

Review

The Nigerian senate and the politics of the non-passage of the gender equality bill

Damilola Taiye AGBALAJOBI^{1*} and Leke Abraham OLUWALOGBON²

¹Department of Political Science, Faculty of Social Sciences, Obafemi Awolowo University, Ile-Ife, Nigeria.

²Department of Political Science and Public Administration, College of Management and Social Sciences, Redeemer's University, Ede, Nigeria.

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The gender equality discourse assumed a global dimension since the fourth World Conference on Women held in Beijing, China in 1995. The hallmark of the Conference was the Beijing Platform for Action which was agreed upon by all 189 countries in attendance. Furthermore, the Millennium Development Goals (MDGs) subscribed to by United Nations member states in the year 2000, ascribed a worthy place to gender equality, highlighting its measurable targets. The inability of most states to meet the MDGs as at the end of 2015 necessitated the Sustainable Development Goals (SDGs) with new targets and timelines. Though Nigeria is a signatory to many international conventions such as the Convention on the Elimination of all forms of Discrimination against Women (CEDAW), the country has repeatedly failed to effectively set a legal framework for gender equality. This is made obvious by the outright rejection of the Gender and Equal Opportunity Bill by Nigeria's upper chamber since 2010. Relying on secondary sources of data, this study interrogates the critical factors that have inhibited the bill from being passed into law. The study highlights three factors namely: the patriarchal nature of the Nigerian society and the Senate in particular, the cultural and religious dimensions and the content of the bill.

Key words: Convention on the Elimination of all forms of Discrimination against Women (CEDAW), Beijing platform for action, women's right, the millennium development goals (MDGs) and sustainable development goals (SDGs).

INTRODUCTION

The marginalization of women exists in all human societies, although the degree differs across states (Lawal and Ojo, 2006). Most societies are seen as male-dominated in almost all spheres of human endeavour (Evans, 2014; Spinelli-de-sá et al., 2017) This is in spite of the existence of several international instruments such as the United Nations Charter and the Universal

Declaration of Human Rights (UDHR) that affirm faith in fundamental human rights, the dignity of and worth of the human person and in the equal rights of men and women (Alfreðsson and Eide, 1999; Edwards, 2010). Much effort has however been made at ensuring that the gender inequality gap continues to close up. One of such efforts at the global level is the Convention on Elimination of All

*Corresponding author. E-mail: dtagbalajobi@gmail.com.

forms of Discrimination against Women (CEDAW) which was ratified by states in 1985. This Convention sought to promote the equal right of men and women to enjoy all economic, social, cultural, civil and political rights, as well as encouraging states to “condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women” (CEDAW, 1985). However, it was at the fourth World Conference on Women held in Beijing, China in 1995 that the need for more advocacy and actions in achieving gender equality was brought to the fore.

The “Beijing Platform for Actions”, a document covering about twelve critical areas, was agreed upon by all countries represented. Among several other things, states agreed to ensure that “each woman and girl can exercise her freedoms and choices, and realize all her rights, such as to live free from violence, to go to school, to participate in decisions and to earn equal pay for equal work” (UN women, n.d). The United Nations continues to push for gender parity across states as seen in the agreement by UN member states to accomplish specific goals within a 15-year period, what has come to be known as the Millennium Development Goals (MDGs). Of critical importance to the MDGs was the challenge of gender inequality. Therefore, Goal 3, as it was popularly known, was to promote gender equality and empower women. Its target was to eliminate gender disparity in primary and secondary education by 2005 and in all levels of education by 2015 (United Nations, n.d). According to MDG Monitor (2016), this goal was achieved, as its target of eliminating gender disparity at all levels of education was met across the developing world. The next phase therefore is to replicate this success across all fields of human endeavour. The Sustainable Development Goals that replaced the MDGs in 2015 still has gender equality has a critical element.

On the African continent, the African Union adopted the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women to also guarantee the comprehensive rights to women including the right to take part in the political process, to social and political equality with men, improved autonomy in their reproductive health decisions, and an end to female genital mutilation. The Maputo Protocol, as it is also called, has been signed and ratified by thirty-six of the fifty-four African states, signed but not ratified by fifteen states, while three states have neither signed nor ratified it (ACHPR, n.d). Nigeria, being a UN member state and a signatory to CEDAW, the Beijing Platform for Action, both the MDGs and SDGs as well as the African Regional Protocol, has not been able, through the upper legislative chamber, the Senate, to domesticate these international conventions into the Nigerian legal system, despite growing cases of marginalization of women across Nigeria (Gender in Nigeria Report, 2012).

This paper therefore aims at interrogating the critical

factors that has hindered the passage of the Gender Equality and Equal Opportunity Bill in Nigeria. Data for the study are derived from secondary sources and will be analyzed descriptively. The paper is divided into five sections. Following the introduction are sections on the literature review, the Gender and Equal Opportunity Bill in Nigeria, the Challenges of the non-passage of the Bill and then the conclusion.

LITERATURE REVIEW

According to Michelle Bachelet, former President of Chile, gender equality is an essential expression of human right and women's right are human right (United Nations, 2010). It connotes a state in which access to rights or opportunities is unaffected by gender. According to the United Nation women, gender equality refers to:

The equal rights, responsibilities and opportunities of women and men and girls and boys. Gender equality implies that the interests, needs and priorities of both, women and men are taken into consideration, recognizing the diversity of different groups women and men (for example: women belonging to ethnic minorities, lesbian women or women with disabilities). Gender equality is both a human rights principle and a precondition for sustainable, people-centered development. (Gender Equality, n.d)

In the words of the Council for International Development (2012, Fact Sheet 6), gender inequality indicates that people are free to make choices without the limitations set by stereotypes and their various contributions and needs are valued equally. This definition brings to fore the imperative of the concept as an important right and a powerful driver for growth, development and stability (Commonwealth of Australia, 2016:2). In sum, gender equality is about equal opportunities, rights and opportunities for women and men, girls and boys. But it does not signify that, women and men are the same. It however brings to fore the existence of gender inequality which is a result of unequal power distribution between women and men, exacerbated by ongoing discrimination, weaknesses in laws, policies and institutions, and social relations that normalize inequality (Commonwealth of Australia, 2016: 3).

Various laws and policies have been put in place by the international community in view of the recognition of the importance it has accorded gender equality. Some of such are; the Convention on the Elimination of ALL Forms of Discrimination Against Women (CEDAW), the Beijing Platform for Action, the Millennium Development Goals, the 2030 Agenda for Sustainable development (Comprising the Sustainable Development Goals and the Addis Ababa Action Agenda). Despite the existence of all these policies and conventions, there is nowhere in the

world where women and men have achieved equality.

Gaps in legal/Policy framework for gender equality

Although Nigeria is a signatory to many international conventions and declarations as seen in the section on the international effort at inclusion of women in politics, which supports gender equality and the participation of women in politics, the country is far from implementing many of these agreements, as the political terrain remain male-centric. There are 91 registered political parties in Nigeria, with none of these imbuing a credible gender framework in its party structures. Patriarchy and many socio-cultural practices and tradition play fundamental roles in shaping the structure of gender inequality, gender roles, and the relation of power between sexes.

The multi-ethno-religious-cultural character of the Federation coupled with its tripartite systems of law and administration of justice makes it difficult to checkmate discriminatory customary law. Generally, most victims of gender-based violence in Nigeria do not seek redress in the court except in cases of divorce (which is rarely sought by women in the Eastern part of the country due to stigma attached to divorced women). Gender gaps in the Nigerian laws and policy frameworks continue to persist e.g. macro-economic framework are gender blind or at most gender neutral. The Nigerian constitution and its elements are replete with contradictory provisions to the CEDAW treaty obligations, which make it difficult for the government to create an enabling environment for Gender equality in political participation.

The Fourth World Conference on Women (FWCM) held in Beijing in 1995 and its resultant platform for Action marked a pivotal moment in getting the concept of "women's empowerment" and "gender equality" mainstreamed within development discourse. Buoyed by the collective excitement of the FWCW, Edwards (2015) is of the opinion that, the event's legacy, supported by a strong women's movement, has been characterized by clear progress on women's rights issues including: focusing on tackling violence against women, highlighting the issues of unpaid care, and shining a light on the gross gender disparity in political representation. A key milestone has been the establishment of a UN entity for gender equality and women's empowerment – UN women - in July 2010, tasked with meeting the needs of the world's women.

But despite all the progress made with the establishment of various treaties to promote gender equality, there is still so far to go. Women still face deep inequality in political participation – only 11 per cent of the world's political leaders are women. The way forward is finding hope in the proposed Sustainable Development Goal (SDG) 5 with its inclusion of commitments on unpaid care, sexual and reproductive rights, tackling violence, and equal participation of women in all aspects

of public life, amongst other issues (Edwards, 2015).

Involvement of men in gender equality

Different organizations world over have been making attempt to involve men in the quest for gender equality. It is imperative at this point to review extant literature on issues of gender, gender equality bill passage in Africa in order to compare. A comparative analysis of similar bill and how long it took is important to horn in our views on the gender equality bill in Nigeria. The reality in most nations of the world especially developing nations, where patriarchal values are prominent despite the call for gender equality is that male leaders continue to resist attempt to challenge the power they hold. Men who feel their masculinity is threatened have the tendency to react with hostility towards other social groups (including women, ethnic minorities, and children) (Ruxton, 2004).

Oxfam GB, a member of Oxfam International whose given mission is to work with local partners to alleviate poverty and injustice worldwide. It views gender as one of a number of social relations within society which creates and maintains differences in the positioning of various groups according to age, race, ethnicity, class, disability and sexual orientation (Ruxton, 2004). Oxfam views gender relations as power relations between the sexes and between different groups of women and men. Oxfam definition of gender is similar to Aina (2014)'s assertion that, gender is a social relation constituted between people, where gender is identified as feminine or masculine. She avers that, gender is a social construct that ascribes different qualities and rights to women and men regardless of individual competence or desires (p.80)

However, Stepulevage cited in Aina (2014) earlier aver that, gender is asymmetrical relation in which the masculine is more highly valued and ascribed with more power than the feminine. This reiterates the definition given by Duerst-Lahi and Kelly (1996) that gender is how we come to understand and often magnify the minor differences that exist between biological males and females. In most African society, the reality is that the masculine is more highly valued and the so called "minor difference" that exists between biological males and females is highly exalted.

Over the years, various international organizations focus on developing programmes aimed at improving the lives of women given the fact that women are the poorest of the poor in all societies. Studies reveal that, women often have less recourse than men to legal recognition and protection, less access to public knowledge and information, and less decision-making power both within and outside the home (Ruxton, 2004:3). Ruxton (2004) claims that, many men are resistant to changing ideas, beliefs and behaviors, which undermine progress towards gender equality. He notes that except there is a change

in this regard, effort to promote gender equality will face uphill struggle. As male decision-makers will keep ignoring the relevance of gender equality and will not see the need to integrate it into development policy and programmes at all levels.

Falola (2018) notes that, despite the fact that Africa has experience a number of changes when it comes to gender relations, but a number of inequities persist. According to him, the perception that women are “secondary citizens” remains – the best of everything is for men and the crumbs for women. He observed that resources are not equitably distributed; men take more than women, although women contribute more to production and households. He attributes these to cultural stereotypes which present women as weak, incapable of leadership, and that their main goal should be to manage the “home front”.

To stall this trend, various organizations have emphasized the importance of including men and boys into the quest to achieve gender equality. A report of the United Nations Secretary General on the role of men and boys in achieving gender equality suggests that: When men and boys are key decision-makers and holders of economic and organizational power and public resources, they can facilitate gender-responsive policy reform and support laws designed to protect the rights of women and children. Men and boys can play a crucial role in combating HIV/AIDS and violence against women; in achieving gender equality in the workplace and the labour market; and in promoting the sharing of family responsibilities, including domestic work and care of children, and older, disabled and sick family members.

Kaufman (2003) emphasized the importance of including men in gender equality and anti-poverty work. He argued that development interventions do fail to focus on men and boys hence male power remains dominant in gender relations, and women and women’s struggles are marginalized. Kaufman is of the opinion that leaving out boys and men in the work for gender equality is a recipe for failure. He believes in the capacity of men to play a positive role in challenging sexism and patriarchy (p.19). He gives some reasons why the omission of men and boy is a recipe for failure. Some of the reasons are: men are the gatekeepers of current gender order and are potential resistor of change (like can be seen in the case of the non-passage of the gender equality bill in Nigeria); not involving men is to remove men from the gender equation which means effectively marginalizing women and women’s struggle.

Furthermore, Kaufman identified the potential positive outcomes of involving men and boys, such as: creating a large-scale and broad social consensus on a range of issues that has been previously marginalized; mobilize resources controlled by men and mobilize the social, economic, and political institutions controlled by men; develop effective partnerships not only between women and men, but also between a range of institutions and

organizations representing the interests of women and girls; increasingly and patiently isolate those working to preserve men’s power and privilege and the denial of rights to women and children; contribute to raising the next generation of boys and girls in a framework of gender equity and equality; changing the attitudes and behavior of men and boys, improve the lives of women and girls in the home, the workplace and community; bring about new insights into current gender relations and the complex forces that promotes discrimination against women and prevent gender inequality; bring about new insight into other social, cultural and political issues.

The Gender and Equal Opportunity Bill (GEOB)

The Gender and Equal Opportunities Bill (GEOB), a document that sought to provide men and women alike with equal access to educational, career, political and societal opportunities regardless of gender, age, or social standing, while ensuring the protection of Nigerian women from violence and providing them with the same marital rights as the men including the rights of widows to have an equitable inheritance of their husband’s property. More importantly, this bill sought to introduce 18 years as the minimum legal age for marriage as according to statistics, 43% of Nigerian girls are married before they reach 18; it also allows for education and employment and also prohibit domestic and sexual violence against women (Fadare, 2017). The Bill encapsulated the most important documents bothering on gender equality at the global, regional and national spheres, namely; the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), the International Covenants on Human Rights, the protocol to the African Charter on the Rights of Women in Africa, the National Gender Policy, and the 1999 constitution, particularly the provisions of sections II and IV of the constitution which deals with the Fundamental Objectives and Directive Principles of State Policy as well as guarantees the Fundamental Human Rights of the Nigerian citizen.

The Bill, which was first presented to the Senate in 2010 by Senator Chris Anyanwu, one of the three women in the 109 -member 4th Senate, did not scale through the second reading (Ugwuede, 2017). A revision of the Bill was however presented by Senator Abiodun Olujimi, one of the eight female legislators in Nigeria’s 8th Senate on June 15, 2016. As with the older version, it sought to promote the equality, development and advancement not only of women, but of all Nigerians. The revised Bill contained twenty-five sections spanning its purpose, to prohibition of discrimination, promotion of equality, full development and advancement of all persons, the adoption of temporary special measures to eliminate discrimination, otherwise known as Affirmative Action. The Bill also carters to the modification of socio-cultural

practices, as well as the elimination of all forms of discrimination in different segments of the society including; political and public life, education, employment, marriage, health and the socio-economic aspects. It also advocates for the rights of rural dwellers and on matters relating to marriage and family life. It equally makes adequate provisions for offences and the commensurate penalties. The Bill also sought the establishment of a Commission, spelling out its functions and the citizens' obligation to it.

THE THREE-PRONG CHALLENGES TO THE NON-PASSAGE OF THE BILL

The patriarchal nature of the Nigerian society

Unlike most social science research that treats individuals as self-contained unit apart from the social context in which they live, learn, work, play and pray, it is imperative to place individuals in context, hence considering the implication of the gender equality bill from non-political institutions. Hence, not treating the non-passage of the bill, that is, the institutions involved in isolation. The understanding of how men are socialized is important if we must interrogate the cultural dimension, that is, the issue of patriarchy with the Nigerian society. Just like Mexico, many of the principle characteristics of hegemonic masculinities are a strong influence on the ways in which most men are socialized. For there to be a change, the construction of men's identity must be analyzed so as to be able to understand, deconstruct and modify it. This is a reflection of the socialization process men have grown up with in almost every society.

It is therefore imperative to reflect on some of the factors that have been identified with working with men in Mexico which is also present in Nigeria. Some of these factors are: the belief about power that men grew up with, concerning their essential authority over women and the sense of cultural entitlement to services they should receive from women; the way in which men handle emotions, the social and cultural validation of violent responses, often seen as a legitimate "correction" of female behavior; and the different case of hegemonic masculinity in various aspect of life. This explains the nature of men and their beliefs in most patriarchal societies.

Pierre Bourdieu's theory is also important in explaining the cultural dimension of the non-passage of the bill. Pierre Bourdieu's theory sees human as socio-culturally constructed beings that function through an array of representations, thoughts and feelings (Riley, 2017). Bourdieu called this 'habitus': structures of perception, thought and action that have lasted overtime and are adaptable to different situations. These structures are reproduced through a process of socialization and by the primary agent of socialization such as family, school, and

peer-group/religious groups. According to Bourdieu, this habitus is structured from early childhood largely by the family and the school which has a way of determining the way the world is perceived, and how people understand and act in it, the whole socialization process shapes masculine behaviour and makes men ignore or violate women's right (Riley, 2017).

Men as a group occupy a relatively privileged position in relation to women in the economic, social and sexual sphere (Gender Inequality, 2009). Connell (1996) corroborated this by saying that, men as both individual and as a group benefit from what she called the 'patriarchal dividend' – which is the advantage men gain from the overall subordination of women. The effect of the patriarchal dividend Connell (1996) noted is that, most institutions and interventions are shaped around men representing the norm, thus giving them a structural advantage. Falola (2018) observes that the scenario above is visible in many countries, where men control power, dominate the occupations and the households, and manage public and private institutions to their advantage. He is of the opinion that, the worldview and legal system continue to favour men- the assumption tends to be that women should occupy an inferior status. This is visible in the composition of the Nigerian Senate which is an offshoot of the larger society.

In Nigeria, the socialization process supports patriarchal institutions. These institutions dictate the gender roles and responsibilities that consolidate gender inequality from birth throughout the lifecycle. This creates unequal power relations that extend into the larger society and are in turn visible in the policies and practice of government institutions. These all explains the difficulty in passing the gender equality bill which is expected to grant women's human right. As long as people continue to operate within these structures (gender stereotype) created, it will be difficult to achieve a positive change. This is because gender inequality is both structural and personal, as the structures and institutions are maintained by people (Table 1).

The religious and cultural dimensions

One fact that has been established over the years is that Nigeria is enmeshed in both cultural and religious complexes. This has resulted in the division of the Nigerian society along ethnic and religious lines. On the ethnic line, it is the south against the north. On religious line, it is divided between the Christians and the Muslims. The cultural and religious divisions are however inseparable, as the northerners are predominantly Muslims, while majority of the southerners are Christians. As Omotola (2007) pointed out, the cultural and religious factors are the greatest constraints to achieving gender equality in Nigeria. A proper understanding of Nigeria's cultural settings across the major ethnic groups reveals

Table 1. Gender Distribution of the Nigerian Senate, 1999-2019.

Period	Male	Female
1999-2003	106 (97.2%)	03(2.8%)
2003-2007	105 (96.3%)	04 (3.7%)
2007-2011	101 (92.7%)	08 (7.3%)
2011-2015	102 (93.6%)	07 (6.4%)
2015-2019	101 (92.7%)	08 (7.3%)

Compiled by the authors

this. The general belief among the male folks that women are their possessions and must therefore remain subservient is a critical obstacle that must be scaled, if gender equality will be achieved. It is not unexpected for women to be considered as 'full-time housewives', meaning that their jurisdiction should not go beyond the home front. Instances abound, in Southern Nigeria, among the Yoruba people of the West and the Igbo of the Eastern extraction, where the wife is under obligation to remain submissive to the man. The situation however is quite different among the Hausa Fulani of Northern Nigeria where the purdah system is being enforced. What this implies is that certain rights, such as the freedom of movement and association of the women under such system have been abrogated.

The greatest oppositions to the GEOB were from cultural and religious proponents who believed that the Bill infringed on certain aspects of their culture and /or religion. Senators Emmanuel Bwacha, representing Taraba state argued that the Bill contradicted his Christian beliefs and so it was unacceptable. On the other hand, Senator Sani Yerima, representing Zamfara state, and who was at the vanguard in opposing the initial Bill presented by Senator Chris Anyanwu in 2010, expressed aversion to the bill, arguing that it was in conflict with the principles of the Sharia law, which the Nigerian constitution has regard for (Nwabufu, 2016). Some of the contentious sections that has generated so much debate includes an aspect in section 7 "Modification of socio-cultural Practices," which states that a "widow shall not be subjected to inhuman, humiliating or degrading treatment." Furthermore, the section states that "widow shall have the right to remarry, and in that event, to marry the person of her choice."

The content of the bill

Apart from the afore-mentioned factors, the content of the Bill itself was a major factor on its progression. The view that the Bill was an unnecessary duplication of the Constitution of the Federal Republic of Nigeria, 1999, and was therefore unnecessary was wide spread. For instance, Senator Adamu Aliero of Kebbi State stated that the Constitution already guarantees the rights of men

and women. While Chapters II and IV of the Constitution spells out the objectives of government towards citizens and gives rights to all persons in Nigeria respectively, the Gender and Equal Opportunities Bill takes it further by prescribing in detail acts which are now prohibited, such as denying widows custody of their children or their husbands' properties; and also clearly outlawing discrimination with the establishment of a commission to enforce that.

According to the Policy and Legal Advocacy Centre (2016), one of the major undoing of the GEOB was the burdensome responsibilities and duties it placed on agencies and organs of government. For instance, the section 15 mandates every organ, agency of government to protect the right of men and women in a marriage. The right to freely choose a spouse and rights and responsibilities including dissolution is spelt out. Also, section 14 (b) compels "Every organ or agency of government, public or private institution, commercial or corporate body, community or entity to take all appropriate measures to eliminate discrimination against women in rural areas." This is arguably too wide and should be redrafted to cover organisations whose operations include agriculture.

Also it contains contentious clauses, including subjecting itself to the Marriage Act, 1914, Child Rights Act, 2003 and the Matrimonial Causes Act 1970 and may have ignored marriages under customary law (which includes Islamic personal law). In addition, its insistence that only marriages recorded in writing and registered in accordance with national laws gain legal recognition is at variance with the position of customary marriages in Nigeria, which although are largely unwritten, are recognised in Nigeria. There is also the lingering issue of whether the minimum age of 18 is at variance with the 1999 Constitution as amended. This is because the proviso in section 29 (4) (b) of the Constitution recognizes all married women (irrespective of age) as adults. Nonetheless, the minimum age of 18 is consistent with other laws like the Child Rights Act, 2003. As the scope of the territorial jurisdiction of the Bill appears to be limited to FCT, the Bill will have had to rely on the good will of other States to domesticate its provisions.

Similarly, the Bill, under section 12 (c), Elimination of Discrimination in the Field of Health states that the

“government shall protect the reproductive rights of women to terminate a pregnancy in cases of sexual assault, rape, incest, and where the continued pregnancy endangers the mental and physical health of the mother or the life of the mother or the foetus”. As Abdullahi (2016) opined, abortion remains a very sensitive and a highly contentious issue the world over. The inclusion of this subsection was sufficient to halt its progress, observing the Nigerian terrain.

CONCLUSION

The GEOB is no doubt desirable at a time like this when the rights of women are being infringed upon and no respite is coming their way. However, if this Bill or any other Bill bothering on gender equality will ever be passed, it must put into consideration the three critical factors highlighted in this work namely; the patriarchal nature of the Nigerian society and the Senate in particular, the cultural and religious dimensions and the content of the Bill itself. As argued in this paper, if the structure of the Nigerian society as well as the Senate remains unchanged, the possibility of passing the GEOB remains very slim. However, the promoters of the Bill may need to solicit for more supports from their male counterparts in the Senate. This may seem herculean at first, however when properly handled, including the involvement of professional lobbyists, the Bill may be heading to its realization. Furthermore, beyond the Senate, much advocacy needs to be done in re-orienting the larger society on the need for a gender-balanced society. Though, Civil Society Organisations are already engaged in this cause, concerted effort is needed if the Senate will ever pass this Bill into law.

CONFLICT OF INTERESTS

The authors have not declared any conflict of interests.

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