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Between Parchment and Practice: A Critical Assessment of Constitutionally Guaranteed Rights for Women in Nigeria

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Abstract

The global struggle for women's equality is a narrative woven through centuries of advocacy, resistance, and incremental legal change. In Nigeria, this struggle is framed by a complex tapestry of constitutional promises, entrenched patriarchal norms, and a persistent chasm between law and lived reality. This paper presents a comprehensive assessment of the constitutional and legal rights guaranteed to women in Nigeria, interrogating why, despite a proliferation of progressive laws and international commitments, the status of women remains markedly unequal. Through a doctrinal and teleological research methodology, the analysis moves beyond a mere cataloguing of statutes to explore the dynamic interplay between law and society. It argues that the enduring subordination of women is not solely a legal failure but a socio-cultural phenomenon, where customs, societal expectations, and ingrained patriarchal attitudes effectively neutralize legislative advancements. The paper systematically examines historical contexts, from ancient civilizations to pre-colonial Nigeria, before dissecting the contemporary legal framework, including the 1999 Constitution, the African Charter, and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). It critically highlights areas of persistent statutory discrimination in revenue, labour, residency, and criminal laws. Ultimately, the paper concludes that achieving substantive equality requires a transformative approach that synergizes rigorous legal enforcement, strategic litigation, comprehensive civic education, and sustained cultural advocacy to dismantle the extra-legal bulwarks that perpetuate gender injustice.

Keywords: Women's Rights, gender equality, CEDAW, Patriarchy, Discrimination, Feminist Jurisprudence

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1. Introduction

In 1776, as the American colonies teetered on the brink of revolution, Abigail Adams penned a now-famous plea to her husband, John, who was helping to draft the new nation's laws: "I desire

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you would Remember the Ladies, and be more generous and favourable to them than your ancestors... If particular care and attention is not paid to the Ladies we are determined to foment a Rebellion, and will not hold ourselves bound by any Laws in which we have no Voice, or Representation”.¹ Her prescient words, a blend of urgency and warning, echo across oceans and centuries, finding a haunting resonance in contemporary Nigeria.

The status of women worldwide, Nigeria included, has perennially been a subject of grave concern, oscillating between phases of sympathetic discourse and periods of aggressive feminist activism.² Since the return to constitutional rule in 1999, successive Nigerian governments have enacted laws and formulated policies aimed at redressing deep-seated injustices rooted in a patriarchal social order.³ The nation’s supreme law, its constitution, alongside ratified international instruments, paints a picture of a society committed to non-discrimination and equality. Yet, for millions of Nigerian women—the farmer in Benue, the entrepreneur in Lagos, the student in Kano—this legal parchment often feels like a distant fiction, irrelevant to the daily realities of systemic exclusion, cultural oppression, and institutionalized bias.⁴

This paper posits that the Nigerian woman exists in a dual reality: one of constitutional personhood and another of customary subjugation. The core inquiry, therefore, is not merely *what* rights are guaranteed, but *why* these guarantees have failed to translate into substantive equality. Law does not operate in a vacuum; it is a living instrument whose efficacy is mediated by the society it seeks to regulate. As legal theorist Robert Cover famously noted, “No set of legal institutions or prescriptions exists apart from the narratives that locate it and give it meaning”.⁵ In Nigeria, the narrative of male dominance, woven into the fabric of culture, religion, and tradition, often overwhelms the narrative of rights and equality inscribed in law.⁶

This paper adopts a critical, interdisciplinary lens. It begins by tracing the historical contours of women’s status, establishing that the current challenges are part of a long continuum. It then meticulously appraises the extant legal framework, celebrating its progressive potentials while exposing its crippling limitations and internal contradictions. Crucially, the analysis dedicates significant focus to the “limits of law”—the powerful extra-legal forces of custom, social expectation, and economic dependency that frustrate legal reform. By humanizing this analysis with contemporary examples and case studies, this paper ultimately seeks to contribute to a more

¹ Abigail Adams, “Abigail Adams to John Adams, March 31, 1776,” letter, in Adams Family Correspondence, eds. L.H. Butterfield et al. (Cambridge, Mass.: Belknap Press of Harvard University Press, 1963), vol 1: 369-371; from Massachusetts Historical Society, Adams Family Papers: An Electronic Archive, <http://www.masshist.org/digitaladams/>.

² M.O. Imasogie, ‘Gender Sensitivity and Discrimination against Women under Statute and Common Law in Nigeria’, (2010) 2(5) *OIDA International Journal of Sustainable Development*, 11-18.

³ See generally, the Child Rights Act 2003; Trafficking in Persons (prohibition), Enforcement and Administration Act, 2015 (Act No. 4 of 2015); Prohibition against Domestic Violence Law No 15, 2007 (Lagos state); Violence Against persons (prohibition) Act, 2015; Labour Act (Cap L1 LFN 2004); Universal Basic Education (UBE) Act 2004; National Gender policy 2006. See P.O. Adeleye, ‘Existing Policies, Laws, Programs and Services that Impact Girls and Women in Nigeria’, African Centre for Citizens Orientation, Abuja, Nigeria, available at: <https://africacore.org/existing-policies-laws-programs-and-services-that-impact-girls-and-women-in-nigeria.pdf>

⁴ S. Ifemeje, & Ikpeze Ogugua, ‘Global Trend Towards Gender Equality: Nigeria’s Experience in Focus’, (2012) 2(3) *Kuwait Chapter of Arabian Journal of Business and Management Review*, 51, 56, 58.

⁵ Robert M. Cover, ‘The Supreme Court, 1982 Term – Foreword: Nomos and Narrative’, (1983) 97 *Harvard Law Review*, 4. See also S.J. Levine, ‘Halacha and Aggada: Translating Robert Cover’s Nomos and Narrative’, (1998) *Utah L. Rev.* 465.

⁶ T. Nwano & L. Akhirome-Omonfuegbe, ‘Recognising patriarchy at the core of gender discrimination in Nigeria’, (2024) 4(1) *International Journal of Law, Justice and Jurisprudence*, 108-115.

nuanced, effective strategy for women's emancipation in Nigeria, one that recognizes that changing the law is only the first step in the much harder task of changing the world it governs.

2. Historical Antecedents of Power and Subjugation

To understand the present, one must confront the past. The global history of women's status is not a linear progression from oppression to liberation but a variegated landscape where cultures have constructed vastly different realities of gender.

2.1 Glimmers of Autonomy in the Ancient World

Contrary to monolithic assumptions of historical female subjugation, some ancient civilizations accorded women significant rights. The Code of Hammurabi in Babylon (c. 1754 BC) granted married women considerable financial autonomy.⁷ The bride price was her property, divorce was permissible on grounds of cruelty or neglect, and women could engage in trade independently. In Ancient Egypt, women's status was remarkably high; they could own, manage, and dispose of property, initiate divorce, and serve in public roles.⁸ The reigns of powerful pharaohs like Hatshepsut and Cleopatra VII stand as testament to the possibility of female sovereign power in the ancient world.

2.2 The Athenian Model and the Roman Doctrine of *Patria Potestas*

In classical Athens, however, the ideal of the citizen was intrinsically male. Women, particularly wives (*gunaiikes*), were relegated to the *oikos* (household), excluded from public life, denied formal education, and considered perpetual minors under the guardianship (*kyrieia*) of a male relative—father, husband, or son.⁹ This seclusion was rationalized by a philosophy that viewed women as intellectually and morally inferior. Ancient Rome institutionalized this control through the doctrine of *Patria Potestas* (the father's power), a legal principle that placed all members of a household, including wives *in manu*, under the absolute authority of the *paterfamilias*. While Roman women of certain classes later gained more property rights under the *ius trium liberorum*, the foundational legal premise was one of male dominion.¹⁰

2.3 The Hebraic Tradition and the Foundations of Patriarchy

The ancient Israelite tradition, deeply influential for subsequent Abrahamic faiths, firmly established a patriarchal social order. Women were categorically grouped with children and slaves in legal and social formulations.¹¹ The daily prayer of a devout Jewish man included thanks to God for not making him “a Gentile, a slave, or a woman”. Women were excluded from religious scholarship and liturgical leadership, their testimonies were valued less in court, and their primary (often sole) destiny was marriage, frequently arranged during childhood. The widow became the

⁷ Law Code of Hammurabi (1772 B.C): The Oldest Code of Laws in the World, Bloomsbury Publishing <https://media.bloomsbury.com/rep/files/Primary%20Source%201.2%20-%20Hammurabi.pdf>. See also S. Beny, O. Bene & D.A. Putra, ‘Analyzing the Code of Hammurabi: Exploring Ancient Legal Principles and Their Relevance in Modern Law’, (2024) 4(1) *NEGRI Academic Journal of Law and Governance*, 1.

⁸ L. Dickerman, ‘The Condition of Woman in Ancient Egypt’, (1894) 26(1) *Journal of the American Geographical Society of New York*, 494-527; Xinbo He, ‘To Debate the Status of Women in Ancient Egypt—Investigation Based on Litigation’, (2024) 3(5) *Science of Law Journal*, 75.

⁹ J.E. Grubbs, *Women and the Law in the Roman Empire: A Sourcebook on Marriage, Divorce and Widowhood*, (London: Routledge, Taylor & Francis Group, 2002), 16, 20, 23.

¹⁰ C.E. Schultz, A.M. Ward, F.M. Heichelheim, and C. A. Yeo. ‘Early Roman Society, Religion, and Values’, In *A History of the Roman People*, (7th edition. New York: Routledge, 2019).

¹¹ Beth Alpert Nakhai, ‘Women in Israelite Religion: The State of Research Is All New Research’, (2019) 10(2) *Religions*, 122.

archetypal symbol of vulnerability and poverty, as inheritance laws largely bypassed daughters and wives.¹²

2.4 The Nigerian Pre-Colonial Context: A Nuanced Reality

The narrative of universal female subjugation is complicated by the pre-colonial Nigerian experience, which was diverse and nuanced across hundreds of ethnic groups. While patriarchal structures were pervasive, many societies featured robust mechanisms for female agency. Among the Yoruba, women like the *Iyalode* held powerful political and economic offices, overseeing markets and serving as chief advisors to the *Oba*.¹³ In Igboland, the concept of “*Umuada*” (daughters of the lineage) conferred upon married women significant collective authority in their natal communities, particularly in matters pertaining to women, marriage, and morality.¹⁴ The famous Aba Women’s War (Ogu Umunwanyi) of 1929 was a testament to the traditional power of collective female political action.¹⁵

However, this agency often existed within a patriarchal framework. In many communities, akin to the Roman *Patria Potestas*, fathers and husbands held sweeping authority. Practices like widow inheritance (levirate), female genital mutilation (FGM), and discriminatory property and inheritance customs were entrenched. The value system, as captured in some proverbs, could be brutally dismissive: “A woman is a flower in a garden; her husband is the fence around it” (Igbo), or the Fulfulde etymological link of ‘*rewbe*’ (woman) to ‘*rewgo*’ (to follow).¹⁶ The arrival of colonialism did not dismantle these structures; instead, it often codified and reinforced the most patriarchal interpretations of customary law to facilitate indirect rule, while introducing Victorian-era gender norms that further restricted women’s public roles.¹⁷

3. The Contemporary Legal Framework: Promises on Parchment

Nigeria’s current legal edifice for women’s rights is built on a tripod: the domestic constitution, regional human rights instruments, and international treaties.

3.1 The 1999 Constitution of the Federal Republic of Nigeria (as amended)

The Constitution is the *grundnorm*, the foundational law from which all other laws derive validity.¹⁸ Its provisions relevant to women are a mixture of aspirational directives and justiciable guarantees.

- a) Chapter II (Fundamental Objectives and Directive Principles of State Policy): Sections 15(2) prohibits discrimination on grounds of sex, and Section 17(2)(a) enshrines equality of rights, obligations, and opportunities before the law. However, by virtue of Section

¹² C. Torok, Role of women in a patriarchal system of ancient Israel (Unpublished Masters of Theology Dissertation, Western Cook Theological Seminary, 2014), available at: <https://repository.westernsem.edu/xmlui/items/9625675f-ddf8-4f61-a9ec-bc461e9f06f6/request-a-copy?bitstream=ccd498ec-88f0-45d1-86a2-7d1a32b2bc6b>.

¹³ O.G. Kehinde & O.N. Olusegun, ‘Binary Complementarities of Pre-Colonial Yoruba Men and Women: Masculinity not an Intimidation’, (2024) 12(9) *Global Scientific Journal*, 378.

¹⁴ M.W. Eche, ‘The Value of Womanhood in Pre-Colonial Igbo-African Society’, (2024) 22(6) *AMAMIHE: Journal of Applied Philosophy*, 1.

¹⁵ Y.H. Evelyn & Y.A. Adedayo, ‘Entrenched Patriarchy, Women Social Movement and Women Participation in Politics’, (2014) 4(7) *American International Journal of Contemporary Research*, 149, 151.

¹⁶ G.A. Makama, ‘Patriarchy and Gender Inequality in Nigeria: The Way Forward’, (2013) 9(17) *European Scientific Journal*, 115.

¹⁷ Y.A. Aluko, ‘Change in Status of Women in Nigeria: A Dialectical Framework for Understanding’, (2016) 6(2) *Sokoto Journal of the Social Sciences*, 217; E.O. Jaiyeola & A. Isaac, ‘Patriarchy and Colonization: The “Brooder House” for Gender Inequality in Nigeria’ (2020) 10 *Journal of Research on Women and Gender*, 3-22.

¹⁸ K.C. Ezeugwu, ‘The Grundnorm and the Constitution: Is There A Nigerian Concept of the Grundnorm?’, (2023) 4(1) *ESUT Public Law Journal*, 200.

6(6)(c), these provisions are not directly enforceable in court, rendering them largely symbolic—a “political manifesto” rather than a legal tool.¹⁹ This non-justiciability represents a critical weakness, placing socio-economic rights at the mercy of political will.

- b) Chapter IV (Fundamental Rights): This contains the core of justiciable rights. Section 42 is the cornerstone, guaranteeing every citizen freedom from discrimination based on “sex, religion, status, ethnic or linguistic association or ties”. It has been successfully invoked in landmark cases to challenge discriminatory practices. Furthermore, rights to dignity of the person (s.34), personal liberty (s.35), fair hearing (s.36), and private and family life (s.37) are essential for protecting women from violence, arbitrary arrest, and harmful practices.²⁰

3.2 The African Charter on Human and Peoples’ Rights

Incorporated into Nigerian law via the African Charter on Human and Peoples’ Rights (Ratification and Enforcement) Act, Cap. A9, LFN 2004, the Charter is of equal status with other domestic legislation.²¹ It provides a robust regional framework for the protection and equality of women:

- a) Article 2 prohibits discrimination of any kind.
- b) Article 3 guarantees equality before the law and equal protection.
- c) Article 18(3) imposes a specific duty on the state to “ensure the elimination of every discrimination against women and also ensure the protection of the rights of the woman and the child as stipulated in international declarations and conventions”. The African Charter’s protocol on the Rights of Women in Africa (Maputo Protocol), ratified by Nigeria in 2004, goes even further, explicitly condemning harmful practices like FGM and setting expansive standards for reproductive rights, political participation, and economic empowerment.²² Its full domestication and implementation remain a critical frontier for advocacy.²³

3.3 The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

As the international bill of rights for women, CEDAW was ratified by Nigeria in 1985.²⁴ Its comprehensive Article 1 defines discrimination against women as:

¹⁹ See I. Ogunniran, ‘Gender Issues and the Nigerian Constitution: A Ray of Light, Or Twilight on the Horizon?’, (2015) 3(1) *Gender Questions*, 114-132.

²⁰ Tomi Grace OBAGBOYE, ‘Protecting Women’s Rights in Nigeria in the 21st Century: Challenges and Prospects’, (2020) 4(1) *African Journal of Law & Human Rights*, 112; A.J. Akubo & Z. Momoh, ‘An Assessment of Affirmative Action on Women Empowerment as Enshrined in the 1999 Constitution of the Federal Republic of Nigeria’, (2019) 3(2) *Dutse International Journal of Social and Economic Research*, 166-179.

²¹ C.P. Iloka & J.A. Eze, ‘The Implication of African Charter on Human and Peoples Rights (ACHPR), vis-a-vis the 1999 Constitution of the Federal Republic of Nigeria on the Rights of Women’, (2023) 11(2) *International Journal of Innovative Legal & Political Studies*, 23-35

²² Center for Reproductive Rights, ‘The Protocol on the Rights of Women in Africa: An Instrument for Advancing Reproductive and Sexual Rights’, Briefing Paper, 2020, available at: https://reproductiverights.org/wp-content/uploads/2020/12/pub_bp_africa.pdf; I.O. Ifeakandu, ‘Women’s rights under international human rights instruments’, (2021) 7(1) *International Journal of Law*, 30-39.

²³ Bukky Shonibare, ‘MAPUTO PROTOCOL: Promise versus Reality’, 2022, available at: <https://invictusafrica.org/wp-content/uploads/2022/08/Maputo-Protocol-Promise-versus-Reality.pdf>.

²⁴ CIRDDOC Nigeria, *Identifying Nigeria’s Commitment to the Convention on the Elimination of all forms of Discrimination against Women CEDAW*, (Fourth Dimension Publishing Co., Ltd, Enugu, 2016), 3.

any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their 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 other field.

CEDAW covers all spheres of life, from public participation (Arts. 7, 8) to education (Art. 10), employment (Art. 11), health (Art. 12), and rural life (Art. 14). However, Nigeria entered significant reservations to Articles 16 (on equality in marriage and family relations, citing conflict with Sharia and customary law) and 29 (on dispute settlement), severely undermining the convention's transformative potential. Moreover, without full domestication under Section 12 of the Constitution, CEDAW cannot be directly enforced in Nigerian courts, limiting its utility to interpretive guidance and moral suasion.²⁵

4. The Persistent Shadow: Areas of Statutory and Customary Discrimination

Despite the constitutional promise of equality, several areas of Nigerian law explicitly or implicitly discriminate against women, creating a legal landscape of contradictory signals.

4.1 Citizenship and Residency: The Non-Transferable Right

Section 26(2) of the 1999 Constitution states that only “a woman who is or has been married to a citizen of Nigeria” may be registered as a citizen. There is no corresponding provision for foreign men married to Nigerian women. This creates a glaring inequality: a Nigerian man automatically confers residency and a path to citizenship on his foreign wife, while a Nigerian woman cannot do the same for her foreign husband. This not only violates the principle of non-discrimination but also treats women as legal appendages of men rather than independent citizens.²⁶

4.2 Labour and Employment: The Glass Ceiling in Law

While the Constitution forbids discrimination, the public sector often circumvents this. Preferential treatment is permitted in appointments to the armed forces, police, and other security agencies, which are historically male-dominated. Furthermore, while not always codified, pervasive workplace practices disadvantage women: the absence of robust national legislation on sexual harassment, the lack of mandatory maternity leave provisions in the private sector beyond the limited Labour Act, and societal pressures that sideline married women or mothers from career advancement opportunities.²⁷

4.3 Taxation: Reinforcing the Dependent Spouse

The Personal Income Tax Act often structures tax reliefs and allowances around a male-headed household model. The system can penalise dual-income couples or fail to recognise the

²⁵ M.O. Okome, ‘Domestic, Regional, and International Protection of Nigerian Women against Discrimination: Constraints and Possibilities’, (2002) 6(3) *African Studies Quarterly*, 33; A.N. Ijeoma, ‘The Convention on the Elimination of All Forms of Discrimination Against Women and the Status of Implementation on the Right to Health Care in Nigeria’, (2006) 13(3) *Human Rights Brief*, 34-39.

²⁶ G. Eyongndi et al, ‘Discriminatory Citizenship by Registration Practice under the Constitution of Federal Republic of Nigeria, 1999 and Its Implication on Gender Equality’, (2024) 18(2) *AGORA International Journal of Juridical Sciences*, 56-68.

²⁷ Abigail Osiki, ‘The impact of socio-legal inequality on women in the Nigerian domestic work sector’, (2022) 26 *Law, Democracy & Development*, 48.

independent financial agency of married women, implicitly treating the family's income as primarily the husband's. This fiscal policy reinforces the economic dependency of women.²⁸

4.4 Criminal Law: Asymmetric Protection and Blame

The criminal codes contain stark examples of gender bias:

- a) Sexual violence: The definition of rape in Section 357 of the Criminal Code (applicable in the South) and Section 282 of the Penal Code (North) is archaic and phallocentric, defining it as unlawful carnal knowledge of a woman or girl. This excludes male victims and female perpetrators from its scope, and the burden of proof often places an inhuman onus on the survivor. The penalty for indecent assault against a man (s. 353) is a felony, while for a woman (s. 360) it is a misdemeanor, bizarrely suggesting a lesser seriousness when the victim is female.²⁹
- b) Domestic violence: Until the recent passage of the Violence Against Persons (Prohibition) Act 2015 (applicable only in the FCT and states that adopt it) and various state-level laws, Nigeria lacked specific, comprehensive legislation on domestic violence. Victims were forced to rely on generic provisions for assault, which are ill-suited to the complex, intimate, and repetitive nature of domestic abuse.³⁰

4.5 Inheritance and Property Rights: The Customary Quagmire

Inheritance and property rights remains one of the most contentious arenas for women rights in Nigeria. Under discriminatory customary law practices still applied in many jurisdictions, women are often disinherited.³¹ A widow may be considered part of the estate to be "inherited" by a male relative. Daughters are frequently excluded from inheriting landed property, which is reserved for male children.³² While statutory law (e.g., the Matrimonial Causes Act) provides for equitable distribution, and courts have increasingly voided repugnant customs (as in *Ukeje v. Ukeje*³³ where the Supreme Court held that Igbo custom denying females inheritance was unconstitutional), enforcement at the community level remains weak.³⁴ The persistence of parallel legal systems allows discriminatory customs to flourish.

²⁸ K.E. Oladele, 'Gender and Taxation in Nigeria: A Critical Analysis of Implicit Biases in Tax Policy and Tax Administration' (January 22, 2026). Available at SSRN: <https://ssrn.com/abstract=6116447> or <http://dx.doi.org/10.2139/ssrn.6116447>.

²⁹ E.O. Ekhaton, 'Women and the Law in Nigeria: A Reappraisal', (2015) 16(2) *Journal of International Women Studies*, 285.

³⁰ O. Nwankwo, 'Effectiveness of Legislation Enacted to Address Violence against Women in Nigeria', United Nations Office on Drugs and Crime, U.N. Division for the Advancement of Women, Expert Group Meeting on good practices in legislation on violence against women, EGM/GPLVAW/2008/EP.08 19 May 2008 (updated 30 May 2008), available at: https://www.un.org/womenwatch/daw/egm/vaw/legislation_2008/expertpapers/EGMGPLVAW%20Paper%20Oby%20Nwankwo.pdf.

³¹ O.G. Odemi, K.A. Jusudovire & P.I. Gasiokwu, 'Female inheritance right under customary law in Nigeria: An affront to justice', (2024) 10(6) *International Journal of Law*, 53-59.

³² S. Nwatu, M. Anozie & I. Chime, 'Change in Tide in the Discriminatory Customary Inheritance Rights of Women in South East Nigeria: A Charade?', (2018) 6(4) *International Journal of Innovative Legal & Political Studies*, 38-51

³³ (2014) 11 NWLR (Pt.1418) 384 SC.

³⁴ Nwatu, Anozie & Chime (n 32) 49-50.

5. Beyond the Law: The Tyranny of Culture and the Limits of Legal Reform

This is the heart of the dilemma. Law can proclaim equality, but it cannot instantly erase millennia of socialization. The most formidable barriers to women's rights in Nigeria are extra-legal.

5.1 The Power of Patriarchy as a Social System

Patriarchy is more than individual male dominance; it is a systemic structure where power is disproportionately held by men, shaping institutions, ideologies, and daily interactions.³⁵ It manifests in:

- a) Socialization: From childhood, gendered expectations are enforced—boys are encouraged to be assertive, girls to be docile; toys, chores, and aspirations are divided along strict lines.³⁶
- b) Religion and Tradition: Religious texts and traditional lore are often interpreted (or selectively emphasized) to justify female subordination, control over women's bodies, and their confinement to domestic roles.
- c) The Burden of Culture: Practices like FGM, forced marriage, son preference, “witchcraft” branding of widows, and exploitative widowhood rites persist because they are defended as “our culture.” Challenging them is framed as betraying one's identity.³⁷

5.2 The Internalization of Oppression and the “Queen Bee” Syndrome

Perhaps the most insidious effect of patriarchy is the internalization of its values by women themselves. Societal pressure can lead mothers to prioritize sons' education over daughters', to perpetuate harmful practices like FGM believing it ensures marriageability, or to police other women's adherence to restrictive norms.³⁸ This is not a pathology but a survival strategy within a constrained system, yet it profoundly undermines collective advancement.

5.3 Economic Dependency and the Fear of Agency

Lack of access to credit, land, and equal employment traps many women in economic dependence on male relatives or spouses. This dependency makes it exceedingly difficult to challenge abuse, leave a violent marriage, or assert rights, for fear of destitution and social ostracization.³⁹ The law may grant a right to divorce, but without economic means, it is a right that cannot be exercised.

³⁵ Nwano & Akhirome-Omonfuegbe (n 6) 108.

³⁶ M.A. Jolasinmi & F.O. Akaakar, 'The Incompatibility of Customary Law and Women's Right. A Reality or an Overlooked Legacy: New Thoughts on an Old Debate', (2025) 8(1) *African Journal of Law, Ethics and Education*, 107.

³⁷ G.A. Makama, 'Patriarchy and Gender Inequality in Nigeria: The Way Forward', (2013) 9(17) *European Scientific Journal*, 115, 121.

³⁸ Nkechi S. Owoo, 'Internalization of Patriarchal Attitudes and Women's Labor Market Outcomes and Asset Ownership in Nigeria', Paper prepared for the IARIW-TNBS Conference on “Measuring Income, Wealth and Wellbeing in Africa”, Arusha, Tanzania November 11-13, 2022, available at: <https://iariw.org/wp-content/uploads/2022/10/Nkechi-IARIW-TNBS-2022.pdf>.

³⁹ O. Jenyo, 'Patriarchy and gender inequality in Nigeria: A threat to national development', (2018) 6(7) *Journal of Business & Economic Management*, 147-156.

5.4 Institutional Resistance and Lack of Political Will

Even where good laws exist, implementation fails due to institutional sexism.⁴⁰ Police may dismiss reports of domestic violence as “family matters.” Judges may harbor biased views that influence custody or inheritance rulings. Legislatures may stall on passing progressive bills or refuse to allocate budgets for their enforcement.⁴¹ The state’s machinery itself can be an instrument of the status quo.

6. Pathways to Transformation: From Formal to Substantive Equality

Achieving true equality requires moving beyond legal reform to a holistic strategy of social transformation. The law must be both a sword to cut down injustice and a shield to protect the vulnerable, but it must be wielded within a broader campaign.

6.1 Legal and Institutional Reforms

- a) Constitutional amendment: Make Chapter II (Directive Principles) justiciable to enforce socio-economic rights critical to women’s empowerment.
- b) Legislative action: Urgently domesticate CEDAW and the Maputo Protocol without harmful reservations. Harmonize and enforce the VAPP Act across all 36 states. Enact a comprehensive Gender Equality Bill.
- c) Law reform: Amend discriminatory provisions in criminal, penal, and personal income tax laws. Establish specialized gender desks and courts within the justice system, staffed with trained personnel.
- d) Strengthening institutions: Empower agencies like the National Agency for the Prohibition of Trafficking in Persons (NAPTIP) and the Ministry of Women’s Affairs with adequate funding and authority.

6.2 Judicial Activism and Strategic Litigation

The judiciary must continue its progressive role as seen in cases like *Mojekwu v. Mojekwu*⁴² and *Ukeje v. Ukeje*.⁴³ Public interest litigation and test cases should be strategically used to challenge discriminatory statutes and practices, setting powerful precedents. The courts must adopt a purposive interpretation of the Constitution and international law to expand women’s rights.

6.3 Education and Sensitization:

- a) Formal education: Integrate gender studies and human rights education into school curricula from primary to tertiary levels.
- b) Civic education: Launch nationwide campaigns to educate women and men about existing rights and legal remedies, using local languages and community structures.

⁴⁰ H. Nsirim-Worlu, ‘Patriarchy: A Tripod on Which Gender Inequity Stands’, (2020) 4 *International Journal of Arts, Languages and Business Studies*, 24-33.

⁴¹ C.T. Izuegbunam, ‘Gender inequality: Evidence from male/female staff interaction in selected universities in southeast, Nigeria’, (2020) 5(1) *Preorcjah*, 230; A. Essien & D.P. Ukpog, ‘Patriarchy and Gender Inequality: The Persistence of Religious and Cultural Prejudice in Contemporary Akwa Ibom State, Nigeria’, (2012) 2(4) *International Journal of Social Science and Humanity*, 286.

⁴² (1997) 7 NWLR (Pt. 512) 283, 304-305 (Nig CA).

⁴³ Above n 33.

- c) Training for gatekeepers: Mandatory gender sensitivity training for police, judges, lawyers, journalists, and traditional rulers is essential to change institutional culture.

6.4 Economic Empowerment

Programmes that provide women with access to microcredit, vocational training, land ownership, and technology are fundamental. Economic independence is the bedrock upon which other rights can be claimed and defended. Policies must support women in the informal sector, who constitute the majority of working women.

6.5 Engaging with Culture and Religion

A frontal assault on culture is often counterproductive. A more effective strategy involves:

- a) Internal dialogue: Supporting progressive theologians and cultural leaders to re-interpret religious texts and traditions in ways that affirm gender justice and human dignity.
- b) Community mobilization: Working with traditional institutions, community elders, and women's groups to promote alternative, positive rites of passage and to gradually reform harmful customs from within.
- c) Amplifying voices: Elevating the stories and leadership of women who are navigating these complexities successfully, providing new models and inspiration.

7. Conclusion

The journey toward gender equality in Nigeria is a marathon, not a sprint. It is a journey that navigates the difficult terrain between the lofty ideals of constitutional law and the gritty realities of cultural practice. The 1999 Constitution and international treaties provide a crucial, indispensable framework—a North Star by which to steer. They are the product of centuries of global feminist struggle, and they represent a solemn promise from the state to its female citizens.

However, as this assessment has shown, a promise on parchment is not enough. The enduring power of patriarchy, embodied in customs, economic structures, and institutional biases, acts as a powerful counter-force, diluting, distorting, and outright denying the rights that are formally guaranteed. The widow disinherited by custom, the professional passed over for promotion, the girl married off at 15, the woman unable to secure citizenship for her foreign husband—these are not mere exceptions; they are symptoms of a systemic condition.

Therefore, the work ahead demands a dual strategy: the relentless strengthening and enforcement of legal instruments, coupled with a deep, patient, and culturally intelligent engagement with the society those laws seek to transform. It requires lawyers and legislators, but also teachers, artists, religious leaders, entrepreneurs, and community organizers. It requires men as allies, not as adversaries. It requires a fundamental shift in consciousness—a recognition that the full and equal participation of women is not a threat to Nigerian society, but the very key to its development, stability, and moral flourishing.

Abigail Adams's warning was prophetic: a society that fails to "Remember the Ladies" builds its foundation on injustice, and injustice is inherently unstable. For Nigeria to realize its immense potential, it must finally and fully honour the constitutional guarantee of equality, not just in the quiet halls of the Supreme Court, but in the noisy markets, the quiet homes, and the dynamic political arenas where the lives of Nigerian women are lived every day. The rebellion for full

equality is not a threat from without; it is the legitimate, long-delayed claim of half the nation's citizens to their rightful place within it.