

## Applicability and Impact of International and Regional Gender Mainstreaming Instruments in Nigeria

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### Abstract

*Gender mainstreaming has taken centre stage in the modern global and regional governance systems as a main tool of promoting gender equality. Notwithstanding an extensive constellation of international and regional undertakings, including the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Beijing Platform for Action, the Millennium Development Goals (MDGs), the Sustainable Development Goals (SDGs), and the African Union Gender Policy, numerous states, Nigeria among them, persist in exhibiting marked implementation disparities. These differences can be explained by the longstanding lack of harmony between these multilateral instruments and systematic integration into national laws, policies, and institutional framework. This analysis aims to critically assess the main international and regional instruments that form the basis for gender mainstreaming and to determine their applicability, dynamics of their operation and impacts in the Nigerian context. In order to attain this goal, it adopts a doctrinal approach. The findings indicate an extreme discordance between the progressive legislation that Nigeria has enacted, including the National Gender Policy, and its relatively weak enforcement capabilities. The combination of socio-cultural resistance, lack of political will and inadequate institutional resources are some of the obstacles to effective implementation. This article therefore proposes a number of policy suggestions: the strengthening of the legislative and administrative enforcement tools, the improvement of the intersectoral coordination, and the launching of the public awareness campaigns aimed at reducing the cultural barriers. The integration of a coherent approach that aligns domestic initiatives to the current international and regional gender systems is essential to the achievement of substantive gender equality in Nigeria.*

**Keywords:** Gender Equality, Women, Legal Framework, Gender Mainstreaming

### 1. Introduction

Gender mainstreaming has since been embraced globally as a powerful tool in achieving gender equality through incorporation of a gender approach into all policies, programmes and institutional frameworks in a systematic way. The concept attained heightened visibility following the 1995 Beijing Platform for Action, which underscored the necessity of embedding gender concerns in all dimensions of development and governance.<sup>1</sup> Subsequently, the principle has been incorporated

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<sup>1</sup> UN Women, 'Beijing Platform for Action Turns 28: Progress and Challenges' (UN Women, March 2023) <https://www.unwomen.org/en/news-stories/in-focus/2023/03/beijing-platform-for-action-turns28> accessed 27 October 2025.

into multiple international frameworks, most notably the Sustainable Development Goals (SDGs), where Goal 5 explicitly strives to “achieve gender equality and empower all women and girls” while promoting gender-sensitive approaches across the other Goals.<sup>2</sup>

The Gender mainstreaming movement in Africa has been institutionalised in the region by regional instruments like the African Union Gender Policy and the Maputo Protocol. These documents advocate the elimination of structural gender disparities and the promotion of women’s rights in all spheres of life.<sup>3</sup> As one of the signatories to these agreements, Nigeria has undertaken legislative and policy initiatives including the adoption of the National Gender Policy to institutionalise gender equality. Nevertheless, there is a high level of implementation deficit. Patriarchal cultural norms, insufficient political commitment, and weak enforcement mechanisms continue to obstruct progress toward effective gender mainstreaming.<sup>4</sup> This article will engage in a critical review of the body of international and regional legal instruments that underpin gender mainstreaming, and determine their impact on the national gender policies and practices in Nigeria.

### 1.1 Gender Mainstreaming

Gender mainstreaming refers to the process in which gender considerations are systematically put into all stages of policy-making, legislative action, programme design, and institutional functioning in such a way that women and men receive equal number of benefits and risks and patterns of inequality are not perpetuated. The process extends beyond isolated, women-centered interventions by embedding gender analysis and gender-responsive planning within the core decision-making apparatus.<sup>5</sup> The United Nations Economic and Social Council (ECOSOC) defines it as “the process of assessing the implications for women and men of any planned action... in all areas and at all levels”.<sup>6</sup> Gender mainstreaming in effect is a practice that seeks to transform the institutional norms, procedures and outputs with an aim of correcting historical and structural inequalities.

Gender mainstreaming in practice requires the collection of disaggregated data, gender impact assessments to be carried out, and institutional reforms that will promote equal participation and benefit. It emphasises accountability, inclusivity, and systemic transformation for entities that have traditionally marginalised women and other gender minorities.<sup>7</sup> Gender mainstreaming is therefore, not just a bureaucratic or tokenistic practice but rather a strategic tool in the promotion of justice and achievement of equitable development outcomes.

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<sup>2</sup> F Ibrahim, *Mainstreaming Gender in African Development Policies* (Pan-African Policy Press 2021)

<sup>3</sup> L. Odekunle, ‘The African Union Gender Policy and Its Impacts on National Strategies’ (2022) 34(2) *African Development Review* 121.

<sup>4</sup> J. Ezeilo, *Gender Equality and the Law in Nigeria* (Justice & Rights Publications 2019)

<sup>5</sup> A Musa, *Gender Mainstreaming and Public Policy in Africa* (Equity Watch Press 2020)

<sup>6</sup> B Olaoye, ‘United Nations and Gender Reform Strategies’ (2021) 16(3) *Global Governance Review* 203

<sup>7</sup> K Adeyemi, ‘Institutional Approaches to Gender Equality in West Africa’ (2022) 21(1) *Policy and Society* 66

## 1.2 Rationale for Gender Equality in Policy and Practice

Gender equality takes a central position in the present-day policy context and practice. It is both normatively and positively useful. From a rights-based framework, international instruments, most notably the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the African Charter on Human and Peoples' Rights, affirm that discrimination on the basis of sex constitutes a violation of human rights and developmental norms.

Gender-inclusive policies are economically beneficial to a country in terms of strengthening national productivity as well as developmental outcomes. Empirical studies indicate that states that direct investment toward girls' and women's education, healthcare, and economic empowerment exhibit faster economic growth and better social-welfare indicators.<sup>8</sup> On the political front, inclusive governance is the foundation of legitimacy, stability, and responsiveness towards diverse needs within the society. Gender-equal systems promote justice, alleviate poverty, and improve family and community wellbeing socially.

In Nigeria where women make up almost half the population, integrating gender considerations in the country development strategies is unavoidable in ensuring sustainable development. Gender equality functions both as an overarching objective in its own right and as a vehicle for broader national aims, including poverty eradication, education, public health, and good governance.<sup>9</sup>

## 2. International Instruments for Gender Mainstreaming

Gender mainstreaming has been integrated systematically in some of the major international legal and policy frameworks aimed at the elimination of discrimination and the promotion of equality between men and women. These instruments form reference points for governments of individual countries when they strive to come up with gender-sensitive laws, policies, and programmes. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Beijing Platform for Action (1995), the Millennium Development Goals (MDGs), and the Sustainable Development Goals (SDGs) have exerted a decisive influence on global gender equality standards and continue to inform national efforts at gender mainstreaming and their implementation strategies.

### 2.1 Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)<sup>10</sup>

CEDAW was adopted by the United Nations General Assembly in 1979 and can be called the international bill of rights of women. As a legally binding treaty, it obligates state parties to eliminate discrimination against women in all forms and to guarantee the full development and

<sup>8</sup> C Nwosu, 'The Economic Value of Gender Inclusion in Nigeria' (2021) 28(4) *African Journal of Economic Policy* 301

<sup>9</sup> T Umeh, 'Mainstreaming Gender in Nigeria's Development Agenda' (*Development Watch*, 2022) <https://www.developmentwatch.org/gender-nigeria-policy-agenda> accessed 27 October 2025.

<sup>10</sup> United Nations, Convention on the Elimination of All Forms of Discrimination against Women (adopted 18 December 1979, entered into force 3 September 1981) 1249 UNTS 13.

advancement of women in political, economic, social, and cultural spheres.<sup>11</sup> Besides defining what discrimination against women is, CEDAW also provides a framework to be followed by the nations to eliminate such discrimination.

Article 2 of the Convention guides states to ensure that gender equality is entrenched in the legal system of the states and to form tribunals and institutions to safeguard the rights of women. Article 5 deals with the necessity to change social and cultural patterns of behaviour reproducing stereotypes and prejudices based on gender. The CEDAW Committee oversees the execution and requires periodical reports by state parties on their progress.

In the case of Nigeria, which ratified CEDAW in 1985, the treaty has become a benchmark against which many legal and policy reforms have been made. Nevertheless, CEDAW's limited enforceability in local courts is partly attributable to its non-domestication into national law, as required by Section 12 of the Nigerian Constitution.<sup>12</sup> However, CEDAW is still used as a guide in gender policy making and source of advocacy by civil society organisations.

## **2.2 International Conference on Population and Development (ICPD) Programme of Action (1994)**

The 1994 ICPD Programme of Action, adopted in Cairo, marked a major global shift in how population and development issues were conceptualised. Moving away from a narrow focus on demographic targets, the ICPD recognised that sustainable development could not be achieved without addressing the social, economic, and political inequalities faced by women. It emphasised that the empowerment and independence of women, as well as the improvement of their health and educational status, are essential for national progress. The Programme of Action called on governments to promote gender equality, equity, and the elimination of all forms of discrimination and violence against women. By linking gender equality to population and development, the ICPD made women's rights central to global development discourse.<sup>13</sup> Furthermore, the ICPD was one of the first international frameworks to explicitly promote gender mainstreaming as a strategy for achieving equality. It urged governments to "establish mechanisms for mainstreaming gender perspectives in all policies and programmes," thereby integrating women's concerns into every stage of policy planning and implementation.<sup>14</sup>

<sup>11</sup> D Okonkwo, 'CEDAW and the Legal Rights of Women in Nigeria' (2018) 23(1) Justice & Law Journal 45.

<sup>12</sup> Nigeria ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1985. However, under Section 12 of the Constitution of the Federal Republic of Nigeria 1999 (as amended), international treaties have no domestic effect until enacted by the National Assembly. See R. E. Badejogbin, 'Domestication of International Human Rights Norms in Nigeria' (2013) *NIALS Journal of Law and Development* 91.

<sup>13</sup>United Nations, *Report of the International Conference on Population and Development, Cairo, 5–13 September 1994* (A/CONF.171/13/Rev.1, 1995) paras 4.1, 4.2 and 4.24

<sup>14</sup> *ibid*

### 2.3 The Beijing Platform for Action (1995)<sup>15</sup>

Beijing Platform for Action is a non-binding but strong policy framework that was adopted in 1995 during the fourth world conference on women and it aims at promoting rights of women. It delineates twelve critical areas of concern, among them women and poverty, education, health, violence, armed conflict, economy, and decision-making.<sup>16</sup> The Platform defines goals, as well as outlines steps to be taken by governments, international institutions, and civil society so as to achieve gender equality.

Another great contribution of the Beijing Platform is that it promotes a mainstreaming approach, which requires gender considerations to be incorporated at all levels of policy areas and governance. This paradigm change that is not based on women-specific interventions in isolation concentrates on cross-sectoral planning. Due to this paradigm, gender budgeting, institutional reforms and capacity-building initiatives have since become part and parcel of gender mainstreaming practice.

In Nigeria, the Beijing Platform for Action has had a significant impact in the development of 2006 National Gender Policy which is similar to many of the recommendations made by the Platform. However, there is still a gap in implementation especially in the area of women's political representation and access to economic opportunities. The monitoring mechanisms remain weak, and socio-cultural resistance continues to impede policy effectiveness.<sup>17</sup>

### 2.4 Millennium Development Goals (MDGs) and Gender Equality Targets<sup>18</sup>

The Millennium Development Goals (MDGs) were introduced in 2000 as an internationally endorsed framework aimed at eradicating extreme poverty and associated social challenges by 2015. Goal 3 was specifically aimed at the promotion of gender equality and empowerment of women with a particular focus on the need to attain parity in education as one of its central mechanisms. The MDGs increased the enrolment of girls significantly and reduced maternal deaths in many countries. However, the gender-related goals of the strategy were limited: the education-related aspects did not systematically address structural and institutional forces of inequality, and the fundamental issues, such as the participation of women in decision-making, gender-based violence, and access to economic resources were not adequately addressed.

In Nigeria, the MDGs promoted the gender parity in primary education and sparked the discussions of the women issues. That said, the short-term focus and limited indicators discouraged gender

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<sup>15</sup> United Nations, *Beijing Declaration and Platform for Action, Fourth World Conference on Women, Beijing, China, 4–15 September 1995* (United Nations 1995).

<sup>16</sup> R Mensah, 'Revisiting the Beijing Platform for Action: Gains and Gaps in Africa' (2021) 28(4) *Gender and Development Review* 210

<sup>17</sup> B Usman, 'Nigeria's Gender Policy and the Beijing Legacy' (*Gender Watch Africa*, 2022) <https://www.genderwatchafrica.org/nigeria-gender-policy-and-beijing-legacy> accessed 27 October 2025.

<sup>18</sup> United Nations, *United Nations Millennium Declaration*, UNGA Res 55/2 (8 September 2000).

mainstreaming. After the end of the MDGs, the scholarly and policymaking community agreed that a more intersectional and broad vision of gender equality was needed.<sup>19</sup>

## 2.5 Sustainable Development Goals (SDGs) and Gender Mainstreaming<sup>20</sup>

In 2015, the United Nations adopted the Sustainable Development Goals (SDGs) as a successor framework to the MDGs. The SDGs are 17 goals with 169 targets that endeavour to accomplish inclusive and sustainable development by the year 2030. Goal 5 of the SDGs is gender-specific and focuses on equality and empowerment of all women and girls. Unlike MDGs, the SDGs use cross-sectoral approach, which combines social, economic, political, and environmental aspects. Central targets under Goal 5 encompass eliminating all forms of violence against women, ensuring women's full participation in leadership and decision-making, safeguarding reproductive health rights, and recognizing unpaid care and domestic work.<sup>21</sup> Moreover, gender is also mainstreamed in other SDGs including poverty reduction, education, health and climate change, and this is actually a paradigm shift since gender equality has become central in development planning. The specific targets under Sustainable Development Goal 5 seek to eliminate all forms of discrimination and violence against women (Targets 5.1–5.2), end harmful practices such as child marriage and female genital mutilation (Target 5.3), and recognize the economic value of unpaid care work (Target 5.4). They also aim to ensure women's full participation in leadership and decision-making (Target 5.5), guarantee universal access to reproductive health and rights (Target 5.6), and promote women's equal access to economic resources, technology, and property (Targets 5.a–5.b). Target 5.c calls for adopting enforceable national policies that institutionalize gender equality. Collectively, these targets embody the SDGs' commitment to integrate gender perspectives across all sectors of development policy and governance.<sup>22</sup>

Gender-mainstreaming efforts have been renewed in Nigeria through the SDGs. Gender responsive indicators are being incorporated into the programmes of government ministries and agencies. For example, the Office of the Senior Special Assistant to the President on SDGs has issued sector-specific guides designed to integrate gender into national development plans.<sup>23</sup> Despite such progress, some challenges that have persisted, such as funding limitations, low access to gender-disaggregated statistics, and inertia in institutions, still affect the successful implementation.<sup>24</sup> The SDGs offer a crucial chance to Nigeria, to institutionalize gender equality by bringing it within the

<sup>19</sup> MA Odeh, 'The Millennium Development Goals and Women Empowerment in Nigeria' (2014) 4(9) *Public Policy and Administration Research* 92.

<sup>20</sup> United Nations, *Transforming Our World: The 2030 Agenda for Sustainable Development*, UNGA Res 70/1 (25 September 2015).

<sup>21</sup> P Onwumere, 'Sustainable Development Goals and Gender Mainstreaming in Nigeria' (2021) 15(2) *Journal of Sustainable Development Policy* 145.

<sup>22</sup> United Nations, *Transforming Our World: The 2030 Agenda for Sustainable Development* (UNGA Res 70/1, 25 September 2015) Annex paras 5.1–5.c

<sup>23</sup> K Adebayo, 'Mainstreaming Gender into Nigeria's SDG Implementation Strategy' (*SDG Nigeria*, 2022) <https://www.sdgnigeria.org/mainstreaming-gender-implementation> accessed 27 October 2025

<sup>24</sup> D A Abolade, 'Gender Equality and Sustainable Development in Nigeria: Issues and Challenges' (2021) 15(37) *Trends Economics and Management* 9.

realms of the law, policy coherence, and multi-stakeholder interaction. These objectives will require strong political will, follow-ups, and adherence to global gender practices.

### 3. Regional Instruments and Frameworks

The issue of gender equality has attracted high regional momentum in Africa with the implementation of legal and policy tools aimed at ensuring women rights and mainstreaming gender in development agenda. These tools indicate a common agreement by the African countries to end gender disparity, discrimination, and empowerment of women in all aspects of life. Among the most prominent regional frameworks are the African Union Gender Policy, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (commonly referred to as the Maputo Protocol), and the Economic Community of West African States (ECOWAS) Gender Policy and related instruments. Such frameworks have shaped the policies of a country, like in Nigeria, and continue to be critical tools of advocacy and institutional change.

#### 3.1 African Union Gender Policy<sup>25</sup>

The African Union (AU) Gender Policy, first adopted in 2009 and revised in subsequent years,<sup>26</sup> aims to institutionalize gender equality within AU organs, institutions, and member states. It promotes the integration of gender into all AU activities, policies, and governance structures, with a focus on accountability, equity, and the empowerment of women.<sup>27</sup> The policy is grounded in several AU legal instruments, including the Constitutive Act of the African Union and the Solemn Declaration on Gender Equality in Africa (2004).

The strategic pillars in the policy are political participation, economic empowerment, peace and security, education, health and institutional transformation.<sup>28</sup> It requires all member states of AU to come up with and enact national gender policies that are compatible with those of AU. In addition, it promotes the creation of gender-responsive budgeting, gender focal points in government institutions, and reporting on developments.

Nigeria adopted its National Gender Policy in 2006 as part of efforts to align with global and regional commitments on gender equality, including the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Beijing Platform for Action. The later adoption of the African Union Gender Policy in 2009 reinforced and complemented Nigeria's existing framework for gender mainstreaming.<sup>29</sup> Gender units were established in major ministries

<sup>25</sup> African Union, *African Union Gender Policy* (African Union 2009).

<sup>26</sup> The AU subsequently launched a more recent and operationally oriented document: the African Union Strategy for Gender Equality and Women's Empowerment (GEWE) 2018-2028 (launched in February 2019/2021) which "builds on the lessons learned from the 2009 policy" and provides a framework for implementation through to 2028

<sup>27</sup> A Ekaette, 'The African Union Gender Policy and Its Implementation Challenges' (2019) 27(1) *African Governance Review* 77

<sup>28</sup> African Union, *African Union Gender Policy* (Addis Ababa, February 2009) paras 41–54 [https://www.usip.org/sites/default/files/Gender/African\\_Union\\_Gender\\_Policy\\_2009.pdf](https://www.usip.org/sites/default/files/Gender/African_Union_Gender_Policy_2009.pdf) accessed 26 October 2025.

<sup>29</sup> Federal Ministry of Women Affairs and Social Development, *National Gender Policy: Situation Analysis and Framework* (Abuja, 2006) <https://nigeria.unfpa.org/en/publications/national-gender-policy-2006> accessed 26 October 2025.

and agencies as well. However, implementation remains inconsistent due to limited funding, weak coordination, and insufficient political commitment.<sup>30</sup>

### 3.2 The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol)<sup>31</sup>

The Maputo Protocol was adopted in 2003 and came into force in 2005 and it is one of the most progressive legal instruments on the rights of women in the African region. It further elaborates the African Charter on Human and Peoples Rights by directly focusing on the needs and challenges that women in Africa have. The Protocol guarantees comprehensive rights to women, including rights to dignity, health (including reproductive health), political participation, education, and protection from violence.<sup>32</sup> Another peculiarity of Maputo Protocol is that it pays much attention to reproductive rights as stated under Article 14, the right to abortion in case of rape, incest, or even danger to the life or health of the mother. Article 5 also requires the state parties to abolish the negative practices like female genital mutilation and child marriage which are still common in most African societies.<sup>33</sup>

In 2004, Nigeria became one of the first to ratify the Maputo Protocol. However, like CEDAW, it has not been domesticated through national legislation, which limits its enforceability in Nigerian courts under Section 12 of the 1999 Constitution.<sup>34</sup> Despite this, the Protocol has helped in the policy formulation process, such as the National Gender Policy of Nigeria and sectoral plans on how to curb gender-based violence and enhance maternal health. There are still implementation issues especially in the conservative areas where cultural and religious practices still sabotage the legal changes. Nevertheless, despite these challenges, Maputo Protocol has been used by the civil society and women rights groups in Nigeria as an effective advocacy tool to press on legal and institutional reforms that are in line with the international human rights standards.

### 3.3 ECOWAS Gender Policy and Related Frameworks<sup>35</sup>

The Economic Community of West African States (ECOWAS) adopted its first Gender Policy in 2004 and revised it in 2015 to address emerging gender challenges and align with continental and global frameworks such as the African Union Gender Policy, the Beijing Platform for Action, and

<sup>30</sup> R Ogundipe, 'Gender Mainstreaming in Nigeria: Aligning with AU Standards' (*AU Gender Watch*, 2021) <https://www.augenderwatch.org/nigeria-mainstreaming-alignment> accessed 26 October 2025.

<sup>31</sup> African Union, *Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol)* (adopted 11 July 2003, entered into force 25 November 2005) (African Union, Addis Ababa)

<sup>32</sup> F Nnamani, 'Legal Perspectives on the Maputo Protocol and Women's Rights in Nigeria' (2018) 62(2) *Journal of African Law* 133.

<sup>33</sup> *Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa* (adopted 11 July 2003, entered into force 25 November 2005) arts 5, 14(1)–(2)(c).

<sup>34</sup> L Anyaegbunam, 'Domestication of International Treaties in Nigeria: The Case of the Maputo Protocol' (2020) 18(4) *Legal Studies Review* 201.

<sup>35</sup> Economic Community of West African States (ECOWAS), *ECOWAS Gender Policy* (ECOWAS Commission, Abuja 2005).

the Sustainable Development Goals.<sup>36</sup> The ECOWAS Gender Policy seeks to guarantee that gender equality and women empowerment issues are incorporated into the ECOWAS institutions and the member states.<sup>37</sup> It draws inspiration from both international instruments like CEDAW and regional ones such as the Maputo Protocol.<sup>38</sup> According to the policy, there are certain goals, such as greater participation of women in politics, better access to education and health, eradicating gender-based violence, and economic empowerment. It also facilitates gender sensitive regional response to regional challenges like conflict, displacement and climate change. Notably, the updated Gender Policy 2020 focuses on accountability, where it encourages member states to institutionalize mechanisms of monitoring and harmonization of national policies with regional commitments. ECOWAS has also developed complementary frameworks such as the ECOWAS Action Plan on Women, Peace and Security (2010) and the ECOWAS Gender Strategy (2020–2030), which call for increased women's participation in peacebuilding and conflict prevention.

In Nigeria, the ECOWAS Gender Policy has contributed to regional harmonization efforts and has influenced national frameworks such as the National Action Plan on Women, Peace, and Security (2017–2020). However, implementation challenges remain, including inadequate institutional capacity, limited political will, and socio-cultural resistance to gender reforms.<sup>39</sup> Also, cross-border issues like trafficking and insecurity prevent achieving gender equality objectives and therefore require better regional cooperation and enforcement.

The AU Gender Policy, the Maputo Protocol and the ECOWAS Gender Policy are all regional instruments that have played a great role in the promotion of gender mainstreaming in Africa. They give a normative basis to member states such as Nigeria to come up with inclusive legal and policy frameworks. Although these tools have triggered significant reforms, the lack of strong institutional capacity, non-domestication of treaties, and cultural resistance has persisted in undermining the full achievement of these tools. Nigeria needs to enhance its legal enforcement mechanisms, gender-disaggregated data system, and encourage collaboration with civil society actors to make sure that regional commitments can be translated into transformative change to women nationwide.

#### 4. Nigeria's Domestic Framework

Nigeria being a member of the international community and the African regional community has made major strides in ensuring that gender equality is incorporated into the legal and policy

<sup>36</sup> Economic Community of West African States (ECOWAS), *ECOWAS Gender Policy* (Dakar, 2004) s 3 <https://www.ecowas.int/wp-content/uploads/2015/07/ECOWAS-Gender-Policy.pdf> accessed 26 October 2025..

<sup>37</sup> Economic Community of West African States (ECOWAS), *Revised ECOWAS Gender Policy* (Abuja, 2015) <https://www.ecowas.int/wp-content/uploads/2019/04/REVISED-ECOWAS-GENDER-POLICY-2015.pdf> accessed 26 October 2025

<sup>38</sup> T Mohammed, 'ECOWAS Gender Policy and Regional Development Goals' (2022) 19(3) *West African Integration Journal* 89.

<sup>39</sup> P Uzochukwu, 'Challenges of Gender Policy Implementation in ECOWAS Member States' (*ECOWAS Gender*, 2021) <https://www.ecowasgender.org/challenges-in-implementation> accessed 27 October 2025.

frameworks. The country's efforts have been shaped by its obligations under international and regional instruments such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Maputo Protocol, and the African Union Gender Policy. At the national level, the most prominent framework is the National Gender Policy (2006), supported by various legal and institutional mechanisms aimed at eliminating gender-based discrimination and promoting the empowerment of women and girls across sectors.

## **4.1 Legal Mechanisms for Gender Equality in Nigeria**

### **4.1.1 The 1999 Constitution**

Nigeria's 1999 Constitution (as amended) provides a foundational legal basis for gender equality. Section 42 ensures that there is a right to non-discrimination based on sex, among others. Nevertheless, the Constitution itself does not explicitly mention the concept of gender equality and attempts to codify this principle to a greater extent, such as by passing a Gender and Equal Opportunities Bill, have been unsuccessful in the National Assembly on multiple occasions.

The 1999 Constitution of the Federal Republic of Nigeria (as amended) remains the supreme law and provides the first shield of protection. The human dignity of the individual is an inalienable right under s 34, which bars practices that reduce women to a status less than human. Instances of such practices are widowhood rites, and female genital mutilation. Section 35 protects personal liberty, while section 37 upholds privacy and family life. Women's participation in civil society is also protected under freedom of thought, conscience and religion (s.38), expression (s.39) and association (s.40). Crucially, section 42 prohibits sex discrimination thus preventing it from being possible to discriminate against women by ensuring that women cannot be denied rights or opportunities available to men. In addition, section 17 of the Fundamental Objectives and Directive Principles of State Policy underscores the principle of equality before the law and equal opportunities for all citizens, a provision that, though non-justiciable, sets a normative standard for governance.<sup>40</sup>

### **4.1.2 Statutory Provisions**

Complementing constitutional safeguards are several statutory enactments specifically aimed at protecting women from abuse and discrimination. The Criminal Code<sup>41</sup>, applicable in Southern Nigeria, and the Penal Code<sup>42</sup>, operational in the North, criminalise acts such as rape, assault, and trafficking, though criticisms persist over gaps and gender-biased provisions. For instance, both codes retain patriarchal elements, including the marital rape exemption and the treatment of certain forms of domestic violence as lesser offences. Enforcement remains weak, with victims often facing stigma, procedural obstacles, and cultural pressures that discourage reporting. Consequently, while these laws provide a legal basis for protection, their practical impact on

<sup>40</sup> Nwankwo, 'An Appraisal of Gender Justice and Legal Reforms in Nigeria: Assessing the Efficacy of Legislative Frameworks and Societal Impact' (2025) 2(1) *Journal of Customary and Religious Law* 180.

<sup>41</sup> Criminal Code Act, Cap C38, Laws of the Federation of Nigeria (LFN) 2004.

<sup>42</sup> Penal Code (Northern States) Federal Provisions Act, Cap P3, Laws of the Federation of Nigeria (LFN) 2004.

women's rights remains limited, underscoring the need for comprehensive reform to align them with contemporary human rights standards and Nigeria's international obligations.

The Labour Act contains specific protections for women in employment, notably under sections 54 to 56, which provide for maternity leave entitlements, prohibit employers from requiring women to work during the six weeks following childbirth or miscarriage, and restrict the employment of women in hazardous or night work.<sup>43</sup> The Matrimonial Causes Act empowers courts to grant reliefs such as maintenance, custody, and protection of spouses in matrimonial disputes.<sup>44</sup>

Further progress has been made through more contemporary legislations. The Child Rights Act protects the rights of the girl child, prohibits child marriage and betrothal, and guarantees access to education and development.<sup>45</sup> The Trafficking in Persons (Prohibition) Enforcement and Administration Act criminalises all forms of human trafficking, with particular attention to the exploitation of women and girls.<sup>46</sup> The Violence Against Persons (Prohibition) Act 2015 is one of the most progressive pieces of legislation in this regard. It criminalises spousal battery, rape, harmful widowhood practices, female genital mutilation, and other forms of gender-based violence. Although initially applicable only in the Federal Capital Territory, many states across the federation have since domesticated it.<sup>47</sup>

## 4.2 Institutional Mechanisms for Gender Equality in Nigeria

Institutionally, there are a number of institutions that are influential in the promotion of gender equality and they include:

1. **Federal Ministry of Women Affairs (FMWA):** This is the principal government organ for responsible for coordinating gender policies, advocacy, and programmes across sectors. It developed the *National Gender Policy 2006* and its subsequent review, and collaborates with ministries, departments, and agencies (MDAs) to integrate gender-responsive budgeting and planning into governance. Through initiatives such as the *Women Economic Empowerment Programme* and the *HeForShe Campaign*, the Ministry promotes women's participation in decision-making and economic development.<sup>48</sup>

<sup>43</sup> Labour Act, Cap L1, Laws of the Federation of Nigeria (LFN) 2004, ss 54–56.

<sup>44</sup> *Matrimonial Causes Act*, Cap M7, Laws of the Federation of Nigeria (LFN) 2004, ss 70–75.

<sup>45</sup> *Child's Rights Act*, Cap C50, Laws of the Federation of Nigeria (LFN) 2003

<sup>46</sup> *Trafficking in Persons (Prohibition) Enforcement and Administration Act*, No. 3, Laws of the Federation of Nigeria (2015).

<sup>47</sup> Violence Against Persons (Prohibition) Act, Laws of the Federation of Nigeria (LFN) 2015.

<sup>48</sup> Federal Ministry of Women Affairs, *National Gender Policy* (FMWA, 2006) <https://nigerianwomentrustfund.org/wp-content/uploads/2019/09/National-Gender-Policy-2006.pdf> accessed 25 October 2025

**2. National Human Rights Commission (NHRC):** The National Human Rights Commission protects and promotes gender-based rights under its mandate in the *National Human Rights Commission Act*. It investigates and addresses violations such as domestic violence, workplace discrimination, and sexual harassment, and has partnered with UN Women to mainstream gender in its human rights reporting framework.<sup>49</sup>

**3. National Agency for the Prohibition of Trafficking in Persons (NAPTIP):** Focuses on preventing and prosecuting trafficking offences, many of which disproportionately affect women and girls.

In addition, other civil society organizations and development partners have played significant roles in advocacy to gender equality, policy reforms and also in the implementation of community-based programs to empower women.<sup>50</sup>

#### 4.3 National Gender Policy (2006)

The National Gender Policy (NGP), adopted in 2006, serves as Nigeria's principal policy instrument for mainstreaming gender in national development processes. It replaced the earlier National Policy on Women (2000) and aligns with global best practices and regional commitments. The NGP seeks to promote gender equality, equity, and the empowerment of all citizens regardless of sex, with a special focus on eliminating systemic gender discrimination.<sup>51</sup>

The National Gender Policy (NGP) 2006 outlines a comprehensive framework for achieving gender equality and women's empowerment in Nigeria. Its key objectives include: promoting equal representation of women and men at all levels of decision-making in public and private sectors; ensuring the integration of gender perspectives into all aspects of national development planning and policy implementation; advocating for the passage and enforcement of gender-just legislation; and addressing negative socio-cultural and religious practices that hinder gender equity and women's advancement. These objectives are expressly articulated in the Policy's strategic framework, particularly in sections 4.1–4.4, which emphasise women's participation in governance, gender mainstreaming across all ministries and agencies, legal reforms for equity, and transformation of discriminatory norms and practices.<sup>52</sup>

The policy also outlines a clear institutional framework for its implementation, including the establishment of gender focal points across Ministries, Departments, and Agencies (MDAs), and the development of gender-responsive budgeting systems. Despite its ambitious goals, the NGP

<sup>49</sup> *National Human Rights Commission Act*, Cap N46, Laws of the Federation of Nigeria (LFN) 2004, ss 5–6. See also National Human Rights Commission, *Annual Report on Human Rights Situation in Nigeria 2021* (NHRC 2022) 23–25.

<sup>50</sup> *Trafficking in Persons (Prohibition) Enforcement and Administration Act*, 2015, ss 1–3; see also National Agency for the Prohibition of Trafficking in Persons (NAPTIP), *Annual Report 2022* (NAPTIP 2023) <https://www.naptip.gov.ng/> accessed 25 October 2025.

<sup>51</sup> C Okafor, 'National Gender Policy and Sustainable Development in Nigeria' (2017) 12(1) *Gender and Policy Review* 54–68.

<sup>52</sup> Federal Ministry of Women Affairs, *National Gender Policy: Federal Republic of Nigeria* (FMWA, 2006) 17–22 <https://nigerianwomentrustfund.org/wp-content/uploads/2019/09/National-Gender-Policy-2006.pdf> accessed 25 October 2025.

has faced challenges related to weak implementation, insufficient funding, and lack of political will.<sup>53</sup>

#### 4.4 Gaps and Areas for Reform

Despite the current gains, Nigeria is still faced with a number of shortcomings in its gender mainstreaming agenda. One of the most pressing challenges confronting gender equality in Nigeria lies in the legal gaps that weaken the domestic enforceability of international instruments. The country has yet to domestically adopt the most important conventions, particularly the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). This omission significantly undermines the enforceability of international standards within the Nigerian legal system. The repeated rejection of the Gender and Equal Opportunities Bill, four times in the National Assembly further underscores the urgent need to strengthen political will and advocacy in order to entrench gender equality in law and practice.

Institutional weaknesses also hamper progress. Although the Federal Ministry of Women Affairs exists as the primary body responsible for advancing women's issues, it remains consistently underfunded and lacks the capacity and mandate to ensure that gender policies are effectively mainstreamed across ministries, departments, and agencies. Similarly, gender focal points within other government institutions are often relegated to peripheral tasks, which limits their ability to influence meaningful policy change.<sup>54</sup>

Cultural resistance constitutes another formidable barrier. Deeply rooted patriarchal norms continue to restrict women's participation in political, economic, and leadership spaces. Far too often, gender equality is framed in religious or cultural terms, particularly in the conservative northern regions, where resistance to reform is especially strong. This cultural framing reinforces stereotypes and justifies the exclusion of women from decision-making processes.<sup>55</sup>

The absence of robust accountability mechanisms compounds these challenges. Gender-responsive budgeting is limited, and no independent framework exists to monitor adherence to gender policies. Consequently, transparency remains weak, and it becomes difficult to measure or track progress effectively. Without such accountability systems, policy pronouncements often fail to translate into practical outcomes.<sup>56</sup>

Finally, inadequate data and weak assessment frameworks further obstruct effective gender policy. Reliable, gender-disaggregated data remain scarce, undermining the ability of policymakers to design evidence-based interventions. Where data do exist, indicators on gender issues are poorly

<sup>53</sup>E Ibeanu, 'The Implementation of Gender Policies in Nigeria: An Institutional Analysis' (2020) 15(2) *Journal of African Policy Studies* 77–94.

<sup>54</sup>Federal Ministry of Women Affairs, *National Gender Policy: Federal Republic of Nigeria* (FMWA, 2006) 17–22 <https://nigerianwomentrustfund.org/wp-content/uploads/2019/09/National-Gender-Policy-2006.pdf> accessed 25 October 2025.

<sup>55</sup>Ogunleye OA, 'A Critical Appraisal of the Legal and Policy Frameworks for the Protection of Women's Rights in Nigeria' (2020) 10(1) *American International Journal of Contemporary Research* 23–33 <https://doi.org/10.30845/aijcr.v10n1p3>

<sup>56</sup>British Council, *Gender in Nigeria Report: Improving the Lives of Girls and Women in Nigeria* (British Council, 2012) <https://www.britishcouncil.org.ng>

integrated into national planning tools, resulting in gaps between policy formulation and implementation. The lack of consistent monitoring and evaluation mechanisms diminishes Nigeria's ability to identify areas of progress and address persistent inequalities.<sup>57</sup>

## **5. Conclusion and Recommendations**

Gender mainstreaming is a global and national policy priority aimed at ensuring that women and men have equal opportunities in all areas of society. International legal instruments, particularly the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Beijing Platform for Action, the Millennium Development Goals (MDGs), and the Sustainable Development Goals (SDGs), illustrate a shared responsibility to pursue gender equality. In Africa, the African Union Gender Policy, Maputo Protocol and the ECOWAS Gender Policy institutionalize mechanisms that facilitate the promotion of gender rights within the continent.

At the national level, Nigeria has made significant advances by formulating the National Gender Policy (2006) and institutionalizing the Ministry of Women Affairs, alongside legislation designed to address violence and discrimination. However, analysis shows there are some barriers: non-domestication of CEDAW, lack of financial and institutional resources, highly entrenched patriarchal norms and lack of political will to enforce laws like the Gender and Equal Opportunities Bill. Hence, it is important to have good constitutional provisions, enforced gender quotas, active monitoring institutions and political will. Even though the efforts of Nigeria are quite good, they lack the capacity to yield transformative results.

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<sup>57</sup> Ibid