

## ARTICLE 9 OF THE MAPUTO PROTOCOL AND THE ADVANCEMENT OF POLITICAL RIGHTS FOR WOMEN IN NIGERIA

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### ABSTRACT

*Despite numerous commitments by African States to eliminate gender inequality, women continue to be discriminated against in all spheres of life. Women dominate the poverty, illiteracy and unemployment indicators as well as being under-represented in governance. They are also subjected to a lot of harmful cultural practices. Consequently, the African Union adopted one of the world's most comprehensive and progressive women's human rights instruments, the Protocol to the African Charter on the Rights of Women in Africa ('the Maputo Protocol') in Maputo, Mozambique on 11 July 2003. The Protocol guarantees extensive rights to African women and girls and includes a number of progressive provisions. It details wide-ranging and substantive human rights for women, covering the entire spectrum of civil, political, economic, social, cultural, and environmental rights. Nigeria ratified the Maputo Protocol on December 16, 2004, but it is yet to be domesticated. Thus, there have been calls from many quarters, especially civil society organizations, for the country to domesticate and start the implementation of the provisions of the Maputo Protocol. With the aid of Feminist Legal Theory, this study examined the provisions of Article 9 of the Maputo Protocol in light of women's political rights in Nigeria. The study employed a qualitative research approach that incorporates desk research, case studies, and comparative analysis. Two African countries, Rwanda and South Africa, where the protocol has been successfully domesticated, were examined to underscore the importance of domesticating the instrument in ensuring the protection of women's political rights in Nigeria.*

**Keywords:** African Union, Maputo Protocol, Rights of Women, Women and Politics, Nigeria

### INTRODUCTION

Gender inequality continues to persist as a significant challenge in African societies, with women facing discrimination and marginalization across various spheres of life. Women and men are assigned varied and unequal roles in society due to socialization rather than nature (Africa Barometer, 2021). Women are assigned to the domestic realm, where they care for their homes and families, whereas men are assigned to the public sphere, where they handle society's affairs. When women enter the public sphere, they are expected to assume roles comparable to those found in the home, namely nurturing responsibilities. Thus, a difference in power relations is grafted onto the gendered "division of labour". In essence, men make decisions in the home, in the community, and in national life, chiefly as a result of the patriarchal system that specifies these power relations between men and women, assigning males a dominant position and women a submissive function.

Furthermore, inequities in poverty rates, illiteracy levels, and employment opportunities disproportionately affect women, while their representation in governance structures remains inadequate (Iwilade, 2011). According to the Inter-Parliamentary Union (IPU), only 23.6 % of parliamentarians in Africa are women, with Rwanda, Namibia, and South Africa having the highest proportion of women in parliament at 61.3%, 46.2 %, and 42.7%, respectively (IPU, 2019). Also, according to the first Women's Political Participation (WPP) Africa Barometer 2021, women constitute 24% of the 12,113 parliamentarians in Africa - 25% in the lower houses, and 20% in the upper houses of parliament. While local government is often hailed as a training ground for women in politics, women constitute a mere 21% of councillors in the 19 countries for which complete data could be obtained (Africa Barometer, 2021). Women's ability to influence national decision-making, including the creation of programmes and the distribution of resources, is negatively affected by this.

Furthermore, the Inter-Parliamentary Union (IPU) notes that women's representation in parliament has increased by 10 percentage points, from 15% to 25%, since the Fourth World Conference on Women in Beijing in 1995 (IPU, 2019). By this rate, gender parity is not likely to be achieved until around 2070. Whereas, the Beijing Declaration urged governments to take steps to ensure women's equal access to and involvement in decision-making. They should do so by promoting gender equality in government and administration, integrating women into political parties, increasing women's capacity for decision-making and leadership, and increasing women's participation in the electoral process and political activities. In addition, governments are required by the Sustainable Development Goal (SDG) 5.5 to provide women with "full and effective participation and equal opportunities for leadership at all levels of decision-making in political life" by 2030.

The National Democratic Institute (2016: 1) points out that "women in politics raise issues that others overlook, pass bills that others oppose, invest in projects others dismiss and seek to end abuses that others ignore". When women are fairly represented in politics and decision-making processes generally, they are better able to articulate their demands and mobilize the necessary political resources to meet those requirements, which empowers them to address challenges, including discriminatory laws that they face in society.

Recognizing the urgency to address these systemic issues, the African Union adopted the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (African Women's Protocol or Protocol) on 11 July 2003, in Maputo, Mozambique. Also known as the "Maputo Protocol", alluding to the place of its adoption, the Protocol, with 32 Articles, entered into force on November 25, 2005, when the required number of AU member States (15) had become parties to it. By October 16, 2019, it had been signed by 49 and ratified by 42 of the 55 members of the African Union (AU), all of which are also States Parties to the African Charter. The Preamble of the Protocol provides additional insight into the rationale for its drafting by expressing concern that:

despite the ratification of the African Charter on Human and Peoples' Rights and other international human rights instruments by the majority of States Parties, and their solemn commitment to eliminate all forms of discrimination and harmful practices against women, women in Africa still continue to be victims of discrimination and harmful practices (The Maputo Protocol, 2003: 5)

This groundbreaking women's human rights instrument is among the world's most comprehensive and progressive, guaranteeing extensive rights for African women and girls across civil and political, economic, social and cultural, as well as environmental domains.

Nigeria, as a member state of the African Union, signed the Maputo Protocol on December 16, 2003, and ratified it on December 16, 2004, thereby signalling its commitment to promoting gender equality and protecting women's rights. However, despite this ratification, the Maputo Protocol has not been fully incorporated into Nigeria's domestic legal system, hindering the effective implementation of its provisions. As a result, there have been fervent calls from various quarters, particularly civil society organizations, for the domestication of the Maputo Protocol and the initiation of its comprehensive provisions in Nigeria. This study aims to examine the specific provisions of Article 9 of the Maputo Protocol, focusing on the political rights of women in Nigeria.

By analyzing successful domestication experiences in other African countries that have integrated the Maputo Protocol into their legal frameworks, this study seeks to underscore the importance

of implementing this transformative instrument in Nigeria. The findings of this research will contribute insights to policymakers, civil society organizations, and stakeholders involved in advocating for the domestication and effective implementation of the Maputo Protocol, ultimately striving to create an enabling environment for women's full political participation and empowerment in Nigeria.

Through a qualitative research approach that incorporates desk research, case studies, and comparative analysis, this study aims to shed light on the potential impact of domesticating the Maputo Protocol's provisions, particularly Article 9, on women's political rights in Nigeria. It further examines the challenges and opportunities associated with domestication and provides recommendations to address these obstacles effectively. Ultimately, this study seeks to drive meaningful policy changes that will empower Nigerian women, advance gender equality, and promote inclusive and equitable governance in the country.

## **THE MAPUTO PROTOCOL: A CATALYST FOR GENDER EQUALITY**

### **Overview of the Maputo Protocol**

The Maputo Protocol, adopted by the African Union in 2003, stands as one of the most comprehensive and progressive women's human rights instruments globally. It represents a significant milestone in addressing gender inequality and promoting women's rights in Africa. The protocol builds upon the African Charter on Human and Peoples' Rights and specifically focuses on the rights of women and girls. Its adoption reflects the recognition by African states of the urgent need to eliminate gender-based discrimination and empower women to participate fully in all aspects of society.

At the time of the drafting and adoption of the Maputo Protocol, the two main instruments of particular relevance to the rights of women in Africa were the African Charter and the UN Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) (Ayeni, 2016). In addition, the AU Solemn Declaration on Gender Equality in Africa was adopted in July 2004, but it is a non-binding declaration and is limited in its legal effect even though it is extensive in its reach to all AU members. Another instrument, the Southern African Development Community (SADC) Gender Protocol adopted in August 2008, is potentially binding on AU members, but only on those within the SADC region that have ratified it (Viljoen, 2009).

In essence, the Maputo Protocol encompasses a wide range of rights aimed at advancing gender equality in Africa. These rights cover various domains, including civil and political, economic, social and cultural, and environmental spheres. In terms of civil and political rights, the protocol recognizes women's right to participate in the political decision-making processes, including the right to vote and be elected to public office. It also guarantees freedom of expression, association, and assembly for women, ensuring their voices are heard and their concerns addressed (The Maputo Protocol, 2003).

In the economic realm, the Maputo Protocol acknowledges women's right to own and control property, access credit, and participate in economic activities on an equal footing with men. It seeks to address gender disparities in employment, ensure equal pay for equal work, and promote women's economic empowerment as a crucial component of gender equality.

The protocol further acknowledges the importance of women's social and cultural rights, including their right to education, healthcare, and access to justice. It seeks to eliminate harmful practices such as female genital mutilation, child marriage, and all forms of violence against women. Additionally, the Maputo Protocol recognizes the interconnectedness between gender equality

and environmental protection, emphasizing women's role in sustainable development and natural resource management (The Maputo Protocol, 2003).

### **Provisions of Article 9: Political Rights of Women**

Article 9 of the Maputo Protocol specifically focuses on women's political rights, recognizing the critical importance of women's participation in decision-making processes at all levels. It emphasizes the right of women to participate actively in the formulation and implementation of public policies and the right to equal opportunities for leadership and representation in political institutions. The provision calls for the removal of barriers that hinder women's political participation, including discriminatory laws, practices, and stereotypes (The Maputo Protocol, 2003).

By guaranteeing political rights, Article 9 seeks to address the systemic under-representation of women in governance structures and decision-making positions. It aims to create an enabling environment where women can actively contribute to policy development, shape legislation, and advocate for issues that affect them and their communities. By elevating women's political voice and influence, the provision recognizes their agency as agents of change and contributors to democratic governance.

The provisions of Article 9 of the Maputo Protocol serve as a catalyst for gender equality, acknowledging the transformative potential of women's political participation in achieving more inclusive and equitable societies. By examining the implications and significance of Article 9 in the context of Nigeria, this study aims to shed light on the importance of domesticating the Maputo Protocol to ensure the realization of women's political rights in the country.

### **THEORETICAL FRAMEWORK**

This paper is hinged on the feminist legal theory propounded in 1984 by Martha Fineman. The foundation of feminist legal theory, commonly referred to as feminist jurisprudence, is the idea that the legal system has played a significant role in the historical subordination of women (Fineman, 2005). Political, economic, and social inequality between the sexes serve as the foundation for feminist jurisprudence, the philosophy of law, and feminist legal theory, which connects law and theory.

Feminist legal theory aims to illuminate how the legal system contributed to women's historical subordination. It was specifically developed to acknowledge and oppose the fact that the legal system was predominantly designed with male goals and for masculine purposes, frequently overlooking significant issues and the realities that women and oppressed people endure. The legislation undermines feminine values in favour of a system that is dominated by men (Bowman and Quade, 1993). Feminist legal theorists argue that the law is not neutral, but rather reflects and reinforces existing power structures and societal norms that are often disadvantageous to women. They highlight how legal rules, doctrines, and practices have historically excluded women from full participation in society and perpetuated gender-based discrimination and violence.

### **Gender Inequality in Nigeria**

Nigeria, like many other African countries, grapples with deep-rooted gender inequality and discrimination against women. Women in Nigeria face numerous challenges across various spheres of life, perpetuating their marginalized status in society (Okafor and Akokuwebe, 2015). Gender-based discrimination is prevalent in areas such as education, employment, healthcare,

and access to justice. Discriminatory practices and norms limit women's opportunities for advancement and hinder their ability to fully participate and contribute to society (Makama, 2013).

In terms of education, girls in Nigeria continue to face barriers such as limited access to quality schooling, early marriage, and cultural biases that prioritize male education. As a result, illiteracy rates among women remain significantly higher compared to men (Aja-Okorie, 2013), perpetuating gender disparities and limiting women's socio-economic prospects.

Women also experience substantial inequalities in the labour market. They are often confined to informal and low-paying jobs, facing wage gaps and limited opportunities for career advancement. Cultural expectations and gender stereotypes further restrict women's access to economic resources and decision-making power (Okafor and Akokuwebe, 2015).

Thus, as advanced by the feminist legal theory, it is argued that patriarchal systems entrenched in both traditional and contemporary governance structures perpetuate gender-based discrimination, effectively structuring unequal access to political power. This analysis contends that women in Nigeria face structural inequalities rooted in these patriarchal systems, which systematically favour men and hinder women's political advancement. Notably, legislative and policy frameworks often sustain these disparities.

### **Women's Political Participation and Representation in Nigeria**

Nigeria continues to face significant gender gaps in political participation and representation. Women are severely underrepresented in political leadership roles, both at the national and sub-national levels. The lack of gender balance in decision-making processes undermines the inclusivity and effectiveness of governance structures, hindering the ability to address gender-specific issues and promote gender-responsive policies. For instance, only 48 of the 1,019 female candidates for Nigeria's state houses of assembly in the 2023 elections were elected. Thus, women had a success rate of 4.7%. In comparison to the 2019 election, in which 45 women were elected to state legislatures, the number of females elected to state legislatures in the 2023 election grew by three. Also, in the 2023 elections, 378 women ran for Senate and House of Representatives seats, but only 17 were successful (Lemo, 2023).

A major barrier to women's political participation in Nigeria is limited access to financial resources. For instance, the cost of the nomination/declaration of interest form in the 2023 election was exorbitant for the average person, with the office of president of the All Progressives Congress costing N100 million, the governorship costing N50 million, the Senate costing N20 million, House of Representatives costing N10 million, and State Assembly costing N2 million (Bakare, 2022). For the Peoples Democratic Party, the presidential form costs N40 million, the governorship costs N21 million, the Senate costs N3.5 million, the House of Representatives costs N2.5 million, and the State House of Assembly costs N600,000.

Okoosi-Simbine (2012) identified five key factors linked to politics in Nigeria which have constrained women's political representation. These include:

- Method of candidate nomination, which usually involves an expensive procedure that requires candidates to run their campaigns.
- Excessive use of money in politics to gain the favour of party leaders and officials and to persuade voters to support specific candidates. Since male applicants tend to be more prosperous than female aspirants, many women are excluded because they simply cannot compete with their male opponents.



- Influence of party elders and godfathers, who may simply choose, endorse, and present a candidate, ostensibly to calm tensions among competitors.
- Obstruction with a purpose, resulting from arbitrary actions by party officials who may nominate candidates without a vote; change the election procedures or voting system without giving candidates adequate notice; alter the locations of primary elections; hold unexpected meetings in unexpected locations; rig elections and incite violence; and use “zoning” and other criteria to exclude undesirable (often female) candidates.
- Violence, including physical violence, coercion, threat, and intimidation before, during and after elections.

Other barriers to women’s political participation include cultural norms and stereotypes that question women’s leadership abilities and the prevalence of patriarchal systems that perpetuate male dominance in politics. These challenges limit women’s opportunities to engage in political processes, make their voices heard, and influence policy decisions. In terms of socio-cultural barriers, deeply entrenched patriarchal norms, cultural practices, and traditional beliefs perpetuate gender disparities in Nigerian society. Traditional gender roles and stereotypes often limit women’s opportunities to engage in politics and leadership roles. The expectation that women prioritize family and domestic responsibilities over political participation further marginalizes them (Africa Barometer, 2021).

Furthermore, unequal access to education remains a significant barrier for women in Nigeria (Dim and Asomah, 2019). Without proper education and awareness, women may lack the necessary skills, confidence, and knowledge to engage in political processes effectively. The persistence of gender inequality in Nigeria necessitates urgent action to address these systemic challenges. The domestication of the Maputo Protocol can serve as a critical tool in advancing women’s rights and promoting gender equality in the country.

### **Domestication of the Maputo Protocol: Lessons from African Countries**

To underscore the importance and potential benefits of domesticating the Maputo Protocol in Nigeria, it is instructive to examine the experiences of two African countries where the Protocol has been successfully domesticated. This section explores the lessons learned from these countries and highlights the significance of adopting and implementing the Maputo Protocol’s provisions to safeguard the rights of women in Nigeria. By drawing from successful experiences in other African contexts, Nigeria can glean valuable insights and recommendations to guide its domestication process, ultimately contributing to the advancement of gender equality and the empowerment of women in the country.

#### **Case Study 1: South Africa**

South Africa stands as a notable example of a country that has successfully domesticated the provisions of the Maputo Protocol. The country signed the Protocol on March 16, 2004, ratified it on December 17, 2004, and it entered into force on November 25, 2005. The country has enshrined the principle of equality in its constitution as required by Article 2 of the Protocol (Centre for Human Rights, 2009). The South African Government presented its Reports, which covers the period from 2002 to 2013, under the African Charter and also covers the period from 2005 to 2014 under the Maputo Protocol to the African Commission on Human and Peoples’ Rights during its 58th Ordinary Session, held from 6 to 20 April 2016, in Banjul, The Gambia.

According to the report, through a robust legal framework and progressive policies, South Africa has made significant strides in promoting gender equality and protecting women's rights. Following the May 2014 National Elections, the President established an independent, specialized Ministry for Women within the Presidency. This Ministry's mandate is to support women's socioeconomic empowerment and the growth of gender equality. This involves promoting women's and girls' empowerment, achieving real gender equality, and protecting women's rights, freedoms, and dignity.

South Africa established the Office on the Status of Women and the Department of Women in 2014 (SA Periodic Report, 2015). It also established Gender Focal Points in all national and provincial departments. Before May 2014, a Joint Monitoring Committee on the Improvement of the Quality of Life and Status of Women, as well as the Portfolio Committee on Women, Youth, Children, and People with Disabilities, monitored and provided oversight for the government's progress in complying with international treaties on women's rights, empowerment, and gender equality to which South Africa is a party. Following the 2014 elections, Parliament established the Portfolio Committee on Women in the Presidency, which monitors the progress of the government on its gender agenda, as executed through the previous mechanism. There is also a Parliamentary Select Committee on Women in the Presidency, as well as a Multi-Party Women's Caucus in Parliament, both of which seek to advance women's rights in the country. Women's rights and empowerment are monitored at the provincial level by numerous Parliamentary Select Committees in the various provincial legislatures.

The African National Congress (ANC) adopted a voluntary 30% quota for women in 2002, raising it to 50% at both the national and local levels in 2007, and a 50/50 quota for national elections in 2009. Currently, it is the only party with a voluntary quota for women. Women's representation in parliament has increased from 28% after the 1994 elections to 30% in 1999, 33% in 2004, and 44% after the 2009 elections (SA Periodic Report, 2015). Following the 2014 general elections, there were 18 Deputy Ministers and 15 female Ministers. Of the 400 seats in the National Assembly, 166 Members, or 41.5%, are women. The National Council of Provinces has 54 seats and 19 (35.2%) of the seats are occupied by women.

Thus, in terms of gender representation, South Africa's national and provincial legislatures are among the most representative in the world. South Africa presently ranks second in the Southern African Development Community and is one of the top ten countries in the world in terms of the proportion of women in parliament. The Limpopo Legislature had the highest proportion of women representatives, at 47%, with the Western Cape Legislature having the lowest, at 38%. This is a huge improvement from 1994 and 1999, when women accounted for only 26.76% of candidates, and 2004 when women accounted for 30.65% of candidates.

Furthermore, women made up 56% of the total number of registered voters in the 2014 elections, up from 55% in 2009. According to the South African Electoral Commission, more women (54.9%) than men (45.1%) registered to vote in the 2009 National Elections. Women made up 55% of the 25.39 million registered voters for the 7 May 2014 election. Turnout among female voters was also significantly higher in the May 2014 elections, at 76% compared to 70% for their male counterparts. However, for women's representation in parliament, the 2019 South African election marks a turning point. While achieving 50/50 remains difficult, this election produced the largest percentage of female MPs since the 1994 election. Based on the three major parties, the ANC, Democratic Alliance (DA), and Economic Freedom Fighters (EFF), by earning 58%, 21%, and 11% of the vote, respectively, and other parties receiving between 0.2% and 3% of the vote, the percentage of women climbed from 40% in 2014 to 46% in 2019, a six percentage point gain (Rama and Morna, 2020).

Essentially, therefore, one of the success stories of South Africa's democracy is the representation of women in political and decision-making positions, which is one of the country's internationally acclaimed success stories. Since its democratic elections in 1994, several women have taken up leadership positions in sectors previously dominated by men. Women have held positions such as Police Commissioner, Public Protector, CEO of the Johannesburg Stock Exchange, head of the Independent Electoral Commission, Reserve Bank Governor, head of the South African Law Reform Commission, and others. Women have also served as Deputy President, including Dr. Phumzile Mlambo-Ngcuka from 2005 to 2008 and Ms. Baleka Mbete from 2008 to 2009. Dr. Frene Ginwala was the first female Speaker of the National Assembly, and she was succeeded by Ms. Baleka Mbete, who was re-elected following the 2014 elections. During the 20-year span, the country also had female Deputy Speakers in the National Assembly (SA Periodic Report, 2015).

Basic education, small business development, defence, environmental affairs, water affairs and sanitation, home affairs, correctional services, public services and administration, public enterprise, human settlement, international relations and cooperation, transport, labour, energy, science and technology, mineral resources, social development, and the women's agenda are just a few of the important portfolios that women ministers have held in the past. In fact, South Africa has won the bid for the Square Kilometre Array (SKA) project under the leadership of the Minister for Science and Technology, a woman.

Interestingly, the 2019 South African Cabinet is the first in history to have 50% female and 50% male ministry positions in the country. Women made up 46% of deputy ministers and women ministers served in the Ministries of International Relations and Cooperation, Defence, and Military Veterans. Also, women were now represented in provincial legislatures at a rate of 46%, up from 33% previously. The ANC appointed female speakers in each of the eight provinces that it governs. The DA governs the Western Cape, the only province dominated by the opposition. This also features a female speaker. (Rama and Morna, 2020).

The South African experience highlights the importance of political will and commitment from the government, as well as the active involvement of civil society organizations in advocating for the domestication process. The South African experience underscores the importance of strong legal frameworks and proactive policy measures in driving the domestication process and achieving tangible results in advancing women's rights. By enacting relevant legislation and establishing institutions to monitor and enforce gender equality measures, South Africa has made significant strides in promoting women's political rights and representation.

### **Case Study 2: Rwanda**

Rwanda serves as another compelling case study of successful domestication efforts. The country has made remarkable progress in advancing gender equality and women's empowerment, particularly in the political arena. In fact, Rwandan President Paul Kagame received the African Gender Award in 2007 and the Gender Champion Award in July 2016 for his efforts to advance women's rights and gender equality (Nyesiga, 2016).

Following the devastating genocide in 1994, Rwanda embarked on a transformative journey towards gender equality and women's empowerment. This is in accordance with provisions in the country's Constitution which guarantees the equality of men and women. According to Article 52, political parties must operate in such a manner as to ensure that women and men have equal access to elected offices and support citizens' political education in relation to the objectives of democracy and elections. Also, Article 54 states that political groups must continually reflect the



unity of the Rwandan people and gender equality, whether in the selection of members, the establishment of organs of leadership, and their operations and activities.

As part of efforts towards gender equality, the Maputo Protocol was signed on December 19, 2003, and ratified on June 25, 2004, by Rwanda. As part of the stipulations of the African Charter and the Maputo Protocol, the Rwandan Government presented its Reports, which covers the period from 2009 to June 2016, under the African Charter and also covers the period from June 2006 to June 2016 under the Maputo Protocol to the African Commission on Human and Peoples' Rights during its 64th Ordinary Session held from April 24 to May 14, 2019, in Sharm El Sheikh, Egypt.

According to the report, the country implemented legislative reforms, including constitutional provisions that guarantee women's representation in decision-making bodies. Through constitutional reforms and affirmative action measures, Rwanda has achieved one of the highest rates of women's representation in parliament globally (Rwanda Periodic Report, 2017).

Since 1995, Rwandan laws guaranteeing women's equal participation in decision-making organs have been passed and policies implemented, resulting in an extraordinary expansion in women's rights to participate in decision-making positions in all fields of development. Because the Constitution provides for at least a 30% quota for women in decision-making, an unprecedented number of women have been appointed or elected to decision-making positions at all levels. This quota applies to political parties as well. In July 2013, the Organic Law governing political parties and politicians was also updated (Organic Law No. 10/20/2013/OL of 11/07/2013) to abolish any form of discrimination in political parties. Article 7 of the law prohibits political organizations from forming based on race, ethnic group, tribe, genealogy, area, gender, religion, or any other distinction that may lead to discrimination (Rwanda Periodic Report, 2017).

During the September 2013 parliamentary election, the National Electoral Commission revised the guidelines and physical environment to enable equal participation of men and women and civic and voter education workshops were arranged with a focus on women and youth. As a result, women hold 64% of the seats in Parliament's lower chamber, 38% in the Senate, 40% in the cabinet, 46% in the Judiciary, and 40% of provincial governor positions. District, sector, and Kigali City consultative councils have 43.2%, 45.1%, and 51.5% representation, respectively. This trend is mirrored in other decision-making positions in the private sector, central and local government, with 40% of Provincial Governors, 43.2% of district council members, and 83.3% of Vice Mayors in charge of social affairs falling into this category (National Gender Statistics Report, 2013).

This increased presence in leadership and decision-making has had the dual effect of enshrining gender equality in development processes as well as transforming mindsets and patriarchal views toward women. It has also considerably enhanced women's confidence and self-esteem, as well as offering excellent role models for the youth, leading to the abolition of gender discrimination. It is a priceless chance to push specific gender equality reforms as well as a route for influencing gender-sensitive laws and policies, as well as their efficient implementation.

Rwanda's national gender apparatus collaborates with and is supported by civil society organizations and the corporate sector to guarantee that gender equality and respect for women's rights are integrated into all parts of national life. The umbrella organizations, Rwanda Civil Society Platform and *Pro-Femmes Twese Hamwe*, collaborate closely with the gender apparatus to monitor the contributions of NGOs working on gender and women's empowerment (Randel, 2015).

The Ministry of Gender and Family Promotion (MIGEPROF) is the major government agency in charge of ensuring strategic coordination of policy execution in the areas of gender equality, family promotion, and child protection. Programmes under the ministry include inshuti z'umuryango (friends of the family), umugoroba w'ababyeyi (Parents' evening forum), and community policing in the support and management of conflicting households. The establishment of the National Women Council, a permanent platform where women discuss their problems and look for ways to influence their resolution, is another significant step forward in the protection and promotion of women's rights. Also, the Rwandan Forum for Women Parliamentarians (FFRP) was established as a mechanism for women in parliament to use their strategic position as lawmakers to continuously lobby, advocate for, and initiate gender-responsive laws, as well as to improve gender-based government oversight (Nyiransabimana, 2018). The government and various partner organizations have set up specialized desks (Gender Based Violence desks in the National Police and the Military) tasked with protecting women from all forms of violence.

A Women Leaders Network was also established in 2011 to assist young women and girls with political, leadership, and communication training in leadership. The network also encourages the mentorship of young women and girls in higher education institutions in various elements of leadership, career guidance, and communication. Under the direction of First Lady, Jeannette Kagame, programmes such as the Imbuto Foundation's Toast Master clubs play an important role in developing leadership abilities in young women and girls. These groups have assisted young girls in realizing their potential in a variety of areas, including leadership, involvement, and public speaking. The training takes the form of structured debates on national and global problems.

Essentially, therefore, the rise of women in Rwanda's parliament over the previous six decades (from 1% in the 1960s to 6% in the 1980s, 28% in 1994, 48% in 2003, and 64% in 2013) demonstrates how the political climate has shaped the contemporary gender justice (Nyiransabimana, 2018). Through a compelling political, legal, and economic platform, Rwanda has become a global symbol in establishing an enabling climate for both men and women to freely participate in their own state management. This has boosted women's participation in leadership and decision-making, which has had the dual effect of enshrining gender equality in development processes and transforming patriarchal mindsets and attitudes toward women (Randel, 2015).

The successful domestication of the Maputo Protocol in Rwanda underscores the significance of comprehensive legal and policy frameworks, coupled with targeted strategies to overcome socio-cultural barriers. As a result, Rwanda has achieved one of the highest percentages of female representation in parliament globally. The Rwandan example highlights the significance of deliberate efforts to promote women's political participation through legal reforms, targeted policies, and gender-responsive governance structures. It highlights the potential of the protocol to drive transformative change and achieve substantial gender parity in political decision-making.

### **Comparative Analysis of Successful Domestication**

A comparative analysis of the successful domestication experiences in South Africa and Rwanda, reveals common factors and lessons that can inform the domestication process in Nigeria. These include political will and commitment at the highest levels of government, robust legal frameworks that align with international human rights standards, gender-responsive policies, institutional mechanisms, awareness-raising campaigns, and proactive measures to address cultural barriers and discriminatory practices. Furthermore, effective coordination among government institutions, civil society organizations, and international partners, as well as robust collaboration between government and civil society actors, are crucial for the successful implementation of the Maputo

Protocol's provisions. The experiences of these African countries provide valuable insights and best practices that can guide Nigeria in its efforts to domesticate and effectively implement the Maputo Protocol.

These lessons and insights provide a valuable framework for Nigeria to consider in its efforts to domesticate and implement the Maputo Protocol. By drawing upon the experiences of South Africa and Rwanda, and other African countries, Nigeria can leverage these best practices to overcome challenges and maximize the positive impact of the protocol on women's political rights and gender equality in the country. The adoption and domestication of the Maputo Protocol hold immense potential to drive meaningful change and empower Nigerian women to participate fully in the political sphere, ultimately contributing to a more inclusive and equitable society. By learning from successful domestication examples, Nigeria can identify strategies and approaches that align with its unique socio-cultural context, overcome challenges, and accelerate progress towards gender equality and women's empowerment.

### **The Importance of Domesticating Article 9 of the Maputo Protocol in Nigeria**

Domesticating Article 9 of the Maputo Protocol by Nigeria, which specifically focuses on women's political rights and their participation in decision-making processes, is of paramount importance as it would pave the way for ensuring women's equal opportunities for leadership and representation in political institutions. Nigeria, like many other countries, faces a significant underrepresentation of women in political leadership roles. Despite being a signatory to several international protocols that address the issue of gender equality, women continue to be underrepresented in Nigeria's polity. In fact, in December 2022, the country unveiled the Revised National Gender Policy (2021) to replace the initial one of 2006, which has proven ineffective (Ailemen, 2022). In the same year (2022), the National Assembly voted against five gender equality bills, which sought affirmative actions for women in governance and political representation, such as 35% appointed positions for women, special seats for women in the national assembly, affirmative action for women in political party administration, and at least 10% affirmative action in ministerial appointments for women (Aliogo, 2022).

By domesticating Article 9, Nigeria would establish a legal framework that mandates gender equality in political participation and representation. This would create a level playing field for women, ensuring that they have equal opportunities to engage in politics, run for office, and hold positions of power. By actively participating in political processes, women can contribute their unique perspectives, experiences, and expertise, thereby enriching policy discussions and decision-making (Asuako, 2020). This would lead to more inclusive and representative governance, where the diverse needs and interests of all segments of society are taken into account. By this, Nigeria can dismantle barriers that hinder women's political participation, such as discriminatory laws, cultural biases, and limited access to resources for campaigns. This would create an enabling environment where women can actively engage in political processes, contribute to policy development, and advocate for issues that affect them and their communities.

Furthermore, the domestication of Article 9 would serve as a powerful catalyst for achieving gender parity in political representation, which is essential for inclusive and effective governance (Nwankwor, 2022). By actively participating in political processes, women can contribute their unique perspectives, experiences, and expertise, thereby enriching policy discussions and decision-making. This would lead to more inclusive and representative governance, where the diverse needs and interests of all segments of society are taken into account.

Also, the domestication of Article 9 would help overcome the underrepresentation of women in political leadership positions by challenging existing stereotypes and biases. This would provide a legal framework to address this issue by mandating gender-balanced representation and encouraging political parties and institutions to adopt affirmative action measures. In Nigeria, cultural norms and societal expectations often undermine women's political ambitions and question their ability to lead (Asuako, 2020). By challenging existing stereotypes and biases that question women's leadership abilities, Nigeria can foster an environment where women are seen as capable and deserving of holding positions of power and influence.

Thus, by incorporating Article 9 into domestic legislation, Nigeria would send a powerful message that women have an inherent right to participate in politics and contribute to public life. This would challenge traditional gender roles, break down stereotypes, and empower women to pursue leadership positions with confidence. As more women occupy political offices and demonstrate their capabilities, it can shift societal perceptions, redefine gender norms, and inspire future generations of women to actively engage in politics. In essence, the domestication of Article 9 would challenge the status quo, shift societal perceptions, and create opportunities for women to contribute their unique perspectives and experiences to policy development and decision-making processes.

In addition, the domestication of Article 9 would have a positive impact on democratic governance and accountability in Nigeria. Women's equal participation in political processes is crucial for ensuring representative and responsive governance. By incorporating the provisions of Article 9 into domestic laws, Nigeria would foster a more inclusive political environment where decisions are made through collective input from diverse perspectives. Women bring unique insights and priorities to the table, particularly on issues that directly affect them, such as gender-based violence, reproductive rights, and economic empowerment (Nwankwor, 2022). When women's voices are heard and their concerns are addressed, it leads to more comprehensive and effective policies that benefit society as a whole.

Furthermore, the domestication of Article 9 would hold political institutions and leaders accountable for promoting gender equality and women's political participation, as they would be legally obligated to ensure equal opportunities and representation. Thus, by domesticating Article 9, Nigeria can affirm its commitment to gender equality and contribute to the realization of women's rights, ultimately creating a more democratic, representative, and progressive society.

### **Challenges of Domestication of Article 9 of the Maputo Protocol in Nigeria**

Some challenges that Nigeria may encounter in the process of domesticating and implementing the Maputo Protocol, and by extension, Article 9 include:

**Resistance to Gender Equality:** One of the primary challenges in domesticating Article 9 of the Maputo Protocol in Nigeria is the resistance to gender equality. Deeply entrenched patriarchal norms and societal attitudes may hinder the acceptance and implementation of gender-responsive policies (Dim and Asomah, 2019). Some individuals and institutions may perceive efforts to promote women's political rights and representation as a threat to existing power structures. Overcoming this resistance requires targeted advocacy campaigns, community engagement, and educational initiatives to challenge stereotypes and misconceptions surrounding gender equality.

**Inadequate Political Will:** Another significant challenge is the lack of sufficient political will to prioritize and drive legislative reforms for the domestication Maputo Protocol and by extension, Article 9. Without political commitment, the necessary legal frameworks and mechanisms may

not be effectively established. To address this challenge, it is crucial to engage with policymakers, raise awareness about the importance of women's political rights, and demonstrate the positive impact of gender equality on governance and development. Building alliances with supportive political leaders and creating platforms for dialogue can help generate the necessary political will.

**Limited Institutional Capacity:** The successful domestication of Article 9 requires building institutional capacity to enforce and implement its provisions effectively. This includes training judges, lawyers, law enforcement agencies, and electoral bodies on the specific requirements of the protocol and its implications for women's political rights. Strengthening the capacity of relevant institutions will ensure the proper interpretation and application of the law and enhance the protection of women's political rights.

**Cultural and Religious Barriers:** Nigeria's cultural and religious diversity presents a challenge to the domestication of Article 9. Some cultural practices and interpretations of religious doctrines may hinder women's political participation and representation. Overcoming these barriers requires engaging with religious leaders, community influencers, and cultural institutions to foster a more inclusive understanding of gender equality and women's rights within cultural and religious frameworks. Sensitization programs and interfaith dialogues can help bridge the gap between cultural and religious norms and the principles of gender equality.

## Recommendations

In order to promote gender equality, empower women, and ensure their participation in all spheres of life in Nigeria, the following recommendations are proffered:

**Strengthen Legal Frameworks:** Nigeria should review and amend existing laws to align them with the provisions of Article 9 of the Maputo Protocol. This includes revising electoral laws to promote women's participation, removing discriminatory clauses, and introducing gender quotas or affirmative action measures to ensure a more balanced representation of women in political offices. By enacting laws that explicitly guarantee women's political rights, Nigeria can provide a solid legal foundation for the domestication of Article 9.

**Enhance Awareness and Education:** Comprehensive awareness campaigns should be conducted to educate the public, including community leaders, religious institutions, and traditional rulers, about the importance of women's political rights and the benefits of gender equality. These campaigns should debunk misconceptions, challenge stereotypes, and highlight the positive impact of women's political participation on governance and development. Education programs in schools and universities can also play a vital role in shaping attitudes and promoting gender equality from an early age.

**Establish Supportive Mechanisms:** Nigeria should establish mechanisms to support and facilitate women's political participation. This can include training programmes for aspiring female political leaders, mentoring initiatives, and financial support for women's campaigns. Providing resources and support can help address the structural barriers that hinder women's political advancement, such as limited access to funding, lack of networking opportunities, and inadequate political skills and knowledge.

**Engage Civil Society Organizations:** Civil society organizations (CSOs) play a crucial role in advocating for women's rights and gender equality. Collaboration with these organizations is essential to strengthen the momentum for domesticating Article 9. CSOs can provide valuable expertise, mobilize grassroots support, and hold the government accountable for its



commitments. Working in partnership with CSOs can help amplify the voices of women and create a broad-based movement for gender equality.

**Promote International and Regional Cooperation:** Nigeria should actively engage with international and regional partners to share experiences, best practices, and lessons learned in domesticating the Maputo Protocol. Collaboration with other African countries that have successfully implemented Article 9 can provide valuable insights and support Nigeria's efforts in overcoming challenges. Regional organizations such as the African Union can provide technical assistance, guidance, and peer support to facilitate the domestication process.

**Monitor and Evaluate Implementation:** It is crucial to establish mechanisms for monitoring and evaluating the implementation of the domesticated Article 9. Regular assessments can help identify gaps, measure progress, and inform evidence-based policy decisions to address any shortcomings. Monitoring mechanisms should involve civil society, independent human rights institutions, and women's organizations to ensure transparency and accountability in the implementation process.

By addressing these challenges and implementing the recommended actions, Nigeria can effectively domesticate the Maputo Protocol and by extension, Article 9. This will contribute to the promotion of women's political rights, increased representation, and the achievement of gender equality in the country's political landscape.

## Conclusion

The domestication of Article 9 of the Maputo Protocol holds significant promise for advancing political rights for women in Nigeria. The Protocol, adopted by the African Union, provides a comprehensive and progressive framework for promoting gender equality and protecting women's rights. Article 9 specifically focuses on women's political participation and representation, aiming to eliminate barriers and create an enabling environment for women's active involvement in decision-making processes.

Nigeria, like many African countries, faces persistent gender inequalities in the political sphere. Women are underrepresented in governance, and their voices and perspectives are often marginalized. This situation underscores the significance of feminist legal theory, which posits that the law should actively address and rectify such disparities by advocating for equal representation, gender-sensitive policies, and legal frameworks that empower women to participate fully in the political process. Thus, the ratification of the Maputo Protocol by Nigeria demonstrates the country's commitment to promoting women's rights and achieving gender equality. The domestication of Article 9 is a crucial step towards translating this commitment into tangible actions and legislative reforms.

The domestication of Article 9 will bring about several important benefits for Nigeria. It will promote women's political rights, enhance their representation in decision-making processes, and challenge existing stereotypes and biases. This, in turn, will contribute to more inclusive and responsive governance, where the diverse needs and perspectives of all segments of society are taken into account. The domestication process will also set a positive example for other African countries, inspiring regional harmonization and collective efforts towards gender equality.

In conclusion, the domestication of Article 9 of the Maputo Protocol in Nigeria is a critical step towards advancing political rights for women and achieving gender equality. It requires the collective efforts of government institutions, civil society organizations, community leaders, and individuals to overcome the challenges and implement the recommended actions. By doing so,



Nigeria can create a more inclusive and equitable society, where women's voices are heard, their rights are protected, and their contributions to governance are valued. The time is ripe for Nigeria to take decisive action and make tangible progress towards a more gender-equal political landscape.

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