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STRENGTHENING LAWS AND PRACTICES TOWARD ACHIEVEMENT OF GENDER EQUALITY FOR SUSTAINABLE DEVELOPMENT IN NIGERIA

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ABSTRACT

The focus of this paper is strengthening laws and practices towards achieving gender equality for sustainable development. Around the world, there is still a high disparity between the male and female genders in relation to employment, education, property acquisition, financial prospects, participation in decision-making within the immediate family and the larger society. In Nigeria, a right of entry for the girl child remains elusive for several factors ranging from religious beliefs, utility, and hierarchy of choice, and this is in spite of education being held out as a channel for collapsing the gender gap. The paper employed the doctrinal research methodology wherein the legal framework and literature on gender equality were adequately examined. The paper found that there is robust legislation on the indivisibility of human rights in the area of gender equality, but since a nation is only as developed as its capital, the need for female participation in the social, economic and political sphere for sustainable development cannot be overemphasised. The paper recommended that all organs of the Federal and State Governments should walk the talk by interpreting and enforcing the laws on gender equality by, *inter alia*, incorporating equal or equitable number of females in appointive/elective positions. Further, the #HeforShe appeal for gender equality should be heartily embraced by more responsible gender-sensitive males so that there is increased awareness of the need for the uncivilised in the society to get sensitised on unlearning old cultural habits and social conditioning while relearning new perspectives on the treatment of women and girls based on our common humanity.

Keywords: Law, Practice, Institution, Gender Equality/Equity, Sustainable Development

1.0 Introduction

Around the world, there remains a high disparity between the male and female genders in relation to employment, education, property acquisition, financial prospects, participation in decision-making within the immediate family and the larger society. Especially in Africa, this ever-widening divide is attributed to cultural and social conditioning which places the female in a somewhat inferior and subordinate position in relation to her male counterpart. Likewise, the political construction does not factor gender equality for selection purposes. Realistically, a true measure of development in a society in modern times has extended way beyond the layer of bloodline and wealth—family size, amount of real property acquisition, and so on—to a good education. In Nigeria, however, in spite of education being held out as a channel for collapsing the gender gap, a right of entry for the girl child remains elusive for several factors ranging from religious beliefs, utility, and hierarchy of choice. Consequently, the records indicate palpably that women represent approximately 60% of the over 1 billion people globally who are unable to gain access to education.¹

It is true that most uneducated and poor women are left with little or no choice than to accept insecure and risky jobs due to financial necessity.² The many hours of paid and unpaid tedious labour these women put in only brings about a vicious cycle of income insufficiency and adept poverty, which negatively impact their physical and mental health.³ This ugly trend is worse in Nigeria where many women by virtue of their gender are left below the poverty line and at the mercy of either the private employers at work, and/or their male counterparts at home who are at liberty to treat the women in their lives, at best, as inferiors, unpaid domestic workers, grossly underpaid care givers, sex objects, baby factories, and the likes.

With increasing world attention disposed to the notion advanced by the 2030 Agenda for Sustainable Development,⁴ and its Sustainable Development Goals (SDGs), to ‘leave no one behind’ and ‘reach those furthest behind first’,⁵ special attention needs to be paid to marginalised groups—women inclusive, through a hard fight to reduce to the barest minimum such vices as discrimination and inequalities.⁶

¹ N Heyser, ‘A Women’s Development Agenda for the 21st Century’ in N Heyzer and S Kapoor and J Sandler (eds), *A Commitment to the World’s Women: Perspectives on Development for Beijing and Beyond* (New York: UNIFEM, 1995) 1-19.

² UN Women, ‘Why Addressing Women’s Income and Time Poverty Matters for Sustainable Development’ [World-survey-on-the-role-of-women-in-development-2019.pdf \(unwomen.org\)](#) accessed 6 January 2026.

³ P Abbot and Others, ‘Learning from Success: How Rwanda Achieved the Millennium Development Goals for Health’ (2017) *World Development*, 103-116.

⁴ United Nations, ‘Transforming Our World: The 2030 Agenda for Sustainable Development’ [21252030 Agenda for Sustainable Development web.pdf \(un.org\)](#) accessed 6 January 2026.

⁵ *ibid*, SDGs 5 & 10.

⁶ OHCHR, ‘About the 2030 Agenda on Sustainable Development’ [About the 2030 Agenda on Sustainable Development | OHCHR](#) accessed 6 January 2026.

Therefore, it is imperative to examine how good laws and best practices could be reinforced toward achieving gender equality for sustainable development in Nigeria. At the end, likely lacunae would be identified and addressed, and recommendations on how to resolve those proffered.

2.0 Definition of Key Concepts

Law is a tool for social engineering. By that is meant, the application of policies derived from findings of social science, to resolve societal problems. Law has been defined to include ‘any enactment, ordinance, regulation, order, bye-law, rule, scheme, notification or other instrument having the force of law in the whole or in any part of the acquired territory.’⁷ Furthermore, Law is ‘a body of rules of conduct of binding legal force and effect, prescribed, recognised, and enforced by controlling authority.’⁸

Practice refers to the usage of an idea, a reoccurring exercise, or a custom. It is termed **best practices** when it refers to a set of preferred procedures or methods of implementing an idea or custom.⁹ Thus, while practice may not have the force of law capable of compelling compliance at the risk of sanctions for failing to so do, its power is more subtle. Compliance is based on regular usage passed on from cultural norms and general application.

Institution describes an established organisation, especially one of a public character.¹⁰ It is an organisation, establishment, foundation, society or the like, devoted to the promotion of a particular cause or programme, especially one of a public, educational, or charitable character.¹¹ Suffice it to mention that institutions are necessary for strengthening the Nigerian legal framework geared towards gender equality for sustainable development.

Gender is a social and cultural—not biological—construct, ideal, or impression of an array of qualities, responsibilities, and behavioural patterns, which tends to distinguish between men and women. This construct extends to power relations between men and women, as well as to other marginalised groups, such as persons with disabilities (PWD).¹² Akanle explains that the concept of gender connotes the culturally and socially impressed roles for men and women in society.¹³ According to him, these behaviours are learned—along with gender role-play and judgment—through socialisation, which

⁷ P Ramantha Aiyar, *Advanced Law Lexicon* (3rd edn, Wadhwa and Company Nagpur 2007) 2643.

⁸ Legal Dictionary, ‘Law’ www.legal-dictionary.thefreedictionary.com accessed 6 January 2026.

⁹ E Ryan, ‘Practice vs Practise: Definition, Difference & Examples’ [Practice vs. Practise | Definition, Difference & Examples \(scribbr.com\)](https://www.scribbr.com/practice-vs-practise/) accessed 6 January 2026.

¹⁰ B A Garner (ed), *Black’s Law Dictionary* (8th edn, West Group 1999) 813.

¹¹ Dictionary, ‘Institution’ www.dictionary.com accessed 6 January 2026.

¹² S K Pathania, ‘Sustainable Development Goal: Gender Equality for Women’s Empowerment and Human Rights’ (2017) (5)(4) *International Journal of Research*, 1-15.

¹³ O Akanle, ‘The Sociology of Gender Equality and Development in Democratizing Nigeria’ (2011) (9) *J. Socio. Anthropol.*, 22-36.

predates their existence. A number of attributes, privileges, roles, and tasks connected to male and female are believed to raise gender-related concerns, occasioning male-superiority and female inferiority.¹⁴ An individual's sex—a natural assignment with zero contribution from either gender and biologically universal and unchangeable as juxtaposed to gender which is a cultural variable—influences society's socialisation. **Gender Equality** signifies a state of affairs where both males and females have similar level playing ground and opportunities to actualise their aspirations and attain their full potentials, thereby contributing to and benefiting from the available resources from society. For this to become a reality, there must be transparency and equity in all empowering aspects of life, especially in education.¹⁵ Adeyanju *et al.*,¹⁶ explained gender equality to apply to situations where women are given equal conditions to attain their full rights as humans, thus being able to contribute to national, political, economic, social and cultural growth, and be given a fair chance to reap the consequential benefits. **Gender Equity** depicts the act of distributing resources, decision-making, and programmes amongst males and females in a fair manner devoid of any form of discrimination on grounds of sex. It involves the confrontation and resolution of any imbalances in the benefit-sharing formula between the genders.¹⁷

Sustainable Development signifies the attainment of the goal of poverty-eradication in all its forms along with an enhanced quality of life beyond mere sustenance to guarantee dignity and liberty of the human person. According to the Brundtland Report of 1987 by the World Commission on Environment and Development (WCED), sustainable development is the 'development that meets the needs of the present without compromising the ability of future generations to meet their own needs.'¹⁸ The idea of needs is implicit in the definition, and emphasis is laid on the goal of providing the basic necessities for the world's poor while recognising that advancement in technology and social organisation stifles the capacity of the environment to meet the needs of the present and future generations. The Brundtland Report also stated that there is bound to be a higher birth rate in developing countries than industrialised countries, thereby causing less negative impact on the environment than the fewer births by the former. Thus, better health and education, especially amongst the female gender, will help cushion the effect of higher births rates in the developing countries.¹⁹ Ojobo opines that sustainable development is the 'continuous and sustained qualitative improvement in the overall standard of living of people in a society

¹⁴ *ibid.*

¹⁵ A Z Ngharen and C E Akogwu, 'Gender Equality, Education and Sustainable Development in Nigeria in the 21st Century: An Appraisal' (2017) (5)(1) *International Journal of Advanced Studies in Economics and Public Sector Management*, 203-214.

¹⁶ A L Adeyanju and Others, 'Gender Equality: A Panacea to Social Justice and Sustainable Development in Nigeria' (2020) (4)(2) *SOSCED-J*, 106-120.

¹⁷ *ibid.*

¹⁸ M E Jarvie, 'Our Common Future' [Brundtland Report | Sustainable Development & Global Environmental Issues | Britannica](#) accessed 6 January 2026.

¹⁹ *ibid.*

or nation and the structural transformation/changes in the productive and distributive input and output systems of the economy.’²⁰

3.0 Legal Framework for Gender Equality in Nigeria

The legal framework for gender equality will be classified and discussed under international/regional legal instruments and domestic legislations.

3.1 International/Regional Instruments Towards Achievement of Gender Equality

International Conventions and Treaties are soft laws with persuasive effect on State party signatories. These soft laws have the capacity to assume a more binding effect when domesticated into a country’s domestic body of laws. The international instruments relevant to achieving gender equality for sustainable development include: Universal Declaration of Human Right 1948 (UDHR 1948),²¹ 2030 Agenda for Sustainable Development (2030 ASD),²² Convention on the Elimination of all Forms of Discrimination Against Women 1979 (CEDAW 1979),²³ Convention on the Rights of a Child 1989 (CRC 1989),²⁴ Agenda 2063: The Africa We Want.²⁵

3.1.1 Universal Declaration of Human Right 1948

The UDHR 1948 is a resolution from the meeting of the United Nations General Assembly (UNGA) in 1948 where human rights were universalised, albeit, with a degree of demarcation. The said UDHR 1948 recognises the dignity inherent in every human, alongside the equal and inalienable rights of all members of the human family as foundational for world peace, freedom, and justice.²⁶ Accordingly, civil and political (CP) rights—dealing with life, fair trial, freedom of expression, and so on—on the one hand, and economic, social and cultural (ESC) rights—on education, work, equal remuneration without any form of discrimination whatsoever, adequate living standards, social security, housing, and so on—on the other hand, were unified as a single universal, indivisible, and indissoluble body of rights.²⁷

²⁰ J A Ojobo, ‘Tax Evasion and Avoidance in Nigeria: Implications for Sustainable Economic Development’ (2005) (4)(2) *Abuja Journal of Administration & Management*, 26-47.

²¹ OHCHR, ‘Universal Declaration of Human Rights’ [eng.pdf \(ohchr.org\)](https://www.ohchr.org/en/docd.aspx?id=46824) accessed 6 January 2026.

²² (n 4).

²³ OHCHR, ‘Convention on the Elimination of all Forms of Discrimination Against Women’ [Microsoft Word - Document1 \(ohchr.org\)](https://www.ohchr.org/en/docd.aspx?id=46824) accessed 6 January 2026.

²⁴ OHCHR, ‘Convention on the Rights of a Child’ [Microsoft Word - Document1 \(ohchr.org\)](https://www.ohchr.org/en/docd.aspx?id=46824) accessed 6 January 2026.

²⁵ African Development Bank, ‘Agenda 2063: The Africa We Want’ [Agenda2063_Popular_Version_English.pdf \(afdb.org\)](https://www.afdb.org/en/documents/agenda-2063-the-africa-we-want) accessed 6 January 2026.

²⁶ (n 21) Preamble.

²⁷ F S Friedrich and L Ramina, ‘The Conviction of President Lula as a Violation of International Human Rights Law’ in C Proner and Ors (eds), *Comments on a Notorious Verdict* (CLASCO 2018) 206.

Therefore, while the UNGA wholly recognises the indivisibility of the UDHR 1948, for the purpose of ratification by State parties, the provisions enshrined therein were documented into two distinct Treaties,²⁸ *to wit*: the **International Covenant on Civil and Political Rights 1966 (ICCPR 1966)** and the **International Covenant on Economic, Social, and Cultural Rights 1966 (ICESCR 1966)**. Even so, some scholars have opined that the primary rationale for the dichotomy is to appeal to State parties' preference to be held to a lesser degree in duty and accountability by the international community for the ESC rights of their citizens than they should for their CP rights.²⁹ Nonetheless, these international legal instruments have played a pivotal role in the goal of achieving gender equality for sustainable development in Nigeria, as exemplified in our domestic legal instruments.

Consequently, article 2 of the UDHR 1948 provides thus,

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Flowing from the above, the rights' provisions guaranteed under the UDHR 1948 are inclusive of the ESC rights. Notwithstanding that the UDHR 1948 itself may not count as international law properly so called, the fact that it is a forerunner to several international instruments on human rights—such as the Convention on the Rights of a Child 1989 (CRC 1989), African Charter on Human and Peoples' Rights 198—bestows the UDHR 1948 with a prime international soft law status. In fact, it was stated that the 'United Nations resolutions may in some instances... contribute to the formation of new customary law.'³⁰ Thus, the ESC rights on gender equality is sufficiently protected under the UDHR 1948 and demands all State parties—Nigeria, inclusive, to comply with its succinct provisions through a strengthening of their domestic laws in the protection of women and the girl child from any form of discriminatory and unfair treatments.

3.1.2 The 2030 Agenda for Sustainable Development

²⁸ A Govindjee and E A Taiwo, 'Justiciability and Enforceability of the Fundamental Objectives and Directive Principles in Nigeria: Lessons from South Africa and India' (2011) (7)(1) *Nigerian Bar Journal*, 1, 65.

²⁹ K Casla, 'After 50 Years, its Time to Close the Gap Between Different Human Rights' *The Conversation* (15 December 2016) [After 50 years, it's time to close the gap between different human rights \(theconversation.com\)](https://theconversation.com/after-50-years-its-time-to-close-the-gap-between-different-human-rights) accessed 6 January 2026.

³⁰ M Olivier, 'The Relevance of "Soft Law" as a Source of International Human Rights' (2002) (35) *The Comparative and International Law Journal of Southern Africa*, 292-293.

The 2030 ASD is an action plan for people, planet, and prosperity. It strives to reinforce universal peace and understands that poverty eradication in all dimensions is, indeed, a global, indispensable task for sustainable development.³¹ Consequently, SDG 5 centres on achieving gender equality and empowerment of all women and girls by eliminating all forms of discrimination, violence, and all harmful practices, such as early and forced marriage, and female mutilation. The goal also acknowledges the importance of unpaid care and domestic work and encourages the provision of public services, policies on infrastructure and social protection, as well as the publicity of shared responsibility within the family circle. Furthermore, SDG 8 is on the promotion of a sustained, inclusive, and sustainable economic growth, and extensive, beneficial employment and decent work for all. It particularly highlights 2030 as a landmark year for achieving ‘productive employment and decent work for all women... and equal pay for work of equal value.’³²

This provision of the 2030 ASD is a testament that gender equality is a human right. It has been 9 years since State parties undertook to take practical measures in adopting legal means towards giving effect to the sacrosanct provisions thereof. Much progress remains to be seen.

3.1.3 Convention on the Elimination of all Forms of Discrimination Against Women 1979

The CEDAW 1979 was adopted, opened for signature and ratification in December 1979 but entered into force in September 1981. In defining the term ‘discrimination against women’, the CEDAW 1979 states that it shall mean any distinction, exclusion or restriction made on the basis of sex which is capable of affecting, impairing or nullifying the recognition, enjoyment or exercise by women, regardless of marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any field whatsoever.³³

From the above provision, it is submitted that equality of men and women is not a privilege but a human right worth protecting by State parties—Nigeria inclusive—with appropriate laws and transparent policy decisions.³⁴

3.1.4 Convention on the Rights of a Child 1989

The CRC 1989 was adopted and opened for signature on November 1989, but came into force on September 1990. It enjoins State parties to respect and implement within their jurisdiction the rights as enshrined therein so that each child should not be discriminated against on the basis of the child’s or his

³¹ (n 4).

³² (n 4) SDG 8.5.

³³ (n 23) art 1.

³⁴ *ibid*, art 2.

or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.³⁵ This provision highlights the importance of protecting the girl-child and not disadvantaging her on the grounds of sex. Consequently, every right due the boy-child as guaranteed under a domestic law, should equally be availed to the girl-child without any discrimination whatsoever.

3.1.5 Agenda 2063: The Africa We Want

Agenda 2063 was developed by the African Union Commission (AUC) in its bid to realise the objectives of the Pan African Vision of an all-inclusive, peaceful, and prosperous Africa.³⁶ It is a long-term strategic framework of socio-economic and integrative transformation of Africa.³⁷ Agenda 2063 is a people-centred plan for development and equality. Aspiration 6 acknowledges the fact that women empowerment and full participation in all aspects of human endeavours is necessary towards reaching the full potential of any society, and that sustained innovation can be guaranteed under an enabling environment where the children—girls, inclusive—could thrive and be productive.³⁸

Agenda 2063 is 9 years old and counting. Whilst the effect of the strategic plan is yet to be fully actualised, it is nonetheless gratifying to acknowledge that Agenda 2063 is supportive of gender equality.

3.2 Domestic Legislation Towards Achievement of Gender Equality

Gender equality is robustly recognised in the body of laws of Nigeria. Those legislation are *inter alia*: the Constitution of the Federal Republic of Nigeria 1999 as amended (CFRN 1999),³⁹ African Charter on Human and Peoples' Rights (Ratification & Enforcement) Act 1983 (AfCHPRA 1983),⁴⁰ Child's Rights Act 2003 (CRA 2003),⁴¹ Labour Act 1971 (LA 1971),⁴² Compulsory Free Universal Basic Education Act 2004 (CFUBE Act 2004),⁴³ National Gender Policy (NGP) in Basic Education 2006.

3.2.1 Constitution of the Federal Republic of Nigeria 1999

By the express provisions of Chapter IV of the CFRN 1999, the right to life, dignity, personal liberty, fair hearing, private and family life, freedom of thought, conscience and religion, freedom of expression and the press, peaceful assembly and association, freedom of movement, acquisition and possession of

³⁵ (n 24) art 2(1).

³⁶ (n 25); AU, 'African Union: Who We Are' [About the African Union | African Union \(au.int\)](https://www.au.int/) accessed 6 January 2026.

³⁷ *ibid.*

³⁸ *ibid.*

³⁹ Cap C23 LFN 2004.

⁴⁰ Cap A9 LFN 2004.

⁴¹ Cap C50 LFN 2004.

⁴² Cap L1 LFN 1004.

⁴³ (CFUBE 2004) [NGA87623-UBE-ACT-2004.pdf \(ubec.gov.ng\)](https://www.ubec.gov.ng/NGA87623-UBE-ACT-2004.pdf) accessed 6 January 2026.

immovable property anywhere in Nigeria,⁴⁴ are referred to as Fundamental Human Rights. Notably, these rights are in conjunction with the provisions of the ICCPR 1966. Conversely, it is safe to infer that the provisions of the ICESCR 1966 were not provided for in the CFRN 1999—irrespective of Chapter II—which do not expressly provide for human rights.⁴⁵ With its captivating title: ‘Fundamental Objectives and Directive Principles of State Policy’, Chapter II was not projected to incorporate any group of human rights. Instead, it was specifically arranged to stress the objectives and principles which are so ‘fundamental and deserving’ to steer and navigate the policy of the Nigerian State for which all organs of government are enjoined to ‘conform to, observe and apply.’⁴⁶

Furthermore, it is important to state that although *section* 6(6)(c) of the CFRN 1999 stipulates an ouster provision over Chapter II—rendering the provisions therein non-justiciable—the said ouster clause does not, by any stretch of reason, vitiate the ESC rights covered under the ICESCR 1966. Granted, Chapter II provisions appear to have some socio-economic rights’ colouration. In spite of that, it is safe to submit that it does not, *ipso facto*, transform them into the indivisible human rights provisions evinced in the UDHR 1948. Also, Oleghe made a sound postulation on the intendment of *section* 13 vis-à-vis the ouster clause in *section* 6(6)(c).⁴⁷ He contends that *section* 13 was penned in an authoritative manner, devoid of a proviso or any qualification in a subsequent section of the CFRN 1999. Oleghe further stated that the general rule of interpretation provides that where there are or appears to be contradictions between two provisions of same legislation, the latter in time supersedes the earlier provision.⁴⁸ The reason is clear—the draftsman has aptly captured the intent of the legislators, who are considered to be conscious of the existence of the earlier provision before stating the later one, and the courts are enjoined to ‘presume that a legislature says in a statute what it means and means in a statute what it says there.’⁴⁹

It is for this reason that Govindjee and Taiwo,⁵⁰ advocates judicial activism to allow for a wider interpretation of the fundamental rights in Chapter IV of the CFRN 1999 to accommodate socio-economic rights, like gender equality. Moreover, because ‘sovereignty belongs to the people of Nigeria from whom government ... derives all its powers and authority’,⁵¹ it is incumbent on citizens to challenge any infringement of *section* 14(1), (3). This may apply where the composition and structure of

⁴⁴ (n 39) ss 33-44.

⁴⁵ *ibid*, ss 13-24.

⁴⁶ *ibid*, s 13.

⁴⁷ F O Oleghe, ‘Nigeria’s Ratification of International Human Rights Instruments and the Question of the Non-Justiciability of Chapter II of its 1999 Constitution’ (2020) (1)(1) *Carnelian Journal of Law and Politics*, 5-19.

⁴⁸ *ibid*.

⁴⁹ *ibid*.

⁵⁰ (n 28).

⁵¹ (n 39) s 14(2)(a).

government is of such nature that an organ and/or tier of government carries out unjust appointments in the absent of the federal character principle and gender balance.

3.2.2 African Charter on Human and Peoples' Rights (Ratification & Enforcement) Act 1983

The AfCHPRA 1983 is a brainchild of the African Charter on Human and Peoples' Rights 1981 (AfCHPR 1981),⁵²—an international human rights treaty made in Banjul on the 19th day of January 1981—which, upon ratification and domestication, became part of our municipal laws. The AfCHPRA 1983 was enacted to give legal effect throughout the Federal Republic of Nigeria the promotion and protection of human rights and basic freedoms in the African continent. The scope of the ratified AfCHPRA 1983 is to 'have force of law in Nigeria and shall be given full recognition and effect and be applied by all authorities and persons exercising legislative, executive or judicial powers in Nigeria.'⁵³

Article 2 of the AfCHPRA 1983 provides that 'every individual shall be entitled to the enjoyment of the rights and freedom recognised and guaranteed in the present Charter without distinction of any kind such as race, ethnic group, colour, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or other status.' Amongst those 'rights and freedoms' are equality and equal protection before the law, respect for human life, liberty, security of the human person, and appeal to competent national organs against acts of fundamental rights' violations.⁵⁴ It further provides for right to education, right to work under equitable and satisfactory conditions with equal pay for equal work, and guarantees every individual's right to enjoy the best attainable state of physical and mental health.⁵⁵

Suffice it to say that with the copious use of the phrase 'every individual', the right to gender equality is well guaranteed under the AfCHPRA 1983. Human rights are indivisible and as such, enforceable in favour of citizens whose State has ratified the ICESCR 1966, the AfCHPR 1981, the CRC 1985, or any other related international instruments which guarantee right to gender equality. Insofar as there are no limitations enshrined in its Constitution, a State is under a legal duty to guard, promote, respect, and implement the ESC rights of its citizenry.

3.2.3 Child's Rights Act 2003

The CRA 2003 is an offshoot of the CRC 1989—an international instrument for the welfare of a child. Consequently, provisions of the CRA 2003 assures the best interest and safety of the child in any action before a judicial, legislative or administrative authority. The goal of protection and care is to guarantee the

⁵² ACHPR, 'African Charter on Human and Peoples' Rights' [African Charter on Human and Peoples' Rights | African Commission on Human and Peoples' Rights \(au.int\)](#) accessed 6 January 2026.

⁵³ (n 40) art 1.

⁵⁴ *ibid.*, arts 3-7.

⁵⁵ (n 40) arts 15-17.

well-being of the child.⁵⁶ Accordingly, the rights of a child include: survival and development, free, compulsory, and universal basic education, freedom from discrimination merely by reason of sex, dignity, health.⁵⁷ By *section 277*, ‘a child means a person under the age of eighteen years.’ Suffice it to state that in reading into the definition of the child, the section never contemplated an exclusion of the female gender. The word ‘person’ includes both genders and provides for equal treatment for their needs.

3.2.4 Labour Act 1971

The LA 1971 was enacted to consolidate the law relevant to employer/employee labour relationship. It covers wages, contract of employment, hours of work and overtime, annual/sick leave, medical fitness exam, women employment, maternity leave and 50% wages, and so on. It does appear that the LA 1971 is not sensitive to gender equality. The language used by the draftsman is more masculine.⁵⁸ Furthermore, the fact that it prohibits night work for women rules out opportunities for females in the health, welfare, and hospitality industry, such as medical doctors, nurses, chefs, to secure employment.⁵⁹ In keeping pace with modern realities, there is an urgent need to amend the LA 1971 to strengthen gender equality.

3.2.5 Compulsory Free Universal Basic Education Act 2004

The CFUBE Act 2004 was enacted by the National Assembly of the Federal Republic of Nigeria on 26 May 2004, to empower the Federal Government with interventive measures to assist States and Local Governments for the purpose of uniformity of qualitative basic education throughout the country.⁶⁰ The CFUBE Act 2004 makes compulsory the provision of free, universal basic education for ‘every child’ of primary and junior secondary school age, and criminalises with specified sanctions any failure by parents or guardian to comply with the said right to education.⁶¹ Furthermore, the CFUBE Act 2004 criminalises, with specified sanctions, the act by any person who ‘receives or obtains any fee’ with respect to a child’s basic education.⁶²

It is safe to state that the wide range of programmes the CFUBE Act 2004 outlined as achievable goals of the Universal Basic Education (UBE) Commission and the States and Local Government Boards to

⁵⁶ (n 41), ss 1, 2.

⁵⁷ *ibid*, ss 4, 10, 11, 13, 15.

⁵⁸ (n 42) ss 34, 44.

⁵⁹ (n 42) s 55.

⁶⁰ (n 43) s 1.

⁶¹ *ibid* s 2(4).

⁶² *ibid*, s 3(2).

ensure that every Nigerian child has free basic education for a period of nine years—with particular attention on the girl child—indicates that the CFUBE Act 2004 seeks to promote gender equality.⁶³

3.2.6 National Gender Policy in Basic Education 2006

The NGP in Basic Education 2006 was formulated in response to the increasing lack of access to education by the female gender, reported to constitute half of the Nigerian population.⁶⁴ The NGP recognises education as one of the definite basic rights of an individual, whether female or male. Educated mothers not only secure their own survival, but also that of their children. Its goal is to make possible access to basic education, to enhance retention, completion and high performance for all pupils, especially for disadvantaged children—often girls—at the basic level of education.⁶⁵ The measures outlined by the NGP of the Federal Government to encourage girl-child education include scholarships, midday meals in school, opportunity for school-dropouts to return and complete their education, prohibition of girl-child marriage or betrothal.⁶⁶

The substance of the NGP in Basic Education 2006 is in keeping with the political will to implement a number of international instruments on human rights which Nigeria is signatory to. This is especially the case as the Millennium Development Goal (MDG) 3 on gender equality was not met by the Nigerian state in 2005 as intended.⁶⁷ While it has been 18 years since this NGP came into force, tangible results remain to be seen.

4.0 The Role of Domestic Institutions in Reinforcement of Gender Equality in Nigeria

To give effect to the legislative framework on gender equality, certain institutions must be active and alive to their responsibilities. These include the National Human Rights Commission (NHRC) of Nigeria and the Judiciary.

4.1 National Human Rights Commission of Nigeria

The NHRC was instituted pursuant to the resolution of the UNGA in 1948 which charges all State parties to set up an independent body for promoting, protecting, and enforcing human rights and gender equality.⁶⁸ Consequently, the NHRC serves as an additional-judicial apparatus to promote respect for

⁶³ *ibid*, ss 9, 12, 13, 15.

⁶⁴ Federal Ministry of Education Nigeria, 'National Policy on Gender in Basic Education' [NATIONAL POLICY ON GENDER IN BASIC EDUCATION IN NIGERIA \(unesco.org\)](#) accessed 8 January 2026.

⁶⁵ (n 64).

⁶⁶ *ibid*.

⁶⁷ *ibid*.

⁶⁸ NHRC, 'About National Human Rights Commission' [Overview - National Human Rights Commission \(nigeriarights.gov.ng\)](#) accessed 8 January 2026.

human rights and the accompanying benefits thereof. It further creates opportunities for the enlightenment of the public, encourages research and utilises dialogue to foster awareness campaign on issues of human rights.⁶⁹ The vision of the NHRC is to be a pioneer advocate for entrenching a culture of respect for human rights, founded on such values as democracy, accountability, and respect for rule of law.⁷⁰ The NHRC is committed to respond promptly to alleged human rights violations, education, advocacy, and embark on interventions which promote nationhood and respect for human and peoples' rights.⁷¹

The laudable objectives of the NHRC are testament to the fact of its commitment to implement the ESC rights locally. In compliance with the directives of the UN Committee on Economic, Social and Cultural Rights, the NHRC is resolved to uphold the indivisibility of human rights by placing socio-economic rights—gender equality, inclusive—as top priority.⁷² It is hoped that the NHRC do not renege on this sacred duty.

4.2 The Judiciary

Pursuant to *section 254C* (1) of the CFRN 1999 as amended and *section 7* of the National Industrial Court Act 2006 (NICA 2006), the National Industrial Court is vested with exclusive jurisdiction over labour, employment, welfare of employee, and related matters. On the other hand, the High Court of a State have jurisdiction to hear and determine any civil matter in respect of 'the existence or extent of a legal right, power, duty, liability, privilege, interest, obligation or claim.'⁷³ The burning issue borders on the reinforcement of gender equality for sustainable development. The focus being that the women and girl-child have the same level playing ground as their male and boy-child counterparts. In consequence, both the National Industrial Court (NIC) and the High Court (HC) of each State of the Federation are expected to come alive to their duties of judicial activism, to the extent of their jurisdictional powers, to enforce human rights' violations like gender inequality claims brought before them.

A *locus classicus* of judicial activism is the celebrated case of *General Sani Abacha & Ors v Chief Gani Fawehinmi*,⁷⁴ where the issue of the suspension of the Constitution and ousting of the court from hearing matters of human rights infringement was properly dealt with at the Supreme Court. The apex court held, *inter alia*, that the AfCHPRA 1983, being a ratified treaty by virtue of *section 12* of the 1979

⁶⁹ *ibid.*

⁷⁰ NHRC, 'Vision and Mission Statement' [Vision & Mission Statement - National Human Rights Commission \(nigeriarights.gov.ng\)](https://nigeriarights.gov.ng) accessed 8 January 2026.

⁷¹ (n 70).

⁷² A J Beredugo and F Viljoen, 'Towards a Greater Role and Enhanced Effectiveness of National Human Rights Commissions in Advancing the Domestic Implementation of Socioeconomic Rights: Nigeria, South Africa and Uganda as Case Studies' (2015) (48)(3) *The Comparative and International Law Journal of Southern Africa*, 401, 406; Oleghe (n 47).

⁷³ (n 39) s 272(1).

⁷⁴ (2000) FWLR (Pt 4) 533, 585-6.

Constitution—albeit inferior to the said Constitution—enjoys equal status with every domestic federal legislation. Therefore, since the Constitution which vests powers on the courts to adjudicate over human rights violation claims has been suspended by a military decree, the provisions of the AfCHPRA 1983 is still valid, and thus empowers the court to hear the human rights infringement claim of the appellant, entitling him to damages for the period of illegal detention.

The takeaway from this decision is judicial activism. The erudite Justices of the Supreme Court were not cowered by the military powers and their high-handed decrees. In like manner, to strengthen gender equality, the learned trial Judges of both the NIC and the HC of each State of the Federation can exercise their judicial powers to adjudicate on gender inequality claims protected under the AfCHPR 1983 through an expansion of the scope of Chapter IV of the CFRN 1999. This fact, it is submitted, appears to be part of the indivisible human rights instrument in both the ICESCR 1966 and ICCPR 1966 respectively.

5.0 The Correlation Between Securing Gender Equality and Achieving Sustainable Development in Nigeria

It is argued that a nation is as developed as its human capital. The realisation of full human capacity and sustainable development is almost always an impossibility where about 50% of humanity is constantly being deprived of their entitlements as humans. The indices are deplorable. As reported by the World Bank and USAID, of the 72 million out-of-school children, 57% are females;⁷⁵ out of 70% of indigent people, 65% are women;⁷⁶ 76% of Federal Civil Service Workers are men with only 24% women;⁷⁷ women's purchasing power is 614 USD in contradistinction to men 1,495 USD;⁷⁸ of the 469 members of the National Assembly, only 26 are women bringing it 5.5% against 94.5%.⁷⁹

Indisputably, empowering women and girls will contribute greatly to economic growth and development across every set goal and target.⁸⁰ It is on record that gender inequality has a direct impact on the poverty level of women, with a ripple effect on the Nigerian economy and the future generation. It has been argued that despite all efforts, no two-engine plane can fly with one engine.⁸¹ This underscores the importance of gender equality for sustainable development, that is, having a development plan which empowers both men and women to mitigate their hardship in an attainable manner and enhance their living conditions, jointly or severally.

⁷⁵ (n 15).

⁷⁶ C Asuru, 'Gender Equality and Sustainable Development in Nigeria' (2017)(5)(1) *IJASEPSM*, 74-88.

⁷⁷ *ibid.*

⁷⁸ *ibid.*

⁷⁹ *ibid.*

⁸⁰ (n 4).

⁸¹ (n 13).

Indeed, gender equality is achievable where men and women equally partake in the distribution of power in all ramifications: financial independence through employment or entrepreneurship; education which sharpens personal talents, interests and ambition for career growth; collective and mutual responsibility in the family which creates a healthy environment for proper development of children, and a home free from control, intimidation, and gender-induced violence. Therefore, it is very essential for women and girls to be at par with their counterparts in accessing quality education, financial stability, and attainment of political offices for the purpose of gainful employment, support for their children, and participating in leadership and decision making. It is equally important for women to self-motivate and strive to ‘shatter the roof’ and ‘break the glass ceiling’ through a double dose of hard and smart work to achieve their goals and aspirations for gender equality.

6.0 Conclusion and Recommendations

‘From the beginning of creation, “He made them male and female”’ is a familiar passage for those of the Christian faith. Notwithstanding the equality of men and women before the Creator, the female gender has been deprived and marginalised for untold centuries. The results have been low earning power accompanied by intense impoverishment, illiteracy leads to unemployment or underemployment, and having little or no contribution in the political administration at home and in the larger society. The sordid plights of the female gender in the light of current realities globally and locally are not inevitable. International and domestic legislation are in place to create gender equality between the sexes. What remains to be seen is an uncompromising political will towards implementation from all state actors. Gender equality guarantees women emancipation and empowerment through education and gainful employment. Thus, until concrete and practical measures are put in place to strengthen the laws and practices towards achieving gender equality, the future of the younger generation and those yet unborn will only be idealistic.

In the circumstance, it is imperative that the following recommendations be proffered for consideration:

1. The National and State Houses of Assembly, the President and Governors of the Federation, and Justices of Superior Courts of Record should walk the talk by interpreting and enforcing the laws on gender equality, and incorporating equal or equitable number of females in appointive/elective positions in all arms/tiers of government.
2. Consequently, the National Assembly should amend the LA 1971 to make for a more gender-sensitive work relations. *Sections* 34, 44, & 55 should be amended to allow for equal job opportunity and pay between men and women within their unique capabilities.

3. Female education should not be left solely for the moribund public schools. A more committed effort should be put in by the Minister of Education in conjunction with the State Commissioners through transparent budgeting to finance scholarships and other welfare programmes for girls' empowerment so they can acquire, in the least, the basic education from which they could pursue their dreams.
4. The #HeforShe appeal for gender equality should be heartily embraced by more responsible gender-sensitive males so that there is increased awareness of the need for the uncivilised in the society to get sensitised on unlearning old cultural habits and social conditioning while relearning new perspectives on the treatment of women and girls based on our common humanity.

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⁸² E I Alemika and Others (eds), *NALT'S Uniform Format and Citation Guide* (Nigerian Institute of Advanced Legal Studies 2021).

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