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Breaking the Concrete Ceiling: An Evaluation of the Status of Women in Male-Dominated Fields in Nigeria-A Human Rights Perspective

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Abstract

The persistent underrepresentation of women in male-dominated fields remains one of the most entrenched manifestations of gender inequality in contemporary society, particularly in the context of Nigeria, where legal commitments to equality coexist with deeply rooted socio-cultural barriers. Despite constitutional guarantees and international human rights obligations affirming the principles of equality, dignity, and non-discrimination, women continue to face significant obstacles in accessing and advancing within sectors such as politics, engineering, technology, corporate leadership, and academia. This paper argued that such exclusion is not merely a reflection of social convention but constitutes a systemic pattern of discrimination that violates fundamental human rights. Adopting a doctrinal methodology, the study interrogated the structural and institutional dynamics that sustain gender inequality in Nigeria. It finds that the marginalisation of women in male-dominated professions is driven by a combination of entrenched patriarchal norms, institutional discrimination, gender stereotyping, workplace harassment, and structural barriers to career progression. These factors collectively create a “concrete ceiling” that is more rigid and resistant than the traditionally conceived “glass ceiling,” thereby limiting women’s opportunities and undermining their rights to work, dignity, participation in public life, and equality before the law. The paper concluded that the persistence of these inequalities reflects the inadequacy of existing legal frameworks to achieve substantive, rather than merely formal, equality. It therefore advocated a transformative, rights-based approach that integrates legislative reform, judicial activism, institutional accountability, and socio-cultural change.

Keywords: Discrimination, gender equality, human rights, Nigeria, women

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1. Introduction

The struggle for gender equality has been one of the defining human-rights movements of the past century. Yet, despite significant legal and social advances, women around the world remain dramatically underrepresented in fields that have historically been defined as male domains.¹ From the boardroom to the laboratory, from the construction site to the parliament chamber, women confront a landscape of persistent exclusion, marginalization, and discrimination.² This phenomenon is not accidental; it is the product of deeply embedded structural, cultural, and institutional forces that systematically disadvantage women.

In Nigeria, as in many parts of the world, the status of women in male-dominated fields presents a paradox. Nigerian women have achieved remarkable success in various sectors—producing Nobel laureates, Supreme Court justices, and global corporate leaders.³ Yet these individual successes obscure a broader reality of systemic exclusion. Women hold fewer than 5% of the seats in the National Assembly, constitute less than 15% of executive leadership in the private sector, and remain significantly underrepresented in STEM fields, engineering, and skilled trades.⁴ This underrepresentation is not a reflection of women’s capabilities or ambitions; rather, it is a testament to the barriers that society erects against their full participation.

This paper critically examines the status of women in male-dominated fields from a human rights perspective. It proceeds from the foundational premise that the right to equality and freedom from discrimination is not merely a formal legal guarantee but a substantive entitlement that requires the dismantling of structural barriers. It considers the concepts as used in the study. Part II of this paper establishes the legal framework for gender equality, analyzing the constitutional, statutory, and international instruments that articulate the right of women to participate fully in all spheres of life. Part III undertakes a critical examination of the barriers that women face, interrogating the cultural, institutional, and economic impediments that perpetuate exclusion. Part IV analyzes the human rights implications of this exclusion, demonstrating how the denial of access to male-dominated fields constitutes violations of the rights to work, to participate in public life, and to dignity. Part V proposes a transformative, rights-based framework for change, encompassing legal reform, judicial strategies, institutional accountability, and cultural transformation. The paper concludes by affirming that the full inclusion of women in male-dominated fields is not merely a matter of social justice but a fundamental human rights imperative.

2. Conceptual Clarification: The Concrete Ceiling in Nigeria

The “concrete ceiling” denotes deeply embedded, structural impediments to women’s professional growth in Nigeria. These barriers manifest in sectors such as oil and gas, construction, engineering, and politics, restricting women’s participation and leadership roles. The concept of the “concrete ceiling” represents a significant evolution from the more widely known “glass ceiling” metaphor in gender and labour discourse. While the “glass ceiling”

¹ See United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), *Progress of the World’s Women 2019–2020: Families in a Changing World* 25–30 (2019) (documenting persistent gender gaps in leadership and economic participation globally).

² International Labour Organization (ILO), *World Employment and Social Outlook: Trends 2023*, 45–52 (2023) (analyzing occupational segregation by gender across regions and sectors).

³ Notable Nigerian women include Professor Grace Alele-Williams (the first female Vice-Chancellor of a Nigerian university), Justice Aloma Mariam Mukhtar (first female Chief Justice of Nigeria), and Ngozi Okonjo-Iweala (first female Director-General of the World Trade Organization).

⁴ National Bureau of Statistics (NBS) & United Nations Development Programme (UNDP), *Nigeria Gender Snapshot: A Report on the Status of Women and Men in Key Sectors* 12–18 (2022)

traditionally refers to invisible and often subtle barriers that prevent women from ascending to top positions in professional hierarchies, the “concrete ceiling” conveys a far more rigid, entrenched, and resistant form of exclusion. In the Nigerian context, this distinction is particularly important. The barriers faced by women are not merely implicit or attitudinal; rather, they are deeply embedded within institutional frameworks, reinforced by socio-cultural norms, and compounded by intersecting axes of disadvantage. These realities exist despite constitutional guarantees of equality and non-discrimination under the constitution⁵ and Nigeria’s obligations under international human rights instruments.⁶ Consequently, the “concrete ceiling” provides a more accurate analytical lens for understanding the structural realities confronting women in male-dominated professions.

One of the defining features of the concrete ceiling is its institutionalized nature. These barriers are often embedded within organisational policies, recruitment practices, promotion criteria, and workplace cultures that systematically disadvantage women. In many Nigerian workplaces, especially within sectors such as engineering, construction, and oil and gas, hiring practices tend to favour men, either explicitly or implicitly. Job descriptions may be framed in ways that align with stereotypical notions of male capability, while informal networks—often referred to as “old boys’ clubs”—play a decisive role in career advancement. Furthermore, organisational structures frequently lack gender-sensitive policies such as maternity protections, flexible working arrangements, and mechanisms for addressing workplace harassment. The absence of these institutional safeguards effectively excludes many women from entry, retention, and progression within these sectors, thereby reinforcing systemic inequality. Such institutional deficiencies undermine the right to equality and fair labour practices and have been increasingly scrutinised by the National Industrial Court of Nigeria.⁷

Closely linked to institutional barriers are the cultural dimensions of the concrete ceiling, which are deeply rooted in patriarchal values and societal expectations. Nigerian society, like many others, has historically been structured along gendered lines that assign public, economic, and leadership roles to men while relegating women to domestic and caregiving responsibilities. These cultural norms continue to shape perceptions about women’s capabilities and suitability for certain professions. For instance, careers in construction, engineering, and security services are often viewed as physically demanding and therefore unsuitable for women. Similarly, leadership roles in politics and governance are frequently perceived as the domain of men, and women who aspire to such positions face skepticism, resistance, and even hostility. These entrenched attitudes not only discourage women from entering male-dominated fields but also undermine their credibility and authority when they do. Nigerian courts have, however, condemned such discriminatory practices, particularly in the context of customary law. In *Mojekwu v Mojekwu*, the Court of Appeal invalidated a customary rule excluding women from inheritance, holding it to be repugnant to natural justice, equity, and good conscience.⁸ This position was reaffirmed by the Supreme Court in *Ukeje v Ukeje*, which declared that any customary law that discriminates against women is unconstitutional.⁹

In addition to institutional and cultural barriers, the concept of the concrete ceiling also captures the intersectional nature of the discrimination experienced by women. Not all women are affected

⁵ Constitution of the Federal Republic of Nigeria 1999 (as amended), s 42.

⁶ Convention on the Elimination of All Forms of Discrimination Against Women (1979); African Charter on Human and Peoples’ Rights (Ratification and Enforcement) Act, Cap A9 LFN 2004.

⁷ *Ebere Aloysius v Diamond Bank Plc* (2015) 58 NLLR (Pt 199) 92 (NICN)

⁸ (1997) 7 NWLR (Pt 512) 283

⁹ (2014) 11 NWLR (Pt 1418) 384.

equally; rather, their experiences are shaped by multiple and overlapping factors such as socio-economic status, ethnicity, educational background, religion, and geographic location. In Nigeria, for example, women from rural areas or disadvantaged socio-economic backgrounds often face greater obstacles in accessing education and professional opportunities than their urban counterparts. Similarly, ethnic and religious norms may impose additional restrictions on women's mobility and participation in the workforce. This intersectionality means that some women encounter a double, or even triple, burden of discrimination, making it even more difficult to break through the concrete ceiling. As such, any meaningful analysis of gender inequality must take into account these layered and interconnected forms of disadvantage in line with international labour standards such as the ILO Discrimination (Employment and Occupation) Convention.¹⁰

The manifestation of the concrete ceiling is particularly evident in several key sectors of the Nigerian economy. In the construction and engineering industries, women are significantly underrepresented, both at entry level and in leadership positions. These fields are often characterised by physically demanding work environments, long hours, and a lack of facilities that accommodate women, such as safe accommodation on project sites or maternity provisions. Moreover, entrenched stereotypes about women's physical and technical capabilities further limit their participation. Similarly, in the oil and gas sector, which is a cornerstone of Nigeria's economy, women are often confined to administrative or support roles, with limited access to technical and decision-making positions. The highly competitive and male-dominated nature of this industry, combined with informal recruitment networks, creates significant barriers to entry and advancement for women.

The security services, including the military, police, and paramilitary organisations, also exemplify the operation of the concrete ceiling. Although there have been efforts to increase female representation, women in these institutions often face discriminatory policies, limited career progression, and a culture that prioritises masculine norms. Issues such as sexual harassment, a lack of appropriate facilities, and restrictive policies relating to marriage and pregnancy further compound the challenges faced by female personnel. In the realm of politics and governance, the underrepresentation of women is even more pronounced. Despite constituting a significant proportion of the population, women occupy only a small fraction of elective and appointive positions in Nigeria. Structural barriers such as high campaign costs, political violence, and exclusion from party structures, combined with cultural resistance to female leadership, have contributed to this disparity.

The persistence of these barriers indicates that gender inequality in Nigeria is not merely the result of individual prejudice or isolated incidents of discrimination. Rather, it reflects a pattern of systemic exclusion that is deeply embedded in the socio-economic and legal fabric of society. This systemic nature elevates the issue from a matter of social concern to one of human-rights significance.¹¹ The continued marginalisation of women in male-dominated professions constitutes a violation of fundamental rights, including the right to equality, the right to dignity, and the right to work. These rights are enshrined in both domestic legal frameworks and international human rights instruments to which Nigeria is a party.¹²

¹⁰ ILO Discrimination (Employment and Occupation) Convention (No 111) 1958.

¹¹ Universal Declaration of Human Rights (1948), arts 1, 2 and 23; International Covenant on Economic, Social and Cultural Rights (1966), art 6.

¹² *Abacha v Fawehinmi* (2000) 6 NWLR (Pt 660) 228.

In this regard, the concept of the concrete ceiling not only provides a descriptive account of the barriers faced by women but also serves as a normative framework for evaluating the adequacy of existing legal and policy responses. It underscores the need for a shift from formal equality—where laws simply prohibit discrimination—to substantive equality, which requires proactive measures to dismantle structural barriers and ensure meaningful inclusion. Addressing the concrete ceiling therefore demands a comprehensive, multi-dimensional approach that integrates legal reform, institutional accountability, cultural transformation, and targeted interventions aimed at empowering women across all sectors of society.

Ultimately, the transition from the “glass ceiling” to the “concrete ceiling” in legal and academic discourse reflects a deeper understanding of the complexity and resilience of gender inequality in contexts such as Nigeria. It highlights the urgent need for sustained and deliberate efforts to break down the barriers that continue to limit women’s full participation in the workforce and in public life. Without such efforts, the promise of equality enshrined in law will remain largely aspirational rather than a lived reality for Nigerian women.

3. The Legal Architecture of Gender Equality

The legal framework for gender equality in Nigeria, while imperfect, provides a robust foundation for challenging the exclusion of women from male-dominated fields. This section analyzes the constitutional guarantees, statutory provisions, and international obligations that together constitute the normative architecture for women’s rights.

3.1 Constitutional Guarantees

The 1999 Constitution of the Federal Republic of Nigeria (as amended) establishes the supreme legal framework for the protection of fundamental rights.¹³ Section 42(1) provides a comprehensive prohibition against discrimination: A citizen of Nigeria of a particular community, ethnic group, place of origin, sex, religion, or political opinion shall not, by reason only that he is such a person... be subjected either expressly by, or in the practical application of, any law in force in Nigeria, or any executive or administrative action of the government, to disabilities or restrictions to which citizens of Nigeria or other communities, ethnic groups, places of origin, sex, religions, or political opinions are not made subject.¹⁴

This provision, on its face, mandates equal treatment regardless of sex and prohibits both direct discrimination and discriminatory effects arising from the practical application of laws or governmental actions. The inclusion of the phrase “practical application” is significant, as it acknowledges that discrimination can occur not only through overtly discriminatory laws but also through ostensibly neutral practices that produce discriminatory outcomes.¹⁵

However, the Constitution also contains provisions that undermine its egalitarian promise. Section 29(4)(b) defines “full age” for a married woman by reference to her husband’s consent, implicitly endorsing a patriarchal conception of marriage that subordinates women’s legal autonomy.¹⁶ More significantly, the Constitution’s preservation of existing laws, including customary laws that often discriminate against women, has been interpreted to shield

¹³ Constitution of the Federal Republic of Nigeria, 1999 (as amended), s 1(1) (CFRN).

¹⁴ *Ibid.*, S 42.

¹⁵ Chinwe C. Okeke, *The Legal Status of Women in Nigeria: A Critical Examination of Constitutional and Statutory Provisions*, 13 *J. Afr. L. & Prac.* 45, 52–58 (2021)

¹⁶ CFRN 1999, s 29(4)(b). This provision has been widely criticized by feminist legal scholars. Jadesola Akande, *Women and the Constitution*, in *Nigerian Women and the Constitution 1–15* (Women’s Rights Project ed., 1998).

discriminatory practices from constitutional challenge.¹⁷ This creates a dual legal system in which women's constitutional rights are compromised by the continued operation of patriarchal customary norms.

3.2 Statutory Framework

Beyond the Constitution, several statutes address gender equality and women's rights. The Violence Against Persons (Prohibition) Act, (VAPP) represents a significant legislative advance, criminalizing harmful practices including female genital mutilation, forced marriage, and domestic violence.¹⁸ The VAPP Act is significant for its recognition that gender-based violence is a barrier to women's full participation in society. However, the Act applies only in the Federal Capital Territory, Abuja, and has been adopted by only a minority of the 36 states, creating a fragmented and uneven landscape of protection.¹⁹

The Labour Act and the Employees' Compensation Act provide some protections against workplace discrimination, though these provisions are limited in scope and enforcement.²⁰ The National Industrial Court, established as a superior court of record, has jurisdiction over labour and employment matters, including claims of gender discrimination.²¹ However, the Court's reach is constrained by limited public awareness, resource constraints, and the absence of comprehensive anti-discrimination legislation.

The National Gender Policy (2006, revised 2021) articulates a framework for advancing gender equality, including the aspiration of 35% affirmative action for women in all governmental and public sector positions.²² The National Gender Policy provides a framework for eliminating gender inequality in Nigeria by promoting women's rights, increasing their participation in governance, improving access to education and economic opportunities, preventing gender-based violence, and ensuring that all national policies are gender-sensitive and inclusive. While the policy represents an important statement of intent, it remains non-binding, and its implementation has been inconsistent. The 35% target has not been achieved in any branch of government, reflecting the gap between policy aspiration and political will.

3.3 International Human Rights Obligations

Nigeria has ratified the core international human rights treaties that mandate gender equality. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), ratified by Nigeria in 1985, is the preeminent international instrument on women's rights.²³ Article 11 of CEDAW specifically addresses women's economic rights, obligating States Parties to ensure: (a) the same right to employment; (b) the right to the same employment opportunities; (c) the right to free choice of profession and employment; (f) the right to equal remuneration.²⁴ CEDAW Article 7 guarantees women's rights to participate in public life and political decision-

¹⁷ CFRN 1999, s 315(5)(d).

¹⁸ Violence Against Persons (Prohibition) Act, 2015, ss 1–27. (VAPP)

¹⁹ Women's Aid Collective (WACOL), *Implementation of the VAPP Act in Nigeria: A State-by-State Assessment* 4–7 (2022).

²⁰ Labour Act, Cap L1, Laws of the Federation of Nigeria, 2004; Employee's Compensation Act, 2010

²¹ National Industrial Court Act, 2006, s 1.

²² Federal Ministry of Women Affairs and Social Development, *National Gender Policy (2021–2026)* 15–20 (2021).

²³ Convention on the Elimination of All Forms of Discrimination against Women, adopted Dec. 18, 1979, 1249 U.N.T.S. 13 (entered into force Sept. 3, 1981) [hereinafter CEDAW]. Nigeria ratified CEDAW on June 13, 1985.

²⁴ CEDAW, art. 11(1)(a)–(f).

making, while Article 10 addresses equal access to education, including in technical and vocational fields.²⁵

Nigeria has also ratified the African Charter on Human and Peoples' Rights and its Protocol on the Rights of Women in Africa (the Maputo Protocol).²⁶ The Maputo Protocol is particularly significant for its comprehensive articulation of women's rights in the African context. Article 13 explicitly guarantees women's right to participate in decision-making processes and to be "equally represented in all spheres of society."²⁷ Article 12 addresses the right to education, while Article 19 mandates the right to economic empowerment.

Despite these international commitments, a critical gap persists: Nigeria has not domesticated CEDAW or the Maputo Protocol into domestic law. Under Nigerian jurisprudence, international treaties ratified by the executive do not automatically become binding domestic law; they require legislative enactment by the National Assembly.²⁸ Consequently, these international instruments are not justiciable before Nigerian courts, severely limiting their utility as tools for enforcing women's rights. This gap between international obligation and domestic enforceability represents a fundamental weakness in Nigeria's legal architecture for gender equality.

4. Barriers to Women's Participation in Male-Dominated Fields: A Critical Analysis

The gap between legal guarantees and lived reality is maintained by a complex web of barriers that operates at multiple levels. This section critically examines the cultural, institutional, and economic impediments that systematically exclude women from male-dominated fields.

4.1 Cultural and Patriarchal Norms

Deeply embedded cultural norms constitute the most formidable barrier to women's participation in male-dominated fields. In many Nigerian societies, gender roles are rigidly constructed around a patriarchal ideology that assigns women primary responsibility for domestic work and caregiving, while reserving public, professional, and leadership roles for men.²⁹ These cultural scripts are transmitted through family socialization, educational practices, religious institutions, and popular media.

The cultural devaluation of women's professional ambitions manifests in multiple ways. Women who pursue careers in male-dominated fields often face stigmatization, being labeled as "unruly," "unfeminine," or "neglecting their family duties."³⁰ This cultural policing operates as a powerful deterrent, discouraging women from entering fields perceived as masculine and punishing those who do. The phenomenon of "gender role strain" describes the psychological burden women carry when their professional aspirations conflict with culturally prescribed gender roles.³¹

Gender stereotyping compounds these cultural barriers. From early childhood, girls are subtly—and sometimes overtly—discouraged from pursuing Science, Technology, Engineering, and

²⁵ *Ibid.*, arts. 7, 10.

²⁶ Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, adopted July 11, 2003, O.A.U. Doc. CAB/LEG/66.6 (entered into force Nov. 25, 2005) (hereinafter Maputo Protocol).

²⁷ Maputo Protocol, art. 13.

²⁸ *Abacha v. Fawehinmi*, (2000) 6 NWLR (Pt. 660) 228 (S.C.)

²⁹ Oyeronke Oyewumi, *The Invention of Women: Making an African Sense of Western Gender Discourses* 1–20 (1997) (analyzing the social construction of gender roles in African societies).

³⁰ Ifeoma P. Okafor & Chika Ezeanya, *Gender Stereotypes and the Advancement of Women in Nigerian Universities*, 9 *J. Gender Stud.* 45, 51–55 (2020).

³¹ Joseph H. Pleck, *The Gender Role Strain Paradigm: An Update*, in *A New Psychology of Gender* 11–32 (Mary R. Walsh ed., 1995).

Mathematics (STEM) subjects, while boys are channeled toward these fields.³² Educational research has documented how teachers' expectations, curricular materials, and classroom interactions reinforce these stereotypes, contributing to the "leaky pipeline" phenomenon where women are filtered out at every stage of educational and career progression.³³

In the workplace, these stereotypes translate into what scholars have termed "stereotype threat"—the risk of confirming negative stereotypes about one's group, which can impair performance and undermine persistence.³⁴ Women in male-dominated fields must constantly navigate the burden of proving their competence, often facing the "prove it again" bias, where they are required to demonstrate their abilities repeatedly while male colleagues are assumed to be competent.³⁵

4.2 Institutional and Structural Impediments

Even when women overcome cultural barriers, they confront institutional structures that were designed by and for men and that systematically disadvantage women. In the political arena, Nigerian political parties operate as exclusionary institutions. Party nomination processes are controlled by powerful male elites who often exclude women from consideration.³⁶ The high cost of nomination forms, coupled with the need to build networks of support within male-dominated party structures, creates insurmountable barriers for many women candidates. The result is the abysmally low representation of women in elective office: following the 2023 elections, women held only 3 out of 109 Senate seats (2.7%) and 16 out of 360 House of Representatives seats (4.4%).³⁷

In the corporate sector, women confront what has been termed the "glass ceiling"—an invisible barrier that prevents them from ascending to the highest levels of organizational leadership.³⁸ Women are often concentrated in support functions such as human resources, communications, or legal departments, rather than in operational or revenue-generating roles that lead to executive leadership.³⁹ Even when women reach senior levels, they face the "glass cliff" phenomenon, where they are more likely to be appointed to leadership positions that are precarious or high-risk, setting them up for failure.⁴⁰

The professional sphere presents additional institutional barriers. In academia, women face disparities in research funding, publication rates, and advancement to professorial ranks.⁴¹ In engineering and technology, women report experiences of exclusion from informal networks,

³² United Nations Educational, Scientific and Cultural Organization (UNESCO), *Cracking the Code: Girls' and Women's Education in STEM* 28–35 (2019)

³³ *Ibid.*, at 40–45.

³⁴ Claude M. Steele, *Whistling Vivaldi: How Stereotypes Affect Us and What We Can Do* 1–15 (2010) (introducing the concept of stereotype threat).

³⁵ Joan C. Williams, *The Social Psychology of Stereotyping: Using Social Science to Litigate Gender Discrimination Cases and Defy the "Implicit Bias" Critique*, 23 *Emp. Rts. & Emp. Pol'y J.* 1, 15–20 (2019).

³⁶ International Republican Institute (IRI) & National Democratic Institute (NDI), *Nigeria 2023 Elections: Gender Analysis* 18–22 (2023).

³⁷ *Ibid.*, at 8.

³⁸ U.S. Glass Ceiling Commission, *Good for Business: Making Full Use of the Nation's Human Capital* 1–10 (1995)

³⁹ Olufunmilayo B. Obilade, *The Paradox of Gender Diversity in Nigerian Corporate Boards: Progress and Prospects*, 18 *Corp. Governance L. Rev.* 102, 110–15 (2022)

⁴⁰ Michelle K. Ryan & S. Alexander Haslam, *The Glass Cliff: Evidence that Women are Over-Represented in Precarious Leadership Positions*, 46 *Brit. J. Mgmt.* 81, 82–85 (2005).

⁴¹ Olubunmi A. Akinwumi, *Gender Disparities in Nigerian Academia: A Study of Recruitment, Promotion, and Retention*, 21 *Afr. J. Educ. Stud.* 55, 62–68 (2021).

mentorship gaps, and work environments that are hostile to their presence.⁴² These institutional barriers are not isolated incidents; they reflect systemic patterns of exclusion that require structural remedies.

4.3 Economic Impediments and Workplace Safety

Economic factors intersect with cultural and institutional barriers to compound women's exclusion. Male-dominated fields often require significant capital investment or extended periods of unpaid or underpaid apprenticeship.⁴³ Women, who have less access to credit, land, inheritance, and other economic resources due to discriminatory customary laws and practices, are thereby disadvantaged from the outset.⁴⁴ The gender gap in access to finance—estimated at 30% in Nigeria—means that women entrepreneurs cannot compete on equal footing in capital-intensive sectors.⁴⁵

The lack of affordable childcare and family-friendly workplace policies further entrenches women's disadvantage. Women continue to bear disproportionate responsibility for caregiving, and workplaces that do not accommodate these responsibilities force women to choose between career advancement and family obligations—a choice that men are rarely compelled to make.⁴⁶

Workplace safety is another critical concern. Male-dominated fields often have higher rates of sexual harassment, gender-based violence, and intimidation.⁴⁷ The political sphere is particularly notorious for the harassment and violence that women candidates and officeholders face.⁴⁸ In corporate and professional settings, women report experiences of unwanted sexual advances, demeaning comments, and retaliatory behavior when they report harassment.⁴⁹ The absence of robust institutional mechanisms to address these complaints forces many women to exit their fields prematurely, creating a revolving door of talent loss.

5. Human Rights Implications: Violations of Fundamental Rights

The systematic exclusion of women from male-dominated fields is not merely a matter of individual disadvantage or social inefficiency; it constitutes a violation of fundamental human rights. This section analyzes the human rights dimensions of this exclusion.

a) The Right to Work and Economic Opportunity

The right to work is recognized as a fundamental human right in the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights

⁴² Chidi O. Ugwu, *Women in Engineering in Nigeria: Barriers to Entry and Strategies for Inclusion*, 15 *Int'l J. Eng. Educ.* 112, 118–24 (2022).

⁴³ World Bank, *Women, Business and the Law 2023* 20–25 (2023).

⁴⁴ Obioma A. Eze, *Customary Law and Gender Discrimination in Nigeria: The Right to Inherit Property*, 40 *J. Afr. L.* 55, 60–68 (2022).

⁴⁵ International Finance Corporation (IFC), *MSME Finance Gap in Nigeria: Assessment of the Micro, Small, and Medium Enterprise Finance Sector*, 15–20 (2020).

⁴⁶ ILO, *Care Work and Care Jobs for the Future of Decent Work* 45–50 (2018).

⁴⁷ Human Rights Watch, *“They Do Not Own Us”: Women's Political Participation and the Struggle for Gender Equality in Nigeria* 25–30 (2020).

⁴⁸ Women in Politics Forum (WIPF), *Sexual Harassment and Intimidation of Female Politicians in Nigeria: A Shadow Report* 12–18 (2022).

⁴⁹ Okechukwu O. Okocha, *Sexual Harassment in the Nigerian Workplace: Prevalence, Impact, and Legal Responses*, 23 *J. Afr. L. & Soc.* 78, 85–92 (2021).

(ICESCR).⁵⁰ This right encompasses the opportunity to gain a living by work that is freely chosen or accepted, and the right to just and favorable conditions of work. The exclusion of women from male-dominated fields violates this right in multiple dimensions.

First, occupational segregation—the concentration of women in a narrow range of occupations—constitutes a restriction on women’s freedom of choice of employment.⁵¹ When women are systematically channeled away from certain fields and toward others, their autonomy and agency are compromised.

Second, occupational segregation directly contributes to the gender pay gap. Occupations that are female-dominated are systematically undervalued and undercompensated, while male-dominated fields command higher remuneration.⁵² By restricting women’s access to higher-paying sectors, systemic discrimination perpetuates economic inequality and contributes to the feminization of poverty.⁵³

Third, the exclusion of women from certain fields denies them the opportunity to develop their capabilities and realize their potential. As Martha Nussbaum has argued in her capabilities approach to human development, the denial of equal opportunity to pursue meaningful work constitutes an affront to human dignity and a failure of basic capabilities.⁵⁴

b) The Right to Participate in Public Life

Article 25 of the International Covenant on Civil and Political Rights (ICCPR) guarantees the right of every citizen to take part in the conduct of public affairs, to vote, and to be elected.⁵⁵ CEDAW Article 7 specifically reaffirms this right for women. The severe underrepresentation of women in political and decision-making positions is a *prima facie* violation of this right.

When women are excluded from political institutions, their perspectives, experiences, and needs are systematically marginalized in policymaking processes.⁴⁸ This has tangible consequences: issues such as maternal health, gender-based violence, childcare, and economic empowerment receive less attention and fewer resources when women are not present at decision-making tables.⁵⁶

The principle of participatory equality requires not merely formal access to political processes but substantive inclusion. As the Human Rights Committee has stated, “the right to participate in public affairs is not limited to the right to vote; it includes the right to take part in the conduct of public affairs, which includes the exercise of political power.”⁵⁷ The exclusion of women from political leadership is therefore a violation of their right to participate in the exercise of political power.

⁵⁰ Universal Declaration of Human Rights, art. 23, G.A. Res. 217 (III) A, U.N. Doc. A/RES/217(III) (Dec. 10, 1948); International Covenant on Economic, Social and Cultural Rights, art. 6, adopted Dec. 16, 1966, 993 U.N.T.S. 3 (entered into force Jan. 3, 1976).

⁵¹ ILO, Global Wage Report 2020–21: Wages and Minimum Wages in the Time of COVID-19 35–40 (2020).

⁵² *Ibid.*, 42–48.

⁵³ Diane Elson, The Feminization of Poverty: A Global Phenomenon, in *Women and Poverty* 15–25 (Barbara B. Bergmann & Mary K. King eds., 2015).

⁵⁴ Martha Nussbaum, *Women and Human Development: The Capabilities Approach* 57–60 (2000).

⁵⁵ International Covenant on Civil and Political Rights, art. 25, adopted Dec. 16, 1966, 999 U.N.T.S. 171 (entered into force Mar. 23, 1976).

⁵⁶ Human Rights Watch, “They Do Not Own Us”: Women’s Political Participation and the Struggle for Gender Equality in Nigeria 25–30 (2020)

⁵⁷ Human Rights Comm., General Comment No. 25: The Right to Participate in Public Affairs, Voting Rights and the Right of Equal Access to Public Service (Article 25), ¶ 1, U.N. Doc. CCPR/C/21/Rev.1/Add.7 (Aug. 27, 1996).

c) The Right to Dignity and Freedom from Discrimination

The Universal Declaration of Human Rights affirms that “all human beings are born free and equal in dignity and rights.”⁵⁸ The denial of equal opportunity in male-dominated fields fundamentally affronts this principle of equal dignity.

The systemic exposure of women to sexual harassment, stereotyping, and exclusion constitutes degrading treatment that impairs their dignity.⁵⁹ The International Labour Organization’s Violence and Harassment Convention, 2019 (No. 190) recognizes that violence and harassment in the world of work, including gender-based violence and harassment, constitute a violation of human rights.⁶⁰

Furthermore, the cumulative effect of the barriers described in this article constitutes systemic discrimination. The Human Rights Committee has defined systemic discrimination as discrimination that is “embedded in the structures of society and perpetuated through institutional practices”.⁶¹ Systemic discrimination requires systemic remedies; formal legal equality is insufficient to address the structural roots of inequality.

d) The Right to Education and Training

The right to education, guaranteed in Article 13 of ICESCR and Article 10 of CEDAW, encompasses the right to vocational training and technical education.⁶² When girls are discouraged from pursuing STEM education or technical training, their right to education is compromised. The gendered streaming of students into different educational paths—boys into technical fields, girls into humanities—constitutes a form of discrimination that has lifelong consequences for women’s employment opportunities.⁶³

6. Toward a Transformative Rights-Based Framework

Addressing the systemic exclusion of women from male-dominated fields requires a transformative, rights-based approach that goes beyond piecemeal reforms. This section proposes a comprehensive framework for change.

a) Legal Reform: Closing the Gap between Promise and Reality

The most immediate reform required is the domestication of CEDAW and the Maputo Protocol. The National Assembly must enact comprehensive gender equality legislation that consolidates Nigeria’s international obligations into binding domestic law.⁶⁴ Such legislation should include:

1. Prohibition of discrimination in employment across all sectors, public and private, with a broad definition of discrimination that encompasses both direct and indirect discrimination, harassment, and retaliation.

⁵⁸ Anne Phillips, *The Politics of Presence* 1–15 (1995).

⁵⁹ See Catharine A. MacKinnon, *Sex Equality* 150–70 (3d ed. 2016) (analyzing sexual harassment as a form of sex discrimination that violates human dignity).

⁶⁰ ILO, *Violence and Harassment Convention, 2019 (No. 190)*, art. 2.

⁶¹ Human Rights Comm., *General Comment No. 28: Equality of Rights Between Men and Women (Article 3)*, ¶ 3, U.N. Doc. CCPR/C/21/Rev.1/Add.10 (Mar. 29, 2000).

⁶² ICESCR, art. 13; CEDAW, art. 10.

⁶³ UNESCO, at 28–35

⁶⁴ Abiola Akiyode-Afolabi & Oluwafunke Adeoye, *The Case for a Comprehensive Gender Equality Act in Nigeria*, 7 *Afr. Hum. Rts. L.J.* 201, 210–15 (2020).

2. Equal pay for work of equal value provisions that mandate transparency in compensation and create mechanisms for enforcement.
3. Affirmative action measures, including quotas for political representation and corporate board membership, designed to accelerate progress toward substantive equality.
4. Comprehensive workplace protections against sexual harassment, including clear definitions, reporting mechanisms, and remedies.
5. Family-friendly workplace policies, including paid parental leave, flexible work arrangements, and affordable childcare provisions.

The Violence Against Persons (Prohibition) Act should be adopted by all states and strengthened to address workplace harassment specifically. The National Gender Policy's 35% affirmative action target should be made mandatory, with sanctions for non-compliance.⁶⁵

b) Judicial Activism and Transformative Adjudication

Pending legislative action, Nigerian courts must embrace a more robust approach to constitutional interpretation. The principle of "transformative constitutionalism," developed in South Africa and other jurisdictions, provides a model for courts to interpret constitutional rights in light of international law, with the aim of remedying historical patterns of exclusion.⁶⁶

Nigerian courts could hold that Section 42's prohibition on sex discrimination imposes positive obligations on the state to dismantle structural barriers to equality, not merely to refrain from discriminatory action.⁶⁷ Courts could also interpret constitutional rights in conformity with international human rights instruments that Nigeria has ratified, even if those instruments have not been domesticated, drawing on the principle that international law is a legitimate interpretive aid.⁶⁸

The National Industrial Court, which has exclusive jurisdiction over labor and employment matters, should adopt progressive jurisprudence that gives effect to the constitutional guarantee of equality. The Court should be proactive in enforcing anti-discrimination provisions and awarding substantial damages against employers who perpetuate discriminatory practices.⁶⁹ In *Ann Nwanguma v Artee Industries Ltd and ors*,⁷⁰ Ann was employed as a research and development officer with Artee Industries Ltd. Her contract stipulated a probation period of six months, during which she was made a supervisor. However, management kept her on probation for approximately 18 months, far beyond any contractual maximum, without confirming her appointment. She alleged wrongful termination and workplace negligence after sustaining injuries on the job. The NICN held that the probationary periods agreed in the employment contracts are fixed and non-extendable. Further held that arbitrary or unilateral extensions of

⁶⁵ National Gender Policy (2021–2026), 15.

⁶⁶ See Karl Klare, Legal Culture and Transformative Constitutionalism, 14 S. Afr. J. on Hum. Rts. 146, 150–55 (1998).

⁶⁷ Kate O'Regan, The Role of the Constitutional Court in a Democratic South Africa, 14 Stellenbosch L. Rev. 1, 8–12 (2003) (discussing the South African Constitutional Court's approach to interpreting equality provisions as imposing positive obligations).

⁶⁸ *Ogugu v. State* (1994) 9 NWLR (Pt. 366) 1 (S.C.) (holding that international law may be used as an interpretive aid in construing constitutional provisions).

⁶⁹ National Industrial Court Act, 2006, s 19(c) (empowering the Court to grant "any remedy or relief as the Court may deem fit").

⁷⁰ <https://nicnadr.gov.ng/> accessed October 12, 2024.

probation without valid justification constitute an unfair labour practice under Nigerian labour law.

c) Institutional Accountability and Corporate Governance

Institutional reform is essential to dismantle the structural barriers that perpetuate exclusion. The Independent National Electoral Commission (INEC) should be empowered to enforce gender quotas for political parties, withholding registration or public funding from parties that fail to field a minimum number of female candidates.⁷¹ Political parties themselves must reform their internal governance structures to ensure women's representation in leadership positions and to adopt transparent, inclusive nomination processes.

In the private sector, corporate governance codes must mandate gender diversity on boards. The Nigerian Exchange and the Securities and Exchange Commission should strengthen their requirements, moving from a "comply or explain" framework to mandatory quotas for publicly listed companies.⁷² Companies should be required to publish gender-disaggregated data on workforce composition, pay equity, and promotion rates, creating transparency that enables accountability.

d) Cultural Transformation and Social Accountability

Legal and institutional reforms alone are insufficient without a corresponding shift in cultural norms. This requires sustained investment in:

1. Public education and awareness campaigns that challenge patriarchal stereotypes and promote the value of women's leadership and participation in all fields.
2. Educational reforms that encourage girls to pursue STEM fields and leadership roles, including curriculum revision, teacher training, and mentorship programs.
3. Media engagement to challenge gender stereotypes in media representation and promote positive portrayals of women in male-dominated fields.

Civil society organizations and women's rights advocates must embrace robust forms of social accountability. Gender-responsive budgeting, public hearings on the implementation of gender equality laws, and shadow reports to CEDAW can create mechanisms of public pressure that hold government and private-sector actors accountable.⁷³

e) Intersectionality: Addressing Multiple and Compound Forms of Discrimination

A transformative approach must attend to intersectionality—the recognition that women experience discrimination in multiple and compound forms based on the intersection of gender with other identities such as ethnicity, religion, class, disability, and geographic location.⁷⁴ Rural women, women with disabilities, women from minority ethnic groups, and women living in

⁷¹ International Republican Institute (IRI) & National Democratic Institute (NDI), *Nigeria 2023 Elections: Gender Analysis* 18–22 (2023).

⁷² Securities and Exchange Commission (SEC), *Nigerian Code of Corporate Governance* 2018, ¶ 8.3.

⁷³ UN Women, *Gender Responsive Budgeting: A Tool for Advancing Women's Rights in Nigeria* 10–14 (2019).

⁷⁴ Kimberlé Crenshaw, *Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine*, 1989 U. Chi. Legal F. 139, 139–67 (introducing the concept of intersectionality).

poverty face heightened barriers to entry and advancement in male-dominated fields.⁷⁵ Interventions must be designed to address these intersecting forms of disadvantage.

7. Conclusion

The exclusion of women from male-dominated fields is not an inevitable cultural artifact; it is a violation of fundamental human rights that exacts a heavy toll on women, families, communities, and the nation as a whole. While Nigeria has a sophisticated legal framework on paper, it lacks the political will, institutional capacity, and cultural commitment to translate these guarantees into lived reality.

Achieving genuine equality requires a paradigm shift from formal equality—which assumes that removing discriminatory laws is sufficient—to substantive or transformative equality.⁷⁶ Transformative equality recognizes that addressing systemic discrimination requires affirmative interventions to dismantle structural barriers: mandatory quotas, robust anti-discrimination enforcement, judicial activism, institutional accountability, and sustained cultural change.

The full inclusion of women in male-dominated fields is not merely a matter of social justice; it is a fundamental human rights imperative. When women are excluded from politics, governance, corporate leadership, and professional fields, they are denied their rights to work, to participate in public life, and to dignity. When women are excluded, society is deprived of its talents, perspectives, and contributions. The Nigerian promise of equality before the law inscribed in Section 42 of the Constitution remains unfulfilled until women can participate fully and equally in all spheres of life, free from discrimination, harassment, and exclusion.

The challenge before us is to transform that promise into reality. It is a challenge that requires courage, persistence, and an unwavering commitment to the principle that women's rights are human rights, and human rights are the rights of all.

⁷⁵ NBS & UNDP, at 22–28 (documenting intersecting disparities faced by rural women, women with disabilities, and women from minority groups).

⁷⁶ Sandra Fredman, *Substantive Equality Revisited*, 14 *Int'l J. Const. L.* 712, 713–18 (2016) (outlining the four dimensions of substantive equality: redressing disadvantage, combating stereotyping, facilitating participation, and accommodating difference).