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Legal and Institutional Framework Contribution to Women's Leadership in the Public Sector in Turkana, Kenya

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Abstract:

Women world over continue to experience widespread barriers that are entrenched in laws, cultural norms, and institutional dynamics that pose challenges to women's involvement in the economic and political sphere of a nation. This article is based on the thinking that unless proper and structured processes are established, women's engagement in leadership would remain a pipe dream. The objective of this study was to determine the contribution of the legal and institutional framework on women's leadership in the public sector in Turkana County. The study used the social identity theory to explain the concept of leadership and the gender divide in our society. The descriptive and inferential statistics were used to analyze quantitative data while content analysis was used for qualitative data. The study indicated that the legal and institutional framework plays a significant role in determining women's leadership in the public sector in Turkana County. The study recommended that the county governments should address the gaps and obstacles to women's leadership through legislation to allow women's equal and full participation in leadership.

Keywords: Legal and institutional framework, women's leadership, policies

1. Introduction

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Over the past century, research on women leaders has indicated that women are inclined to communal and philanthropic tendencies (Carli and Eagly 2011). Other findings indicate that women in the position of leadership tend to value interdependence, benevolence, tolerance and low accountability returns in the exercise of their leadership roles (Adams and Funk, 2012; Darmandi, 2011; Minguez-Vera and Martin, 2011). Nonetheless, there is a broad agreement by scholars that women lead in a participatory leadership; this form of leadership works well to bring all stakeholders on board to warrant an inclusive approach to leadership (Goethals and Hoyt, 2017). All this is expected to thrive within an all-inclusive leadership environment (Endalchew, 2016). UN Women (2014) reports rounds up the potentials of women's leadership by affirming that to create a sustainable world and to enhance women's roles, achieving gender equality and promoting a leadership model focused on women's traditional traits of care, cooperation, intuition, and empathy is paramount.

Traditional leadership theories such as the trait theories and the personality theories tended to focus on the physical and behavioral attributes of the leaders. This assertion subtly advanced the assumption that leadership is biologically acquired and not socio-culturally influenced. Other theories attribute successful managers as being masculine (Schein, 1973; Heilman, 1983; Eagly, 1987). This pronounced gender bias and stereotypes continued to be the rallying point for the subjugation of women aspiring for public sector leadership (Gipson, 2017).

The core interest of this article was to understand the key contributions of the legal and institutional framework on women's leadership in Turkana County and especially in understanding the dynamics of gender inequality that has over the years marginalized women in political, administrative, and corporate leadership in the Kenyan society. Gender inequality occurs in almost all societies with their extraordinary variation in culture and composition. This is further exacerbated by the role of masculinity in shaping the public perception of leadership, and the views that men are always leaders and women are followers (Baxter, 2013). This assert does not only affect the aspiration of women to take up leadership positions but also the confidence of the masses to entrust leadership to women. This has set the bar for women leaders too high to a level they are expected to behave in a way inconsistent with how leaders ought to behave.

The concept of women's leadership has been developed to rally the course for gender parity in the political and economic spheres (Medina-Vincent, 2015). It has brought to focus the need to deconstruct the social-cultural dimension of leadership in our society. Transformational leadership style has been attributed to women than men because women bring to leadership the value of empathy, inclusion, relational skills, community focus; when incorporated, these skills are instrumental in solving the monumental problems facing our modern times (Kabira 2012 and Guerrero, 2011)

Sub-Saharan Africa has shown slow motivation towards addressing gender inequality as the precondition for sustainable development (Alvarez and Lopez, 2013). One of the critical efforts to acknowledge the central role played by women in governance is the 1995 Beijing Platform for action whose rallying call centered on equality for all genders and

participation of women in decision making. The UNESCO Gender Equality Action Plan for 2014-2021 provided a strategy for achieving concrete and sustainable results through nondiscrimination based on one's gender. The African Union Constitutive Act Article 4 promotes gender equality. Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) Article 7 called on state parties to take appropriate measures to eliminate discrimination against women in the political and public life of a country. More importantly, the United Nations Resolution 1325 protects and promotes the right of women to participate in the decision-making process. In Kenya, the deadline for implementing two-third gender rule as provided for in Article 27 of the Kenyan Constitution lapsed on 27th August 2016. The proposed legislation was expected to provide a legal framework to affirm that all public positions should not be occupied by more than two-thirds of either gender. Further to this, the *Global Gender Gap Report (2017)* ranks Kenya at position 48 among countries that experience gender disparities in women's economic participation, political engagement, access to education, and health. There is a clear indication that there is lackluster political good-will in ensuring women's leadership is enshrined in the material operation of the Kenyan state. This study investigated the fundamental factors pitying the implementation of a genderless public service in Turkana County. This will be important to inform policy direction and further research in the whole concept of women's leadership.

1.1. Statement of the Problem

Studies on gender equality have normally taken a unilateral approach to the study of women's leadership with scholars either concentrating on the social, economic, and cultural aspect of women but there is little emphasis done on how the legal and institutional frameworks contribute to ensuring women take leadership positions especially in the public sector. In a largely patriarchal community and with the decentralization of power and resources in Kenya, the case of women empowerment through leadership has fallen below expectations as is the case in Turkana County; a different approach is necessary to be taken to understand the underpinnings informing the dismal representation of women in leadership. This article, therefore, attempts to explore the study of women's leadership vis-à-vis with the legal and institutional framework in mind. The findings in this study were of interest to advocates of women's leadership, government as well as to scholars in the field of gender and development.

2. Theoretical Framework

2.1. Social Identity Theory

Tajfel (1979) suggests that social identity provides a sense of belonging and is a source of pride and self-esteem to an individual. Social identity is a concept derived from perceived membership of a group (Hogg and Vaughan, 2009). The act of individuals categorizing themselves as group members is sufficient to enable them to display in-group favoritism. According to Tajfel and Turner (1979), he suggests three processes that are cognitive which would favorably explain the processes of group formation; social categorization, social identification, and social comparison. First, social categorization refers to grouping people for the sole purpose of understanding and identifying them. By knowing what categories, we belong to, we can understand things about ourselves, and we can define appropriate behavior according to the groups that we and others belong to. An individual can belong to several groups at the same time. Secondly, in social identification, the subscribers adopt the identity of the group that they belongto and act in ways that members in that group perceive and act. For example, if you identify as a Democrat, you will most likely behave within the norms of that group. As a consequence of your identification with that group, you will develop emotional significance to that identification, and your self-esteem is dependent on it.

Lastly, in social comparison, members after categorizing and identifying within a certain group, the members would tend to measure up their group (the in-group) against another group (an out-group) for the sole aim of maintaining their self-esteem. This scenario helps to explain the origin of prejudice and discrimination since a group will tend to view members of competing groups negatively to increase self-esteem.

According to Mcleod (2008), the central hypothesis of social identity theory is that members of an in-group will seek to downgrade aspects of an out-group, hence promoting their self-image. This prejudiced view between cultures may result in racism, stereotypes, chauvinism, ethnocentrism, and even in-fights. Henri Tajfel (1979) points out that any level of stereotypes is based on a normal cognitive process that will lead members of one group to discriminate in favor of the in-group and against another out-group.

This theory fits well with this study as it tries to explain the deep-seated stereotypes and close-minded competition between the genders and details the reasons why the male gender would want to put itself as an undisputed and outgoing leader. This theory provides a conscious framework of understanding the inherent struggles between male and female gender in the process of building the right attitude for leaders in the community. The theory will also guide on the level of engagement of policymakers in designing appropriate legal and institutional frameworks to bridge the gender divide in our communities and to enable women's leadership as a concept to be realized in modern-day leadership.

2.2. Empirical Review

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2.2.1 Women's Leadership

In recent times, there has been a massive rise of women into positions of leadership in the last quarter of the 20th Century that has gradually changed the concept of leadership in both the private and the public sphere. However, there is great variation in countries on how women have acquired space in leadership (Kabira, 2012). Every other country has had

its share of challenges in mainstreaming gender equality and women's leadership in the mainstream leadership in the public sector. countries like United Kingdom, Pakistan, India, Bangladesh, New Zealand, Australia, and Sri Lanka have all been led by female Prime Ministers, not to mention Germany whose Vice-Chancellor Angela Markel, continues to put global-women leadership on the map. According to a survey done by United Nations Development Programme (UNDP) in 2015, over 85% of respondents concurred that women are more efficient in addressing societal issues by bringing in different viewpoints and a unique capacity to politics and government policies that are always dominated by men. This has been attributed to favorable policies adopted by the individual states to encourage presence of women in the decision-making positions. One of the most policy tools adopted is the quota system. However, Town and Schwindt-Bayer (2012) cautioned countries against the erratic implementation of the gender quotas system without taking steps to attend to the insignificant participation of women in leadership roles. O'Brien and Rickne (2016) agree with this view that the quota system will bring undeserving women into office with no marked influence. Moreover, unless women folks are exposed and are undeniably visible in the quest for women's leadership (Nzomo, 2010) this mission is still a pipe dream. The current discourse by most scholars is that the essence of women's leadership concept is to ignore the glass ceiling reality by placing the responsibility of women's promotion on their merit.

2.2.2. The Legal and Institutional Framework on Women's Leadership

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Governments have had to deal with the marginalization prism for a long time to allow an inclusive political process albeit with challenges. Many efforts have been put to empower the women to the position of influence but this has been a long and hard process because of the inherent and structural gender inequality in our traditional and public institutions. Men overtly dominate the political process and women are expected to be subservient to their decisions. According to Yewande (2017) women are only welcomed to join politics at a significantly later stage after group structures have been set up to accommodate them. In this view, men construct systems that would finally exclude women according to the discoveries of Rai and Williams (as cited in Yewande, 2017).

The few women who access these positions are marked by the stigma of masculinity (Kamau, 2010). They are expected to behave and act like men for society to accept them. Factors such as economic barriers, culture and tradition, existing political culture, male chauvinism, and lack of support from fellow women are all factors that have been institutionalized to stand on the way to bar women from leadership (Kabira, 2012). She also argued that women by their nature can't withstand the grimy politics of men, and this has widened the gender gap to delay women's entry to leadership positions. Most of the institutions in Kenya remain gendered and the move to influence the presence of women is not expected to improve the dominant male culture (Nzomo, 2012).

Even though many countries are signatories of the international normative legal framework and antidiscriminatory laws, political goodwill and adoption of these legislations have been one point of interest for scholars. Women continue to experience chronicled marginalization (Odeyemi, 2014) because of the gender blind legislations. The gender-responsive laws adopted by certain countries are either defective or lack the interest of the executors. According to the World Bank Group report (2018), 189 economies were examined on their level of implementation of nondiscriminatory laws. Forty-five (45) were found to have no laws on domestic violence, and fifty-nine (59) do not have laws against sexual harassment on employment. Generally, twenty-one (21) economies received a score of zero out of 100 in protecting women from violence. Most of the underperforming economies are categorized among the third world countries. This study examines the effectiveness of our institutions to resolve the big question of gender equity and the provision of a platform for all gender to participate in leadership. This informs a holistic restructuring of the societies and its institutions to enable effective participation for women to become empowered as equal partners with men (UN, 2011). In most countries, the total number of women in the executive arm of government and the parliament has stagnated due to stigma towards women, the capacity and competency of most women leaders have also been under scrutiny (UNWomen, 2018). Gender equality and women's leadership are two intrinsic concepts that dominate the social, political, and economic discourses. In Morocco, the constitution provides that women enjoy equality with men in all rights and it also inscribes affirmative rights for equal political participation; at the same time, Pakistan's successive governments took concrete steps to eliminate discrimination against women from public and private sectors.

The Convention to Eliminate All Forms of Discrimination against Women (CEDAW) puts a critical mass of 30-35% women participation in governance for an objective representation. Some countries have invested in leadership development programs to build leadership potentials for women. Such programs are expected to demystify leadership and provide a framework that will encourage a pool of women leaders to participate in decision making roles. The United Arab Emirates (UAE) initiated the Dubai Women Establishment and National Leadership Development Program. The latter is expected to increase women's social capital in such a way that effective role models are created within the specific culture and region (Al-Thani, 2014). Other countries like the Philippines have structured their institutions to incorporate women in public decision making as stipulated in the Magna Carta of Women Act (R.A. 9710) of 2009. This formed a basis for instituting an affirmative action to allow women active engagement in government (PCW, 2010).

Kenya is the only country in East Africa that is trailing on gender equity by delaying all processes to achieve gender equality in the government including the enactment of legislative framework (Chitere, 2013). Despite this, the situation seems to have considerably improved with the 2017 elections; compared to previous elections 29 percent more women ran for office — this is the largest number of women aspirants for an elective position in Kenya. Out of the 1,883 elected seats in Kenya, women hold 172; this is a significant increase from 145 in the 2013 elections (NDI, 2018). Women account for just 23 percent of the members of parliament in Kenya - this figure includes seats reserved exclusively for women representatives. By 2018 women judges and magistrates also made up a remarkable 48% of the judiciary, women

constitute 28% of the cabinet. In the corporate sphere, women represent a paltry 22% of the management. The constitution of Kenya provides that all appointed and elected persons in government entities should observe at least one-third rule in women representation but this reality is a pipe dream in the current establishment of the Kenya public sector. There are clear and significant obstacles that form the basis for women's marginal representation which this study will concentrate on. At the same time, the National Democratic Institute Report (2018) recommended a raft of measures to make the country's political landscape safer for women aspiring to pursue a career in the public sector. Formulation of the policy and legislative initiatives, regulatory reforms, and training and capacity-building are some of the measures recommended. All these attributes are expected to change the tide of leadership and provide a platform for women's constructive engagement in governance.

3. Methodology

3.1. Research Design

This study employed a descriptive survey research design to accurately and systematically describe the study population, situation, or phenomenon. The descriptive design answered the questions of how, what, when, where, and how to effect (Cooper and Schindler, 2011). It allowed the collection of both qualitative and quantitative data to describe in an in-depth manner the legal and institutional frameworks that determine women's leadership in the Kenya Public sector in Turkana County.

3.2. Study Population

The target population was 152 employees of the departments in the Turkana County Government. A sample size of 46 was formed representing 30% of the target population according to Mugenda Mugenda (2003) using simple random sampling.

3.3. Sampling Design and Procedure

To select an appropriate sample size the study employed a simple random sampling technique. According to Kombo and Tromp (2006), this method is appropriate when applying inferential statistics. The data provided an equal opportunity for the selection of each element of the population. The units observed were 46 respondents that formed a sample size of 30% of the target population according to Mugenda Mugenda (2003) was sampled from all the departments/institutions within the County of Turkana.

3.4. Data Collection Instruments

Primary data was collected using the questionnaire while secondary data was obtained from government policy documents, strategic plans, gender policies, annual and periodic reports, and any other relevant reports both published and unpublished. The researcher used structured questionnaires because a large number of people can be reached relatively easily and it is economical. Regression analysis was used to determine the relationship between the independent and dependent variables and establish whether a legal and institutional framework influences women's leadership in the public sector. The statistical package for social science (SPSS) was used to analyze data. The results were presented in tables.

3.5. Data Analysis Methods and Procedures

The questionnaires were administered by a trained research assistant and completed by the respondents. The respondents were given a time frame within which to complete and submit the questionnaire. Upon completion, the research assistant collected and submitted to the researcher all the forms after verifying and ensuring the completion rate. After the survey, qualitative data were analyzed qualitatively, while quantitative data quantitatively. Descriptive statistics were used to analyze quantitative data using frequency pie charts, tables, and graphs to analyze the sample population. Moreover, inferential statistics (regression model) were adopted to test the association between the determinants and women's leadership.

4. Findings and Discussion

4.1. Response Rate

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The study issued questionnaires to forty-six (46) respondents from the six strata identified in the target population and the data was collected from all the 46 respondents representing a 100% response rate.

The study findings on the gender indicated that 68.2% of the respondents were males while 31.8% were females. This implied that the data collected represented the opinions of both genders hence there were no disparities in the data distribution.

4.2. Legal and Institutional Framework on Women's Leadership

The study sought to examine the effect of the legal and institutional framework on women's leadership in Turkana County. The study results were as shown in Table 1.

Statements	Mean	Std Dev.
Human resource policies on recruitment affect	4.00	0.212
women's leadership		
Gender mainstreaming policies affect women's	3.55	1.123
leadership		
Capacity building for women executives	3.55	0.256
Gender sensitive legislations affect women's	3.12	1.051
leadership		
Aggregate	3.555	0.661

Table 1: Legal and Institutional Framework on Women's leadership Source: Research Data (2020)

The study results above found out that gender-sensitive legislation by a verygreat extend affects women's leadership with a mean of 3.12 and a standard deviation of 1.051. Some of the respondents were of the considered opinion that implementation of human resource policies on recruitment would by great extend contribute to women's leadership at a mean of 4.00 and a standard deviation of 0.212. Capacity building for women executives by the government to a considerable extent contributed to women's leadership at a mean of 3.55 and a standard deviation of 0.256. Additionally, gender mainstreaming policies at a mean of 3.55 and standard deviation at 1.23 contributed to women's leadership in the public sector. Implementation of gender-sensitive legislation in the county government at a mean of 3.12 and a standard deviation of 1.051 was by moderate extends a contributor for women's leadership.

The study findings revealed that the majority of the respondents were of the view that enacting gender-sensitive legislation would create an opportunity for every gender to feel appreciated and motivated to deliver with a supporting legal framework. The study realized that little effort has been done by the government to implement gender mainstream policies in the work environment and this encourages bias and stereotyping at the workplace denying women the opportunity to contribute immensely to organizational goals. This view is supported by Olu-Ibukun (2017) who noted that delayed entry of women to the public sector is a result of non-accommodative group structures to allow them to make a meaningful contribution. The study also suggested a review of the existing human resource policies on recruitment to allow women to compete favorably with men for leadership positions in the public sector. The available human resource policies and procedures manual for public servant is too general and does not take into account the intricate nature of women especially in a community like in Turkana. The need to provide soft landing for women to get into the public sector is necessary. The study argued that our county institutions have not been built enough to strongly support capacity building of women executives so as to be to marshal the dynamic challenges of the public sector.

4.3. Analysis and Result

4.3.1. Regression results

Model	Unstandardized Coefficients		Standardized Coefficients		
	В	Std. Error	Beta	Т	Sig.
(Constant)	0.369	0.224		1.648	0.105
Legal and institutional	0.231	0.024	0.476	9.876	0.000
framework					

Table 2: Regression Coefficients

The regression equation generated for the study was as follows.

Y (Women's leadership) = 0.369 (Constant) + 0.231 (Legal and institutional framework) + 0.224 (Std. Error). At 0.01 level of significance level, a percentage increase in legal and institutional framework would results to unit increase of 0.476 in women's leadership. The independent variable studied was statistically significant.

4.3.2. ANOVA Results

Model Summary							
Model	R	R Square	Adjusted R	Std. Error of the	F	Sig.	
			Square	Estimate			
1	.936a	0.877	0.868	0.0868	99.676	0.000b	

Table 3: ANOVA Model

The study results further revealed that the ANOVA model predicted women's leadership significantly well. The adjusted R square at 86.8% means that the independent variable explains 86 percent of the variation in the dependent variable. The F value of 99.676 with a p-value of 0.000 implies that legal and institutional framework is significant in explaining the variation in women's leadership in the public sector.

5. Summary, conclusions and recommendations

5.1. Summary

The objective of the study is to examine the contribution of the legal and institutional framework on women's leadership in Turkana County. The study established that proper and effective implementation of county human resource policies on recruitment of women will endear to prospective women leaders' entry to public service. Improved capacity of women executives will enable women leaders to participate effectively on public matters. On the other hand, gender sensitive legislations and gender mainstreaming policies will provide the right avenue for women to exercise their leadership skills. More importantly, the study realized that

5.2. Conclusions

From the findings the legal and institutional framework is one of the core factors in building and entrenching the concept of women's leadership. Most of the existing legislations have largely been gender blind and not sensitive to the existing patriarchal structures in the county. It is further revealed that implementation of human resource policies on recruitment in the public sector have had greater impact in determining space for women to participate in the public sector leadership. Moreover, instituting gender mainstreaming policies in the public sector will not only entrench good governance but will be an avenue to deal with the endemic gender discrimination

5.3. Recommendation for Policy Implications

The study recommended that the county governments should address the gaps on gender equality in their establishments more elaborately through legislations to allow women's equal and full participation in leadership. County Affirmative Action Bill to promote equal opportunities between men and women is required to be put in place to encourage women leadership. County commitments to fully implement policies and laws that have been put in place to empower women in all sector of life should be a constitutional obligation. All other legislations adopted by the County Assembly of Turkana should clearly take cognizance of the gender divide and should not be opaque to women. The existing human resource policies should be reviewed to be able to create space and a soft landing for women for women to take part in public sector leadership through recruitment and promotions.

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