

## **GENDER EQUALITY IN SKILLS DEVELOPMENT- HOW TO FIND A BALANCE.**

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### **ABSTRACT:**

One of the goals of education in Nigeria is to empower its citizens to acquire appropriate skills, abilities and competences both mental and physical as equipment for the individual to live in and contribute to the National building. To this end the Nigeria Development Plan is committed to the development of a just and egalitarian Society where there should be no form of discrimination against women but equal opportunities and accessibility of education. But theories have had little relations to realities and gender inequalities have persisted especially in the legal profession. Until the female incursion in 1935, legal education and the legal profession had been exclusively male profession. Even today it has remained male –dominated. Women still face debilitating barriers of prejudice, stereotype, skewed and other inhibitive structures and these challenges may persist unless something is done.

This paper examines the challenges facing women in the attainment of skills development in the legal profession, particularly in penetrating into the legal specialties, practice settings and higher echelons. It highlights the causes of the gender disparity and the roles of the ODL opportunities and support sub-systems in eliminating gender barriers and limitation in Legal Education. In the process there would emerge the moral and legal imperatives for bringing about an enduring gender balance in the Legal Education and Legal Profession in Nigeria.

### **INTRODUCTION**

Gender is a classification according to the sex of a person. It may refer to the biological differences between females and males, which are universal, or to the social attributes and opportunities associated with being a female or a male as well as the relationships between women and men, girls and boys. These attributes, relationship and opportunities are either socially constructed or learned in a socialization process (ILO: 2009).

Gender equality does not mean that men and women are or should become the same, but it does mean that men and women should have equal rights and opportunities in all spheres of life. It is based on women and men being equal partners in their homes, their communities and the society. It means therefore that men and women must have equal opportunities to educate, participate in governance, enjoy decent employment opportunities and conditions of work, resources and services. There must not be any form of segregation and discrimination on the basis of gender. (Constitution of Nigeria,1999). Gender discrimination means any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of man and woman, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. (CEDAW)

Gender discrimination is a global phenomenon, but it is context specific and may manifest in different forms in different countries. In Nigeria, the major obstacles to equal opportunities in between men and women are manifold. Gender issues have persisted despite the ratification of International Legal Instruments and Constitutional framework that provide for the elimination of gender discrimination of all forms. Besides, in contemporary times, much more attention is being focused on gender equality than ever before.

## **OBJECTIVES**

The paper addresses the gender issues in three stages

1. The challenges of gender discrimination in legal education.
2. Reasons for gender disparity in legal education and practice.
3. the role of ODL in eliminating gender disparity in legal education

## **THE CHALLENGES OF GENDER DISCRIMINATION IN LEGAL EDUCATION**

Education is a vehicle for achieving national development and empowering its citizens to acquire appropriate skills, abilities and competences both mental and physical as a tool for the individual to live on and contribute to the national growth and development. Gender equality is a matter of social justice anchored in both a rights -based and an economic - efficiency approach. Thus the primary principle of social contract in the modern democratic dispensation is the equality of all persons and the narrower the social inequality, the greater also is the level of national stability and economic growth. It is when all actors of society can participate in every sphere of life that there can be much better chances for social justice and economic efficiency, as well as economic growth and development. But the perplexity is that there exist certain cultural, economic, political and social barriers, exacerbated by existing power structures, lack of access to decision- making structures and resources, and failure of national policy in providing an enabling environment for gender mainstreaming. Invariably one form of gender discrimination frequently interacts with other forms of discrimination especially against women and girls.

Women, for example, face enormous challenges in a bid to attain equality in education and skills development, particularly in penetrating into legal specialties practice settings and higher echelons of the legal profession. The barriers include:

### **Cultural challenges:**

The male gender is culturally perceived as superior to female. "Mama na boy syndrome" is very prevalent in the Nigerian society. Male children enjoy preferential treatment. At the home, they are exempted from house chores, they are more likely to have unlimited right to education.. Culture strictly restricts women to stereotyped roles of home making. They are to be seen and not heard. According to Olateru-Olagbegi and Afolabi (2004) some of these beliefs are deep-rooted and have been practiced for so long that they are embedded in the societal perceptions almost as legal norm. For instance the Igbo customs which operate in the South East of Nigeria forbid wife/girl child inheritance, early marriage of the girl child obtains especially in the North.

Women and girls are further exposed to double standard arising from their physical, philosophical, psychological differences, bias, training, and exposure, perceived superior intelligence, level of interaction, social approval or disapproval. It is believed that the females are congenitally more submissive, conformist and adaptable consistently with their sexual roles. They are said to have traits of

children, lacking muscular strength, ability and intelligence. (Oyahkirome.I, 2007). These are mere examples of stereotype opinion about women and they lack scientific proof. But they have existed and still exist, denying women and girls of enjoyment of basic human rights, including rights to education.

As Obasi has noted, the gross enrollment for Primary, Secondary and Territory schools according to gender classification in 2012 was 57% of female compared to 71% of males. This translates, by implication into fewer women available in certain economic field. It is suggestive also of a need for a new order whose socio-economic justice will inform all institutions of public life. Some deliberate temporary special measures become inevitable if the material conditions of women are to improve in any vast scale or catch up with those of the male.

### ***Economic challenges:***

Economic differentials are either a cause or effect or both. A surveys of poverty profile has shown that some 50% of Nigeria's rural population that accounts for some 70% of the total population live below poverty line and that more than 50% of these comprise women, (Onimode, 1996). The national income per capita is less than N300.00 and over 90% of women population especially in the rural areas are economically marginalized, having lost farmland , cocoa, palm oil and groundnuts, riverside and road side markets to alien economy. At the same time, Omole estimated the cost of University education at USD 20,000 per annum which is beyond the average Nigerian. Odekunle and Oloruntimehin believe that the operative economic order in Nigeria created desires and aspirations for wealth, power, and prestige but failed (because it was unable) to guarantee equitable distribution of means to meet the desires and aspirations. It did not also provide checks and balances; the result is that the women education continuously received secondary consideration, if at all in the scheme of things. There was no authentic and stable ideology for improved material conditions of the vulnerable group or the rural communities. The National Economic Empowerment and Development Strategy (NEEDS) targets a sustained economic growth and rural infrastructure development and strategic reduction of poverty. But education particularly female education, does not seem to be the core of transformation agenda and poverty reduction strategy. As Obasanjo has said, the inescapable consequence of cost of lack of education include eternal poverty, unemployment and low income

### **Socialization:**

Women are taught to observe conventions very strictly. Opportunity to interact with social or anti social attitudes and activities are much narrower. Thus the chances of acquiring attitudes that up-lift are much more on the low scale. They are forced to accept isolated positions in homes and work places, (Oyahkiromen I: 1999).

In Nigeria, it can be said that women have emerged ( or they are gradually emerging) from the myth that their quintessential roles are not beyond domesticity and functions of a house-wife, mother, nurse, home maker, bearer and rearer of children and tending the kitchen. Women in Nigeria have within their restricted horizons, begun to assume positions in the upper echelon in their work world side by side with their male counterpart. For examples, Female sownereigns like Queen Amina of Katsina, Kambasa, the female Amanyanabo of Bonny, Ebele Ejaunu of Igala reigned and ruled over kingdoms. For the first time since the advent of the British, Nigeria has a female Chief Justice of Nigeria. Female Ministers are increasing. Examples are Minister of Finance, Ngozi Okonjo Iwella, and Petroleum Minister. Mrs. Allison Madueke, Women are now more represented at both the State and National legislative arms of government. A number of State, have women as deputy Governors, and even a State like Anabara has

had a female Governor briefly and perhaps by accident. Given that females are 48.78% of population, women are at a serious disadvantage (National Population Commission, 2006), further more they are less noticeable in most interesting careers, For example we have more nurses than doctors more secretaries than head of businesses and indeed a handful of female Senior Advocates of Nigeria.. Sometimes there advancement will be blocked in the profession they are engaged

There are still classes of man’s work, “Women place” “Men’s sport” This implies that true equality has not permeated into or extended to sameness of opportunities for participation in public life, administration, business activities, acquisition of enhanced status, emancipation and the legal profession as men. Today in Nigeria, it can be said that culture, religion, political and administrative structure, customs, traditions and conventions have combined to impress that both genders are different.( Oyakhromen, I: 1999)

The United Nations Human Development Report (2005) has classified Nigeria as a low development country in terms of equality in educational accessibility. Out of the 8million of Nigerian children that are out of school, girls represent 55%, those who never enrolled are 72% of girls and 55% of boys . There are insufficient female teachers coupled with discriminatory practices in text books and learning materials. This does not only mitigate against gender equality in Educations in Nigeria, but also in itself reflects element of discrimination.

***Inequality in contemporary legal profession;***

Gender inequality exists in the legal profession, where it is least expected. Lawyers generally are among the respected professions in the eye of the public by virtue of their intellectual intimacy with the law, their understanding of legal rights. vis-à-vis discrimination better than most other professionals in all other occupations or disciplines.. It is considered that it is the role of lawyers particularly the female lawyers is to inform, defend and enforce the observance of these fundamental rights. Unfortunately, they too are victims of gender bias or imbalance. This explains why the struggle for gender inequality has been lame. It also raises the question as to who in the present predicament will guard the guard.

The legal profession did not have female representation until 1957. Although there has been a little improvement in the numerical strength, there has been no change in the male predominance at the management and more senior levels of the profession. Rhodes observed that despite this substantial progress towards equal opportunity, women in the legal profession still remain under represented in positions of greatest status, influence and economic reward, accounting only for 15% of federal judges, and law firm partners. On the average, she found that female lawyers earn 20,000 USD less than the male lawyers. She further noted that the significant disparities still persist even between those with similar qualifications and experience. The picture in the less developed country in Nigeria can be more frustrating indeed.

The Female representation in the highest courts and the outer bench are shown below.

State	Number of Male	Number of Female	Percentage of Male	Percentage of Female
(i)Senior advocate of Nigeria	367	7	98.13	1.87
(ii) Supreme Court Judges	14	3	81.25	18.75
(iii) Court of Appeal	49	16	74.19	25.81

Gender imbalance also cut across substantive practice areas and professional opportunities. Women are commonly found in less rewarding law practices like family law, and other domestic relation law practice. Anecdotal research also indicates that after three to five years at the private Bar, a sizeable number of female lawyers have made the switch to the corporate sector as legal advisers and company secretaries and to the academics, The rationale is that these practices offer more consistent working hours and regular financial returns work- life balance and more leisure for family responsibilities, and family health life.

Even among colleagues with similar qualifications, in the law firm, there are significance disparities by reason of gender. Examples are:

- Subtle restriction of female Lawyers access to mentors, clientele,
- Misconception that female lawyers are not discrete, analytical, unable to maintain confidentialities, they
- Misconception that female lawyers think with their hearts, not their heads
- Deliberate assignment of casework that is relatively unfamiliar, or exceptionally demanding in terms of out-of-town travels, dealing with unpleasant clients, laborious researching of technical details etc.
- Assignment of work that is not particularly challenging.
- Sparing invitation of female lawyers to social functions while their male counterparts are invited much more frequently.
- -Tendency of partners to interact with male associates on a first name basis than they do with female associates

As members of the larger public, male partners surreptitiously display behaviours reminiscent of societal and cultural subtle repression of women. Male chauveurism, may not be expressed but it operates in the sub-conscious state of mind of both men and women.

### **Distance Learning and Legal Profession**

The vision of Distance learning is to provide accessible, quality education anchored among other things on social justice and equality through a comprehensive reach that transcends all barriers. Its delivery system encompasses print material, audio-video, tapes, CD-ROMS, Tv/Radio broadcast and internet solutions. It is based on self –study coupled with leaner –tutor groups interactions. Both student counselors and other support services are available to assist both aspiring and present law students on the one hand and offer access to learning resources and equipment on the other.

Open and distance learning in relation to legal education, has the merit of:

- Promoting gender equality
- Ensuring that what is taught and learned contributes in a positive way to both genders.
- Ensuring equal access to knowledge and skills which the university provides.
- Ensuring equal participation of male and female individually or in groups..
- Developing curriculum that supports interest of men and women.
- Providing framework of principles and practices that are need-based and context specific
- Permitting women to participate in non stereotypical areas.
- Serving as a complement to the traditional universities and other support systems in addressing challenges and eliminating gender disparity in education and skills development, regardless of individual and family circumstances.

## Conclusion and Recommendations

Gender equality is a cherished value of a free and democratic society. But it remains elusive and an utopia unless the state takes and appropriate measures to end discrimination in every form or shape in both public and private life. Such measures should ensure that treaty obligations and conventions are not only observed but also prevail where they conflict with local traditions, cultures, religious practices, or are incompatible with domestic laws. The mechanisms that help to maintain or create internal cooperation and cohesion such as rituals and ceremonies, or the procedures that ensure periodic or occasional moral renewal of society are themselves an influential force that can shape gender roles and perceptions and should not be ignored.

Unrestricted access to lifelong learning opportunities for those who ordinarily may never be opported for various reason and even to “Old boys” with a felt need for the sublime knowledge the legal profession offers.

Open distance learning offers law education, larger access, convenience, flexibility and low cost benefit, new skills development.

Misconception about distance learning such as exist tend to reinforce rather than mitigate the challenges of gender and in legal profession in particular. There are fears about change, the belief that orthodox classroom model offers better standards threat of massive incursion into the legal profession.

These strictures, however, are subjective as there is no evidence that distance learning suffers value diminution. Access to education through the distance learning mode is an antidote to the moral and ethical questions that arise from the restricted access to legal education.

The state has a primary responsibility to enforce gender equality and undertaking appropriate measures to end discrimination, in addition to legislations against gender discrimination, these is a need for some temporary special measures targeted as women enjoyment of all their rights treaty obligation and conventions must transcend traditions, religion, culture, domestic laws and policies.

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