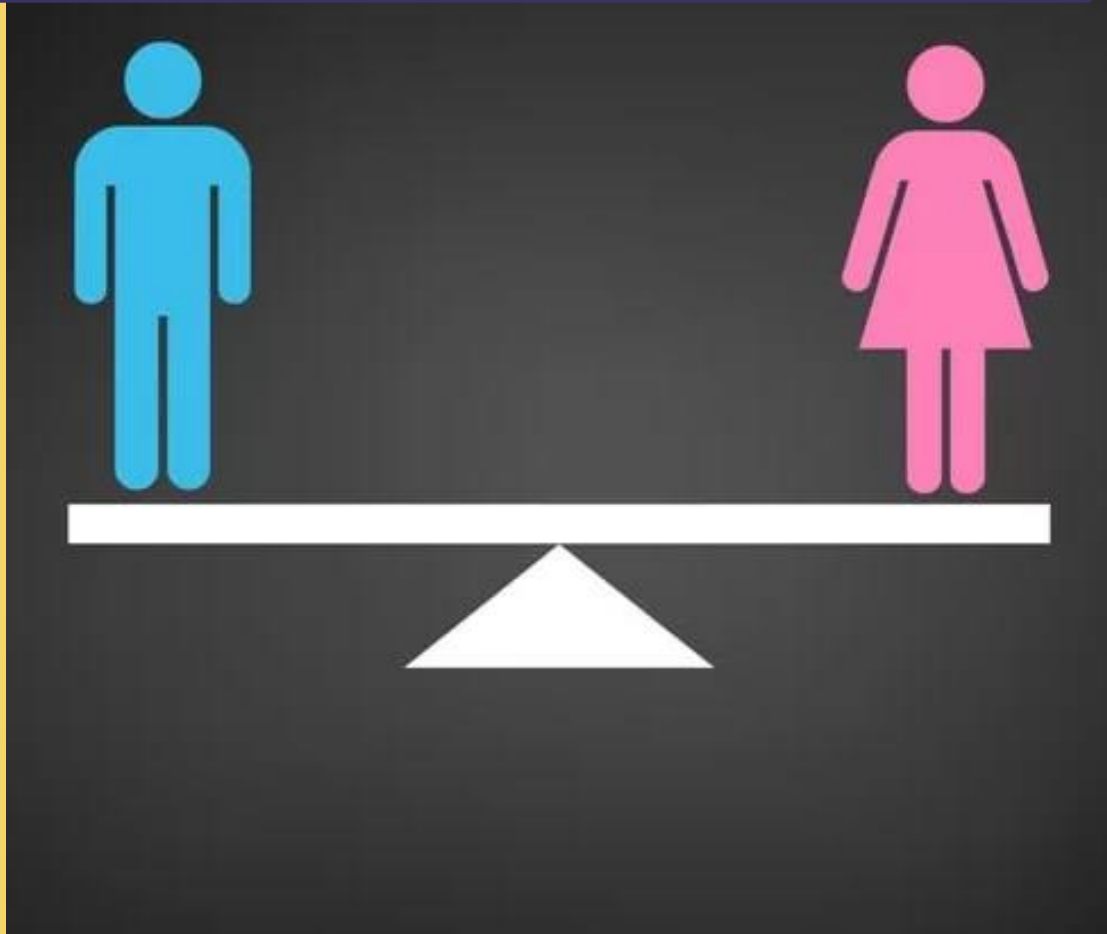




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Perspectives on Gender Equality in Nigeria: A literature Synthesis

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Perspectives on Gender Equality in Nigeria: A literature Synthesis

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PREFACE

This Policy Paper which is peer-reviewed is part of the outputs of the on-going research of the Centre for Population and Environmental Development (CPED) on the research project titled “Gender Inequality and Rural Women’s Health in Post-covid-19 Nigeria: Working with Policymakers and actors to promote inclusive and sustainable rural women’s health in Nigeria” funded by the International Development and Research Centre (IDRC) under its Women Rise Initiative Programme.

This Policy Paper provides a synthesis of the literature on gender inequality issues in Nigeria and the challenges posed by the prevailing patterns for the attainment of sustainable development goal 5 in Nigeria for the benefit of policymakers in Nigeria.

The project team, CPED and the University of Windsor are particularly grateful to IDRC and its partners for the funding of the Women Rise Initiative Programme to which CPED and the University of Windsor are beneficiaries. This has enabled CPED to carry out the study and the publication of this policy paper. We appreciate and acknowledge the contributions of other Team Members to the execution of the project.

INTRODUCTION

Gender equality issues have in the last two decades become key global development themes and policies as reflected in various global treaties, covenants and declarations principally due to the understanding that it is a catalyst to clear-cut development strategies which is targeted at poverty reduction, improved living standards, good governance and profitably productive investments that are critical to the creation of an enlarged capacity that provide men and women equal opportunity and unrestrained access to decision-making. In fact, the attainment of gender equality is not only seen as an end in itself, but also equally a catalyst to the achievement of sustainable development goal 5. One justification for this emphasis on gender equality is the agreement, by all stakeholders across the globe, that one of the indicators of the progress and development of any nation is the position of women in that society. It therefore follows that women are seen to represent a tool for positive change, an end that depends on the level of access to the opportunity for actualizing their potentials and talents (Ejumudo, 2013). It is against this background that this paper provides a synthesis of the literature on gender inequality issues in Nigeria and the challenges posed by the prevailing patterns for the attainment of sustainable development goal 5 in Nigeria for the benefit of policymakers in Nigeria.

Perspectives on gender equality and growth in Nigeria

A growing body of evidence has found a strong nexus between gender equality and inclusive growth in developing countries (Ferrant, 2012). Researchers have consistently argued that the non-inclusion of women within the labour force is economically inefficient and that national economies lose out when a substantial part of the population cannot participate equitably within the economy. Over the past two decades, the Nigerian economy enjoyed steady growth and her gross domestic product (GDP) averaged a growth rate of between 2 and 7 percent. However, while the Nigeria economy seems to be improving, most of the population still live below poverty line with escalating unemployment rates and a widening income gap between the rich and the poor. These dividends of high economic growth have been found to accrue more to a small proportion of the population and scholars assert that Nigeria's growth has only been inclusive for the rich and exclusive for the poor especially the young people and the women (Olukemi and Umar, 2019). Gender disparity is apparent in many aspects of life in Nigeria observed in vastly differing outcomes in metrics such as employment, mortality rates, school drop-out rate and number of women occupying appointive and elective positions within

government. These pre-existing inequalities were exacerbated by the Covid-19 pandemic, which negatively and disproportionately affected women, particularly with regard to access to reproductive health care, employment, the increased burden of unpaid care and domestic work and the experience of violence. In the Global Gender Gap Index for 2021 which measures several key variables including poverty, education, health and political participation, Nigeria ranked 139 out of 153 countries on the index; a significant downward move from 2006 when Nigeria ranked 94 out of 153 (World Economic Forum, 2021).

It has been pointed out that gender inequality in the labour market, low female representation within the political space, low educational attainment, high adolescent fertility and maternal death rates and restrictions to women's legal rights have taken a strong toll in encumbering Nigeria's economic growth and development (Omowumi Asubiaro-Dada, 2019). While explaining the distortionary effect that the non-inclusion of women has on the economy, Ferrant (2012) argued that since women constitute half of the world population, many countries such as Nigeria limit their ability to accumulate physical and human capital and to innovate, since gender inequality means exclusion of women, even if they are more able than men. It is in this context that research over the years has identified some key indicators of gender inequality in Nigeria as reviewed in the remaining sections in this paper.

Discriminatory Legal and Institutional Frameworks Against Women

Some of the legal frameworks in Nigeria are in themselves discriminatory against women. For example, even though Section 25 of the Constitution confers equal rights to acquire or confer citizenship by birth, and neither marriage to a non-Nigerian nor change of citizenship by a spouse can deprive a Nigerian woman (or man) of their citizenship (S.30); Section 26 unfortunately allows only men to confer Nigerian citizenship on their spouses (foreign wives), while this gesture is not extended to women married to foreign husbands. This is an action backed by the constitution which helps to reinforce patriarchal ideals in marriage relationships (Federal Republic of Nigeria, 1999). Still within the same criminal justice system, the Criminal Code discriminates against women on the issue of punishment against personal assaults. For instance, section 353 provides the following on indecent assaults on male "Any person who unlawfully and indecently assaults any male person is guilty of a felony and is liable to imprisonment for three years. The offender cannot be arrested without warrant; while section 360 of the criminal code however provides the following on indecent assaults on females "Any person who unlawfully and indecently assaults a woman or girl is guilty of a misdemeanour and

is liable to imprisonment for two years” (Federal Government of Nigeria, 2004). It is obvious from the above provisions that the assaults against women attract lesser sanctions than assaults against men, even though in most cases, women stand more risk of being violated and abused. Furthermore, Kano State Civil Service Rule 03303 states that: *“Any woman civil servant who is about to take a course of training shall be called upon to enter into an agreement to refund the whole or part of cost of course being interrupted on the grounds of pregnancy”* (Kano State Government, 2015). Such strict regulations are not applicable to men. Discriminatory rules and barriers have relegated majority of Nigerian women to the informal economy which subjects them to low wages, no protection and no pension benefits.

Women’s Poor Access to Formal Financial Resources

Having access to finance creates greater economic stability and prosperity for women, their households, and their communities. It builds their assets and gives them the ability to respond to family needs and mitigate risk. When a woman has access and control over her finance, she not only contributes to her own well-being but also to the well-being of her family. In Nigeria, financial access is skewed towards men compared to women. In Nigeria, women are less economically empowered than men owing to unequal inheritance and property rights and also discriminatory policies and practices by banks in lending to women (Omowumi Asubiaro-Dada, 2019). According to National Bureau of Statistics report in 2009 women lacked equality of opportunity in accessing financial loans as men were found to be twice as likely to secure loans compared to women. The Bureau reported that in 2007, for example, some 20,098 men accessed loans compared to only 8,550 women. This lack of equal opportunities is true for all Nigerian women, though a multitude of factors such as education, class, kinship, gender norms, religion and marital status play roles in mitigating or elaborating this effect. In 2012, official statistics showed that one-third of the loans in Nigeria were awarded to women and that occasionally, women who received loans had to turn control of resources over to their husbands (British Council, 2012).

To mitigate against women’s lack of access to financial resources, the government designed and deployed a number of credit funds. One of these is the Rural Finance Institution Building Programme (RUFIN) which was designed to improve the performance of Non-Bank Rural Finance Institutions to enable them to develop to sustainable Rural Microfinance Institutions (RMFIs) with special focus on women-headed households, youth, and the physically

challenged. Data from RUFIN revealed that 44.68% of beneficiaries were women while 55.32% were men. In addition, the Agricultural Credit Guarantee Scheme (ACGSF) was established to provide guarantee on loans granted by banks to farmers for agricultural production and agro-allied processing. Data revealed however that, out of the project beneficiaries only 19.8% are women (World Bank (2018)). However, over the years, the numbers of women who have access to one form of finance or another have improved significantly. From 2008 to 2018, the percentage of women who are financially excluded dropped from 49% to 33%. In addition, the percentage of women who access finance informally dropped from 22% in 2008 to 13% in 2018. Although adult men are more likely to be banked than adult women, but from 2008 to 2018 the number of banked women increased from 15% to 33%. The high concentration of unserved and underserved women in the lower-income segments of the population, most of who live in rural communities, was a result of low monthly income. The majority of these women earn less than N40,000 in a month.

Women and Patrilineal Inheritance

In Nigeria, the laws on inheritance and administration of a deceased estate vary widely depending on the law applied- statutory, customary or Islamic law. The laws are sometimes contradictory and there is no clear uniformity in inheritance laws in Nigeria. Typically, in cases of statutory marriage, when a man dies intestate (having not left a will), widows are guaranteed the right to inherit at least one-third of the couple's property and if a man dies without children, his widow is entitled to half of his property while the other goes to his father. However, in cases where the husband has no will, customary law dictates inheritance rights, and these laws are much more discriminatory against women than statutory law. There are wide variations in the application of customary law from community to community and a common principle that runs through all geopolitical zones in Nigeria is patrilineal continuity in the transfer of land. Inheritance rights are largely grounded in the succession of men; and wives and daughters do not have the right to inherit anything, leaving any women vulnerable of property dispossession and destitution (Omowumi Asubiaro-Dada, 2019; Otive-Igbuzor, 2013).

This systematic exclusion of girls and women from inheriting land and property arises from their unequal status with boys and men driven by the traditional belief that men have more responsibilities perpetuating the family name and serving as heads of households. This system of patrilineal inheritance strips women and girls of viable economic opportunities and further plunges them into poverty, increases their vulnerability and widens the gender gap. For

instance, this means that all viable economic assets such as lands and businesses are always willed to male heirs within the family and in the instance where there are no male heirs, properties are usually willed to male extended family members (i.e., uncles, cousins). This essentially means that women and girls are stripped of the opportunity to lift themselves and their children out of poverty since these inherited assets could be economically used to start a business. This pervasive system of patrilineal inheritance means that the economy is significantly deprived of potential female business owners who could gainfully contribute to economic growth through increased productivity and tax revenues (Omowumi Asubiaro-Dada, 2019).

Women's Access to Land and Assets

Discriminatory practices surrounding land ownership and the administration of property are rampant in different parts of Nigeria and they limit women's access to economic resources and their ability to secure credit and loans. In Nigeria, irrespective of legal provisions, land property ownership is still largely governed by patriarchy. Empirical evidence exists that 90 percent of all lands in Nigeria are registered in men's names (Otiye-Igbuzor, 2013). Women's marginalization and restriction to access and ownership of land in the country is a serious issue since women produce more than 80 percent of the food in addition to performing about 50 percent and 60 percent respectively of activities related to animal husbandry and food processing. Under the Nigeria's statutory laws, the Constitution equally recognizes women and men's right to land and property and guarantees each citizen the right to acquire, own and manage property. The Married Women's Act of 1983 provides for a woman's right to own property and legal authority to dispose of any property in her name. However, evidence still reveals that in many Nigerian households, men are still in charge of decisions concerning property and how family assets are used. Irrespective of the legal provisions that seek to protect women's rights to land and property ownership, it is still largely governed by patriarchy (Otiye-Igbuzor, 2013).

Apart from the economic losses that accrue to Nigeria's GDP, women's lack of access and control of land can portend gross food insecurity for families and communities and ultimately results in poverty. On the other hand, in a full potential scenario where women in Nigeria have equal access to lands and assets, this would mean that women could essentially start and grow a farm or business, become employers of labour thereby helping to reduce unemployment and also remit a percentage of proceeds and gains as tax revenue to the government. Within the

agricultural sector, an increase in women owned land and assets would mean a direct boost in economic as well as agricultural productivity as women would be able to farm more cash crops which yields more money that could be ploughed back into the business.

Women and Early Marriage

In Nigeria, the female victims of child marriage are mostly married to male adults who are far older than them and, in most cases, adult men who are already married. A female child in northern Nigeria is 35 percent more likely to be married off before the age of 15 and on average, she is 45 percent more likely to have her first child by the age of 18. Apart from facing a 1 in 20-lifetime risk of dying from complications arising during pregnancy or early childbirth, she is far less likely to be a labour market prospect or have any long-term economic value. According to International Monetary Fund (IMF, 2018), girls who married early are more likely to be employed in low low-paying jobs, on average earn less than their male counterparts. The main drivers of child marriage in Nigeria have been attributed to poverty, low levels of educational attainment and pervasive discriminatory gender norms. The 1999 Federal Constitution of Nigeria proclaims in section 29 (4) that every married girl shall be considered an adult, thus covertly endorsing child marriage and insinuating that the age of adulthood for girls is different from that of boys. The Marriage Act of 1990 sets the legal age of marriage for both men and women at 21 years but specifies that consent of a legal authority (parent, court, administrative officer) must be required for marriage of a person below the legal age. In contrast, the Child Rights Act of 2003 which was first passed the Federal Capital Territory set a minimum age for marriage at 18 years for both boys and girls without exceptions. The various State's Penal Code in Nigeria also tries to prevent child marriage by criminalising sexual intercourse with girls under the age of 13.

However, these age specifications in both the Child Rights Act (CRA) and the Penal Code are not applicable to girls under customary law marriages. For instance, the CRA is only applicable in a limited number of states that have adopted the act which are predominantly southern states. The remaining states that have not adopted the act do not have any legal measures prohibiting child marriage, particularly in the northern states where child marriage is prevalent. Many communities in northern Nigeria adhere to Sharia law which does not have a minimum age for marriage (Otiye-Igbuzor, 2013). In these communities, consent for a bride to enter marriage is required only from the guardian, usually the father or a male relative of the bride, who has the right to conclude a marriage on behalf of the child against their will. Child marriage

is therefore most common in the North-West and North-East regions of the country where 68% and 57 percent of women aged 20-49 were married before their 18th birthday. A report by UNICEF in 2018 (UNICEF, 2018) also revealed that 44 percent of girls in Nigeria are married before their 18th birthday and 18 percent are married before the age of 15. The report also stated that Nigeria has the third highest absolute number of child brides in the world and the 11th highest prevalence rate of child marriage globally.

Other consequences of child marriage include the violation of her fundamental human rights which includes her right to informed consent, participation in decision-making, and infringement of her bodily integrity. A World Bank study put an economic cost on child marriage by estimating that Nigeria loses \$7.6 billion in earnings and productivity as a result of its high rates of child marriage (World Bank, 2017). Child marriage endangers the life trajectories of girls in numerous ways as they are at greater risk of experiencing a range of poor health outcomes, having children at younger ages and having more children over their lifetime. They are also susceptible to dropping out of school, earning less over their lifetimes and living in poverty than their peers who marry at later ages. This has led to Nigeria losing \$7.6 billion in earnings and productivity as a result of its high rates of child marriage (World Bank, 2017).

Women's limited participation in formal and informal decision-making structures

Traditionally in many Nigerian communities, authority is usually vested in men as decision makers at home. This is also backed by religious injunctions that require a woman to 'submit' to her husband. During her early life, a girl is socially conditioned to accept a subordinate position as she watches her father assert authority and as her mother submits to his authority (Otive-Igbuzor, 2013). A 2008 study reported that in two-thirds of Nigerian households, husbands alone make decisions about children's healthcare, education and marriage (especially of girls). This lack of women's agency and voice is reflective of the patriarchal structure of the society as well as women's economic dependence on men (Omowumi Asubiaro-Dada, 2019).

Data from the 2013 National Demographic and Health Survey (DHS) for Nigeria provides a clearer picture on the level of women's ability to make decisions within their households. Of the female participants that took part in the survey, only 6 percent of them reported that they could

make decisions on their own health care, while 3 in 5 women reported that their husbands mainly made such decisions. About 62 percent of women said that their husband are the main decision makers on large household purchases, while 52 percent of women reported that decisions to visit family or relatives are made mainly by their husbands (National Demographic and Health Survey for Nigeria, 2013). Women's ability to make decisions within the household is a key determinant of economic opportunities in their access to social and material resources, as well as economic rights. It is generally believed that within the household, women's decisions are more productive than men's as they have major implications on the overall well-being of the family especially as it concerns education and nutrition for children thereby improving the quality of the future labour-force of the country (Omowumi Asubiaro-Dada, 2019).

Women's limited access to critical skills and production resources

In Nigeria, women have limited access to critical resources like education, land, technology and credit and hence they are largely excluded from employment in the formal sector. As far as education is concerned, adolescent girls have a higher chance of dropping out of school due to a myriad of socio-cultural barriers. A community-based study conducted by ActionAid in Nigeria found that the requirement for girls to contribute to household income by hawking wares was the most important factor militating against girls' education in four of the five communities that were studied (ActionAid International, 2011). In Nigeria, girls' educational attainment remains lower than boys while adult women are less literate than men. The 2018 data from the National Bureau of Statistics (2018) shows that the literacy rate among female age 15 – 24 years is relatively low (59.3%) as compared to male (70.9%). The report also showed that enrolment of school-aged girls in primary education was as low as 48.6% in 2014. However, there was a decrease in 2015 and 2016 to 47.4 percent and 47.5 percent respectively. Zamfara state had the lowest number of girls enrolled in primary schools and this figure ranges from 34.8 – 35.5% in 2014 – 2016, while the number of boy's enrolment was between 65.2 – 65.5% for the same period.

With respect to access to credit women face a set of unique barriers when they enter the informal economy in which they are dominant. As Informal sector workers, women do not benefit from minimum wage and social security provisions they have to provide for their own capital for business. The lack of savings and capital makes it difficult for women in the informal sector to expand their businesses and undertake productive employment generating activities. Many of them have had to sometimes form associations to protect their interests and mobilize

traditional savings and credit schemes to offer sources of capital for themselves (Omowumi Asubiaro-Dada, 2019). In addition to earning income, women need to have control over their earnings to be considered empowered. Findings from the DHS (2018) show that 72 percent of women mainly decide how their cash earnings are used and 20 percent report that they make such decisions jointly with their husbands. Only 8 percent say that these decisions are made primarily by their husbands. By zone, most women in the North-West (88%) decide on their own how their earnings are used while few women in the South-East (40%) have control over their earnings.

Violence Against Women and Girls

Violence against women and girls is endemic in Nigeria. According to a 2018 report by the National Bureau of Statistics, data from the Nigerian Police/ Ministry of Justice showed that the national rape incidence of women and girls is on an increasing trend (National Bureau of Statistics, 2018). In 2015 rape incidents reported stood at 63 percent and it increased to 72.1 percent in 2016 and decreased to 69.3 percent in 2017. It is estimated that these numbers may be higher because often, rape is not reported due to shame and stigma attached to rape and societal pressures to resolve cases within the community. In the cases where rapes are reported, they rarely lead to convictions due to outdated, inadequate or inconsistent penal laws, delayed court processes, or discriminatory practices in court proceedings.

In 2015, the Federal Government of Nigeria passed the Violence against Persons Prohibition (VAPP) Act which broadly covers physical, psychological, economic, and sexual violence, including rape as well as harmful traditional practices such as forced financial dependence or economic abuse and harmful widowhood practices. However, this law only applies within the Federal Capital Territory and for the VAPP to become a national law, it needs to be passed in at least two-thirds of the 36 States of the Federation. At the moment, only 10 states have passed a prototype of VAPP (Gender Technical Unit, 2019). Violence against women and girls within the household and in the larger society imposes significant economic cost to any country. Gender-based violence has far reaching implications by hindering the ability of women and girls to freely explore economic opportunities and stripping them of their fundamental human rights and freedoms. Women's economic potential is further limited by insufficient protection against gender-based violence; this lack of protection means lower earnings and decreased productivity.

In some communities in Nigeria where girls are susceptible to rape on their way to school or back, girls have been reported to drop out of school as a result. This has wider economic implications as these girls are deprived of an education and would be unable to attain the qualifications to gain formal employment and higher incomes. Within the workplace violence and sexual harassment hinders women from attaining their full potential and rising through the ranks of their career. Women who drop out of the formal sector as a result of this are left with exploring economic opportunities within the informal sector which leaves them with low wages and no pension benefits. These losses accrue to the economy in the form of lost revenues, loss of quality and assimilation of human capital and increased rates of unemployment and poverty.

Conclusion

Although it is encouraging to note that Nigeria has made progress in the formal recognition of women's rights by adopting international standards, entrenching constitutional guarantees, and introducing protective and gender-sensitive laws, there is still a long way to go in the context of meeting the sustainable development goal 5. If Nigeria is to fulfil its commitments under international human rights law and the SDGs framework, harmonisation of statutory, customary, and religious laws that will support the empowerment of women is essential. The political gender balance in Nigeria shows that good governance is not yet a reality. The challenge for all societies is to create a system of government that is participatory and accountable and ensures that political, social, and economic priorities are based on a broad consensus in society. This is difficult to achieve without greater representation of women in legislative and other elected roles. Greater transparency and more open participation in political processes is an important part of women's empowerment in government. Administrations and political institutions at all levels must become more open to public scrutiny and make it accessible to a wider portion of the public. Facilitating female participation in governance may depend on special training and information programmes to explain complex legal processes. Schemes to assist working parents with time constraints as well as mentoring and networks also help to give women new roles in political life. A comprehensive reform would be instrumental to ensure that all legislation concerning family and inheritance matters run consistently with principles of gender equality. States should not only repeal all discriminatory statutory laws but must ensure the primacy of the constitution and international standards over customary or religious law. Moreover, appropriate legal and other pertinent measures are

needed to eliminate discriminatory cultural practices and violence that exacerbate women's economic disadvantage, and to improve the de jure and de facto economic position of women.

Finally, there is need for federal and state governments in Nigeria to facilitate the potential influence of the judiciary through interpreting laws which speaks to the larger public policy issues. Nigeria should intensify its support towards strengthening independent and effective judicial and other institutions relevant to gender equality and the empowerment of women. Strong institutions, including National Human Rights Institutions as envisioned by human rights standards and the SDGs, need to be in place to support government bodies and provide effective remedy for victims of rights violations. National human rights action plans and national SDGs targets should be intertwined and go hand in hand in implementation. National adaptation strategies for the SDGs should give adequate attention to facilitating women's access to ownership and control over land and other forms of property, be it by way of inheritance or other entitlements. The enabling environment facilitated by regional policy initiatives and the African Union's greater attention to women's empowerment need to be seized and translated into tangible commitments that transform the lived reality of women in Nigeria.

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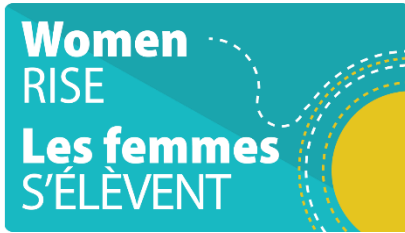
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