



Gender Right Violations and the Rejected Gender Bill in Nigeria: A Call for Social Work Action

KELLY IMAFIDON
University of Benin, Benin City, Nigeria

Abstract. This paper examines the violations of the human rights of women through the lens of the rejected gender bill and the urgency of social work profession to swing into actions in order to liberate women from their vulnerability in Nigeria. It provides a summary of a timeline account of gender conspiracy against women in their attempt to be involved in public life in Nigeria. The paper established that Nigeria Constitution which is supposed to be an instrument of social justice and a symbol of equality was intentionally codified to marginalized and violate the rights of women and denied them the rights which their male counterparts enjoy. The paper recommend that the Nigeria Association of Social Workers (NASW) should as a matter of urgency embark on enlightenment campaign and advocacy by calling on the legislators to see the need for Constitutional reform in order to address all gender rights gaps in the Constitution.

Keywords: Nigerian Constitution, Gender bill, Gender conspiracy, Rights violation, Social work

1. Introduction

Women rights violations are globally regarded as entrenched global pandemic (Anyalebechi, 2016) because promoting equality and equity for all is germane and a core value of the United Nations (UN). Women all over the world constantly suffer violations of their rights and the realization of women rights has not always been a priority (Office of the UN High Commissioner for Human Rights, 2014). The difference is that the developed countries are consciously working towards respecting, protecting, promoting women rights and preventing women's rights violations, while developing countries still lag behind despite their ratification of various international, regional and national conventions, policies and statutes. Such policies and statues include the Convention on Elimination of All Forms

of Discrimination against Women (CEDAW), Universal Declaration of Human Rights (UDHR), and African Charter on Human and Peoples' Rights (ACHHPR). In Sub-Saharan Africa, violation of the rights of women is more endemic and many women are marginalized in the socio-political and socio-economic activities (Okogule, 2017). In Nigeria, the Constitution was codified against the female gender in a way that it deprives them of privileges that their male counterparts freely enjoy.

Empirical evidence shows that UN has strong traditions and values of alleviating women rights violation and significant result has been attained in protecting and promoting women rights around the world in recent times. Consequently, significant gap still exists due to the constantly changing condition of women with unfolding new manifestations of violation or discrimination of their rights. The violation or discrimination of the rights of these women are premised upon factors such as nationality, ethnicity, age, marital status, disability, health, education, religion and socioeconomic issues, amongst other socio-cultural, socio-economic, and socio-political constructs (Office of the UN High Commissioner for Human Rights, 2014). Olulu & Oriji (2018) asserted that the shadow assessment result of the CEDAW that was submitted to the UN committee focused on reducing the incidence of all forms of discriminations against women. It demonstrated the subservient condition of women in Nigeria and the high incidence of violence against women is constantly on the increase despite Nigerian Government signatory to CEDAW. The Committee faulted the 1999 Constitution for not expressly conceptualizing violence against women but generally condemn the discrimination exclusive of particular emphasis on the discrimination on the basis of sex. The Committee's report added that other policy frameworks and laws targeted at eliminating women rights violation are only practiced in five of

the states of the Federal Republic of Nigeria and it is usually implemented poorly.

Furthermore, CEDAW noted that section 26 subsections 2 of Nigeria's 1999 Constitution practically violates and discriminates against women. This section of the Constitution states that women who marry a foreign-born husband cannot legitimately confer Nigerian citizenship on such husband. However, the consummation of marital vow by male citizens states otherwise because express permission is granted to their male counterpart foreign-born wives who are regarded automatically as Nigerian citizens. The Committee reiterated that those social, economic, political and legal frameworks needed to respect, protect and promote women's rights are biasedly enforced. This is evident in the rejection of the domestication of CEDAW bill by the National Assembly in 2007. The Committee's report added that gender rights violation, discrimination, marginalization and deprivation have remained constant variables and are reinforced by Nigerians through socialization agents like the family, school, churches and mosques, while the social media platform are being perpetuated to be the "disseminators" of gender roles stereotyping, prejudices and discriminatory practices (Olulu & Oriji, 2018).

2. The Rejected Gender Bill in Nigeria: A Demonstration of Gender Conspiracy

The recent rejection of five Gender Justice Bills, that sought to end gender-based injustice for women involvement in socio-political activities, by the members of the Nigeria's ninth National Assembly (9th NASS) was a call to consciousness and the need to be resilient in the questioning of the oppressive patriarchal Nigerian society and the constraints it imposes on women as well as the urgent need to revamp and purge the democratic system of the obscure biases and inadequacies (Aliogo, 2022). The members of the 9th NASS have reinforced the injustice and socio-political biases against women as enshrined in the 1999 Constitution. For example, by denying citizenship to a foreign-born husband of a Nigerian woman whereas the wives of their male counterparts are granted express Nigerian citizenship, deprivation of 35% appointed positions for women and settling instead for 20%, denying women Affirmative Action in political party administration and leadership, and denying specific seats for women in the National and State Houses of Assembly" (Uthman, 2022, Udegbonam 2022 and Iroanusi, 2022).

The rejection demonstrates that it was a conspiracy by men and supported/motivated by patriarchal ideals. One of the senators representing Ekiti State lamented in an interview with the Guardian that the Bills failed largely because male legislators could not be convinced on the relevance i.e. "the men has a previously prepared for what they wanted to do and simply had their way" (Akubo, Thomas-odia and Nwaoku, 2022). The implication of the rejection of the Gender Bills is that it further widens the gender gap that excluded and marginalized women in the scheme of things, and reinforced the old beliefs that women are men's property, second class citizens and their place is in the kitchen of their marital homes.

3. Theoretical Framework

The theory that was utilized to illuminate this discourse is the right-based approach. The approach is rooted in the Universal Human Right Declaration of 1948 by the United Nations, (UN) which according to the Secretary-General of UN affirmed that rights-based approach x-rays situations not primarily on the basis of needs required by humans to survive or developmental necessities but on the premise of human society to be responsible in order to guarantee the inalienable rights of people, empower them to be firm in demanding for justice as a right and not as a social welfare service, and to provide communities the moral standing from which to part take of international assistance when needed. Similarly, Nyamu-Musembi & Cornwall (2004) reaffirmed rights-based approach as the conceptualized framework that is in line with the purpose of human capital enhancement that is normatively anchored on international human rights standards and operationally focused to promoting and protecting human rights. X-rayed through the lens of development discourse, it is presented as a conceptualized framework for the purpose of assessing, analyzing and keeping in mind that the outcome or goal is to achieve all human rights for everyone (Rios-Kohn, 2001) regardless of gender, sexual orientation, ethnic background, racial, non-citizens of their husband or wife country of origin as is the case in Nigeria where women whose husbands are foreigners are denied citizenship and other benefits based on socio-cultural, socio-economic, and socio-political constructs. Rights-based concentrates efforts on the achievement of people basic living necessities and the guarantee of their dignity. This is achieved by eliminating the root cause of vulnerability, marginalization and widen the range of responses. The aim is to encourage all individuals to take possession of and exercise their rights for the fulfillment of their responsibilities (CARE, 2000).

The High Commissioner for Human Rights office of the United Nations expresses comprehensive and universal notion as follows: “Perhaps the most important source of added value in the rights-based approach is the emphasis it places on the accountability of policymakers and other state actors whose actions have an impact on the rights of people” (UN OHCHR, 2002:23). As an essential feature of international human rights framework, the principle of equality, equity, empowerment, participation, and non-discrimination are central to rights-based approach (UN OHCHR, 2003). Furthermore, Eyben (2003) reiterated that rights-based approach embraces a universal respect for individual’s general sense of equality, justice, entitlement and fairness. This can be achieved in the process of collaborating with stakeholders inclusive of formal and non-formal duty holders in order to enhance their skills and competency to be responsive and be accountable in protecting, respecting and fulfilling human rights. This is what UK Department for International Development refers to as “Obligation” and as “accountability”. UN OHCHR conceptualized it as enhancing the knowledge, skills and competence of citizens to claim their rights, through collaborative efforts with them as advocates and providing opportunities for people to be empowered.

4. The Context of Gender and Rights Violation in Nigeria

Nigeria just like many other African societies is a patriarchal society whereby gender determines the patterns of social relations, including access to opportunities and respect for human rights. The report of Social Institutions and Gender Index 2012 ranked Nigeria 79 out of 86 nations assessed against 5 social indicators. The indicators are discriminatory family codes, restricted physical integrity, son bias/preference, restricted resources and entitlements and restricted civil liberties. Eliminating inequality cum inequity between men and women on the basis of ending gender marginalization is no longer just a human rights issue but a necessity for achieving sustainable development (Nnamma-Okechukwu, Chukwu & Ekoh, 2017).

The violation of the human rights of Nigerian women as it is experienced in the 21st century Nigerian society is the demonstration of the negative impact of colonialism. The “direct and indirect rule” system of government established by the colonialists marginalized and violated the rights of women. This was the beginning of the loss of power and authority they hitherto enjoyed in the pre-colonial era to the extent that there was no account of any woman who

occupied a single leadership position in the British Legislative Council (Oni, 2014). Colonialism gradually made women to become irrelevant, powerless and removed them from inclusive public life and restricted their activities mainly to working at home. Moreover, the colonial policies that were in operation then disenfranchised women in the socio-political inclusion. This was responsible for the establishment of the Colonial Nigerian first elective principles and the Clifford’s Constitution of 1922 that introduced the elective principles that violated the rights of the female gender and restricted political participation absolutely to only the wealthy male adults (Edegbe & Imafidon, 2018).

The injustice, marginalization, oppression and discrimination against the rights of women forced women to engage in protests and activism in many parts of Nigeria. One of the most important of these protests and activism was the one organized by women in the Eastern part of Nigeria which is popularly referred to as “Aba women riot of 1929”. In addition to the Aba women riot, there was the campaign/protest led by Mrs. Olufunmilayo Ransome Kuti in 1949 at Abeokuta towards the emancipation of women and women’s “rights to vote and be voted for”. Furthermore, Dorothy Nyone received a violent response upon the declaration of her intention to be the Representative of Gokana area in the National Assembly to be the flag bearer for the then ruling People’s Democratic Party (PDP). I regard the response from her male counterpart as a violation of human right which stated that:

“Men are the decision makers; women should be cooking in the kitchen while men play politics” (Olufade, 2013).

Similarly, in 2016 the President Muhammadu Buhari of Nigeria publicly declared as follows: “I don’t know which party my wife belongs to, but I know she belongs to my kitchen and my living room and the other room” (BBC News, 2016). All these discriminatory utterances about the female gender are a violation of their rights and as such, require the actions of social work professionals and other stakeholders for the liberation of the right of the Nigerian women. The Constitution of the Federal of Nigeria that is supposed to be the instrument and weapon against human right violation created opportunity for man domination and for the further violation of women’s rights. For example, section 26 (2) of the 1999 Constitution emphasizes and expressly states that women who marry a foreign-born husband cannot legitimately confer Nigerian citizenship on their husband upon their marital union whereas express citizenship is granted to the wives of Nigerian men who are foreigners.

5. Call for Social Work Action

Social work profession aims at social change and liberation of people most importantly with and on behalf of vulnerable individuals and groups relegated in the scheme of things in their society: those without capacity to protect the violation of their rights (Robbins, 2016). Similarly, Nnamma-Okechukwu, Chukwu & Ekoh, (2017) asserted that the profession of social work has an age long tradition of challenging the injustices affecting the social functioning of oppressed/vulnerable individuals and groups. Advocacy for social justice and promotion of human rights are among the core principles that are central to social work practice (Faruque & Ahmmed, 2013). Social Work enhances the social functioning of all people particularly those oppressed, disadvantage, marginalized and discriminated against through actions and responsibilities that embrace, promote, protect and respect the fundamental and inalienable rights of all persons. The profession's philosophy is premised on respecting the inherent worth and dignity of all persons regardless of their gender. It is committed to achieve social justice for the realization of human rights in relation to the people with whom the professionals work with, help to challenge violence, discriminatory and oppressive social relations on the account of gender, gender identity, sex and sexual orientation. Social workers work to bring to the attention of policymakers, politicians, and the public situations in which policies and legislative enactments are inadequate or in which policies and practices are oppressive, unfair, or harmful.

The rejection of the gender bill in Nigeria will further strengthen men domination and enhance their access to opportunities and resource while the voice of the women are perpetually silenced with their rights trampled on. If social work led advocacies and social actions are awaken under the auspices of seminars, workshops and symposia, for public enlightenment reflecting on the oppression of women in the Nigerian society, a lot will be achieved. The social workers in Nigeria must use this opportunity to bring social work profession to the limelight for them to occupy their rightful position of the profession that actually has the capacities to restore human dignity, promote social justice and enhance human rights. At this time in Nigeria where civil society organizations, non-governmental organizations and other concern stakeholders are silent about the rejection of the gender bill, social workers at the local, state and national level must occupy the center stage in newspapers and all social media platforms calling on the policy makers to reconsider and approve all the

items on the gender bill. Also, the social work professionals must use the opportunity to lobby for the amendment of section 26 (2) of the Nigeria Constitution that denied husband who are foreigner Nigerian citizenship when their wives are Nigerians.

Finally, to end gender rights violation in Nigeria, social workers must engage in cultural re-orientation and advocacies in order to change perceptions and biases about gender, promote women's rights, enforce new policies, legislations and legal rights of women, increase women empowerment initiatives, integrate gender balance in key decision making positions and sectors, and encourage women to participate more in economic and political activities (Agbawodikeizu & Agwu, 2016).

6. Conclusion

Promoting equality and equity of all gender and eliminating all forms of discrimination against women are germane to UN values and is one of the core principles of social work profession. The deprivation and violation of human rights of individual or a certain group in the society does not only make them to be inferior but also it reduces their worth of human dignity and seems to equate them with other lower animals. Social work as a profession primarily believes that for the quality of life of a people, especially the vulnerable and oppressed group, to improve, their rights must first be respected and protected. Improve quality of life cannot be achieved by Nigerian women when the constitution which is supposed to be the instrument of protection violates their rights by denying citizenship to their foreign-born husband whereas express permission is granted or the foreign-born wives of Nigerian men to be Nigerian citizens to be awarded automatic citizenship, the denial of 35% appointed positions and settling for 20%, denial of Affirmative Action in party administration and leadership, and the denial of specific position supposedly to be reserved for Nigerian women in the National and State Houses of Assembly.

7. Recommendations

In the light of the above discourse, the paper recommends as follows:

- The Nigeria Association of Social Workers (NASW) as a matter of urgency should embark on Change At All Cost (CAAC) campaign and advocacy by calling on the legislators on the need for constitutional

reform in order to address all gender violence issues.

- Social workers in Nigeria must consciously engaged stakeholders through workshop and seminars to bridge the gender gap and discrimination against women in order to achieve inclusive society.

References

- Agbawodikeizu, U.P. & Agwu, P.C (2016). Effects of changing roles of women on family stability: The role of social workers. *International Journal of Advancement in Development Studies*, 11 (1), 50 – 56.
- Akubo, J., Thomas-Odia, J. and Nwaoku, O. (2022). Constitution amendment: Why gender bills failed. *The Guardian*.
- Aliogo, U. (2022). Implication of rejecting gender equality bills. *This Day News Paper*.
- Anyalebechi, L. (2016). The issue of gender inequality in Nigeria. *Journal of Policy and Development Studies*, 10(2), 63-71.
- BBC News (2016). Nigeria’s President Buhari: My wife belongs in kitchen. 14 October, 2016.
- CARE (2000), *Promoting rights and responsibilities*, Newsletter, October
- Edegbe, U.B. & Imafidon, K.A. (2018). Women participation in politics and affirmative action in Nigeria Democratic Governance, 1999-2015. *Lapai International Journal of Management and Social Sciences (LIJOMASS)*, 9(1), 195-209.
- Eyben, R. (2003). ‘International development organizations and rights based approaches’, presentation to ‘Rights and Power’ workshop, IDS, November.
- Faruque, C. J. & Ahmed, F. (2013). Development of social work education and practice in an era of international collaboration and cooperation. *Journal of International Social Issues*, 2(1), 61-70
- Iroanusi, Q. (2022). ~~NI~~WD2022: Nigeria’s parliament fails to break bias, frustrates move for gender equality, affirmative action. *Premium Times*. 7th March.
- Nnamma-Okechukwu, C., Chukwu, N. & Ekoh, P. (2017). Social work with women and children. In Okoye, U., Chukwu, N. & Agwu, P. (Eds.). *Social work in Nigeria: Book of readings* (pp 146–159). Nsukka: University of Nigeria Press Ltd.
- Nyamu-Musembi, C. & Cornwall, A. (2004). What is the right-based approach all about? Perspectives from international development agencies. *IDS Working Paper* 234.
- Office of the UN High Commissioner for Human Rights, (2014). Women’s rights are human rights. *United Nations Publication*, 14(2), 1-92.
- Office of the UN High Commissioner for Human Rights, (2002). *Draft Guidelines: A Human Rights Approach to Poverty Reduction Strategies* (available at www.unhcr.ch/development/povertyfinal.html)
- Okogbule, N. S. (2017). *Localizing human rights in a globalizing world: The challenges for Africa*. An Inaugural Lecture Series No. 145, RSU, Port Harcourt.
- Olulu, R. M. & Oriji, C. C. (2018). Women and human rights violations in Nigeria. *International Journal of Scientific Research in Education (IJSRE)*, 11(5), 928-939.
- Olufade, A. O. (2013). Nigeria women, politics and the national identity question. *Africa Educational Research Journal*, 1(3), 161-170.
- Oni, E.O. (2014). The Dynamics of Women Political Emancipation and Political Participation in Nigeria. *Journal of Sustainable Development in Africa*, 16(3), 99-112.
- Rios-Kohn, R. (2001). *A review of a UNICEF Country Programme Based on Human Rights: The Case of Peru*, Geneva: UNICEF.
- Robbins, S.P. (2016). Social Justice in Social Work Practice and Education. *Perspectives on Social Work*, 12(1), 5-6.
- Social Institution Gender Index. (2012). Report on the social institutions and gender index. Retrieved from <http://www.genderindex.org>.
- Udegbumam, O. (2022). International women’s day: Nigerian women protest at National Assembly over rejected gender bills. *Premium Times* 8 March.
- Uthman, S. (2022). Rejection of Gender Bill: Men in n’assembly have taken us backwards, say CSOS. *The Cable*. 02 March.