

GENDER EQUALITY: A LEGAL PERSPECTIVE

BY SARAH NWAKAEGO ORDIAH

In recent times, a decent percentage of Nigerians have aligned with the ideals of gender equality and have created philosophies within the doctrine, some more extreme than others. On the other hand, a larger number of conservatives are threatened by feminism declaring it strange to African culture and their separate religious beliefs. Africa as a continent has been doused so deeply in patriarchy placing the male gender as more superior to its counterpart. Feminists are united by their ideology that women's position is equal when compared to men's. They share the belief in a woman's social, cultural, political and economic capabilities. Gloria Steinem, a champion of feminism was of the opinion that humans are popularly organized by sex and race because they are physically detectable; this in turn stratifies them as superior and inferior. Feminism emanates from such gender discrimination. Gender equality and feminism can be used interchangeably.



The Nigerian woman is groomed to live with an expectation of marriage so most women spend their lives within marriages and are construed by men and themselves as dependents and inferiors who are only good enough to follow spousal instructions. These cultures that look to restrict women, are man-made ideas in the guise of tradition. Many societies maintain men as more advantaged than women, physically and mentally and take such deception to continue their dominance over women.

The Nigerian Constitution in section 21 imposes on the state to protect, preserve and promote Nigerian cultures that enhance human dignity and are consistent with the fundamental directives provided by the second chapter of the Constitution. It further encourages the development of technological and scientific studies which enhance cultural values. Gender inequality as a

culture doesn't exactly enhance human dignity because it raises parity by superiority of genders.

The Nigerian Constitution again in section 42 prohibits discrimination by sex hence moving forward the goals of gender equality but same Constitution in section 26 (2)(b) prohibits women from passing citizenship by registration to their husbands. This inconsistency in the basic law of the country raises questions to the legislative position on gender equality. Nigeria ratified the convention on the

elimination of all forms of discrimination against women in 1985, an international treaty adopted in 1979 by the United Nations General Assembly, becoming one of the 189 countries signatory to the document. A treaty ratified has to follow an extra step to make such covenants legally binding following Section 12 of the Constitution. The National Assembly has to enact such laws to become domestic directives. On 17th day of March 2016, the Gender Equality and Equal Opportunities bill introduced by Senator Abiodun Olujimi representing Ekiti South constituency, did not get past the second reading because members of the National Assembly rejected it as being an attack on their religious beliefs and the Nigerian Constitution.

“

The Nigerian Constitution again in section 42 prohibits discrimination by sex hence moving forward the goals of gender equality but same Constitution in section 26 (2)(b) prohibits women from passing citizenship by registration to their husbands. This inconsistency in the basic law of the country raises questions to the legislative position on gender equality.

“

The bill looked to give women equal rights in marriage, equitable share of inheritance with her male counterparts, equal employment opportunities, etc. Muslim senators declared their opposition to the bill because it contravenes the Sharia law recognized by the Nigerian Constitution. Another senator rooted his aversion of the bill in deep philosophies contained in the Bible. The bill which ought to highlight and properly enforce women's rights was rejected by a legislative house with an unfortunate amount of female representation; 7 females out of the 109 senators. Section 10 of the Constitution prohibits the adoption of any religion as state religion, also considering the fact that the Constitution in section 42 rejects all forms of discrimination, a bill of such pedigree should not be rejected on religious grounds more so when it's a bill that looks to enhance the provision of said section.

Constitutional laws on the average loudly speak against discrimination by sex except for the inconsistency in Section 26(2) (b) and the recognition of Sharia law by Section 262. The effort of feminism seems to be frustrated by subsidiary legislations, both federal and customary laws. For instance, section 121 of the Police Regulations restricts the job description of female police officers to duties solely connected with women and children. Section 123 of said regulations prohibits women to drill under arms. In addition, section 124 of same regulation mandates female officers to apply for permission from a commissioner to marry, after which a thorough investigation will be carried out on their prospective husbands but exempts male officers from this scrutiny. The different ethnic societies in the country also limits inheritance rights of women to having half a man share or nothing, subjecting the girl child to female genital mutilation, domestic, emotional and sexual violence, little or no education rights and early marriage.

Any law which is contradictory to federal law or the Constitution can be challenged in the federal courts and not subsist following section 1(3) of the Constitution. What happens when such contradictory laws are contained within said document? Does one section then take dominance over another? There is no harmony in the layout of the laws that seem to uphold or deter gender equality. Nigerian law's position on feminism is

a quagmire and as such gender equality has a long journey ahead in Nigerian parlance; first in establishment and then in enforcement. Humans make culture, culture is dynamic. The beauty of culture lies in its history and evolution. Cultures that look to oppress should be frowned at and discarded. The Nigerian legislation should amend contradicting laws that creates lacunas in what ought to be the law's position on feminism/gender equality and create new laws that abolish archaic practices performed by the ethnic societies against women while upholding a woman's equal status in society.

Sarah Nwakaego Ordiah (LLB) is a 21 year old graduate of law who is currently anticipating admission at the Nigerian law school. She is an ardent reader, a soulful writer and a meticulous editor. She identifies as an angry bitter Nigerian feminist and is passionate about intellectual property, corporate law and human rights. In her spare time, she surfs the internet and lives up the expectations of being a favourite aunt to eight impressive kids.



