

Gender Disparities and Neo-Colonial Policy: Impacts in Nigeria and Kenya

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ABSTRACT

The legacy of colonialism in Africa continues to shape gender dynamics in post-colonial states, particularly in Nigeria and Kenya. This research paper explores the historical trajectory of gender equality in these two nations, focusing on how post-colonial policies have impacted the socioeconomic, political, and legal landscapes. By analyzing key statistics, facts, and case studies, this article highlights the strides made in promoting gender equality as well as the challenges that persist due to entrenched patriarchal norms and the coexistence of customary and formal legal systems. The paper concludes with recommendations for strengthening policy implementation to achieve gender equality in both countries.

Key Words : Gender equality, Post-colonial policies, Nigeria, Kenya, Legal systems, Political representation, Education, economic participation, Gender-based violence

INTRODUCTION

The issue of gender equality has been a focal point in global discussions about human rights and development. Nigeria and Kenya, two of Africa's most populous and economically important countries, have both implemented post-colonial policies aimed at addressing gender inequalities that are deeply rooted in their histories of colonization. Despite these efforts, the gender gap persists across various sectors, including politics, education, economic empowerment, and legal protections. This paper seeks to analyze the impact of post-colonial policies on gender equality in Nigeria and Kenya, examining the intersection of legal, political, economic, and social factors. It also looks at specific statistics and facts to underscore the current state of gender relations in both countries.

Historical Context: Colonial Legacies and Gender Inequality:

Nigeria's Colonial Legacy:

Nigeria's colonial experience under British rule had profound effects on gender relations. The colonial

administration favored male-dominated leadership structures and introduced legal and economic systems that entrenched patriarchy. Before colonization, women in various Nigerian societies, particularly in the southeast, held significant economic and political roles (Amadiume, 1997). Women were traders, political leaders, and custodians of communal land. However, colonialism introduced Western notions of gender that relegated women to domestic roles, undermining their pre-colonial status (Mba, 1982).

Kenya's Colonial Legacy:

Similar patterns emerged in Kenya, where British colonial rule reinforced patriarchal norms that marginalized women economically and politically. The introduction of the cash economy and private land ownership in Kenya, like in Nigeria, disproportionately benefitted men (Kanogo, 1987). Colonial authorities typically recognized men as heads of households, giving them control over land, livestock, and agricultural produce. Women, who had previously enjoyed more egalitarian roles in pre-colonial societies, were increasingly confined

to unpaid domestic and subsistence labor. These colonial policies laid the foundation for post-colonial gender disparities.

Post-Colonial Political Structures and Gender Representation:

Gender Representation in Nigeria:

Nigeria's political landscape has remained predominantly male-dominated since its independence in 1960. Despite the adoption of a republican constitution in 1963, which guaranteed universal suffrage, women's political participation remained limited. For example, in the first Nigerian federal election of 1964, no woman was elected to the national legislature, a pattern that persisted for decades. Although there has been a gradual increase in female political participation, as of 2023, women occupy only 6.4% of the seats in Nigeria's National Assembly, one of the lowest rates in the world (IPU, 2023).

The 1999 Nigerian Constitution, which followed the return to civilian rule, enshrined gender equality and provided for non-discrimination based on gender. However, the implementation of these provisions has been inconsistent, particularly in northern Nigeria, where Sharia law coexists with statutory law. Despite constitutional guarantees, political representation for women remains woefully inadequate, partly due to cultural norms, lack of resources, and violence against women in politics.

Gender Representation in Kenya:

Kenya's political history also reflects deep gender disparities. At independence in 1963, women were largely absent from the political arena, with only a handful of women participating in the legislative process. Over the years, however, Kenya has seen incremental progress in women's political representation, particularly following the adoption of the 2010 Constitution, which introduced the two-thirds gender rule. This rule mandates that no more than two-thirds of any elected or appointed body should be of the same gender.

Despite this constitutional provision, Kenya has struggled to meet the two-thirds gender rule in parliament. In 2020, women made up only 22% of the National Assembly, far below the constitutional requirement (IEBC, 2020). Various efforts, including court rulings, have attempted to enforce compliance, but resistance from political parties and entrenched patriarchal norms have

hindered progress. Additionally, political violence and intimidation have deterred many women from seeking public office.

Legal Reforms and Gender Rights:

Legal Reforms in Nigeria:

Post-independence Nigeria has undertaken several legal reforms aimed at promoting gender equality, though these efforts have often been undermined by the coexistence of multiple legal systems. Nigeria operates a tripartite legal system that includes statutory law, customary law, and Sharia law. This plural legal framework has created significant challenges in enforcing women's rights, particularly in matters related to marriage, divorce, and inheritance.

For example, under Nigeria's statutory law, women have the same legal rights as men in matters of property ownership and inheritance. However, under customary and Sharia law, which govern the lives of millions of Nigerians, women are often denied these rights. In northern Nigeria, where Sharia law is widely practiced, women face significant legal disadvantages in areas such as divorce and child custody (Ezeilo, 2006). This legal pluralism has impeded progress toward gender equality, particularly in rural areas.

Despite these challenges, there have been some notable legal victories for women's rights in Nigeria. The Violence Against Persons (Prohibition) Act, passed in 2015, criminalizes various forms of gender-based violence, including domestic violence, rape, and harmful traditional practices such as female genital mutilation (FGM). However, the law's implementation has been uneven, with many states yet to adopt it, particularly in the northern regions.

Legal Reforms in Kenya:

Kenya's post-colonial legal landscape has seen more significant strides in promoting gender equality, particularly with the passage of the 2010 Constitution. The constitution guarantees equality between men and women and prohibits discrimination on the basis of gender. It also includes specific provisions on the protection of women's rights, such as equal rights in marriage, divorce, and inheritance. The constitution also mandates that women make up at least one-third of elected or appointed bodies, although achieving this has been a challenge in practice.

Kenya has also passed several landmark laws aimed

at promoting gender equality and protecting women from violence. The Sexual Offences Act of 2006, for example, provides legal protections for victims of sexual violence and criminalizes acts such as rape, defilement, and sexual harassment. The Anti-FGM Act of 2011 made female genital mutilation illegal, though enforcement of the law has been difficult, particularly in communities where FGM is deeply entrenched.

Despite these legal reforms, challenges remain in the implementation of gender equality laws. For example, Kenya continues to struggle with high rates of gender-based violence, with 47% of women aged 15-49 reporting having experienced physical or sexual violence (KNBS, 2020). The judicial system has been slow to respond to cases of gender violence, and many victims do not have access to legal services or support.

Economic Empowerment and Gender Inequality: *Economic Participation in Nigeria:*

Women's economic participation in Nigeria has been constrained by both formal and informal barriers. Nigeria's economy is heavily reliant on the oil sector, which is male-dominated, while women are disproportionately represented in informal and low-wage sectors. According to the World Bank, women constitute only 39% of the formal workforce in Nigeria, with a significant portion of women engaged in informal trading, subsistence farming, and unpaid domestic work (World Bank, 2021).

Structural adjustment programs (SAPs) implemented in the 1980s and 1990s exacerbated gender disparities by reducing government spending on social services and public sector employment, areas where women were more likely to be employed. Furthermore, access to credit, land ownership, and formal employment opportunities for women remains limited due to discriminatory practices and customary laws. For example, although Nigeria's Land Use Act of 1978 ostensibly grants women equal access to land, customary practices in many parts of the country prevent women from owning or inheriting land (Nwoye, 2007).

Efforts to address these economic disparities have included microfinance programs aimed at empowering women entrepreneurs. The Nigerian government, through institutions such as the National Women's Development Program, has sought to improve women's access to credit and promote their involvement in small-scale enterprises. However, these programs have had limited success in

addressing the structural barriers that prevent women from participating fully in the economy.

Economic Participation in Kenya:

Kenya has made more progress than Nigeria in promoting women's economic empowerment, but significant challenges remain. As of 2021, women make up 48% of Kenya's labor force, with many engaged in agriculture, informal trading, and small businesses (World Bank, 2021). The introduction of the Women Enterprise Fund in 2007 has been one of the key government initiatives aimed at increasing women's access to credit and promoting entrepreneurship. By 2020, the fund had disbursed over KES 20 billion to women entrepreneurs across the country (WEP, 2020).

Despite these efforts, Kenyan women continue to face significant barriers to economic participation. In rural areas, women are often engaged in unpaid agricultural labor and have limited access to land and credit. Land tenure systems in Kenya remain skewed in favor of men, with women owning less than 1% of agricultural land (Aliber & Walker, 2006). Furthermore, gender pay disparities persist, with women earning, on average, 68% of what men earn for similar work (KNBS, 2020).

Education and Gender Equality:

Education in Nigeria:

Education has been a central focus of post-colonial policies aimed at promoting gender equality in Nigeria. Since the introduction of the Universal Basic Education (UBE) program in 1999, Nigeria has made significant strides in improving girls' access to education. The gender parity index for primary school enrollment reached 0.97 in 2020, indicating near-equal enrollment rates for boys and girls at the primary level (UNICEF, 2020). However, gender disparities persist at higher levels of education, particularly in northern Nigeria, where cultural and religious norms often discourage girls from pursuing secondary and tertiary education.

As of 2020, the net enrollment rate for girls in secondary education in Nigeria stood at 44%, compared to 54% for boys (UNESCO, 2020). Early marriage, poverty, and insecurity (particularly due to the activities of Boko Haram in the northeast) have been major barriers to girls' education. Boko Haram's targeted attacks on schools, especially those attended by girls, have significantly impacted education in northern Nigeria, where the group's insurgency has led to the closure of

over 1,500 schools since 2014 (HRW, 2019).

Education in Kenya:

Kenya has made more progress in achieving gender parity in education compared to Nigeria. The introduction of free primary education in 2003 led to a significant increase in enrollment rates for both boys and girls. By 2020, the gender parity index for primary education in Kenya stood at 0.99, indicating near-equal enrollment rates (UNESCO, 2020). However, disparities emerge at the secondary and tertiary levels, particularly in rural areas where early marriage, poverty, and cultural practices continue to limit girls' access to education.

As of 2020, 50% of girls were enrolled in secondary education in Kenya, compared to 55% of boys (KNBS, 2020). While the overall gender gap in secondary education has narrowed, girls remain underrepresented in STEM (science, technology, engineering, and mathematics) fields, which are crucial for economic empowerment in the modern labor market. The Kenyan government has introduced several initiatives aimed at encouraging girls to pursue STEM education, but challenges such as inadequate infrastructure, teacher shortages, and cultural biases persist.

Gender-Based Violence and Legal Protections:

Gender-Based Violence in Nigeria:

Gender-based violence (GBV) remains one of the most pervasive forms of gender inequality in Nigeria. According to a 2018 survey, 30% of Nigerian women aged 15-49 have experienced physical violence, while 7% have experienced sexual violence (NBS, 2018). The Violence Against Persons (Prohibition) Act (VAPP) of 2015 was a significant milestone in addressing GBV, as it criminalized various forms of violence, including domestic violence, rape, and harmful traditional practices. However, the law's implementation has been limited, with only 15 out of 36 states having adopted the VAPP law (Eze-Anaba, 2017).

In northern Nigeria, where Sharia law is prevalent, cultural and religious norms often prevent women from reporting cases of violence. The stigma associated with being a victim of sexual violence, combined with weak law enforcement, has led to low reporting rates and a lack of accountability for perpetrators. Furthermore, domestic violence is often viewed as a private matter, making it difficult for victims to seek justice through formal legal channels.

Gender-Based Violence in Kenya:

Kenya has also struggled with high rates of gender-based violence, particularly domestic violence, sexual harassment, and harmful traditional practices such as female genital mutilation (FGM) and child marriage. According to a 2020 survey, 47% of Kenyan women aged 15-49 have experienced physical or sexual violence (KNBS, 2020). The Sexual Offences Act of 2006 and the Anti-FGM Act of 2011 were landmark legal reforms aimed at protecting women from violence, but enforcement has been weak, particularly in rural areas where cultural resistance to these laws remains strong.

FGM, which is practiced by several ethnic groups in Kenya, has been outlawed, yet the practice persists, particularly in remote areas of northeastern Kenya. The government has introduced several initiatives to combat FGM, including public awareness campaigns and the establishment of rescue centers for girls at risk of the practice. Despite these efforts, an estimated 21% of Kenyan girls have undergone FGM, although the prevalence has been declining in recent years (UNICEF, 2020).

Conclusion:

The impact of post-colonial policies on gender equality in Nigeria and Kenya has been profound and multifaceted. Both countries have made significant strides in promoting women's rights through legal reforms, education policies, and economic empowerment initiatives. However, deeply entrenched patriarchal norms, legal pluralism, and cultural practices continue to hinder progress toward gender equality. Gender-based violence, economic inequality, and low political representation remain significant challenges in both countries.

Nigeria and Kenya must continue to strengthen the implementation of gender-sensitive policies, address the cultural and structural barriers that limit women's participation in all sectors of society, and ensure that legal protections for women are enforced at all levels. Achieving gender equality in these nations will require sustained political will, investment in education and economic opportunities for women, and a commitment to dismantling the colonial legacies that have perpetuated gender inequality for decades.

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