenges in Africa 2009. Women's access to productive resources such as land, property, and financial services has significant implications for their economic empowerment, economic growth, and resilience, sustainable food production, and security. Nigeria ranked 116 out of 125 and 122 out of 131 (in the bottom 20 %) on the 2018 and 2019 International Property Rights index respectively.

Section 43 of the Constitution recognizes and provides for the right to acquire property and guarantees every citizen the ability to acquire and own immovable property anywhere in the country. Different laws—common law, customary law, and Sharia/Islamic Law govern property rights in Nigeria. Statutory law gives men and women equal inheritance rights. Women married under statutory law have the right upon the death of their husband or divorce acquire, hold or dispose property acquired before or after marriage or file cases of discrimination in instance of denial of this rights. Property and inheritance rights under certain customary laws discriminate against women, although this varies from community to community. In some cultures, women

can only obtain land rights through family inheritance or marriage. Until recently, in some parts of Eastern Nigeria, patrilineal inheritance law means that women and girls are unable to inherit land or property from their fathers if they have male siblings. Also, a widow without a male child forfeits any property that her husband owns to her late husband's male siblings.

Although the courts in recent times have taken the position that these practices are gender discriminatory and have ruled against some of these customary laws, they are still observed in some communities. (Achinewhu-Nworgu et al., 2014). In the Northern part of Nigeria, Islamic/Sharia law governs property and inheritance rights. Women can own and dispose of property, including land. Women can also inherit property. However, they are only entitled to inherit half of the share of the male siblings.

In terms of access to financial resources, there are no laws or policies restricting or discriminating against women's access. However, in practice, men are twice more likely to secure finances than women (British Council, 2012). Several barriers limit women's financial inclusion and access, some of which include low income and economic activity; lack of financial skills and literacy; lack of awareness and understanding of products and services; cultural norms; restricted access; high collateral requirements; and rural-urban dichotomy (Udoma, 2017). In 2016, the data revealed that about 41.6% of the adult population were financially excluded; about 55.1% of the excluded population were adult women (EFInA, 2016). Both the 2012 *National Financial Inclusion Strategy* (NFIS) and the 2018 revised *National Financial Inclusion Strategy* (CBN, 2018) do not specifically highlight women's financial inclusion. However, some of the action plans and implementation plans under the national strategies do. Part of this implementation plan was the establishment of the *Micro, Small and Medium Enterprise Development Fund* (MSMEDF) with a minimum of 60% of the funds earmarked for providing funding to women (Sanusi, 2012).

Current Reality

A cross-country analysis of women's and men's land rights in six Sub-Saharan Africa countries shows that gender gaps in land ownership and

management are most pronounced in Nigeria and Niger due to strong obstacles to women's access (Slavchevska et al., 2020). According to the Food and Agriculture Organization (FAO), the proportion of female agricultural landholders in Nigeria was about 10% and 15.8% in 2007 and 2013 respectively (FAO, 2017). The percentage of single men who own land was over 70%, with only 8% of single women owning land (Ritchie et al., 2018). This lack of access hinders women's economic activities and empowerment. For instance, there have been situations where women, especially widows, have been unable to fend for themselves and their children after the death of their husband because they have had property taken from them by the family members of the deceased husband (Achinewhu-Nworgu et al., 2014).

A 2013 survey carried out by the Small and Medium Enterprises Development Agency of Nigeria (SMEDAN) revealed that women own nearly half the country's micro-enterprises and 20% of the small and medium-sized businesses, yet the continued inability to access finance is one of the biggest challenges facing women entrepreneurs and small business owners in Nigeria (SMEDAN, 2013). Furthermore, a 2016 Enhancing Financial Innovation and Access report noted that about 32% of women lack the product and service knowledge with which to evaluate financial services (EFInA, 2016). An example of the government's effort to promote access to finance for women entrepreneurs was the N90 million Business Development Fund for Women (BUDFOW) managed by the Bank of Industry (a development finance institution) on behalf of the Federal Ministry of Women Affairs and Social Development (FMWASD). The fund was to provide soft loans to women entrepreneurs in the manufacturing sector (Bank of Industry, n.d). This sector has very few women involved or participating and from 2011 to 2013, about 52 beneficiaries who are women have benefitted from the fund. This is a very small fraction of women.

See the table below for figures showing the huge financial inclusion gender gap in Nigeria in 2014 (Demirguc-Kunt et al., 2018).

Table 8: 2014 Financial inclusion gender gap—Nigeria and Sub-Saharan Africa

2014	Nigeria				Sub-Saharan Africa (developing)			
	Female	Male	Abs. Gap	Rel. Gap	Female	Male	Abs. Gap	Rel. Gap
% Account at a financial institution	33.6	54.3	20.7	61.8%	25.1	32.7	7.6	30.2%
% Saved at a financial institution	21.4	32.5	11.1	51.7%	13.5	18.4	4.9	36.1%
% Borrowed from a financial institution	4.1	6.4	2.3	54.5%	5.7	6.9	1.1	19.4%
% Debit card used in the past year	9.1	19.0	9.9	108.7%	7.1	10.2	3.0	42.6%
% Mobile account	2.1	2.5	0.4	21.3%	10.3	12.8	2.5	24.5%

Source: Global Findex, 2014. (URL <https://globalfindex.worldbank.org/>). In the public domain.

While financial inclusion and access have improved tremendously worldwide and in many sub-Saharan Africa countries, gender inequalities remain. According to 2019 data, bank account ownership across sub-Saharan Africa showed a gender gap of 11% with men at 48% and women at 37%. In Nigeria, about 49% of adults aged 25 have a bank account with men twice as likely as women to have an account; about 8% use a mobile money account and 36% use informal financial tools. This means that about 41.6% of the adult population in Nigeria are unbanked or financially excluded which supports the idea that financial exclusion is linked to poverty (Klapper et al., 2019). One of the main reasons that respondents in the study gave for not having a bank account was lack of money or too little money to put in a financial institution (Klapper et al., 2019). Also, compared to some other African countries like Kenya, Senegal, Tanzania, Ghana, and a lot of East African countries, the use, and acceptance of digital financial services, especially mobile money services which has been remarkable and successful especially among women, is still very limited in Nigeria. This also links to the digital divide. For instance, the data shows that about 73% of Kenyans have a mobile financial or payment service such as the popular M-Pesa mobile money service in comparison to only about 8% in Nigeria, despite being Africa's largest economy (Chirona et al., 2017).

In conclusion, while there have been reforms in the policy framework especially in terms of equal property rights and land ownership for Nigerian women, women remain behind men in terms of their full and equal access to economic resources. Even more so, for women in rural areas, access to economic and financial resources is limited compared to their counterparts in urban areas. Achieving Goal 5A is not only important poverty reduction gender equality, access to economic resources, and financial services for women, but it would enhance women's economic empowerment, which would in turn improve their status, agency, and ability to make financial decisions in their households and their businesses. There is still much-needed change and progress for this goal to be achieved in Nigeria.

4.3.7 Legal and policy framework relating to the use of enabling technology, in particular information and communications technology, to promote the empowerment of women

The importance of access to technology and digital inclusion cannot be overemphasized, as it promotes sustainable development. It enables information and knowledge acquisition, sharing, interaction, communication, women's online empowerment and addressing of discrimination and gender-based violence online. Also as seen in SDG Goal 5, access to financial services such as mobile money payments and transactions is dependent on access to digital technology. Lack of access to technology means inequality will deepen, causing those marginalized to be further left behind in development. The gender digital divide in Nigeria is reflected in terms of access to mobile phones as well as the internet. According to the Nigeria Communications Commission (NCC), the distribution of ownership of telecommunications devices or mobile phones by gender in 2012 was 64.5% and 35.5% males and females respectively (NCC, 2012). However, more recent data shows that the gap is closing with only about 5% gender gap with men at 89% while women at 85% mobile phone ownership. Access to mobile internet showed a 15% gender gap, with men at 50% and women at 35% (GSMA Connected Women, 2019). Some of the reasons for this have been linked to socio-economic factors, education and literacy skills, age, gender, accessibility and affordability, employment status, rural/urban divide, and lack

of content in local languages (Forenbacher et al., 2019). According to a recent Pew Research Centre survey, the data shows the education gap in the use of the internet and social media. About 58% of Nigerians with a secondary education use social media in comparison to just about 10 % with less education, while internet usage was about 65% for those who have a secondary education compared to 12% with lower education (Pew Research Centre, Feb 2019). The disparity in access to ICTs also exists among women in Nigeria. There is a digital marginalization between women in the North and women in the South. For instance, many women in the North do not have access to the internet or own a smartphone, thus services and programmes that will benefit such women need to take into consideration their specific situation and contexts. For instance, short text messages or service codes in the local language might benefit the women in North rather than services that require access to the internet which women in the South might be able to access and benefit from. Also, while women's participation in the information technology sector in some roles has improved considerably, there are considerable gender gaps in roles such as computer scientists, web designers and programmers, information security systems, software development, and artificial intelligence design. According to Ramachandran & Omakwu (2019, p. 1) despite the technology and digital sector in Nigeria booming, female visibility is still very low.

Several government agencies such as the National Information Technology Development Agency (NITDA) and the Nigeria Communications Commission (NCC) are working to bridge the digital divide. Some of these measures are through promoting awareness and public sensitization, ICT skills training for rural women, implementation of a National Broadband Plan, regulatory oversight to hold providers accountable to provide quality services and provide ICT tools and infrastructure in public institutions, especially in girls' schools. In 2013, the Government launched the 2013-2018 National Broadband Plan which included plans to accelerate high-speed internet access and broadband penetration across the country from 6% to 30%, by the end of 2018. Although the Government, through the Nigerian Communications Commission (NCC), claimed there was a 22% broadband

penetration by the end of 2018, independent estimates placed it at about 10%. Some have attributed the policy failure to implementation challenges in terms of measurement methodologies, operational inefficiencies in monitoring and evaluation (Osuagwu & Elebeke, 2018).

A look at the 2019 National Digital Economic Policy and Strategic plan 2020–2030 shows a lack of a gender mainstreaming or strategy to promote women empowerment in the ICT sector. A search of the policy document showed no policy or strategy to bridge the digital divide between men and women, the underrepresentation of women and girls in the ICT sector, or prioritization of innovative policies that can empower women and girls or boost their digital access. There was no mention of the word “girl” and the word “women” was mentioned only once under a broad strategy that states “digital skills training programme incorporates children, women, internally displaced persons and the physically challenged”. This shows that critical analysis and understanding of the gender divide and how to address this missing in the policy framing and making process in Nigeria. This might impact progress towards achieving this SDG goal and the commitment to leaving no one behind.

Closing the digital divide and prioritizing women’s access to technology is a very important tool in driving economic growth and poverty reduction, promoting empowerment, and is a very important driver in achieving sustainable development. It offers in many ways a wide range of opportunities for empowerment from education, access to financial services and resources, political organizing and participation, social connections and inclusion, finding safe spaces online, and being able to lend women’s voices to issues that concern them. However, it is important to note that because of the specific situation and reality of women in Nigeria, implementing Goal 5B has to be context-specific as a one-size solution will not effectively meet the needs of women in Nigeria.

4.4 Conclusion

In conclusion, this chapter has analysed the legal and policy framework for the implementation of SDG Goal 5 in Nigeria. This analysis has shown that despite the existence of various formal laws, policies, and programmes, women in Nigeria are still lagging and face many types of discrimination and inequality in both the private and public spheres.

The next three chapters examine some of the factors that affect the successful implementation and enforcement of some of the legal and policy framework discussed in this chapter. The main objective of these chapters is to present the findings of the primary data on the perceptions, understanding, and experiences of the respondents about the role of policies and legislation in enabling gender equality and sustainable development, as well as some of the challenges of the legal and policy framework.

Chapter 5: Rethinking Nigeria's Current Gender Equality Approach

The first major theme that emerged from the analysis of the results shows that although legislation and policy are important and necessary in achieving sustainable development and gender equality and ensuring the commitment to leaving no one behind, they are not sufficient. Most respondents agreed that the role of laws, legislation, and policies cannot be underestimated as they are the basic starting point for any kind of change or transformation but were also quick to note that in a country like Nigeria, this does not necessarily translate into the anticipated results. On the role of laws and policies, one respondent—a development expert and country head of an international development organization noted:

I think that laws and policies are definitely the foundation. I mean without laws and policies you cannot even have the conversation because if there are no rules you cannot break what is not a rule. So, I think that is basic. It is a critical basic. But of course, as we all know in Nigeria it is not the final. In some countries, you make a law and you go home and sleep because then you are sure that the implementation will take place. There is a process, so the biggest action is to get that law passed but once it is passed it is a victory and you know that things are going to start happening. In Nigeria, it is just basic. It does not automatically translate into action. But it is critical because without it you cannot even begin to demand action. But even beyond that, there have been cases where you know laws have actually made a difference. A few days ago, the Supreme Court—I do not know whether you saw the judgment – had just outlawed the Igbo culture of women not being able to inherit from their father. That is a fundamental difference that a law can do. While people can say "Oh, you cannot legislate people's culture", but in this case, any girl who goes to court based on this pronouncement will win. So that has fundamentally transformed the culture. So, laws actually do make a difference. (Respondent A9, Female)

Another respondent, a Professor of Law and development expert noted that in Nigeria, there is a lot of motion in terms of acceding to international agreements, treaties and law, however, there has been no movement as things have not changed positively in many areas. She said:

In the last 20 years or so that I came into development work. Look at the HDI [Human Development Index] of Nigeria, we have been revolving around the 140–150 something range, that's where we were. You will find that we have been consistent around that, which means that there's a lot of motion, but there's no movement. I've sat back on occasions and asked myself, "20 years or more of my life, can I really say what has changed?" What has changed? This just shows that maybe we need to start thinking about this thing differently.

(Respondent A6, Female)

The majority of the respondents alluded to the fact that even where *de jure* (legal) discrimination has been eliminated, *de facto* (practice and attitudes) discrimination combined with internalized and ingrained prejudice continue to impact gender equality and sustainable development. Similarly, the findings showed that laws and policies have not necessarily changed the status quo for women as they often do not address the root and systemic causes of inequality in the country. Also, others noted that while laws, policy intervention, education, and economic growth can promote gender equality, the superficial fixation on these without a nuanced and multi-pronged approach to addressing the multiple intersecting inequalities within the country has resulted in the minimal progress seen towards equality for women. Thus, to achieve any form of sustainable development and equality for women and ensure that they are not left behind, there is a need for a nuanced understanding and rethinking of the current approach to a more holistic, context-specific, multi- and cross-sectoral approach. This is expatiated and discussed in the sub-themes below.

Four sub-themes emerged from this major them. First, gender inequality in Nigeria is multidimensional and further exacerbated by other intersecting inequities and thus addressing it requires a holistic and multipronged

approach. Secondly, religion and culture are important determinants of the gender equality discourse and framework within the Nigerian context. Thirdly, a nuanced understanding of the contextual realities of women in Nigeria provides for a more holistic approach to addressing gender inequality and ensuring that no one is left behind. The fourth and final sub-theme highlights the importance of considering contextual realities and incremental progress in implementing global agendas and developing national gender equality standards and frameworks.

5.1 Gender inequality as a reflection of persistent and intersecting inequalities

In rethinking the current approach and understanding how gender inequality affects women and sustainable development, the findings reveal a very complex environment. Because rising disparities in the country have not been addressed at a general level, gender inequality becomes a microcosm of the larger inequality within the Nigerian society and continues to thrive. The analysis shows that gender inequality is further exacerbated by other intersecting inequalities, such as persistent poverty, economic and social disadvantage, and disability. Poverty and its impact were recurring themes in the data. Extreme and multidimensional poverty remains one of the major obstacles to sustainable development and more specifically, a barrier to women's full and equal participation in the development process in Nigeria. This multi-dimensional poverty is not limited to low- or no-income levels but extends to lack of access to basic amenities, homelessness, high level of economic and social vulnerability, food insecurity, lack of access to education, social exclusion and discrimination, high infant and maternal mortality, lack of or restricted participation in democratic decision-making processes among many other manifestations.

These findings show the closeness and complexity of poverty, inequality, and social justice, where human development has implications for achieving the Sustainable Development Goals. Strongly linked to this is the notion that achieving the SDG on gender equality is closely connected with achieving other SDGs with priority on goals, such as Goal 1: Poverty, Goal 10:

Reduced Inequalities, Goal 3: Education, Goal 8: Decent Work and Economic Growth, and Goal 16: Peace, Justice and Strong Institutions. The linkages between Goal 1 on ending poverty and Goal 5 on gender equality were quite obvious with the understanding that gender inequality cannot be tackled in isolation. Poverty's impact on gender inequality was a dominant thread in the study with most respondents noting that in Nigeria poverty continues to be a major threat to sustainable development and women's participation in the country's economy and socio-economic progress. There was a consensus that a country cannot deal with the poverty women face without addressing poverty generally. One respondent, a Professor of Sociology, said:

I think wherever you have poverty that is very endemic and widespread, women suffer more. In that sense and context, inequality deepens. The disparities widen even more when you don't tackle basic things like access to what you should be taken for granted—housing, food, health, water. Look at the homelessness rate in Nigeria, security. Each time the people at large, either male or female cannot take such basic things for granted, the inequality between the sexes will be steeper. (Respondent A4, Male)

Another respondent corroborating this noted that when poverty is endemic, it is difficult to address the poverty affecting women in an isolated manner. She notes:

I don't think that there's a sitting back and saying, "We're going to make this thing work in such a way that is going to be skewed against women." But, historically, women have been disadvantaged. When you have shared poverty, those with historical disadvantage will be more disadvantaged in that context. That's the way I see it. So, the historical disadvantage and the exclusion of women means that poverty's impact is higher felt by women. When did women come into the workplace, for example? All along, it was unpaid labor. It was petty commercial activities. Women's ability, economic power is just not there to transcend poverty. So, it's a bit like sinking sand. With every

step you take, you sink deeper. It's not really leverage. It's just that you sink deeper. (Respondent A6, Female)

How persistent poverty and poverty cycles reduce the chances of women's economic independence and full participation in sustainable development was explained and corroborated by several respondents. A respondent in the focus group describes it below:

If you come from a relatively poor family, the chances are they are just waiting for you to get to puberty, old enough for you to be married off and as soon as you do that, you go from the poverty of your family to the poverty of your husband and of course, that becomes worse because then you start having children almost automatically. What that means is that your chances of economic advancement are halved. Because you have to take care of kids, you do not have money to be able to get a nanny, so you have to do it yourself and all that. (Respondent B5, Female)

Another respondent in the focus group corroborated the above that amongst other reasons, poverty disempowers a lot of women in Nigeria and this trickles down to other aspects of their lives. Citing the example of women staying in abusive marriages due to lack of financial stability and wherewithal to fend for themselves and their children. Adding that men often capitalize on this and you hear them say things like “*she can't go anywhere, she can't survive without me*”. (Respondent B2, Female)

Also sharing this perspective, another respondent- an educationist noted:

An uneducated and unhealthy society cannot get out of poverty. Citizens are encouraged to use the hospitals and not go to quack doctors and traditional birth attendants, but they do not have the financial capacity to pay for the services being provided even when it is the barest minimum. The poverty levels are absolute, so if people cannot afford basic healthcare, education, there will be trade-offs. They choose the most important and basic survival things. It is not culture that makes people not want to access good healthcare

services or send their children to school, it is poverty. (Respondent A8, Female)

The data also shows that gender inequality in Nigeria continues to thrive because human development, social justice, and social aspects of sustainable development have not been prioritized and thus addressing the issue of gender inequality within the broader goal of achieving social equality and social justice has not been a core value for successive governments in Nigeria. Thus, linkages between *Goal 10: Reduced Inequalities* within countries and gender inequality also are evident. In Nigeria, there are large disparities in access to opportunities, education, food, health, water, and sanitation and thus the needs and prospects for a better life for the majority of the population, especially those in the lower socio-economic brackets, disabled, marginalized and disadvantaged people, are not met. For instance, in Northern Nigeria, multidimensional poverty, high fertility rates, impoverishment, mobility restrictions as well as religious and cultural factors have contributed to underdevelopment in the region. This has in turn affected the plight of women and intensified gender inequality.

Another example that came up in the findings of intersecting inequalities is the low or lack of priority for people living with disabilities in Nigeria from the government to the society itself. Inclusion and access remain a challenge for many people with disabilities in Nigeria. In public buildings, transportation, schools, healthcare, financial services, and employment, there is a lack of an enabling environment to support their ability to live independently and participate in society. In terms of policy that protects them from discrimination, up until 2018, there was no national legislation on disability discrimination and the protection of people living with a disability (PLWD). Although a few states in Nigeria have enacted laws that seek to protect PLWD, implementation remains a major challenge of these laws. Many citizens living with a disability are not protected or provided for by the government. This is seen in many cities in Nigeria where disabled persons are struggling with difficulties, helpless and living on the streets, begging for survival and seeking assistance for medical care. Thus, the intersecting

challenges of living with a disability, being discriminated against, and being a woman represent one group that is likely to be left behind. One respondent, who is a PLWD and coordinates an organization that supports women living with a disability, highlighted some of the intersecting inequalities that such women:

In all of this gender equality talk in Nigeria, there is not much attention being paid to disabled women who are facing the double challenges of gender inequality and disability, especially those in the rural areas where there is a lack of access to things or disability support that will make their lives easier. Even as a woman who lives in the city, there are so many challenges and discrimination—I have lost many job opportunities due to mobility issues, especially in the workplace—lack of disabled access and facilities in buildings and on top of that discrimination when people see you on the wheelchair. They think it also affects your brain or ability to work which is ignorant and sad. Another area is access to health for women and children living with disabilities, lots of maternal deaths of women living with disabilities due to inadequate care. The most vulnerable who should be protected by the government are the most neglected. You see them begging on the streets and living under the harshest condition. (Respondent A7, Female)

Coupled with the general attitude of stigmatization and discrimination faced by PLWD in Nigeria, there is almost no provision for disability benefit or support in Nigeria. Support is only available to persons who are in the employment of the Federal Government. Consequently, most have to rely on family, resort to begging or live on the goodwill of people to be cared for. For those who are poor, this creates another level of inequality in terms of education, healthcare, and employment, opportunities, restricting their full and equal participation in society.

Nigeria currently ranks among the countries with the highest rates of inequality as well as low Human Development Indicators with very unacceptably low levels of basic socio-economic priorities and services

required for a minimum standard of living, among the lowest in the sub-Saharan region. Excerpts from various respondents buttressed these findings. Speaking about the government's attitude towards human development and addressing inequality, a respondent who works on analysing and monitoring the government's budget noted that successive governments in Nigeria have never really been serious about human development or breaking the cycle of poverty. Citing the example of the country's past budgets he notes:

Take the 2015 budget, for instance: only 9% on education, less than 1% on labour and productivity, health was less than 6% of the entire budget. All human and social capital sector, really low. The bulk of the budget is on recurrent expenditures, salaries, etc., look at the high cost of governance, at the detriment of human and social capital development that can provide basic amenities. How then can people escape from poverty? Poverty rates are high, the safety nets program—Do you see the so-called social protection programmes over the years have not been effective, just changing from one government to the other? (Respondent A10, Male)

Another respondent from the focus group shared a similar opinion:

A government that cannot provide you the most basic of amenities, that kind of government or society cannot possibly support your right or fight for inequality. I am not much, I don't want the government to train my children. I can train them and send them to school, just give me basic amenities—good roads, water, proper drainage, and sewage systems, security. Is that too much to ask for? (Respondent B9, Female)

On inequality within the country, another respondent - a women's rights activist and Executive Director of a Women and Law Development Centre noted the lack of political will by the government and political elites as well as the lack of urgency in addressing development challenges across the country. She said:

Any problem that doesn't affect or threaten the existence of the elites, ruling class, or the political class does not have a sense of urgency. Look at anything that has to do with human development or social reform in Nigeria. It was never as a result of it being a national or political priority, it is usually through pressure from activist advocacy groups, human rights activist, fear of sanction from the global community or protest by unions, citizens, etc. (Respondent A1, Female)

In the same vein, one respondent—a lawyer and human rights commentator—commented on how tackling and addressing inequality and gender inequality is not the priority of the government and even most citizens:

The Government is very reactionary, they are hardly proactive. Politicians come out during or close to the election to make promises. After that you hardly see them and they don't talk about gender equality. It's not their interest, but the reality is that it is not the interest of many in Nigeria. Take a sample from people and ask how many people are interested in ways to challenge inequality for women. Not many, people don't care, many Nigerians just want to live a good life, give their children a good education, and just survive. Talking about gender equality is not a priority in a society where there is so much poverty. People prioritize survival and the government knows this, so they ride on that. People don't demand their rights so it's a kind of a rollercoaster for those engaged in the fight for gender equality. You are more or less fighting a lost battle with little or no supporters. (Respondent C2, Female)

In addition to this, the findings show that even where there are laws, policies, and programs, they have continually failed to take into consideration the existing imbalance in the society or to acknowledge, unpack, tackle inequality and mitigate historical disadvantage, especially as it affects women. This brings to fore the obvious challenges that may be encountered in the commitment to ensure that no one is left behind.

Another respondent, a development expert and country head of an international development organization also corroborated that policies and laws in Nigeria over time have not been effective due to a lack of understanding and addressing the underlying imbalance and historical disadvantage. He noted:

Nigeria is a very unequal society and so if our policies and processes don't even acknowledge this differential, then our law is set either unsustainably or is blind to those particular issues and doesn't recognize those inequalities in the first place at a general level.

(Respondent A3, Male)

Using the example of how this plays out in the educational sector, he noted that government policies do not seem to be yielding results due to the existing imbalance in the playing field across the country. He observed for instance that while the Universal Basic Education (UBE) Act 2004 provides for free and compulsory formal basic education for every child across Nigeria and does not discriminate against girls, it fails to take into account the historical context and educational disadvantage in certain parts of the country. Thus, the Act does not have equity built into it in terms of resource allocation and implementation, so it follows a process that aims to put up equality as the result, whereas equality is not the current state.

On how policies are not taking into consideration existing imbalances and how it affects women's participation, gender equality, and sustainable development, a development practitioner explained that it is less about the fact that there are active discriminatory policies in Nigeria but rather an absence of equity-based policies that address historical or custom-based disadvantages. Using a typical example of a girl living in a rural area whose education is not a priority for her parents, but gets enrolled at school, she reflects on the situation. Noting that for such a girl, one of her many challenges starts from things, such as unsanitary and uncondusive facilities in the school when the girl starts menstruating. Thus from absence in school during that period due to cultural reasons and issues of hygiene, eventually, she is likely to drop out. So that is one way girls are left out at that level.

She continued:

If per chance she enrolls in vocational education which the government also funds by the way at the local government. When a girl shows up, what do they give her? How to bake meat pies, how to sew clothing, how to make beads, and neckpieces. If you see vocational education in other countries, this vocational education is linked to their technical education and academic education so that you even in the community of colleges, you can study engineering, that's how fantastic it is, this is not the case here. (Respondent A2, Female)

On the impact of laws and policies on enabling development and transformational outcomes for women, some noted that many of the public and social policies in Nigeria have not been transformative because they have neither been holistic nor inclusive. In emphasizing this point, a respondent – a development expert and country head of an international development organization, noted that many policies and laws in Nigeria do not take into context the needs of the citizens and the peculiarity of the society:

The laws and policies in Nigeria tend to try and keep everybody as if they are equal rather than unpacking the inequality that exists and inequality is at the heart of SDGs as they seek to leave no one behind. And so, unless you, first of all, unpack inequality as the starting point, for instance when you already know that there is the gap between boys and girls in education, and you go ahead to apply equality here rather than equity and then the gap continues and you keep wondering why is it happening, why there are no results—because actually, this group who are below here needs more than this group who are up here. So, at the heart of it are probably law and legislation around addressing inequality. Now that's the story you don't want to hear in this country because of the whole range of the contestation of varied resources and everything. (Respondent A3, Male)

The data also shows that because the root causes of gender equality have not been addressed, this has consistently led to policy failures. Policies are

poorly designed and conceived because the theory or understanding that gives rise to their formation in the first instance is false. Therefore, even when the policies and programmes are successfully implemented, they do not achieve any reduction in vulnerability or inequality. This can be likened to treating symptoms of the disease rather than the actual disease. Policies and laws have almost always not dealt with historical patterns and underlying causes of gender inequality and discrimination against women in Nigeria. Thus, obstacles such as patriarchy, unpaid work, power imbalance and hierarchies, gender stereotypes, and subordination continue to thrive. This may be because historical, social, and structural biases against women, especially in patriarchal societies, are often quite resistant to change.

Commenting on how patriarchy and historical discrimination against women in Nigeria manifest, one respondent, a Professor of Sociology noted that issues of gender in Nigeria are deep-seated and rooted in beliefs, the cosmology, tradition, religion, the socio-political system, which are routinely patriarchal. He added that even through the colonial experience came with education and the liberating philosophy of Christianity which could have held some hope for women. The experience achieved just the opposite because even within those traditions and religions that came from outside, whether it was Islam or Christianity, they merely consolidated, reinforced, the inequality that already existed. (Respondent A4, Male)

One respondent in the focus groups noted:

From time immemorial, women in Nigeria have been classified as second-class citizens, and then, now because of enlightenment, technology, globalization, women are trying to sort of erase that stigma, women are now more aware of their rights. (Respondent B9 Female)

On gender stereotypes, male domination, and the role of social institutions, another respondent in the focus group noted:

Girls and women are raised to fit within a particular stereotype: be obedient, do house chores, cook, take care of children, while men are

raised to fit into a particular stereotype of leadership, authority, etc. Some parents are like 'Okay, let the girls stay in the house, then the boys go to school.' (Respondent B7, Female)

This also supports the idea of socialization and how social institutions contribute to stereotypes and shape the way people think and see themselves which in turn impacts progress towards equality for women. One respondent noted:

It starts with a woman or a little girl being made to curtail her ambitions. So, the first thing is the socialization, "Oh, don't even think about being an astronaut. Why do you even want to be a doctor? Why don't you be a nurse? Being a doctor, you may have difficulty finding a husband and even if you are a doctor, what do you mean you want to be a surgeon? Oh my God, will you find a husband?" So already girls' expectations about themselves and what they can do become very limited. That, of course, goes into what those who are going to support her are willing to assist her with. (Respondent B4, Female)

Another respondent in the focus group speaking on the idea of socialization as it relates to society's attitude towards domestic violence noted:

A lot of women are not even aware that they are being abused because they have been socialized to see it as normal to be treated badly, especially emotional abuse by married men. This shows you how bad behaviour has become somehow normalized. (Respondent B8, Female)

In conclusion, this theme suggests that gender inequality in Nigeria is complex, from women's historical disadvantage to gender stereotypes, as well as other intersecting and structural inequalities such as poverty. Thus, addressing gender inequality cannot be addressed in isolation without all these other factors taken into consideration and addressed holistically.

5.2 The Role of Religion, Faith, and Culture in Development and Gender equality discourse

The second subtheme that flows from rethinking the current gender equality approach is that achieving it in Nigeria requires a fundamental understanding and acknowledgment of the role that religion and faith play in development and their impact. According to the participants, religion and faith remain an underlying factor in the discourse on gender equality and development in Nigeria as the country is a deeply religious society with religion a very important part of people's lives, playing a significant role in shaping behaviour and identity. This finding shows that undermining the influence of faith and religion will continue to impact progress towards gender equality.

One recurring theme in this study is that the extent to which culture, religion, and social norms impact the lives of citizens. Their social values and engagement greatly impact and affect progress on gender equality in society. In Nigeria, more often than not, laws have little or no influence nor shape people's private lives. Rather, the influences of culture, religious, social values, and attitudes, and moral perceptions tend to shape the lives and activities of most citizens. None of the respondents in the women focus group mentioned or alluded to any law or policies that have shaped their private lives, rather most of them spoke about their religious beliefs, cultural and social persuasions in the discussion as to how they conduct their lives.

There was a strong sense that religion greatly influences gender rights and the understanding of women's issues in Nigeria. For instance, during the focus group interviews, discussions became very sensitive and emotive when comments on abortion, family planning, and homosexuality were raised with very strong opinions, arguments, and counter-arguments based on moral, cultural as well as religious considerations. The findings also showed that attitudes towards women's sexual and reproductive health and rights, fertility, contraceptives, sexuality, and marriage are still mostly based on religious, social, and cultural realities, as it is almost impossible to discuss these issues in Nigeria without justifications from such a perspective. Most participants

justified or opposed abortion, use of contraceptives, based on their religious inclinations.

Although the study did not set out to directly investigate the role and impact of religion and culture on the women's personal lives, this was a theme that kept recurring directly and indirectly from the responses which point evidently to the intersection between religion, culture, and gender equality. This was reflected expressly as well as unconsciously in the responses, especially in the focus groups on ways in which religion and faith shape women's daily choices and outlook on issues. It is worth mentioning that despite the differences in age, socio-economic class, and educational status of the respondents, the influence that religion and culture have in their daily lives and expressions was notable. For example, in the focus group, most of the women attributed their success and ability to push past discrimination and challenges they faced as women in Nigeria to not only hard work but also their faith. Others alluded to the impact of religious and faith-based organizations in helping to shape their understanding as well as navigate through difficult and challenging phases of their lives.

One respondent noted:

In a country like Nigeria, you only survive by being optimistic and because the present situation in the country is nothing to be optimistic about, things are so bad, people have turned to religion and faith and because religion preaches hope and optimism. Religion has become a part of the way people live and survive. (Respondent B3, Female)

Also, on whether policies and laws have specifically shaped their lived experiences and reality as women in Nigeria, most shared the view that the day-to-day realities are less likely to be shaped by legislation, policy, or government as much as by religion, culture, social biases, and gender stereotypes. Similarly, the success of passing a bill on women's rights into law has often been shaped and influenced by religious and cultural thoughts and patterns and this may impact how the SDGs will be transformed into

national laws, policies, and programs. One respondent—a development practitioner—noted that although laws and policies are important for sustainable development and gender equality, they must be taken in context with the local realities. She said:

The reality is we need to rethink how we approach and see gender equality in a country like Nigeria. We are a very cultural and religiously inclined society so that is going to and it does reflect in almost every aspect of our lives. We don't exist in an ahistorical context. Our experiences are shaped consciously and/or unconsciously by different things—culture, religion, etc., and this has impacts on our behaviour. There are sections of the country that are governed by religious laws that are supported and guaranteed by the constitution. All these nuances need to be taken into perspective, in designing and implementing policies. (Respondent A2 Female)

Another respondent (a government official) sharing a similar perspective noted:

Nigerians are very religious people. Most people identify with a religious sect, faith or ideology, so it very much impacts the way they conduct and live their lives, which is why people can use religion to justify anything, especially by religious bigots. You will also recall the comment of the Sultan of Sokoto (who is the religious leader of Muslims in Nigeria) on CEDAW and also more recently the Gender Equality Opportunities [GEO] Bill where he asked lawmakers to reject the GEO bill and not to adopt those international agreements and laws as this will destroy the “cherished” values and beliefs and clamouring that the cultural and religious sensibilities must be respected. In another society, this kind of conversation can just be ignored and discarded but in Nigeria, it carries a lot of weight and can influence policy and legislation. (Respondent A11, Female)

On ways in which religion influences laws and policies, when interviewing a lawmaker who did not want to be audio-recorded, she noted that religion

and culture play an important role in legislation, especially on those that impact gender, children, and morality. She noted that when the Same-Sex Prohibition Bill was passed, even though on a personal note, she was not in support of the Bill as she had no problem with what people did in their private lives, she said she had to vote according to what her constituency wanted. The lawmaker participant said: “I was receiving calls, messages from my constituency and even though I did not subscribe to a bill criminalizing consensual sexual behavior between adults, I had to represent the interest of those who voted me there because for them it was really important. They felt it was against their religious and cultural beliefs and should not be encouraged.” Thus, for fear of backlash or not wanting to risk not being returned in the next election, she had to play to the gallery. This and many other ways have been the means religious and cultural sentiments have consistently impacted human rights, women’s rights, and gender equality with policymakers in Nigeria often using this to justify their position.

When questioned about the continued reluctance to pass bills and domestic agreements that promote gender equality and women’s improved economic and political participation, the common rhetoric of the policymakers and government officials interviewed was that they employ and allude to the Constitution of the country which prohibits discrimination of any kind. They claim that since the Constitution is the overarching legislation that governs all the rights and duties of citizens, the provisions concerning non-discrimination suffice. This also speaks to the hegemonic ideology that the political elites and religious leaders wield over the citizens, and more especially women, and reveals the insincerity that plays out especially when it comes to issues of women’s rights and addressing the power imbalance between men and women in Nigeria. One respondent—a women’s rights activist and Executive Director of a Women and Law Development Centre— noted that the political elites and religious leaders are part of the problem due to their selfishness and double standards.

The hypocrisy of it all shows and stinks, especially among the political elites. In a country that has adopted the Child Right Act (which prohibits child marriage), a sitting lawmaker Ahmed Yerima marries a

13year old child. He then justifies it under Islamic/Sharia law that he has not committed any offense under the Constitution. It's surprising that amid all the advocacy- #ChildNotBride and agitation for young girls, especially in the North on the need to be educated and empowered to get out of poverty, things like this are still happening. Those who should know and do better, even lawmakers are some of those perpetuating this shameful act. (Respondent A1, Female)

While there was agreement as to some of how religious and cultural limitations with their impacts on development are imposed on women through gender roles and stereotypes, social/religious conditioning, outright discrimination, some respondents thought that religious tenets do not necessarily marginalize or discriminate against women and their ability to participate in development. Rather, that it is the patriarchal norms and interpretation of the holy books by biased religious scholars and leaders that tend to foster gender inequality. One respondent in the focus group, in justifying how her religion promotes gender equality, stated:

Islam protects women in a lot of ways. The Quran allows for equal property rights for men and women. It is important to differentiate Islam and Islamic laws and also from cultural laws, but because over the years this has mixed, it is difficult to separate it. Islamic laws were prescribed by Islamic scholars who were mostly men and they interpreted the Quran from their patriarchal understanding and over the years, this has become law. (Respondent B8, Female)

These findings are not unexpected. However, the analysis shows that failure to consider this and recognize its centrality on issues of women and gender equality in Nigeria has often resulted in the ineffectiveness of policy, reforms, development programs, and interventions. The actualization of gender equality in Nigeria has not leveraged on or channeled this in its policy planning and implementation to provide transformative outcomes for women. In reality, oftentimes this dimension is often ignored and dismissed. A respondent noted that people, and more specifically development experts, rarely see the link between religion, spirituality, and development and are

often reluctant to broach the subject or find ways to leverage on this to address development issues. She said:

Often, poor people trust [more] their religious leaders than the politician which is why you see them doing ridiculous things they (religious leaders) tell them to do. We need to be asking questions as to how religion can be a catalyst and driver for change and progress in achieving gender equality. (Respondent A2, Female)

There was a clear consensus that faith-based organizations are integral and capable of being a key part of the problem or solution to gender equality and sustainable development. The role of Faith-Based Organizations (FBOs) and the involvement of religious leaders as advocates of gender equality came up strongly. One respondent—a private sector entrepreneur—noting the psychological impact of faith-based organizations on women, said *“I also think faith-based organizations are not helping especially these new-age churches when you send a consistent message of a woman's place and role in keeping their home. I can only speak for churches as I am a Christian”* (Respondent A12, Female).

A few respondents believed that religion and faith help to give hope to people but that faith-based organizations need to move a step further and assist to improve the lives of their members through advocating for equality, fairness, and leading the campaign against discrimination and violence against women. One respondent, a stakeholder working on gender equality and women empowerment programmes in Nigeria noted:

Considering how extremely religious Nigerians are, imagine if every Pastor or Imam takes gender equality seriously, promoting women's issues and human rights. Imagine coming on the pulpit to preach and denounce domestic violence, consistently warning and encouraging their members to desist from such, or even have consequences for those who engage in it. You can imagine how many fewer cases of domestic violence that we will have. That will be some progress. (Respondent A5, Female)

In conclusion, this sub-theme is reflective of how religion and culture are deeply rooted in Nigerian society, shaping the lives, and choices of women as well as the gender equality policy framework and discourse.

5.3 Nuanced understanding of the contextual realities of women provides for a more holistic approach to addressing gender inequality and ensuring that no one is left behind.

The next sub-theme that flows from rethinking the present approach to gender equality in Nigeria is that, despite claims by government and policymakers as to progress made on gender equality, inclusion, and sustainable development, the reality and perceptions by citizens show a contrary view indicating that there is a difference between reality, laws and figures or data. The present realities of many women cannot meet or achieve any well-intended global norms even if funding, programmes, national policies are put in place. Therefore, not considering this present reality to ensure a more holistic approach would most likely result in women being left behind.

This also brought to the fore the idea that although the SDGs as a universal agenda for all countries remain a well-articulated and relevant blueprint towards global sustainable development, the reality persists that universal intentions do not necessarily translate into a country's national strategies and intentions. The realities and needs of most women in many developing countries are far from the assumed universal principles. According to the majority of those interviewed, with the current realities, the SDGs and targets are not achievable although there might be some progress. This brings to fore the challenge around the universality of the SDGs and global agenda.

One respondent working on women and environmental sustainability issues in Nigeria noted that even though the SDGs are important, to have maximum effect and success, developing countries have to tailor them to their current needs and reality in order to have better outcomes than the MDGs. (Respondent A13, Female)

The findings showed that because contextual realities of women have not been taken into consideration, especially in the Nigerian legal and policy framework on gender equality, it has not provided transformative outcomes for women. This is because policies are often contextualized based on the idea that women in Nigeria are a homogenous group and that their needs are similar. This theme came out strongly from the viewpoint of the women-respondents as well as other stakeholders. For instance, in the focus group interviews, Nigerian women's perceptions and experiences of gender equality and discrimination in relation to legislation and policy revealed that, while most had experienced some type of discrimination, the context and realities of each woman were different, according to their educational, economic and social status. One respondent in the focus group noted:

I am a strong-willed person and was brought up to be independent but not many women have that privilege. Culture sets a lot of women back. I come from a community in Lagos called "Ilubirin" meaning "a village of women"; so women are in charge of many things: community development, decision making politics, land, property everything. So, I am very privileged, the women in my family are educated and very knowledgeable. So, I can't say I am disadvantaged in any way, but many women are. (Respondent B1, Female)

Another respondent in the focus group said:

Where I come from, men and boys are given more opportunity than women, and because I was born into a polygamous family, the boys were given priority in terms of education while the girls were made to stay at home to help but thanks to my mother who strived to educate me, otherwise, I would have been without education. (Respondent B6, Female)

Women are not a homogenous group due to their varying economic, social, cultural, and religious inclinations and contexts, and therefore they do not share the same experiences even in the same country. Thus understanding nuances at different levels of engagement, policy-making, and

intervention is important. Policies, legislation, or programs are made without taking into consideration the current realities and specific constraints that impact women's full participation in development, This is particularly significant considering that there is a huge inequality gap among women in the various geographical regions of the country in terms of their social, economic and educational status.

Another respondent comparing some of the differences between women in the North and South region of Nigeria noted:

I think if you look at it culturally, if you look at the South of Nigeria and the North, there is no difference between us in terms of the air we breathe and the way we look. It is just the way people think. So, you will see that in the North, of course, you know the concept of what a woman is and who she is, is completely different from the South. So, you see there is a lot more economic advancement, or whatever, with women in the South than they are in the North. And it wasn't the government, it is just the way people think. We work in the North and you see a situation where there are hospitals, but women will not go. There are schools but women will not go because the assumption is that this is not what is meant for them. But the thing is they are there, men are accessing them even though they are of poor quality.

(Respondent A6, Female)

Also, this non-homogeneity was reflected and showed in the form of tension between elite 'feminist' women and women from the lower socio-economic class. Wealth, privilege, and cultural backgrounds reflected and shaped the realities of the different women interviewed. The disparities among the different groups of women were reflected in various ways, from the educated to the non-educated, elites to ordinary women, urban and rural women, professionals, and artisans. This will be discussed further in the theme of Voice and Agency.

The findings also reveal that while the challenges are varied, policies are being made without a thoughtful understanding of the nuances, diversity, and

complexity around the subject of women and development in Nigeria. Issues affecting women are lumped together under a policy or programme that hardly reflects the reality of those who are affected by the problems. One respondent commenting on the subject of women noted:

The subject of women in Nigeria is something that frustrates me quite a bit. I believe the subject is a lot more nuanced than we're looking at it. So, women and development which is where all these gender issues started and all of that, in Nigeria, there isn't just a consolidated woman that makes your typical woman. Women in Nigeria are as varied as everybody else. You know, they belong to classes, they belong to sectors, and they have different and varying cultural constraints and all of that. So that they are necessarily at risk or vulnerable is more as a result of inadequate thought been given to policy rather than that they can't help themselves. (Respondent A2, Female)

Many of the respondents expressed that there is a need for a nuanced understanding even within the same country, such that a policy decision and programme that focus on empowering women may work in one region of the country and may not work in another. Even within Nigeria, there is a huge dichotomy between the rural and urban areas in terms of demographics, education, the standard of living, basic amenities, infrastructure, and economic outlook. Many rural dwellers are poor and economically disadvantaged and their reality is different from those in the urban area.

One respondent noted that often policy or programme failure can be traced to a failure to take a critical and nuanced view to address issues that affect women across Nigeria. She noted that while the notion in addressing gender inequality or development challenges that women in Nigeria face, creating the same policies or programmes for women and girls cannot work in the North and South because the lifestyle, culture, religion, and upbringing are shaped differently. Thus, when you just group all of them together without taking into consideration this difference, some people will lag. (Respondent A17, Female)

To buttress this point, the inequality and divide between women in Nigeria create a whole new challenge for development, especially for women in Northern Nigeria. In the Northern part of the country, significant challenges to sustainable development are prevalent; illiteracy, limited educational opportunities, economic disenfranchisement, inadequate development infrastructure coupled with insurgency, conflicts, and insecurity, have all led to the displacement of many living in the North East region of Nigeria. In recent times, this has brought about a new level of complexity and challenge for women in the region which cannot be addressed in the same way as the challenges their counterparts in the Southern part of Nigeria encounter, as the realities of women in the North are different. This further alludes to the need for specific responses to addressing the disadvantages that women in the various regions face in terms of policy and programmes.

One respondent, a Professor of Sociology, corroborated this and how such a realization could be useful in the implementation of the SDGs:

People rarely feel problems the same ways and I always have a problem with, I think, strategies - monolithic strategies -that just assume that everybody is operating or feels some adversity in the same way. It's hardly ever that way. So for instance in terms of the SDGs, the goals and targets make sense as part of a global philosophical and human development perspective but in terms of implementation, it is good to disaggregate the population to know who has certain historical liabilities and therefore look for how best to achieve that goal for those groups in line with what is feasible right now. So let's take poverty for example. For some, the priority might be social protection, for others, it might be access to literacy and educational options, while in some other instances and contexts, it is getting women to access formal employment or access to financial resources. (Respondent A4, Male)

Also, to buttress understanding of the non-homogeneity of women in Nigeria and the knowledge that women in the country experience things differently and are varied in their circumstances, the focus group discussions are revelatory. Respondents' description of some of the customs and culture they considered discriminatory varied. Many respondents in the focus groups noted that different cultures and norms, as well as the application of customary law, varied from culture to culture and commented on some of the challenges this creates. For instance, when discussing how the law can tackle harmful practices such as some widowhood rites, an acknowledgment of the variance in prevalence and severity of these rites in different locations and cultures created an understanding of the difficulty of broadly codifying customary law. Some of the respondents noted that even in customs in the same geographical proximity, certain customary laws affecting, for example, property rights, successions, and widowhood practices, differ or are even non-existent in some places despite the proximity. Three respondents from the same geographical region of the country shared their understanding of the customs around widowhood practices.

One respondent noted that widowhood rites vary from culture to culture and in her case she was not subjected to any extreme rites (such as isolating the woman or forcing the woman to shave or cut her hair, or wearing the same black outfit for weeks, not taking their bath until her husband is buried or forced to sleep in the same room with the corpse) other than the usual mourning rites, such as keeping away from social engagements or events and the marketplace for a period of time (Respondent B20, Female).

However, another respondent noted some of the extremely harmful widowhood rights in her village, especially in instances where there is suspicion about the involvement of the wife in the death of the man, she might be subjected to very barbaric acts, such as swearing by the corpse of her late husband. If she refuses, that may be taken as a sign that she might be responsible for the death of her husband. She explained further:

Also sometimes there is this thing, I don't know the English word,⁹ now that is done for the widow where she is given a bath at midnight by other women to separate her from the spirit of her late husband and all the items used for the bath are thrown away. Most women do not have the emotional capacity to refuse or say "no" due to grief and loss.
(Respondent B 17, Female)

Another respondent noted:

When my husband died, as I was crying, my eyes were wide open. I made sure I kept all the documents to the house. It was not like there was any culture or traditional rites that they were making me go through but I knew that sometimes family members may be funny but I am a strong woman and I didn't let the grief make me lose myself.
(Respondent B18, Female)

Apart from the cultural influences, personal values and attitudes also impact women and development, it is important to appreciate the various contextual realities of women in Nigeria. One respondent speaking about how culture influences women's choices and behaviour, and how no one is documenting or taking those factors and nuances into consideration in the policy design process. She said:

Talking about the issue of culture, I have known women in Nigeria particularly in the South West because that is where I grew up, who would give up very good jobs voluntarily, not because they were asked to, but because they don't want to outshine their husband. How do you treat that? It's a personal decision, and then nobody is forcing them to do it, they want to do it because maybe the profile of a family is a lot more important to them. In many instances, some of these women are the rock that the family depends on, they are the breadwinners and financial lifeline of the family. However, I'm not sure that anybody is

⁹ separation rites

documenting it and that policies are actually considering the various factors, the nuances. (Respondent B1, Female)

Although in trying to justify nuances and context, the participants were asked why the need to accept a culture that mitigates against women's progress because of the need to have a nuanced understanding. Some respondents said that while some issues were outright against human rights and women's rights, hindering gender equality and sustainable development, others believed that some issues, and in this instance child marriage, remain grey areas. One respondent noted:

If you are putting a law in place, you need to think about that law and craft it in a way that is generally acceptable. Now I don't know the details of that law, but I do know there are issues around child marriages, right. And I'm saying just look at our child marriages first for a minute because I have a stand-out attitude towards it. So child marriage is at the age of 14 and all that. Apart from that, I don't agree that it is the state that should be making decisions for you about when your child marries. Now, the South or Christians of the south who are pushing against child marriage, I don't see them pushing against promiscuity among children. So, is it better for a young girl of 10, 12, and you see them all over the place hopping from bed to bed, getting paid 200 Naira, 50 Naira, or whatever it is that they get paid? This is what we have in the South and nobody is looking at that other than a child 12 -14 getting married to a man within a reasonable age and being a wife. (Respondent A2, Female)

While not trying to completely discount this point of view, more probing questions were asked of respondents who shared the above view using examples of how research and evidence show that child marriage affects the outcomes of girls' and women's progress as well as their contribution to development. Some respondents noted that if laws and policies would have stopped it, then it would have happened ages ago. If it was still happening despite all the laws and policies in place, then there was either a need to rethink the laws and policies and their implementation or rather to find

practical solutions to problems. One respondent whilst commenting on the child marriage issue and how progress can be made for women and girls, noted that child marriage still happens for different reasons and there is a need to consider this. She noted that for some, especially poor families, child marriage is simply a form of economic survival. Once the child is married off, there is one less mouth to feed, send to school or have their needs met. For others, they just want to get married early. She said:

First, we make many assumptions. This may be a one-off I don't know, I don't have any study. But we try to make assumptions without evidence and even when we're wrong, we just run with it and wait. As you said, the emotion. This is not about emotion, this is about people's lives, and this is about finding practical solutions to our challenges. And the challenges are not the same in the North, they are not the same in the East, they are not the same in the West and what we see as challenges in some areas are not the same in other areas. For instance, if you talk to your typical Yoruba woman about widowhood rites and its challenges, she can say "I have my work [laughs], if the husband wants, let him die". It's what she will tell you, you know, but this is why I say that gender issues in Nigeria are nuanced and very little understood. And we're not willing to do the work to help us solve up the real issues. We just receive things wholesale and we run with it. We're the people with the history, we're the people with the culture, which is why if we want to see progress for women and girls, we need to rethink the way we approach these things. (Respondent A5, Female)

Another respondent who shared this view on child marriage said that laws that do not take into consideration context cannot achieve any transformative outcomes:

We are refusing to consider the other person's point of view. There are no monolithic solutions. The reality is that with adequate care, VVF (Vesicovaginal fistula) is highly preventable. If I would have been married at 14, I wouldn't have had any problems at all even without medical help. If I would have been married at 12, I wouldn't have had

any problems physically even without medical help because I was this big. Right? In my opinion, you don't confront things like that. You think about it differently. So, if you say okay, allow what we call child marriages, but meet these conditions. Perhaps that would be a better way to put this law forward because a lot of other things that would have been gained from that law, is right now waiting, being unattended to because we are being silly. We are being backward, we are refusing to consider the other person's point of view. What are we doing about it? So, I think the gender brigade [laughs] should stop for a minute and think critically and strategically: what are we doing, what do we actually want to achieve? (Respondent A2, Female)

Similarly, another angle to the nuanced understanding around gender inequality from the findings is that many respondents believed that gender equality or discourse around it in Nigeria is not yet at par with a lot of other countries due to the patriarchal nature of the Nigerian society and the general attitude of most people in the society, both men and women. Most respondents believed that men were key to achieving gender equality and in a country with such internalized patriarchy, gender equality discourse must be approached in a non-threatening way. A Director at the Federal Ministry of Women Affairs and Social Development noted whilst commenting on the National Assembly's rejection of the Gender and Equal Opportunities (GEO) Bill and how she would rather have the bill relaunched as a Women Economic Inclusion Bill or Women's Social and Economic Inclusion Bill to garner more support by members of the National Assembly who have the legitimate fear that this bill may be a step towards women taking over and then men will become the irrelevant gender. She further added that to get people to jump on the bandwagon of gender change especially in a country such as Nigeria, they are best advanced in a non-threatening manner. She continued:

You must be non-threatening, you must concede that some of the issues that we have now were not caused by the men who are in charge now, and so you must be prepared to work with them and let them know that it is actually a plus for them. And when it's a win-win

situation, they become your champion; they champion the change for you. How? By getting the buy-in, making it non-threatening, letting them know ultimately they lose if they don't include women.

(Respondent A11, Female)

A few different reactions and opinions were expressed by some other participants who were mostly millennials and other stakeholders who opined that in as much as men are key to advancing and supporting women's participation in development and promoting equality, there is also the need for women to rise and make demands by challenging the status quo and fighting for their rights. Some other respondents strongly opposed this idea, noting that using a non-threatening approach, although well justified, is too simplistic because gender equality is all about power hierarchies and until women can take control of and for their lives, it will continue to be pushed to the back burner. One respondent in the focus group strongly disagreeing with the idea of using a non-threatening approach, noted that the fight for gender equality is not going to be easily achieved. With gender relations being about power dynamics, men are not going to relinquish that authority easily, women have to demand for it. She also noted that women have to understand patriarchy in its full form before they can address or challenge it (Respondent B2, Female).

Still within this subtheme of a nuanced understanding is that the way an issue or problem is being understood, framed, or defined also contributes to the way it is addressed as well as the ways solutions are proffered to it. For a socially complex issue like gender inequality in a country such as Nigeria, the framing around the nature, extent, causes, and impact of gender inequality on women's economic participation is varied and different depending on whom you are speaking with. From policymakers to citizens, everyone has a version of what they believe the problem is, the causes, and the solutions. While each version inherently might have elements of truths, in reality, the solutions to it, like any wicked problem, are not clear-cut or straightforward. This is why there is a need to understand some of the nuances to be able to address the problems

One issue that the participants highlighted in the study as requiring a nuanced understanding is the issue of Nigerian women's unpaid care work and disproportionate domestic responsibility and the implications of this for sustainable development. The majority of the respondents believed that unpaid care work contributes to poverty, especially for women in Nigeria, as it hampers their full participation in the formal economy and affects how often they are involuntarily relegated/forced into the informal sector. There has been a lot of research on how remunerating unpaid work is linked to economic growth as well as evidence to show that recognizing and valuing unpaid care work is critical to promoting gender equality and women empowerment. Unpaid domestic activities have not been recognized as productive work there are no policies in Nigeria to ensure recognition and remuneration of women's unpaid care work.

Unpaid care work in Nigeria has never really been considered as contributing to the economy and this remains a major obstacle to improved productivity and economic participation for many women, especially those who have to combine their domestic responsibilities and economic participation. The finding of this research shows that a lack of child care support and family-friendly policies, as well as public investment, infrastructure, arrangement, and support to working women in both the public and private sectors continue to impact women's economic participation. Women are key actors and contributors to development efforts and recognizing the economic value of women's unpaid care work is important especially in a developing country such as Nigeria. However, women—about half of the population—cannot contribute effectively to development or are constrained. Their contributions are not acknowledged, especially their unpaid work and their participation in the informal economy. This impacts enormously on development.

One of the respondents, a Professor of Sociology noted that one step towards eradicating poverty is recognizing the economic value of unpaid work that women do as well as remunerating it. In addition to that he noted:

It should not matter whether it is men who take care of the home or it is women who do so, that work itself ought to be recognized and remunerated. In the first place, you will see the swift abolition of gender at this level because it is not so much the fact that it is mostly women who do a particular kind of job that keeps men away from it, I think the stigma arises from the fact that it is not remunerated properly or remunerated at all. (Respondent A4, Male)

A respondent in one of the focus groups noted:

If you look at all the housework that women have to do; if you quantify that in terms of pay and what it is saving the country if we had to pay for childcare, for taking care of the household, for cooking, and the rest of it, we will realize the job that women are doing. Because it is that work in the home that makes it possible for men and other women to work and we have not recognized the importance of domestic work in terms of the GDP of this country. (Respondent B10, Female)

One respondent, a Professor of Law and development expert, noted how unpaid care work impacts women's economic advancement:

Women are being made poorer even though their income is seemingly not as low because women have the additional burden of care. For instance, as a lawyer, my male colleague can finish at 4 pm and go after, say, law practice or a side hustle or something. But I have care work which is unpaid. So, I can't go on and hit the road and start another day in another law firm or another office, or whatever. I have to go and pick the children in school. I have to go home because of the kids, so, inevitably, in responding to the challenge of poverty, the odds don't favour me. The men are a little bit better advantaged. (Respondent A6, Female)

It is important to point out that while most of the respondents felt that unpaid care work contributes in significant ways to widening gaps between men and women and ultimately development, others did not see unpaid care work as an issue that contributes largely to gender inequality. Most of them

framed it in the context of their domestic role and duty as wives and mothers. This also goes to reinforce gender norms, ideologies, and stereotypes. However, some respondents noted that they would be glad if they received a form of payment or remuneration to support child-rearing or better care arrangements as this will improve their economic and financial status, and decision making in their household.

From the interview responses, it became clear that many women in Nigeria are quite happy and fulfilled if they are good mothers, support their husbands, and excel in their traditional roles as women. This is evidenced in how they name and itemize their achievements and most important things in their lives, irrespective of their educational, social, or economic status. Some have attributed this to the way culture continues to control and determine people's behaviour, attitudes, and values. This may also be linked to how society has shaped, conditioned, and stereotyped traditional gender norms for women such that caring for the household, being belaboured by domestic chores and emotional labour are somewhat synonymous with being labelled as a good wife, hardworking, caring, and an enterprising woman. At the same time, this undermines the economic value of their contribution to the economy. Thus, for women who break these gender stereotypes or do not conform with the societal norm of men as the breadwinners and authorities in the household and women as mothers, caregivers, nurturers or in charge of managing the household, thinking and questioning abound: "she must be so unhappy", "is she really married, is everything OK with her family?". Then you begin to see conflicts in the family, resistance and push back from men.

One respondent (F) in the focus group, who is a small business owner noted:

As a woman and mother, I see it as my primary responsibility to take care of my home, my children, and my husband, and I don't think that has anything to do with gender inequality. I work and juggle it all together, my husband can help and he does but I don't see it as his responsibility to be cooking, cleaning, and doing house chores.

(Respondent B16, Female)

Another respondent in the focus group corroborated this:

I think people are just taking this thing too far. Are there not people that are not married or have children facing gender inequality? Taking care of my home has nothing to do with inequality between men and women. Men have their roles, women have their roles. My husband brings in the money, I manage it according to the needs in the house so how is that inequality and I also make my own money by the side, he (my husband) doesn't stop me from doing my thing and spending my money (Respondent B12, Female)

When pressed further that this might not be the case for most women as a lot are living in poverty because they cannot earn enough money or income to support themselves due to the added burden of unpaid care work and lack of access to affordable childcare options, the respondent said:

So how that is a gender equality thing, that is not what is causing it, maybe lack of money. Yes, it's a lot of work. We have to find a way around it, but this is what our parents, grandparents have been doing for ages, so what is so different? What do you want, our husbands to stay at home and look after the home and children and us women should go to the office and work? (laughs) (Respondent B12, Female)

This finding reflects the varied views and framing around unpaid care work in Nigeria and its influence on gender inequality.

In conclusion, because of the peculiarities, context, and framing around issues of women, development, and gender equality in Nigeria, a nuanced understanding of the challenges and realities helps to set goals that are attainable and more realistic within the current context. We can acknowledge where things are currently and discern ways to go from the current status quo. This understanding helps to change the ways we think about progress in various societies and will impact greatly on making visible progress towards achieving the SDGs.

5.4 Local realities and Incremental progress are key in implementing global agendas and norms and developing national standards.

Another finding from this study was the importance of considering contextual realities in national implementation, especially to the extent of applications of global agenda and norms. The findings showed that some of the reasons why state parties and countries fall short in achieving or successfully implementing global norms, international treaties, and agreements are due to the failure to translate these norms into domestic representations that reflect the local context as well as developing their national standards and strategy. There was a consensus that very often in Nigeria, even if the laws are passed easily by the legislature, implementation becomes a challenge because of local realities.

For instance, a respondent when commenting on how laws are put in place without addressing the other realities that impact and influence them, using the example of widowhood practices abolition law, said:

How does the government want to empower me against my village people who have a culture of widowhood? Please tell me. If there are laws and policies, who will enforce them? The people in the village will say to government people “Do you want the gods to punish you?” They will threaten you. The government is not serious about many things, especially women's issues. If there are laws and the reality on the ground is different, how do you marry the two? (Respondent B6, Female)

Several respondents noted that the common approach of starting with the gold standard in policy-making and implementation rather than an incremental realization of goals towards progress might pose a challenge to achieving the SDGs. Most respondents agreed that global norms are important for standards of appropriate behaviours and also serve as a guide or provide a framework towards solving universal or global challenges. However, these legal frameworks in national contexts are more often than not based on “gold standards” and tend to fall short of expectations and

results because there is then a huge gap between what the law says and what implementation is possible. This is the reason why international agreements and global norms fail to translate into or provide transformative outcomes.

One respondent, a development expert and country head of an international development organization, noted:

The truth is we are a developing country, we will keep deceiving ourselves and not achieve much by thinking we are a first-world. We need a reality check and we have to stop using that gold standard. Yes, achieving the gold standard is ultimately the goal or aim but not currently the reality...And even being realistic in legislation, you know, I talk to groups of people with disability about this a lot, where we have a whole set of UN standards. There's a UN Convention on the Rights of People with Disability and there's almost a UN convention on everything. At the end of the day, I also think that reforms are about incremental improvements. Then if we look over time, it's only a little over twenty-five years ago that America even adapted the disability person bill-Americans with Disabilities Act. Somebody from the Vietnam War pushed for that, so it's not like those countries have arrived at that place overnight. And here in Nigeria [there is] a lot of the resistance to disability bill because it contains things that come from the UN's standards such that within twenty-four months all buildings should have access, all buildings should have this and all sorts of heavy fines imposed. Do we have a model of incremental realization? And how does incremental realization play itself out in the law? (Respondent A3, Male)

On how incremental progress is key for development especially in developing countries, he continued:

If you start with the gold standard, you are unlikely to achieve it because actually, the idea you're bringing is so far away from what is possible that quite frankly you are never going to get it right. And so rather than just printing a best practice from the UN and other

international sources, almost all laws need to begin to evolve in practical terms from also what is feasible and what is doable. This is why I said part of it is about laws and frameworks but part of it too is about attitude, behaviour, beliefs, and practices that then allow this principle of incremental realization rather than you know, bang overnight, we suddenly become of a first-world country. (Respondent A3, Male)

Another stakeholder who shared this same thought, while commenting on the SDGs on quality education and gold standards noted while the goals and targets on gender equality are very welcome, Nigeria also has to determine its own education standards and goal. She said

Why can't we develop or decide on the type of education that can make people think their way out of poverty and make them innovative? Can African traditional pedagogy do this, rather than just dumping Western ideas of education as the ultimate? What is Nigeria's plan and policy on education based on the level of illiteracy and its present infrastructure? You can't jump on the SDG goals when you don't have the capacity to meet them based on your present status. That's the problem with all global ideas and agenda, countries are not operating on the same level, and then when they don't meet that target, you mark and label them as not achieving the goals. I am not against standards and goals but there should be a way around it. (Respondent A8, Female)

Also understanding that a policy might be a good policy but might not be readily implementable at the time also came up. This is why understanding the system and windows of opportunity is important, especially in policymaking—the idea that institutional and legal frameworks are important, but that social changes, attitudes, and behaviours also impact on policy. Many participants expressed the understanding that although a legal or policy solution might be great, it might not necessarily be the first step in solving social problems because laws also respond to social changes and the collective consciousness of citizens. One respondent commented:

We teach here windows of opportunity and I think the same thing should apply to how laws, bills, legislation, and legal things change because often people, human beings react in a crisis. And so, what are the windows of opportunity to pass this kind of law and policies that improve equality? Because you can have an ideal law and I often say unless there's the right window for you to present it, sorry you are just talking to nobody. And yet an obnoxious law can come into place because the right opportunity appears for it. David Cameron came to Nigeria and said unless you guys allow same-sex marriage, we will end aid to you. It was a window opportunity for those who wanted to pass the same-sex prohibition act in Nigeria. They jumped on it and that law is in place now. And so, whether it's a good law or a bad law, how effective are the people in perceiving where the window of opportunity is and jumping on it to get that law passed... So beyond even just having the idea of the transcript or bill you have drafted, a lot of people will say social change is about knowing what needs to happen and waiting for the opportunity to make it happen. And often that opportunity is so critical that it's almost more important than what you've drafted. (Respondent A3, Male)

In conclusion, this sub-theme shows that for countries to succeed in localizing the SDG agenda, they have to take into consideration their current realities to determine the best approach and solution for progress towards achieving equality for women and girls rather than adopting a policy or framework just for the sake of aligning with a global goal or indicator which does not work within that context, often resulting failure to achieve results or positive outcomes.

5.5 Conclusion

This chapter started by acknowledging the importance of laws and policies that promote gender equality, however, the findings show that in Nigeria, this has not able to challenge inequality or provide better development outcomes for women. Thus the sub-theme has highlighted some of the reasons to rethink or reassess the current approach to gender equality. The first

subtheme highlights the linkages between various economic, human, and social capital deficits that women in Nigeria face across various areas such as health, nutrition, work, unpaid labour, education, and gender stereotypes, and how they impact on their being left behind. Policies and programmes addressing inequality have to consider these linkages. The second theme provides insight into the role of religion and culture and their influences on development outcomes and the gender equality policy framework and how this continues to shape the discourse in Nigeria. This cannot be overlooked if there are going to be positive changes. The third sub-theme emphasizes the argument that achieving gender inequality and sustainable development in Nigeria requires a nuanced understanding of the interconnectedness of the various complex relationships and constraints within the social systems in the country and their impact on policy, legislation, and implementation. The fourth sub-theme suggests that a successful national strategy and implementation for gender equality policy has to be country and context-specific to make any impact.

In conclusion, this theme confirms that problems such as gender inequality and discrimination against women cannot be solved in isolation or using monolithic approaches. Having this understanding at the country level is crucial in tackling gender inequality. More importantly, its implications for sustainable development and economic growth as well as seeking better ways to challenge biases and discrimination against women are affirmed. Thus, recognizing and employing more holistic and multi-sectoral approaches and interventions opens up more opportunities to integrate the Sustainable Development Goals into national planning and ultimately better policies and implementation to ensure that no one is left behind. Otherwise, the SDGs will just be another global type of project or ad hoc intervention on gender equality.

The next chapter details the next major theme in this study which digs deeper into some of the specific policy implementation challenges such as the plural legal system in Nigeria, the inherent conflict and its implications for

gender equality, weak implementation, and the role of the State in promoting gender equality.

Chapter 6: Policy Incoherence and Inconsistency, Weak Legal and Implementation Frameworks

The second major theme that flows from the findings is the weakness, inconsistency, and incoherence of the existing legal and governance frameworks and institutional arrangements related to gender equality. The reasons for this include constitutional and governance provisions as well as flawed policy and implementation processes. From a policy perspective, the findings revealed gaps in the policy process towards the actualization of gender equality and sustainable development from the framing of issues to the implementation process. This has led to weak development outcomes for women. This theme is discussed under three major subthemes: Legal pluralism, gender inequality, and the role of the State's weak policy and implementation framework.

6.1 Legal Pluralism and Dissonance

Nigeria operates a federal system of government, thus the governance and legislative arrangements are shared between the federal, state, and local governments which impact the legal framework on many issues. Also, in terms of the legal system or administration of justice, Nigeria operates a constitutionally recognized plural legal/justice system of law where the Constitution, received English law, customary law and Sharia/Islamic law co-exist (Obilade, 1979). This type of system of law is often referred to as pluralistic. Legal pluralism is described as a situation "*where two of multiple legal systems [are] co-existing and operating in the same population or social space*" (Merry, 1988, p. 870).

Because the pluralistic legal system allows for various sources of law to coexist side by side, this sometimes creates dissonance and allows inconsistency and incongruities to exist in the application of the law, especially in a country like Nigeria with differences in customs and culture as well as in religious beliefs. Also, in terms of the criminal justice system in Nigeria, the Criminal Code is applicable in the Southern States while the Penal Code applies in the Northern States. More recently, 11 states in

Northern Nigeria have adopted and expanded the scope of Islamic Sharia law (Nmehielle, 2004). This situation means that behaviour related to gender issues, including participation in the economy or violence, would be treated differently in different parts of the country.

The findings suggest the legal frameworks that should promote gender equality as well as enhance the achievement of sustainable development for women in terms of non-discrimination are also one of the main challenges, as some of these laws are not only inconsistent and discriminatory but biased. For example, the framing of the offence and punishment for assault under the Criminal and Penal Code reflects how gender-based violence is viewed in Nigeria. Section 55 (1) (d) of the Penal Code and Section 353 of the Criminal code considers an assault on a woman as a misdemeanor which carries a sentence of two years imprisonment if found guilty, while an assault on a man is considered a felony thus carrying a higher punishment of a three-year sentence.

Sec 353 and 360 of the Nigeria Criminal Code provides that that:

s353. Any person who unlawfully and indecently assaults any **male** person is guilty of a **felony** and is liable to imprisonment for **three years**. The offender cannot be arrested without a warrant.

S360. Indecent assaults on females

Any person who unlawfully and indecently assaults a **woman or girl** is guilty of a **misdemeanor** and is liable to imprisonment for **two years** [emphasis added].

This implies that an assault on women is considered less serious than that of a man. However, more often than not, women are more likely to suffer assaults than men. Also, the physical and mental consequences of such assaults on women can be very serious. One respondent (F), a lawyer and human rights commentator, noted:

Assault on women is oftentimes caused or done by men and the percentage of men assaulted is so small compared to women and this provision of the law still stays the same. Also, why is the punishment not the same - misdemeanor and felony, isn't that a joke? And although these laws are dated, this just shows you the reality of the way women's issues in Nigeria are and have always been understood, even by the law that is meant to protect them. (Respondent C2, Female)

Furthermore, although Nigeria is a signatory to various human rights laws, agreements, and protocols on domestic and gender-based violence, such as the CEDAW and the Maputo Protocol, as well as having guaranteed non-discrimination and protection of fundamental human rights in its Constitution, the Penal Code applicable in Northern Nigeria includes a provision which permits husbands to beat their wives provided the beating does not inflict "grievous hurt". This provision violates and threatens the dignity of the woman as a human being and negates the constitutional provision that protects the right to respect the dignity of every person (Sec 34 of the 1999 Constitution). Yet it is still in the Penal Code and has not been repealed:

S. 55. Correction of Child, Pupil, Servant, or Wife:

(1) Nothing is an offence which does not amount to the infliction of grievous hurt upon any persons which is done:

(d) by a husband to correct his wife, such husband and wife being subject to any native law or custom in which such correction is recognized as lawful.

The above types of laws and enactments remain some of the legal bias and questions that feminist legal theorists continue to raise. They question as to how certain laws continue to preserve male advantage, embolden male dominance, patriarchy and misogynistic behaviours while encouraging gender-based oppression and domestic abuse. On the one hand, there are calls to make domestic violence and gender-based violence punishable, while on the other hand, there are laws that continue to support the mistreatment, oppression and subordination of women as seen in the case of this particular provision of the Penal Code. This continues to undermine

progress towards gender equality and underscores the effectiveness of the law to create effective social change, address gender inequality and discrimination, and eliminate gender-based.

One respondent, a programme officer in an organization working with women in the Northern part of Nigeria, commenting on the implications of provisions such as the above noted that this is one of the reasons why men in the North get away without being punished for domestic violence. The law protects the men, while the women have no form of protection or redress and the husbands can hide under the cover of correction or discipline. She noted further that this has become almost socially acceptable that even the families start victim blaming and women being told, “you need to stop being disrespectful to your husband or you need to make him happy, Allah said this, the Quran says that”, rather than calling out the abusive husband and standing against domestic violence. This has led to instances where women have escaped by running away from their homes or defending themselves and sometimes in the process killing or maiming the husband. She noted that this can happen as a result of self-defence or self-preservation after years and years of being abused and subjected to the most inhumane treatment. (Respondent A15, Female)

Still, on gender-based violence, although a range of legislation prohibits and criminalizes rape, the legal provision remains inadequate, archaic, and without substantive remedies, particularly on marital rape as well as the process for proving rape. The Criminal and Penal Codes do not recognize marital rape if the man and woman are married under native law and custom. Section 282 of the Penal code states that sexual intercourse by a man with his wife is not rape if she has attained puberty. Similarly, under the Criminal Code, Section 357 creates an implied consent by marriage, which excludes married women from claiming marital rape except in a situation where the man and woman are separated.

The 2015 Violence Against Persons (Prohibition) (VAPP) Act expands the meaning of rape and violence to include physical, non-physical, psychological, sexual and socio-economic violence and abuse, spousal

battery, harassment, harmful traditional/cultural practices such as female genital mutilation, and widowhood practices. It improves on the provisions of the penal and criminal code in terms of definition and punishment. However, it fails to include marital rape as an offence considering the high rate of domestic abuse and violence by intimate partners. Another major weakness of the 2015 VAPP Act is its limitation in terms of jurisdictional application and enforcement. It can only be enforced by the High Court of the Federal Capital Territory, Abuja, and not in the other States in Nigeria unless they adopt the law or enact a similar one, which also is a consequence of the pluralistic legal system. Some states have laws on domestic violence (e.g. Lagos, Ebonyi, Cross Rivers, and a few others), while other states have to rely on the provisions of the Penal or Criminal Code on various types of assault.

This pluralism of the legal system also can be seen in the application of law and justice. For instance, the requirement for proof/evidence in the prosecution of rape cases differs from the Evidence Act and the Penal Code. In the Penal Code applicable in the North, the burden of proof of rape requires corroborative evidence of an eye witness, when in most instances, this does not happen in the presence of the public. For example, s127 of the Kano, Kebbi, and Zamfara State Sharia Penal Code Law (SPCL) provides that one of the conditions for proving the offences of Zina (fornication or adultery) or rape in respect of a married person is that there must be either a confession by the rapist or corroboration by four male witnesses. If any of the conditions have not been proved by the person alleging 'Zina' or rape and the woman fails to secure a confession or provide four male witnesses, she can be punished by stoning to death, or imprisoned for one year, and be liable to caning which may extend to one hundred lashes, because this implies she has committed adultery. This show how the law seems to be conflating cases of rape in certain instance with adultery.

Also, the SPCL provides for capital punishment such as caning, stoning, or limb amputation in some cases. For example, Sec 127 provides that: *"Whoever commits the offense of Zina 'adultery' shall be punished as with caning of one hundred lashes if unmarried, and shall also be liable to imprisonment for a term of one year; or if married, with stoning to death"*. This

form of punishment is degrading, inhuman and is an abuse of human rights. It negates the right to human dignity as provided for in several international treaties and agreements (e.g. the African Charter on Human and Peoples' Rights, CEDAW, the Universal Declaration of Human Rights; and the International Covenant on Economic, Social and Cultural Rights) as well as the Constitution of the Federal Republic of Nigeria. Section 34 (1) of the Constitution provides that every individual is entitled to respect for the dignity of this person, and accordingly: (a) no person shall be subject to torture or to inhuman or degrading treatment. Article 5 of the African Charter on Human and Peoples' Rights prohibits every form of exploitation and degradation of a person, cruel, inhuman, degrading treatment, or punishment. Likewise, in sections 33(1) and (2) of the Constitution which affirm the right to life and provide for the exceptions or circumstances in which a person may be deprived of the right to life, adultery is not one of the grounds on which a person may be deprived of the right to life. Arguably section 127 of the Kano, Kebbi, and Zamfara State Sharia Penal Code Law conflicts with sections 33(1) and (2) of the Constitution and could be declared null and void if taken to the court.

One of the respondents (F) in the focus group commenting on the discriminatory laws and how they impact women used the example of adultery specifically under Sharia law, said:

Even if a woman commits adultery, did she commit it alone? What about the man involved? Why must it be the woman alone who is being punished as is the case most times? And why is the law concerned about what two consenting adults do in their private lives? They haven't done anything criminal, it's so barbaric and archaic, to say the least, that we can be talking about stoning people in the year 2000s and what are we(sic)? It's even shameful that we are debating whether this should be a law. You remember the case of that lady Amina in the North couple of years ago who was sentenced to death by stoning for adultery. Did you ever hear about the man or his name, why wasn't he prosecuted alongside the woman? Such injustice and this also goes back to the patriarchal structure of Nigeria. How many times have you seen this law apply to men, like a man being caned or

stoned for adultery or fornication? If this was being done, men will probably be caned and stoned every minute (laughter). For a society that condones multiple wives and is polygamous in nature, this “polygamy freedom” only applies to men, not women. (Respondent B2, Female)

It is important to note that this is not the experience of many women in Nigeria, especially in the southern part of the country as Sharia law only applies in the North. Thus, the challenges of women in Nigeria although similar in certain instances are also varied. One respondent (F) in the focus group noted:

Women in the South are not bound by these things except maybe people that married under customary law. A woman having a child out of wedlock or having an affair while married, although there may be the societal stigma or disapproval, it is not more than that. There is no punishment against that. When we were much younger, especially among Yoruba women, many will have two or three children for different men and no one cares, if the marriage or relationship does not work, they move on to the next one. Same with the men too, no law policing or punishing you. (Respondent B8, Female)

Another example of some of the bias and challenge in the law can be seen in the prosecution of rape cases as is captured in some of the defences available in Section 211 of the Evidence Act 2011 which provides that:

When a man is prosecuted for rape or for an attempt to commit rape or for indecent assault, it may be shown that the woman against whom the offence is alleged to have been committed was of a generally immoral character, although she is not cross-examined on the subject; the woman may in such a case be asked whether she has had connections with other men.

The section provides that in a situation where a man who is being prosecuted for rape or for an attempt to commit rape or for indecent assault, the defendant can be allowed to prove that the woman against whom the offence is alleged to have been committed was generally immoral. She can

be cross-examined on her connections with other men, including the “accused”. This means the law allows for secondary victimization where it allows the defendant to introduce evidence or questioning that suggests the female victim is immoral.

One respondent (F) who works with victims of rape and sexual assault noted:

The law is not sensitive. Imagine having to look for witnesses to corroborate that you have been raped. So, after being subjected to such a dehumanizing experience, you are then humiliated by looking for a witness or being called immoral or your character being questioned. This is why most women will never report rape. There is no support or care even from the agencies meant to protect you, continuous victim-blaming and shaming even from the police. Several times, I have heard police officers say things to victims like “why were you at his house? What were you wearing?”, and other ridiculous things. The victim is forced or coerced to drop the case. Although the judges are becoming more empathetic and sensitive and coming down hard on perpetrators of rape and other gender-based violence, how many cases make it to the court? (Respondent A16, Female)

This weakness is also another outcome of the federal system of government that operates within the country where there are almost autonomous powers for the three tiers of government—Federal, State, and local—on certain legislative matters. Because of these constitutional limits, certain legislations that might promote gender equality and women’s rights at the federal level may not result in progress at the state level, as is seen in the implementation of the Convention on the Rights of the Child, which is discussed further below. Acknowledging this reality will provide for better intergovernmental coordination and multisector partnerships towards effective implementation of the SDGs at all levels of government.

Another example of the dissonance caused by legal pluralism in Nigeria is in the discrepancies in the legal age for marriage and the potential/attendant

issue of child marriage and reproductive rights. For instance, section 31 of the 2003 Child's Rights Act (CRA) 2003 prohibits having sexual intercourse with a child as well as child marriage and betrothal (section 21 & 22). However, the legal marriage age in Nigeria remains a grey area and is often dependent on the State or religion of the parties. Some states set the age of sexual consent as starting at puberty as is seen in most Northern states, or age 14 for males and 16 for females in some Southern states. The Constitution of Nigeria does not provide a legal definition for a child based on age, and various laws have different definitions. Under Customary law, there is no age limit for child betrothal, although the CRA prohibits this. Whilst the Marriage Act does not set a mandatory minimum age for marriage, a person under the age of 21 (not being a widow or widower) is allowed to marry provided that parental consent is governed, while section 48 of the Marriage Act punishes a person who enters a marriage relationship with a minor under the age of twenty-one years (not being a widow or widower), without obtaining the required consent. The *Child's Rights Act 2003* defines a child as one who is below the age of eighteen years while according to the Immigration Act, any person below 16 years of age is a minor. The *2015 Trafficking in Persons (Prohibition), Enforcement and Administration Act* defines a child as a person under the age of eighteen. The *Labour Act* defines a child as a young person under the age of twelve years while Section 2 of the *Children and Young Persons Act (CYPA)* which deals with child/juvenile justice administration, defines a 'child' as a person under the age of fourteen years, and a 'young person' means a person who has "attained the age of fourteen years and is under the age of seventeen years".

Aside from the issues of child marriage, adolescent and teenage pregnancy, contradictory and inconsistent laws regarding a recognized minimum age for a child has implications for other areas, such as sexual exploitation and prostitution, child trafficking, and forced labour. The International Labour Organization (ILO) Convention Minimum Age Convention, 1973 (No. 138), and the Worst Forms of Child Labour Convention, 1999 (No. 182) on child labour sets the minimum age for hazardous work at 18 (16 under certain strict conditions). The Labour Act

allows children to do light work alongside a family member in agriculture, horticulture, or domestic service and persons over 16 years but under 18 years old to work under strict supervision if in an industrial setting. However, this is hardly the case in Nigeria. As a result of poverty and poor economic conditions, child labour in the form of street hawking or begging, domestic help or working on the farm, building sites debt bondage has become prevalent on an alarming scale and almost normalized.

Largely, this is a failure of government as well as a breakdown of the social responsibility of citizens to ensure the best interest of their child or ward. Likewise, there are also public and reproductive health implications, such as drug abuse menace, physical and sexual abuse, unwanted pregnancies, sexually transmitted diseases, anti-social behaviours, and mental health issues. One respondent commenting on the response of the law to the exploitation of children, especially concerning minors working as hawkers, in domestic care, or as household helpers, noted:

Do we need any law to let us know the basic things to do, to know that a child should be a child and not be subjected to this sort of thing? No, we don't but the situation of things in the country has forced people to resort to things that ordinarily should not be. It's a failure of government, of the society that should protect them, of us all who are in a position to protect these children. Some of these kids have to help their parents to hawk or work on the farm, so for some of them it's about survival, it is not so much forced labour. I am not talking about trafficking or underage children as domestic help, that is wrong and the law should be coming down on people because you see it every day and everywhere, even right under our nose but as you know, things work differently around here, no one seems to care.

(RespondentA5, Female)

Furthermore, the findings show that legal pluralism will have implications for the achievement of the SDGs in terms of the relationship between international and national laws and the application of international treaties in national legal systems, such as Nigeria. For international law purposes,

Nigeria is a dualist state, and as such, international conventions and treaties do not expressly and cannot automatically become law or apply directly in courts unless enacted or incorporated into national law through domestic legislation. Section 12 (1) of the Constitution of the Federal Republic of Nigeria 1999 (CFRN) on the implementation of treaties provides that:

“No treaty between the Federation and any other country shall have the force of law except to the extent to which any such treaty has been enacted into law by the National Assembly.”

Thus, international law (e.g. norms, treaties, obligations) remains relevant and important for national legal systems, especially when about human rights, women’s rights, non-discrimination, development, the environment, terrorism, war, humanitarian crisis, drug trafficking, and other issues that are of a global scale and concern. However, the challenges that come with a dualist state like Nigeria, coupled with a plural legal system, impact on having a consistent and unified legal framework on issues that affect women and girls, especially as the National Assembly and State Assemblies have concurrent legislative powers. So, for international treaties and agreements that require domestication, they can only become binding and enforced by the court of law in Nigeria when passed by the Federal legislature—National Assembly—through a legislative instrument. Thus in a situation where the agreement or treaty in question falls under the concurrent or residual legislative list rather than the exclusive list, Section 12 of the Constitution requires that equal legislative power competence is conferred on the State legislatures also to ratify the Federal law or re-enact the treaty through a legislative instrument at the State level. Only in this way can the international treaty or agreement be recognized and have the status of law in Nigeria. This is why often assenting to most international treaties and agreements is no more than window-dressing and often the agreement is not domesticated and can become ineffectual.

Thus, a good example is the Child Rights Act of 2003. Nigeria is a signatory to the United Nations Convention on the Rights of the Child (CRC), 1989 and the Federal Government has assented to and domesticated this

treaty as the Child's Rights Act (CRA) in 2003. Because children's rights and welfare do not fall under the exclusive legislative list, the Federal and State Governments have equal legislative powers to domesticate the CRC. Hence, the CRC is only applicable and enforceable in courts in States that have domesticated it as the Child's Rights Law. As a result, of the 36 states in Nigeria, only 24 states adopted the CRA, while most of the Northern states (Sharia implementing states) are yet to adopt and re-enact their Child Rights Law.

One of the reasons that has been repeatedly given for the rejection of or the lack of acceptance to domesticate the CRA by various Northern states is that they believe some of the provisions conflict with and are profoundly different from their religious beliefs and cultural practices, especially on personal law issues such as for marriage, child betrothal, and legal adoption (prohibited in Islam) which are central and important to adherents of Islam. This freedom of religion and expression is supported in Section 38(1) of the 1999 Constitution:

“Every person shall be entitled to freedom of thought, conscience, and religion, including the freedom to change his religion or belief, and freedom (either alone or in community with others, and in public or in private) to manifest and propagate his religion or belief in worship, teaching, practice, and observance.”

Article 22 of the 1993 World Conference on Human Rights, while recognizing that every individual has a right to freedom of thought, expression and religion, also called on “all governments to take appropriate measures in compliance with their international obligation to counter religious intolerance and violence based on religion including those discriminating against women” (UN Commission on Human Rights, 1993). It is, however, important to note that the right to religion or religious beliefs is not absolute as Section 45 of the Constitution of Nigeria also provides that nothing in section 38 will invalidate any law that is reasonably justifiable in a democratic society:

(a) in the interest of defence, public safety, public order, public morality, or public health; or (b) to protect the rights and freedom of other persons.

Some states have adopted the CRA with significant reservations and amendments. An example is Niger State—this is a Sharia implementing state which has a Child Rights Law, but it has been amended with a caveat that where there is a clash between the CRL and Islamic law, the Islamic law will prevail. In Plateau state, the age for a child is someone less than 16 years old against the age of 18 in the CRA.

Thus, assenting to international law or treaty or becoming a signatory does not mean it automatically becomes applicable as national law or policy in Nigeria. This is important because it helps rethink the implementation of the SDGs, especially because they are non-binding and grounded in international law. One respondent explained that this remains one of the underlying challenges of policymaking and implementation of international laws and policies. She puts this succinctly:

Domestication and implementation of international law in Nigeria start and end with the Government's commitment and political will to make it work. And so asides from the constitutional framework on the domestication of international or regional treaties, political, religious, and cultural nuances will continue to determine how we progress on women's rights and gender equality. This is why an agreement like CEDAW is yet to be domesticated after about 23 years of assenting to this agreement and it should tell you that we need to start looking at things differently. So for the SDGs which are not binding to be implemented, although there are many actors that will ensure a successful implementation, the buck still stops with the government, it determines most of the success of the goals. (Respondent A15, Female)

Whilst legal pluralism, bias, and discriminations in the law have implications for gender equality in Nigeria, the findings from this study show

the important role and relevance of the judiciary and the courts in making judicial decisions and pronouncements that become case laws that protect women, enforce their rights and guarantee equality for them. These findings are very important because while legislative reforms and changes in the law can take time, the judiciary and courts have consistently stepped in and used their powers to interpret and apply the law towards equality and non-discrimination for women especially in terms of enforcement of human and women's rights. In many instances, the courts bridge the gaps in the law and some of the inconsistencies in the legal framework. The courts have on many occasions upheld the non-discriminatory provision of the Constitution as well as other international and regional conventions/agreements, such as the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and African Charter on Human and Peoples' Rights.

An example is the case of *Dr Priye Iyalla-Amadi vs Director-General of the Nigeria Immigration Service and Nigerian Immigration Service (NIS)*. The Federal High Court in Port Harcourt ruled in favour of the claimant that an administrative policy of the Nigerian Immigration Service (NIS) requiring married women to provide written consent from their husband for the issuance or renewal of an international passport, was discriminatory, unconstitutional, and a violation of Section 42 (1)(a) of the 1999 Constitution and also Article 18(3) of the African Charter on Human and Peoples' Rights which prohibits every discrimination against women based on sex.

Another instance where the court has declared a provision of a law unconstitutional and discriminatory is the 2012 Federal High Court decision in the case of *Women Empowerment and Legal Aid Initiative (WELA) vs Attorney General of the Federation*, which nullified the Regulation 124 of the Police Act (Cap P19) Laws of the Federation of Nigeria which requires female police officers to seek the permission of the Commissioner of Police in the command where they are serving. Regulation 124 provides:

A woman Police Officer who is desirous of marrying must first apply in writing to the Commissioner of Police for the State Command in which

she is serving, requesting permission to marry and giving the name, address, and occupation of the person she intends to marry. Permission will be granted for the marriage if the intended husband is of good character and the woman police officer has served in the force for not less than three years.

The court held that Regulation 124 was illegal, null, and void as it was inconsistent with Section 42 of the 1999 Constitution, Article 2 of the African Charter on Human and Peoples' Rights, and CEDAW and proceeded to annul it according to Section 1(3) of the Constitution which provides that: "If any other law is inconsistent with the provisions of this Constitution, this Constitution shall prevail, and that other law shall, to the extent of the inconsistency, be void".

One respondent, a civil society activist and Executive Director of a Women and Law Development Centre noted:

The Courts have in most cases, always been the hope of the common person in Nigeria, especially in terms of human rights and inequality. However having said that, litigation is expensive, lengthy and often cases drag so long, so many women cannot even access the courts and then if eventually, they do, imagine if a woman has to wait for 5 or 10 years before getting justice... At the end of the day, you wonder whether justice has indeed been served because justice delayed is as good as justice denied. Although the upside is that this might serve as case law or judicial precedence for the future. (Respondent A1, Female)

Another example of ways in which the court and case laws have tackled discrimination and upheld equality and gender rights for women is the application of customary law. Courts when determining issues under customary law have often used the "repugnancy test" to decide whether customary law is discriminatory or negates the Constitution, human rights, and equality law. Even though customary law is recognized and remains an

important source of Nigerian law, if a customs or norm is deemed repugnant to natural justice, equity, a good conscience, public policy, or other law, it is usually a sufficient reason to discard or eliminate it. For example, in the case of *Nweke vs Anekwe*, where the claimant, a widow, instituted a case before the High Court praying the court to declare her the owner of the statutory right of occupancy of a parcel of land where she lived with her husband until his death. The Defendants were disinheriting the claimant (the widow) because she had only female children from her late husband. The Supreme Court held that the Awka native law and custom which disinherits a married woman without a male child at the death of her husband from contesting the title to the land of her late spouse with the male member(s) of his family is repugnant to natural justice, equity and good conscience.

The lead judgment delivered by Justice Ogunbiyi was salient in driving home the point about the role of the court in promoting and enforcing gender justice and equality for women. He said:

I hasten to add at this point that the custom and practices of Awka people upon which the appellants have relied for their counterclaim are hereby outrightly condemned in very strong terms. In other words, a custom of this nature in the 21st-century societal setting will only tend to depict the absence of the realities of human civilization. It is punitive, uncivilized, and only intended to protect the selfish perpetration of male dominance which is aimed at suppressing the right of the womenfolk in the given society. One would expect that the days of such obvious differential discrimination are over. Any culture that disinherits a daughter from her father's estate or wife from her husband's property by reason of God instituted gender differential should be punitively and decisively dealt with. The punishment should serve as a deterrent measure and ought to be meted out against the perpetrators of the culture and custom. For a widow of a man to be thrown out of her matrimonial home, where she had lived all her life with her late husband and children, by her late husband's brothers on

the ground that she had no male child, is indeed very barbaric, worrying and flesh skinning ("Anekwe v Nweke," 2014, pp. 36-37).

Another example where the Courts have decided in favour of women and found certain customs discriminating against women repugnant is in the Customary Igbo intestate succession law and custom of "*Oli-Ekpe*" which allows only male children and denies female children from inheriting their father's property. This was found to be discriminatory and unconstitutional. In *Mojekwu v Mojekwu*, the court relied on Sec 42(1) and (2) of the Constitution and also made references to the provisions of the CEDAW in determining whether the customary rules of succession which deny inheritance to women are consistent with the fundamental rights of women, the Constitution and other laws of Nigeria. The Court of Appeal held that the Nnewi custom of *Oli-Ekpe* is discriminatory and any form of societal discrimination on grounds of sex is unconstitutional and against the principles of an egalitarian society. Justice of the Court of Appeal, Niki Tobi delivering the lead judgment said:

Day after day, month after month, and year after year, we hear of and read about customs which discriminate against the womenfolk in this country. They are regarded as inferior to the menfolk. Why should it be so? All human beings – male and female – are born into a free world, and are expected to participate in it freely, without any inhibition on grounds of sex; and that is constitutional. Any form of societal discrimination on the ground of sex apart from being unconstitutional is antithetical to a society built on the tenets of democracy, which we have freely chosen as a people. We need not travel all the way to Beijing to know that some of our customs, including the Nnewi "*Oli-Ekpe*" custom, are not consistent with our civilized world in which we all live today. In my humble view, it is the monopoly of God to determine the sex of a baby and not the parents. Accordingly, for a custom or customary law to discriminate against particular sex is, to say the least, an affront, I have no difficulty in holding that the "*Oli-Ekpe*" custom of Nnewi, is repugnant to natural justice, equity and good consciences. ("*Mojekwu v Mojekwu* ", 1999, pp. 304-305)

However, in certain instances, the Courts have also been very careful and have taken a cautious approach when applying the repugnancy test and upholding the right to non-discrimination in matters arising under customary law. This also speaks to the issue of nuance and context in addressing and understanding gender equality and women's rights in Nigeria where there is a continued societal grip to uphold certain cultural norms and ingrained biases and at the same time a quest for gender equality and social change. An example of this is the decision of the Supreme Court (the apex court in Nigeria) in the appeal of the above case. In this instance, although the Supreme Court upheld and did not nullify the decision of the judgment of the Court of Appeal on non-discrimination, it criticized the language of the Judge noting that that the Court of Appeal judge erred by ruling that the "*Oli Ekpe*" custom was repugnant to natural justice equity and good conscience.

The Court, in explaining why the Court of Appeal judge erred, took a nuanced approach in the application and interpretation of the repugnancy principle noting that a particular custom or tradition cannot be said to be repugnant to natural justice, equity, and good conscience just because it is inconsistent with English law concepts or some principles of individual rights as understood in any other legal system. The Court held that in this instance the validity of the *Oli-Ekpe* custom was not before the Court, it was only the "*mgbelekeke customary/kola tenancy*"¹⁰ (which was just a part of the "*Oli-Ekpe*") that was applicable in this matter and that the court must hear the parties and act with solemn deliberation over all the circumstances before declaring or pronouncing a custom repugnant.

Justice S.O. Uwaifo of the Supreme Court, criticizing the Court of Appeal pronouncement, noted:

I cannot see any justification for the court below to pronounce that the Nnewi native custom of '[o]li-ekpe' was repugnant to natural justice, equity and good conscience...the learned justice of appeal was no doubt concerned about the perceived discrimination directed against

¹⁰ Kola tenancy under the Mgbelekeke family customary law is inheritable by the children of a deceased (Kola) tenant - no matter the sex - but only upon production by the succeeding child and acceptance by the Mgbelekeke family.

women by the said Nnewi 'Oli-Ekpe' custom and that is quite understandable. But the language used made the pronouncement so general and far-reaching that it seems to cavil at, and is capable of causing strong feelings against, all customs which fail to recognize a role for women. For instance, the custom and traditions of some communities which do not permit women to be natural rulers or family heads. The import is that those communities stand to be condemned without a hearing for such fundamental custom and tradition they practice by the system by which they run their native communities.

One respondent also corroborated the above pronouncement when speaking of the need for nuance on issues and how the legal framework can only work if it takes into consideration the inherent context and nature of the society in which it operates:

You cannot entirely dissociate people from their culture, background, or values, they are part of them, but also this must be within the confines of the rule of law, human rights. This is why I said there is a need for a nuanced understanding and consideration of issues especially within the Nigerian context and this is why I keep saying there are no monolithic solutions to the issue of women's rights and gender equality in Nigeria. At the end of the day, who decides what is a legitimate or appropriate culture for a people or what they think is the best way to live their lives, so your idea or rather belief that a custom seems discriminatory might not necessarily be true or be acceptable by the owners of the culture because there might be history, background, a mutual understanding and that is also why this is a democracy—people are free to choose or identify with something. You can't tell people to throw all their culture away, you take the good parts and do away with that which is bad. So for me, if someone chooses a particular customary law to govern their personal lives etc., that is fine as long as it seems fair, not degrading, unjust, or negate basic or fundamental laws of justice, human rights. (Respondent A5, Female)

The downside of this is that in a country such as Nigeria, the practicality of relying on the courts to determine the implementation of the law is unreliable considering the structure of the justice and court system. It is more effective to have a unified and codified law that reflects the realities of the society rather than having to rely on the Court to interpret every law. There was, however, an agreement that the laws can be refined as well as made progressive and reflect socio-cultural values. One of the respondents (F) in the focus group described it in the following way:

Nigerians are a people of culture and although some customary laws are very archaic and biased some of them are very relevant and show our moral values and culture. So to say we should do away with it all is like throwing away the baby with the bathwater, customs evolve, and we can refine them but not discard it all. (Respondent B15, Female)

In conclusion, this sub-theme has shown some of the effects of the pluralistic legal system and the absence of a harmonized system of law and framework in Nigeria and how this continues to create difficulties in the gender equality policy and legal framework. It has also revealed the challenges implicit in developing or having an overarching and unified legal framework for women's rights, gender-based violence or gender equality. In light of the current legal framework and structure, existing differing cultural and religious structures around women's rights, there is a recognition of the enormity of the challenges of the implementation of global norms and agendas on women's rights in Nigeria. Thus, an understanding of the weakness around the legal system as well as the socio-cultural structure can help in repositioning the debate on gender equality and determining what perspective or approach will positively promote women's rights and gender equality, taking into consideration the particular social situation of Nigeria. This will help to find pathways to develop more inclusive and acceptable laws and policies that support cultural legitimacy and gender equality.

6.2 Gender Equality and the Role of the State

The second sub-theme from the findings on how policy incoherence and weak implementation framework affects gender inequality is that although

achieving equality for women is a collective responsibility of all, the state plays a crucial role in directing and shaping the policy and implementation trajectory as it relates to gender equality, as well as in engaging women as active participants in all aspects of development. This includes showing commitment and willingness to provide an enabling legal and policy framework; enacting and enforcing policies that promote equality; improving the social status of women; protecting and supporting the most vulnerable through the provision of specialized services as well as ensuring that interventions are appropriate and effective.

However, the findings show a lack of commitment and willingness by the State to back up its rhetoric on gender equality. There is equally no action to genuinely promote gender equality and women's rights. Apart from the failure to integrate international treaties and norms as discussed earlier, gender-responsive principles in the country's national policies and programmes stem from a weak gender equality understanding and framework. Some of these include outdated and obsolete laws; policy-making patterns that do not guarantee equality; poor policy engagement/stakeholder dialogue; and weak implementing institutions.

These findings show that successive governments have been lacking leadership in taking a strong position and stance on women's rights and the achievement of equality by acknowledging the unequal power relations between the gender groups and making concrete steps to address them. Consistently, the government has been weak in addressing inequality at a broad level, challenging gender inequality and unequal power relations between men and women in Nigeria, and has not matched its global commitments with action. This awareness was notable in the responses of some of the participants pointing out how promises made by the Nigerian Government do not match the reality of many citizens.

A respondent from the focus group noted that politicians in Nigeria don't walk the talk in that they go on to the big conferences and summits to say what they will do which looks good on paper, but in reality, the policies do not trickle down or make any positive impact in the lives of citizens or the poorest

of the poor. She noted that there is hardly any commitment to healthcare, social protection, reduction of maternal mortality that has produced a significant and measurable outcome on a nationwide scale. (Respondent B2, Female)

Another respondent, a Professor of Sociology, corroborated the position that there is no deep commitment; rather it is just to look good in the international community:

The state is quite aware of global thinking on a range of issues because further funding and diplomatic support for even national initiatives sometimes depend on a favourable outlook from the West, the Paris Club, and the London Club lenders. So governments more or less adopt policies and sign up to positions even when there is no espousal, by which I mean no commitment, no deeply felt commitment to what they are signing up to. (Respondent A4, Male)

At other times, it is more of selecting and choosing what policy to follow through and implement. There is a bit of “cherry-picking”. An example is the CEDAW, which has been very controversial and discussions around it have stirred disagreement both in public and private discourse. One of the arguments against the domestication of CEDAW by prominent political, religious, and traditional leaders, amongst other reasons, is its reproductive health provisions which have been described as a subtle means of legalizing abortion which is prohibited and criminalized except under certain circumstances in Nigeria (Ekwowusi, 2007). The Government has acceded to this international instrument but has not shown the political will nor commitment to domesticate the values of CEDAW. Yet, the Government goes on to perform its reporting obligations on CEDAW without being consistent in committing to the Convention’s interventions and policies. This might be a reflection of how the SDGs, which have a voluntary reporting requirement, might pan out where the government is consistent in producing reports about its performance but is lacking on actual achievements.

Another example of this lack of commitment to implementing regional or international treaties is seen in the Government's non-prioritizing of human development, especially in the health and education sector budgeting. Despite hosting the 2001 Abuja summit that resulted in a joint declaration, signed by all Heads of States and Governments of the African Union, committing to allocate at least 15% of their annual budget to the health sector (Federal Ministry of Health, 2010). Sadly almost 19 years later, Nigeria's highest budgetary allocation to health was 5.95% in 2012 and 4.3% in 2019 (Budget Office of the Federation, 2019).

Apart from a lack of commitment and political will, the finding shows the complicity by the Government in the non-enforcement of human and women's rights whereby the State is a driver of inequality and its agencies are often acting as agents of suppression of women. This is seen in the failure of the Government to address discriminatory aspects of the legal and policy frameworks. For instance, despite various international and national calls for progressive laws that improve women's economic participation, Nigeria is yet to amend various discriminatory provisions in the Nigerian Labour Act. One of the respondents, a private sector entrepreneur who also serves as a Director on the Board of a manufacturing company in Nigeria, noted the complicity of government in this regard. She said:

Big companies are very wary of the law that restricts women from working at night and usually enforce it because the spotlight of government regulatory agencies is on them and they usually want to maintain best practices. However small companies get away with it, but that is not even the issue. The challenge is that in the 21st century, women are still being restricted to the kind of work they can do and the government or department of labour or women affairs do not think this needs to change. (Respondent A12, Female)

Another respondent, a Gender activist, and Public Policy analyst noted:

You have to change this policy because in the twenty-first century it should be a woman deciding what type of job she wants to take; not

you determining whether she can work in manufacturing. The truth is you cannot move up in manufacturing if you have not been in the trenches, if you do not start on the shop floor, you have to have experience of all jobs on the production line. They are not going to hire you to work nine to five as a factory worker, you are going to work in shifts and sometimes you have day shifts and night shifts. So, this is one policy that is discriminatory against women, and given that manufacturing is such an important part of our economy, the country suffers from restricting the participation of a particular gender.

(Respondent C3, Female)

Some respondents however believed that this law is to protect women due to high levels of insecurity in the country. However, this was rejected by the majority of the respondents who thought that if the companies can guarantee the safety of women in the workplace at night, there is no need to restrict the jobs they can do. They should be free to decide what jobs they can and want to do.

The findings also show the weak commitment of the Government to women's rights, especially protecting women, delivering services that safeguard against discrimination, violence, and the threat of violence. Rather it uses its power to exploit its citizens. Often some of the government agencies are enablers of gender inequality and oppressors of women. Examples include police brutalization, harassment, sexual assault, and rape of women in police custody, with no prosecution of the offenders. A recent situation was in 2019 when a government agency carried out a raid in the Federal Capital Territory arresting about 65 women, including sex workers, women who were at night clubs, or women on the streets that were deemed to be indecently dressed. It claimed they were soliciting sex work, as prostitution is prohibited under the law. Thereafter, there were reports that some of the agents of the State sexually assaulted and harassed the women. This sparked outrage and protests across the country and Nigerian embassies abroad by civil society organizations and women's rights groups against this arbitrary arrest, and violation of women's freedom of movement.

Various organizations and the international community condemned the raid as a violation of the right to freedom of movement and expression. This collective pressure prompted authorities and the National Human Rights Commission (NHRC) to order a suspension of raids to investigate the allegations (Premium Times, 2019). However, as at the time of writing this thesis, there has not been any official report about the investigation or prosecution of the offenders.

This also shows the politically inherent nature of gender relations. The government has continually overlooked women's rights and gender equality through deliberate ignorance, complacency, which is also a form of inequality and suppression. This is why even the few women in the legislative house, executive, and other government officials continue to feed the hegemonic power structures by being the gatekeepers of patriarchy and women's subordination. A respondent (F) in the focus group noted:

Sometimes when you look at Nigeria, you see that the political elites are a major cause of the problem. Sometimes you think it is ignorance or that they genuinely don't know or are helpless to bring about change to the plight of women. But when you take a deeper look, you realize it is deliberate, it is cultural, it is political. It helps them to perpetuate injustice, corruption, and keep them unaccountable. If you are hungry or impoverished, how you can fight for equal rights? You are not even thinking of challenging the government. That is the last thing on your mind. (Respondent B2, Female)

Because there is a non-alignment of interests, there is so much distrust and a disconnect between the citizens on the one hand and the government and political elites on the other. Even when the Government is doing basic governance or providing infrastructure and basic amenities, especially in areas of the country where the positive impact of governance or development have not been evident, people are pessimistic about the intent especially because of corruption among public officials who seek personal gain at the expense of the citizens who are being governed. They are sometimes suspicious that this might be done as a re-election strategy or because an

election is around the corner. This disconnect was echoed by the majority of the respondents. One respondent (F) in the focus group said:

This is the first time that I feel that I am being heard, I am talking and someone is listening to me. No one listens around here—government, politicians even our elected representative. How many times we have gone to complain at the local government and the office of our representative? They keep telling us to come back, but when election time comes, they will come back and beg us for votes. After then, they disappear, you never see them again. (Respondent B21, Female)

Nigeria is a class society and as such, the political and ruling elites continue to thrive where there is inequality, oppression, and subordination because this helps to mask corruption and incompetence and enables their vested interests. Often they also stoke the ethnic, cultural, and religious flame to manipulate the citizens. A respondent, an official of a not-for-profit organization working with women in Nigeria, describes this succinctly:

The tragedy of the Nigerian State is that nothing is about a common interest. It's about the rich and poor, have and have-not, weak and strong, powerful and powerless. In their bourgeoisie society, if you are not part of them, you are nobody. Don't you see rich people from a different religion, culture or ethnicity getting along well? The political class supports each other, to achieve whatever they want irrespective of their differences but it is the poor people that keep fighting among themselves so you can't focus on demanding good governance, accountability. When you look at policies, all they do is what continues to keep them, their cronies, and businesses running, it's all vested interests. So ultimately, it's about class inequality. Even this gender inequality, it doesn't exactly affect the elites or rich people that much, so you can see why they are not interested in the cause.

6.3 Weak Policy and Implementation Framework

The third sub-theme in the findings showed that inconsistency and disconnect in policymaking and implementation in Nigeria will most likely

have implications on achieving the SDGs. The findings showed that many policies are not thought through properly and often this creates inconsistency and affects women in a lot of ways. Therefore, lessons from previous policy failures and inconsistencies must be taken into consideration to help shape and produce better policymaking and implementation. Consistency in policy and implementation across all dimensions of sustainable development—economic, social, and environmental—is important for achieving the SDGs at the national and state level. A respondent, working on women and environmental sustainability issues gave this example:

Policies and solutions are implemented in isolation not thinking about the impact on each other. So for example in dealing with climate change and promoting environmental sustainability, the government bans logging and woodcutting for firewood without other available and cheaper alternatives thus placing an extra burden on women, especially those in rural areas who use firewood for cooking or who earn income from selling it. So you are preaching environmental sustainability without taking into consideration other factors and dealing with those as well. (Respondent A13, Female)

Another respondent, a gender activist, and public policy analyst commented on how inconsistency in policymaking affects gender inequality and how if it is not properly managed, women bear the brunt, and invariably the commitment to leaving no one behind is in jeopardy. She gives an example of how government policies can impoverish women and make them fall further into poverty:

In 2012 when a new Agriculture Minister came on board, one of the very first policies was banning the importation of rice in a bid to encourage local production and boost the economy. The policy was not thought through because the demand was more than the local supply and the price of rice doubled immediately after the ban, especially in the urban areas and cities. In a country with about 50% of its population below the poverty line, aside from the price increase, the fact that rice [is] a staple food for most families in Nigeria, who did that

ban affect the most? Women. Because the majority of rice sellers and importers in Nigeria were women, thus the ban may have put some of them out of business entirely which also endangers their livelihoods or the family. For those who remained, they were forced to purchase from smugglers. Also, who puts food on the table? Women, so they have to pay more to feed their children and families or look for alternatives. (Respondent C3, Female)

Given the structure of Nigeria, banning rice imports as an economic policy in this respect was not a good initiative. The rice ban could have been introduced through a more realistic and phased-in approach rather than the outright ban because the supply and production at the time could not meet the demand and level of rice consumption in Nigeria. Thus, a sustained local production supported by policies that encourage sustainable production of rice to meet local demand would have been a better thought-out policy.

This policy disconnect stems from non-inclusion, failure to ask questions, and inclusion of the beneficiaries of the policies throughout the policymaking process, thus resulting in policy failure. The findings revealed that a participatory approach to policy development and implementation through stakeholder/citizen engagement and dialogue on gender equality and sustainable development has consistently been low in Nigeria. Many respondents noted that the non-inclusion and participation of citizens in policy consultation on issues that affect them is a major cause of policy or programme failure in Nigeria. There was a consensus among respondents as to the feeling of disconnect between government and citizens due to lack of engagement on the implementation of public policy, reforms, and programmes that impact future development. One respondent in the focus group expressed frustration at how the government makes policies that do not reflect the realities of people or improve the lives of citizens, gave the example of her community:

They said they are doing community development. We had this open space in our area, like an open playground. One day we just woke up and the local government has turned it into a “park”. I do not know

whose idea it was or who thought that is what the community wanted. Anyway, not up to three months, the park has become a place for tout, homeless people, drug addicts, Indian hemp sellers to be sleeping. At night, it is almost impossible to walk through the area for fear. All the streetlights have been stolen and vandalized, so it is not well lit and it has now become a burden for the community. Maybe someone should have said, let us build a community tap, clinic, or something, or even ask members of the community what their opinion is on the park. How many people go to the park, when you have gone out since morning and have spent the whole day in traffic, what time do you have to go to the park? They never carry people along, just sit in their office and come up with something so that it seems like they are doing something for the people. (Respondent B19, Female)

Furthermore, the findings also show that the continued failure to tackle gender inequality and discrimination against women stems from policy framing that addresses the symptoms of gender inequality rather than its underlying causes. Understanding a problem, framing it, and proffering solutions are key in the policymaking process. An understanding and acknowledgment of the power imbalance between the genders strikes a strong chord in policy framing on gender inequality and sets the tone for action in policymaking and implementation.

Policy discourse and implementation in Nigeria have not been contextualized to challenge structural discrimination against women and inequality. Rather, most of the programmes and policies are just scratching the surface and treating the symptoms rather than the main issues. For example, in the National Economy Plan (NEP), the framing of women's economic empowerment was often reduced, narrowed, and fixed to a particular understanding of empowerment, which in itself is important but not enough to challenge inequality and promote sustainable growth. Some of the objectives of the NEP included equal employment opportunities for men and women, equal access to resources, providing microloans for women, which are necessary for gender equality. However, missing in this plan and other

government policies seeking to address gender inequality are the critical issues of the unequal division of labour for many women especially in combining their reproductive and productive roles, especially in a patriarchal society like Nigeria. Issues around challenging gender stereotypes, recognizing women's unpaid labour, and other policies that offer real change or transformative outcomes for women are hardly addressed.

Likewise, in terms of women's political participation and representation, the National Gender Policy 2006 which includes a policy on Affirmative Action providing that 35% of political and governance appointments will be exclusively reserved for women, is yet to become a reality. A look at the framing of this policy shows that its frameworks focus on gender quotas and increasing numerical representation as drivers of equality and women's political empowerment rather than addressing the unequal power structures and obstacles to women's equal participation. These phenomena include male domination in political party structures, funding, social attitudes, and high levels of illiteracy among women. They are not addressed in the policy.

Some responses from the study also showed weaknesses in the framing of issues around gender equality in Nigeria. An understanding of women's empowerment seems to be hinged on economic empowerment and thus responses, policies, and programmes seem to align with this approach. Most policies in Nigeria do not challenge gender stereotypes, women's access to justice, or legal empowerment. They are often welfare-based or focused on skills acquisition or trading rather than addressing systemic issues that restrict women's full economic participation and decision-making. One respondent, a development expert, noted:

No economy grows on teaching people sewing, hairdressing, bead making, fabric stoning, and makeup. I feel that there are too many small-scale businesses that are being promoted that are not sustainable. We need to look at empowering women beyond these businesses. They do not contribute significantly when you are thinking in terms of growing the economy. Women are a lot more than housekeeping type skills. Real change has to move beyond

housekeeping-type skills. And I don't think you should be doing it for girls, [but] for adults. I think we should be training them on much higher things, which will make them stronger. Real business acumen, everything. I think we need to be a bit more proactive. (Respondent A2, Female)

Also, some of the responses by government officials on the policies and strategies to promote equality and women empowerment emphasized skills development, ad hoc programmes, and social welfare schemes, such as conditional cash transfers. Less emphasis was made on things that the Government has done or can do to improve the status of women progressively, such as law reforms, provision of infrastructure and resources that can improve and cater for the needs and interest of women, such as improved services and infrastructure to support working parents and women in rural communities.

Apart from policymaking challenges, implementation and enforcement have been the major problem in Nigeria for many decades and this problem remains. The findings suggest that the problem of implementation in Nigeria might result in a less favourable outcome towards gender equality and sustainable development. This is because changing or reforming laws have to be matched with strong implementation and enforcement for them to be effective. This is where there has been a huge gap between policymaking and implementation such that even in the instance where the policy objectives are clear, implementation wordings often are vague and ambiguous thus resulting in poor policy outcomes. One respondent noted:

We can't be talking-talking-talking. We have to show some action. The implementation of policies is very critical. Policies are good. Laws are fantastic. But we need to implement them and implement them right and have people that we can hold accountable for these things among us. We have a structure or a culture that we have so many policies, so many bills, rarely ever implemented. Yeah. A very strong problem we have in Nigeria is that we are very fast to pass these laws but implementation is always the problem. (Respondent B10, Female)

Another respondent in the focus group corroborated this noting that despite the adoption of the various laws against child labour, underage employment remains widespread. She said: “look at the number of children and young people being brought from other states and neighbouring West African countries to Lagos to work as housemaids or apprentices. Everybody knows someone that has an underage maid or apprentice; so, it’s not like there is no law, how successful is the law?”

Some of the causes of weak implementation include duplicity of efforts and lack of synergy among the different levels of government and even among the various government agencies. This lack of synergy among government institutions in the implementation of programmes, strategies, and national policies was evident in some of the responses by officials, especially at the local level. There seems to be little or no input from the local government staff and officials who will implement the policies, or even training on implementing the policies. This leads to a disconnect between intentions and implementation. For instance, a member of staff from a government agency working on trafficking, exploitation, and rehabilitation of victims noted that some of the officials are not formally trained and this is reflected in how they handle cases. It can mean that cases end up with no prosecution or conviction because the officials have bungled them. Another respondent sharing a similar view while speaking of how laws have not been effective due to implementation challenges, noted:

First, we pass laws without carrying the people who are going to implement them along. So if you would walk into any police station I can tell you that the majority of the policemen have no idea what is in the VAPP (Violence against Persons’ Prohibition) law or have no clue what is in the Child Rights Act. So what you do in a normal setting is to pass a law and then immediately start training those who are going to implement that law. We do not do that here. (Respondent A15, Female)

On the lack of synergy and duplication of effort, one respondent, a development expert and country head of an international development organization noted:

There is so much work to do around using existing vehicles. I do not believe in creating new vehicles, creating new programs, creating new initiatives. There are so many initiatives. There are splinter groups. Every state has a women's development centre, and you can send the widows there to learn skills or whatever. But everybody I know has a program for widows, governor's wives, NGOs—all on widow empowerment doing the same thing—give them material, give them food. Those are short-term solutions. They do not address the real issues. (Respondent A9, Female)

Other major implementation challenges are weak institutions, mismanagement, corruption, and competence deficits, including a lack of technical competence. Some of this has been linked to lack of and inadequate funding, corruption, and inadequate oversight by the legislature to track expenses of the institutions and monitor whether the budgets allocated to them are being effectively utilized.

An example of this is how cases of domestic violence or gender-based violence (GBV) are handled by the relevant institutions, the lack of structures and support for victims or survivors. Respondents in the focus group noted that GBV laws have not been effective because the institutions that are meant to enforce them are not being responsive and competent. Sometimes the police refuse to intervene in domestic disputes, telling parties to go and settle, as it is a private matter, sometimes even blaming the victim. Thus, women are reluctant to report incidents or make formal complaints about domestic violence because apart from societal pressure there is a perception that law enforcement officers, especially the police, are biased, unsupportive, and often unprofessional in handling such cases. They noted that if the situation becomes unbearable, most women just try to escape or return to their parents or family. More often than not, it is usually a concerned family member, relative, or friend that makes a report. Many of these reports are

made to the non-governmental organization who takes up the case. Many respondents noted that in most cases of GBV, NGOs have taken up the challenge and are doing what the government agencies should be doing. Sometimes, these NGOs have been more effective in supporting victims of GBV than the government agencies charged with the responsibility.

One of the major challenges that victims of GBV encounter when trying to escape their abusers is accommodation, refuge, or shelter to move into before they can stand on their feet. However, the implementation framework in Nigeria does not seem to prioritize this or provide adequate support for victims of gender-based violence, by providing housing, specialist services, and rehabilitation, for example. For instance, there are no provisions for low-cost or government housing and only very few shelters are available to victims or survivors of GBV in Nigeria. Some of the shelters and refuge places are in such an abhorrent state without adequate amenities, victims are sometimes forced to return to their homes and abusers, as they do not cope well in these facilities and lack the economic stability to survive on their own. One of the resultant effects is victims not reporting rape, sexual abuse, or GBV because of stigmatization, lack of support, and the Government's inadequacy and incompetence.

A respondent highlighting some of the challenges relating to implementing GBV laws and getting justice for victims noted that often in developed countries the system automatically kicks in to support victims of GBV from the investigation and prosecution stages, to providing psychological support, counselling, housing, medical support if needed. The same cannot be said about Nigeria because often the victim is almost completely on their own and it is usually a case of the victim against the system. Sometimes a victim might be lucky to receive some support from a non-government organisation (NGO) but NGOs also more often than not have very limited resources to support the victim. So, beyond culture and tradition, there is also a lack of structure and process to support victims of GBV. (Respondent A9, Female)

Still, on the issue of lack of adequate support and victim-blaming, a respondent whose ex-husband was sexually abusing her stepdaughter said:

When she (her stepdaughter) first told me, I could not believe it. I warned him (her ex-husband) that if “true true” (sic) he is doing it, he should stop. But I think he continued and my daughter reported at school and they took her to the NGO office. They told the police and they locked him up for a few days, but his family started blaming me that I want to send my husband to jail, even though I wasn’t the one that reported it. (Respondent B2, Female)

Another factor that stems from weak implementation is the lack of consistency and continuity in implementation, monitoring, and enforcement. One respondent commenting on the challenges of implementation noted:

Because the implementing institutions are weak and can be controlled by the politicians, with every change in government every four years, there is a new plan or vision and rather than scaling up or continuing where things are, they come in, dismantle what their predecessor has done even if it’s working and come up with a new policy or programme, and this cycle continues. This also relates to the issue of vested interests of the political elites because if it is about the common interests of all, it should be about continuity and not about who initiated a programme or how great the policy is but what impact it has. (Respondent A1, Female)

Finally, the findings show that policy and implementation failure can also be linked to a lack of evidence-based policymaking as a result of poor statistical data in evaluating and monitoring gender equality policies, programmes, and strategies. One respondent noted:

Many times, development or gender equality policies and programmed are designed without rigour, without enough evidence to support them or considering factors such as the nuances and realities within the country that might shape the implementation of laws and policies, and thus issues are addressed superficially. Lack of data or not using the available data means that policies or programmes will not adequately

cater to citizens if their needs are not properly understood and addressed. (Respondent A2, Female)

More often than not, data is not disaggregated and women's needs are lumped together without paying attention to the most vulnerable or those who might be left behind, such as the very poor in rural areas, unemployed, disabled, women in the LGBT community, and women in prison. This also affects funding and gender-responsive budgeting as well as the difficulty in evaluating, tracking, and measuring impact.

6.4 Conclusion

In conclusion, this chapter has highlighted some of the complexities that might affect the implementation of the SDGs in Nigeria. The first subtheme discusses the impacts of pluralism in the legal system and especially the gender equality framework in Nigeria and the attendant conflicts especially in the harmonization of national laws as well as the domestication of international human and women rights instruments and agreements.

The second subtheme highlights the crucial role of the State in promoting gender equality in the public and private sphere through shaping policy, implementing and enforcing, promoting partnerships and collaboration among all stakeholders. However, the State has often through its action and inaction, not lived up to its responsibilities and obligations to women to uphold equality, non-discrimination, and to protect women's rights. The third sub-theme discusses some of the contextual peculiarities and policy making and implementation challenges of the gender equality framework in Nigeria from corruption, weak institutions, policy inconsistency, and competence deficit.

The next chapter discusses the final theme in this study which is yet another nuanced discussion of the diversity of women's lives and experiences in Nigeria and the importance of listening to the different women's voices, as well as ways in which women have used and are using their agency and action to challenge inequality, discrimination, and to

advance gender equality and women's empowerment within their social context and environment.

Chapter 7: Women's Voice, Agency, and Collective Action

The third and final theme in this study focuses on how women in Nigeria are liberating themselves, negotiating their realities and identities, and finding their way through the complex forces and current policy framework towards achieving gender equality and sustainable development. These findings show that while there have been setbacks, challenges and progress has been slow in terms of women's rights, equality, and transformative outcomes, there is some momentum and small victories. Women from generation to generation, through their voices, collective agency, and collective action have fought for their rights, challenging patriarchy and discrimination; breaking the glass ceilings; holding leadership positions and thriving in sectors and industries that have otherwise been the preserve of men. Whilst it is easy to be despondent and have a defeatist attitude to the current status of women and gender equality in Nigeria, the findings show some progress and optimism. Gender equality is taking centre stage in development, economic and political discourse as an important driver of sustainable development and national progress and women are mobilizing to harness the power of collective action to demand change.

Whilst it is pertinent to analyse the policy and implementation framework as well as the complexity around achieving gender equality, one must also unpack and pay attention to the importance of women's agency, voice, collective response, and activism in challenging inequality, patriarchy, and gender discrimination. The findings highlight the role and importance of women's collective agency rather than focusing on individual action in addressing inequality and gender discrimination. A shared understanding of their experiences, perceptions, and worldviews shapes how gender equality is viewed and ways to address it. This is important because social change especially in terms of gender equality and women's rights is also dependent on and shaped by women's collective attitude towards influencing the legal and policy framework, and their responses to societal attitudes, and state action. I am arguing that a strong, coherent policy and implementation framework for gender equality and women's empowerment in Nigeria is also

reliant and dependent on solid, united, and inclusive women's movements that can define and articulate their interests, goals, and needs and whose voices and actions can shape and influence future sustainable development.

While the literature tends to focus and emphasize women's voice and action through political participation, representation, and visibility in public life, there is less focus and research on women's voice and action through activism, feminist movements, pressure groups, and grassroots movements. This was also confirmed by the interviews and focus groups conducted in the current study. Women's activism and struggle in Nigeria date back to the introduction of colonialism, when the colonial administrators relegated women to traditional child-rearing and domestic responsibilities, disenfranchised them politically and imposed laws that marginalized women, enabled patriarchy and the superiority of men. This led to wide gender gaps and inequality. Various women's pressure groups arose in defiance against colonial repression and led revolutions such as the Aba Women's Riot of 1929 and Abeokuta Women's Revolt of 1947 and 1949 which fought the colonial masters for improved women's rights and opportunities. One respondent noted that at every point in the history of Nigeria, women have been negotiating their trajectory and fighting injustice, inequality, discrimination and patriarchy in various ways – from physical resistance and confrontation of their oppressors, strikes, naked protests, and demonstrations, to lobbying, negotiation and bargaining. She cited the examples of the Ogoni women in the Niger Delta who protested successfully against government agencies and the oil company (Shell) in their community because of the destruction of their environment and source of livelihood. Eventually, Shell had to leave their community (Respondent B3, Female).

However, there remains the risk of a certain representation or stereotype of women in developing or third world countries in development literature and discourse, wherein they are sometimes categorized as a homogenous group of subjugated women incapable of liberating themselves, accompanied by a narrative of them being victims of religion, culture, male domination or colonialism. The findings from this study show that this is far from being the

case and that although women in Nigeria are as varied as it comes, they are taking action to improve their lives and resist oppression in ways that may be different from the “Western idea of liberation or feminism”. One respondent in the focus group noted:

Yes, there is a problem of gender inequality, which is universal, and women in Nigeria are fighting for equality. But often, because it doesn't fit into the box of western feminism or standards, then it may seem like they are not doing enough, which is far from the truth.
(Respondent B1, Female)

Another respondent noted:

Various women's groups and feminist organizations have led and contributed to policy and law reforms, lobbied and introduced bills and amendments at various levels from labour bills to gender equality, GBV, electoral Act, widowhood practices, etc. For instance, the Women's Rights Advancement and Protection Alternative (WRAPA) and about eight other NGOs pushed for the 2015 Violence against Persons Prohibition (VAPP) Bill to become law which took about nine years to become a reality. (Respondent A14, Female)

One of the respondents, a programme officer in an organization working with women in the Northern part of Nigeria noted that gender equality activism in the country had to be understood within the particular context and settings. As such, while sometimes there is need to be forceful and aggressive, at other times, you have to do what will work best for the people and influence change. Using an example of the Northern part of Nigeria where they work, she noted that when it comes to addressing some of the un-Islamic culture and practices that continue to impact negatively on the rights and wellbeing of women in those states, the approach has to be different in order to have successful outcomes. Some of these include strategic dialogue and community ownership of the project by working in collaboration with the state and local governments, Islamic clerics, traditional leaders and rulers, members of the community to dialogue and discuss

issues around child marriage, domestic violence, women's health, women's and girls' agency in entering marriage relationships which yielded positive outcomes. (Respondent A15, Female)

The findings also show that while individual enfranchisement and agency, access to and control over resources are very important, collective empowerment is key in developing consciousness and challenging inequality and patriarchal structures especially in a country like Nigeria. As such, women's movements and groups are key actors in championing the cause of their rights and advocating gender equality. Much still depends on women's movements, pressure groups, and activists in driving this change. There has been no successful activism or social change on women's issues in Nigeria without some pressure from women's groups and non-governmental organizations.

However, the findings point to some of the tensions and challenges among these women's groups in terms of who is championing their voice. In finding their voices, it is also the contest of whose voice is being heard and who is speaking for whom, especially among women's rights groups, organizations, and movements across different social classes and those who identify as feminists. Some of the respondents felt the tensions play out because Nigeria is a class society and it reflects in every area, even among groups that seem to have a common interest. Others note that some of the tension has arisen from a tendency by some to impose a defined or determined set of a narrative of feminism, gender inequality, women's needs, and interests which other members might grapple with. This has sometimes led to ignoring the voices or writing off the experience of those who do not fit into that narrative set by the dominant members of the group. As one of the respondents in the focus group noted:

One of the things feminism seeks to promote is agency—the ability for women to decide and make choices freely. So you call for women to be able to make choices and also the same feminists criticize those choices made by these women because it does not fit their narrative of

western values or ideas even when they are not harmful things, they are just different. (Respondent B12, Female)

Women in Nigeria are not a homogenous group and this difference is reflected in the study in the form of class difference, ethnicity, status, and religious beliefs, resulting in complex and sometimes conflicting interests. The responses on certain issues in the study showed a sense of collective goals, awareness, and “sisterhood” among women but revealed varied definitions, interests, realities, and approaches to or understanding of gender equality. The notion that a particular approach is the right one did not sit well with some groups of women who felt this mindset has been one of the reasons why the development and feminist discourse in Nigeria keep projecting their idea of what a ‘liberated’ woman should be or look like. Besides, the refusal to acknowledge and align other voices that seem different from the dominant ones had created a sense of disunity and tension between women’s groups and organizations. I highlight the responses from two Muslim women challenging what they felt were “western” or so-called “superior notions or ideas” of feminism in Nigeria.

My religion is feminist if you want to use that word, but I do not like boxing people or labeling them in a particular way that we do not understand. Many do not understand the concept properly in Nigeria, that is why it would be difficult for me to say I am a feminist in the way it is being used and thrown around in Nigeria. I am an educated, successful, and practicing Muslim basing my choices and action on the Quran, all equal in the eyes of God and I am not inferior, suppressed, or oppressed by my religion in any way. So it just amazes me when “Westerners” and even Nigerians who see themselves as liberals or think they are the yardstick for feminism and decide who is oppressed by the way I choose to dress or my religious choices. So for me, I cannot support that kind of feminism and they can’t speak for me. (Respondent B1, Female)

The second respondent also echoed the same feelings. She said:

Islam is very feminine; women fought in the past and were leaders. I do not like the word feminist or call myself a feminist 'cos this idea of Western feminism of trying to impose your idea of what a woman should be and do is a NO NO (sic) for me. You think being able to express yourself fully uncovered is freedom of choice and feminism, but you frown at my choice of head covering because you think it is because I am being oppressed by my religion or culture. I don't want to be a part of that kind of feminist movement. (Respondent B3, Female).

Also, another respondent noted that:

The way people understand and go about their belief about feminism in Nigeria is quite something and if you get caught in that debate and all, you don't achieve much 'cos it's been that way for years. I am not certain if it's a lack of understanding or people just rejecting labels but you see women who are very fierce, independent and who do and believe everything about feminism saying they are not feminist or do not want to be addressed as such or don't want to be associate with Western-type feminism which some have described as 'men-hating feminism. So if you sit there and keep arguing about who or what label is right, you don't achieve much and that is not the essence of feminism or the fight for equality, so many times I don't even dabble into that. I just believe action and movement towards liberating more women are all that counts. (Respondent A2 Female)

Also, because of the different realities and status of women in Nigeria, wealth, privilege, class, religious and cultural backgrounds reflected and shaped the realities of the different women interviewed. This was seen in the ways that women from lower socioeconomic status or groups felt about their counterparts in higher socioeconomic groups and privileged women or those whom they felt were "elite" women. Two examples showed how the different realities of women in Nigeria could sometimes be complex and complicated in terms of collective action, especially when women with privilege dismiss the challenges that poor and middle-class women experience. One

respondent, an entrepreneur speaking of the challenges of employing married women in comparison with men noted that:

When they start employment, the performance is fifty-fifty, then when they get married, when they have children, you see a decline. You see a decline in performance. I have had really serious challenges with women who have—when they start they are single, they give me their best, once they get married and they have children their work suffers. As a woman entrepreneur, I feel like, "Oh I should cut them some slack," but no way should I cut them some slack and they want to make the same salary as the men's salary, don't they? (Respondent A12, Female)

While this seems to be valid to an employer of labour, many working or employed women in Nigeria lack the required support, especially when it comes to childcare and non-flexible working hours. Thus, women are often forced to opt-out and move into the informal sector or start their own business, which gives them the flexibility to combine their productive and reproductive responsibilities. One respondent also noted that because of the different realities of women in Nigeria, especially in a class-based society as Nigeria, it is difficult for “elite” or “privileged” women to genuinely sympathize with poor or women in lower socio-economic groups or be a voice for them. She said:

My experiences are just as valid as that of the other or any other woman but our needs are different and you cannot fight for my needs if you do not understand my experience. It is difficult because we are a class society, is it my wealthy employer who does not care how I sort out childcare but just wants the work to be done while she has three nannies at her beck and call that want to speak for me or I speak for her, it's just not realistic in this our society. (Respondent A5, Female)

The challenge in Nigeria has been that the failure to engage and acknowledge the multiple realities of women has often resulted in non-inclusion. Attempting to ignore the voices of any class of women, especially those impacted by the problem, will ultimately result in disunity and solutions

that do not reflect the desires and aspirations of women. Whilst some respondents said women are complacent and are not doing enough to fight for gender equality and challenge entrenched structural discrimination, others noted that because they are in different classes and face different challenges, one must acknowledge differences and understand their privilege bias. One respondent articulated it well in her response. She stated:

This is not about not doing enough, if some of these women have the chance and opportunity that we have, they will probably do better than us. Some of these women are the breadwinners of the house, and their husbands are just like figureheads, so no support. A woman that has to wake up as early as 4.00 a.m. or 5.00 a.m. to go and work. Or to start cooking or frying food so it can be ready for customers to have something to eat at about 7.00 a.m. when some of us are still sleeping at that time and even have house help to help us. How is that woman going to be concerned about coming out to fight for gender equality or be part of a protest? Where is the time? Her priority is different, and we must understand that and not judge people. She just wants to survive and get by. We can't all be out there fighting. Yes, we should but the reality is that for various reasons not everyone can take up the challenge but this does not in any way make their voice or opinion less or be drowned in the background than the people in the front.

She continued:

This is why I say women especially us—elite or classed women, need to always check our privilege because sometimes the things we say and do can come off as being insensitive, and to fight inequality, patriarchy, and oppression, you need to have a strong and united voice. So while our focus might be on addressing chivalry, sexism, misogyny, women's ability to do what they want with their bodies, embracing their sexuality, taking on their marriage name, and all of that is common among the feminists in my generation, which is good but on the flip side, we also have to consider whether this benefit the average or poor woman down the road at this moment, who is more likely to benefit from a shift in gender roles and stereotypes, income

gap reduction, improved property rights, economic empowerment or help to liberate women from poverty or structural discrimination and vice versa. So all these different interests and needs have to be taken into consideration and aligned to put forward a strong front in the fight against inequality and successfully influence policymaking or reforms.
(Respondent B12, Female)

Whilst there might be tensions, this has not slowed down or minimised the influence of women especially on different social issues affecting them, as well as the wave of feminism and feminist awareness emerging across the country. The findings also revealed a strong sense of awareness of gender equality, sustainable development, and women's rights among educated younger women and millennials. One respondent noted:

As a young millennial, I believe that there is more awareness of gender equality and women's role and participation in development. I do not know whether it is social media or education, but I know we are breaking those barriers and there are lots of talks about feminism now, although there seem to be differences in the women's feminist movement especially between the older and younger generation.
(Respondent A13, Female)

Technology, the internet, and social media have in recent times increasingly contributed to this in that as women have found their voice, they have a safe space to express themselves uninhibited. Hashtags, campaigns on social media relating to women's issues, raising awareness, speaking out against injustice, harassment, rape, discrimination, domestic violence, climate change, and environmental degradation have all seen explicit gender voices. Some of these have been inspired by the #MeToo movement. In Nigeria, there are a few social media spaces such as #ArewaMeeToo (the hashtag used by women survivors and victims of GBV and sexual abuse in the Northern part of the country to share experiences), #BeingawomaninNigeria, #ChildnotBride, #SexforGrades, #WifenotSlave. Some of the impacts of this awareness can be seen trickling down into mainstream media and society at large.

One respondent noted:

The effects of technology, new and social media are being seen, so while some of us may not be able to go into the streets to shout and protest, we are waging a war using technology and social media which is trickling down into mainstream media and society. There was a recent market march to protest casual harassment, catcalling, groping, lewd insults, or commenting on bodies of young women by male traders at the popular Yaba market who wanted their attention to buying their goods. The campaign which started online led to a protest March and awareness exercise in the markets. (Respondent A13, Female)

In conclusion, these findings show that despite the challenges, women in Nigeria are making progress in challenging inequality, patriarchy, and discrimination on their terms which sometimes might or might not necessarily fit into western feminist notions or perspectives. This does not mean that they are not challenging patriarchy and inequality. Also, the findings reveal that while a coherent gender equality policy framework is key in achieving equality for women and girls, one cannot underestimate the importance of women as active participants in challenging inequality and shaping and influencing policy as well their power through collective action and agency. Besides, this theme shows that to create strong alliances in addressing gender inequality in a country such as Nigeria, there is a need to listen to women's voices and seek ways to align different interests and needs in the pursuit of equality and sustainable development. This includes forming coalitions that are all-encompassing and inclusive of all groups and classes of women that can influence policy, decisions, and state action on gender equality. While these findings do not dive into the degree or the quality of influence of these groups, the fight and struggle for liberation and social transformation are worthwhile and commendable despite the constraints and within the limited resources available to them.

The next chapter is a discussion of the analysis and findings to shed light on the current gender equality implementation framework. Implications of the findings for Nigeria's national and sustainable development, and the achievement of the SDG on gender equality in Nigeria are addressed and recommendations and ways to eliminate some of the obstacles and bridge the gaps in the existing policy implementation and legal framework are presented.

PART III: STUDY OUTCOMES

Chapter 8: Discussion

This chapter provides a discussion of the main findings as they relate to the research question, the objectives, and contributions of this research. The investigation started by exploring the status and role of women in sustainable development, and the policy and legal framework for gender equality using the Sustainable Development Goals Agenda within the context of Nigeria. Despite the continued call for action through international conventions, instruments, treaties, and the global development agenda towards gender equality, there remain gaps between accomplishments and reality towards the commitment to equal rights and transformative outcomes for women in Nigeria.

I argue that even though there is a nexus between laws and achieving gender equality, the legal and policy framework in Nigeria has not translated into practical realities that can significantly shape or improve gender equality outcomes, especially in the application of international instruments on human rights and women's rights. I emphasize that there are gaps in the literature as to why international legal instruments on women's rights and global development norms have not successfully influenced formal and substantive equality for women in Nigeria. Secondly, I argue that the literature on women, gender equality, and sustainable development in developing countries often ignores the nuances, diverse context, and complexity of social relations that influence the legal and policy framing as well as the implementation of the dimensions of sustainable development as it affects women.

Underpinning the importance of this argument is the issue that because the SDGs are grounded in international law, amongst other factors, this agenda will be implemented based on various global agreements and international instruments. More importantly for Goal 5, the targets in the Agenda, as well as human and women's rights instruments, will be the standpoints or standards for women around the world. Besides, although the

SDGs are non-binding, they provide a framework for countries in terms of shaping policies, integration into national laws, and implementation. A second issue is that in the aftermath of the Millennium Development Goals (MDGs), and with a new global agenda “Transforming our world: The 2030 Agenda for Sustainable Development”, it is imperative to examine the current legal and implementation framework and its impact on achieving the 2030 agenda. This is important because whilst several countries made significant and impressive progress in achieving the MDGs, Nigeria was one of the countries that produced a very dismal performance with many of the targets largely unmet and lagging in many others. Finally, a core principle of the Agenda is the commitment to leaving no one behind which implies that without specific efforts, certain people are likely to be left behind in development for a range of reasons—economic, race, social, gender, sex, class, ethnicity, geographic location, disability. In Nigeria, the statistics show that women fall into the category of those who are most disadvantaged, poor, and discriminated against based on their gender. This means the needs of this category of people have to be prioritized to ensure that they are not left behind.

In order not to have a repeat of the performance that trailed the MDGs and for exploring how the new development agenda—the SDGs—can bring about the desired change for women in Nigeria in terms of equality and promote sustainable development, it is imperative to examine how the current legal and policy implementation framework in the country can shape or impact on achieving the 2030 agenda. It is equally necessary to examine whether Nigeria’s policies and development strategies can ensure the achievement of *SDG 5: Achieve gender equality for all women and girls*. Thus, the thesis set out to answer the question about how the existing sustainability policy framework is promoting or impacting gender equality for Nigerian women. In other words, to what extent can the legal and policy framework in Nigeria enable the achievement of the sustainable development goal on gender equality and ensure women are not left behind?

Three major themes emerged from this study as discussed in Chapters 5–7. The first theme suggests that while laws and policies are important for sustainability and achieving gender equality, several factors and variables can impact the efficacy of the legal framework and this is essential to note in the Nigerian context. Thus, the discussion in Chapter 5 centres on these factors and how this might help to rethink the gender equality discourse through a more nuanced policy approach in Nigeria. The second theme explores the role of the State in shaping gender equality discourse and policy as well as some of the context-specific policymaking and implementation challenges and their implications for the achievement of SDG 5. The third theme discusses the importance of women’s voices, collective agency, and movements in shaping the policy framework, and sheds light on their understanding of development, gender equality, feminism, and its influence on sustainability policy. These three issues are presented in turn below.

8.1 The Role of Law and Policy in Shaping and Influencing Gender Equality

The findings revealed the importance of laws and policy in any society in the pursuit and enforcement of equal rights and gender equality for women. However, despite the importance of legal regimes in addressing inequalities, laws and policies are not an end in themselves nor a panacea for gender inequality. Rather they are largely dependent on an interplay of variables and interacting factors. It would be unrealistic to delimit the extent of each factor in Nigeria. The process of moving towards gender equality remains a daunting and complex one, especially in the Nigerian context because of the various factors and barriers that shape and impact the policy and legal framework. The findings support the literature that formal laws and legal regimes are important and valuable for social change. However, it is simplistic to assume that a set of global norms in itself will eradicate discrimination against women and improve equality for them or the achievement of women’s rights (Han, 2002; Risse et al., 2013; Risse & Sikkink, 1999).

More importantly, this study shows the difficulty and challenges of reliance on formal laws to confront structural, systemic, and entrenched inequalities, discrimination, and stereotypes against women. International instruments help in influencing and shaping the human rights framework at national and local levels, mobilizing and strengthening activism, as well as providing a tool to hold institutions accountable. However, implementation presents challenges. The failure by successive governments in Nigeria to translate the normative prescriptions and provisions in international legal instruments to national laws, which shape the practical realities of women in Nigeria, has a huge impact on the achievement of the SDGs.

I start by discussing the challenge of international instruments and global development norms in shaping or influencing the legal rights of women in Nigeria and how this might influence the achievement of the SDGs. The tension between international law, especially human and women rights laws, and national/local laws, on cultural, religious grounds, has been described as a key obstacle to the realization of women's rights. These tensions expressed in the form of reservations, non-domestication, and contestation of international norms are not new, especially for global norms or international instruments (Cassel, 2001; Risse-Kappen, 2013). An example in this context is the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Although it is considered the International Bill of women's rights and the most gender-specific international treaty that addresses discrimination against women, equality, women empowerment, sexual and reproductive health rights, and is ratified by 189 out of 196 state parties, it remains the international instrument with the highest number of country reservations and objections (UN Treaty Collections). Simmons (2009), commenting on the influence and implementation of international law in domestic settings, notes that although CEDAW was ratified quickly by many countries and its impact has been positive and noteworthy according to statistical tests, "social and religious beliefs could be difficult barriers to its full implementation" (p. 253).

Nigeria has been a signatory to CEDAW for over 25 years (UN Treaty Collections). Nevertheless, its provisions cannot be enforced in the country as it is yet to domesticate the instrument, nor does it have a similar or equivalent overarching national legislation that addresses discrimination and women's rights. This resistance and reluctance can be traced to reasons, such as the constitutional provision on the application of international treaties in Nigeria or lack of political will, but most specifically that CEDAW conflicts with some religio-cultural beliefs in Nigeria. Attempts to domesticate it have been futile as the Nigerian legislature has been strongly opposed to some of its provisions. For example, the belief that Article 12 and 16 of CEDAW—equality in terms of healthcare access and family planning—will promote abortion and that equality in marriage and family relations concerning family planning decisions is against family values and some religious beliefs respectively (Para-Mallam, 2006a).

A popular columnist in one of Nigeria's newspapers writing on why CEDAW should not be domesticated in Nigeria notes that "while CEDAW contains many laudable articles aimed at abolishing or modifying existing cultural laws and practices which discriminate against women, the *raison d'être* of CEDAW is centred in Articles 10(h), 12, 14(b) and 16 of CEDAW, which are aimed at legalizing abortion, sterilization of women to control population, prostitution, under the soft language and cover of family planning". Going further, he likened CEDAW "to a lying snake that must be killed before it crawls into the house. No legislation can make it good (Ekwowusi, 2007, p. 1).

At other times, the challenge of international conventions shaping or influencing local or national laws is often based on resistance to the normative standards of universalism, especially in the application of women's rights and universal human rights. For example, Article 18 of the Vienna Declaration and Programme of Action emphasizes the non-negotiability of the rights of women and the girl-child as they are inalienable, integral, indivisible part of universal human rights (United Nations World Conference on Human Rights, 1993). Some have argued that while some of these

universal concepts and regimes have their merits, there is a tendency for them to be “insular in an arrogant way as neglectful of differences among cultures and ways of life” (Nussbaum, 1999, p. 39). While not invalidating declarations of human rights or the transformative outcomes of women rights at national and local levels, some feminist writers have argued that some of the universalist norms and truths presented and posed as human rights norms are just reflecting western customs, norms, and values imposed to undermine other cultures (Panikkar, 1982) or in what Appiah (1993) has described as: “Eurocentric hegemonies posing as universalism”(p. 58). Merry (2003) argued that because human rights and global norm creation tend to be immersed in the culture, the tendency to favour certain western values imposed as universal standards, superior and modern has always been a cause of contention in the application of international treaties.

Beyond the challenge of universalism and domestication is the failure of some of these international instruments to recognize or engage with women’s differentiated experiences, realities and identity, or address and challenge gender power dynamics, as well as structural and institutional inequalities and, have been described as sometimes “*mere symbolic Band-Aids offering temporary relief*” [emphasis added] (Obiora, 1997, p. 366). This view was shared by Charlesworth (2011), criticizing the understanding and construction of equality and non-discrimination in international law and treaty-making. She notes “women’s rights are presented solely as an issue of non-discrimination with respect to men. They require that women be treated in the same way as a similarly situated man, without recognizing the effects of structural discrimination against women. But the fundamental problem for women is not simply discriminatory treatment compared with men. Women are in an inferior position because they lack real economic, social, or political power in both the public and private worlds” (Charlesworth, 2011, p. 34). Again, Charlesworth (1994) notes the monolithic definition of women and conception of inequality and oppression in some of the international women’s rights treaties tends to “oversimplify complex power relations” and in turn may not articulate real experiences and concerns (Charlesworth, 1994, p. 61).

Formal laws and international human rights instruments can be important and valuable for social change, it is simplistic to assume that state parties adopting a set of global norms or international instruments and conventions on women's rights will eradicate discrimination against them and improve equality or the actual achievement of women's rights without equal and effective translation to the local context and justice (Han, 2002; Merry, 2009). These matters do not provide justification to abandon or discard international human and women's rights instruments as they remain valuable and crucial for gender equality around the world. As Grewal (1998) points out, despite some of the drawbacks of universalizing human rights, one of which is that it is centred in eurocentrism in many of its goals and assumptions, it is one of the few tools currently available to struggle for the rights of the disenfranchised (p. 507). Therefore, for these instruments or global norms to be impactful in Nigeria, there is a need to rethink and reconceptualize the current gender equality and mainstreaming approach. A more holistic, inclusive, and integrated approach is needed to address power relations, taking context and nuances such as culture and religion into consideration across dimensions of sustainable development, as well as the various complex relationships and constraints within the social systems, especially to achieve formal and substantive equality for women.

8.1.1 Rethinking the Current Policy Approach to Gender Inequality

The findings from the study are consistent with previous research that suggests that gender inequality issues in Nigeria are complex and vary across the geographical location and demographics within the country (Ademuson, 2016; Makama, 2013; Para-Mallam, 2006b). Nigeria is geographically and culturally diverse and heterogeneous in many ways which are reflected in various contextual issues within the country—from socio-economic differences to some of the complexities in the response to matters that affect women as well as the legal and policy framework on gender equality.

While the findings are consistent with the literature that laws and policies play an important role in promoting gender equality, sustainable development, and transformative outcomes for women (Fredman et al., 2016; Shahra Razavi, 2016), there was strong evidence to show that understanding the situation in Nigeria requires a more critical analysis beyond the legal and policy framework. One cannot dissociate the socio-economic, political, and cultural arrangements from the effective analysis of gender equality in Nigeria, otherwise, this will produce a distorted view of the issues and how they are being addressed. The findings show that there is an intersecting and almost indivisible line between economic, social, and cultural dimensions of equality and sustainable development. The biggest policy challenge in Nigeria has been integrating these three dimensions. Thus the findings suggest that a nuanced rethinking of the gender equality approach and discourse in Nigeria is important in addressing inequality and reshaping the legal and policy framework.

The first theme found that one of the reasons why laws and policies have not necessarily changed the status quo for women in Nigeria stems from their inability to address the root and systemic causes of inequality in the country. This study found the tendency for a superficial fixation on laws, policy intervention, women's empowerment programmes, and poverty alleviation policies to promote gender equality, without a nuanced and multi-pronged approach to addressing the multiple intersecting inequalities within the country. I argue that gender inequality cannot be tackled successfully without addressing other drivers, or broader inequalities such as socioeconomic inequality, poverty, unemployment, social exclusion, and insecurity. The finding seems to support Kabeer's (2010) idea of the intersection of gender inequality with other inequalities, and how this intersecting, or mutual reinforcing of inequalities, is intensified and exacerbated by these other factors. She gave an example of how socio-economic and spatial inequalities can contribute to the systemic social and political exclusion of women or deprive them of full participation and contribution on issues within the society and communities in which they live (Kabeer, 2010, p. 7).

Similarly, this study finds true the indivisibility of the economic, social, political rights of women and that addressing discrimination and gender inequality cannot be divorced from the broader socio-political context, especially in a country such as Nigeria. Research has shown that poverty and gender inequality are intrinsically linked and interact in many ways. They are best understood together rather than as “distinct issues”, especially in developing countries (Jayachandran, 2015; Nieuwenhuis et al., 2018). Dormekpor (2015) argues that income inequality between genders worsens women’s poverty. Similarly, Koehler (2016) notes that a vision of women’s rights and gender inequality without a focus on the socio-economic aspects of the rights is fundamentally inadequate to meet the needs of women, especially those living in poverty (p. 60). This was echoed by many respondents who asserted that socio-economic rights are important to achieve gender equality and there is a clear understanding that poverty continues to be a major threat to women’s socio-economic development in Nigeria. This is why SDG Goal 1 and 10 remain important within the Nigerian context: to *end poverty in all its forms everywhere* and to *reduce inequality within and among countries to ensure that no one is left behind*. However, this study finds that addressing the issue of gender inequality within the broader goal of achieving social equality and social justice has not been a core value of successive governments in Nigeria.

This can be traced to the weak socio-economic rights framework and implementation in Nigeria, starting with the flaws in the framing of the social and economic rights of citizens within the Constitution, which is the overarching legal instrument that governs the rights of citizens and the role of government. Chapter II of the 1999 Constitution (Fundamental Objectives and Directive Principles of State Policy) includes sections 13-24 which covers the economic and social rights of citizens and the role of the State in ensuring and providing this. However, Section 6 (6) (c) makes the provisions of this chapter non-justiciable which means no court pronouncement or legal action can be taken against the government for the breach of any of the provisions of this section. Sec 6 (6) (c) states that:

the powers of the Court shall not extend to any issue or question as to whether any act or omission by any authority or person or as to whether any law or any judicial decision is in conformity with the Fundamental Objectives and Directive Principles of State Policy set out in chapter II of this Constitution.

The implication of this is that despite the provision of Chapter II of the 1999 Constitution that the State shall direct its policy to carry out some of the objectives listed below, the Government cannot be held liable for its failure to carry out its constitutional obligations to the citizens. Thus, the Government cannot be compelled to meet this obligation or be held responsible for the high unemployment rate, insecurity, maternal and infant mortality rate even if this is a resultant effect of the Government's failure. Below is the list of the objectives for which the government cannot be legally held responsible:

- control the national economy in such manner as to secure the maximum welfare, freedom, and happiness of every citizen on the basis of social justice and equality of status and opportunity;
- ensure that all citizens, without discrimination against any group whatsoever, have the opportunity for securing adequate means of livelihood as well as adequate opportunity to secure suitable employment;
- provide suitable and adequate shelter, suitable and adequate food, a reasonable national minimum living wage, old age care, and pensions, and unemployment, sick benefits, and welfare of the disabled are provided for all citizens;
- ensure equality of rights, obligations, and opportunities before the law;
- ensure that there are adequate medical and health facilities for all persons;
- ensure that there are equal and adequate educational opportunities at all levels.

This provision limits the commitment to human development and has been a major obstacle to socio-economic development in Nigeria where ultimately

the Government can decide what services to provide or not provide. In the event of failure, action cannot be brought against the Government for breaches that leave citizens helpless, fighting for their rights, or protesting against such a failure in some other ways. The courts have consistently upheld the non-justiciability of this provision of the Constitution and argued that they cannot enforce any of the provisions of Chapter II as they remain mere declarations, as decided in the case of *Attorney General of Ondo State V. Attorney General of the Federation*. This non-justiciability of the Directive Principles of State Policy has been described as a “denial of right” (Ikpeze, 2015, p. 53), while Nwauzi (2017) notes that the failure of the court to adopt a very liberal construction of this provision of the Constitution has serious socio-economic consequences. The implication of this for SDG 5 is that there is no way to compel the Government to act appropriately or hold it accountable to ensure that it upholds socio-economic rights and commitments that promote gender equality and women’s empowerment as provided in the Sustainable Development Goals and targets.

Several examples of the Government’s failure and the almost impossible task of holding them accountable have led to avoidable loss of life and property, yet citizens are left helpless in challenging the Government’s negligence. For example, hospital detention or refusal to release patients or bodies of deceased patients to their families for unpaid bills or inability to pay medical fees has become a phenomenon that not only shows the negligence and failure of the Government to provide adequate welfare and healthcare but also demonstrates a denial of the right to dignity by detaining vulnerable people unjustifiably. (Handayani et al., 2020; Yates et al., 2017). Some citizens and non-governmental organizations have sued the Government for failure to provide affordable, accessible, and quality universal healthcare services, as seen in the case of the hospital detention of a woman in a public hospital for failing to pay for medical services. Despite having serious health complications, she was denied emergency treatment, leading to her death (Center for Reproductive Rights, 2016). Many of these lawsuits on access to healthcare have not been successful.

It is important to clarify that this situation is not peculiar to Nigeria alone as similar provisions exist in the constitutions of countries such as India, South Africa, Ghana and Uganda. However, over time, the courts in these other jurisdictions have risen to the occasion to overrule this provision and interpret these rights as justiciable. For example, in India, the Indian Supreme Court in the case of *Olga Tellis and others v. Bombay Municipal Corporation & others* promoted the economic and social objectives of their Constitution's Directive Principles to enforceable rights by holding that the right to life includes the right to, and protection of, the means of livelihood. Similarly, in Ghana, in the case of *Ghana Lotto Operators Association v. National Lotteries Authority*, it was held that the 1992 Constitution gave every person the right to economic activity, and that right could not be lawfully taken away except if the economic activity is illegal. Likewise, in the landmark South African case of *Government of the Republic of South Africa v. Grootboom*, the Court enforced the constitutionality of socio-economic rights as provided in the Constitution, thereby making the right to adequate housing enforceable. The court, in reaching its decision, emphasized the interconnectedness of political and civil rights with socio-economic rights under the constitution and its justiciability.

If indeed the Constitution is a social contract between the Government and the citizens and lays out the rights and duties of citizens as well as the Government's obligations, it is therefore surprising and raises questions about why the courts in Nigeria have not adopted the position of courts in other jurisdictions, and why they have been very reluctant to elevate and expand the economic and social rights in Chapter II to be enforceable and justiciable. Despite this lacuna, judicial enforcement of these rights has relied on other legislation, such as the Fundamental Rights (Enforcement Procedure) Rules, 2009, and other international treaties and agreements that have been ratified and domesticated in Nigeria, such as the International Covenant on Economic, Social and Cultural Rights (ICESCR), Child Rights Act, the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act.

An example of one of the many successful enforcements of the socio-economic rights was the case of *SERAP v Federal Government of Nigeria (FGN)* in a claim brought before the Economic Community of West African States (ECOWAS) Court. Relying on the provision of the right to education under the African Charter on Human and Peoples' Rights, Socio-Economic Rights and Accountability Project (SERAP) a non-governmental legal and advocacy organization in Nigeria asked the court to address the lack of adequate implementation of Nigeria's Basic Education Act and Child's Rights Act of 2004. The Federal Government of Nigeria argued that the educational objective in the Constitution of Nigeria is non-justiciable. However, the Court held that rights under the African Charter are justiciable and Nigeria is bound by this provision as a signatory and as having domesticated the treaty.

Using International legislation and treaties in court to ensure that the social and economic rights of citizens are upheld, while commendable, does not seem practical in Nigeria in the sense that challenging the Government is expensive and individual citizens are usually reluctant to take it to court to ensure these rights. Alternatively, to get the Government to act and perform its obligations under Chapter II of the Constitution, citizens have often resorted to collective action and mobilization by public protest and opposition; pressure from civil society and the international community; strike actions and trade union mobilization to actualize the provision or implementation of socio-economic rights. However, the findings of this research show that prioritizing the socio-economic rights of citizens is key to achieving the human dimension of sustainable development. Having to protest the Government's inaction to provide basic social and economic amenities and protect them is akin to non-prioritization of human rights and lack of good governance. One respondent noted:

"A society that cannot provide basic human services for its citizens cannot be said to be a developed society. Do we need to protest for basic health, security, and an enabling environment to live in and thrive? If you go by what is happening in Nigeria, we will be protesting even the ability to breathe clean air. The Government is not ready to do anything for the masses. They are all about themselves, their

children, and their associates. Let the Constitution be a contract that is used and enforced. If I fail in my duty and obligation, I will face the law. Why can't we take the Government to court when they do not carry out their obligations?!"

Another example of an intersecting inequality or factor that will affect gender inequality and achieving sustainable development in Nigeria is insecurity, especially as it affects women in Northern Nigeria. While Nigeria has the largest official number of people living in extreme and poverty—having overtaken India in 2018—with close to half its population living in extreme poverty (Kazeem, 2018; National Bureau of Statistics (NBS), 2020; World Data Lab, 2018); the situation is worsened and more pronounced for women in the Northern part of the country. Although there is no tangible dividing line, the North and the South of Nigeria are significantly different in many ways. Poverty and underdevelopment have ravaged the region and the North has some of the most impoverished states in Nigeria with about 60% of Nigerians living in extreme poverty residing in the North (National Bureau of Statistics (NBS), 2020).

In terms of health outcomes, education and literacy levels, and infrastructural development, it has remained progressively slow and underdeveloped compared to the Southern parts of the country (Ngbea & Achunike, 2014). A former Governor of one of the Northern States said: “*In Nigeria, poverty wears a northern cap, if you are looking for a poor man, get somebody wearing a northern cap*” (Odunsi, 2016 p. 1). High fertility rates and household sizes intensified by polygamy and early marriage have created extensive household-induced poverty and economic disempowerment. This situation has been further exacerbated by insecurity, internal conflict, violent clashes, and the Boko Haram insurgency that has ravaged the region in the last 10 years (Isokpan & Durojaye, 2016; Zuhuman, 2018). As a result, livelihood crises, displaced communities, and a cycle of entrenched and gendered poverty among girls and women in the North make them some of the most disadvantaged groups in Nigeria. Yet not enough has been done in terms of guaranteeing security, social protection,

providing basic amenities, rehabilitation, and reconstruction of these communities.

The majority of the respondents agreed that achieving sustainable development in Nigeria in its current state remains doubtful because the environment is not enabling growth, progress, development, or equality. Poverty worsened by poor basic amenities, infrastructure, service delivery, insecurity, internal displacement, and environmental degradation across the country, particularly in rural areas, will be a challenge to achieving the SDGs by 2030. Many women are just struggling to get by, survive, provide, and take care of their families using the limited resources available to them. There is no will to fight or challenge government inadequacies or even ask for more. Citizens just want the Government to provide them with the basic minimum—good roads, healthcare, water, sanitation, security, electricity—and they are happy to sort out the rest. Even for women who can be described as privileged or living comfortably, their goal is to improve their lives and those of their families. Thus, while gender equality is important, fighting for it does not seem to be a major priority for many women in Nigeria.

To emphasize how these socio-economic rights are linked to gender equality, I compare some of the SDG 5 targets and similar provisions of the Constitution of Nigeria. Most of them are in Chapter II of the Constitution, which is not justiciable, and the Government cannot be compelled to meet these obligations if they choose not to.

- a. Target 5.1: *End all forms of discrimination against all women and girls everywhere* is linked Section 17 (3) (a) and (e) where the State is to ensure that all citizens, without discrimination to any group, have the opportunity for securing adequate means of livelihood and suitable employment; equal pay for equal work without discrimination on account of sex, or on any other ground.

- b. Target 5.5: *Ensure women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic, and public life* is linked with the provisions of Section 14 (c) that the State shall ensure the participation by the people in their government.

- c. Target 5.4: *Recognize and value unpaid care and domestic work through the provision of public services, infrastructure, and social protection policies*, is linked to sec 15 (3) (a) which states that it shall be the duty of the State to provide adequate facilities for and encourage free mobility of people, goods and services throughout the country. Also linked to this is 16 (2) (d) which requires the state to provide suitable and adequate shelter, suitable and adequate food, a reasonable national minimum living wage, old age care, and pensions, and unemployment, sick benefits, and welfare of the disabled are provided for all citizens.

- d. Target 5.6: *Ensure universal access to sexual and reproductive health and reproductive rights as agreed under the Program of Action of the ICPD and the Beijing Platform for Action* is linked to sec 17 (3) (d) where the state is to ensure there are adequate medical and health facilities for all persons.

I conclude that improved human development and socio-economic rights such as the right to health, water, food, security, education, work, housing, and social welfare are important for gender equality and sustainable development and more specifically for achieving the SDGs in Nigeria as well as in many developing countries. The indicators of the socio-economic dimensions that might affect women's participation in sustainable development in Nigeria reveal extremely poor performance (Ritchie et al., 2018). See also Table 9 below by Kharas et al. (2018) on countries' current trajectories on the Sustainable Development Goals and indicators. Poor, uneducated, without access to basic amenities, at the risk of domestic and

gender-based violence, living in conflict-ridden communities—the indicators show that Nigeria is at its very lowest in terms of human development.

To lift women out of extreme poverty, challenge discrimination and marginalization, and addressing other inequalities and factors that hamper their effective participation in development and exacerbate gender inequality is fundamental. I note that without these rights and policies to promote them in place and effectively implemented, the situation remains dire and thus the commitment to leaving no one behind in Nigeria might not be achieved by 2030.

Table 9: The SDGs—Countries Current Trajectories

	Extreme poverty	Undernourishment	Children overweight	Stunting	Wasting	Maternal mortality	Child mortality	Family planning	Primary school	Pre-primary school	Violence against women	Gender equal. in leadership (P)	Water	Sanitation	Electricity	Birth registration
Nigeria	25%	5%	5%	-	10%	34%	30%	8%	-	-	3%	6%	6%	10%	7%	25%
India	-	26%	15%	33%	21%	3%	-	20%	-	41%	23%	25%	14%	26%	-	-
Congo, Dem. Rep.	15%	-	2%	5%	3%	11%	12%	3%	-	7%	2%	3%	10%	5%	15%	15%
Pakistan	-	6%	<1%	6%	8%	1%	14%	5%	10%	2%	4%	4%	5%	2%	-	10%
China	-	6%	12%	5%	3%	-	-	3%	-	-	12%	15%	-	8%	-	-
Ethiopia	-	4%	2%	6%	4%	<1%	<1%	<1%	15%	2%	3%	-	9%	6%	4%	15%
Uganda	2%	6%	1%	2%	<1%	2%	-	1%	13%	4%	<1%	<1%	6%	3%	5%	-
Indonesia	-	-	4%	3%	6%	-	-	-	<1%	3%	3%	-	2%	-	-	-
United States	-	-	4%	<1%	<1%	-	-	3%	-	3%	2%	4%	<1%	<1%	-	-
Bangladesh	-	3%	<1%	2%	3%	-	-	2%	-	2%	3%	2%	<1%	3%	-	7%
Mozambique	3%	1%	1%	<1%	<1%	2%	<1%	1%	6%	-	<1%	<1%	2%	1%	4%	-
Sudan	2%	-	<1%	2%	2%	1%	3%	2%	9%	<1%	<1%	<1%	2%	1%	5%	-
Brazil	-	-	4%	<1%	<1%	-	-	1%	-	-	2%	4%	-	<1%	-	-
Chad	2%	<1%	<1%	<1%	<1%	2%	4%	<1%	4%	-	<1%	<1%	2%	<1%	3%	3%
Cote d'Ivoire	<1%	<1%	<1%	<1%	<1%	3%	3%	1%	1%	2%	<1%	<1%	1%	1%	1%	<1%
Madagascar	5%	4%	<1%	2%	3%	<1%	-	1%	2%	1%	<1%	<1%	2%	2%	4%	<1%
Malawi	2%	2%	<1%	<1%	<1%	3%	-	-	-	-	<1%	<1%	<1%	<1%	4%	-
Mexico	-	<1%	2%	<1%	<1%	-	-	2%	-	3%	1%	-	-	-	-	<1%
Niger	2%	<1%	<1%	2%	3%	2%	3%	<1%	-	2%	<1%	<1%	3%	1%	5%	-
Somalia	2%	-	<1%	<1%	2%	2%	4%	<1%	-	-	<1%	<1%	1%	1%	2%	-
South Sudan	4%	-	<1%	<1%	<1%	2%	1%	<1%	-	-	<1%	<1%	-	-	2%	-
Tanzania	2%	3%	1%	2%	1%	2%	2%	1%	-	3%	1%	<1%	4%	3%	4%	6%
Other countries	36%	33%	42%	26%	25%	27%	22%	40%	40%	26%	35%	32%	32%	24%	35%	19%
Total	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%

Legend: % Top 5 country for relevant indicator
 % Country is not in Top 5
 - Country is on track for SDG
 No data

Source: Kharas et al., (2018), *Counting who gets left behind: Current trends and Gaps on the Sustainable Development Goals*, Brookings Institution.

8.1.2 Contextual Realities—Impact of Pluralism and Religio-culture in Sustainable Development and Gender Equality Discourse

Another recurring theme in this study is the extent to which culture, religion, and social norms impact the lives of citizens. Their social values and engagement greatly influence and affect progress on gender equality. The

results show that a complex mix of cultural and religious interpretations and historical and contemporary patterns of inequality underlie and shape the discourse around gender equality within the Nigerian context. The most striking observation is that these complexities cut across the public and private spheres, from how individuals frame decisions and issues in their private life (such as their belief systems, career choices, behaviour and values, sexuality, control over their bodies, sexual and reproductive rights) to the framing of public discourse and attitudes to issues such as gender-based violence, LGBT rights, women's rights, feminism, participation in politics, population policy, and disability. This is not surprising because social scientists, through anthropological research, have shown that humans are a product of their culture and are malleable or conditioned and shaped by these external forces and social conditioning (Austen, 2000; Okin, 1994; Raday, 2003a, p. 669; Spiro et al., 1987).

This study shows a strong intertwining between religion and culture and their role in policymaking as well as the idea that culture, religion, and spirituality is becoming an increasingly significant determinant of development outcomes and cannot be overlooked in development discourse (Geertz & Banton, 1966; Raday, 2003b; Verhelst & Tyndale, 2002).

An understanding of how culture shapes people's identity is important in addressing wicked problems such as gender equality and could help to broaden the scope of development approach and methodology as well as "open new ways to development paradigm that is people-based and all-embracing" (Verhelst & Tyndale, 2002, p. 7). This was also reiterated by Austen (2000) in *Culture and the Labour Market*, showing that an integral part of the economic analysis of the labour market is an understanding of the relationship between culture and human choices in understanding patterns and choices related to work, income, leisure, individual preferences household production, and decision making. Rather than narrowly defining culture as traditional or customary beliefs of people from one generation to the other, it extends to how people think, and how they internalize norms, ideas, values, institutions, and policies. Kirkhart (2011) notes that because

“culture is a complex construct, difficult to define and often marked by different descriptors, the task should be appreciating the complexity of its meaning in a specific context” (p. 76).

I note that in the Nigerian context, religion is an institutionalized part of the culture and a significant part of people’s lives and this shapes their behaviour and identity. Religio-cultural perspectives shape women’s choices and remain an important part of gender equality and sustainable development discourse in Nigeria as it has the potential to enhance or hinder human development (Haar, 2011). Though the Nigerian Constitution guarantees freedom of thought, conscience, and religion and prohibits both states and the Federal Government from adopting any religion as a state religion, Nigeria remains a very religious society. Citizens have very strong views about issues based on their religious leanings. Politicians take the oath of office using the Bible, Quran or a traditional deity, and often Muslim and Christian prayers are said in political or government gatherings. Religion greatly influences gender rights and the understanding of women’s issues in Nigeria.

As seen in Chapter 5, the majority of the respondents in the focus groups and other stakeholders shared the view that the day-to-day realities of women in Nigeria are less likely to be shaped by legislation, policy, or government as much as they are by religion, culture, social biases, and gender stereotypes. Para-Mallam (2010, p. 467) emphasizing how religion shapes the lives and choices of women in Nigeria notes, “Both faith and tradition are sources of community belonging and prestige in relation to women’s prized roles as wives and mothers.... Compelling them to prioritize the socially acceptable female sphere of domesticity”. Despite the various critiques of religion that show how it discriminates against women and suppresses them as well as in some instances contributing to poverty and income inequality (Inglehart & Norris, 2003; McDonald, 1989; Stopler, 2008). One cannot but acknowledge and admit the role of religion and faith for women in many countries. They have embraced this with their realities and experiences and religion supports their spiritual solace and their

relationships, as well as providing “mechanisms for resilience at both the individual and community level” (Tomalin, 2018, p. 1). In some settings, religious and faith-based organizations play a very crucial role in providing welfare support to members and non-members of their faith (Haar, 2011; Peterson, 2013). A 2018 Pew Research Survey on Diversity, Gender Equality, Family Life, and the Importance of religion showed that about 65% of Nigerians think religion plays an important role in the country, while about 96% attested to the importance of religion in their lives. This study shows that failure to consider this and recognize its centrality on issues of women and gender equality in Nigeria has often resulted in the ineffectiveness of policy, reforms, development programs and interventions, and the actualization of gender equality.

These findings are not unexpected and are consistent with some previous studies and research outcomes (Narayanan, 2013; Peterson, 2013). For example, Marshall (2001) underscores the powerful links between the world of religion and modernization and the importance of this dialogue in the work of development institutions, faith organizations, and academia in addressing global issues on inequality, poverty, and social justice. She noted that often there is the tendency to ignore the vital and pervasive force of religion at the individual and community levels, which has led, in some situations, to grave consequences or even unexplored opportunities (Marshall, 2001, pp. 343–344).

In a highly religious society such as Nigeria, religio-cultural influences on development, women’s rights, and gender equality are quite obvious. This is why I argue these context-specific realities cannot be ignored and need to be taken into consideration in the discourse on sustainable development and gender equality vis a vis the legal and policy framework. Basedau et al. (2017) argue that while the concept of religion and development is multidimensional, there is a process of mutual influence that is determined by the cultural context and level of religiosity within the particular society. As such, in a highly religious society, for instance, the complex relationship between religion and development tends to shape not only human behaviour

in such society but also impacts “formal and informal rules, norms and values, and public discourses” (p. 35).

These religio-cultural undertones also shape discourse, influence institutions—political, social, and religious—and impact on policies and laws (Peterson, 2013). Legislators and policymakers often rely on religion and cultural influences on issues affecting women’s rights and gender equality in Nigeria as seen in certain instances. For example, members of the National Assembly, basing their decisions on religious and cultural sentiments, have voted against and rejected the *Gender and Equal Opportunities Bill*, on three different occasions. The Bill sought to domesticate some of the provisions of CEDAW, enforce equality for women in labour participation, politics, and education as well as to offer protection and remedies against gender-based violence. Although some have criticized the poor strategy used in introducing the law to the National Assembly for failing to adopt the Bill to reflect local and contextual realities, the major reasons were the strongly religious and cultural convictions of a male-dominated and patriarchal legislature.

One respondent, a Director at the Federal Ministry of Women Affairs, noted:

There are constitutional guarantees to equality maybe not as explicit, but they are there. In a country like Nigeria, gender equality needs to be addressed in a non-threatening manner, I would rather the Bill be Women’s Social and Economic Inclusion Bill. If you capture it that way, no one will resist it but when you say equal opportunities bill, there is a legitimate fear of women taking over. And within the policy arena, it’s like war theatre. Until you have enough people that support gender equality, you must leave your activism hat and understand how the policy works. You must make the policy sellable, especially in a society where patriarchy has not been demolished. Because at the end of the day, you fight for this policy with so much passion, anger, and heat but in practice. They are not sustainable. They are non-justiciable or implementable. Two or three years down the line, the laws are rusted. (Respondent A11, Female)

Another example of how patriarchal culture and undertones, and cultural stereotypes influence the gender equality discourse in Nigeria can be seen in the response of the President of Nigeria to questions in a BBC interview in October 2016 during a visit to Germany (while standing next to the German Chancellor, Angela Merkel) about criticisms by his wife about his leadership of the country. He dismissed the criticisms with a misogynistic comment that showed how women have been culturally stereotyped in Nigeria. He said, “*I don't know which party my wife belongs to, but she belongs to my kitchen and my living room and the other room*” (BBC News, 2016). This generated criticism across the country and in the media about the President's impression of the role of women. While some excused this as a joke, it reflects how often women's voices are silenced and their opinions discounted in Nigerian society. It is not surprising that there are only seven women out of 44 members in the Federal Executive Council in Nigeria (This Day Newspaper, 2019).

A nuanced understanding of these religious and culturally determined patterns of behaviour within specific contexts is important to enhance policy framing, policy-making and implementation as well as change (Austen, 2000; Napier et al., 2017). Not engaging with it or ignoring its influence and impact will ultimately affect how policies and laws respond to or address deep and entrenched socio-cultural norms that discriminate against women. Narayanan (2013), analysing the connections between religion and sustainable development, notes that while religion is not a panacea for all that ails sustainable development, engaging with religion can productively influence sustainability depending on the local context.

For instance, a context-specific approach or response to the issue of education enrolment for Muslim girls and women in the Northern part of Nigeria will mean that government education policies and programmes are adapted to suit and support the socio-cultural and religious norms of these women. A nuanced approach towards addressing inequalities in education begins from understanding that although encouraging girls and women to obtain formal education is important to improve their economic and

employment opportunities, it has to move beyond the quest for improved access to “quality” Western education. This is because the average Northern Nigerian Muslim places high importance on Islam as a way of life and thus a well-rounded education for many of them has to incorporate religious education. Thus improving women’s and girls’ enrolment might practically mean an integrated curriculum school that integrates education whilst maintaining their religious values (Baba, 2012). Alternatively, western education curriculum can be incorporated into the current Islamic schools rather than promoting enrolment in secular education, especially in a region that is in some ways suspicious of western education (Isokpan & Durojaye, 2016).

Also, the pluralistic system of law in Nigeria reflects these religio-cultural realities. Legal pluralism refers specifically to the situation in which cultural and religious laws, operating alongside national laws, are recognized as official sources of law for communities (Merry, 1988; Swenson, 2018). As discussed in Chapter 6, pluralism also affects the legal and policy frameworks in many ways. This is not peculiar to Nigeria, as different countries also have plural systems of law. However, different systems deal with pluralism in different ways and it is important to pay attention to the specific details, in particular, situations (Grillo, 2009). Banchoff (2007) notes that religious pluralism poses acute challenges for secular states and contemporary democracies as it can be both a force for peaceful engagement or division. The current plural religious and legal framework risks adversely affecting women’s rights as well as achieving the SDGs as it has inconsistencies and discriminatory law, which will continue to impact women’s rights. Common-law, customary, and Islamic/Sharia law exist side by side and this has implications for women’s rights in Nigeria. Examples are discrimination in inheritance rights, laws that impinge on the dignity of women. For instance, In March 2002, a Sharia court in one of the Northern States in Nigeria sentenced a young woman Amina Lawal to death by stoning for having a child out of wedlock, although the death sentence was reversed by the Court of Appeal.

Likewise, in 2010, a Senate member of the National Assembly, the highest legislative body in Nigeria married a teenage Egyptian girl (the daughter of the chauffeur of the man). Although this was a contravention of the Child Rights Act, due to the plural legal framework, he was covered under Sharia law. In response to this, a bill to prevent early marriage in the country was put before the National Assembly was rejected. While refusing to confirm whether the girl was a 13- or 14-year-old as reported in the news, the Senator justified his action that the Muslims can marry a girl who is nine years and above as the Prophet Muhammad married his wife Aisha at the age of nine. He further argued that the Constitution of the Federal Republic of Nigeria provides that the Federal Government or National Assembly have no powers to legislate on any matter relating to marriages under Islamic law and customary law (Braithwaite, 2014). There were several calls by the public, child rights advocates, and women's organizations to prosecute this member of the National Assembly. However, the then-Attorney General of the Federation, while acknowledging the irresponsibility of the conduct, noted that no offence had been committed as the marriage was contracted under Sharia law and also that the Child Rights Acts cannot suffice as that girl in question is an Egyptian girl given out in marriage by her parents (Faul, 2013).

These examples show the reality of legal pluralism, the conflicts of law, and the challenges that women in Nigeria face. In the first instance, the man who impregnated Amina Lawal was not given the same treatment or even mentioned or charged. In the second example, this act undermines the calls to eliminate early marriage and continues to encourage the practice, especially in a region of the country with high maternal mortality rates and prevalent health risks such as Vesicovaginal fistula (VVF).

Notwithstanding the plural legal system, there are case laws where the courts have relied on the principles of equality and applied international treaties and agreements to address inequality and discrimination against women. An example is the case of *Ejioke Maduka v. Microsoft*, a case of sexual assault and harassment. The National Industrial Court relying on the provisions of CEDAW and the International Labour Organisation

Discrimination (Employment and Occupation) Convention 1958 held that a particular employee was liable for sexual harassment of the plaintiff while also finding the employer (Microsoft) vicariously liable for the acts of its employee. This was a landmark judgment concerning employment and workplace sexual harassment as the Labour laws in Nigeria are silent on employee rights or rather do not provide remedies for workplace harassment.

However, at other times, the courts have been reluctant to pronounce on customary norms as discriminatory when they are inconsistent with English law concepts or some principle of individual rights as understood in any other legal system. One of the reasons for this is the constitutional right of culture in protecting members of the community. Thus a culture that may seem discriminatory with western rights discourse may protect the rights of women within their cultural and social milieu ("*Ukeje v Ukeje*," 2014). An example was the pronouncement in *Ukeje v Ukeje* where the court held that one cannot declare a custom as discriminatory because it fails to recognize a role for women, nor condemn communities without a hearing as to why they practice the system by which they run their native communities. I add that although the Courts are important and can act as change agents for challenging discrimination and achieving gender equality, it is unsustainable to rest the burden of securing the human rights of women on the Courts. It has to be a collective responsibility of all members of society.

This is why dialogue is important in reconciling religio-cultural conflicts within the legal framework and in gender equality discourse if there are going to be lasting reforms and transformation in terms of formal and substantive equality and non-discrimination for women. Giddens (1994, p. 105) described it as "dialogic democracy which is a recognition of the authenticity of the other, whose views and ideas one is prepared to listen to and debate, as a mutual process". Dialogue as a way of navigating the multi-cultural contestation and conflicts in law and practice is also one of the important features of Seyla Benhabib's "dual-track process approach" in dealing with legal pluralism, equality, and culture (Benhabib, 2002). She described this as an "Interactive rational deliberative process" where laws and regulations

should be reached through a collective interest process that is fair, free, and open to all and through reasoned deliberation and negotiation based on principles of universal respect and egalitarian reciprocity.

Rethinking the approach to a more nuanced and context-specific one will involve a pragmatic realization that challenging entrenched and structural inequality within Nigerian society will involve cooperation and dialogic engagement with various stakeholders—the State, the gatekeepers of religio-cultural norms, traditional and religious leaders, community organizations and civil society. Webster and Watson (2014) note that without compromising on human rights, a nuanced engagement of religious communities through a participatory approach could open pathways to a future free from gender inequality and violence (p. 50). Leveraging the influence of traditional and religious leaders in Nigeria can be a tool for successful legal reform and social change. Ewelukwa (2002) calls them “the indispensable enemy” and notes their importance in reforms as they can pose the greatest obstacle. She said: “*Reform is less of a problem when a given local chief is sympathetic to the cause of women and is willing to bring about desired change*” (Ewelukwa, 2002, p. 473). This is where the traditional and cultural leaders, as well as leaders of faith-based organizations (FBOs) and community-based organization (CBOs), come in, as they have the potential to influence gender equality and transformative change.

There have been examples of instances where proposed policy changes, programmes, and interventions have been successful because they leveraged local knowledge and community participatory approaches, especially on issues that have a deep influence on religion and cultural context. For instance, the TOSTAN Community Empowerment model/approach to female genital mutilation/cutting (FGM/C) in Senegal is worthy of note. Using a non-judgmental participatory approach, the model used dialogue to engage the people on their understating of the harmful effects of FGM/C on maternal and infant health. The model was successful in changing behaviour and attitudes towards FGM/C such that the community leaders became the advocates of ending FGM/C and creating awareness

about the negative impacts. The anti-FGM/C law which criminalizes the act had failed to achieve these outcomes (Molloy, 2013; Shell-Duncan et al., 2013).

Another example of where leveraging on the influence of cultural/traditional leaders has been a powerful force of awareness creation and social change is the tackling of human and sex trafficking by the Edo State Government in Nigeria. Edo State, one of the states in Southern Nigeria, has become the largest hub for prostitution and sex trafficking of women to Europe. In an attempt to tackle this challenge of trafficking, the State Government, in partnership with the *National Agency for Prohibition of Trafficking in Persons* (NAPTIP), adopted different approaches from promulgating a law against trafficking to media campaigns and raising awareness of the need to stop the trafficking of young women and girls. However, to leverage the traditional religious belief of the Edo people in the sacredness and divinity of the Oba of Benin, the State proactively got the traditional ruler—the Oba of Benin—to intervene to reduce sex trafficking (Ebegbulem, 2018). Using his spiritual and political powers, he invoked curses on the perpetrators of trafficking and other forms of slavery, sex trafficking rings' sponsors, and their accomplices. Among the accomplices were native doctors who aid and abet the trade by performing rituals to lure the women and girls into sex trafficking and administering oaths of secrecy on the trafficked victims. This was a mechanism of control for the traffickers. He went further to revoke and nullify the curses and oaths placed on the victims for breach of secrecy (Millett-Barrett, 2019). Although this might seem arcane and ineffective to outsiders, insiders know that this carries weight within the Benin Kingdom in Nigeria based on the influence and belief in the sovereignty and divinity of the Oba, and the finality of his words (Nevadomsky, 1993; Plankensteiner, 2007).

An example of how leveraging the influence of traditional and religious leaders has proven successful is the eradication of poliomyelitis (or polio) in Nigeria. Up until 2012, Nigeria was on the Polio Endemic List accounting for more than half of the global polio cases. However, in September 2015, the

World Health Organization announced that polio was no longer endemic in Nigeria, as there had been no reported cases in 12 months (Maurice, 2015). There were several setbacks in eradicating this, especially in the North due to safety concerns about the vaccine and claims of vaccine contamination a few years before where a Pfizer experimental drug test for meningococcal meningitis led to the death of some children in the North. As a result, many parents were reluctant to allow their children to take the vaccine and boycotted the campaign to eradicate polio (Jegade, 2007). Amongst other efforts, one of the most important was government mobilization of traditional, religious, and community leaders in various states and local communities to rebuild trust, garner support for the “*Kick out Polio*” campaign, and quell the rumors around the polio vaccine safety. They encouraged parents and community members who had been opposed to immunization to allow polio vaccinations for their children and wards, which resulted in Nigeria successfully ending polio (Nasir et al., 2014).

Likewise, engaging with the nuances between development, gender equality, and religion in Nigeria requires understanding how to challenge patriarchy. I argue that making systemic change, addressing unequal power relations, empowering women, and achieving equality in Nigeria—a male-dominated state—will to some extent depend on having men as supporters and allies. For women in Nigeria to achieve full equity in the public and private domains in terms of agency, full empowerment, and decision-making within the household and society, a radical shift and change of minds is required. Men particularly will need to understand the roles and importance of women in society and see women’s roles as affecting development through a change in socialization, stereotypes, and their thinking. Jane Parpart (1986a) said: “Like women everywhere, African women will have to come to their own rescue. Their success will depend partially on sympathetic men who recognize that women’s rights are a fundamental part of the future African leaders” (p. 196). A respondent echoed this assertion:

We must be careful in the kind of policy we are fighting for. We must be careful in the legislation. It must be things that enhance the whole society so that gender becomes an added value to society. That way

men will support it because it is in their collective interest. It is in their common interest. But if we just want a policy or legislation that now establishes reverse discrimination, men are locked out, they're punished. What society is that? Is that the kind of society we are dreaming of? No. (Respondent A11, Female)

She continued further that a nuanced approach in challenging inequality and unequal power relations is important for achieving gender equality in a society like Nigeria. Using an example of the Gender and Equal Opportunities (GEO) Bill, she spoke of how she would approach it differently. She noted

But if we package a good GEO bill but rename it, those are the things that subtly it is supposed to do, but we have to package it well. We have to be sensitive to what people are fighting. I'm a policy analyst principally and then a gender specialist. What I know is that there is a way to policymaking, there is a pathway. Some things need to be in a policy that makes them sellable. Until we have enough gender people who will leave their activism heart and understand the policy arena. The policy is like a theatre like you have the war theatre; you need trained soldiers who can do it. You need astute gender policy analysts who understand the making, the operations of a policy. That way you can then negotiate. (Respondent A11, Female)

This approach described above which seeks to fight gender equality issues via dialogue and getting men and boys as allies in the fight is similar to the SASA! (Start, Awareness, Support, Action), an approach which 'Raising Voices', a Ugandan not-for-profit women's rights organization, is using in addressing social awareness and change on issues of gender-based violence (GBV), intimate partner violence (IPV), and HIV protection in Uganda (Abramsky et al., 2016). SASA!'s approach uses various community-led intervention and mobilization strategies to engage the community in a non-judgemental dialogue to understand and address domestic and gender violence, power imbalances, as well as to initiate effective programmes and actions that have succeeded in producing positive behaviour change

(individual and community), reducing and preventing gender and intimate partner violence, and creating broad awareness on gender equality and HIV prevention (Kyegombe et al., 2014; Starmann et al., 2018). The approach or form of engagement has to be strategic and carefully chosen as there is no simple fix in addressing gender equality or changing negative social norms, especially in countries where there is societal, patriarchal, political, and cultural resistance to gender equality.

In conclusion, I argue that development discourse and practice in a country such as Nigeria need to embrace and acknowledge the various religious and cultural influences on women's issues and gender equality in policy framing, making, and implementation. If a global sustainable development agenda on gender equality is to be achievable, it needs to address these complexities and be workable for women within the parameters of their lived realities and local contexts.

8.2 Gender Equality and the State

A second major theme from this study shows the indispensability of the state as a key stakeholder in determining progress on gender equality, social justice, and sustainable development. The action or inaction of the state as an institution can shape or impact equal rights and gender equality outcomes, influence the national response, as well as constrain, restrict and shape people's behaviour, interaction, and choices. This finding supports the literature on the importance of state action, institutions, and agencies in determining and promoting gender equality policies and legislation, and dismantling systemic and institutional barriers limiting women at national and local levels (Gelb & Palley, 2009; Mazur, 2017; Stetson & Mazur, 1995a). Fineman (2008) states that although collective and independent social movements can shape women's agency and equality, ultimately the state plays a very important role both as an active and residual player in enabling equality or maintaining and extending inequality in the public and private sphere or domain of women's lives (Fineman, 2008, p. 2). The feminist scholar Rhode (1994) puts forward a similar view that the state and its institutions are indispensable actors in promoting the status of women,

addressing gender inequality and especially “for marginalized groups the state is a primary source of both repression and assistance in the struggle for equality” (p. 1188). It is important to clarify that this is not to suggest that the state has the monopoly to shape or mould societal behaviour, especially on gender relations, rather the state and its institutions or agencies have the capacity and most fundamental structure and ways to intervene or impact on women’s lives and their position in society (Stetson & Mazur, 1995b). Similarly, Merry (2009) noted that the state “remains the focus of action in the process of document production and implementation of human rights reforms” (p. 223).

This study provides evidence to show that the positioning of the state towards women as well as the weak policy and implementation framework on gender issues cannot successfully challenge gender inequality. The findings show that the Nigerian Government continues to contribute to and reinforce gender inequality in the country through some of its laws and policies and construction of gender relations, as seen in the analysis of some of the legal and framework policies. There seem to be some good laws but they are not followed through with actions, and efforts to raise the status of women, which in turn shapes norms, behaviour, and attitudes towards women and gender issues in Nigeria. Because of the general indifference to women’s rights, lack of political will and genuine commitment to gender equality and sustainable development, gender inequality persists. Most of the successes in breaking down discriminatory barriers and improving women’s status have been somewhat rooted in the collective efforts of women’s movement and advocacy groups, and in the individual actions of women in Nigeria, rather than the influence of the State. These findings support the view of Kardam and Acuner (2018) that in many countries often “gender equality is generally not perceived as a priority area by politicians and is easily manipulated for their own interest” (p. 101).

These issues are further compounded by high poverty rates, social and income inequality, economic instability, lack of basic infrastructure, crises of leadership and followership, and citizens’ deep distrust of government and

the political elite. Also, insecurity and conflicts in some of the poorest regions of the country, food price volatility and insecurity, corruption, and the failure of successive governments to prioritize human development and sustainable development contribute to gender inequality. Women in Nigeria have consistently lagged in most human and socio-economic indicators (Makama, 2013; Para-Mallam, 2010). This failure of the state to prioritize human development and commitment to improving the socio-economic status of its citizens has implications for the achievement of SDG 5. The *Commitment to Reducing Inequality* (CRI) Index measures the Government's commitment across the world to reducing inequality using metrics on social spending on public services such as education and health, progressive taxation, and labour rights. Despite being the country with the highest GDP in Africa, for two consecutive years, Nigeria has consistently had the poorest CRI ranking. In 2017, it ranked 152, in 2018, it ranked 157 out of the 157 and the country least committed to addressing inequality, spending very paltry amounts on education, health, and social protection (Lawson & Martin, 2017). Various policies and programmes have been implemented to address welfare and social protection challenges in Nigeria. However, its welfare and social protection spending are significantly low. In comparison with other African countries, Nigeria spent 0.9% of GDP on social protection between 2006–2007, while countries such as Ethiopia, Kenya, Malawi, Mozambique, and Uganda spent an average of 1.4% in the same year (Hagen-Zanker & Tavakoli, 2012, p. 1). In a country with extreme and widespread poverty, the scale of intervention is inadequate and almost negligible in comparison with the size of the poor population—It is almost like a drop in the ocean. For example, Holmes et al. (2011), in their analysis of the effectiveness of three of the Nigerian Federal Government's social protection programmes, noted that one of its cash transfer programmes, *In Care of the People* (COPE), launched in 2007, reached less than 0.001% of poor households; the *Conditional Cash Transfer for Girls' Education* programme reached only 0.002% and 0.001% of poor people, in Kano and Katsina State respectively; while the *Maternal and Child Health Care* programme (MDG-DRG funded) reached less than 0.01% of the poor (p. 3).

This situation is further complicated by the federal system of government in Nigeria, whereby the Federal Government and States have the legislative authority to draft separate laws, thus creating difficulty in reforms and harmonizing legislation as well as the tripartite system of law—civil, Islamic and customary law. All this points to the fragile nature of the Nigerian society, which invariably has implications for women’s rights because rights and state-society interactions are weak in fragile states. As a result, they are usually unlikely to make women’s issues a priority or have the political will to support or meet their obligations to women (Baranyi & Powell, 2005; Koch, 2008). The question then is how to engage the State, especially taking into consideration the complex and fragile nature of the current Nigerian State in terms of its multi-ethnic demography and multi-religious inclinations.

There are two important policy implications for gender equality and the sustainable development goals from this study. First, it is obvious that where the State has neither the will nor the capability to drive and accomplish sustainability and gender equality policy change on its own, there is a need for a pragmatic, multipronged, and cross-sectoral approach through stakeholder collaboration, political manoeuvring, advocacy, and lobbying, and consistent and coherent policy and legal frameworks. This is not to absolve the state of its responsibility and traditional roles of maintaining a social compact and guaranteeing a free and equal society. In a society such as Nigeria, gender equality has to be understood as an issue of power relations, thus ensuring any feminist policy and implementation success will be determined by a “constellation of state and society actors” (Mazur, 2002). Secondly, while it is important to have a coherent legal and implementation sustainability framework that addresses gender inequality and empowers women, context, as well as a nuanced approach to the framing of issues in policy debates and discourses, policy-making and implementation, are key issues.

The first policy implication suggests that given the fragile nature of the Nigerian state as well as the multi-causal and socially complex nature of gender inequality in Nigeria, which is characteristic of wicked problems, from

a public policy perspective, they often cannot be solved or approached through traditional linear and analytical approaches. Addressing them requires coordinated action and interrelated responses by a range of stakeholders including government at all levels, NGOs, private businesses, community sectors, and individuals (Australian Public Service Commission, 2007, pp. 3–4). Studies have shown that for effective policy debate, change, or adoption, alliances are important and more specifically for gender equality policy success, cross-gender alliances (Bergqvist et al., 2013; Weldon, 2002). Even the SDG Agenda acknowledges the importance of partnerships and cooperation at global, regional, national, and local levels for a successful development agenda. (UN General Assembly, 2015). Thus engagement with state agencies, leaders of faith and community-based organizations, traditional leaders and gatekeepers of culture, a strong civil society, women's movements, and allies is needed. This could strengthen the legal and policy framework, demand accountability, and get a political commitment from the State as well as advocate for reforms and support gender equality policy, strategies and programme implementation.

Notwithstanding, there is still a need for active state intervention in the form of robust and context-specific legal reforms as well as policy interventions that impact the public and private spheres of women's lives. This is because, as the findings in this research have shown, until broader structural and conceptual shifts on women and equality in Nigeria occur, stronger state intervention is especially needed in confronting and challenging structural and intersecting inequalities, shaping behaviour, and promoting policies that enable equality in both its intentional and unintentional aspects for women. Also, the literature shows that the status of women is positively or negatively correlated with a strong or weak state respectively (Bergqvist et al., 2013; Rhode, 1994). Similarly, Gould and Agnich (2016), exploring the links between domestic violence and a weak or fragile state, noted that there is a likelihood of high rates of gender-based violence as a result of state failure in weak states that often makes women more vulnerable and at-risk at the public level, as well as in the private sphere (p. 1369).

For instance, because of the prevalent religio-cultural influences on the legal system, policies, and laws, addressing inequalities in the traditional private sphere in the form of domestic abuse and gender-based violence requires active state intervention. As these findings show, one of the ways in which the state has continued to enable inequality is its seeming unwillingness and reluctance to interfere in the private domain of women's life, especially in terms of protection from domestic violence. In addition to this, many states in Nigeria and especially in the North do not have specialized services and state institutions that support victims of gender-based violence. This is a role and gap that has over the years been filled by non-governmental organizations and faith-based organizations who provide support to victims such as counselling, shelter, access to legal services. This builds on existing evidence that the failure of the state to intervene in the 'private sphere' poses real danger and disadvantage to women, especially in cases of domestic violence. Rhode (1994) explained how the state's unwillingness to intervene in a "private" relationship tends to hold individual victims responsible for their victimization. She notes:

Domestic violence policy respects "private" liberty for men at the expense of comparable liberty for women, fixes responsibility at the individual rather than societal level and substitutes formal for substantive protections. Among many police officers, prosecutors, and judges, assumptions persist that family violence is a "family matter" and that women are responsible for their own victimization by provoking, tolerating, or declining to prosecute abuse. As one judge summarized prevailing sentiments: "Why don't they just get up and leave?". (Rhode, 1994, p. 1194)

McIntosh (1978), explaining ways in which the state sustains the subordination of women, described the "benevolence non-intervention of the state in women's private sphere". She said, "the issues of women in which the state is most obviously less benevolent are those in which women are denied the protection of the law in rape and domestic violence cases based on the assumption that women's contexts are private leaves room for women

to be exposed to abuse and violence” (p. 258). This continues to be relevant in Nigeria. While society continues to intervene and have an opinion on how women should behave, dress, use or not use their bodies, when it comes to protecting women from gender-based violence especially intimate partner violence or abuse, it refuses to intervene and deems it a private matter.

Thus, a fundamental shift and change in policymaking and implementation towards a coherent sustainable gender equality policy will require state intervention, an inclusive and participatory approach, deepened citizen engagement and participation in the policy process from design to implementation. This in turn promotes citizen ownership and encourages widespread participation in programmes.

Secondly, while state interventions and a coherent legal and policy framework are required across the various policy sectors to reflect a commitment to the SDGs in national legislations and policies, there is a need for a nuanced approach to policymaking, framing and implementation to be considered within the Nigerian context. This is because as seen in the findings, the positioning of the state on gender equality, the traditional approach of government intervention through legislation, policy implementation as well as the legal and religious pluralism have shown that policymaking, especially on gender equality and women’s issues in Nigeria is complex, bureaucratic and dependent on various factors and actors. This was echoed by Young (2005, p. 728) who says that in many developing countries, “policymaking is not a linear and logical process, rather, it is often dynamic, complex, sometimes chaotic”. Similarly, Kardam and Acuner (2018), in their case study analysis of national machinery in mainstreaming gender issues, noted that “policy processes are complex and multi-layered, not linear and predefined and as such require multiple interventions by different actors” (p. 113).

This is why a nuanced understanding of the complexity of the process and the historical and political context helps to shape the form of reforms, changes and effective policymaking and implementation. The context and the

peculiar situation in a country also determine how it responds to issues. Sassoon (2018) discussing state policy on women notes that the precise forms of social relations and institutional intervention of states on women's issues are often reflective of the concrete history of each country (p. 9). As seen in the findings, the current policy framework on sustainability and gender equality has not been as effective as it should be. Nuanced analysis and understanding might help to delineate and separate issues for better policy recommendations and proffer solutions that meet the needs of women. Kardam and Acuner (2018) argued that whilst there is agreement as to gender inequality and unequal power relation between men and women, the reasons for this are vastly different across different countries and societies and thus the policy recommendations will stem from the reasons behind the differences. They noted:

If the reasons for unequal gender relations are seen as being caused by exploitative economic relations, as socialist feminists view them, then policy recommendations would include the different treatment of women from different socio-economic backgrounds, on the other hand, if the crux of the issue is seen as the lack of opportunity for women within male-defined institutions, then policies are targeted to establishing space for women and rewriting laws to promote women's interests. (Kardam & Acuner, 2018, p. 110)

As the findings suggest, progress towards gender equality and achieving SDG5 targets in Nigeria also require a nuanced understanding that any reforms on women's rights and gender equality are deeply rooted and flavoured in the historical, ideological, political, and cultural contexts of the country. Ibidapo-Obe (2005), discussing the reality of the influence of culture, religion, and social realities on the interpretation of human rights in African jurisprudence, notes that "human rights is flavoured by the culture within which it is to be invoked...the perception of human rights is conditioned, in space and time, by a combination of historical, political, economic, social, cultural and religious factors" (p. 256). Likewise, women's rights and gender issues are also shaped by these factors. Thus, a nuanced understanding of policy framing, definition, arguments, adoption, implementation, evaluation,

and analysis of feasible alternatives or approaches is important in addressing context-specific conditions in Nigeria.

In the policy process, this nuanced understanding and approach must start right from the framing of the policy problem. As stated earlier, the framing of a problem determines the solution and policy recommendations and this is supported by a variety of research and literature (Lombardo & Meier, 2008; Peterson, 2013; Scott, 2003). The frame can be described as an “interpretive package surrounding a core discourse of idea” (Ferree, 2003, p. 308; Gamson & Modigliani, 1989). Bacchi (1999) on the construction of policy problems notes that in framing women’s inequality in policy or in issues that affect women such as gender discrimination, abortion, or domestic violence, problem representation is important. She argues that it is almost impossible to separate the solution from the problem representation or the “What’s the Problem?” analysis (Bacchi, 1999, pp. 9-11). Framing also determines how an issue or discourse resonates and is received by other actors—the support and momentum it gets as well as the chances of influencing policy outcomes (Beckwith, 2007; Htun & Weldon, 2012; Merry, 2009). Framing gender issues for policy debate and policymaking in Nigeria requires an understanding of the inherent ambiguities and challenges within the society and within the gender policy framework itself. Framing has to align all these moving parts and fit them within the current realities of the country. As seen in this study, the multidimensional causes and nature of gender inequality in Nigeria cut across a multiplicity of interactions such as legal and socio-economic rights to reproductive rights, political participation, agency and family life. The language in the framing of policy and laws, therefore, needs to be tailored to the specific realities (social, economic and political) of women in Nigeria as well as to resonate with citizens to build critical consciousness to demand change and genuine emancipation.

For instance, as seen in the findings, Nigeria’s pro-poor or economic growth policies or programmes are often framed or perceived as addressing gender inequality. Although poverty and gender inequality intersect and exacerbate each other, in Nigeria, policies aimed at reducing poverty have

not necessarily reduced gender inequality and vice versa. Anti-poverty measures are not a proxy for addressing gender inequality. Although pro-poor growth policies can provide an opportunity to reduce economic and income inequality and provide leverage to women in some areas, they are not enough to deliver gender inequality. There are other factors, such as gender stereotypes, discriminatory laws, high unemployment rates, equal power relations, access to productive resources, and lack of basic infrastructure that impact women's economic activities and opportunities. Thus, addressing gender equality cannot be constructed solely as an economic issue.

Policy framing and response to women's economic inequality has to move beyond mere economic /labour force participation to participation that takes into account and balances their productive roles as well as their domestic roles and unpaid work (Chopra, 2015). This might include better child care provision, maternity benefits, and flexible working hours for women in paid employment, provision of basic infrastructure, access to quality health service, good roads, and transportation network (especially for women in rural areas to move their goods). Also, women in Nigeria are not a monolithic group, thus framing gender policies while inclusive also need to be context- and reality-specific. For example, policy responses in addressing inequality and improving outcomes for women in the formal sector will be different from responses in the informal sector. In economies and societies like Nigeria where the majority of the women are employed in the informal sector, they might benefit more from egalitarian family and personal laws that improve their agency (Shahra Razavi & Jenichen, 2010; World Bank Group, 2015).

Thus, this might include rethinking what exactly a gender equality policy looks like within the Nigerian context. For instance, policies that are aimed at improving women's socio-economic status rather than focusing solely on only mitigating women's poverty and economic conditions can be framed around:

- revaluing domestic work and recognizing unpaid care and caregiving;

- improving social support and childcare policies and flexible workplace arrangements;
- reforming family laws and inheritance laws that restrict women's full and equal economic participation or access to economic resources; and
- dismantling cultural and patriarchal stereotypes and norms that interfere with women's contributions to economic growth.

All of these have to be considered in a nuanced approach without jeopardizing family cohesion, as this remains a core value for many women in Nigeria (Kardam & Acuner, 2018; Makinde, 2005). Another example is gender-based violence. Framing around GBV needs to move beyond being a women's issue or a social menace and unacceptable. It needs to be seen as a broader challenge, including being a significant public health issue that ultimately impacts development. This will impact how the Government responds to the issue in terms of policy formulation and implementation knowing that it is not just a social concern of a particular group, rather an issue that impacts the society at large.

In terms of a practical response to gender equality, this might include shifting the paradigm and social attitudes from the traditional gender norms and stereotypes to embrace a more egalitarian society. Also, family laws are required that promote women's autonomy and social roles beyond the traditional gender norms as well as recognizing and remunerating women's unpaid labour, especially in a country where the traditional burden or role of domestic care rests on the woman. For example, in many Scandinavian countries, shifting gender stereotypes and norms involved concrete expressions, such as changing parental leave policies from maternity leave to include paternity leave and the introduction of the "daddy quota" (Mandel & Semyonov, 2006; Peterson, 2013). Other practical responses might include offering support and incentives for women's labour market participation through quality and affordable childcare services, which in turn will help to reduce poverty and economic dependency (Daly, 2000).

Still, on the issue of context, this study also shows that understanding how change occurs in different contexts is also important. Bacchi (1999, p. 7) notes that: “Context is highly important in a “what’s the problem?” analysis. This is because 'problems' are often constituted differently due to location-specific, institution-specific, and history-specific factors. Attention to these specifics will provide insights into why some versions of a 'problem' appear in one place and other versions appear elsewhere, and/ or why an issue problematized in one setting remains unproblematized in another.” Thus, as seen in the findings, the country ownership of SDG 5 in Nigeria will require a context-specific understanding that the playing field is not the same even within the country, as seen in the dichotomy between the North and the South.

Thus, for example, addressing illiteracy/low educational enrolment or women’s economic participation in the North will be different from in the South. Because resources are scarce, finding practical and coordinated solutions to gender inequality and the challenges that women experience in the North will require a different approach. For example, a policy on sustainable development and improved economic participation for women in the Northern part of Nigeria who are engaged in the informal sector where their major source of livelihood is agriculture, pastoral farming, and animal husbandry, might take the form of a long-term policy goal of participation in the formal agricultural sector. This could entail improved agricultural technology to support them, including storage, harvesting, and transportation facilities. A short-term goal would be to understand the needs of the community and women towards self-reliance and improved access to resources that will enable and afford them better opportunities to participate in their chosen sector. Because of the peculiarity of the situation in the Northern part of the country with communal clashes, insurgency, violence, and humanitarian crises, a context-specific approach towards reducing inequality for women might include addressing the gender implication of the humanitarian crises in the affected states and the internally displaced persons (IDPs) camps. Similarly, improved security through active and targeted counterinsurgency, rehabilitation and economic reintegration,

rebuilding infrastructure and basic amenities, improved development, education, and alleviation of poverty can also improve gender equality outcomes.

As seen in the Nigerian context, a nuanced approach to gender equality policymaking provides for a better understanding of how to drive changes, and how reforms can occur successfully. While change can occur in big full spikes or moments where there is a window of opportunity for transformation and shifts, this does not happen often, especially with gender equality policies. There is often a tendency to overlook the subtle, gradual, and incremental changes that happen over time as indicative of no or slow progress. Mahoney and Thelen (2010) reflecting on institutional change note that big and abrupt changes or shifts are not more important or consequential than slow and incrementally occurring changes. They reiterate that that “gradual changes can be of great significance in their own right; and gradually unfolding changes may be hugely consequential as causes of other outcomes” (Mahoney & Thelen, 2010, p. 3). Similarly, Boneparth and Stoper (1988), analysing women and gender equality policy, note that often it is easier “to obtain agreement to move in new policy directions in increment than to fashion major policy out of the whole cloth” (p. 9). The same is true in Nigeria as seen in the finding that to have sustained policy or institutional change on gender, it has to be incremental.

An understanding that big shifts and changes would not come without challenges is essential, especially in a society that is resistant to change. Its traditional family laws, conservative cultural norms, and religious influence impact the state and societal response, thus, leaving incremental change as the goal. As one of the respondents noted, “while the SDG are aspirational, I think it’s not achieving it all in the next five years that is truly the issue, it’s just knowing that every single day is dedicated to the eradication of gender inequality, every single hour and every single minute and second makes us more conscious of the numerous invisible ways in which this inequality is disguised.” Thus, rather than agonising on not being able to achieve the SDGs by 2030, Nigeria will be better off having specific, realistic and

manageable goals and indicators with clear timelines and pathways which reflect its realities.

Another issue from the findings that requires a nuanced understanding is the use of data for policymaking. In terms of institutional responses and implementation, one of the glaring reasons for policy failure in Nigeria has been the lack of data. The research also underscores the importance and availability of high-quality data and indicators as policies of any sort can only be formulated successfully, assessed, and evaluated if there is accurate and proper data or evidence (Tsikata, 2015). The lack of accurate data has implications for policy, economic planning, and budgeting, which ultimately affect women and gender equality. More specifically, disaggregated data is critical for providing evidence in formulating sustainable and gender-sensitive policies. Developing policies and programmes that meet the needs of women requires having disaggregated data to understand the different characteristics and needs of the particular groups of women, e.g. rural/urban dwellers; disabled, poor, uneducated, or homeless women; women in prison or internally displaced person camps; or LGBT women. This is important for the commitment to leaving no one behind because having acknowledged the different realities of women, lumping them together would see people falling through the cracks, going undetected, and their needs unmet (Stuart et al., 2015). Thus, disaggregated data helps to design effective programmes and policies which are inclusive, as well as to prioritize the needs of the most vulnerable and marginalized to ensure that no one is left behind.

However, the study also showed the downside of the obsessions with relying solely on data, targets, and indicators. This was one of the criticisms of the MDGs when countries were measured by indicators that did not reflect the reality of the situation and circumstances, especially where the measurement was benchmarked against some international indicators or data. Ogujiuba and Jumare (2012), while analysing some of the failures of the MDGs especially for developing countries, argued that the indicators and metrics for measuring progress were lopsided. They noted that a country like China could easily meet Goal 1 (ending poverty) as they were already on the

path to economic prosperity at the time. While in contrast, achieving the same goal will be a significant difficulty for a country like Sierra Leone, even by 2025, as it was just recovering from the devastation of war at the time that had destroyed its economy and infrastructure. This illustration is apt to place things in perspective especially for a developing continent such as Africa, the world's second-most inequitable region after Latin America (World Bank, 2012). This constant fixation on data and indicators has been described by Muller (2018) in his book *The Tyranny of Metrics* as "Metrics fixation". This is not a condemnation of metrics and indicators but rather a criticism of a fixed reliance on this without taking into consideration other factors, such as human judgment, and nuances related to particular circumstances. This is why, even though the SDGs are a globally agreed agenda that provides a standard for sustainable development, countries must develop, determine and benchmark their indicators based on where they are currently. In this way, progress is not measured or defined in relation to other countries but with respect to the set goals and indicators for each country.

8.3 Women's Voice, Agency, and Collective Action

While this work, including the primary study, was mainly an analysis of the policy and legal framework for gender equality and sustainability, I realized that research such as this which focuses on women in Nigeria would be incomplete without examining their agency and collective action. Articulating and including how women are navigating their realities and experiences of gender inequality, strengthening their collective agency, and taking decisions concerning their lives and the social conditions that shape their lives and future are of paramount importance. While the link between women's agency and collective action seems complex and is usually context-specific and dependent on many factors, the literature shows that women's agency in addition to collective action plays a critical role and is a transformative tool in addressing gender inequality (Evans & Nambiar, 2013).

Thus, as elucidated in Chapter 7, the third and final theme in this study provides evidence and supports the literature on the importance of women's voices, collective action, and movements, and their role in promoting social

change, gender equality policy, and legal reforms. Some of the gains on gender justice, gender-responsive policies, and laws have been more as a result of women's collective advocacy, mobilization, and movements rather than of their presence in formal political and public decision-making positions or legislation. While formal political representation has had its gains, women's autonomous organizing and collective action have ensured a sustained fight for gender equality and rights by holding the State and public institutions accountable for committing to gender equality, creating an alliance and solidarity, and providing a support system for women in Nigeria. Women's groups in this country have been key in influencing gender policy, lobbying political actors, mobilizing and advocating for human and women's rights as well as holding the Government, its agencies, and officials accountable (Akin-Aina, 2011; Bergstrom, 2002; Van Allen, 1972).

This finding is important in a country such as Nigeria—a weak state without state-endorsed feminism and with weak law, policies and implementing institutions. Strong, efficient female mobilisation and an active, supportive, civil society are necessary to challenge power, promote accountability, lobbying and demanding better outcomes for women. Goetz (2018) notes that the critical element in women's pursuit to maximize their political influence and interaction between the State and other institutional machinery is a corresponding movement for effectively advancing women's interest and influencing the gender equality policy and implementation framework. This view was also shared by Spehar (2012) in the research on understanding the politics of policymaking and reforms in Croatia and Slovenia, who notes that “state institutions working to advance gender equality and the women politicians active in these institutions are in themselves powerless in the absence of women's movements, their counterpart in the civil society sector” (p. 207). Similarly, Weldon and Htun (2013), in their analysis of the policies of 70 countries on violence against women from 1975 to 2005, noted that in all of these countries “feminist activism was a key and consistent factor in driving policy change” (Weldon & Htun, 2013, p. 1). Expanding further, they note “*this plays a more important role than left-wing parties, numbers of women legislators, or even national*

wealth. In addition, our work shows that strong, vibrant domestic feminist movements use international and regional conventions and agreements as levers to influence policymaking. Strong local movements bring home the value of global norms on women's rights (p. 3).

One of the examples that a respondent gave was the women's mobilization and fight against injustice and dehumanization by the Ogoni women of the Niger Delta in Nigeria. This example is very profound as it contributed in so many ways to the Ogoni Struggle, which has been described as the "largest non-violent struggles for environmental and social justice in African history (Barikor-Wiwa, 1997, p. 1). The Ogoni Struggle was a protest against environmental degradation and exploitation of fossil fuels by two multinational oil companies—Shell Petroleum Development Company of Nigeria and Chevron—who were backed by the Federal Government of Nigeria (Adodo, 2000). The people of Ogoni live in an oil-rich riverine region of Nigeria where the residents depend on the environment—land, and rivers—for their livelihoods as many are farmers and fishers. Their land and rivers were being polluted by the exploration for oil. Besides, there were reports of rape, sexual and physical violence, and harassment by the military personnel who were protecting the oil companies and their personnel. Women and young girls were allegedly raped and harassed on their way from the farms, market, or while asleep in their homes (Ekine, 2010, p. 76). The Ogoni women came together and created a group called the Federation of Ogoni Women's Association (FOWA). They played a key role in mobilizing organized protest and resistance against the oil companies, the Federal Government and the military, and successfully opposed the re-entry of Shell into Ogoni land, declaring the company "Persona non grata in Ogoni" (Barikor-Wiwa, 1997). They were resolute and relentless in their demands. Okome (2013) acknowledges the effectiveness of the Ogoni women's movement in her study of women's activism in Nigerian politics. She writes:

Ogoni women organized resistance against Shell and the Nigerian state and provided moral, material, and emotional support for the detained "Ogoni Nine" (leaders of the Movement for the Survival of the Ogoni People (MOSOP). They also demonstrated and condemned

rape, assault, and shootings by security forces. They engaged in international activism and campaigns. They also negotiated peace within the Ogoni communities. Consequently, the Ogoni struggle has been more united and effective compared with those of other Niger Delta groups (Okome, 2013, p. 140).

Women's activism, organizing, and collective action have gained and continue to gain prominence through informal associations with trade and market groups, and social and grassroots organizations. However, beyond that women's movements and groups remain an important and necessary means of social cohesion and strength, especially in a country such as Nigeria. This study shows that beyond advocating for gender transformative policies and implementation, and organizing to dismantle patriarchy, male hegemony, and challenging negative social norms, women's groups also provide support and social services to the most vulnerable and marginalized, victims of domestic violence/intimate partner violence in their communities. In turn, this also delivers broader and wider transformational gains (Amosu et al., 2011). This is similar to the findings of Htun and Weldon (2012) in their exploration of the impact of women's movements on legal reform against gender-based violence. They noted that women's groups "helped to generate social knowledge about women's position, develop priorities that reflect their distinctive experiences and concerns as a group, and develop an oppositional consciousness" (p.549). In the same way, Kabeer's (1998) evaluation of the impact of microcredit on women's empowerment in rural Bangladesh acknowledged the positive impact of women's groups and associations. She noted that beyond the economic impact of the microcredit schemes which varied from village to village, some of the wider social impacts included the opportunity for women to engage in new forms of social relationships through the credit organizations, thus improving their self-confidence and bargaining position.

However, one cannot overlook the apparent tensions between women's groups and movements in Nigeria and their impact on creating a strong, cohesive, and united front in addressing gender inequality. This tension is not

peculiar to Nigeria as women's movements all over the world, especially in developing countries, continue to face this challenge, which is reflected in the diversity of women's realities and experiences. Win (2004) argues that it is simplistic to assume that "sharing a female identity is enough to build or sustain an effective coalition" (p. 19). In the same vein, Petchesky (2003), writing on women's movements and groups said: "*Women's movements are far from homogenous or conflict-free. Like all social movements, they are riddled with conflicts that reflect and cut across regional, class, and ideological differences while raising serious issues of ownership and representation*" (p. 2). The same rings true for women in Nigeria wherein it is difficult to generalize or assume that there is a "given or specific women's interest" among women's groups in the country because different experiences, social identities, class, and ethnic positioning shape their interests. As Molyneux (1985) asserted, although women may have certain general interests in common which can be termed gender interests, they need to be differentiated from "the false homogeneity imposed by the notion of women's interests" (p. 232).

Using Muslim women in Nigeria as an example, despite Islam being a way of life for many of them and making life choices following their faith, there are still some differences in the way they approach gender issues based on their culture, status, social and economic realities. For instance, on non-traditional Islamic customs, e.g. wearing the full hijab or the practice of purdah, there are noticeable differences between an educated liberal female Southern Muslim and an educated Northern or Hausa Fulani female Muslim and an uneducated or poor Northern/Hausa female Muslim. These show that even though people might agree on religious interpretations, different cultural infusions and social practices influence their approach in reality. This indicates the impact of the fragile and difficult nature of aligning groups even within the same religious community. Similarly, while many Muslim women and feminist organizations in Nigeria are using their platform for gender justice and eradication of women's oppression within the confines of Sharia law and the Islamic belief system, one cannot but notice the difference in their approach. For example, the Federation of Muslim Women's

Organizations in Nigeria (FOMWAN), the country's foremost Muslim women's organization leading advocacy for and promotion of awareness of human and women's rights, do not use the word feminist. On the other hand, BAOBAB for Women's Human Rights (BAOBAB)—a not-for-profit women's rights organization addressing and defending women's and children's rights under customary and Sharia law—identifies as a feminist organization. As Uthman (2009) in his analysis of Islamic activism and the role of Muslim women's organizations in Nigeria notes that while still maintaining conservative Islamic values and decorum, these organizations have found innovative ways to address harmful practices, oppression, and injustice against women and to encourage Muslim women to take leadership roles in the society (p. 262).

Furthermore, other causes of tensions experienced among women's groups are based on starkly different life experiences, privileges, and opportunities. This can produce misunderstanding and mutual distrust if not properly handled (Aina, 1998). Some of this tension also stems from the feelings of disconnection from the concerns of poorer women as well as the belief that some of these women's groups and movements seem to mainstream western feminism which in turn has reproduced western hegemony. Aina (1993) noted that for many elite women, bridging the gap with poor and rural women and relating to the lived realities of female rurality become problematic and almost impossible (p. 18). One particular tension of note in this research is especially among Muslim women who felt certain groups or non-Muslim women looked upon them as oppressed or marginalized because their religious inclinations, beliefs, and practices do not conform to their understanding or idea of feminism. Veiling, being in polygamous marriages as allowed in Islam, or accepting their traditional gender roles are some such issues. Accepting these religious and cultural traditions seems to be a challenge for many feminist women and groups who cannot understand that these practices, which may not conform to western feminist discourse, are valid and a legitimate aspect of the lives of those who practice them. They are not necessarily indicators of oppression for all Muslim women. Mohanty (1988, p. 75) noted that it is "not only analytically reductive but also quite useless to assume that the mere practice of veiling

women in several Muslim countries indicates the universal oppression of women through sexual segregation". This also supports the responses of a number of the respondents in this research that it is presumptuous to say that veiling and submission to their husbands is akin to gender inequality or oppression of women, as their lived experiences do not reflect that. Managing these tensions effectively is important, especially in Nigeria because of the large population who identify as Muslims. Other areas in which some of these tensions and differences between older and younger activist/ feminist women's groups occur relate to issues such as sexual orientation, and LGBT rights.

While the contribution of western feminism remains important and has been acknowledged by several authors, there has been criticism by feminist writers and scholars of some of the bias of the western feminist perspective, e.g. its monolithic construction of women, as well as the assumption that genuine agency resides only in white women (Mbilinyi, 1992; Nnaemeka, 2004; Sylvester, 1995). Some of the problems also stem from the continued homogenization of African women as a universal group, irrespective of their experiences and knowledge, as "a 'powerless' group or as victims of a particular cultural and socio-economic system" (Mohanty, 1988, p. 66). As Mohanty (1988) notes, the use of African women for the universal groupings for descriptive purposes is not so much the issue. It becomes a problem when "'women of Africa' becomes a homogeneous sociological grouping characterized by common dependencies or powerlessness (or even strengths)" (Mohanty, 1988, p. 68). Others have noted that part of the failure of western feminism is that while western feminists are outraged by female genital cutting, polygamy, and Muslim women veiling and covering in Africa, they tend to ignore racism and injustices that are direct results of capitalism, imperialism, and neo-colonialism perpetrated by developed countries on third world countries, as well as the exploitation of women in third world countries by international business enterprises (Nnaemeka, 2004).

Also, considering the unique experiences and realities of African women, some of the assumptions and perspectives of western feminism do not

translate to address their struggles, as the context and issues are different. Steady (2005) noted that irrespective of where African women are located, they have enough elements of context in common to form a standpoint fundamentally different from any that of Western feminists. Nuanced identification and acknowledgment of non-western women's ideas of agency, equality, and choices are important in understanding how they approach and challenge patriarchal structures and inequality. This often does not appeal or conform to the western feminist approach. It is important to note that it does not make their feminism less valid or make them less feminist (Kawarazuka et al., 2019). Obioma Nnaemeka (2004, p. 380), giving an example of African women's engagement and feminism noted: "It is rooted in indigenous knowledge and challenges through negotiation, accommodation, and compromise and hopefulness". She continued: "African women's willingness and readiness to negotiate with and around men even in difficult circumstances is quite pervasive".

This is why this thesis argues that context and nuance are very important in understanding and acknowledging the multiplicity of feminist standpoints and approaches and how these impact on progress towards challenging gender equality in Nigeria. There is a need for women's groups in Nigeria to understand that there is no overarching feminist viewpoint, rather there is a multiplicity of standpoints in feminism. This knowledge will help to challenge and shift their perspectives, approaches and unconscious biases and to focus on the core issues of what feminism seeks to address (Sweetman & Rowlands, 2016). Proponents of the multiplicity of viewpoints argue that there is no singular women's standpoint and thus attention needs to be paid to the differences and even the conflicts between women's standpoints (DeVault, 1990; Harding, 1993).

For an effective women's organizing and collective action to achieve gender equality and sustainable development in Nigeria, aligning the different standpoints is critical. This can only be done through listening to and understanding each other's viewpoints and approaches, acknowledging the differences and commonalities, and seeking to find pragmatic ways to

achieve a united front in challenging patriarchy, discrimination, oppression, and inequality. One cannot underestimate the importance of dialogue, as silencing the voices of the minority can reproduce existing relations of inequality between “women” and can affect how women’s movements challenge gender inequality. Freire (1972) in the book “The pedagogy of the oppressed” noted: “if the structure does not permit dialogue, the structure must be changed”. Similarly, Molyneux (1985) noted that any attempt to alienate any class of women is bound to yield unfortunate results or mobilization without results. Rather than being obstacles, tensions can be minimised and become opportunities to embrace diversity and be more deliberate about inclusion. Thus the voices of the marginalized and those who do not have as much power to make their voices heard are understood and the campaigns for reforms are strategised in a manner that best reflects their desires. Much depends on the women’s rights groups and movements in challenging gender inequality, unequal power structure, reconciling the differencing and bridging the gap. Aligning the various interests among the women’s groups is key in achieving gender equality.

Women in Nigeria need to drive their causes and frame them in ways that resonate with them based on an understanding of the specific issues that give rise to and contribute to inequality. As Mohanty et al. (1991) noted, effective feminism has to be defined in the context of particular social formations and should have resonance in the historical experience and political culture of specific societies. A better and more effective feminist approach in challenging gender inequality in Nigeria has to be localized, culturally specific, and negotiated through communal dialogue, respecting the diversity and uniqueness of each group towards identifying a “common thread,” or a “core or unifying theme” to express their standpoint (Collins, 2002 p 26, 99).

Recognizing and building on the diversity of various groups especially in challenging gender inequality, requires critical discourse where members of the community can engage in dialogue and express themselves and their perspectives with others whose standpoint or background is different to bring

about a common goal (Imam, 2004). Similarly, Hooks (1992) noted that for “meaningful contestation and constructive confrontation” to occur, there is a need to create safe spaces “where critical dialogues can take place between individuals who have not been traditionally compelled.... to speak to one another” (p. 133). Likewise, Hill Collins (2000), in her work on Black feminism, reiterates the importance of dialogue for knowledge validation and in articulating the various Black women’s standpoint. She notes that this is important to represent and theorize women’s experiences by feminist groups, researchers, and activists in research and practice. One such way is the African tradition of ‘call and response discourse’ and dialogue mode whereby everyone must learn to speak and to listen to ensure active participation and connectedness of every member in the community. She said:

Each group speaks from its own standpoint and shares its own partial, situated knowledge. But because each group perceives its own truth as partial, its knowledge is unfinished. Each group becomes better able to consider other groups’ standpoints without relinquishing the uniqueness of its own standpoint or suppressing other groups’ partial perspectives. (p. 270)

This is particularly important for Nigeria’s ownership and implementation of the SDG commitment to leaving no one behind. Because a significant difference exists between women in Nigeria based on education, status, ethnicity, culture, and religion, aligning these various realities, views, and interests of women for the common goal of challenging and fighting inequality and advancing the status of women requires dialogue. This will ensure that the experience of all women is valid and that they can find their voices and know their voices are important in the quest to shape policy for equality and sustainable development.

Based on the findings from the study, one can argue that although individual agency, capabilities, and resources are important for women, the evidence is unequivocal that collective empowerment, agency, and power remain instrumental to influencing gender equality in policymaking and the legislative framework. Individual agency rather than a collective agency,

especially in the context of a country such as Nigeria, will often not challenge the status quo, the prevailing systemic inequality, nor produce transformative change. This is because in Nigeria, as in many developing countries, individual empowerment does not necessarily translate into women's collective empowerment (Kabeer et al., 2013; Deepa Narayan et al., 2009). Some women in Nigeria are individually and economically empowered and free to determine equality in the private sphere and the household level, yet this has not translated to the wider society to shift social norms and address women's subordination, inequality, and the difficulties women experience. Thus, women have to continually justify and defend their traditional gender roles and how they fulfil their domestic responsibilities to their husbands and families because of the societal norm where women are still the primary caregivers irrespective of their status in society.

Likewise, one can also see that increased educational status or income does not necessarily translate into agency for many women in a society like Nigeria where there is undue pressure on women in terms of culture or gender bias. An example in Nigeria is the fact that certain ethnic groups and cultures have a gender preference for male children. It is not unusual to see women from this cultural or ethnic background, despite being educated and economically empowered, succumbing unwillingly to pressure to have many children in a bid to have a male child at all costs, even to the detriment of the woman's health (Nwokocha, 2007; Ohagwu et al., 2014). Thus, it is problematic when some women justify their displeasure in associating with women's groups by arguing that the kind of feminism being practiced in Nigeria does not align with their views, albeit for various valid reasons. It is a simplistic reason to discard feminism or collective action. Even if some women have agency, are empowered and independent, and do not need feminism, this cannot be said for the majority of the female population in Nigeria. Thus, if women claim that a kind of feminism does not suit their purposes or their idea of women's rights, this can undermine collective action and the demand for societal changes in terms of gender equality, which is the real core of feminism.

Based on this discussion, the question then is whether the definition or understanding of gender equality as defined at the beginning of this thesis, namely “equal treatment of women and men in laws and policies, and equal access to resources, economic participation, and decision-making within families, communities, and society” (World Health Organization, 2001, p. 43), fits into the contextual reality of the Nigerian society. I argue that given the cultural, religious and legal plurality and diversity of the Nigerian society, the understanding and approach to gender equality in the West are not necessarily applicable in other socio-cultural contexts, Nigeria in this instance. As shown in the findings, the above definition of gender equality seems to be a common starting ground but there is a need for a more nuanced explanation and definition. Thus, I propose a new definition of gender equality as: equal treatment of women and men in laws and policies, and equal access to resources, economic participation and decision-making within families, communities and society, taking into consideration a nuanced and best-fit approach to local contextual realities.

Lastly, one cannot underestimate the importance of the internet and digital media and their impact on women’s voices through creating movements, awareness, networking, mobilization, and collective action in the struggle for gender equality in many countries, including Nigeria (Loiseau & Nowacka, 2015; Zlitni & Touati, 2012). From online petitions, campaigns and lobbying, to linking activist groups and giving voices to the otherwise isolated and voiceless, a far bigger and wider audience is being reached through the various digital channels in different countries. An example of how technology and social media have been used to raise global consciousness on a local issue was the #BringBackOurGirls campaign that was trending worldwide and brought global attention and coverage on many international media platforms to the plight of the over 200 girls who were kidnapped at Chibok, Borno State in the Northern part of Nigeria by the Boko Haram insurgents (Tomchak, 2014). The campaign started and was championed by the Bring Back Our Girls (BBOG) movement, a women-led pressure group of women and men that is still very active and trudges on almost six years after in keeping the plight of the remaining Chibok girls at the centre of its discourse. It is pressuring the Government to ensure the rescue and release of the

remaining girls while extending its concern to include demand for good governance (Ojebode, 2018). This is not to exaggerate the importance of digital mobilization as mainstream media, physical community and women's groups remain important for grassroots and rural mobilization (especially where women have limited access to technology). Digital technology, however, will certainly shape how the women's movement and groups organize going forward.

8.4 Conclusion

This study has shown that because gender inequality in Nigeria is multidimensional, there are no stand-alone solutions. Progress towards a coherent gender equality policy framework requires a multipronged and nuanced approach. This must recognise the complexities of the policymaking and implementation process and find ways to align them through effective and strategic framing of problems. Incremental shifts are needed to produce context-appropriate solutions that meet the needs of women in Nigerian society and ensure that they are not left behind.

The SDGs provide a powerful and workable framework and agenda to influence national laws and policies for sustainable development and specifically Goal 5: *Achieving equality for women and girls*. The state response in terms of government policy and intervention can accelerate or retard progress towards equality as gender inequality is embedded in institutions. Although there are other driving forces outside the purview of state institutions and public policy, the state remains an indispensable actor.

This chapter also discusses the importance of women's collective action and movement in Nigeria towards a common goal of fighting against inequality and discrimination. The study shows that despite the challenges, women in Nigeria, with their heterogeneous, diverse experiences and realities, are still mobilizing and collectively challenging negative social and gender norms, and state actions that promote inequality. They are contributing to shaping and shifting policies for better outcomes for women and ensuring that women and girls are not left behind. This theme further

confirms the findings in the previous chapters that context matters, and because there are multiple pathways to women's activism and organizing, what works in one situation might not be useful or relevant in another. This is why local knowledge and acknowledging the contextual realities especially in feminist activism and women's collective action remains important for progress and results in Nigeria, including achieving SDGs and sustainability targets.

The next chapter provides some policy implications, recommendations, and conclusions of this study.

Chapter 9: Recommendations, Policy Implications and Conclusion

This chapter summarises the study, including how the research question and objectives have been answered; describes the main findings and their implication; provides recommendations for key stakeholders, and outlines the major contributions of the thesis. It concludes with recommendations for future/further research related to this study; assesses some of the limitations of the study; and provides concluding comments.

This research intended to explore whether the current sustainability policy framework for gender equality in Nigeria can promote the achievement of Sustainable Development Goal 5 which aims to deliver gender equality for women and girls. The central argument of the thesis is that despite several global, regional, and national attempts at promoting gender equality and women's empowerment through policy and legal reforms, this has not significantly achieved gender equality or improved the status of women in Nigeria. Therefore it is worth exploring more deeply some of the drivers of inequality, challenges, and obstacles within the current sustainability policy framework to shed light on their implications for Nigeria's progress toward the global 2030 Agenda for Sustainable Development and its commitment to leaving no one behind.

Study Overview

This qualitative case study commenced with an overview of the background to the research problem related to development, gender equality, and the 2030 Agenda for Sustainable Development in Nigeria. This helped define the aims and objectives of this thesis. A review of the literature examined the historical status of women in Nigeria, development approaches, and theories for understanding women, development, and gender equality. To answer the research question, this study used secondary data, including existing literature, data sets, and documents, and primary data collected over three months (May 2017–August 2017) in semi-structured interviews and focus group discussions. The interviews were undertaken with 27 key stakeholders in Nigeria: policymakers, government officials, NGO

project officers, women advocates and activists, academics, policy specialists and analysts, who are involved with the framing, making and implementation of public policies. Focus group discussions were also undertaken with 23 women (research participants). The interviews and focus groups were designed to explore and understand the drivers of inequality, and whether the current policy framework is addressing gender inequality and promoting women's empowerment. The collected primary data were analysed first manually and subsequently using the computer data analysis program NVivo version 10 to generate the themes and major findings from the study.

Research Question and Objectives Revisited

The study was guided by the overarching and main research question of whether the current policy and legal framework for gender equality in Nigeria have promoted or achieved, or can effectively promote or achieve, gender equality, and empower women and girls using the SDG 5 framework. To answer this question, the study set out to fulfill the following four aims:

- (1) to examine the historical perspective of women and development vis a vis gender equality discourses, including how they relate to the sustainable development goal on gender equality in Nigeria;
- (2) to analyse the opportunities, obstacles, and gaps in the existing policy framework and its potential impact on the achievement of the goals and targets for gender equality in Nigeria;
- (3) to investigate factors that impact gender equality implementation in Nigeria; and
- (4) to explore areas of improvement in government legislations and policies and offer recommendations that support gender equality.

The first objective, to examine the historical perspective of women and development vis a vis gender equality discourses, including how they relate to the sustainable development goal on gender equality in Nigeria was met in several ways. In Chapter 2, the literature review showed that various factors have positively and negatively shaped the gender equality discourse in Nigeria, from colonial influence to global interventions, such as human rights

instruments, treaties and conventions, to practical development theories and approaches. Specifically, this review provided insight into the historical evidence on the status of women in Nigeria dating back to the pre-colonial era. It showed that traditional Nigerian society and colonialism have impacted and continue to impact the status and positioning of women and continue to influence societal attitudes to women's status and the gender equality discourse. The review also showed the influence and application of various gender equality discourse and development approaches. These included gender mainstreaming, capability approach, rights approach, anti-poverty approach, feminist approaches, and the MDGs in Nigeria, with some of their limitations as noted by critics, especially their inability to challenge gender inequality. Furthermore, it outlined how the lessons and critiques of some of these approaches have shaped and contributed to the development of the 2030 Agenda for Sustainable Development also known as the Sustainable Development Goals, especially Goal 5 and the targets and indicators upon which this study is based.

Opportunities, obstacles, and gaps in the existing policy framework and its potential impact on the achievement of the goals and targets for gender equality in Nigeria were analysed to complete the second objective of the study. This was achieved in several ways. First, Chapter 4, using SDG 5 targets and indicators, critically analysed the current policy framework in Nigeria. It explored some of the biases, contradictions, and gaps in some of the policies and laws and their implications for achieving gender equality for women. It found that while there seem to be some enabling and progressive laws and policies that have the potential to promote gender equality, implementation remains a major challenge to translating this to concrete actions that improve the status of women. In other cases, the analysis found that policies are weak and superficial and cannot challenge some underlying and structural inequalities that exacerbate gender inequality and discrimination faced by women.

Chapters 5, 6, and 7 helped address the third research objective, to investigate factors that impact gender equality implementation in Nigeria.

These chapters provided insight into some of the factors affecting the implementation of the gender equality framework and how these might also impact achieving the SDGs. Some of these include the existence of a plural legal system and its complexity; inconsistent and incoherent policies; religious and cultural conservatism and their influence on the policy framework; lack of political will; weak implementation, monitoring and institutional framework; and lack of a nuanced understanding of women's and gender issues and how this is reflected in policy framing and the policymaking process. Chapter 7 specifically provided insight into the role of women's collective action in influencing the policy framework and gender equality implementation. This was particularly important because the findings showed that although women in Nigeria are not a homogenous group, they are still united in fighting inequality and discrimination. This also speaks to the need to understand how women's different realities and experiences shape how they view and respond to the gender equality discourse and how the diversity of viewpoints also shape the framing of issues within different contexts. The crucial finding from the analysis of the interviews in these chapters is that addressing gender inequality goes beyond adopting international human and women's rights treaties or legal and policy reforms to seeking nuanced and context-specific solutions that reflect the challenges facing women that need to be addressed in policies, laws, programs, and interventions.

The fourth and final aim of this study was to explore areas of improvement needed in government legislation and policies and offer recommendations that support gender equality in Nigeria. This was met in Chapters 8 and 9, in which some recommendations are included. Based on the analysis of the desktop data, interviews and focus groups, recommendations for different categories of stakeholders are proposed and necessary areas of improvement in government policies are posited.

The main research question was:

To what extent and how is the existing sustainability policy framework in Nigeria promoting or impacting gender equality for Nigerian women?

The premise of this study was that despite numerous calls, treaties, instruments, global norms, and agendas on women's rights and gender inequality, the goal of reducing gender inequality in Nigeria has been largely unmet.

The findings suggest that the current sustainability framework has not successfully promoted gender equality for women in Nigeria, neither has it challenged discrimination, structural inequalities, and other underlying factors that continue to constrain women's full and equal participation in development. This policy framework does not take into context the complexity of gender inequality in Nigeria in terms of the historical, religious, cultural, political and social realities of the country and how they influence and shape the gender equality policy framework. While there are no simple answers or a 'one-size fits all' way to address gender inequality, the existing policy framework in Nigeria tends to focus on a single approach, which is gender mainstreaming through legislative and policy reforms. While the findings do not suggest that legal and policy reforms are unimportant, this study has shown that they are not enough to cause a shift in a country like Nigeria and have not translated into concrete and tangible development. Thus understanding and addressing gender inequality has to move beyond focusing on laws and policies as instruments of change or social engineering. As the findings in this research have shown that this is not enough to cause social change or provide transformative outcomes for women in Nigeria. While laws provide a foundation and remain an important tool for social change, framing and application of the law require contextualized knowledge and nuanced understanding of the peculiar and specific nature of gender inequality in Nigeria to develop and adopt context-specific solutions. This has

been one of the challenges of gender equality policy framing and implementation in Nigeria.

Hence, this thesis argues that there is a need to rethink the current gender equality framework approach in Nigeria and that progress toward gender equality and a transformative and sustainable gender equality policy framework in Nigeria require a context-specific and multipronged approach. This study shows that a policy framework within the context of the 2030 Agenda for Sustainable Development, specifically Goal 5 to achieve gender equality and promote the empowerment of all women and girls, has to be framed and designed in a holistic, nuanced, context-specific way taking into consideration the complexity of the gender equality discourse in Nigeria. Complicating factors include weak governance systems; the existence of multiple legal systems; informal social norms; religion-cultural influences; and issues related to the compatibility and translation of international human rights instruments, treaties, and goals into national laws and context. Furthermore, a gender equality policy framework without a cohesive society and equivalent or mutual broad-scale policies, interventions, strategies, and reforms that address intersecting inequalities that exacerbate gender inequality, cannot deliver sustainable and equitable opportunities or outcomes that will ensure women are not left behind. Thus, addressing gender inequality in these contexts includes addressing the underlying and intersecting inequalities that women experience and the barriers to their well-being and full participation in development. These include poverty, unpaid work, humanitarian crises, living in conflict-ridden regions, disability, and exclusion.

Policy Implications

While the challenge of gender inequality remains a global task, each country also has its specific or peculiar aspects. What this research clearly illustrates is that while international instruments and global goals or agendas provide a framework for governments to translate women's rights and gender equity into their national laws and policies, success in achieving this is very much dependent on how this framework is translated into country-specific

situations. The policy implication, as the empirical evidence shows, is that like many countries that have adopted the SDGs, challenges remain in terms of implementation, and setting country-specific visions and objectives. While various gender equality policy frameworks exist in Nigeria, their efficacy and ability to challenge or address the specific nature and drivers of structural inequality and discrimination against women remain minimal.

Four main policy lessons can be deduced from this study about gender equality, women's empowerment, and sustainable development in Nigeria, as outlined below.

- (1) Addressing gender inequality in Nigeria is contingent on addressing other inequality drivers such as poverty, economic, health, income, political inequality, and social exclusion that persists in society.
- (2) In a patriarchal society such as Nigeria, legislation and policies regarding the status of women with respect to personal law tend to reflect or are influenced by the dominant perspectives, values, norms, and culture shared by members of the society. Thus, a nuanced understanding and acknowledgment of how this reality influences and shapes policy and laws and of the potential challenges inherent in this situation are important in the gender equality policymaking process.
- (3) A gender policy framework or reforms to laws and policies by themselves are not enough to cause radical shifts and enduring changes in social, cultural, or patriarchal norms that inhibit women's progress and full and equal participation in Nigeria. Thus, legal and policy reforms need to be complemented with more holistic, practical approaches and context-specific interventions to address the needs of, and disparities among, women's groups. Legal and policy reform is also needed to rebuild the broken and strained social contract, establishing trust between the

Government, its agencies and institutions, and citizens. Strong and responsive formal and informal institutions must be created and leveraged to advance gender equality.

- (4) While women in Nigeria are not a homogenous group, their collective action and agency are critical. Strategic dialogue and alliance building is required. This has the potential to support a transformation to a stronger and more inclusive sustainable and gender equality policy framework that can address inequality.

To achieve gender equality and promote empowerment for women and girls, there is a need to rethink the gender equality policy implementation framework. Transformative outcomes for women at all levels can only be achieved through inclusive and broad stakeholder consultation, extensive citizen engagement, and participation in innovative policymaking processes. These processes will require all involved to acknowledge and consider complexities and nuances in context; manage the religio-cultural sensitivities of Nigerian society; and respond with multidimensional and workable actions, interventions and programmes. A pragmatic approach to achieving gender equality will involve using different entry points as well as the current imperfect tools available. This will include the active participation of formal institutions, social movements, traditional and religious institutions, faith-based organizations, civil society, the private sector, and the media, to reform and renegotiate the current arrangement.

Recommendations

The study puts forwards different types of recommendations. Some of them are generally related to the dominant thinking within Nigerian society while others are directed towards particular institutions and actors.

General

The following are some of the recommendations and suggestions that can be implemented and considered towards accelerating progress on gender equality and empowerment for women and girls in Nigeria especially in the context of SDG 5.

- Development discourse and practice especially in Nigeria need to embrace and acknowledge the various religious and cultural influences on women's well-being and their implications for sustainable development.
- Addressing inequities and factors that affect women disproportionately is key to achieving gender equality and sustainable development. There is a need to collectively address poverty, illiteracy, food insecurity, environmental degradation, lack of access to shelter, water, decent sanitary conditions, and health, especially for women in a developing country like Nigeria. These are defining conditions for women to engage in a development that benefits not only themselves, but also future generations.
- The gender mainstreaming approach of implementing international norms and agendas must be rethought. An holistic "best fit" approach is preferable to a "best practice" approach. A "best fit" approach can take the context, realities, experiences, nuances relating to gender equality in Nigeria into consideration. This can ensure that group-based inequalities are overcome and 'no one is left behind'.
- Government policies and programmes need to be the best workable options within the current settings and parameters of the lived realities of women in Nigeria and support their empowerment by adapting to the ways of engagement that suit the socio-cultural and religious norms of these women.
- Working with community members and stakeholders to design context-specific responses to their issues is an integral part of achieving better development outcomes for women.

- Progress towards sustainable development and gender equality in the religious and culturally diverse context of Nigeria will require strategic alliances, collaboration, and genuine dialogue conducted sensitively.
- Acknowledging unpaid care and domestic work and putting an economic value on them as an important contribution to the economy and wellbeing of society as well as investing in services that can support women's unpaid work.
- Gender equality is political and thus clear, bold policies and strong political will are critical to any successful policy formulation reform or implementation

Government Agencies, Institutions and Policymakers

These organisations and policymakers should:

- repeal and amend all unconstitutional and discriminatory laws and policies as well as cultures and laws that the courts have declared discriminatory;
- amend the Constitution of the Federal Republic of Nigeria to make Chapter II on Fundamental Objectives and Directive Principles of State Policy, legally justiciable;
- support and work with all relevant stakeholders to fine-tune and garner support for the Gender and Equal Opportunity (GEO) Bill which will then be reintroduced at the National Assembly as a government-sponsored and supported bill rather than a private member bill as it is currently;
- form strategic collaborations, especially between the Federal, state, and local governments, to monitor and enforce legislation and policies on issues such as child marriage, child labour, gender violence, and universal basic education;
- develop and adopt the country's own feasible sustainable development goals, priority areas, and indicators;
- rebuild citizens' trust by committing to the primary responsibility of government to protect their rights, especially those of women, provide

basic amenities and improved infrastructure, create an enabling environment, and bridge the rural-urban divide;

- engage with religious and traditional leaders to support gender equality policy and programmes which in turn can encourage and influence their followers and community members;
- partner with non-government organizations and civil society to leverage the knowledge and activities within their communities that can contribute to women's empowerment;
- strengthen and adequately fund government agencies and institutions dealing with women's issues, gender violence, sexual and reproductive health, so they can be more effective and proactive in implementing government policies and programmes;
- establish a constitutional guarantee of women's political participation from the local to the national level through quotas and affirmative actions;
- set up competent and accessible mechanisms for justice, redress, and support for victims of gender-based violence, child labour, and child trafficking, harassment, among other measures to protect women and girls;
- support and encourage the Bureau of Statistics to collate and report gender-disaggregated data to support evidence-based policy and decision making, as well as to help to identify the most vulnerable and marginalized members of society and assess priorities. This can in turn help in policy planning and inform sectoral interventions and programmes e.g. education, health, and social welfare;
- policies and programs aimed at empowering women and promoting gender equality in the Northern part of Nigeria need to adapt to ways of engagement that suit the socio-cultural and religious norms of women in the North which are different from women in the South of the country;
- address the Boko Haram insurgency in some of the states in the Northern part of Nigeria and the aftermath of the conflicts. This would entail the use of different and multilayered approaches for all

stakeholders involved: government and non-governmental organizations, humanitarian and religious organizations.

- ensure women's security through active and targeted counter-insurgency and provide rehabilitation and justice as well as social and economic reintegration for survivors and victims of the insurgency;
- increase the response to the humanitarian needs of women and children in the IDPs, villages, and areas affected by the conflicts by allowing humanitarian organizations more access;
- Include women in peace-building initiatives and conflict management that encourage dialogue and peaceful resolution of conflicts.

NGOs, Civil Society Organizations, Women's Groups, and the Media

These sectors should:

- focus on representing the interests of their respective communities, members, and organizations rather than solely focusing on donor interests and agendas which often tend to derail their primary objectives;
- act as trustworthy channels between the government and citizens, especially in stakeholder engagement, by providing the balance needed in negotiations, dialogues, advocacy, and lobbying;
- embrace a bottom-up rather than a top-down approach and work with women in their communities to design and develop community-driven strategies, programmes, and goals which can help shape policy that reflects the reality and local context and meets the specific needs and interest of those communities;
- engage with and provide expert and technical advice to government agencies, policymakers, and officials, especially on policy issues and women, based on the knowledge and information from those they represent;
- engage in community advocacy and awareness-raising in their communities and the public on the dangers of gender inequality, discrimination, and other barriers to women's wellbeing and empowerment;

- articulate and vocalize the voices and needs of women who are silent, marginalized, disadvantaged, and unrepresented in policymaking;
- monitor and assess governments' compliance and commitment to international agreements, treaties, and goals; challenging government policies and actions that discriminate or inhibit women's full participation in development as well as holding the government and its agencies responsible for their commitments and implementation of policies, programmes, and interventions;
- the media have an important role in identifying and shining the spotlight on gender inequality and discrimination against women in mainstream outlets and social media as well as maintaining public discourse and generating public conversation, debates, and awareness of women's rights and issues in Nigeria.

Social, Religious and Family Institutions

These institutions should:

- engage with their members and citizens, especially men and boys, on the benefits of gender equality, ways to eliminate negative gender stereotypes, norms, biases, and abolish other obnoxious religious and traditional practices and attitudes that continue to affect women and girls;
- create awareness and socialize men and boys on the dangers of gender-based violence within households, family settings, and the community and other forms of intimate partner violence, and also the value of stepping in as gatekeepers of gender equality and calling out perpetrators of violence against women;
- reduce male resistance to reform in Nigeria by finding allies in men, because gender roles are rooted in patriarchal, religious, and cultural beliefs. Allies may include male community leaders or religious traditional rulers who are sympathetic to women's rights and committed to supporting women's empowerment. In turn, this can lead to changes and shifts in the social attitudes, behaviour and perspectives of men on women's issues, especially those that touch

the private sphere—marriage, inheritance, domestic work and any such areas where government influence or control is limited;

- move religious and faith-based institutions beyond providing help and succor to women in need towards encouraging women to embrace education, including financial literacy;
- encourage males to accept and move towards egalitarian marriages and equality in family life as well as promote the sharing of household and domestic responsibilities.

Donor Agencies, Bilateral and Multilateral Organizations

These organizations should:

- partner with local and grassroots organizations and leverage their local knowledge and understanding of the challenges of members of their respective community in developing programmes that are context- and need-based;
- make deliberate efforts to support women's organizations and movements through funding, capacity building, and technical support

Private Sector

Companies and businesses in the private sector should:

- provide equal employment opportunities for women and an environment where their work is valued, and they are free from any form of harassment;
- pay fair wages to female employees to reduce the gender pay gap;
- develop human resource policies that encourage flexible working conditions and environments supportive of women, such as health insurance, paid parental leave, paternity leave, on-site childcare service (if possible), working from home, and other services that can support and improve their efficiency;
- encourage female employees to aspire to more senior roles and managerial positions in the company as this will provide young girls and women positive role models and mentors and attract more women into such formal employment;

- commit to CSR policies that provide social impact programmes, activities, or infrastructure that can support and positively impact disadvantaged and vulnerable women in the communities in which they operate, rural communities as well as support the Government's effort in communities facing humanitarian crises through donations of products, providing funds to support rebuilding schools or other infrastructures in the community;
- support gender awareness by using socially conscious communication in their advertisements, campaigns, branding to promote women's empowerment and resist endorsing negative gender stereotypes;
- encourage their procurement and supply chain departments to support women-owned small, micro-and medium businesses that provide goods and services in their value chain and supply chain.

These recommendations are practical, feasible and implementable and made in light of evidence from this study, relevant literature and other studies in the Nigerian context. Despite the challenges that come with policy implementation and reform in Nigeria, these are surmountable with a strong political will and government commitment to promoting gender equality and empowering women and girls.

Significance of the Study

Being an original work and contribution to the discourse on the Sustainable Development Goals and their implementation in Nigeria, this research is important in creating momentum towards change. This study is the first attempt to analyse the sustainability framework for the localization and implementation of SDG 5 in Nigeria. It adds to the knowledge and sheds light on how international instruments and agendas are translated into, shape, or influence national policies, legislation, and actions on gender equality and sustainable development.

This thesis has contributed to filling the void by offering a comprehensive analysis of the gender equality policy and legal framework in Nigeria. It provides a nuanced understanding of gender inequality, its complexities in a

culturally diverse setting, and within a fragile context, such as Nigeria. Context-specific and pragmatic ways to challenge inequality and promote women's empowerment are analysed. This study affirms that challenging gender inequality remains a wicked social problem in most countries, and an understanding of the complexities and underlying factors plays an important role in proffering solutions that work in each context. This thesis provides new knowledge about addressing gender equality in Nigeria through the rethinking of the current "tick-box" approach to gender mainstreaming and policy framework which is fixated on policy and laws as instruments of social change, to a more multidimensional, holistic, and practical approach that is relevant, context-specific and meets the needs of women in Nigeria.

The findings of this study offer insights into the specific challenge of gender equality policymaking in a plural legal system with its implications for policymaking. It provides evidence-based recommendations essential to help the State, policymakers, and other stakeholders to translate the findings into viable policies, legislations, and programmes that meet the needs of women, promote equality and ensure that those who are farthest are not left behind.

Limitations

The first and obvious limitation of this study is in terms of the sample size and its qualitative nature. Given the time constraints of this doctoral research and resources and also due to the conflict and insecurity in the Northern part of Nigeria, it was impossible to access and interview women and other key stakeholders in the Northern part of Nigeria. Thus because of the limited sample size, findings may not provide a complete picture. Questions may also be raised about the overall representativeness of the study given its research design and reliance on qualitative data. While representative quantitative studies often result in identifying the dominant trends, this approach can run the risk of overlooking minority voices, thus this study adopted a qualitative approach to include those minority voices and ensured that deliberate efforts were made to include participants in the focus groups from different age groups, cultural backgrounds, geographic locations,

educational and income levels, in order to present a broad range of opinions and perspectives.

Notwithstanding, the study is consistent with other findings and studies that development challenges and humanitarian crises in the Northern part of Nigeria also impact negatively, especially on women and girls, and pose a huge barrier to sustainable development in Nigeria. This limitation could be addressed in future research which takes into context the specific challenges of women in Northern Nigeria vis a vis gender inequality in the legal and implementation framework, to provide a broader perspective of how other inequalities intersect with gender inequality and impacts on sustainable development.

The second limitation relates to the lack of up-to-date statistical information and data on some of the indicators which made it difficult to obtain an in-depth analysis of the trends to determine how Nigeria is tracking in terms of some of the targets and indicators of the Sustainable Development Goals.

I should stress that this study has been primarily concerned with the sustainability policy framework on gender equality within the context of SDGs. This study did not aim to prove or refute any theoretical framework on gender equality or sustainable development. It aimed to explore whether the current policy framework in Nigeria can support gender equality or empower women and girls to ensure they are not left behind. This was addressed only from the context of policy and legal planning, framing, formulation, and implementation framework rather than presenting a critique of the SDGs on gender equality in Nigeria.

Future Research Directions

Some possible areas for further research and investigation that this study can inform are:

- the role of religion, faith, and development in achieving sustainability in Nigeria;

- prospects and challenges of engaging traditional institutions, religious and faith-based organizations towards achieving gender equality and sustainable development in Nigeria;
- whether a nuanced understanding of gender inequality in Nigeria can help to reshape the gender equality discourse towards progress in Nigeria;
- how development challenges in Northern Nigeria intersect with gender inequality and impact on sustainable development;
- effective framing and translation of international instruments, global goals, and agendas into national laws and contexts for gender equality and social change.

Further research can also examine the progress in Nigeria around other SDGs, including the importance of global and national legislative frameworks. Women in Nigeria represent only one way of exploring Nigerian society. There are many other population-related aspects, such as youth, the elderly, or particular minorities, that can also be explored in further research, given the overall sustainability agenda that everybody should be given an opportunity and nobody should be left behind.

COVID-19

While this thesis was being concluded, the novel coronavirus (COVID-19) pandemic hit the world causing a global shock. With massive health, social, and economic disruptions, the impact left many societies grappling with significant outbreaks, death tolls, sick citizens, and business collapses. While many countries tried to control the spread and protect their citizens using a range of measures, in other countries the spread of the virus was uncontrollable. The COVID-related death rate in many countries in Sub-Saharan Africa was low in comparison to many developed countries in Europe, Asia, and America. This was despite a lack of adequate health facilities and capabilities, a large population living in low density and crowded communities, lack of adequate sanitary infrastructure in many Sub-Saharan African countries (Harding 2020).

Nigeria felt the impact as some of its counterpart nations in sub-Saharan Africa as COVID-19 exacerbated and increased the existing challenges that many of them grapple with, including weak economies; extreme and widespread poverty; social, income, educational, and economic inequalities; and food insecurity to mention a few. However, measures taken by the Government in Nigeria to curb the spread of the virus during the lockdown without adequate social protection and welfare systems increased vulnerabilities and imposed more hardship on the citizenry through job losses and plummeting economic activity. The impact on women and gender roles was even more pronounced with the partial closure of markets and schools with no social security or protection, leaving women across class and economic lines with more domestic and childcare responsibilities especially because of the traditional role of women as homemakers in Nigeria. Similarly, the inequalities between women's social classes came to the fore as well much so that while upper class and middle-class women could rely on domestic help to work from home, many lower-class women did not have this privilege. While data is scant, some data from the UN women website showed some notable increase in gender-based abuse and domestic violence cases because of COVID-19 restrictions and isolation where partners or family members could not go to work or their place of business and some had to work from home thus leaving many women vulnerable (UN Women 2020).

The impact of the Covid-19 outbreak and response by the Government is also a testament to the fragile nature of the Nigerian State, demonstrating its non-preparedness, low resilience, and resistance to internal and external shocks. This trickles down to many other sectors in Nigerian society. This was seen in the failure of the health sector which was overstretched and not equipped to deal with the pandemic adequately. While the Government's approach and policy response at the time of imposing lockdown may have seemed to be the best option to decision-makers, it did not factor in necessary mechanisms to cushion the attendant economic and social hardships faced by citizens, particularly the most vulnerable people. Thus, many citizens were more concerned about the socioeconomic impact of the

response to Covid-19 than contracting the disease. They worried that their basic needs would not be met. Many were afraid the socioeconomic impacts would kill them faster than the virus. Eventually, because of the extreme socio-economic implication of the lockdowns, they were lifted without equally effective testing, tracing, and isolation systems.

This aligns with the findings of this study that there are startling inequalities within and across Nigeria, and that addressing these socio-economic inequalities and challenges is key to addressing gender inequality. It reaffirms the finding that solutions and responses to challenges and problems must be context-specific and based on data and evidence.

Concluding Remarks

This thesis has contributed to the discourse on the policy framework and implementation of the Sustainable Development Goal on gender equality in Nigeria. It has demonstrated that the efficacy of the current gender equality framework in Nigeria in itself is incapable of challenging the status quo, achieving gender equality and promoting empowerment for women and girls. The analysis of the data found that even though laws and policies are an important step towards gender equality, they are not a cure-all as they have not consistently or significantly addressed gender inequality due to reasons ranging from religious and cultural resistance to reforms, lack of political will, pluralism of the legal system as well as other intersecting inequalities within the country. This thesis has contributed to understanding gender inequality in Nigeria from a nuanced perspective and unpacked some of the complexities of inequality in Nigeria beyond the failure of the legal framework to influence and promote equality for women as well as the need to rethink how international goals and instruments are translated or adapted into national laws.

The analyses carried out in this study suggested possible solutions and policy directions to enhance a gender policy framework that promotes gender equality and sustainable development in Nigeria. In particular, the current policy framework should be rethought to allow for more context-specific

solutions rather than just adopting policies, international standards and goals on paper that do not translate into effective action and solutions in Nigeria. This study and its recommendations call for a holistic and multidimensional approach to reduce inequality and eliminate discrimination against women, especially in a fragile context such as Nigeria, because even with a strong and coherent policy framework, without commitment to addressing intersecting inequities and inequalities—economic, environmental, and social—gender equality is impossible in Nigeria. Also, if a global sustainable development agenda is to be achievable, it needs to be workable for women within the parameters of their lived realities and the basis for their choices so that ‘no one is left behind’. The solutions and policy suggestions in this thesis can also be beneficial for other fragile states, especially in sub-Saharan Africa, which share similar demographics with Nigeria.

The seemingly slow pace of advancement toward gender equality as well as the complexities in Nigeria can be discouraging and signal minimal progress towards achieving the SDGs by 2030. Nevertheless, women in Nigeria are making progress on their terms. It is important to note that progress towards ensuring that women are not left behind is knowing that every single day, hour, minute, second there are people dedicated to eradicating gender inequality in all its forms, especially the numerous hidden ways in which inequality is disguised. For everyone involved, inaction is not an option.

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Appendix 1

LIST OF RELEVANT INTERNATIONAL CONVENTIONS AND LEGISLATIONS

A. Global/ International Instruments

1. The Charter of the United Nations (1945);
2. Universal Declaration of Human Rights (UDHR) (1948);
3. Convention on the Political Rights of Women (CPRW) (1953);
4. Convention against Discrimination in Education (1960);
5. International Covenant on Civil and Political Rights (ICCPR) (1966);
6. International Covenant on Economic, Social and Cultural Rights (ICESCR) (1966);
7. Declaration on the Elimination of Discrimination against Women (1967);
8. Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (1979);
9. Convention on the Rights of the Child (CRC) (1989);
10. Declaration on the Elimination of Violence Against Women (DEVAW) (1993);
11. International Conference on Population and Development (ICPD) (1994) and its Program of Action;
12. Beijing Declaration and Platform for Action (1995) and Beijing +5 Political Declaration and Outcome (2000);
13. Optional Protocol to the Convention on Elimination of All Discrimination against Women (1999).

B. Regional

1. African Charter on Human and Peoples' Rights (1981);
2. Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (2005)—the Maputo Protocol;
3. Solemn Declaration on Gender Equality in Africa (2004);
4. Ouagadougou Action Plan to Combat Trafficking in Human Beings, Especially Women and Children (2006);

5. African Commission on Human and Peoples' Rights, Resolution on the Right to a Remedy and Reparation for Women and Girls Victims of Sexual Violence (2007);
6. African Charter on Democracy, Elections, and Governance (2007);
7. African Charter on the Rights and Welfare of the Child (1999).

C. Other relevant international legislation, standards and recommendations

1. Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others (1951)
2. Equal Remuneration Convention (1951) (No. 100);
3. Discrimination (Employment and Occupation) Convention (1958) (No. 111);
4. International Labour Convention Minimum Age (1973) (No138);
5. International Labour Organization's Declaration on Equality of Opportunity and Treatment for Women Workers (1975);
6. Convention Against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment (1987);
7. International Labour Convention on Elimination of the Worst Forms of Child Labour (1999) (No 182);
8. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000) (the Palermo Protocol);
9. Convention on the Rights of Persons with Disabilities (2006).

D. National Legislations and Policies

1. Penal Code (Northern States) Federal Provisions Act (No. 25 of 1960);
2. Criminal Code Act, Chapter C39, Laws of the Federal Republic of Nigeria 2004;
3. Constitution of the Federal Republic of Nigeria [Nigeria], Act No. 24, 5 May 1999;
4. Family Economic Advancement Programme (Establishment etc.) (Amendment) Decree 1997 (No. 20 of 1997);

5. The Nigerian Police (Establishment) Act (amended 2020), Chapter P19, Laws of the Federal Republic of Nigeria 2004;
6. Violence Against Persons (Prohibition) Act, 2015 (VAPP);
7. The Evidence Act, 2011, Chapter E14, Laws of the Federation of Nigeria, 2004;
8. The Child's Rights Act, 2003;
9. Trafficking in Persons (Prohibitions) Law Enforcement And Administration Act 2005 (TIPP), Chapter T23, Laws of the Federation of Nigeria 2004;
10. African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act 1983, Chapter 10, Laws of the Federation of Nigeria 2004;
11. Matrimonial Causes Act 1970 (Chapter M7, Laws of the Federation of Nigeria 2004);
12. Marriage Act 1914, (Chapter M6, Laws of the Federation of Nigeria 2004);
13. The Married Women's Property Act 1882 a statute of general application in Nigeria;
14. Nigeria Police Regulations 1968 (No. 53) Laws of the Federation of Nigeria, 2004;
15. Compulsory, Free Universal Basic Education (UBE) Act of 2004.

E. State Legislations

1. Protection against Domestic Violence Law of Lagos State (2007);
2. Violence against Persons (Prohibition) Act (2015);
3. Edo State Female Circumcision and Genital Mutilation Prohibition Law (1999);
4. Bayelsa State Female Genital Mutilation (Prohibition) Law (2006);
5. Cross River State Girl Child Marriages and Female Circumcision (Prohibition Law) (2000);
6. Ebonyi State Law on the Abolition of Harmful Traditional Practices against Women and Children (2001)
7. Rivers State Abolition of Female Circumcision Law (2001);

8. Ogun State Female Circumcision and Genital Mutilation (Prohibition) Law (2000);
9. Ekiti State Gender-Based Violence (Prohibition) Law (2011);
10. Cross River State Domestic Violence and Maltreatment of Widows (Prohibition) Law (2004);
11. Ebonyi State Domestic Violence and Related Matters Law (2005);
12. Edo State Inhuman Treatment of Widows Prohibition Law (2004);
13. Enugu State Protection of Widows and Widowers Fundamental Rights Law (2001) makes it a punishable offence to compel a widow to be married to a relative of the late husband;
14. Oyo State Widow's Empowerment Law (2002);
15. Anambra State Malpractices against Widows and Widowers Prohibition Laws (2004);
16. Retention in School and against Withdrawal of Girls from School Law, Kano State;
17. Bauchi State Hawking by Children (Prohibition

Appendix 2



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27-Apr-2017

Name: Shamim Samani

Department/School: Curtin University Sustainability Policy Institute

Email: S.Samani@curtin.edu.au

Dear Shamim Samani

RE: Ethics approval Approval number: HRE2017-0229

Thank you for submitting your application to the Human Research Ethics Office for the project **Leaving no one behind: An evaluation of the policy and legal framework for the implementation of the Sustainable Development Goals (SDGs) in Nigeria towards transformational development for women.**

Your application was reviewed through the Curtin University low risk ethics review process.

The review outcome is: **Approved.**

Your proposal meets the requirements described in National Health and Medical Research Council's (NHMRC) *National Statement on Ethical Conduct in Human Research (2007)*.

Approval is granted for a period of one year from **27-Apr-2017** to **26-Apr-2018**. Continuation of approval will be granted on an annual basis following submission of an annual report.

Personnel authorised to work on this project:

Name	Role
Samani, Shamim	CI
Osinaike, Jesudunsin	Student

Standard conditions of approval

1. Research must be conducted according to the approved proposal
 2. Report in a timely manner anything that might warrant review of
 - ethical approval of the project including: proposed changes to the approved proposal or conduct of the study unanticipated problems that might affect continued ethical acceptability of the project major deviations from the approved proposal and/or regulatory guidelines
 - serious adverse events
3. Amendments to the proposal must be approved by the Human Research Ethics Office before they are implemented (except where an amendment is undertaken to eliminate an immediate risk to participants)
4. An annual progress report must be submitted to the Human Research Ethics Office on or before the anniversary of approval and a completion report submitted on completion of the project
5. Personnel working on this project must be adequately qualified by education, training and experience for their role, or supervised
6. Personnel must disclose any actual or potential conflicts of interest, including any financial or other interest or affiliation, that bears on this project
7. Changes to personnel working on this project must be reported to the Human Research Ethics Office
8. Data and primary materials must be retained and stored in accordance with the [Western Australian University Sector Disposal Authority \(WAUSDA\)](#) and the [Curtin University Research Data and Primary Materials policy](#)
9. Where practicable, results of the research should be made available to the research participants in a timely and clear manner
10. Unless prohibited by contractual obligations, results of the research should be disseminated in a manner that will allow public scrutiny; the Human Research Ethics Office must be informed of any constraints on publication

11. Ethics approval is dependent upon ongoing compliance of the research with the [Australian Code for the Responsible Conduct of Research](#), the [National Statement on Ethical Conduct in Human Research](#), applicable legal requirements, and with Curtin University policies, procedures and governance requirements
12. The Human Research Ethics Office may conduct audits on a portion of approved projects.

Special Conditions of Approval

None

This letter constitutes ethical approval only. This project may not proceed until you have met all of the Curtin University research governance requirements.

Should you have any queries regarding consideration of your project, please contact the Ethics Support Officer for your faculty or the Ethics Office at hrec@curtin.edu.au or on 9266 2784.

Yours sincerely



Dr Catherine Gangell
Manager, Research Integrity

Appendix 3

PARTICIPANT INFORMATION STATEMENT

My name is Jesudunsin Osinaike and I am a research student at Curtin University in Australia. My topic “***Leaving no one behind: An evaluation of the policy and legal framework for the implementation of the Sustainable Development Goals (SDGs) in Nigeria towards transformational development for women.***”

The main reason for this research is to examine whether the present legal and policy framework in Nigeria can enable the achievement of the Sustainable Development Goals and targets especially for women by the year 2030. In order that no one is left behind-(women in this case), the government needs to pass appropriate laws and formulate policies that would impact the lives of citizens especially women to encourage their participation in transformational development. I’m interested in finding out how to make the laws and policies effective and achieve the desired outcomes by understanding the developmental need of women from their viewpoint and perspective.

You were selected to participate in this focus group because you can help me to better understand the developmental needs of women in Nigeria and how this may aid the law and policy formulation towards achieving the SDGs. I would be talking to you about your experience on obstacles and issues that cause disadvantage to women, your perspective on poverty, education and gender equality as a woman in a developing country such as Nigeria. This focus group should take less than three hours.

All responses will be kept confidential. This means that what we talk about will not be shared with anyone or in any way that will identify you as the respondent. Please note that you don’t have to talk about anything you don’t want to and you may end the interview at any time.

Appendix 4
CONSENT FORM

HREC Project Number:	HRE2017-0229
Project Title:	Leaving no one behind: An evaluation of the policy and legal framework for the implementation of the Sustainable Development Goals (SDGs) in Nigeria towards transformational development for women.
Principal Investigator:	<i>Jesudunsin Osinaike</i>
Student researcher:	
Version Number:	1
Version Date:	17/03/2017

- I have read the information statement version listed above and I understand its contents.
- I believe I understand the purpose, extent and possible risks of my involvement in this project.
- I voluntarily consent to take part in this research project.
- I have had an opportunity to ask questions and I am satisfied with the answers I have received.
- I understand that this project has been approved by Curtin University Human Research Ethics Committee and will be carried out in line with the National Statement on Ethical Conduct in Human Research (2007).
- I understand I will receive a copy of this Information Statement and Consent Form.

Participant Name	
Participant Signature	
Date	

Declaration by the researcher: I have supplied an Information Letter and Consent Form to the participant who has signed above, and believes that they understand the purpose, extent, and possible risks of their involvement in this project.

Researcher Name	
Researcher Signature	
Date	

<input type="checkbox"/> I do	<input type="checkbox"/> I do not	consent to being audio-recorded
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Appendix 5

INTERVIEW GUIDE

1. What do you think of the Sustainable Development Goals and their impact on women in Nigeria in terms of development?
2. What can you say about the current legal and policy framework in Nigeria? To what extent do you think Nigeria is placed in a position to achieve the goals and targets by 2030? Some of which are eliminating discrimination, violence against women, exploitation of women and girls, forced and early marriages, female genital mutilation and cutting(FGM/C), valuing unpaid care and promoting shared domestic responsibilities, ensuring full participation in leadership and decision-making, access to reproductive rights and health, access to economic resources, property ownership and financial services, etc. (You can speak to any of this)
3. What do you think are the issues or challenges affecting development policies and strategies in Nigeria? Is it a dearth of the policy, framework, or strategies or the implementation of the policies and legal framework? Does this have implications for the SDGs in Nigeria?
4. What forms of intervention do you think can help to achieve the SDGs on achieving gender equality and empower all women and girls?
5. What informs your choices or personal decision as a woman in Nigeria?
6. Do you think women in Nigeria are lagging in development issues or not? What are some of the peculiar issues women face in Nigeria?
7. Do you think the present laws and policies in Nigeria can promote changes towards gender equality and empower women and girls or improve the overall status of women in society?
8. Are you aware of any discriminatory laws or practice that still exists in Nigeria that place women in a position of disadvantage?
9. Do you think Nigeria is doing enough towards the elimination of discrimination towards women in public life, civil status, education, employment, health care and other aspects of social and economic life?
10. What is the role of women groups and movements in the fight for gender equality in Nigeria?

Do you want to share anything we didn't cover in our conversation?

Thank you for your time and for sharing your experience with me.