

**ATTAINMENT OF GENDER EQUITY AND SOCIAL JUSTICE FOR
NIGERIAN WOMEN THROUGH THE IMPLEMENTATION OF
CEDAW'S RIGHT TO CHOOSE: AN INITIATIVE FOR THE
DEVELOPMENT OF NIGERIA**

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ABSTRACT

The Convention on the Elimination of all forms of Discrimination against Women (CEDAW) is yet to be domesticated and implemented in Nigeria. Hence, its provisions, particularly, Article 16(1) (e) (which particularly deals with freedom of choice of both sexes) cannot be given effect to. Hence, when it comes to deciding on the number and spacing of children, women in Nigeria are not given any say whatsoever. This, particularly, is in contradiction to, and against social justice for Nigerian women. This equally shows and portrays the inequality status of women to men in Nigeria. In order for Nigerian women to enjoy the dividend of gender equality and have access to justice, the attitude of Nigerian men (mostly the uneducated ones, and even some educated ones) of turning their wives into child producing machines must be stopped as soon as possible. Most women in Nigeria are faced with problem of having children yearly in order satisfy their husbands. These women, despite being exposed to the health challenges associated with several child births, are usually trapped in a difficult position either to continue production of babies, or to let go their husbands to take another wife. Most women in Nigeria opt for the later. However, it has been viewed by this researcher that if allowed to prosper, the provision of fairness and justice in the distribution of benefits and responsibilities between men and women is well covered by CEDAW's right to choose which is well captured under its Article 16. This is a doctrinal research which utilizes the use of books, journals and internet sources for research. The research concluded that future development based on analysis suggests the full implementation of CEDAW's provision under Article 16.

Keywords: CEDAW, Development, Equality, Justice, Women

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INTRODUCTION

Gender equality and women's right (e.g., right to choose) has been cited in conferences such as the Beijing+5 as a critical element to development efforts and peace building.¹ If this is the case, Article 16(1) (e) CEDAW absolutely portrays what we mean by gender equality by providing as it were that all women, as well as men, possesses a shared responsibility to determine, without any force, the number of children they wish to have as well as the way and manner they wish to space them.

It has also been established that when there is enough spacing between births, women and their offspring tend to be healthier. Giving space between births is a way or method of saving the lives of a mother and her child. Allowing enough space between births have also helped in terms of reducing the rate of abortion as well as eliminating incidences of unwanted conceptions. The overall effect of giving space between births has cumulated in the general wellbeing of mother and child. The health of all mothers is dependent on the mothers themselves to ensure that they give enough space between the births of their children.²

Any opportunity given to women to participate in matters and affairs that affect their wellbeing automatically lead to what is known as 'a fair go' which is the inherent sense of fairness that underpins social justice.³ It is here seen, that gender equality is a shared vision of social justice,⁴ which is a consciousness that makes the society good and internally harmonious.⁵ It is also right to say that with gender equality, individual justice becomes the order of the day, because individual justice is a virtue that makes a person self-consistent and good.⁶

With a guaranteed access to right to choose as provided by CEDAW, the right to health of women will be seen to be upheld leading automatically to the attainment of sustainable

¹Michael Friedman and Ray Gordezky, "A Holistic Approach to Gender Equality and Social Justice" 43 *ODP (OD Practitioner)* 11 (2011). <A-Holistic-Approach-to-Gender-Equality_Friedman_MR_Gordezky_ARTICLE.pdf (genderatwork.org)> (last visited on May 8, 2022).

²United States Agency for International Development, "Issue Brief, 'Healthier Mothers and Children through Birth Spacing'" (2006) <www.usaid.gov > (last visited on September 12, 2021).

³Jude McGregor, "Gender Equality and Social Justice: Progress, Paradox and Promise" (2013) <<http://www.cwea.org.nz/admin/data/files/Gender%20equality%20and%20social%20justice%20-%20final.pdf>> (last visited on September 12, 2021).

⁴Phumzile, Mlabo-Ngcuka, "Advancing Gender Equality and Empowerment of Women and Girls". <<http://www.unwomen.org/en/news/stories/2015/3/pga-ed-speech>> (last visited on September 12, 2021).

⁵Afifeh Hamedi, "The Concept of Justice in Greek Philosophy (Plato and Aristotle)" 5 *Mediterranean Journal of Social Science* 1163 (2014). See, Barbara, Hemphill, "Social Justice as a Moral Imperative" 3 *The Open Journal of Occupational therapy* 1 (2015). <Social Justice as a Moral Imperative (wmich.edu)> (last visited on May 18, 2021)

⁶*Supra* note 1

development in Nigeria. This portrays the old time adage which says, 'a healthy nation is a wealthy nation'.

It is the belief of this researcher that the domestication and subsequent implementation of CEDAW in Nigeria will guarantee for women her right to choose which is important in bringing about gender equality, based on social justice. When this is achieved, sustainable development goals (SDGs) will leave no one behind.

GENDER EQUALITY FOR NIGERIAN WOMEN THROUGH CEDAW'S RIGHT TO CHOOSE

The United Nation General assembly (UNGA), on the 8th December 1979, adopted the women specific treaty; - the Convention on the Elimination of all forms of Discrimination against Women (CEDAW). This women Convention portrays the human right statute that encourage the notion of fairness and equity between amongst women, as well as men. This women Convention deals with 3 main items, one of which is the item of reproductive right. The right to choose for women forms an integral part of reproductive right.

Apart from the right to choose for women, reproductive rights also envisages, collaborative rearing of children by both mother and father, the woman's right to maternity as well as an opportunity of family planning by the woman. Reproductive rights as provided in the CEDAW can be found under Article 12 which deals with health and Article 16 which talked about marriage and family. What these articles points to is that for the good health of mothers, the decision regarding the number of children they want to have, as well as the way and manner they wish to have them, should be entirely their business. Here, lies the mother's health right. Women should be allowed to have adequate access to health care in order for them to be able to acquaint themselves with necessary information relating to how they will be able to give the necessary gap and space between their children.⁷ Short birth intervals poses serious health risks to mothers and their infants by causing unnecessary high risk pregnancy related complications.⁸In order for Nigerian women to be able to exercise their right to choose the

⁷Longer birth intervals has been identified as bettering the health of mothers. *Supra* note 2. See also, Augustine Conde-Agudelo, Anyeli Rosas-Bermudez et. al, "Birth Spacing and Risk of Adverse Perinatal Outcomes: A Meta- Analysis" 295 *JAMA* 1809 (2006). <Birth spacing and risk of adverse perinatal outcomes: a meta-analysis - PubMed (nih.gov)> (last visited on May 8, 2022).

⁸Yohannes Dibaba, "Child Spacing and Fertility Behaviour among Women in Mana District, Jimma Zone, South West Ethiopia" 20 *Ethiopia Journal of Health Sciences* 90 (2010). <<https://www.ncbi.nlm.nih.gov/pubmed/22434965>> (last visited on September 18, 2020). The risk of the death of a child increases if the interval between the birth of the child and the previous birth is less than 24 months.

number and spacing of their children, it is required that; they must have access to basic information as regards family planning.

The International Conference on Population and Development 1994 has reiterated the necessity of situating the ideals of family planning within a right-oriented agenda and as part of a wholesome set of services to deal with individual's reproductive health goals that would also tackle broader developmental concerns.⁹ Encouraging and advocating family planning in countries having very high birth rate, like Nigeria, can amount to averting 32% of all maternal deaths and nearly 10% of child mortality.¹⁰ The right to choose provided by CEDAW will afford Nigerian women gender equality with their male counterpart. This, by extension, will bring about equality in health and equal access to health care.

It must be stated from the onset that equality in general wellbeing and having an equivalent avenue to medical management are known and accepted objectives of every industrialized nations of the world.¹¹ It is the major assumption of the Ottawa Charter and must be accomplished through conducts geared at minimising inconsistencies and securing the same opportunities for all people to accomplish their fullest health potentialities.¹²

See, Moataz Abdel-Fattah et.al, "Determinants of Child Spacing among Saudi Women" 14 *Journal of Family and Community Medicine* 103 (2007). <<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3410152/>> (last visited on May 8, 2022).

⁹Adewale S, Adeyemi et.al, "Contraceptive Prevalence and Determinants among Women of Reproductive Age Group in Ogbomoso, Oyo State, Nigeria" 29 *Open Access Journal of Contraceptive* 33 (2015). <<https://www.dovepress.com/contraceptive-prevalence-and-determinants-among-women-of-reproductive-peer-reviewed-fulltext-article-OAJC>> (last visited on November 10, 2020). See also, Timothy Okech et.al, "Contraceptive Use among Women of Reproductive Age in Kenya City Slums" 2 *International Journal of Business and Social Science* 22 (2011). <https://www.researchgate.net/publication/266211203_Contraceptive_Use_among_Women_of_Reproductive_Age_in_Kenya's_City_Slums> (last visited on May 8, 2022).

¹⁰*Id*

¹¹Kristiina Manderbacka et.al, "National and Regional Trends in Equity within Specialized Health Care in Finland 2002-2010" 43 *Scandinavian Journal of Public Health* 1 (2015). <<https://journals.sagepub.com/doi/abs/10.1177/1403494815585615>> (last visited on May 8, 2022). See, Carolyn M Clancy et.al, "Excellence and Equality in Health Care" 104 *American Journal of Public Health* 527 (2014). <<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4151891/>> (last visited on May 8, 2022).

¹²Lene, Povlsen et.al, "The Concept of 'equity' in Health Promotion Articles by Nordic Authors-A Matter of some Confusion and Misconception" 39 *Scandinavian Journal of Public Health* 50 (2011). See, Paula Braveman, "Social Conditions, Health Equity and Human Rights" 12 *Health and Human Rights Journal* (2010) <Social conditions, health equity, and human rights – Health and Human Rights Journal (hhrjournal.org)> (last visited on January 15, 2021).

Equity is connected to the fundamental human right of high quality health care.¹³ Equity is not a thing that can be arrived at instantly. It is a correct behaviour and an essential benchmark of excellence for all countries as well as communities.¹⁴

Happily, the notion of balance between men and women¹⁵ and the resultant or consequential interdiction of segregation has always been an important goal of all international human right laws, beginning with the fore runner of them all, the Universal Declaration of Human Rights (UDHR), which was adopted by the United Nations General Assembly (UNGA) in 1948.¹⁶

Despite these laudable provisions, it is obvious that attainment of gender equality in Nigeria as far as women's right to choose (women's right to health) is concerned, is and has been a myth. Women are not treated equally with men in Nigeria. The wants and needs of women are secondary to that of the men especially when it comes to the number and spacing of their children.

Nigerian women especially, fear the difficulties, scorn and shame associated with living without a male companion. This being the case, Nigerian woman will always want to please her husband even to her detriment. The more reason why she will not want to stop producing babies as long as her husband wants them.

There can even be worst scenarios where a Nigerian woman fails to give birth to a male child.¹⁷ For her failure to produce a male child, the typical Nigerian woman will see no harm in continuing to have babies year-in and out. It is sad to note that after several child births; this typical Nigerian woman might not be able to take care of these several babies, because ill health would have taken a toll on her.¹⁸ It is also a very common outcome that these babies, so

¹³Heath Potts and Paul Hunt, "Participation and the Right to the Highest Attainable Standard of Health" *Research Repository* (2008) < <http://repository.essex.ac.uk/9714/participation-right-highest-attainable-standard-health.pdf>> (last visited on May 8, 2022).

¹⁴ Herbert Zollner, "National Policies for Reducing Social Inequalities in Health in Europe" 30 *Scandinavian Journal of Public Health* 6 (2002) <National policies for reducing social inequalities in health in Europe - PubMed (nih.gov)> (last visited on May 19, 2021).

¹⁵Lori Roller, "Understanding Gender and Gender Equality" 1 *Gender and Sexual Health* (2013) <Gender and Sexual Health, Part 1: Understanding Gender and Gender Equality (actforyouth.net)> (last visited on January 15, 2021).

¹⁶Articles 1 & 2 Universal Declaration of Human Right (UDHR).

¹⁷Ine Nnadi, "Son Preference –A Violation of Women's Human Right: A Case Study of Igbo Custom in Nigeria" 6 *Journal of Politics and Law* 134 (2013). <<http://www.ccsenet.org/journal/index.php/jpl/article/view/25154>> (last visited on November 15, 2021)

¹⁸Dawn M Koop et.al, "Influences on Birth Spacing Intentions and Desired Interventions among Women who have experienced Poor Obstetric Outcome in Lilongwe Malawi: A Qualitative Study" 18 *BMC Pregnancy and Childbirth* <<https://bmcpregnancychildbirth.biomedcentral.com/articles/10.1186/s12884-018-1835-9>> (last visited on May 8, 2022).

produced inhibit certain medical problems that can be associated with the time space within which they were born.¹⁹

It has been imagined by this researcher that if urgent step is not taken, Nigerian women will continue to be subjugated in the hands of the male folks. Furthermore, it has also been ascertained that promoting and enforcing gender equality, especially in the area of health has become a global acceptable standard.²⁰ Therefore, attainment of gender equality has been judged to be a *sine qua non* to the achievement of sustainable development for women in Nigeria.²¹

SOCIAL JUSTICE FOR NIGERIAN WOMEN THROUGH CEDAW'S RIGHT TO CHOOSE

It can be said authoritatively that Article 12 CEDAW envisaged a society where there is health care equity. However, it is difficult to discuss health care equity and health care disparity without making mention of what is referred to as social disadvantage. Social disadvantage can be said to be a condition which certain people endure based on their status within the society.²² Based on their status, women are forced to endure certain conditions, like accepting and agreeing to continue to have babies yearly just to satisfy their husbands, not minding the health hazard involved.²³

A particular aspect which focuses on discrepancies and inequalities using a global point of view is the consideration of social justice. Justice is just an aspect of the 4 crucial ethical medical standards.²⁴ Within the health care system, justice can be said to refer to a situation where people with the same medical conditions have availability to the same treatment options. Hence, men and women, being fathers and mothers of children, having the same medical

¹⁹Desta Hailu and Teklemariam Gulte, "Determinants of Short Interbirth Interval among Reproductive Age Mothers in Arba Minch District, Ethiopia" 2016 *International Journal of Reproductive Medicine* (2016) <<https://www.hindawi.com/journals/ijrmed/2016/6072437/>> (last visited on May8, 2022).

²⁰*Supra* Lene et.al, note12

²¹Kelly Ovie Ejumudo. "Gender Equality and Women Empowerment in Nigeria: the Desirability and Inevitability of a Pragmatic Approach" 3 *Developing Country Studies* (2013) <www.iiste.org> (last visited on November 20, 2021).

²²Stephen, Krau, "Social Justice: A Basis for Health Care Delivery" 50 *Nursing Clinic North American Journal* xiii (2015) <Social Justice: A Basis for Health Care Delivery - PubMed (nih.gov)> (last visited on January 8, 2021).

²³*Supra* note 7

²⁴*Id*

conditions, should be able to have the same treatment options when it comes to who should have a say in the spacing and numbers of their children.

In this wise, justice to women is well captured by Article 12 CEDAW as far as health care is concerned. Social justice on the other hand, refers to the distribution of goods and services within the society. Social justice focuses on the persons or group of persons responsible for the distribution of services. These services include the accessibility and availability of health care treatment. The health care treatment as far as CEDAW's Article 12 is concerned, is the equal treatment giving to men and women to decide freely and responsibly on the number and spacing of their children. Commitment to social justice means believing that everyone ought to be able to avoid preventable diseases and premature death²⁵ which can be brought about by several child births.²⁶

Social justice provides the foundation for action from all health care providers as major instrument for social change. It has been observed that there exists some obstacles faced by the providers of health care in the fulfilment of their roles.²⁷ One of such barrier is absence of legislative policies that are not grounded in social justice. It is here stated and affirmed that failure to domesticate and Implement CEDAW by the Nigerian government is an indication of the absence of a legislative policy that can bring about social justice to its women. Hence, a deprivation of her human right.

In an attempt to link social justice and human rights together, Martin Luther King once said, 'injustice anywhere is a threat to justice anywhere'.²⁸ Hence, in order for there to be in existence a fair and just world, there is the need to focus on the development and nurturing of some qualities such as justice, equality as well as human rights. While justice is most often linked with all legal systems, social justice, on the other hand, accommodates a much wider idea, e.g., fair apportioning of social, intellectual as well as natural resources all over the world, and the believe that every human being should be given the very best opportunity for both personal and social developments.

²⁵Nikhil Patel, "Health and Social Justice: The Role of Today's Physician" 17 *AMA Journal of Ethics* 894 (2015) <<https://journalofethics.ama-assn.org/article/health-and-social-justice-role-todays-physician/2015-10>> (last visited on October 10, 2021)

²⁶*Supra* note 7

²⁷*Id*

²⁸Martin Luther King, "Martin Luther King Jr. > Quotes> Quotable Quote" *Summer Reading* <<https://www.goodreads.com/quotes/631479-injustice-anywhere-is-a-threat-to-justice-everywhere-we-are>> (last visited on January 5, 2021).

Social justice specifically stands for distributive justice.²⁹ Meaning that, it encompasses the notion and ideals of social rights³⁰ as well as economic rights. It preaches that the benefits of the society³¹ such as health care (the right to choose is basically related to health care), or the burden of the society, such as taxes, be equitably and equally distributed³² amongst men and women.

Hence, local and international human rights documents and discussions are identified by conceptual and normative connections between human rights and social justice.³³ The preamble to the Universal Declaration of Human Rights (UDHR) has also reiterated the fact that human rights are the foundation of justice in the world.³⁴ Through the exercise of human rights, like social rights, which has been linked to health care rights,³⁵ it becomes possible for women to have access to social justice.

If this is the case, it has been imagined by this researcher that through the right to choose as provided by CEDAW, which inter alia has recognized the right to decide freely and responsibly on the number and spacing of children, the core ideals of social justice has been revealed seeming to suggest that, the oppressed people, in this wise, Nigerian women should have a right to fair treatment and a share in the benefit of the society based on their human right and equality of all people.³⁶

²⁹Aryeh Neier, "Human Rights and Social Justice: Separate Causes", in Douthett Lettinga and Lars Van Troost (eds.), *Changing Perspectives on Human Rights: Can Human Rights Bring Social Justice? Twelve Essays* 47-55 (Netherlands: Amnesty International Publisher, 2015). Distributive justice refers to the perceived fairness of one's outcome. When a reward is allocated, or a decision is made, people often make judgement whether or not the outcome was fair. This judgement is referred to as distributive justice judgement because it has traditionally been an assessment of how resources are distributed or allocated to individuals. Once people have favourable distributive justice perception, they are likely to have more positive emotions and more favourable attitudes and behaviours. See, Dave Mayer (ed.), *Encyclopaedia of Social Psychology* (2009) <http://www.sage-reference.com/socialpsychology/Article_n157.html> (last visited September 15, 2020).

³⁰Health care has been recognized as a type of social right. In Iceland, social justice and equity has been emphasized within health care. See, Sonja Gustafsdottir et.al, "Social Justice, Access and Quality of Health Care in an Age of Austerity: Users' Perspective from Rural Iceland" 76 *International Journal of Circumpolar Health* (2017) <<https://www.tandfonline.com/doi/full/10.1080/22423982.2017.1347476>>(last visited on May 8, 2022).

³¹*Id*

³²*Id*

³³Hibbert Neil, "Human Rights and Social Justice" 6 *Journal of laws* 2 (2017) <www.mdpi.com/journal/laws> (last visited on May 8, 2022).

³⁴*Id*

³⁵The Universal Declaration of Human Rights (UDHR) 1948, made specific provisions regarding socio economic right under Article 25, which stated inter alia that; "everyone has the right to a standard of living adequate for the health and wellbeing of himself and his family including food, clothing, housing and medical care..." In the same vein, the International Covenant on Economic, Social and Cultural Rights (ICESCR) 1966 provided under its Article 3, for the right of men and women to equal enjoyment of economic, social and cultural rights. Article 12 ICESCR specifically provides for right to health. Article 12 of CEDAW also dealt with right to health, and by extension the right of women to choose and determine the number and spacing of their children.

³⁶Gladys Loewen and William Pollard, "Social Justice Perspectives" 23 *Journal of Postsecondary education and Disability* 5 (2010).

Again, the principle of gender equality³⁷ is interwoven in the idea of social justice. Social justice movements have struggled with issues of sexism³⁸ which is the key concept in the right to choose notion as portrayed within CEDAW. Hence, the theory of social justice can be seen to rest on the very important moral ideals that everyone is equal, and being members of a recognized political society, are eligible to equal respect.

Having established that the concept of social justice accommodate social rights, it is pertinent to place on record that the right to health, being a major type of social right can be linked to the right to choose for Nigerian women. If Nigerian women are able to determine the time and spacing of their children, they automatically become healthy because, of the opportunity of adequate space within births. The Nigerian woman by extension becomes handy with both physical and mental health to be able to avail herself the opportunity of social justice.

The Nigerian woman with a social right to health has the benefit of the society. When it comes to burden of the society e.g., tax, she is seen to be in a convenient physical and mental health to bear the burden of the society. After all, social justice involves the equitable and equal distribution of the benefits and burden of the society without discrimination of sex or gender.

DEVELOPMENT OF NIGERIA THROUGH CEDAW'S RIGHT TO CHOOSE

Humanity will gain immeasurably only when the rights and development tracks merges.³⁹ If the promotion of human right is seen as a core objective of development activities, then again, humanity will benefit a great deal.⁴⁰

The global conferences of the 1990s brought about the word, -sustainable development which was introduced at Rio in the year 1992, and the word, people-centred sustainable development emerged from Copenhagen in 1996.⁴¹ Throughout the 1990s, the United Nations Development Programme (UNDP) -influenced terms of human development and sustainable human

³⁷The UNESCO's Gender Mainstreaming Implementation Framework 2003 <http://portal.unesco.org/en/ev.php-URL_ID=11481&URL_DO=DO_TOPIC&URL_SECTION=201.html> (last visited January 4, 2021)

³⁸Sussan, Cayleff. "Sexualities and Genders", in Bonnie Kime et.al. (eds.), *Women in Culture: an Intersectional Anthropology, Gender and Women's Studies* 195-199 (USA: John Wiley & Sons Publisher, 2016).

³⁹Nadia Hijab, "Women, Development and Human Right: Notes, Expert Workshop, Beijing+5.Future Actions and Initiatives" (1999) <<http://www.un.org/womenwatch/daw/csw/beiruthr.htm>> (last visited on 15, October 2020).

⁴⁰*Id.* See further, Siobhan, McInerney-Lankford, "Human Rights and Development: A Comment on Challenges and Opportunities from a Legal Perspective" 1 *International Journal of Human Rights Practice* 51 (2009) <<https://academic.oup.com/jhrp/article/1/1/51/2188613>> (last visited on January 10, 2021).

⁴¹*Supra* note 39

development have always been used to refer to some forms of developments that are focused on people's capacities, capabilities and opportunities that is economically, politically, socially, culturally and environmentally sustainable.⁴²

In order to achieve a just and sustainable future, the rights, dignity, capacities and capabilities of more than half of the world population cannot be ignored. To be able to be efficient therefore, strategic components for sustainability must correct the undue impacts on women and girls.⁴³ Hence, through the recognition and promotion of human right, especially, the right to choose as provided for under CEDAW, it becomes possible for a nation like Nigeria to have sustainable development

The centrality in the attainment of the rights of women in the realization of sustainable development is well recognized all over the world. This recognition has been showcased in several international laws and resolutions e.g., Principle 20 of the Rio Declaration on Environment and Development,⁴⁴ adopted in 1992, concerning the statements pointing to the full participation and engagement of women as central to the achievement of sustainable development. Furthermore, in the Beijing Declaration and Platform for Action, which was adopted by all member states in 1995, governments were enjoined to include gender issues, concerns and perspectives into strategies, policies and programmes for a formidable sustainable development.⁴⁵

Hence, in order to have sustainable development, the Nigerian government, by following the aspirations of these international norms and agreements, should align with the capabilities and opportunities offered by CEDAW's right to choose in the realization of women's right to health which is capable of developing Nigeria.⁴⁶ Healthy women, whose rights are protected, are the very heart of sustainable development. Ensuring healthy lives and promoting the wellbeing at all ages is essential to sustainable development and the building of a prosperous society.⁴⁷The

⁴²*Id*

⁴³UN Women, "World Survey on the Role of Women in Development 2014: Gender Equality and Sustainable Development" <The World Survey on the role of women in development 2014: Gender equality and sustainable development | UN Women – Headquarters> (last visited on January 10, 2022).

⁴⁴United Nations, "Report of the United Nations Conference on Environment and Development, Rio de Janeiro" (June, 1992) <Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992. Volume 1, Resolutions adopted by the Conference.> (last visited on January 10, 2021)

⁴⁵United Nations, "Report of the Fourth World Conference on Women, Beijing" (September, 1995) < Beijing full report E.pdf (un.org)> (last visited on January 10, 2021).

⁴⁶Oluwakemi, Ayanleye, "Women and Reproductive Health Rights in Nigeria"⁶ *OIDA International Journal of Sustainable Development* 127 (2013) <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2381324> (last visited on January 10, 2022).

⁴⁷Sustainable Development Goal No 3. <<http://www.un.org/sustainabledevelopment>> (last visited on May 8, 2022).

essential right to the highest attainable standard of health is contained in the constitution of the World Health Organization (WHO) as well as other international human right laws. When the right to health of women (the right to choose is a health based right) is upheld, their connection to all other human rights will also be amplified bringing about a rapid transformational change.⁴⁸

This transformational change can lead to overall socio-economic development of a nation like Nigeria, if the reproductive health right of women (the right to choose) is guaranteed. This is because; reproductive right play a key role in reducing child mortality. A healthy mother is the first step towards a healthy child. Universal access to reproductive right and health would save women's lives as well as the lives of their babies. This tends to develop a national capacity for population and growth. The healthy Nigerian woman will thus, be able to produce healthy babies who will develop into healthy adults to assist the nation in terms of Gross Domestic Production (GDP), bringing about unprecedented development for Nigeria.⁴⁹

Women can thus, be seen as a key player in the area of sustainable development. The enhancement of the reproductive health and reproductive right of women is also central in poverty reduction as well as enhancement of economic development.⁵⁰

The respect for the reproductive health right of women, like the right to choose, and the provision of reproductive health services and facilities to achieve same, provides a basis for neo-natal health and survival for the whole of humanity, which is also crucial to development.⁵¹ In other words, once Nigerian women are able to exercise their reproductive right to choose to determine the number and spacing of their children, they automatically become healthy. Health is increasingly being recognized as an important indicator of the standard of living of a country as well as the well-being of its citizens.⁵² Health is not just the absence of disease and infirmity;

⁴⁸World Health Organization, "Leading the Realization of Human Right to Health and through Health: Report of the High –Level Working Group on the Health and Human Rights of Women, Children and Adolescents" (2017) < ReportHLWG-humanrights-health.pdf (ohchr.org)> (last visited on January 15, 2021).

⁴⁹Although, in the main time, between the period of birth till the attainment of 18years of age, these children will not have an impact on the economic growth as well as GDP. However, as soon as they are old enough to contribute their quota to the development of their country, the GDP is likely to increase.

⁵⁰Gender equality is a key factor in contributing to the economic growth of a nation. The empowerment of women, through such things as the promotion of women's right proves to be key to the advancement of economic development. See, Easther Duflo, "Women Empowerment and Economic Development" 50 *Journal of Economic Literature* 1051 (2012).

⁵¹Mercy Erhun, "A Legal Framework for the Enhancement of Women's Reproductive Health as a means to Attaining Sustainable Development in Nigeria" 40 *Journal of Law, Policy and Globalization* 185 (2015) <<https://www.iiste.org/Journals/index.php/JLPG/article/viewFile/24852/25455>> (last visited on November 15, 2021).

⁵²Wellbeing is an important metric of a population's health. See, Anita Arora et.al, "Population Well Being Measures Help Explain Geographic Disparities in Life Expectancy at the Country Level" 35 *Health Affairs* 2075

it involves a complete state of physical, mental and social well-being.⁵³ It is this type of health that is being advocated for women through CEDAW's right to choose. Women's access to this right brings about economic growth and development.

Health has a powerful link with long term economic growth. The absence of sustainable systems in the health sector (e.g., lack of access to reproductive right and information to achieve same) undermines health and poor health is an impediment to the realization of sustainable development. Another impediment to sustainable development as far as reproductive right is concerned, is the negative attitude of the society especially men, towards women. When women are allowed to enjoy their full reproductive right to choose by the society, especially men, they become major agents of change as well as drivers of sustainable development.

It is on this note that, this researcher emphasize that the provision and promotion of the right to choose as provided by CEDAW, if domesticated and implemented will go a long way in ensuring socio-economic development of Nigeria.

CONCLUSION AND RECOMMENDATION

It is a pitiable and sorry state for women in Nigeria as they suffered continued suppression from men who persistently and wickedly exercise undue superiority over them.⁵⁴ This kind of inequality is one of the most important social inequalities calling for an urgent intervention. It is worth noting that the Committee on CEDAW usually submit annual report to the United Nations containing suggestions and general recommendations. Some of their recommendations are as follows; general recommendation No. 12 called upon state parties to include in their reports information on measures taken to deal with violence against women, while general recommendation No. 21 is concerned with equality in marriage and family relations. These two recommendations of CEDAW fits conveniently into the provisions of gender equality as envisages and provided by CEDAW itself.

However, it is sad to note that despite the ability and capability of CEDAW's right to choose to bring about gender equity for Nigerian women, this very Convention is yet to be domesticated and implemented by the government of Nigeria. It is worth noting that, laws and

(2006) Population Well-Being Measures Help Explain Geographic Disparities In Life Expectancy At The County Level (nih.gov) (last visited on May 19, 2021).

⁵³Jerome Kotecki, *Physical Activity and Health: an Interactive Approach* 5-8 (London: Jones and Bartlett Learning Cooperation 2002).

⁵⁴Clifford Sibani, "Gender Inequality and its Challenges to Women Development in Nigeria: The Religion Approach" 18 *Unizik Journal of Arts and Humanities* 432 (2017) <<http://dx.doi.org/10.4314/ujah.v18i2.25>> (last visited on November 15, 2021).

policies are crucial indicators of commitment of the government to promote and protect the reproductive right of women to choose in order to bring about gender equality, social justice and sustainable development.

Nigerian government should take a bold step in the right direction, and proceed to domesticate and implement CEDAW, thereby providing the kind of health law required to correct the injustice meted on women. Furthermore, the failure of the society to realize the linkage between reproductive health right of women and nation's development is creating setback for the country. This can be rectified by the immediate domestication and subsequent implementation of CEDAW's right to choose. Through CEDAW, a legal frame work through which people will be shaped and moulded would have been put in place.