

Advancing Gender's Balance Rights Through Constitutional and Legal Reforms: A Comparative Study of Nigeria and Uganda

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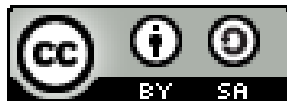
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ABSTRACT

The concept of human rights has gained global recognition over time, and the international community and virtually all countries consider everyone equal and deserving of equal treatment. However, advancing gender balance in rights is a critical challenge in Nigeria, where constitutional and legal frameworks come short of equity. Hence, the study focuses on Nigeria's slow progress in addressing systemic gender imbalances that are further complicated by cultural and institutional barriers to women's full participation in the economic, political, and social arenas. The research will analyze how constitutional and legal reforms can advance gender balance rights in Nigeria by learning from Uganda, a country that is attributed with remarkable achievements in gender inclusivity. This study employed a doctrinal method utilising a comparative approach that analyzed primary legal documents, policies, and secondary sources between the two countries for the best practices and challenges. Findings reveal that Uganda's deliberate constitutional recognition of gender equity, affirmative action policies, and strong institutional frameworks have reduced gender disparity significantly. On the other hand, it is Nigeria's fragmented and under-enforced gender-related laws, and the non-express constitutional provision of gender equal participation contribute to continued inequalities. The study recommends extensive constitutional amendments, the establishment of gender-monitoring institutions, and raising awareness amongst the public in Nigeria to duplicate Uganda's successes in making gender balance a core national development agenda.

Introduction

The issue of gender disparity has received very significant global attention and as such different nations across the world have been and still taking steps to birth and implement various laws,¹ regulations, and policies to ensure the promotion of

¹ Ayca G. Kaymakcioglu and Michael Thomas, "Gender Inequalities and Academic Leadership in Nigeria, South Africa and the United Kingdom: A Systematic Literature Review (2013–2023)," *Social Sciences & Humanities Open* 10 (2024): 101066, <https://doi.org/10.1016/j.ssaho.2024.101066>.

gender equality and to protect as a matter of concern the right of women whose right are subjugated below the stand of global best practices.² The subjugation of women's rights below the standard of global best practice is borne by some draconian traditional practices, customs,³ norms, and beliefs that women, as a result of their gender, are not seen as equal to men when it comes to matters of leadership, politics, inheritance, and education.⁴ Such a belief promoting gender inequality includes the primogeniture rule, which asserts that only the first male child of the father has the right or is entitled to inherit the father's property.⁵

However, in Nigeria and Uganda, two African countries with diverse cultural and socio-political contexts, despite judicial pronouncement, and legislation limiting traditional practices condoning and promoting gender inequality, the issues of gender inequality are still thriving.⁶ However, efforts to address gender-based disparities are being made in Uganda, for instance, Uganda's Constitution has a provision frowning on general discrimination against gender and requires equal participation of females and males in politics and other sectors.⁷ Furthermore, the Ugandan Succession Act of 2022 is an Act that sought to introduce significant reform toward gender equality and the equal treatment of women with men while at the same time confronting custom practices and beliefs that are discriminatory and unconstitutional.⁸ In this regard, it is obvious that Gender equality has become a pressing concern in Uganda, emphasizing the need for equal treatment of all individuals.⁹ Hence, it suffices to state that the Uganda constitutional and legislative

² Mukhlis Mukhlis et al., "Rejection of Former Shia Community in Sampang Perspective on Human Rights Law: Discourse of Religious Rights and Freedom in Indonesia," *Lex Scientia Law Review* 7, no. 2 (November 30, 2023): 959–94, <https://doi.org/10.15294/lesrev.v7i2.72156>.

³ Jackline Adisiimwe, "Gender Equity: Examination of the Law Relating to Employment of Women in Uganda],” *KAS African Law Study Library - Librairie Africaine d'Etudes Juridiques* 10, no. 4 (n.d.): 465–84.

⁴ David Cohen et al., "Gender Norms in a Context of Legal Pluralism: Impacts on the Health of Women and Girls in Ethiopia,” *Global Public Health* 19, no. 1 (December 31, 2024): 2326016, <https://doi.org/10.1080/17441692.2024.2326016>.

⁵ Paul Atagamen Aidonojie et al., "International Laws Regulating Human Rights in Business Operations in Uganda: Issues and Challenges,” *Fenomena* 23, no. 2 (November 10, 2024): 131–44, <https://doi.org/10.35719/fenomena.v23i2.188>.

⁶ Budiyanto Budiyanto et al., "Problems of Legal Implementation of the Criminal Offense of Spreading Fake News and Hate Speech in Papua” 20, no. 2 (2024): 278–300.

⁷ Yordan Gunawan, Amarta Yasyhini Ilka Haque, and Paul Atagamen Aidonojie, "Police Brutality as Human Rights Violation: A Study Case of Black Lives Matter,” *Varia Justicia* 19, no. 1 (April 29, 2023): 19–32, <https://doi.org/10.31603/variajusticia.v19i1.6588>.

⁸ Laura Berlingozzi, "Gendered Insecurities: EU Practices in Countering Violent Extremism in Niger,” *European Security* 32, no. 3 (July 3, 2023): 444–63, <https://doi.org/10.1080/09662839.2023.2233441>.

⁹ Brian Citro, "Activating Law and Human Rights to End Tuberculosis: An Empirical Assessment of Ten Countries' Fulfillment of United Nations Commitments,” *Indiana Health Law Review* 21, no. 1 (June 11, 2024): 1–59, <https://doi.org/10.18060/28378>.

framework has solidified and strengthened active female participation in politics, economic, social, and other sectors in the country.¹⁰

However, given the significant recognition of the need to tackle the inherent gender inequalities that thrive against women owing to their biological makeup.¹¹ In Nigeria, the fight for women's rights is not unconnected with the fact that the issues of gender inequality are loud since women are faced with so many obstacles which do not afford them the platform for equal participation in economic, social, and political life.¹² Despite their vital contributions to the social and economic development of Nigeria, women remain discriminated against and excluded as major players in politics just like their male counterparts.¹³ Also, participation in formal and informal structures and processes remains insignificant and this is because the patriarchal nature of Nigerian society, which is deeply established in traditional practices and beliefs, is a major barrier to advancing gender equality.¹⁴ The persistence of discriminatory customary laws and practices, such as the primogeniture rule.¹⁵ It is the customary practices and beliefs that persistently perpetuate the discrimination and as well as exclusion of women, thereby denying them the right to inherit property as asserted by the customary principles of primogeniture rule and it also denies them the right to participate in economic, politics, low participation of academic activities, and social life on an equal footing with men.¹⁶ Hence, it suffices to state that Nigeria has attained equal notoriety for retrogressive patriarchal traditions and systematic violations of gender-based inequality.¹⁷ These injustices arise from the complex interplay of cultural, religious,

¹⁰ Anne Marie Goetz, "Women in Politics & Gender Equity in Policy: South Africa & Uganda," *Review of African Political Economy* 25, no. 76 (June 1, 1998), <https://doi.org/10.1080/03056249808704312>.

¹¹ Patricia Kameri-Mbote, "Constitutions As Pathways to Gender Equality in Plural Legal Contexts," *Oslo Law Review* 5, no. 1 (May 9, 2018): 21–41, <https://doi.org/10.18261/issn.2387-3299-2018-01-02>.

¹² Alessandro Gullo et al., *Gender Equality and Economic Development in Sub-Saharan Africa* (Washington, D.C.: International Monetary Fund, 2024), <https://doi.org/10.5089/9798400246968.071>.

¹³ Danwood M Chirwa and Christopher Mbazira, "Constitutional Rights, Horizontality, and the Ugandan Constitution: An Example of Emerging Norms and Practices in Africa," *International Journal of Constitutional Law* 18, no. 4 (December 31, 2020): 1231–53, <https://doi.org/10.1093/icon/moaa081>.

¹⁴ Makama Makama and Godiya Allanana, "Patriarchy and Gender Inequality in Nigeria: The Way Forward," *European Scientific Journal* 9, no. 17 (n.d.): 115–44.

¹⁵ Mukhlis Mutawalli Muhammad et al., "Filling Members of the Financial Audit Board: Constitutional Review and Legislative Intervention," *Al-Adl* 17, no. 1 (n.d.): 55–72.

¹⁶ Gabriel Uchechi Emeasoba, "An Evaluation of the Nigerian Judicial Attitude to the Igbo Customary Law of Succession (2020)," *African Customary and Religious Law Review* 1 (2020): 11–19.

¹⁷ Muwaffiq Jufri et al., "State Power Limitations on Religion for The Fulfillment of The Constitutional Rights of Indigenous Religion Believers in Indonesia," *Journal of Indonesian Constitutional Law* 1, no. 3 (December 16, 2024): 194–220, <https://doi.org/10.71239/jicl.v1i3.23>.

and sociological norms that have traditionally placed women in an inferior role.¹⁸ Even though Nigeria has been a party to several international human rights instruments, flagrant violations of the fundamental rights of women continue unabated.¹⁹

It must be noted that several literatures have contributed to the discussion as it concerns gender base rights.²⁰ It will be relevant to consider some of the scholarly work of these researchers as follows. According to Obatusin,²¹ international human rights agendas face a great deal of resistance due to their perceived Western origins. However, this can be a viable solution using the aspects of customary law that correspond to human rights principles. Such an approach enhances legitimacy and facilitates grassroots acceptability of reforms in human rights. In the same vein, Eboson contemplates on the very inheritance laws of the Igbo people in Nigeria which could be termed as discriminatory against women respondents.²² The author emphasizes the tension between traditional practices and the international framework of gender rights using a comparative study of Kenya, South Africa, and Ghana. Eboson has proposed that legal reforms should include customary legal principles through points of entry relating to gender equality notwithstanding the cultural contexts in which they exist. This position is reiterated in Abdulrazaq's writing on Islamic inheritance laws, which suggest that without misunderstanding, Islamic legal frameworks are capable of providing a ground for achieving gender balance and social justice in Nigeria.²³ On the Other Hand, Literature would Further Discuss Gender Equality with Law in Nigeria. A Pan-Mallam²⁴ Holistic Discourse

¹⁸ Anicée Van Engeland, "Human Rights: Between Universalism and Relativism," in *International Conflict and Security Law*, ed. Sergey Sayapin et al. (The Hague: T.M.C. Asser Press, 2022), 93–113, https://doi.org/10.1007/978-94-6265-515-7_5.

¹⁹ Paul Atagamen Aidonojie et al., "Nigeria's Adoption of Robotic Lawyers: Legal and Socio-Economic Challenges," *BESTUUR* 12, no. 1 (July 4, 2024): 69, <https://doi.org/10.20961/bestuur.v12i1.89747>.

²⁰ Muwaffiq Jufri et al., "Religion and State in Islamic Constitutional Law: The Role of Pesantren in Strengthening Symbiotic Islam and the State in Madura," *Justicia Islamica* 21, no. 2 (November 6, 2024): 221–46, <https://doi.org/10.21154/justicia.v21i2.9283>.

²¹ S.C Obatusin, "Customary Law Principles as a Tool for Human Rights Advocacy: Innovating Nigerian Customary Practices Using Lessons from Ugandan and South African Courts," *Columbian Journal of Transnational Law* 56 (2017): 636–79.

²² Cynthia Kelechi Eboson, "Navigating Between Entrenched Discriminatory Customary Laws: A Case Study of Inheritance Rules and Gender Rights in the IGBO Community in Nigeria" (Montreal-Canada, McGill University, 2023), <https://www.proquest.com/openview/3605122e8a2c32ed816cab8eeb0d6878/1?cbl=18750&dis=s=y&pq-origsite=gscholar>.

²³ Fatimah Funsho Abdulrazaq, "An Analysis of Child's Rights Under Islamic Law of Inheritance: An Epitome of Gender Balance, Equity, and Justice in Nigeria," *Islamic University in Uganda Journal of Comparative Law* 7, no. 1 (2022): 125–44.

²⁴ Anders Örténblad, Raili Marling, and Snježana Vasiljević, eds., "Gender Equality in Nigeria," in *Gender Equality in a Global Perspective*, 1st ed. (1 Edition. | New York : Routledge, 2017. | Series:

on Gender Inequalities in Nigeria Spells Out Cultural and Religious Norms that Continue to Undermine Formal Legal Mechanisms Established toward Gender Equality. Fatile and Ejalonibu²⁵ criticize the Nigerian policy responses to gender inequalities, particularly under Jonathan's administration; although certain advances were made during his regime, reforms made under Buhari failed to carry on such efforts. Tamale²⁶ carries some valuable lessons from Uganda, showing that affirmative action has transformed women's participation in governance. Uganda's experience has valuable lessons for Nigeria, demonstrating that legal reforms can be made to yield high dividends where strategically implemented. All these studies emphasize the contending nature of customary law with human rights advocacy while advocating for the need for innovative legal changes that are context sensitive.

Thus, the thrust of this study is to examine the necessity of advancing gender equality rights in Nigeria and to draw lessons from Uganda's phenomenal strides in promoting a gender-balanced social order.

Methods

The study interrogates and investigates the gender balance rights in Nigeria with a view of taking a leap or learning from the Uganda experience which tends to have a constitutional and legislative recognition of female rights, equal participation, and representation of all sectors in Uganda. Hence, relying on existing laws and literature as it concerns gender participation in politics and other sectors, the study adopts a doctrinal method of study. The essence of adopting a doctrinal method of study is aimed at theorising and examining the topic under study.

Concerning the above, primary and secondary sources of material such as the constitutions and legislations of Nigeria and Uganda, were reviewed and examined as to the extent these laws recognise and provide for equal participation and representation of females in politics and other sectors. Furthermore, the study also relied on secondary sources of material such as scholarly literature such as articles, reports, and other relevant research material to ascertain the practicality and reality of female participation and representation in politics and other sectors. Hence, the data obtained were examined, analyzed, and discussed using an analytical method.

Routledge advances in management and business studies ; 68: Routledge, 2017), 23–53, <https://doi.org/10.4324/9781315639505>.

²⁵ Jacob Olufemi Fatile and Ganiyu Layi Ejalonibu, “A Critical Appraisal Of Jonathan’s Transformation Agenda And Gender Equality In Nigeria,” *University of Mauritius Research Journal* 22 (2016): 207–44.

²⁶ Sylvia Tamale, *When Hens Begin to Crow: Gender and Parliamentary Politics in Uganda* (Taylor & Francis Group, 2018).

Discussion

Conceptual Discussion of Gender's Rights in Nigeria and Uganda

Gender issues in every discourse are often controversial because of their sensitive nature.²⁷ The issue of gender rights has been a persistent problem in Nigeria and a different issue in Uganda.²⁸ This is due to their peculiar historical background, customary practices and beliefs, and their existing legal framework. In Nigeria,²⁹ the fight and battle for the need for gender equality can be traced back to as far as the pre-colonial administration when women's rights suffered discrimination owing to the patriarchal values and laws that were been championed,³⁰ although Nigeria has been making effort to promote gender equality but this is not without barriers which persist especially in the sphere of politics, education, healthcare, and economics empowerment.³¹ On the other hand, Uganda has compared to Nigeria more of a strong legal framework that promotes gender equality in fast progression thereby promoting women's inclusivity and participation in politics and decision-making today research has it that Uganda is seen as a prime mover or leader in gender equality guarantee a platform for gender inclusivity and participation in the sphere of politics,³² education, healthcare and economics empowerment thereby greatly reducing gender disparities in education, healthcare, and economic empowerment in the country.³³

Over the years, Uganda has continued to see the gradual implementation, within the last decade, of affirmative action policies meant to improve women's

²⁷ Joseph Ikechukwu Uduji, Elda Nduka Okolo-Obasi, and Simplice A. Asongu, "Oil Extraction and Gender Equality for Social Equity: The Role of Corporate Social Responsibility in Nigeria's Coastal Communities," *Resources Policy* 81 (March 2023): 103346, <https://doi.org/10.1016/j.resourpol.2023.103346>.

²⁸ M. Ssenyonjo, "Women's Rights to Equality and Non-Discrimination: Discriminatory Family Legislation in Uganda and the Role of Uganda's Constitutional Court," *International Journal of Law, Policy and the Family* 21, no. 3 (December 1, 2007): 341–72, <https://doi.org/10.1093/lawfam/ebm010>.

²⁹ Shirin M. Kai, "The National Machinery for Gender Equality in Uganda: Institutionalized Gesture Politics?," in *Mainstreaming Gender, Democratizing the State: Institutional Mechanisms for the Advancement of Women*, 1st ed. (Routledge, 2017), <https://doi.org/10.4324/9780203786680>.

³⁰ Ssenyonjo, "Women's Rights to Equality and Non-Discrimination."

³¹ Safi' Safi' et al., "Bhag-Rembhag Sabhala'an as a Method of Resolving Religious Conflicts in the Madura Legal Tradition," *El-Mashlahah* 14, no. 1 (June 30, 2024): 95–126, <https://doi.org/10.23971/el-mashlahah.v14i1.7819>.

³² P. A. Aidonojie, S. A. Wakili, and D. Ayuba, "Effectiveness of the Administration of Justice in Nigeria Under the Development of Digital Technologies," *Journal of Digital Technologies and Law* 1, no. 4 (December 15, 2023): 1105–31, <https://doi.org/10.21202/jdtl.2023.48>.

³³ Paul Atagamen Aidonojie and Oaihimore Idemudia Edetalehn, "A Facile Study of the Statutory Challenges Concerning Customary Practice of Intestate Succession in Nigeria," *JHR (Jurnal Hukum Replik)* 11, no. 1 (April 1, 2023): 1, <https://doi.org/10.31000/jhr.v11i1.7552>.

political participation.³⁴ The 1995 Constitution and the Local Government Act of 1997 reserved seats for women at different levels of government. This has led to a gradual increase in the number of women representatives in parliament. In 2011, women were approximately 35% of members of parliament, a figure that remained relatively stable in subsequent elections.³⁵ By 2016, women's representation was similarly proportioned, occupying about 33% of the seats. For the 2021 elections, women in parliament accounted for 33.9%. The local governments have also seen a good level of participation from women. Policies ensuring one-third of women's representation in local councils have contributed to this effect.³⁶ In 2017, 46% of local government positions were held by women, a reflection of the success of these affirmative action measures.³⁷

The situation still harbors challenges such as societal norms and economic constraints, which negatively affect women's full involvement in the political arena.³⁸ In a 2017 survey,³⁹ women were said to be disempowered compared to men at the rate of 6 to 4, a clear indicator that disempowerment is an ongoing challenge concerning political empowerment.⁴⁰ Despite the challenges they face, notable women in Uganda have climbed political ranks. By 2018, women held 43% of cabinet posts, showing progress towards gender inclusivity at the higher levels of government. The most recent statistics from February 2024 show women holding

³⁴ Paul Atagamen Aidonojie et al., "Curtiling Male Rape in Nigeria: Legal Issues and Challenges," *Journal of Sustainable Development and Regulatory Issues (JSDERI)* 2, no. 3 (September 24, 2024): 287–303, <https://doi.org/10.53955/jsderi.v2i3.43>.

³⁵ Smartson Ainomugisha, "Measuring the Progress of Women Empowerment in Uganda: A National Multidimensional Index" (7th Annual Gender Statistics Forum, Bugolobi, 2024), <https://www.ubos.org/wp-content/uploads/2024/11>.

³⁶ Irene Tinker, "Quotas for Women in Elected Legislatures: Do They Really Empower Women?," *Women's Studies International Forum* 27, no. 5–6 (November 2004): 531–46, <https://doi.org/10.1016/j.wsif.2004.09.008>.

³⁷ Angela Ajodo-Adebanjoko, "Giving Voice to the Voiceless: The Challenges of Women Legislators in Nigeria's National Assembly," in *Two Decades of Legislative Politics and Governance in Nigeria's National Assembly*, ed. Fatai Ayinde Aremu and Adebola Rafiu Bakare (Singapore: Springer Singapore, 2021), 317–43, https://doi.org/10.1007/978-981-33-4455-6_13.

³⁸ Paul Atagamen Aidonojie et al., "Legal and Socio-Economic Challenges of E-Commerce in Uganda: Balancing Growth and Regulation," *Trunojoyo Law Review* 7, no. 1 (January 10, 2025): 1–32, <https://doi.org/10.21107/tlr.v7i1.27704>.

³⁹ Nana Akua Amponsah and Janet Serwah Boateng, "Women in Local Government in Africa: Gender, Resistance, and Empowerment," in *The Palgrave Handbook of African Women's Studies*, ed. Olajumoke Yacob-Haliso and Toyin Falola (Cham: Springer International Publishing, 2021), 393–412, https://doi.org/10.1007/978-3-030-28099-4_147.

⁴⁰ Oluyemi O. Fayomi et al., "Women in Political Leadership in Nigeria: Issues, Prospect and Challenges," in *The Political Economy of Colonialism and Nation-Building in Nigeria*, ed. Samuel Ojo Oloruntoba (Cham: Springer International Publishing, 2022), 189–207, https://doi.org/10.1007/978-3-030-73875-4_11.

33.9% of parliament,⁴¹ which means that efforts toward gender parity must continue. While Uganda has made commendable strides in promoting women's political participation, sustainable efforts are required to overcome enduring obstacles toward fair representation at all levels of government.

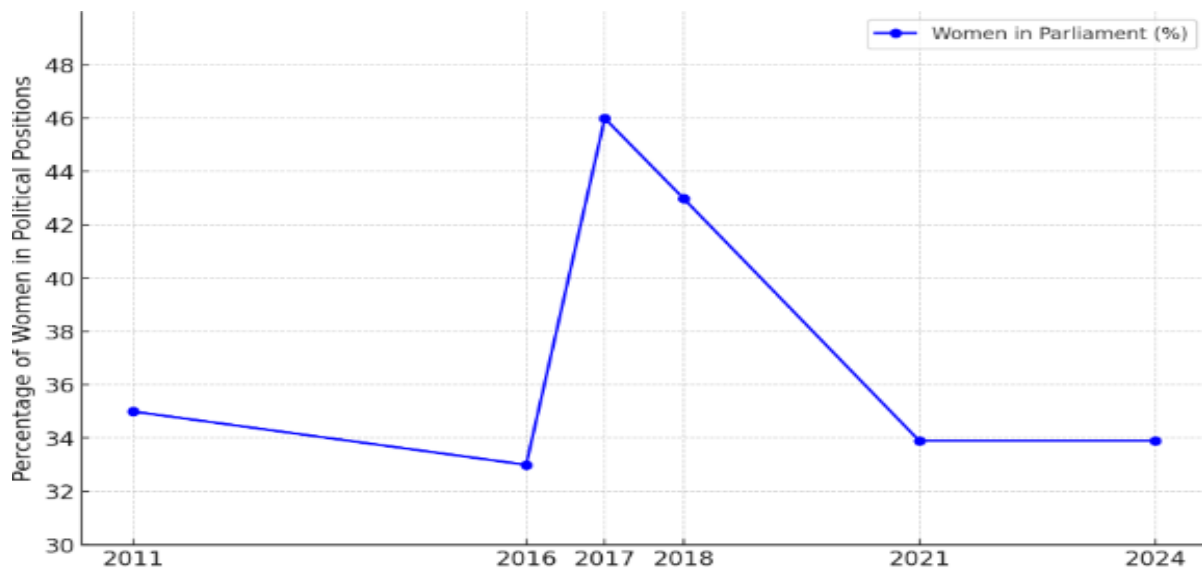


Figure 1. Women's Political Participation in Uganda from 2011-2024

Source: Smartson Ainomugisha; UN Women; The Conversation Africa

The Constitution of Nigeria has a provision that guarantees equal rights for men and women geared towards preventing gender discrimination and the same Constitution which to me sounds awkward also contains another provision that works to promote and perpetuate gender discrimination a provision that provides for the marriage of an underage girl which is captured in Section 29(4)(b) of the Constitution. Poor participation of women in politics and governance has been a major concern in Nigeria. Women's participation in politics still leaves much to be desired, and this undesired nature of women's political participation has engendered a consciousness of women's participation in public life in Nigeria. Despite various advocacy efforts, female political participation in Nigeria has remained very low from 2010 to 2024, despite a variety of advocacy efforts. The 2011 and 2015 elections saw women hold about 6.7% of political positions, with little change in the number of women after the subsequent elections.⁴² Women won only 6% of National Assembly seats in 2019 (29 out of 469), a clear indication of the pernicious influence of structural barriers, such as patriarchal norms and dwindling party support. In 2023, 360 women presented themselves for various federal contests, but there were no female governors or vice presidents. As for 2024, women's

⁴¹ Adeline Nnenna Idike et al., "Gender, Democracy, and National Development in Nigeria," *Sage Open* 10, no. 2 (April 2020): 2158244020922836, <https://doi.org/10.1177/2158244020922836>.

⁴² Ellen Abakah, "Participation without a Voice? Rural Women's Experiences and Participation in Local Governance Activities in the Abura–Asebu–Kwamankese District of Ghana," ed. Sonia Graham, *Cogent Social Sciences* 4, no. 1 (January 1, 2018): 1549768, <https://doi.org/10.1080/23311886.2018.1549768>.

representation in the National Assembly remains below the global average, urging the need for proper policies to foster the participation of women in Nigerian politics. In 2023, the 10th National Assembly, women's participation in Nigeria's federal legislature remained alarmingly low. In the Senate, women occupy 3 out of 109 seats, accounting for about 2.7% of the chamber. In the House of Representatives, women occupy 17 out of 360, around 4.7% of the seats. Thus, women make up about 4.2% of the total of the National Assembly, which is made up of 469 members.⁴³

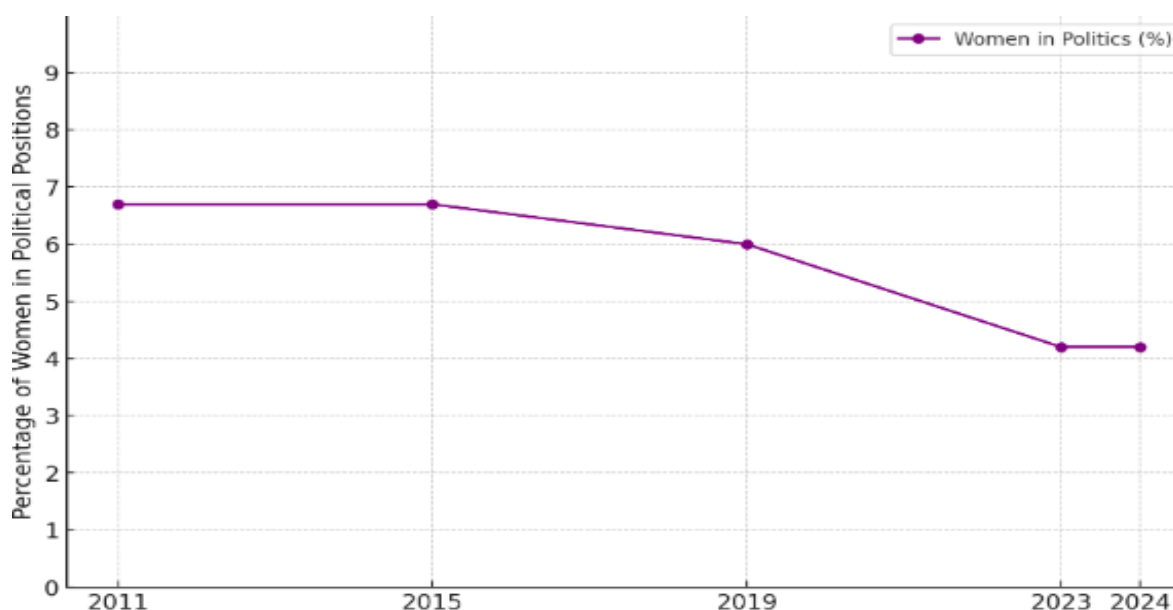


Figure 2. Female Participation in Politics in Nigeria from 2011-2024

Sources: Nigerian Women in Politics: 24 Years After the Return to Electoral Democracy, 2025.

Customs and norms in both Nigeria and Uganda play a significant role in shaping gender rights. This is not unconnected with the known fact that customary practices and beliefs that promote patriarchal values often perpetuate gender-based disparities, especially in the areas of education, politics, inheritance, and marriage.⁴⁴ For instance, in Uganda bride price and polygamy have been criticized for promoting gender-based discrimination however, worthy of Commendation the country Uganda has made a deliberate effort to address this issue, given the birthing of laws and policies aimed at promoting gender equality⁴⁵. In this regard, it is apt to

⁴³ Titilayo D. O. Falade et al., "Knowledge, Perceptions and Practices Regarding Aflatoxins and Aflatoxin Management Solutions among Women: A Perspective from Two Communities in Nigeria," *Cogent Food & Agriculture* 11, no. 1 (December 31, 2025): 2460464, <https://doi.org/10.1080/23311932.2025.2460464>.

⁴⁴ Elena Semenova and Nkwachukwu Orji, "The Patterns of Political Career Movements of Nigerian Cabinet Ministers, 1999–2017," *Regional & Federal Studies*, February 25, 2024, 1–25, <https://doi.org/10.1080/13597566.2024.2319730>.

⁴⁵ Moses Elaigwu et al., "Sustainability Disclosure Quality of Nigerian Listed Firms: The Role of Female Leadership, Board Communication, and External Assurance," *Cogent Business &*

state that Uganda has made more progress in promoting gender equality, than in the Nigerian terrain.⁴⁶ This is concerning the fact that Uganda's legal framework on gender rights is more comprehensive, and the country has made significant progress in addressing cultural practices that perpetuate gender-based discrimination.⁴⁷

Gender equality is a very powerful ingredient in sustainable development, and this is concerning the fact that SDG 5, which focuses on Gender equality, is aimed at eliminating any form of discrimination against women, and ensuring equal opportunities in governance, education, and employment. Uganda has succeeded in creating quite a few gender reforms by constitutional provisions and affirmative actions, including institutional frameworks aimed at complementary rights for women. Lessons can be drawn from these initiatives by Nigeria to improve legislation addressing such disparities as equal representation of women in leadership, legal protection from gender-based violence, and provision of opportunities for economic empowerment. Such structural and systematic barriers within inequalities beyond gender-bias issues (SDG 10) have to be addressed as well. If, for example, Uganda's legal reforms have concerned themselves predominantly with policies, then these inclusive policies include those that protect vulnerable populations by putting up laws against discrimination and equitably distributing resources. Nigeria could borrow a technology like that to strengthen its legal mechanisms that empower women's land-rights, access to financial resources, and elimination of discriminatory practices in workplaces and governance structures. Gender-sensitive budgets, enforcement of anti-discriminatory laws, and social inclusion by these would narrow the inequalities represented in a more just society.⁴⁸

Economic growth, which does not include women and disadvantaged groups, is equally unfair and cannot be said to be sustainable. Under SDG 8 (Decent Work and Economic Growth), the idea of creating opportunities devoid of economic barriers for everyone, especially under fair pay, safe working areas, and encouraging entrepreneurship, is covered. Through provisions within and beyond the labor laws, Uganda has eased access to credit facilities, and labor rights have also been promoted into women's economic empowerment. She could also strengthen her

Management 11, no. 1 (December 31, 2024): 2376774, <https://doi.org/10.1080/23311975.2024.2376774>.

⁴⁶ Anastasia J. Gage and Nicholas J. Thomas, "Women's Work, Gender Roles, and Intimate Partner Violence in Nigeria," *Archives of Sexual Behavior* 46, no. 7 (October 2017): 1923–38, <https://doi.org/10.1007/s10508-017-1023-4>.

⁴⁷ Taiwo Oladapo Babalola et al., "Women's Perspective on Land Governance in the Urban Periphery of Ibadan, Nigeria," *Development in Practice* 34, no. 6 (August 17, 2024): 765–81, <https://doi.org/10.1080/09614524.2024.2372575>.

⁴⁸ Abidemi Abiola Isola, "Women's Political Participation and the Place of Patriarchy in Political Institutions in Osun State, Nigeria," in *Routledge Handbook of Contemporary African Women*, by Anna Chitando, Eunice Kamaara, and Ezra Chitando, 1st ed. (London: Routledge, 2025), 375–89, <https://doi.org/10.4324/9781003413820-32>.

labor laws so that women enjoy equal pay, be protected from harassment in workplaces, and have more chances to involve themselves in entrepreneurship. It would be a way to empower Nigerians to develop themselves economically, consolidate reforms in national law and planning, and at the same time sustainably develop Nigeria in the sense that men and women contribute equally to national growth.⁴⁹

Legal Framework in Advancing Women's Rights in Nigeria and Uganda

Gender balance is a major issue and concern worldwide as men and women are faced with new challenges and difficulties in achieving gender equality. Therefore, several laws have addressed this issue of gender balance rights within Uganda and Nigeria. However, laws are considered inadequate in Nigeria,⁵⁰ but in Uganda, there seems to be well-documented implementation of these laws to address issues as it concerns gender balance rights. Concerning this, it will be relevant to consider some of these laws as they concern gender rights in Nigeria and Uganda. One notable law concerning gender balance rights in Nigeria and Uganda is the Convention on the Elimination of all Forms of Discrimination Against Women. This law is a global law that tends to address issues as it concerns female rights and any form of discrimination against them.⁵¹ In this regard, Article 1 of the convention it states that discrimination against women involves any sex discrimination or distinction, or restriction that tends to undermine female rights or recognition in economic, social, and political issues.

Hence article 7 of the convention, expands female discrimination to include deliberately violating their voting rights, and restricting females from taking part in governance, politics, and public life. However, article 11 of the convention is quite explicit as it stipulates that women's rights are inalienable. hence articles 6 and 9 of the convention stipulate that the state must take adequate measures and legal action in securing the rights of a female within their territory. Furthermore, States parties are required by Article 3 to provide women with fundamental freedoms and basic human rights "on a basis of equality with men" in the "social, political, cultural and economic fields." Also, another relevant law is the African Charter on Human and

⁴⁹ Sanja Obradović Strålman and Vladimir Stojanović, "Breaking Boundaries: Empowering Women for Sustainable Tourism in Bačko Podunavlje Biosphere Reserve," *Environment, Development and Sustainability*, March 1, 2025, <https://doi.org/10.1007/s10668-025-06067-w>.

⁵⁰ Daniel Tuki, "Examining the Effect of Gender, Education and Religion on Attitudes toward Gender Equality in Nigeria," *Politics, Groups, and Identities* 13, no. 1 (January 2025): 1–27, <https://doi.org/10.1080/21565503.2024.2304311>.

⁵¹ Sanobar Naheed and Rukhsana, "Transitioning to Sustainable Food Systems in a Changing Climate and Gender Equality: A Brief Review," *Agriculture & Food Security* 13, no. 1 (September 18, 2024): 41, <https://doi.org/10.1186/s40066-024-00492-2>.

People's Rights.⁵² These regional laws also apply to Nigeria and Uganda, being charter parties and a member of the African Union. By Article 2 state parties are required to promote and encourage equality as a fundamental and core objective. Furthermore, the provision of Article 2 also requires state parties to ensure they eliminate any form of sex, language, religion, and race discrimination within their territory. Furthermore, article 4 of the Charter prohibits any ill-treatment such as widow rites, child marriage, and other forms of female discrimination. In this, it suffices to state that international laws recognize the equality of males and females with any form of discrimination.⁵³ Hence, it suffices to state that Nigeria and Uganda are both signatories to these international laws, the applicability of these laws in both jurisdictions, though with constitutional limitations.

However, in Nigeria the laws that provide for the rights of man, these laws seem to be more generic. This is concerning the fact that these laws do not specifically address issues of gender balance but seem to secure the rights of everyone. For example, the Nigerian constitution, which is the Grund Norm of the land, which ought to provide for the rights of man and ensure there is a balance of rights between genders, seems to be silent. For example, section 42 provides that the government should prevent any form of discrimination based on religion, sex, and ethnicity. Section 34 also provides for the rights and dignity of the citizens of Nigeria, and Section 17 specifically requires the Nigerian government to ensure its policies are based on social justice devoid of discrimination. However, it must be noted that by section 14(3) of the Nigerian constitution, Nigeria operates on a federal character that tends to be inclusive and accommodating to all, most especially on tribal issues. These provisions, though seem to protect men and women, however, there is no balance of how these rights should be practically applied to both males and females. Hence making it vague for manipulation and abuse by any of the genders that seem to be more powerful economically, socially, and culturally. Furthermore, there are other laws or legislation such as the Child Rights Act and Violence Against Persons (Prohibition) Act (VAPPA) 2015, which seem to provide and secure the rights of females but do not seem to accommodate and provide for a practical gender balance as it concerns adult female in respect of politics, economic and other affairs in terms of equal representation.⁵⁴

However, the recognition and protection of female rights or gender balance rights in its practical and theoretical form in Uganda are recognised and guaranteed

⁵² Loubna Belaid et al., "Promoting Gender Equity in a Home Visits Programme: A Qualitative Study in Northern Nigeria," *BMC Women's Health* 24, no. 1 (August 24, 2024): 469, <https://doi.org/10.1186/s12905-024-03293-8>.

⁵³ Ella J. Lombard and Sapna Cheryan, "Does My Work Matter? Reduced Sense of Mattering as a Source of Gender Disparities," *Social and Personality Psychology Compass* 18, no. 1 (January 2024): e12907, <https://doi.org/10.1111/spc3.12907>.

⁵⁴ Paul Atagamen Aidonojie et al., "The Increase of Child Labour in Nigeria: Legal Custody of Victim by the Nigerian Government as a Panacea," *Journal of Indonesian Constitutional Law* 1, no. 3 (December 15, 2024): 151–75, <https://doi.org/10.71239/jicl.v1i3.26>.

by the constitution and legislation. Article 33 of the Uganda constitution seems to be more direct and explicit as it concerns safeguarding and ensuring gender balance rights. The said article stipulates that the Uganda government must take all necessary legal steps to enhance the welfare and rights of women that could aid them in attaining their full potential. Furthermore, the provision of Article 33 also stipulates that females have equal rights with men as it concerns political, social, cultural, and economic issues in the state. Article 21 of the Uganda constitution, specifically prohibits and limits any form of cultural practice that tends to mitigate the realisation of the dignity of females and discriminate based on sex, ethnicity, colour, and religion.⁵⁵ Furthermore, it suffices to state that women in Uganda enjoy their full political and economic rights under articles 11, 21, 70, and 71 of the Ugandan constitution. In essence, these articles tend to foster equal access to all positions: government and leadership, representation of their government. Furthermore, article 32 specifically addresses issues of historical gender imbalance through affirmative action. This affirmative action as it concerns gender imbalance, is majorly on issues such as rights over personal property, equal rights during marriage, and dissolution.

Despite the above constitutional provision that seems to cover extensively as it concerns gender balance rights in Uganda, the constitution also empowers the Uganda legislature to make laws for the main purpose of realizing the intention of the Uganda constitution as it concerns gender balance rights. In this regard, several laws have been enacted in Uganda as it concerns gender balance rights. The Equal Opportunities Commission Act was enacted in 2007, section 3 of the law establishes the Equal Opportunities Commission with the main responsibilities to promote and ensure that the concept of gender balance is observed and implemented in virtually all sectors in Uganda.⁵⁶ Hence, to actualise this responsibility, section 6 stipulates the strategies that should be employed in ensuring equal opportunities in employment, education, politics, health, and other sectors.⁵⁷ One of those strategies involves the eradication of societal, structural, and historical barriers that tend to limit females from equal participation and benefit from every sector in Uganda. Hence, section 9 of the act empowers the commission to promote gender quality, investigate any complaints of discrimination, and institute legal action to remedy

⁵⁵ Saminu Abacha Wakili et al., “Legal Framework and Challenges Concerning Forensic Evidence in Nigeria,” *Trunojoyo Law Review* 7, no. 1 (January 13, 2025): 33–64, <https://doi.org/10.21107/tlr.v7i1.28599>.

⁵⁶ Paul Atagamen Aidonojie et al., “The Prospect and Legal Issues of Income Tax in the Nigerian Metaverse,” *Trunojoyo Law Review* 6, no. 1 (February 26, 2024): 17–50, <https://doi.org/10.21107/tlr.v6i1.23874>.

⁵⁷ Paul Atagamen Aidonojie et al., “International Legal Framework in Curtailing Hazardous COVID-19 Medical Waste: Issues and Challenges,” *Decova Law Journal* 1, no. 1 (March 2025): 1–17.

any systemic breach of gender balance rights.⁵⁸ Furthermore, it suffices to state that other relevant laws that tend to guarantee the rights of females and ensure there is a balance of rights include the Uganda Employment Act and the National Gender Policy.⁵⁹

Concerning the above, it suffices to state that the Uganda laws, as it concerns female participation and equal opportunity with their male counterpart, seem to be more explicit and direct than the Nigerian law. Hence this has placed females and empowered them to attain their full potential towards sustainable development in Uganda. However, apart from being eligible and able to be in a better position to compete equally with their male counterpart to represent all the constituencies in parliament, females have been reserved a special seat (Woman District Member of Parliament- MP) to represent each of the districts of Uganda.⁶⁰ Furthermore, most key positions as minister, judges, leaders in the legislative house and other sectors in Uganda had females in almost proportion to their male counterparts. This Affirmative action has increased the number of women in politics in positions of decision-making and other sectors in Uganda.

Comparative Analysis of Nigeria and Uganda's Legal Framework in Advancing Female Rights

Gender equality remains a critical and major issue worldwide, with legal frameworks having a significant role in advancing women's rights.⁶¹ It must be noted that both Uganda and Nigeria are signatories to international conventions on gender equality. As signatories to international laws of gender equality, Uganda and Nigeria have made equal attempts.⁶² However, Uganda advances by getting these upfront constitutional and informed legislative frameworks. But Nigerian cases seem to face challenges because of vague and general legislation that does not sufficiently address gender balance. Article 33 of Uganda's Constitution explicitly protects women's rights, mandates affirmative action to address historical gender imbalances, promotes women's equal participation in political, economic, and social

⁵⁸ Souad Ezzerouali, "Expanding the Authority of Muhtasib to Protect Consumers: A Comparison between Moroccan Law and Islamic Qanun of Aceh," *Trunojoyo Law Review* 7, no. 2 (March 2025): 161–91, <https://doi.org/10.21107/tlr.v7i2.29151>.

⁵⁹ Renis Auma Ojwala et al., "Understanding Women's Roles, Experiences and Barriers to Participation in Ocean Science Education in Kenya: Recommendations for Better Gender Equality Policy," *Marine Policy* 161 (March 2024): 106000, <https://doi.org/10.1016/j.marpol.2023.106000>.

⁶⁰ Elizabeth Akinjole, Bosede Kudaisi, and Mary M. Fasoranti, "Gender Inequality and Poverty in Akoka South West Communities of Ondo State, Nigeria," *Ilorin Journal of Economic Policy* 11, no. 2 (December 20, 2024): 40–61, <https://doi.org/10.4314/ijep.v11i2.3>.

⁶¹ Ugonna C. Nkwunonwo, "Women in Surveying (WIS): Urgently Bridging the Gender Divide for the Sustainable Development of Geoinformatics and Surveying Profession," *Survey Review*, March 3, 2025, 1–9, <https://doi.org/10.1080/00396265.2025.2472531>.

⁶² Noel Namuhani et al., "Equity in Family Planning Policies and Programs in Uganda: Conceptualization, Dimensions and Implementation Constraints," *International Journal for Equity in Health* 23, no. 1 (March 11, 2024): 50, <https://doi.org/10.1186/s12939-024-02143-1>.

spheres.⁶³ On the other hand, Nigeria's Constitution can't be absolute on female rights issues despite Sections 42 and 34 not approving of discrimination and human dignity. The absence of specific laws makes policies purporting to protect women's interests unenforceable; thus, women fall prey to systemic inequalities in political representation, economic opportunities, and welfare.⁶⁴

Uganda's most remarkable advantage is its robust legislative framework towards gender equality. The Equal Opportunities Commission Act of 2007 recognises the establishment of an agency to contract for specific duties on gender balance policies in all areas, including employment, education, and governance.⁶⁵ Section 9 gives this body specific powers to investigate discrimination cases and institute proceedings against violators under this Act. Nigeria, however, does not have similar comprehensive frameworks. The Violence against Persons (Prohibition) Act (VAPPA) and Child Rights Act being limited to specific areas such as domestic violence, restrict the provisions of women's rights to confronting isolated dilemmas rather than establishing a wider systemic approach to achieving gender equality.

Also, it is apt to reiterate that Uganda, indeed, has also implemented affirmative action for increased female participation and representation in governance. This is concerning the fact that Article 32 of the Uganda Constitution lays down strategic measures like setting apart parliamentary seats for women and female district Members of Parliament, which have improved female political participation.⁶⁶ Hence, there are women in major government, judiciary, leadership positions, and other sectors. Rather, it's not apparent how Nigeria, one of the African signatories to CEDAW and the African Charter on Human and Peoples' Rights, has given meaning to those commitments to political representation for

⁶³ Zainab M. Olaitan and Christopher Isike, "Gender Quotas as a Mechanism for Engendering Political Transformation in Africa," *The African Review*, October 2024, <https://doi.org/10.1163/1821889x-bja10136>.

⁶⁴ Jerker Edström, Amon Ashaba Mwiine, and David N. Tshimba, "Patriarchal Backlash in Uganda?," in *Routledge Handbook of Masculinities, Conflict, and Peacebuilding*, by Henri Myrntinen et al., 1st ed. (London: Routledge, 2025), 296–307, <https://doi.org/10.4324/9781003320876-30>.

⁶⁵ Pamela Nizeyimana et al., "Assessment of Access and Participation of Students with Special Needs in Public Universities of Uganda," *East African Journal of Education Studies* 7, no. 3 (September 2, 2024): 463–78, <https://doi.org/10.37284/eajes.7.3.2172>.

⁶⁶ Diana Højlund Madsen and Josephine Ahikire, "On Convergences and Divergences: Gendered and Layered Political Citizenship in Ghana and Uganda," in *The Palgrave Handbook of Gender and Citizenship*, ed. Birte Siim and Pauline Stoltz (Cham: Springer International Publishing, 2024), 267–90, https://doi.org/10.1007/978-3-031-57144-2_12.

women.⁶⁷ Currently, women are poorly represented and involved in leadership and governance because Nigeria lacks any affirmative action laws.⁶⁸

Concerning this, it suffices to state that Uganda's constitutional and legislative framework for gender representation is more actionable, explicit, and effective in realising women's rights than Nigeria, whose provisions as it concerns gender balance rights seem to be more generic and less enforceable. In this regard, learning from Uganda, Nigeria could enact stronger affirmative action laws, and set up bodies or commissions to supervise gender equality compliance. Furthermore, the Nigerian government should ensure that constitutional guarantees of non-discrimination translate into workable enforcement policies. In that light, Nigeria could resolve the gender gap, accelerate women's representation, participation, and inclusion in governance, and mainstream gender for sustainable development through the example of Uganda.

Conclusion

Concerning the above, it suffices to state that the study has discussed extensively the concept of gender balance rights in Nigeria and Uganda. Furthermore, the study also identifies the legal shortcomings of gender balance rights in Nigeria, comparing them with Uganda's successful reforms. However, in enshrining gender-balanced rights, Nigeria will require deliberate constitutional and legal reforms, with lessons gleaned from developments in Uganda. This study points out that Uganda's explicit constitutional provisions for the recognition of gender equity, affirmative action policies, and strong institutional framework have contributed significantly to lessening gender discrepancies and inequalities. Conversely, Nigeria's hodgepodge gender-related laws and inconsistent constitutional guarantees in support of gender equity have impeded its progress. To fill the gap, the following are therefore recommended as follows: a) Nigeria should concentrate on amending the Constitution to recognize gender equity explicitly and affirm the implementation of positive action policies that are more pragmatic; b) Furthermore, it is also required that institutional mechanisms to ensure accountability must be put in place on gender issues; c) Legal frameworks, ensuring compliance in the execution and monitoring of all gender-inclusive policies, should be more pragmatic; d) Beyond legal reforms, it is also required that the agenda must also include public awareness and advocacy to confront entrenched cultural and institutional barriers often subjugating and reducing females to mere housemaid who has no relevance in decision-making and as a key stakeholder in other sectors; e) Uganda's experience demonstrates the importance of sustainability by both the government and society in fostering gender-inclusive actions; f) Thus, Nigeria has

⁶⁷ Aidonojie et al., "International Legal Framework in Curtailing Hazardous COVID-19 Medical Waste: Issues and Challenges."

⁶⁸ Richard Fosu and Eleanor Gordon, "The Gendered Politics of the 'Local Turn' in Peacebuilding: Acholi Traditional Justice and Gender in Post-conflict Uganda," *Disasters* 49, no. 2 (April 2025): e12677, <https://doi.org/10.1111/disa.12677>.

to set up specialized gender-monitoring institutions, increase the political space for women, and develop gender-sensitive policies for economic and social development strategies; g) Public awareness will help draw attention to gender issues, through media campaigns, education, and civil society initiatives; h) Capitalizing and recognizing Uganda's approach while customizing it for Nigeria's distinct socio-political environment may form a template for progress concerning gender balance rights, ensuring equal opportunity for all.

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