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**THEME- 'THE GROWTH OF WOMEN AND CHILDREN IN AFRICA; BEYOND RHETORIC**

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**Women in Politics, Decision Making and Business:  
How Far Can Legal Reforms Go?**

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Dear Colleagues and Friends.

It is my utmost joy to be in the midst of my esteemed FIDA sisters and colleagues in the Nigeria women's movement as well as our FIDA sisters from the Region. Making a presentation to this august gathering of eminent learned sisters is overwhelming. This is because I am uncertain if '*what I may put to them*' effectively reflects our common reality to galvanise us to remain standing for gender equal opportunity. I wish to most sincerely appreciate the entire leadership and members of FIDA Nigeria for their unwavering commitment to the attainment of a society which promotes, protects and preserves the rights, interests and well-being of women and children; using what they know best - legal frameworks.

**Background**

I am particularly delighted with the contextual significance of this year's FIDA Regional Congress. It coincides with the celebration of the fourth year of implementation of the Sustainable Development Goals (SDGs), which aim to address global challenges such as poverty, inequality, climate change and environmental degradation, and to ensure that no one is left behind. It also marks the mid-point of the first 10-year implementation plan of the African Union's Agenda 2063, which seeks to promote 'a prosperous Africa based on inclusive and sustainable development; and an Africa whose development is people-driven, relying on the potential of African people, especially its women and youth, and caring for children' (OXFAM Report on West Africa Inequality Crisis 2019).

**Words and Deeds**

There is no shortage of expressed commitments to the inclusion of women in all aspects of governance. However, these remain rhetorics that 'douse' the rising decible of the voices of women and girls as they cry out for equity, equality and inclusion. As Africa rapidly progresses in population, proportional representation of women in decision making structures remains a far cry of what is committed to in policy and legal frameworks of national, regional and global essence and origin. Women are often missing in the narrative of Africa's growth and are clearly underrepresented in governance.

Though the concepts of growth and governance are in many ways intertwined and key to prosperity, the African continent continues to lose out on the opportunity of the force of women in its development. By description, “growth in gender equality” includes women’s ability to participate equally on existing decision making platforms. It includes their access to and control over productive resources, access to decent work, control over their own time, lives and bodily integrity; increased voice on justice demands and meaningful participation in and contribution to the economy. In effect at all levels from the household to international institutions.

UN Security Council Resolution (UNSCR) 1325 responding to international peace and security needs, calls for addresses women’s participation in peace processes and peacebuilding. Critically, it also underscores protection of women and girls from violations during and after violent conflict. Subsequent UNSCRs, regional agreements and declarations have underlined these imperatives. Despite these resolutions and numerous statements and commitments at global, regional and national levels, women are still largely absent from peace processes and peacebuilding initiatives, and today’s conflicts are characterized by widespread sexual violence against women and girls.

According to recent reports<sup>1</sup> from The United Nations Entity for Gender Equality and the Empowerment of Women, UN Women, the African continent has demonstrated commitment to promoting gender equality and the empowerment of women. Infact, almost all countries have ratified the Convention on the Elimination of All Forms of Discrimination against Women; more than half have ratified the African Union’s Protocol on the Rights of Women in Africa. Other milestones include the African Union’s declaration of 2010–2020 as the African Women’s Decade. However, have these treaties resulted into meaningful progress for gender equality? The reality remains disappointing across the continent.

In Nigeria, women are systemically affected by discrimination. Gaps in legal and social frame works compounded by weak enforcement are the key drivers in the growing impunity for VAWG and Sexual Gender Based Violence (SGBV). Redress for survivors and accountability by perpetrators are in abysmal figures for violations in private and public spaces. Sustained advocacy and engagements by the Women’s movement led by organizations like FIDA, WRAPA, WARDC, CIRDDOC, WACOL under various auspices, have resulted in limited impact.

Accountability for Violence Against Women and Women’s dwindling results in elections defy logic and seem un-affected by legislations at federal and state levels where available. This is despite the fact the country is a signatory to the aforementioned and several other international and regional instruments towards the advancement of the rights of women from a human rights perspective.

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<sup>1</sup> [Africa: Where are we](#)

The persistent decline in gender related indices in relation to these instruments is an acknowledgment of the fact that the country and indeed the region, still has deep gender gaps. Current efforts and advocacy for the implementation of progressive legal and policy instruments is not enough to close the gender gaps or lead to national development which continues to be hampered by social discrimination. Discrimination against women persists widely both in law and practice resulting in fewer and poorer life choices for women. Dislodging entrenched systems-level discrimination goes far deeper than the quotas, percentages, and targets, which in themselves could become counter productive by accentuating some of the root causes of gender inequality.

### **Women in Politics and Decision Making in Nigeria**

In Nigeria, the slow and near non-inclusion of women in governance is mainly grounded on its failure to comply with national and international commitments for quotas and other special mechanisms. Most often quoted and legally 'safe' commitments are the Constitutional provisions in Chapter two and four of the 1999 Constitution as amended. Another one is the adopted Beijing Platform outcomes of 35 percent affirmative action stipulated in Nigeria's National Gender Policy (2006) (reviewed version awaiting approval).

Overall, the trajectory of tokenism in numbers, quality of inclusion and weak enforcement of its commitments has left Nigeria at the lowest ebb amongst nations demonstrating a meaningful representation of women in governance. According to the Inter-Parliamentary Union, (2018) Nigeria occupies the 180th position amongst 193 nations of the world in terms of levels of representation of women in the national parliament. The slow progress towards the realization of the Sustainable Development Goals and routine poor basic human development indices in Nigeria is an indication of its prevalent gender gaps.

Since the return of Nigeria to democracy in 1999, key stakeholders have consistently engaged the system to advocate for improvements in inclusion of women in governance. Women and human rights advocates have advanced arguments for deliberate increase in quantitative and qualitative political participation of women. Sadly, though consciousness and pronouncements have increased, real time success figures have declined. In the last two election cycles (2015 and 2019) the number of women in elective and appointive positions has taken a nose dive.

Conversely, the record number of women who contest for elective seats has steadily increased from 2003 to date. Key limiting factors to their electoral success include, weaknesses in internal party democracy, election related violence, high monetization of democratic processes, and hardest of all, socio-cultural dynamics. Statistics from the 2019 General Elections Nigerian Women Trust Fund (NUTF) Gender and Election Watch Room under the aegis of the Gender and Accountability project in partnership with Women's Rights Advancement and Protection Alternatives (WRAPA) supported by MacArthur Foundation, attests to increased female aspiration and candidature.

There were twenty-two (22) female Vice-Presidential candidates representing **30.13%**. This is significantly higher than what obtained in the 2007 and 2011 elections. For National Assembly elections Eight hundred and two **802** female candidates contested; representing **11.66%** of the total 6,483 candidates. Two Hundred and thirty three **233** women representing **12.6%** of candidates contested for seats in the Senate while **569** women representing **12.3%** of the candidates contested for seats in the House of Representatives. Further analysis shows that of the 2,970 women on the electoral ballot, representing 11.36% of nominated candidates; only 62 women, a paltry 4.17% were the elected representatives. The figure as it is shows a decline from the 2015 to 2019 period, where women formed 5.65% of elected officials.

In the space for representation on the appointive side, where leverage is perceived as largely an Executive prerogative depending on the political will of the President and Governors, the situation is even more daunting. Inclusive governance is paid lip service, and election promises are reneged. In specific terms and post 2019 elections, grossly unrepresentative and inadequate figures have emerged. Only seven (7) women made the ministerial list out of the 43 nominees representing 16.3 percent. These numbers do not represent or respond to the rise in women's quest for inclusion; it also speaks volumes of the un-yielding push for compliance with natural justice, equity and good conscious.

The reality remains that Nigerian women require more extra efforts than their male counterparts to run for political offices. Access to and meaningful participation in decision-making structures at family and governance levels remains a male exclusive right. The patriarchal socio-political landscape continues to give cover to political parties and politicians to short change and exclude women. National development is deprived of the contributions of women who are estimated to be almost 50% of the population<sup>2</sup> and also of the registered voters.

Lack of effective enforcement of Women's Human Rights reinforces discriminations against women and stands as salient features of Nigeria's gender equity context. This continues to affect the definition of the roles women play in decision making and the recognition of their rights as equal contributors and beneficiaries. Where a critical mass of citizens lack access to equal rights and engagement with their government, nationally adopted policies will fail to address their needs. It will also remain a fundamental driver of inequality and poor economic growth.

In the final analysis, and given these trends, contemplating the 50:50 representation for Nigerian women will remain a mirage if decisive new strategies are not articulated and brought to bear for the desired change and the good of a nation seeking to excel in the comity of nations. Against this background, the Nigerian Women Trust Fund (NWTF) in line with its mandate of closing the gender gaps at all levels of governance and in collaboration with other key stakeholders and support from the Board of NWTF launched a Strategic Litigation Initiative on 21 May 2019. NWTF working within the Nigerian Women's Movement sought to take the path of a legal approach to challenge the deliberate and debilitating exclusion of women from the

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<sup>2</sup> Nigeria 2006 Population Census estimated at over 180 million.

governance space in Nigeria. The focus of the legal advocacy is to demand an inclusive governance process through the generation of a legal opinion based on the 1999 CFRN, laws and conventions which Nigeria has ratified at regional and international levels.<sup>3</sup> The goal is to approach the courts to interpret the principle of non discrimination as well as to determine if it has occurred contrary to the letter of the principle of these statutory laws and instruments.

### **Women in Business – Africa and Nigeria**

Africa has seen the highest growth among businesses run by women in recent years. This would appear to be good news: entrepreneurship is arguably crucial for job creation and economic growth. However, the flip side of this narrative is that businesses run by women are less likely than those run by men to grow because of a higher fear of business failure. This is not because women are bad entrepreneurs. Instead, it's because they often start from a lower base. They have less start-up and investment capital, and possess little or no collateral. This limits access to loans and credit facilities. They are also affected by exclusion from certain sectors, as well as insufficient staff numbers. All these factors affect the growth and survival of their businesses.

African women have been called "a powerful untapped economic force"<sup>4</sup> that will be absolutely integral in addressing the development challenges Africa faces. However, cultural and social norms are often not supportive of women's involvement in business, and many aspiring female entrepreneurs lack access to supportive networks and mentors as well as negotiating power within the circles of business owners. Generally speaking, although African women constitute the majority of workers in the informal economy, and only about a third of women across the continent participate in formal economic activity. They are more vulnerable to poverty, based on limited access to an enabling financial market and resources such as land and credit

According to The Economic Costs – a reflection of the human and social costs – to the global economy of discriminatory social institutions and violence against women is estimated to be approximately USD 12 trillion annually.<sup>5</sup>

Women entrepreneurs are actually becoming more successful and ambitious in today's business world. However, there are still a whole lot that needs to be invested in boosting and accelerating female entrepreneurship especially in an emerging economy as Nigeria. Meanwhile, and regionally too, the contributions of women to the growth success of developing nations receives little attention in existing literature, particularly relating to their role in the development process. The IMF latest economic review of Nigeria's economy indicates that closing the gender gap would mean higher growth and productivity and greater economic stability. The report affirms that Nigeria suffers from widespread gender inequality and is therefore missing out on a key ingredient to economic success.

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<sup>3</sup> NWTf Status of the Strategic Litigation September 2019

<sup>4</sup> [Women of Africa: A powerful untapped economic force for the continent](#)

<sup>5</sup> [The economic costs of violence against women](#)

Identifying some of the key factors that determine the ways in which men and women contribute to, and benefit (or lose) from growth in Nigeria, is an essential step in identifying how policy can be shaped in a way that is explicitly gender-inclusive and beneficial to growth of the nation. Investigations of the linkage between gender inequality and growth should therefore be a priority for development economics research. This is especially in Nigeria where economic projections have gazetted the percentage of population living in extreme poverty to increase by 2030. Therefore growth for women's family run businesses and agrarian activities become an imperative response to this projection.

### **How Far Can Legal Reforms Go?**

Legal reform is the process of examining existing laws and advocating for and implementing changes in a legal system, usually with the aim of enhancing justice or efficiency. Legal reforms, provide a means through which laws respond to and accommodate a situation where in this case, is that of purposeful legal gender-inclusive governance in Nigeria.

The logical question then becomes, is legal reform an end or a means? I posit to say it is a means. Others argue that the question can not be given a direct response, especially in relation to an inclusive government. Many still argue, and I agree with them, that because governance is a product of laws and processes, law reforms are the best way to go about achieving the initial results needed. For example, section 42 of the 1999 Constitution of Nigeria as amended needs a judicial interpretation of non discrimination to enable a clearer application of what it means for special provisions that could address real inequality or discrimination as being experienced by women and girls. Based on the principle of law which provides that **"where there is a wrong there must be a remedy"**, it is right and fair to demand for this interpretation. Class action or strategic litigation has become an imperative for Nigerian women to **right the wrong of systemic exclusion and end tokenism.**

However, legal instruments in their wordings alone, do not award dignity of life or freedom from all forms of discrimination, violence and abuse for women, girls, and all vulnerable persons. Life has to be breathed into them through strategic and focused advocacy, steadfast engagement post enactment, popularization of the content and uptake to test the reliability of their provisions to solve or alleviate the problems being addressed. This is particularly so for those issues that continue to pose barriers for women's capacity to access facilities and resources to aid attainment of their of full potentials, thereby limiting their contribution to national and global development. Experience affirms the need to interface reforms and advocacy as well as uptake of the reforms for its intended beneficiaries. Minimal as reforms may be, if appropriately followed through, the benefits can be immense. The hard earned reforms in the administration of justice in Nigeria are a case in point. While years of work and input of resources has made the reforms possible, incremental implementation is still in the works.

Quotas and other mechanisms while desirable must be linked to other institutional and operational commitments and further reforms of practice. Legislative advocacy for appropriation and oversight must also continue to enable implementation of the reforms. Nigeria must also learn from sisters and institutions in countries that are contemplating or that have implemented reforms to increase women's representation. The challenges experienced in the passage of the Child Rights Act gave insight to advocates while pushing for the enactment of the Violence Against Persons (Prohibition) Act, 2015. Energy and momentum built around the demand for reforms must therefore be sustained for implementation. From May 2015 when the Act was passed to date, the fourteen years of agitation and engagements has lost coordination for implementation. This must not happen to the reforms we seek in relation to women's inclusion in all its ramifications.

Similarly reforms in Nigeria's Criminal and Penal Codes needs to pick momentum. As at the moment, only five states have specifically legislated against domestic violence in the past (Ebonyi, Lagos, Jigawa, Ebonyi and Oyo). A few other states have legislated against female genital mutilation (Edo, Cross Rivers), a few others have developed legislation prohibiting traditional harmful widowhood practices (for example, Anambra, Cross Rivers) while only Ekiti State has enacted legislation prohibiting all gender-based violence.<sup>6</sup> Kano and Adamawa State are making considerable progress reviewing the Penal Code to incorporate provisions specifically addressing forms and defined violations.

The statistical trend of political harrassments in Nigeria is daunting. Revisiting the reforms proposed by the eartwhile Uwais Committee would provide for the necessary reforms that protect the sanctity of the rights of women and other vulnerable persons to equal opportunity in aspiring for elective representation. Accountability through reforms would also see political parties being truly and constructively committed to their female members. Sanctions must be in place to ensure internal party democracy that awards opportunity for party members irrespective of gender to thrive and aspire for party and elective office leadership positions.

### **Conclusion and Recommendations**

While I am well aware that there is a lot more that can said and done, as well as not discountenancing the strategic roles we have all played, please allow me to conclude with the Aspiration 6 of Agenda 2063 of the African Union (AU). The Aspiration calls for "An Africa, whose development is people-driven, relying on the potential of African people, especially its women and youth, and caring for children." It is an Agenda requiring that we live in a more inclusive society where all the citizens are actively involved in decision making in all aspects and where no child, woman or man is left behind or excluded, on the basis of gender, political affiliation, religion, ethnic affiliation, locality, age or other factors. Gender equality and women's participation in decision-making are not only important markers of good governance, but are smart economics.

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<sup>6</sup> [VAPP ACT \(2015\): A Step to the Eradication of Domestic Violence in Nigeria](#)

Admittedly, legal reforms are no magic wands, BUT they make the gates for change wide open. Additional components are those of vision, sincerity of purpose, doggedness and inclusion in all matters pre and post reforms. To that end, and in furtherance of our collective responsibility and to advance the quest for specific and defined measures that award to women the right of participation and contribution I recommend the following measures by Government, the Legislature, CSOs and society:

1. Commitments to women translating into demonstrated political will and delivery.
2. Sustained popularization of the ideology that recognises that gender equality is a fundamental human right and an integral part of regional integration, economic growth and social development.
3. High level and cross sector/stakeholder dialogue and deep advocacy for legislative or administrative reform to repeal discriminatory provisions or address discriminatory practices at all levels.
4. Generation and dissemination of a 'how to tools' that guide the demand and supply side engagements at all stages of reforms; tools and learning mechanisms that help to transit from demand to action.
5. Revitalization of momentum to support the proposed class action for the interpretation of legal provisions that in letter or material allow for the exclusion or perpetration of wrong against one class of citizens or another, particularly those most vulnerable to such.
6. Enhance collaboration as a push button for pressure, synergy and scaling up of pressure for reforms.
7. Provision of more education on entrepreneurship and mentorship opportunities to provide role models and guidance to women; as well as a successor generation to sustain demand and implementation of all reforms that remove barriers to women's inclusion and participation.
8. Popularize the link between gender equality, growth, development and the economy.

Thank you for listening; once more, congratulations to FIDA Nigeria.

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