

This collection of essays, sourced from a wide spectrum of scholars and undits across several countries and regions of the globe, celebrates not ist the life, character and person of Professor Joy Ngozi Ezeilo, OON, but iso her many remarkable accomplishments. An outstanding visionary nd role model, her giant strides toward upliftment of humanity traverse academics, activism and philanthropy." - *Professor Obiajulu Nnamuchi*

Jpon my perusal of this book, its breadth, the invaluable quality of its contents and the calibre of the contributors drawn from all over the world, I m persuaded to say that, perhaps, this collection of essays could be mong the greatest assemblages of human rights essays in a book form. he book covers a wide spectrum of key issues in International Human ights Law - theory and praxis. Its contents, doctrinally and qualitatively, spoused human rights issues and challenges from gender, health, olitical, economic, environmental, procedural and policy perspectives." - *Thima Centus Nweze, Ph. D.; JSC, Life Benchor, FCIAB, Supreme ourt, Abuja*

PART I NORMATIVE REFLECTIONS
PART II RIGHTS OF THE CHILD
PART III WOMEN AND HUMAN RIGHTS
PART IV STATE RESPONSIBILITY AND HUMAN RIGHTS VIOLATION
PART VCLIMATE CHANGE AND ENVIRONMENTAL RIGHTS
PART VIGENERAL PERSPECTIVES ON HUMAN RIGHTS

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Nnamuchi & Nwafor

JOYS OF HUMAN RIGHTS

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HUMAN RIGHTS

Essays in Honour of Professor Joy Ngozi Ezeilo



Edited by

Obiajulu Nnamuchi & Ndubuisi Nwafor

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Dr. Abiola Adenuga

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FOREWORD

Professor Joy Ngozi Ezeilo, (OON), is an amazon. She bestrides human rights jurisprudence, education, practice and advocacy in Nigeria and globally. This Professor of Public Law has distinguished herself in the academia and public service. She has, justifiably, been recognised by the Federal Republic of Nigeria for her meritorious service to the country.

Professor Joy Ngozi Ezeilo is a versatile legal scholar; a leading authority on International Human Rights Law, especially, on the rights of women and children in Africa. She served, at different times, as the Head of Department of Public and Private Law, Public Law, Director of University Advancement Centre, Associate Dean and Dean of the Faculty of Law, University of Nigeria, Enugu Campus, (UNN), respectively. In these assignments, she distinguished herself. She worked, tirelessly, to restore the faculty's reputation as one of the best law faculties in sub-Saharan Africa.

Furthermore, this outstanding scholar served as the United Nations Special Rapporteur on Trafficking in Persons, especially women and children. She was also appointed, in December 2013, by the UN Secretary General as a member of the five-person Board of Trustees to oversee the UN Trust Fund for Victims of Trafficking. The globally celebrated Professor has achieved distinctions in the areas of teaching; research; publications and administration.

Sometime in December 2019, Professor Joy Ngozi Ezeilo was honoured with the prestigious Human Rights' Defender Award. This was sequel to a hotly-contested nationwide online poll organised by National Human Rights Commission. This honour is, indeed, part of the success stories of Professor Joy Ngozi Ezeilo in her life's journey across the field of human rights.

Upon my perusal of this book, its breadth; the invaluable quality of its contents and the calibre of the contributors drawn from all over the world, I am persuaded to say that, perhaps, this collection of essays could be among the greatest assemblages of human rights essays in a book form.

The book covers a wide spectrum of key issues in International Human Rights Law, theory and praxis. Its contents, doctrinally and qualitatively, espoused human rights issues and challenges from gender, health, political, economic, environmental, procedural and policy perspectives.

The Bench, the Bar and all enthusiasts of International Human Rights Law will find the book enriching because it touches on several themes from diverse jurisdictions.

Against this background, I have no hesitation in recommending it to professors of law, law lecturers and their students, lawyers and policy makers and to one and all!

Chima Centus Nweze, PhD., JSC, Life Bencher, FCIArb,
Supreme Court, Abuja.

ABBREVIATIONS AND ACRONYMS

AAN	Action Aid Nigeria
AAAQ	Accessibility, Affordability, Availability and Quality
ACAS	Anti-Corruption Agencies
ACHPR	African Charter on Human and Peoples' Rights
ACRWC	African Charter on the Rights and Welfare of the Child
ACHPR	African Charter on Human and Peoples' Rights
AOSIS	Alliance of Small Island States
AU	Africa Union
AWDF	African Women Development Fund
BBC	British Broadcasting Corporation
CAC	Corporate Affairs Commission
CBMS	Community-Based Monitors
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CEMAC	Central African Economic and Monetary Community
CERD	United Nations Committee Against Racial Discrimination
CFRC	Citizens Forum for Constitutional Reform
CHWL	Children, Women and Law
CIPO	Civil and Political Rights
CNN	Cable News Network
COMESA	Common Market for Eastern and Southern Africa
CP	Commissioner of Police
CPI	Corruption Perception Index
CRA	Child's Rights Act
CRC	Convention on the Rights of the Child
CSOS	Civil Society Organizations
CSR	Corporate Social Responsibility
CURE	Citizens United For the Rehabilitation of Errants
CYP A	Children and Young Persons Act
DFID	United Kingdom Government's Department for International Development
EAC	East African Community
EACJ	East African Court Of Justice
ECCAS	Economic Community of Central African States

The book covers a wide spectrum of key issues in International Human Rights Law; theory and praxis. Its contents, doctrinally and qualitatively, espoused human rights issues and challenges from gender; health; political; economic environmental; procedural and policy perspectives.

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ECCAS	Economic Community of Central African States

ECCI	Ecowas Community Court of Justice
ECOSOC	Economic, Social and Cultural Rights
ECOWAS	Economic Community of West Africa States
ECTHR	European Court of Human Rights
EFCC	Economic and Financial Crimes Commission
EIA	Environmental Impact Assessment
EQ	Expatriate Quota
ERN	Electoral Reform Network
FAR	Fourth Assessment Report
FDI	Foreign Direct Investment
FGM	Female Genital Mutilation
FIRS	Federal Inland Revenue Service
GAA	Gender Affirmative Action
GDP	Gross Domestic Product
GECON	Gender and Constitutional Reform Network
GEM	Gender Equality Movement
GEWE	Gender Equality and Women/Girls Empowerment
HLPR	Report of the High-Level Panel
IBR	International Bill of Rights
IBRD	International Bank for Reconstruction and Development
ICC	International Criminal Court
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICI	International Court of Justice
ICPC	Independent Corrupt Practises Commission
ICPD	International Conference on Population and Development
ICTR	International Criminal Tribunal for Rwanda
ICTS	Information Communication Technologies
ICTY	International Criminal Tribunal for the Yugoslavia
IDP	Internally Displaced People
IEES	International Foundation for Electoral Systems
IFIS	International Financial Institutions
IGWG	Intergovernmental Working Group
IIED	International Institute on Environment and Development
ILC	International Law Commission
ILO	International Labour Organization
IMF	International Monetary Fund
IONM	International Organisation for Migration
IPCC	Intergovernmental Panel on Climate Change

IPWN	Inter-Party Women's Network
ITU	International Telecommunication Union
JEP	Jurisprudence of Equality
KCM	Konkola Copper Mines
LACVAV	Legislative Advocacy Coalition Against Violence Against Women
MCH	Maternal and Child Health
MDAS	Ministries, Departments and Agencies
MDGS	Millennium Development Goals
MGC	Male Gender Champions
MICS	Multiple Indicators Cluster Survey
MMR	Maternal Mortality Ratio
MNCS	Multinational Corporations
MNES	Multinational Enterprises
NAFDAC	National Agency for Food and Drug Administration And Control
NALT	Nigerian Association of Law Teachers
NAP	National Action Plan
NAPTIP	National Agency for Prohibition of Trafficking In Persons
NATO	North Atlantic Treaty Organization
NBMA	National Biosafety Management Agency
NDHS	Nigerian Demographic and Health Survey
NDI	National Democratic Institute
NEPAD	New Partnership Africa's Development
NESREA	National Environmental Standards and Regulations Enforcement Agency
NEVR	Nigeria Election Violence Report
NEU	Nigeria Financial Intelligence Unit
NGOS	Non-Governmental Organisations
NIALS	Nigerian Institute of Advanced Legal Studies
NIEO	New International Economic Order
NIA	Nigerian Institute of International Affairs
NIELI	Ngozi Joy Ezzeilo Leadership Institute
NIJ	National Judicial Institute
NIJ	National Judicial Institute
NNPC	Nigerian National Petroleum Corporation
NPRC	National Political Reform Conference
NUC	National Universities Commission
ODA	Official Development Assistance
OECD	Organization for Economic Cooperation and Development
OHCHR	UN Office of The High Commissioner For Human Rights
OOH	Officer of Order of Niger

ECCI	Economic Community Court of Justice
ECOSOC	Economic, Social and Cultural Rights
ECOWAS	Economic Community of West Africa States
ECTHR	European Court of Human Rights
EFCC	Economic and Financial Crimes Commission
EIA	Environmental Impact Assessment
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ERN	Electoral Reform Network
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NFIU	Nigeria Financial Intelligence Unit
NGOS	Non-Governmental Organisations
NIALS	Nigerian Institute of Advanced Legal Studies
NIEO	New International Economic Order
NIA	Nigerian Institute of International Affairs
NIELI	Ngozi Joy Ezelle Leadership Institute
NIJ	National Judicial Institute
NI	National Institute
NNPC	Nigerian National Petroleum Corporation
NPRC	National Political Reform Conference
NUC	National Universities Commission
ODA	Official Development Assistance
OECD	Organisation for Economic Cooperation and Development
OHCHR	UN Office of The High Commissioner For Human Rights
OON	Officer of Order of Niger

PAPAGG	Partners for Peace Advocacy and Good Governance
PAYE	Pay As You Earn System
PDIA	Problem Driven Identification Approach
PHC	Primary Health Care
PTSD	Post-Traumatic Stress Disorder
RAMSI	Regional Assistance Mission to Solomon Islands
RESPROFIL	Respect, Protect and Fulfil
ROLAC/EU	European Union, Rule of Law and Anti-Corruption
SADC	Southern African Development Community
SADC-PF	Southern Africa Development Community Parliamentary Forum
SARC	Sexual Assault Referral Network
SAS	Special Air Service
SDGS	Sustainable Development Goals
SEWNET	South East Human Rights Situation Room and South East Women Network
SE-WPEP	South East Zonal Women Political Empowerment Office
SGB	Gender Based Violence
SGHV	Sexual and Gender Based Violence
SMR	Standard Minimum Rules
SOGON	Society of Gynaecology and Obstetrics of Nigeria
SPDC	Shell Petroleum Development Company
SSRC	Social Science Research Council
STIS	Sexually Transmitted Infections
TAMAR SARC	Tamar Sexual Assault and Referral Centre
TEU	Treaty of European Union
TFEU	Treaty on the Functioning Of The European Union
TMG	Transition Monitoring Group
TNCS	Transnational Corporations
TVPA	Trafficking Victims Protection Act Of 2000
UBEC	Universal Basic Education Commission
UDHR	Universal Declaration Human Rights
UN	United Nations
UNCAC	United Nations Convention Against Corruption
UNCLOS	United Nations Convention on Law of The Sea
UNDP	United Nations Development Programme
UNDR	UN General Assembly of the Declaration on the Right to Development
UNEP	United Nations Environment Programme
UNFCCC	United Nations Framework Convention on Climate Change
UNFPA	United Nations Fund for Population Activities
UNGP	United Nations Guiding Principles

UNICEF	United Nations International Children's Emergency Fund
UNN	University of Nigeria Nsukka
UNODC	United Nations Office for Drugs and Crimes
UNSC	United Nations Security Council
UNSCR	United Nations Security Council Resolutions
US ATS	United States Alien Tort Statute
VAPP	Violence Against Person Prohibition Act
VAVG	Violence Against Women And Girls
VSF	Victim Support Fund
VVF	Vesico Vaginal Fistula
WACOL	Women Aid Collective
WAWORC	West African Women's Right Coalition
WEEP	Women Economic Empowerment Project
WHO	World Health Organisation
WIP	Women In Politics
WSIS	World Summit on the Information Society
WVL	Women Voice Leadership

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Chapter 3

Gender Equity and Equality: A Panacea for Managing Violence in Rural Communities in Nigeria

Ruth Abiola Adimula, PhD¹ & Ayobami Oluwaseun Aluko²

INTRODUCTION

The nature of human security is changing globally. Interstate conflict may be diminishing worldwide but occurrences of intrastate conflicts in Nigeria are still alarming. Threats to individuals especially women and girls and communities persist, and this has hindered development. Nigerian women have paid a heavy price in the long and violent conflicts that have been ravaging the country, especially in the past two decades. The women have continued to endure unprecedented levels of sexual violence and assault, along with related HIV infections, involuntary pregnancies and health complications as a result of abuses. Violent conflicts have forced several women to flee from their homes.³ Large-scale violence by formal and informal armed forces intersects with interpersonal and domestic forms of violence in mutually reinforcing ways, affecting socio-economic activities, especially food security. Research has continually recognised the importance of women's involvement in peace and security issues to achieving long lasting stability.⁴ Conflict resolution which applies a gendered lens has been advocated under the United Nations Security Council Resolutions (UNSCR)⁵ 1325, which brings to the

fore a rethinking and re-conceptualising gender and peace in the context of managing violence.

In 2000, the United Nations Security Council (UNSC) formally acknowledged through the creation of Resolution 1325 the changing nature of warfare, in which civilians are increasingly targeted, and women continue to be excluded from participation in peace processes. The resolution specifically addresses how women and girls are differentially impacted by conflict and war, and recognizes the critical role that women can and already do play in peace building efforts. UNSCR 1325 maintains that peace and security efforts are more sustainable when women are equal partners in the prevention of violent conflict, the delivery of relief and recovery efforts and in the forging of lasting peace.⁶ Research that focuses on 'violence against women' situates women as coherent and stable subjects whose life experiences can be ameliorated by appropriate legal and policy practice⁷ incorporating programs and action plans empowering women. This will take different forms, including better women participation in decision-making, educating more girls, making women financially independent, complete change in orientation especially the general belief that women are always vulnerable and inferior and so forth.

Like race and ethnicity, gender is a social construct. It defines and differentiates the roles, rights, responsibilities, and obligations of women and men. The innate biological differences, between females and males form the basis of social norms that define appropriate behaviours for women and men and determine the differential social, economic, and political power between the sexes. Although, the specific nature and degree of these differing norms vary across societies and across time, at the beginning of the twenty-first century they still typically favour men and boys, giving them more access than women and girls to the capabilities, resources, and opportunities that are important for the enjoyment of social, economic, and political power and well-being.⁸

CONCEPTUAL CLARIFICATIONS

Gender Equity

According to the International Labour Office,⁹ the concept of gender equity refers to "fairness of treatment for women and men, according to their respective needs. This may include equal treatment or treatment that is

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³ Foreword - 'Hon. Minister of women Affairs and Social development, in National Action Plan (NAP) for the implementation of United Nations Security Council Resolution 1325 and Related Resolutions in Nigeria.

⁴ What is UNSCR 1325? An Explanation of the Landmark Resolution on Women, Peace and Security. http://www.un.org/gender/pre/building/about_UNSCR1325 accessed 19 September, 2019

⁵ United Nations Security Council Resolutions.

⁶ Ibid.

⁷ Tausi J. Shepherd 2004, *Gender, Violence and Security: Discourse as Practice* 2nd Books Ltd. London and New York, p. 41

⁸ UN Millennium Project 2005, *Taking Action: Achieving Gender Equality and Empowering Women*, Task Force on Education and Gender Equality, p. 30

⁹ International Labour Office, 2000

different but which is considered equivalent in terms of rights, benefits, obligations and opportunities." It is the process of allocating resources, programs, and decision-making fairly to both males and females without any discrimination on the basis of sex and addressing any imbalances in the benefits available to males and females. These include but not limited to gender equity in education, in health services, athletics, in budgetary allocation and so forth.

Gender Equality

"Gender" refers to the socially constructed roles, behaviours, activities, and attributes that a given society considers appropriate for men and women.¹⁰ Gender equality, also known as sexual equality or equality of the sexes, is the state of equal ease of access to resources and opportunities regardless of gender, including economic participation and decision-making; and the state of valuing different behaviours, aspirations and needs equally, regardless of gender. It is a belief that both men and women should receive equal treatment. People should not be discriminated against because of their gender. It can also be called sex equality, gender egalitarianism, sexual equality or equality of the genders. This is intrinsically linked to sustainable development and it is vital to the realization of human rights for all. The overall objective of gender equality is a society in which women and men enjoy the same opportunities, rights and obligations in all spheres of life. Technically, gender inequality acknowledges that men and women are not equal and that gender affects an individual's life experience. These differences arise from distinctions in biology, psychology, and cultural norms. Gender inequality is experienced differently across cultures. The benefits of gender equality are that it helps prevent violence against women and girls and makes our communities safer and healthier.

Thus, gender equity and equality are two strategies we can use in an effort to produce fairness. While equity is giving everyone what they need to be successful, equality is treating everyone the same. Equality aims to promote fairness, but it can only work if everyone starts from the same place and needs the same help. Gender equality is achieved when women and men enjoy the same rights and opportunities across all sectors of society, including economic participation and decision-making process, and when the different behaviours, aspirations and needs of women and men are equally valued and

favoured.¹¹ Gender equality is measured by looking at the representation of men and of women in a range of roles.

Gender Mainstreaming

The United Nations Economic and Social Council defines gender mainstreaming as the 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.¹²

The UN Resolution 1325 provides the first international legal and political framework recognising the disproportionate impact of armed conflicts on women as well as the pivotal role of women in peace-building. It acknowledges the importance of the participation of women and the inclusion of the gender perspective in peace negotiations, humanitarian planning, peacekeeping operations, post-conflict peacebuilding and governance. It is first and foremost about peace and security but rooted on the premise that women's inclusion (their presence and participation) in the peace process, their perspectives, or their contribution to peace talks will improve the chances of attaining viable and sustainable peace.¹³ The Nigerian government's commitment as well as accountability in ensuring the security of women and girls during armed conflicts and enhancing their active and direct participation in conflict prevention and peace building as well as post-conflict efforts is reflected in the National Action Plan. It is also a practical and operational tool for those affected by armed conflicts – women, children and communities to be informed about the governments' response to their plight.¹⁴

Women in Rural Communities

Gender inequalities tend to be greater among the poor than the rich, especially for inequalities in capabilities and opportunities.¹⁵ Moreover, the well-being

¹¹What is Gender Equality? <http://www.genderequality.net/CE/Pages/WhatIsGE.aspx> accessed 27th September, 2019

¹²Ibid., p. 83. Cited in UNDAW (2000) *Women (2000): Gender equality, Development and Peace for the 21st Century*, New York: UNDAW.

¹³Morewood - Ilona, Minister of women Affairs and Social Development, in National Action Plan (NAP) for the Implementation of United Nations Security Council Resolution 1325 and Related Resolutions in Nigeria.

¹⁴Ibid.

¹⁵World Bank, 2001a. *Engendering Development through Gender Equality in Rights, Resources and Voice*. Policy Research Report, New York: Oxford University Press

and survival of poor households depend disproportionately on the productive and reproductive contributions of their female members. Also, an increasing number of poor households are headed or maintained by women.¹⁶ Some 70 per cent of the world's poor are concentrated in rural communities.¹⁷ These are communities that rely on agriculture, forestry, fisheries and livestock to make a living. Within these communities, the poorest of the poor are often women and young girls who lack regular and decent employment, and who may face hunger and/or malnutrition, and poor access to health, education and productive assets.¹⁸ In rural communities, the invisible but powerful role of social institutions that disempower one sex above the other include traditions, customs and social norms that govern the intricate workings of rural societies, and which act as a constraint on women's activities and restrict their ability to compete on an even footing with men. Also, the commonly held view that it is a woman's obligation to work in the home, cooking, cleaning, and looking after children and the sick and the elderly; the belief that women are less able to manage assets; have to obtain their husbands or guardians permission to leave the house; cannot have any property or inheritance rights; among others, are practices that are extremely difficult to eradicate and are detrimental to women's capacity to develop as productive members of society. They stifle women's economic empowerment.¹⁹

Women living and working in rural areas are often perceived and treated as second-class citizens, this make them poorer and make them face worse living conditions than men. Generally in rural communities, women are disproportionately employed in low-quality jobs, including jobs in which their rights are not adequately respected and social protection is limited; they tend to get paid less than men (around 25 per cent less, to be more precise).²⁰ That doesn't mean they work less. The problem is that, much of the work they do is not valued and remunerated accordingly. In fact, most rural women are unpaid family members. Despite the low level of recognition given to their work, their socio-economic contribution to the welfare of their households and communities is immense.²¹ Although, gender inequality varies considerably across regions and sectors, there is evidence that, globally,

¹⁶ Huijse, J., C. Lloyd, and A. Leonard 1995. *Families in Focus*. New York: Population Council.

¹⁷ Jane Hodges, ILO Gender Bureau Director response to interview on the many facets of the plight of rural women, Article 102 March 2012

¹⁸ Ibid.

¹⁹ Ibid.

²⁰ ILO, 2012. Gender equality in the rural sector: The current challenge. Available at http://www.ilo.org/global/about-the-ilo/newsroom/features/WCMS_174576/lang-en/index.htm

²¹ Ibid.

women benefit less from rural employment, whether in self- or wage-employment, than men do.

It is important to note that not providing women with equal opportunities is a violation of their human rights and that extreme poverty cannot be eradicated until we acknowledge the fact that women are disproportionately represented among the poorest of the poor in rural areas. It is well established that educating and providing women with opportunities to take part in skilled paid employment provides benefits to their families and communities in the form of lower fertility rates, decreased child mortality, improved child health nutrition and levels of education and reduced domestic violence against them.

ILO has reported a number of projects it has implemented to promote gender equality in rural areas. One of them is the Cooperative Facility for Africa, which promotes cooperative development across the continent.²² The aim of this project is to enhance economic opportunities for women by carrying out affirmative actions in support of women starting, formalizing and growing their enterprises, and by mainstreaming gender equality issues into the ILO's work in enterprise development.²³ This invariably improves the economic capacity of women which make them economically independent, reduce poverty and domestic violence against them.²⁴

In pursuit of the above, the UN Millennium Project has posited that three subpopulations of women must receive preference in implementing the strategic priorities and allocating resources if poverty is to be reduced.²⁵ These are:

1. poor women in the poorest countries and in countries that have achieved increases in national income but where poverty remains significant;
2. adolescents, who constitute two-thirds of the population in the poorest countries and the largest cohort of adolescents in the world's history;
3. women and girls in conflict and post conflict settings.

"Prioritizing these groups is not intended to minimize the vulnerability and needs of other groups of women, but to emphasise that investments in these subpopulations are a priority for achieving immediate and long-term results in reducing poverty."²⁶

²² ILO, 2012. Gender equality in the rural sector: The current challenge. Available at http://www.ilo.org/global/about-the-ilo/newsroom/features/WCMS_174576/lang-en/index.htm

²³ Ibid.

²⁴ Ibid.

²⁵ UN Millennium Project 2005, op. cit., p. 34

²⁶ Ibid.

GENDER MAINSTREAMING IN NIGERIA

Mainstreaming gender is a very bold step to embrace with efforts ranging from financing gender equity and equality adequately during budgeting at the federal level. For the implementation of UNSCR 1325 in Nigeria, it was imperative to develop a National Strategic Framework and Plan of Action anchored on the following priorities:²⁷

1. **participation:** Increased political empowerment for women and engagement at all levels of decision making;
2. **justice, protection and peace:** A more effective and credible justice and security environment for women during and after conflict;
3. **economic resource and support:** Allocation of greater and more sustainable financial resources to support women in recovery processes.

UN women (Nigeria) is supporting the National Gender machinery to develop and articulate strategies that would strengthen women's organizations to participate in peace processes as well as ensure that gender perspectives are included in peace keeping operations. It is expected that key government Ministries, Departments and Agencies (MDAs) and CSOs involved in peace and security will participate in the broad process.²⁸

GENDER ISSUES AND PERSPECTIVES IN NIGERIA

The patriarchal society prevalent in Africa and also in Nigeria has been the major hindrance to the attainment of gender equity and equality. A vast majority of cultures around the world today are patriarchies, where men are more likely than women to hold positions of social, economic and political power.²⁹ It's tempting to assume male dominance is the natural state of human society³⁰ but thoughtfully, mediatively and reflectively considering this assumption, it becomes false. Taking a long down memory lane, it is realised that the divide between men, on the one hand, and women and children, especially girls, as the vulnerable faction in the society, on the other hand, has been practised and it favoured men. This has hampered the development of women and particularly the girl-child. Women now face the stern and gloomy presumption that girls are 'wife materials' or rather put 'some puppets for the other room' without recourse to their personal

development and ambitions. This has resulted in so much dependency among women and girls.

Patriarchy strikingly sees power as always - already a male possession and the predilection of positive male agency³¹ which sees women as victims. Whereas, gender is a differential relationship to be negotiated, managed and, in the last instance, overcome³² in order to discourage control by men. The large share of power; the dependence of wives and children; the reckoning of descent and inheritance in the male line, are still principal and prevailing in our society and there is no woman in the world that has not experienced a form of discrimination, at least once in her lifetime.

Nigerian women in the family are not adequately protected. There are three forms of marriage in the country: monogamous marriage registered under the civil marriage law, customary marriage and Islamic marriage. A 2004 United Nations report estimated that 28 per cent of girls between 15 and 19 years of age were married, divorced or widowed.³³ Polygamy is prohibited in civil marriages, but authorised under customary and Islamic law. The practice is widespread, i.e., more than one-third of Nigerian women are in polygamous unions.³⁴ In civil marriages, parental authority is shared by the mother and father, but in two-thirds of Nigerian households, husbands alone make decisions about the education of their children. Customary law seldom recognizes women's rights to inheritance. In many instances, the family of a deceased husband will claim rights to the couple's property, leaving the widow destitute.³⁵

In addition, women's physical integrity is not sufficiently protected in Nigeria. According to a 2003 Demographic and Health Survey, 64.5% of Nigerian women consider it normal to be beaten by their husbands. Female genital mutilation is prohibited in several Nigerian states, but such laws are difficult to enforce. On a national scale, FGM is widely practised, i.e., one-fifth of women aged between 15 and 49 years have been subjected to it. The incidence of FGM differs considerably by region, and is twice as common in rural communities as in urban areas.³⁶

²⁷ Ibid., p. 41

²⁸ Ibid.

²⁹ A Celebration of Women, 2010. Gender equity and women's issues - Algeria. Available at <http://celebrationofwomen.org/2010/05/gender-equity-women-issues-algeria/>

³⁰ The Guardian 2010. Polygamy: No thanks. Published by the Guardian Newspaper on 20th March, 2010. Available at <http://www.theguardian.com/world/2010/mar/20/polygamy-nigeria-abuse-tradition>

³¹ Atlas of Gender and Development: How Social Norms Affect Gender Equality in Non-OECD Countries, op. cit., p. 254

³² Ibid., p. 254 and 255

²⁷ National Action Plan (NAP) for the implementation of United Nations Security Council Resolution 1325 and Related Resolutions in Nigeria.

²⁸ Ibid.

²⁹ The origins of sexism: How men came to rule 12,000 years ago. <http://www.ancientcivilizationart.com/eng/2331740-400-the-origins-of-sexiism-how-men-came-to-rule-12000-years-ago/> accessed 30th September, 2019

³⁰ Ibid.

Nigerian women have very limited ownership rights. Civil law entitles women to have access to land, but certain customary laws stipulate that only men have the right to own land. In practice, women can obtain access to land solely through marriage or family. In daily life in Nigeria, men generally make all decisions regarding property. Women's access to bank loans is restricted by their limited financial resources and the difficulties in obtaining the necessary guarantees. National programmes and other micro credit schemes have been established to assist women, but access is still low. Statistics show that less than one-third of loans in Nigeria are awarded to women.³⁷

Nigerian women face severe limitations in the exercise of their civil liberties. Women's freedom of movement is restricted in that they need their husbands' permission to obtain a passport or to travel outside the country.³⁸ Women in purdah (in Muslim communities in some northern states) cannot leave their homes without permission from their husbands and must be accompanied by a man at all times when in public. Purdah also restricts women's freedom of dressing, in that Muslim women must be veiled in public. In some rural communities, widows face the greatest degree of discrimination. They are confined to the home and must keep their heads shaven and wear mourning dress,³⁹ for a particular period immediately after the husband's death.

Furthermore, an invisible hindrance, which has been for a long while, is the problem from the homes: the family code, where gender perspectives are fundamentally seen and experienced first-hand. It follows that whatever interpretation given to "Gender" will be of critical importance while defining the norms attached to gender in every society. Imbuing gender equity and equality in the early days can help with the needed reorientation at this point in time if truly we hope to achieve human development. The essence of sustainable development, coupled with that of right to development (RTD), is an inalienable right, by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development – the crux of humanity.

The constraints that women face are quite enormous; yet, the resilience showcased have allowed them to still contribute economically to their families,

communities, despite those constraints. What if all these constraints are eliminated?

GENDER, PEACE AND SUSTAINABLE DEVELOPMENT

Sustainable development has to do with our relationship with the natural environment on which humanity depends for food, water, energy and raw materials. But there is much more to it than that. It is also about our relationship with the global economic system in which we source raw materials, manufacture products and trade.⁴⁰ And perhaps most importantly also is that it has to do with our relationship with each other, meaning that the values of the society in which we live depends on the relationship we have with one and other. Thus, even the simplest of sustainable developments has at least three facets: environmental, social and economic⁴¹ which resonate round the human factor. Engaging the three facets will be incomplete or rather impossible without the human factor that drives them all. Less women participation becomes one sided and discourages an all-encompassing attitude in the society because men, women, the boy and girl-child and so forth all have a part to play and subsequently resulting in an incomplete human developmental process which lacks a major determinant – women.

Gender equality and the empowerment of women and girls are pivotal to promoting sustainable development in every society. To achieve sustainable peace which guarantees development, it is pertinent not to ignore the gospel that women's exclusion from peace processes contravenes their rights, and that including women and gender perspectives in decision-making can strengthen prospects for sustainable development goal 5: *gender equality*. At all levels and amongst all stakeholders, there is need for an urgent change particularly with equal decision-making opportunities. The UN Secretary-General's Report of 2004 mandates Annual Reports to continue to review the gender content of Security Council reports and resolutions of UNSCR 1325.⁴² This reflects the important nature and connection already recognised internationally between peace and security, capturing them both through the gendered lens.

Since its Independence in 1960, thousands of Nigerians have lost their lives in various levels of armed conflicts and violence. As a nation, Nigeria faces several challenges including economic crisis triggered mostly by low oil

³⁷Ibid.
³⁸Osoma, U. 2020. Married women and the need for husband's consent for international passport. Published in *The Nigeria Lawyer* of April 16, 2020. Available at <https://thenigerianlawyer.com/married-women-and-the-need-for-husband-consent-for-international-passport/>

³⁹Ibid.

⁴⁰Michael F. Ashby, 2016. *Material and Sustainable Development*. Butterworth-Heinemann, USA and UK. ISBN: 978-0-08-100176-9, p. 2. <https://dx.doi.org/10.1016/B978-0-08-100176-9.00001-3>

⁴¹Ibid.

⁴²United Nations 2004. Inter-Agency Network on women and gender equality. Available at <https://www.un.org/womenwatch/daw/annulmeeting/2004/lanwg2004report.pdf>

prices, resurgence of militancy in the Niger Delta over economic grievances, uptick in agitation in the Southeast by pro-Illahia nationalists, and ongoing conflicts over land use in the Middle Belt. The conflict in the North East caused by Boko Haram since 2009 has resulted in massive loss of lives and properties. Many people have become internally displaced. The effect of conflict as we know affect women more, taking up more responsibilities and still going through undesirable vices and challenges such as sexual abuses, poverty, hunger and so forth.

The RTD is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realised.⁴³ Bringing in a fresh approach to understanding to RTD would involve "the right to a process that expands the capabilities or freedom of individuals to improve their well-being and to realize what they value."⁴⁴

The centrepiece of the RTD is the right of peoples and individuals to the constant improvement of their well-being and to a national and global environment conducive to just, equitable, participatory and human-centred development respectful of all human rights.⁴⁵ It further identified three attributes of this core norm:⁴⁶

1. comprehensive and human-centred development policy;
2. participatory human rights processes;
3. social justice in development.

There is a confluence where RTD, sustainable development, and gender equity and equality meet. Here, for there to be an immediate and fully realised human-centred developmental process which we desire, denying and ignoring gender equity and equality will only leave us stagnant or worsened. Women are special, result oriented and can perform more only when the limiting factors are no more or reduced to the minimum. Potentials untapped from the female population are enormous and there is a need to provide equal and adequate platforms for the female population to express themselves.

⁴³Article 1.1, Declaration on the Right to Development.

⁴⁴Report of the Independent expert on the right to development, Arjun Sen Gupta, A/55/306, 17 August 2000, para. 22.

⁴⁵AMHICIS/NGC/2/IT/2/4/4.2, 8 March 2010, 8.

⁴⁶COEN DE JETTER 2013. *Towards a Framework Convention on the Right to Development: INTERNATIONAL POLICY ANALYSIS*. Friedrich Ebert-Stiftung, Global Policy and Development, Berlin, p. 2.

GENDER AND FUNDAMENTAL HUMAN RIGHTS

The 1999 Constitution of Nigeria prohibits discrimination on the ground of gender.⁴⁷ The constitution assures freedom, equality and justice and in furtherance to this assurance, every person shall have equality of rights, obligations and opportunities before the law while maintaining and enhancing human sanctity and dignity. A citizen of Nigeria of a particular community, ethnic group, place of origin, sex, religion or political opinion shall not, by reason only that he is such a person:⁴⁸

- (a) be subjected either expressly by, or in the practical application of, any law in force in Nigeria or any executive or administrative action of the government, to disabilities or restrictions to which citizens of Nigeria of other communities, ethnic groups, places of origin, sex, religions or political opinions are not made subject; or
- (b) be accorded either expressly by, or in the practical application of, any law in force in Nigeria or any such executive or administrative action, any privilege or advantage that is not accorded to citizens of Nigeria of other

⁴⁷ Sections 15, 16, 17 and 18 of the 1999 constitution as amended provides for the political, Economic, Social and Educational Objectives respectively. Further, section 15(2) provides that national integration shall be actively encouraged, while discrimination on the grounds of place of origin, sex, religion, status, ethnic or linguistic association or ties shall be prohibited. Section 16(1)(a), (b) and (d) also provides that the State shall, within the content of the ideals and objectives for which provisions are made in this Constitution: (a) harness the resources of the nation and promote national prosperity and an efficient, a dynamic and self-reliant economy; (b) 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; (d) without prejudice to the right of any person to participate in areas of the economy within the major sector of the economy, protect the right of every citizen to engage in any economic activities outside the major sectors of the economy. Section 16(2) provides for state policy towards ensuring the following:

- i. the promotion of a planned and balanced economic development;
- ii. that the material resources of the nation are harnessed and distributed as best as possible to serve the common good;
- iii. that the economic system is not operated in such a manner as to permit the concentration of wealth or the means of production and exchange in the hands of few individuals or of a group; and
- iv. that suitable and adequate shelter, suitable and adequate food, reasonable national minimum living wage, old age care and pensions, sick benefits and welfare of the disabled are provided for all citizens.

According to section 17, the state social order is founded on ideals of freedom, equality and justice and in furtherance of this social order, every person shall have equality of rights, obligations and opportunities before the law. The sanctity of the human person shall be recognised and human dignity shall be maintained and enhanced. Policies shall be directed towards ensuring all citizens, without discrimination on any group whatsoever, have the opportunity for securing adequate means of livelihood as well as adequate opportunity to secure suitable employment; there are adequate medical and health facilities for all persons; there is equal pay for equal work without discrimination on account of sex or on any other ground; widowers, children, young persons and the age are protected against any exploitation, harassment, and against moral and material neglect; provision is made for public assistance in deserving cases or other conditions of need amongst others. Section 18 states that the Government shall direct its policy towards ensuring that there are equal and adequate educational opportunities at all levels.

⁴⁸ Section 42(1)(a) and (b) of the 1999 Constitution of the Federal Republic of Nigeria as amended.

communities, ethnic groups, places of origin, sex, religion or political opinions.

Article 1 of the Universal Declaration of Human Rights (UDHR) also provides that 'All human beings are born free and equal in dignity and rights'. Article 2 notes that 'everyone is entitled to all the rights and freedoms set forth in the Universal Declaration without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status'. Article 4 provides that 'No one shall be held in slavery or servitude' while Article 7 declares unequivocally that 'All are equal before the law and are entitled without any discrimination to equal protection of the law'.⁴⁹ Article 7 of the Convention on the Elimination of All forms of Discrimination against Women (CEDAW) also provides for the elimination of discrimination against women in political and public life.⁵⁰

Gender inequalities which we experience in different communities are discriminatory. Discrimination on the basis of sex, evidently and undoubtedly are culturally and socially infused. Ascribing superiority to one sex makes life uneasy for women and girls. This does not provide the necessary uniform platforms for the "woman and girl". The socio-culturally and at some point religiously infused inclinations still restrict women's rights.

Women and girls have faced discrimination in areas of health, education and very predominantly in the labour market with negative repercussions for their freedom. Until we recognise the fact that gender equity and equality is part of attaining social justice, and incorporating this into our legal and policy frameworks, coupled with adequate financing, fairness cannot be achieved.

CONCLUSION AND RECOMMENDATIONS

The study concluded that overcoming gender imbalances and ensuring gender equity and equality is and continues to be a cornerstone of peace building in Nigeria. That gender equality and the empowerment of women and girls is pivotal to promoting sustainable development, reducing violence at home and in every society; and that until there is equity and fairness in distribution of rights, opportunities and resources to males and females equally and issues affecting both gender are given equal prominence in policy-making and implementation, violence at home and in the society will persist. To overcome

violence therefore, the study recommends the following strategies and initiatives.

Prioritising, engaging and mainstreaming gender in our development agenda will eliminate all forms of discrimination women face with regard to decent employment, access to credit and health services, property and their civil liberties which are restrained, making them victims of violence in times of both war and peace. Mainstreaming gender by incorporating gender in the processes of managing conflict situations through legislation, policies, programs and action plans and the recognition of women as agents of peace and security as stipulated in UNSCR 1325 is urged upon the government and other relevant stakeholders.

For effective violence management in rural communities, mainstreaming gender equity and equality must be employed. It is not new that the effect of conflict is disproportionate, heavily affecting women and girls negatively. Thus, there is a desperate need to cater for the concerns and aspirations of women and the development of girls in Nigeria. Exploring the options of Gender equity and equality in a bid to achieve fairness at this point is critical, actively engaging women in the processes of peace building, peace keeping, conflict resolution and management in Nigeria is way out.

Furthermore, it is good time to adopt the concepts of socio-economic development and cultural modernisation with gender equity and equality as part of its core principles. This is essential in combating poverty and driving development. Educated women are healthier, for example, and better able to look after the health of their children, thereby reducing child mortality. Women who run their own small businesses can greatly increase their families' household income. Gender equality and women's empowerment is thus a crucial development goal that can foster progress across the whole development spectrum.⁵¹ The core of empowerment lies in the ability of a woman to control her own destiny.⁵² This implies that to be empowered women must not only have equal capabilities (such as education and health) and equal access to resources and opportunities (such as land and employment), but they must also have the agency to use those rights, capabilities, resources, and opportunities to make strategic choices and

⁴⁹ Ibid, p. 4

⁵⁰ Universal Declaration on Human and Peoples Rights, (adopted on December 10, 1948) G.A. res. 217A (III), U.N.

⁵¹ See Optional Protocol to the Convention on the Elimination of Discrimination Against Women (CEDAW) (Adopted 6 October 1999, entered into force 10 December 1999) 2131 UNTS 83, reprinted in 39 ILM 2819 (2000).

⁵² Mullona, A., S. Schuler, and C. Becder, 2002. "Measuring Women's Empowerment as a Variable in International Development." World Bank Gender and Development Group Background paper. World Bank, Washington, D.C. (http://www.livew.org/doc/MeasuringEmpowerment_workingpaper_802.doc); 1999. "The Conditions and Consequences of Choice: Reflections on the Measurement of Women's Empowerment." UNIBSD Discussion Paper 104. United Nations Research Institute for Social Development, Geneva.

decisions (such as is provided through leadership opportunities and participation in political institutions). And for them to exercise this strength, they must live without the fear of coercion and violence.⁵³

More so, boosting local economic development, enhancing government service delivery and creating quality employment in rural areas by expanding market access for medium and small scale entrepreneurship, strengthening local contractors and improving the provision of business development services and enhancing growing economic opportunities for women through cooperative societies are good ways to reduce violence against women.

Investing in the health, education, safety, and economic well-being of adolescents, especially adolescent girls, must also be a priority. Adolescence is a formative period, one of transition between childhood and adulthood. It is a time when interventions can dramatically alter subsequent life outcomes.⁵⁴ When a girl is effectively positioned at this stage, they become strategic in facing life squarely to be self-independent, economically capable and provide good leadership at home and in the society.

More importantly, there is a need to ensure the availability of resources for mainstreaming gender. In addition, imbuing gender sensitivity of economic, social, legal and judicial reform to 'increase the participation of women and girls in order to fully utilize their capacities' should be endorsed by government at all levels. Also, support to address gender inequality pillars is advocated, viz. *prevention, participation, promotion, protection and prosecution*. This will provide the much needed and awaited step for strengthening women, peace and security processes in Nigeria.

Criminalizing all violations of the human rights of women and girls, including sexual and gender-based violence will serve as suitable deterrence and punitive measures. This shift would not only condemn the violations but also condemn the culprit.

Above all, the judiciary can also be a catalyst to gender equity and equality in the interpretation of extant laws while recognising customs, norms and traditions by promoting women's rights, empowerment, and leadership actively at the centre of economic development. Development policies and actions that fail to take gender equality into account and that fail to enable women to be actors in those policies and interventions are discouraged through judicial pronouncement.

PART II

RIGHTS OF THE CHILD

⁵³ UN Millennium Project 2005, *Taking Action: Achieving Gender Equality and Empowering Women*. Task Force on Education and Gender Equality, p. 33

⁵⁴ *Ibid.*, 34