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50:50 by 2030: A longitudinal study into gender disparity in law



NIGERIA RESULTS REPORT

International Bar Association Legal Policy
& Research Unit with the support of the
LexisNexis Rule of Law Foundation



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Forewords

As we gradually approach the year 2030, global progress towards the United Nations' Sustainable Development Goals (SDGs) is under increasing scrutiny. In their effort to achieve gender equality (in support of Goal 5 of the SDGs), the International Bar Association (IBA) and the LexisNexis Rule of Law Foundation have launched the '50:50 by 2030' Gender Project (the 'Gender Project'). This initiative seeks to understand the data and consider the primary causes of gender disparity at all levels of seniority in the legal profession. This is an unprecedented project that is ground-breaking in both its duration and scope.

Reports published for the Gender Project to date have surveyed England and Wales,¹ Uganda² and Spain.³ Across these jurisdictions it has been revealed that while a historic number of women now qualify as lawyers, a far lower percentage work in senior levels across different sectors of the profession. The Nigerian legal profession mirrors these trends. Recent studies have shown that there are roughly the same numbers of female and male law students across faculties of law within the country, yet the disparity continues at the most senior positions. Given that the IBA is the global voice of the legal profession, it is apposite that it highlights and seeks to address this situation of inequality.

The underrepresentation of female lawyers at the most senior levels in three of the four considered sectors of the legal profession is highlighted; however, the public sector appears to have higher female than male representation in general. The sector seems to embody a conducive work environment, which underlies its suitability for female lawyers.

The ripple effect of the Covid-19 pandemic has encouraged many legal workplaces to implement flexible working arrangements. This initiative, although recent, has been recognised by many legal workplaces as the most effective approach, alongside existing coaching and mentoring programmes, which many workplaces have already introduced. Flexible working arrangements encourage women to develop other areas of their personal lives while also building a legal career.

The impact of a study of this magnitude is expected to influence the attitude in both workplaces and society more broadly towards gender equality because the law is generally regarded as a vehicle for social development. The IBA Gender Project's Nigerian report will raise awareness of gender inequality within the legal profession, and it is hoped that lawyers and law-makers alike will push for greater implementation of gender-based policies and initiatives, including the domestication of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

I look forward to reading the reports from other jurisdictions in the years to come.

Titilola Akinlawon

Senior Advocate of Nigeria

1 See www.ibanet.org/IBA-releases-first-report-of-global-study-on-gender-disparity-at-the-most-senior-levels-in-the-law accessed 27 January 2023.

2 See www.ibanet.org/Uganda-Women-underrepresented-in-senior-legal-positions-in-law-firms-IBA-report-reveals accessed 27 January 2023.

3 See www.ibanet.org/Spain-Significant-gap-in-the-proportion-of-women-in-top-positions-of-the-legal-sector-according-to-the-IBA-report accessed 27 January 2023.

I consider it a rare privilege to write this foreword on the IBA's '50:50 by 2030' study into gender parity in the legal profession in Nigeria. As the UN's SDGs' target of 2030 to achieve gender equality under Goal 5 draws near, the IBA and the LexisNexis Rule of Law Foundation have deemed it necessary to launch this disruptive Gender Project, which seeks to understand the primary causes of gender disparity at the most senior positions in the legal profession. This unprecedented project is expected to run for more than nine years across 16 jurisdictions.

The findings of the research in England and Wales, Uganda and Spain have revealed that while a significant number of women now qualify as lawyers, only a meagre percentage truly make it to the pinnacle of their career. The Nigerian situation from the current report is no different. Recent studies have shown that female law students have reached numerical parity with their male counterparts in many law faculties in Nigeria. While the entry of both males and females into the Nigerian legal profession stands at almost similar rates, this is not reflected by gender parity at the most senior levels. Only four per cent of senior advocates in Nigeria are female. Furthermore, out of 37 attorneys-general, including the Attorney-General of the Federation, only four are female. In the leadership of the Nigerian Bar Association (NBA), women are still underrepresented. Of the 128 NBA branches across the country, only five are currently headed by women. In the Nigerian judiciary, only one woman has ever been the Chief Justice of Nigeria and in the Court of Appeal, only two women have been the President.

This gross underrepresentation of females in senior legal positions is attributable to various and frequently recurring challenges, including sexual harassment, professional inflexibility and the misogynistic perception of female capacity in a largely patriarchal society. This report has also revealed that unlike the private and corporate sectors, the public sector has not developed or implemented any specific equality initiatives, apparently as a result of the existing gender balance in the sector.

The need to address these challenges affecting female lawyers in Nigeria led to the establishment of the NBA's Women Forum in 2019 and the International Federation of Women Lawyers. Both organisations work to protect the rights of women, specifically female lawyers in the country. Nigeria has also – in a bid to reduce gender imbalance to the barest minimum – introduced policies and founded institutions to promote gender equality, such as the establishment of the National Commission for Women in 1989 (which later became the Ministry of Women Affairs and Social Development).

In all, the impact of a study of this magnitude is expected to influence the attitude towards gender equality in not only workplaces but also society. This is particularly true because the law is generally seen as the vehicle for social development. With the Nigerian report creating awareness about the ills of gender inequality within the legal profession, it is expected that lawyers and law-makers alike will push for the implementation of gender-based policies and initiatives, including the proper domestication of the CEDAW.

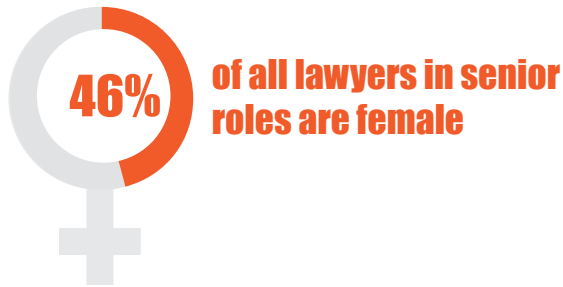
It is quite obvious that this study into gender disparity in law will serve as a repository of data and information that demonstrate the level of marginalisation of women in the legal profession in Nigeria and elsewhere. It has also showcased the strategies and the rate of progress being made to arrest this ugly trend of marginalisation of women in the top legal positions in Nigeria.

Professor Sylvia Ifemeje

Attorney-General of Anambra State

Main findings – Nigeria

Gender representation across the legal profession:



The public and corporate sectors have more female lawyers than male lawyers.



Only 33 per cent of senior judges are female.

Gender initiatives:

83%

83% of respondents monitor gender balance overall.

68%

Only 68% track gender balance overall and within senior positions.

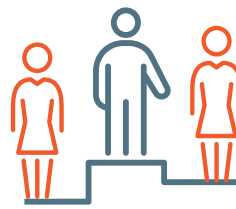
The three most popular initiatives are:

- coaching and mentoring programmes
- flexible working arrangements
- leadership training for women

Quota setting for senior roles is the least popular initiative.



Only 40 per cent of the corporate sector entities approached monitor gender balance within senior roles.



The public sector and the judiciary do not have any specific policies or initiatives in place to push women to the top of their organisations.



Coaching/mentoring programmes and flexible working arrangements are the most popular initiatives and perceived to be the most effective.



Introduction

The project

In March 2021, the IBA and the LexisNexis Rule of Law Foundation (LNROLF) launched an ambitious project titled *50:50 by 2030: A longitudinal study into gender disparity in law* (the ‘Gender Project’). The project aims to address the root causes of gender disparity at the highest levels of the legal profession.

The Gender Project published its study on England and Wales⁴ in early 2022, followed by reports on Uganda⁵ and Spain⁶ in the same year. Further information about the Gender Project, the overarching methodology and the reports published to date can be found in the *England and Wales Pilot Results Report*⁷ and on the IBA’s website.⁸

Country context

Nigeria, colloquially known as the Giant of Africa,⁹ is situated on the West African coast, with an estimated population of around 217 million.¹⁰ Nigeria is the most populous African country and is one of the top ten most populous countries in the world.¹¹ From 1999, the country has enjoyed a stable democracy modelled on a presidential and federal system of government.¹²

In line with global best practices, Nigeria has introduced policies and founded institutions to promote gender equality within the country.¹³ In 1989, Nigeria established the National Commission for Women. In 1995, the Commission became the Ministry of Women Affairs and Social Development (the ‘Ministry’). Within the Ministry, the Women and Gender Affairs Department is responsible for ‘promoting women’s advancement and coordinating the sustenance of a gender equality perspective in the plans, projects and programmes’ of the government.¹⁴ The Ministry supports women’s participation in politics and other leadership roles, and implements programmes towards women’s education, empowerment and training.

4 See n 1 above.

5 See n 2 above.

6 See n 3 above.

7 See n 1 above.

8 ‘Gender Equality at the Top: seeking parity across the board for women in the legal profession’ (International Bar Association, 6 December 2022) www.ibanet.org/gender-equality-in-the-legal-profession accessed 27 January 2023.

9 ‘Nigeria: The African giant’ (1959) 50 CJIA 197 55.

10 ‘Total Population by Country 2022’ (World Population Review, 5 December 2022) <https://worldpopulationreview.com/countries> accessed 27 January 2023.

11 *Ibid.*

12 Nonetheless, it was noted by the World Bank in December 2022 that long-standing policy and institutional challenges persist, which constrains the economy, hindering the prospects of the majority of the population, at least 80 million of whom live in extreme poverty www.worldbank.org/en/news/press-release/2022/12/15/to-reduce-its-vulnerability-to-crisis-and-rise-to-its-potential-nigeria-has-urgent-choices-to-make accessed 27 January 2023.

13 Helen Kezie-Nwoha, ‘A Gender Analysis of the Nigerian National Gender’ (Dissertation, ResearchGate 2007).

14 Nigeria Ministry of Women Affairs and Social Development www.womenaffairs.gov.ng/index.php/articles/ncc accessed 16 January 2023.

In its commitment to address the wide range of issues affecting women in the country, the Ministry introduced a ‘National Gender Policy’ in 2006.¹⁵ The purpose of this policy is to encourage the Nigerian government to be more proactive in its commitment to addressing such issues, and to ensure that they are brought to the fore in government policy formulation and implementation.¹⁶ One of its main aims is to facilitate policy and legislative reforms that enhance female gender education and capacity building.¹⁷

Nigeria has well-documented constitutional protections for women. The 1999 Constitution of the Federal Republic of Nigeria provides for equality regardless of gender, stating that: ‘national integration shall be actively encouraged, whilst discrimination on the grounds of place of origin, sex, religion, status, ethnic or linguistic association or ties shall be prohibited’.¹⁸ The Nigerian Constitution also protects the right for equal pay for equal work without discrimination on account of sex.¹⁹

Despite these constitutional guarantees, many argue that the country’s gender parity ambitions are undermined by the ‘heavily patriarchal nature’ of Nigerian society.²⁰ One notable example was the recent failed attempt by the national legislature to pass the Gender and Equal Opportunities Bill.²¹ The bill, which sought to provide special seats for women in the national and state legislatures, and provide female quotas in federal and state cabinets, was rejected for the second time in 2021.²²

Although the National Gender Policy of 2006 was revised in 2022, the general situation of women in the country shows there is still significant room for improvement. Statistics obtained from Afrobarometer, a pan-African survey research network, demonstrate that Nigerian women are less likely to obtain tertiary education than their male counterparts.²³ Moreover, 20 per cent of women lack formal education altogether, in contrast to just 12 per cent of males.²⁴ This disparity is also pronounced across the political landscape, where Nigeria records approximately 6.7 per cent women in elective and appointive positions, in distinct contrast with the 22.5 per cent and 23.4 per cent average across the world and Africa, respectively.²⁵

15 The Rights of Women and Gender Related Matters (National Human Rights Commission, 6 December 2022) www.nigeriarights.gov.ng/focus-areas/women-and-gender-matters.html accessed 27 January 2023.

16 *Ibid.*

17 The Federal Ministry of Women Affairs and Social Development, National Gender Policy: Situation Analysis/Framework, p 7.

18 Constitution of the Federal Republic of Nigeria, 1999 s 15(2).

19 *Ibid* s17(3)(e).

20 Toyin Ajibade Adisa, Chima Mordi Ruth Simpson and Vanessa Iwowo, ‘Social Dominance, hypermasculinity, and career barriers in Nigeria’ (2021) 28(1) *Gender, Work and Organization* 176.

21 Arekpitan Ikhenade, ‘Why the continuous rejection of gender equality bills?’ *The Cable* (Lagos, 2 April 2022) www.thecable.ng/why-the-continuous-rejection-of-gender-equality-bills accessed 27 January 2023.

22 Funmi Falana, ‘Condemnation of the National Assembly’s rejection of bill seeking gender equality’, *Vanguard* (Lagos, 8 March 2022) www.vanguardngr.com/2022/03/condemnation-of-the-national-assemblys-rejection-of-bills-seeking-gender-equality-by-funmi-falana accessed 27 January 2023.

23 Sunday Joseph Duntoye and Raphael Mbaegbu, ‘Nigerian women face persistent disadvantages, limited support for gender equality’ (Afrobarometer, 16 August 2022) www.afrobarometer.org/wp-content/uploads/2022/08/AD541-Nigerian-women-face-persistent-disadvantages%5EJ-limited-support-for-gender-equality-Afrobarometer-15aug22.pdf accessed 27 January 2023.

24 *Ibid.*

25 Oloyede Oluyemi, ‘Monitoring Participation of Women in Politics in Nigeria’ (United Nations Statistics Division, October 2016) https://unstats.un.org/unsd/gender/Finland_Oct2016/Documents/Nigeria_abstract.pdf accessed 27 January 2023.

The disparity between male and female educational and political achievements in Nigeria has been attributed to various factors, such as the influence of culture and religion, and a failure to mainstream issues facing women in Nigeria.²⁶ Like many African societies, women in many parts of Nigeria (especially in Northern Nigeria) are widely regarded as subordinate to their male counterparts.²⁷ Makama (2021) captured this point as follows:

‘...patriarchy is shared across groups and is strongly embedded in Nigerian traditions and culture. Drawing on understandings of men and women as “essentially different,” men are typically identified with physical strength, power, and “rulership” of various private and public institutions such as family, work, and religion where women are confined to the periphery.’²⁸

In relation to how the Nigerian cultural background affects females in a work setting, one senior member of a participating law firm explained:

“I would attribute the disparity in female representation to social conditioning in the Nigerian girl-child, which at times is subconscious but quite prevalent – whereby traditional societal and cultural norms require females to aspire to marriage rather than professional excellence, eschew ambition which is seen as arrogance or to downplay their competencies and skills so as not to appear threatening or intimidating in the workplace.

Ibi Ogunbiyi
Partner, Olaniwun Ajayi

Notwithstanding this context, there is a basis for optimism in the coming years as the country commits to advancing gender equality through its recently revised National Gender Policy. According to Nigeria’s Minister of Women Affairs and Social Development, the revised policy aims to compel governments at all levels to meet the minimum mandate for gender equality from 2022 until 2026.²⁹ The Minister, Pauline Tallen, observed:

“Equity remains the foundation of the core principles of agenda 2030 which says, “leave no one behind”. We will continue to intensify advocacy for [...] gender equality and the role that women can play when they are on the decision table to make Nigeria better. I want to assure you, that all hope is not lost. I have reassured Nigerian women that we should not be daunted, we should remain resilient [...] I want to assure you, that Nigerian women will not give up, we’ll keep pushing until we achieve the affirmative action.”³⁰

Pauline Tallen
Minister for Women Affairs and Social Development

26 See n 20 above.

27 Babalola Abegunde, ‘Gender Inequality: Nigerian and International Perspectives’ (2014) 17 *BJASS*.

28 See n 20 above, 179.

29 NAN, ‘FEC approves revised National Gender Policy’, *The Guardian* (Lagos, 2 March 2022) <https://guardian.ng/news/fec-approves-revised-national-gender-policy> accessed 27 January 2023.

30 *Ibid.*

The legal profession in Nigeria

The Nigerian legal system is a common law legal system based on the hierarchical structure of the judiciary and the concept of judicial precedent. Several other sources make up one ‘Nigerian law’, including customary law in southern regions, Islamic law in northern regions,³¹ the Nigerian Constitution, laws passed by regulatory agencies and statutory law.³² Nigeria has executive, judicial and administrative branches.

Individuals seeking to practise law in Nigeria must successfully complete an undergraduate bachelor’s degree (LLB) at an accredited university.³³ Following this, they must undergo a one-year programme focusing on advocacy to obtain a qualifying certificate³⁴ and then satisfy a Body of Benchers that they are of ‘good character’.³⁵ Since the inception of the Nigerian Law School in 1962, approximately 139,600 legal practitioners have been registered.³⁶ This law school trains Nigerian law students before they are called to the Nigerian Bar and become members of the Nigerian Bar Association (NBA), with around 4,000 new lawyers admitted yearly.³⁷ Despite this figure, the largest Nigerian law firms employ less than 100 lawyers,³⁸ and most firms are small- to medium-sized.

Legal practitioners in Nigeria qualify as Barristers and Solicitors of the Supreme Court of Nigeria and can work in all sectors of the legal profession, including the public sector, in-house, non-governmental organisations and law firms.

There were over 62,000 active verified lawyers in the country as of 2022.³⁹ Lately, there is evidence that female law students have reached numerical parity with their male counterparts in many law faculties.⁴⁰ The subsequent entry of both males and females into the Nigerian legal profession stands at similar rates.⁴¹ Yet, this gender parity is not reflected at the most senior levels of the legal profession.⁴²

31 Charles Mwamilu, *The Nigerian Legal System* (Peter Lang Publishing 2005) 6.

32 *Ibid.*

33 Ngozi Efobi and Naomi Ekop, ‘Regulation of the legal profession in Nigeria: overview’ (Thomas Reuters UK, 1 July 2021) [https://uk.practicallaw.thomsonreuters.com/w-016-5822?contextData=\(sc.Default\)&transitionType=Default&firstPage=true#co_anchor_a611877](https://uk.practicallaw.thomsonreuters.com/w-016-5822?contextData=(sc.Default)&transitionType=Default&firstPage=true#co_anchor_a611877) accessed 27 January 2023.

34 Legal Education (Consolidation etc) Act (1976) s 5.

35 Legal Practitioners Act (2004) s 4(1)(c).

36 Wondrous Nnaem, ‘Nigeria Now Has 197,015 Lawyers as Law School Graduates New Set’ *The Whistler* (Gwarinpa, 29 July 2021) <https://thewhistler.ng/nigeria-now-has-197015-lawyers-as-law-school-graduates-new-set> accessed 27 January 2023.

37 Ighomuaye Lucky, ‘Over 4,000 lawyers called to Bar yearly – Prof Elias’ *The Sun* (Lagos, 12 June 2018) www.sunnews.com/over-4000-lawyers-called-to-bar-yearly-prof-elias accessed 4 October 2022.

38 Krishnan Nair, ‘The Largest 50 Firms in Africa Ranked for the First Time’ (LAW.COM International, 3 November 2020) www.law.com/international-edition/2020/11/03/the-largest-50-firms-in-africa-ranked-for-the-first-time accessed 5 October 2022.

39 Peters Ifeoma, ‘Achievement of Female Lawyers Below their Numerical Strengths – Mahmoud’ (DNL Legal & Style, 11 March 2018) <https://dnlegalandstyle.com/2018/achievements-of-female-lawyers-below-their-numerical-strength-mahmoud> accessed 27 January 2023, and latest figures provided by the NBA.

40 *Ibid.*

41 Tomilayo Fadoju, ‘WIP Survey Report Presentation’ (Presentation at the Women in Profession in Nigeria launch, 7 October 2022).

42 *Ibid.*

Only four per cent of the 732 lawyers who are awarded Senior Advocate of Nigeria (SAN) status, the highest level in the Nigerian legal profession, are female.⁴³ The first woman to be awarded this title was Folake Solanke SAN in 1981. Furthermore, of the 37 attorneys-general (including the Attorney-General of the Federation or AGF), only four are female. Only one woman has ever been Chief Justice of Nigeria, and the NBA has had a female president just once. Finally, the current National Executive Committee of the NBA is composed of four women and six men. Two vice-presidents, the treasurer and the welfare secretary are women.

A former president of the NBA, Abubakar Balarabe Mahmoud SAN, captured the gender disparity at the top of the legal profession in Nigeria as follows:

“...anecdotal evidence will suggest that there are relatively few law firms owned or headed by female lawyers. In the leadership of the Nigerian Bar Association, women lawyers are still underrepresented. Out of our 128 branches of the NBA across the country only five are currently headed by women. In the Judiciary, the picture, even if better, is still far from reflective of the numerical strength of women. Only six women have ever been on the bench of Nigeria’s Supreme Court. Only one woman has ever been the Chief Justice of Nigeria and two women have been President of the Court of Appeal.⁴⁴

Abubakar Balarabe Mahmoud
Senior Advocate of Nigeria

The underrepresentation of women in senior legal positions is attributable to various factors. Frequently recurring challenges include sexual harassment, a misogynistic perception of female capacity in a largely patriarchal society and professional inflexibility that fails to consider the equally vital role of females as primary caregivers.⁴⁵ One recent report⁴⁶ from the Institute for African Women in Law suggests that institutional challenges in the workplace, such as promotion policies, unequal pay and gender biases and stereotypes, are still affecting women’s ability to strive towards leadership positions.

On International Women’s Day 2021, several female Nigerian lawyers shared their experience of the challenges encountered in their professional career.⁴⁷ In a familiar story for many female Nigerian legal practitioners, one narrated her experience to *The Nigerian Lawyer* as follows:

“Sometime last year, a colleague who just started his law firm told me that he needed a young lawyer as a full time employee. [...] I called her on the spot and asked her to meet the principal first thing in the morning. [...] I called her to find out how her meeting went, and she gave me a depressing feedback: the man said he didn’t want a married woman. My heart sank on her behalf because this would be the third time she was getting such feedback [...] One

43 Jennifer Ugwu, ‘Women lawyering in a man’s world’ *The Guardian* (Lagos, 29 May 2018) <https://guardian.ng/features/law/women-lawyering-in-a-mans-world> accessed 27 January 2023.

44 See n 39 above.

45 Abdulrasheed Ibrahim, ‘Legal Profession: On Plight of Women in Law Practice’ (*The Nigerian Lawyer*, 22 March 2021) <https://thenigerianlawyer.com/legal-profession-on-plight-of-women-in-law-practice> accessed 27 January 2023.

46 J Jarpa Dawuni, Nonhlanhla Hlazo, Maame Efua Addadzi-Koom and Stephen Muthoka Mutie, ‘Women in Law in Leadership: High-level summary on Nigeria, Kenya, South Africa and Senegal’ (Institute for African Women in Law, 2023).

47 *Ibid.*

complaint that we get from young colleagues is the inability to find law offices for pupillage after law school and youth service. However, it is worse for our younger female colleagues who are married and raising families. Many principals are unwilling to give them a chance because they see them as unproductive.⁴⁸

Adeola Olumeyan, the Company Secretary of leading media company Channels Television, spoke of her experience in private practice:

“Most law firms do not have creche services, and have limited maternity policies. I was once accused of not being committed to the Firm since I got married. This accusation came after I requested to skip an out-of-country trip because I did not want to leave my four-month-old baby in order to travel for a two-week official trip.

Adeola Olumeyan
Company Secretary, Channels Television

She went on to describe how the situation had improved since moving in-house, noting that when she gave birth, she was provided with three months of paid maternity leave, was ‘strongly encouraged to close earlier’ to care for her children, given frequent breaks to breastfeed and was given access to her companies ‘fully functioning creche’.

Based on our discussions with practitioners, it appears that the biggest challenge facing female lawyers in Nigeria is achieving an appropriate balance between domestic and professional responsibilities. This is not dissimilar to our findings in other jurisdictions. In 2022, a survey was conducted by Women in the Profession, Nigerian Chapter, and carried out with female lawyers *only*.⁴⁹ It revealed the significant finding that 95 per cent of respondents identified the need to balance work with family as the most challenging problem for female lawyers.⁵⁰ Other challenges experienced by female lawyers in Nigeria include gender bias, lack of mentoring, sexual harassment and unequal pay.⁵¹

“Unfortunately, there have been quite a few examples (of gender discrimination). From finding out I was earning less than my male counterparts on the same level; to not getting paid on a consultancy and finding out later that all the men were paid.

Adeola Olumeyan
Company Secretary, Channels Television

48 *Ibid.*

49 See n 41 above.

50 *Ibid.*

51 *Ibid.* ‘Female lawyers’ harassment by senior colleagues takes centre stage at NBA conference’ (*Premium Times*, 27 August 2019) www.premiumtimesng.com/news/more-news/348900-female-lawyers-harassment-by-senior-colleagues-takes-centre-stage-at-nba-conference.html accessed 27 January 2023.

The need to address many of these challenges led to the establishment of the NBA's Women Forum (NBAWF) in 2019.⁵² The NBAWF aims to promote gender equality and the rights of female lawyers, sensitise Nigerian practitioners to the issues faced by female lawyers, provide for networking among female practitioners and empower women to succeed in their careers. For example, in 2021, the NBAWF developed and published the NBA's sexual harassment policy, which enumerates 15 principles aimed at creating a safer working environment for women.⁵³

The International Federation of Women Lawyers (*Federación Internacional de Abogadas* or FIDA) is also active in Nigeria. This organisation works to protect the rights of women, specifically female lawyers in the country, through advocacy and policy campaigns, training, and mediation and counselling services. It also offers free legal representation to indigent women and children, and has numerous resources available on its website.⁵⁴ The official Nigerian FIDA office was opened in Abuja in September 2021.⁵⁵

Methodology

Nigeria is the fourth report to be published in the Gender Project series. The Nigerian study commenced in July 2022 and concluded in November of that year. As with previous '50:50 by 2030' reports, unique links to a short survey were sent to participants (see Appendix 2). The survey included multiple choice questions on gender balance monitoring and initiative effectiveness, with open questions allowing respondents to describe specific gender initiatives within their organisations. In addition, desk-based research was undertaken and multiple conversations were held with legal practitioners. The data collected was analysed and is presented in this report (see Appendix 1 to read some of the raw data collected). Further information about the broader methodology of the Gender Project can be found in the *England and Wales Pilot Results Report*.⁵⁶

Seniority in this context is defined as follows in each of the four sectors:

- **Law firms** – partnership level and above;
- **Corporate sector (in-house legal teams)** – senior management level, general counsel and board members;
- **Public sector** – senior civil servants at the level of deputy-directorship and above (or equivalent); and
- **Judiciary** – the justices of the Nigerian Supreme Court, Nigerian Court of Appeal and the Federal High Court.

52 'Empowering Female Lawyers for Success' (NBA Women Forum, 20 November 2022) <https://nbawomenforum.org.ng> accessed 27 January 2023.

53 Sexual Harassment Policy: Nigerian Bar Association (NBA Women Forum, 2021) <http://loyalnigerianlawyer.com/wp-content/uploads/2021/12/THE-NBA-WOMEN-FORUM-SEXUAL-HARASSMENT-POLICY-Current.pdf> accessed 27 January 2023.

54 'About Us' (FIDA, 1 December 2022) <https://fida.org.ng/our-projects> accessed 27 January 2023.

55 'FIDA opens new House in Abuja, Nigeria' (FIDA, 30 September 2021) <https://fidafederation.org/en/fida-house-opens-in-abuja-nigeria> accessed 27 January 2023.

56 IBA/LNROLE, 50:50 by 2030: A longitudinal study into gender disparity in law www.ibanet.org/document?id=IBA-Gender-Disparity-Report-England-and-Wales-2022 accessed 27 January 2023.

The following groups were approached to participate in the survey:

- Law firms were selected from two legal directories;⁵⁷
- Corporate sector entities were selected from the Nigerian Stock Exchange;
- The public sector targeted the attorneys-general offices within the Ministries of Justice across six states representing the six main geopolitical zones across Nigeria:
 - Rivers (South-South geopolitical zone);
 - Lagos (South-West geopolitical zone);
 - Anambra (South-East geopolitical zone);
 - Kwara (North-Central geopolitical zone);
 - Kano (North-West geopolitical zone); and
 - Borno (North-East geopolitical zone).
- Online desk-based research was undertaken to obtain the figures of the Nigerian Supreme Court, Nigerian Court of Appeal and Federal High Court. Several stakeholder interviews were also conducted with the registrars and members of the senior judiciary.

The overall response rate to our survey is provided in the table below:

Organisation	Number approached	Respondents	Response rate (%)
Law firms	28	17	61
Corporate sector	55	18	33
Public sector	6	3	50
Judiciary	3	3	100

Figure 1: response rate of groups asked to take part in this survey

57 'Nigeria: Law Firm Directory' (Legal500, 2022) www.legal500.com/c/nigeria/directory accessed 5 October 2022; 'Nigeria: Rankings' (International Financial Law Review, 2022) www.iflr1000.com/Jurisdiction/nigeria/Rankings/141#rankings accessed 6 October 2022.

Gender representation across the legal profession: 2022 status

Overall picture: all lawyers

Senior female lawyers by sector

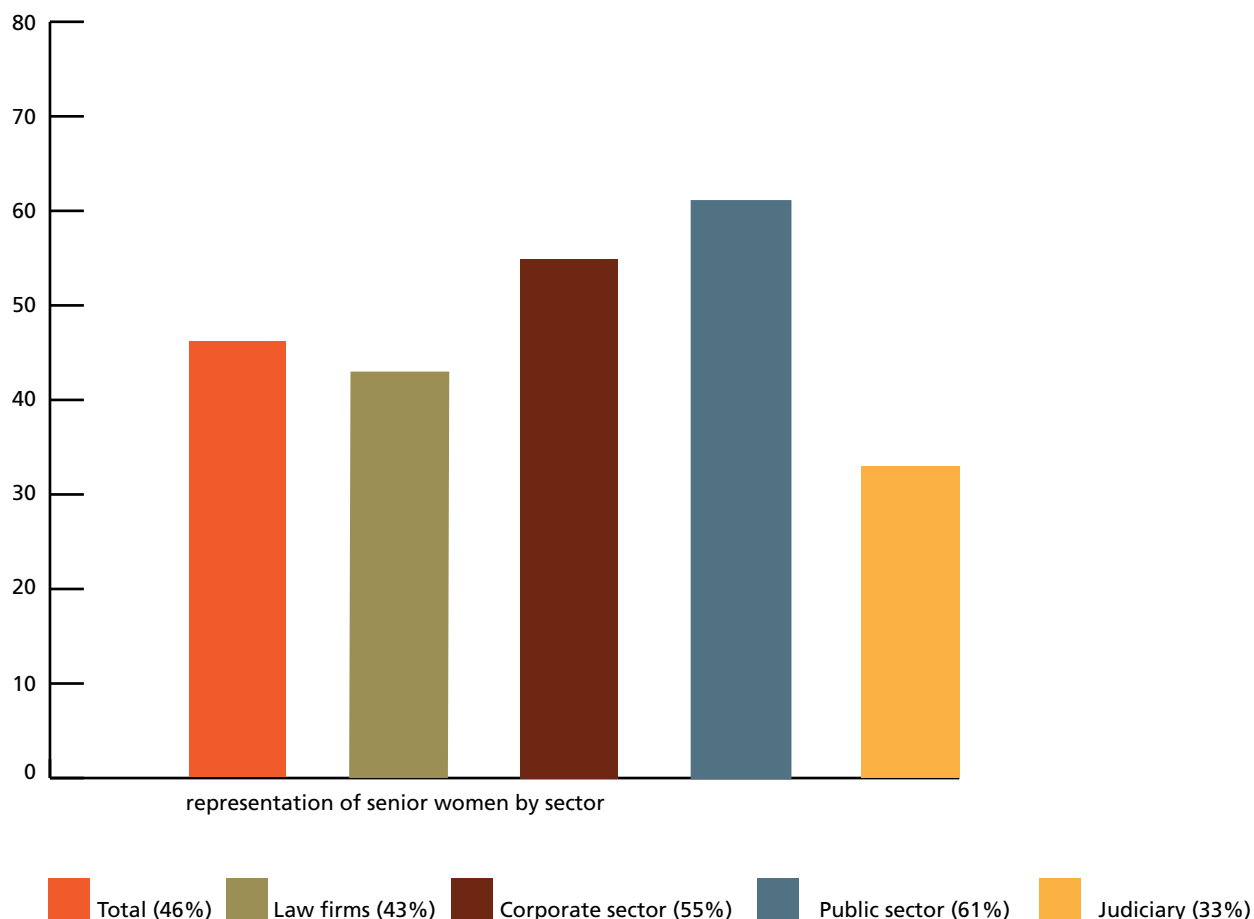


Figure 2: representation of senior women by sector

Women make up approximately 40 per cent of all lawyers in Nigeria. The public sector has an overwhelming majority of female practitioners (68 per cent), followed by the corporate sector (52 per cent). Law firms have the lowest percentage of women (47 per cent).

At a senior level, the proportion of women does not fall significantly. The public sector has the highest representation of women at the top, with 61 per cent of practitioners being female, followed by the corporate sector with 55 per cent, and law firms with 43 per cent. The judicial sector data brings the average percentage of women at the top of the legal profession down (33 per cent). The Nigerian public and corporate sectors distinguish themselves from other sectors as senior female lawyers outnumber senior male lawyers.

The reasons for gender disparity in private practice are numerous, as partner Ibi Ogunbiyi explained:

“I think a lot of the gender imbalances we see today at top positions were informed by the fact that many middle-tier female professionals were at a time unable to progress at the same pace as their male counterparts due to years lost to childbearing and family building. These ‘lost years’ meant a lot of female professionals had to play catch up when their familial responsibilities allowed for deeper involvement in their careers. It was not unusual for many female professionals to switch careers during those years (in a bid to have less work demands and more free time) which meant further playing catch up while on the learning curve and therefore steeper inclines to the top.

Ibi Ogunbiyi
Partner, Olaniwun Ajayi

Ogunbiyi observed that the disparity between males and females at senior levels of private practice is attributable to the fact that:

“...beyond mid-level, ascension through the ranks requires more rainmaking and origination than technical work delivery – skills which to a large extent do not seem to be innate to most female professionals and which most law firms do not adequately invest in training and developing their lawyers for. Coupled with the fact that a lot of business development activity involves socializing at places, times and a frequency that most female professionals are either ill-equipped to participate in without having to worry about being propositioned, misunderstood or compromised, or believing that the opportunity costs of not spending that time with children or on other domestic tasks are too significant to bear.

Ibi Ogunbiyi
Partner, Olaniwun Ajayi

Overall picture: working part-time

As far as the Nigerian legal profession is concerned, the culture of working part-time seems alien to many legal workplaces. The remuneration system plays a significant role in the lack of part-time possibilities. For instance, many law firms typically pay lawyers in the form of fixed salaries as opposed to time wages. However, with the growth of flexible working schemes within private practice and the corporate sector, it will be interesting to see whether working part-time evolves and becomes more popular in the future.

Only one law firm respondent claimed to have lawyers who work part-time; however, at a senior level, no participating law firm employs part-time lawyers. Within the corporate sector, part-time working is equally unpopular, both within legal teams and with regard to senior roles specifically. Of the four responding companies with lawyers working part-time, in two cases, the lawyers were female. There were only two companies with senior lawyers working part-time and only one lawyer within each of those companies has opted for this way of working. Separately, within both the judiciary and public sector, working part-time is not an option.

Gender representation initiatives: across the legal sector

Participants in the survey were asked whether legal workplaces monitor gender balance both overall and at a senior level. The results indicated that almost all respondents monitor gender balance overall across their organisations. Eighty-three per cent of respondents monitor gender balance throughout their organisations whereas only 68 per cent of respondents track gender balance overall and regarding senior positions as well.

Initiative popularity and perceived effectiveness

Popularity of initiatives

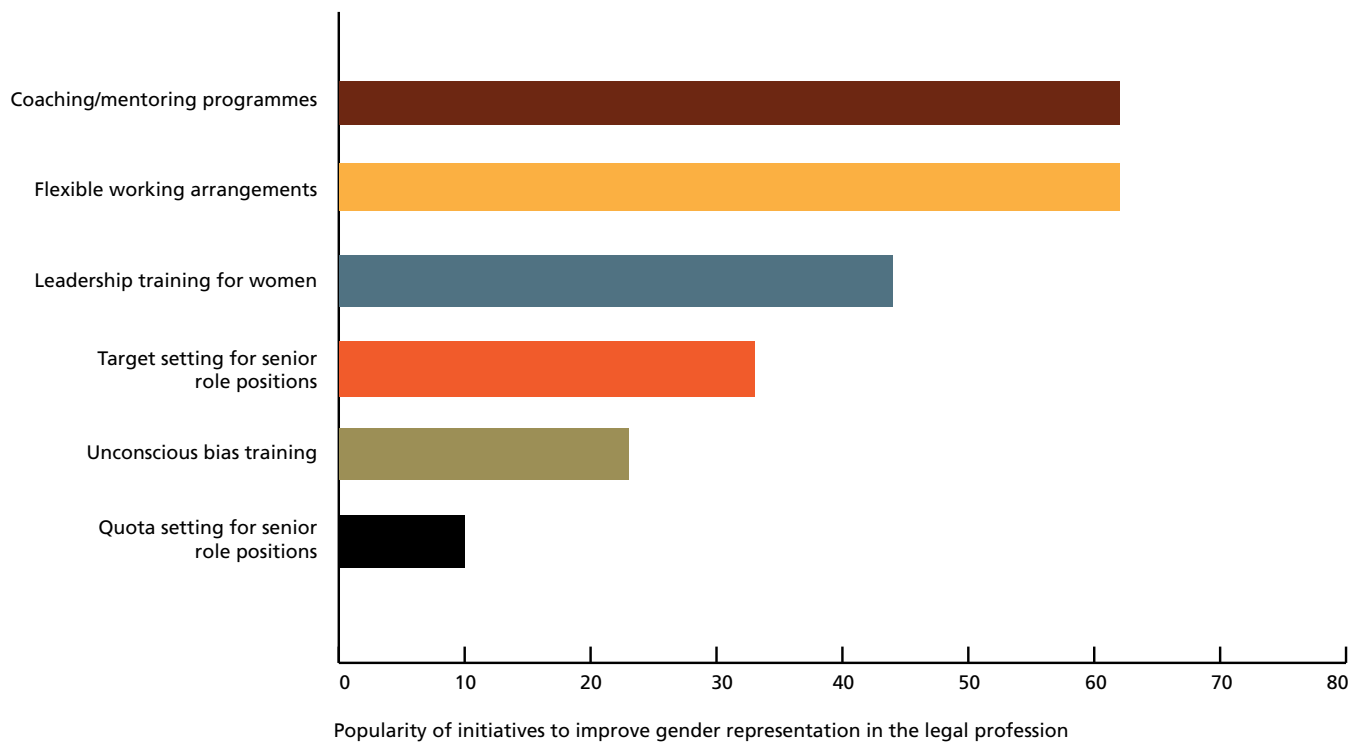


Figure 3: popularity of initiatives to improve gender representation in the legal profession

Coaching and mentoring programmes and flexible working arrangements rank equal first in diversity and inclusion initiatives aimed at helping female lawyers ascend the career ladder. Specifically, 62 per cent of respondents within private practice and the corporate sector confirmed that both measures were in place.

Leadership training for women (44 per cent) and target setting (33 per cent) rank second and third across all sectors. Quota setting is the least popular initiative, in place in only ten per cent of legal workplaces, overall and across all sectors.

Speaking of the importance of flexible working to the career growth of young lawyers specifically, the General Counsel of Unilever Nigeria, Abidemi Ademola, remarked:

“As Equity, Diversity and Inclusion (EDI) matters are being driven to the fore in a more deliberate way, a lot more organizations are embracing them in their overall strategy as part of ESG [environmental, social and governance]. Although traditional legal workplaces have been slow in catching up, it is gratifying to see a bit more traction in recent times. A critical strategy is to explore flexible working and hybrid/remote working. This is the future of work and even more so for young ladies raising their families. My personal experience is that where employers measure output rather than hours of work, employees tend to be more productive. Research has shown that working long does not necessarily translate to working smart. Legal employers would do well to explore smarter ways of measuring work beyond hours worked or hours physically at work.

Abidemi Ademola
General Counsel, Unilever Nigeria

The implementation of initiatives that fully recognise the particular professional needs of female lawyers is key to accelerating their career growth. Emphasising this issue, Ogunbiyi remarked:

“...law firms need to have in place policies that enable women to fulfil their professional and familial roles more effectively: increase maternity leave and pay, but I think it's more impactful things like increasing paternity leave days so that men are available to assist with child care without having to worry about lost income or falling behind at work; flexible working arrangements; monitoring and creating opportunities for female inclusion in decision-making, management and leadership roles and frowning upon (and sanctioning as appropriate) divisive practices or cultures that disenfranchise women in the workplace.

Ibi Ogunbiyi
Partner, Olaniwun Ajayi

She also commented on the need to have performance assessments that consider consistency and quality of output rather than just billable hours spent on client work. Furthermore:

“...having workplace childcare facilities and generally recognizing that the burden of childcare will require that female lawyers may be temporarily less available but not necessarily less productive than their male counterparts. This is not to make a hasty generalization, as every woman's childcare journey or familial responsibility profile will differ, but an organisation that takes the demands of raising a family and the disproportionate burden this places on women into due consideration in fashioning its talent management policies will see consistently higher levels of retention for female lawyers – and high performance and competency levels too.

Ibi Ogunbiyi
Partner, Olaniwun Ajayi

Popularity of initiatives: sector breakdown

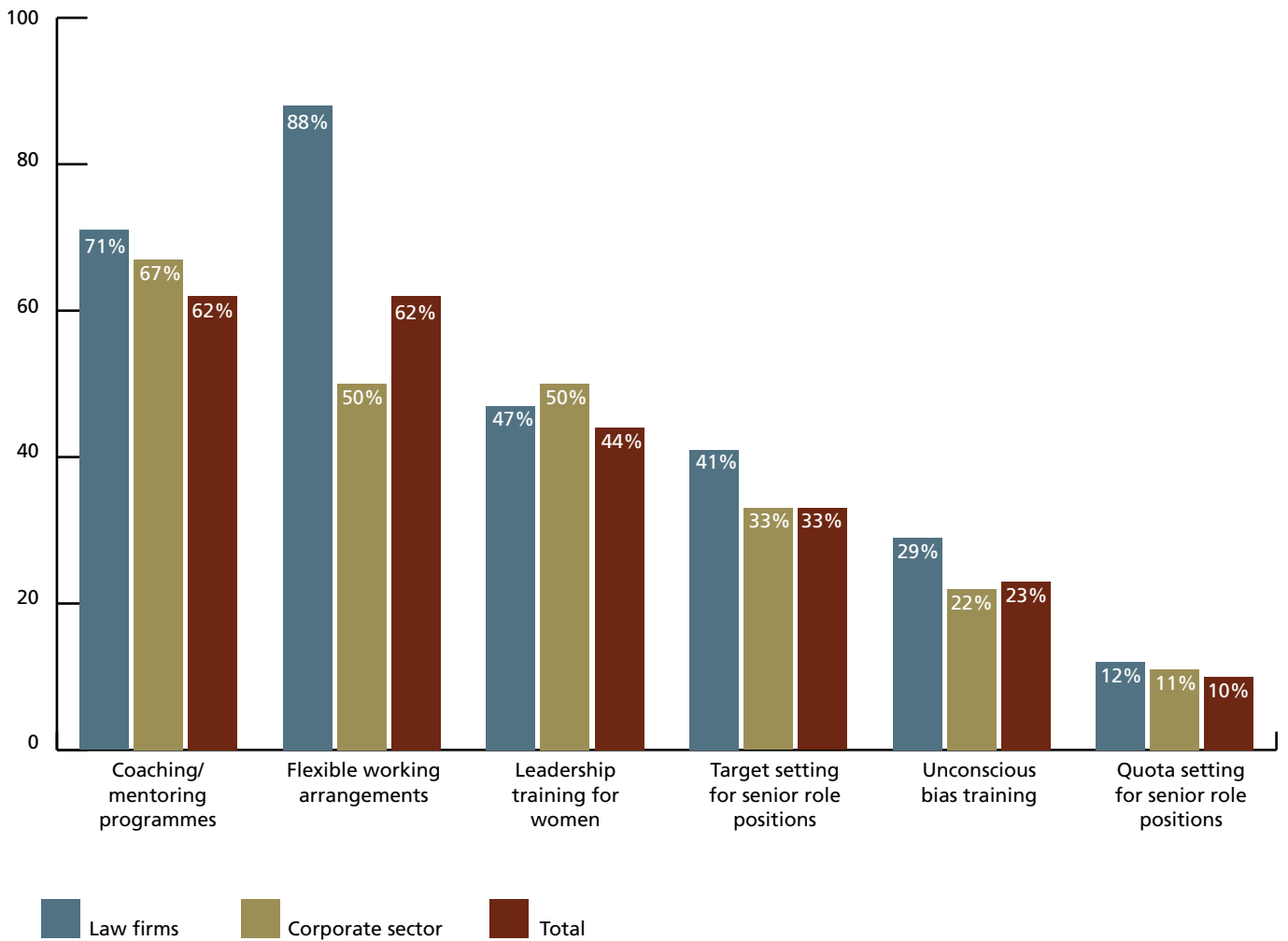


Figure 4: popularity of initiatives to improve gender representation in the legal profession: sector breakdown

Within private practice, flexible working arrangements are the most popular initiative (88 per cent). Within the corporate sector, coaching and mentoring programmes lead the way as the preferred measure, with 67 per cent of entities having it in place. Seventeen per cent of the corporate entities approached have no gender measures in place. The female majority within their in-house legal teams may account for this absence of gender-specific initiatives.

Effectiveness of initiatives

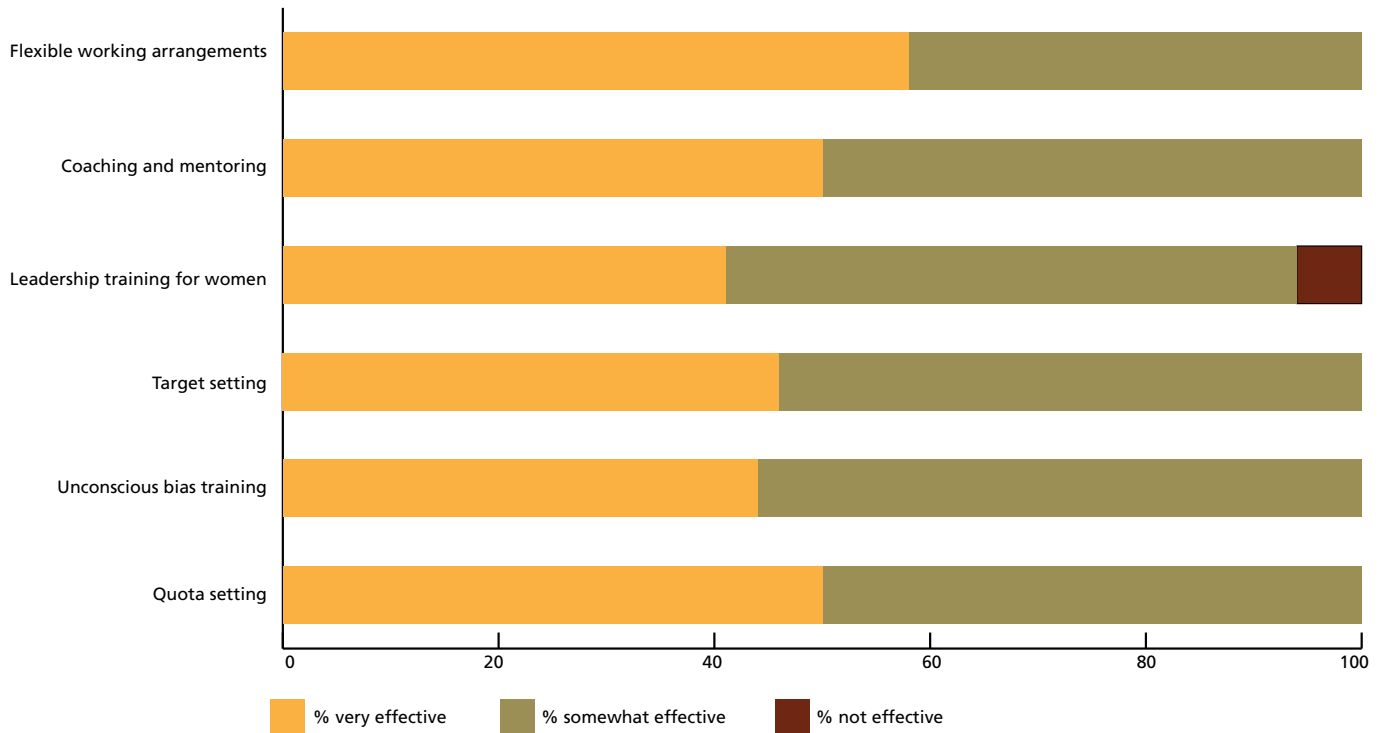


Figure 5: effectiveness of initiatives to improve gender representation in the legal profession

According to the results above, flexible working arrangements are viewed as the most effective initiative. The average time such arrangements have been in place is 2.9 years, which means that some workplaces had them in place before the Covid-19 pandemic and others implemented such arrangements as a direct consequence of it. A significant 42 per cent believe them to be only ‘somewhat effective’. The corporate sector does not view flexible working arrangements as effective as one would expect. Only 33 per cent of corporate entities view flexible working arrangements as being ‘very effective’.

The longest-standing initiative is target setting, with these having been in place for an average of 13 years. Leadership training is the only initiative classed by any respondent as ‘not effective’ and overall, is the least effective initiative.

Gender initiatives: sector breakdown

Law firms

A significant majority of the surveyed law firms monitor gender balance both overall and at a senior level. Only one law firm does not do any gender balance monitoring at all.

Popularity and effectiveness of initiatives: law firms

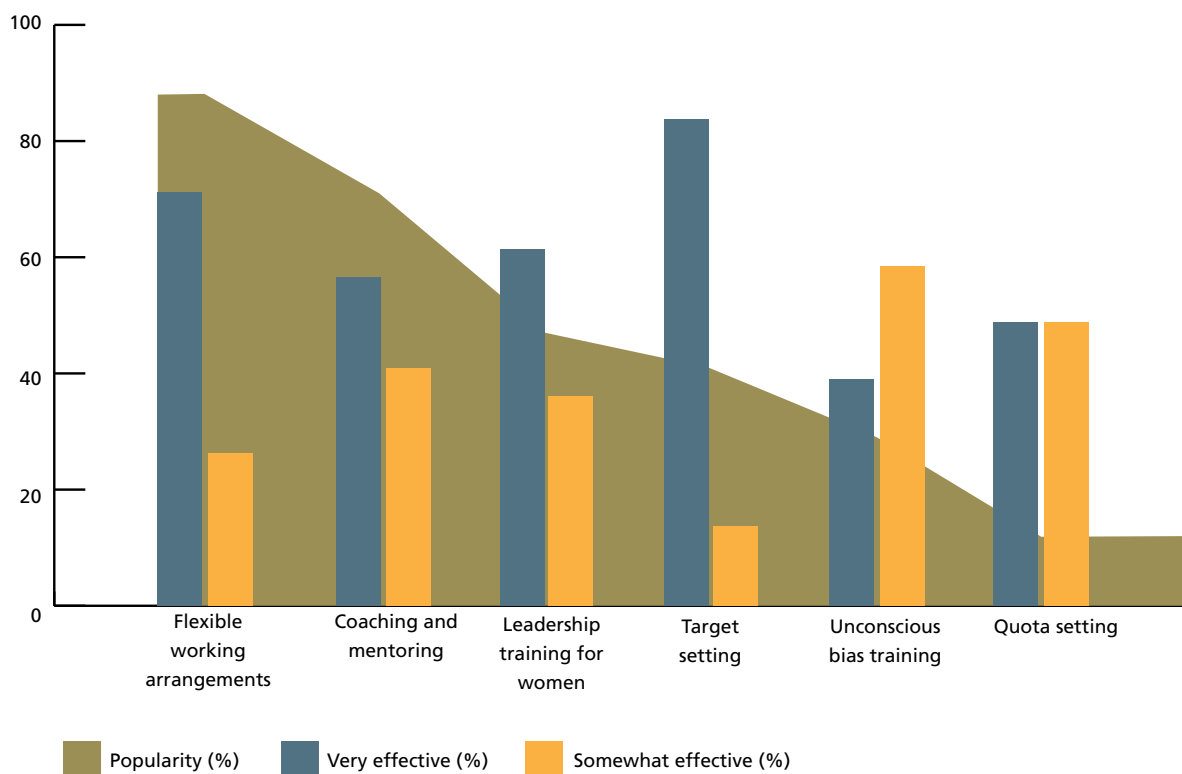


Figure 6: popularity and effectiveness of initiatives to improve gender representation: law firms

Flexible working is the most popular initiative (88 per cent), followed by coaching and mentoring programmes (71 per cent). Leadership training for women, target setting and unconscious bias training are implemented by less than half of law firm respondents. Quota setting is in place in only two law firms.

No initiative was labelled as ‘not effective’. The initiatives perceived to be the most effective are target setting and flexible working arrangements: 86 per cent and 73 per cent consider these to be ‘very effective’, respectively.

Regarding flexible working initiatives, several firms such as Dentons ACAS-Law, Udo Udoma & Belo-Osagie and Olajide Oyewole have a 3–2 scheme in place. This allows workers either two days working from home and three in the office or vice versa. Only one firm chose to determine on a weekly, ongoing basis how many employees are allowed to come to the office and how many should stay at home.

Despite their popularity, flexible working arrangements are shaped differently in different parts of the country due to various factors. For example, a 2018 report by JCDecaux Grace Lake Nigeria found that citizens of Lagos (by far the most populous city in Africa) spend an average of 30 hours in traffic per week,

one of the highest amounts recorded globally.⁵⁸ This road congestion results in 75 per cent of residents' working hours being lost on commuting,⁵⁹ which means that flexible working options represent an opportunity for firms to increase the working hours of employees and improve business output.

As a direct result, one law firm has opened a new office in mainland Lagos.⁶⁰ Employees are given the option of working from the Victoria Island office (on Lagos Island) or from the mainland office. Udo Udoma & Belo-Osagie considers that two days of working from home (as referenced above) compensate for the 'long commutes to and from work'. This is also undoubtedly of benefit to caregivers seeking to balance home and work life.

With regard to coaching and mentoring programmes, the law firm Duale, Ovia & Alex-Adedipe invites experts from industry to participate in development sessions. The aim of these sessions is to provide lawyers with insight into different practice areas and spark their interest in different issues. Several firms cite their rotation schemes, which have been in place for many years. One firm allows lawyers to nominate up to three senior figures as potential mentors, of which one is then assigned. Another firm includes its coaching arrangement within the road to partnership. This firm labels the arrangement, in place for four years, as 'very effective'.

Dentons ACAS-Law has a six-month mentoring programme. The impact of this programme is measured by the number of staff who sign up as mentors, the number of meetings between the mentor and mentee, goals set and achieved between the mentor and mentee, and the feedback received from all participants.

Regarding leadership training aimed at women, one firm monitors and ensures that there is a balance in the number of male and female professionals who are exposed to leadership training. Law firm G Elias references leadership training sessions to help female lawyers achieve a work-life balance that suits them both within the workplace and when spending time at home. These sessions include a focus on mental wellbeing.

No firm has any male-female target setting in place. Instead, there is transparency around promotion to senior roles and career progression generally. Dentons ACAS-Law, for instance, mentions that the fact there is transparency around the requirements to become a partner has resulted in a decrease in turnover at the senior position level and greater visibility of the lawyers working for the firm. All lawyers know what they can aspire to be and how to achieve it, and are positively motivated to meet those targets.

Only two firms claim to have quotas in place. One of the firms has a quota of 40 per cent female, 60 per cent male within senior role positions and gender balance is monitored on a regular basis to ensure the fairest possible representation of male and female lawyers across the firm and not just at partnership level.

58 Adebayo Abdul Rahman, 'Jam today: Nigerians turn a profit from the choked traffic of Lagos' *The Guardian* (Lagos, 1 September 2022) www.theguardian.com/global-development/2022/sep/01/jam-today-nigerians-turn-a-profit-from-choked-traffic-congestion-of-lagos accessed 27 January 2023.

59 Daniel Obi, 'Lagos commuters lose 75% of weekly working hours to traffic' (*BusinessDay*, 11 December 2018) <https://businessday.ng/uncategorized/article/lagos-commuters-lose-75-of-weekly-working-hours-to-traffic> accessed 27 January 2023.

60 Lagos is made up of two major areas: Lagos Mainland and Lagos Island. Most Lagos citizens live on Lagos Mainland. Lagos Island is seen to be more exclusive and is the main business and financial centre, and where a big number of multinational companies are based.

The shortest-running (but ongoing) initiative – flexible working – has been in place for an average of 3.5 years, which means that all policies and initiatives began pre-Covid-19.

The corporate sector

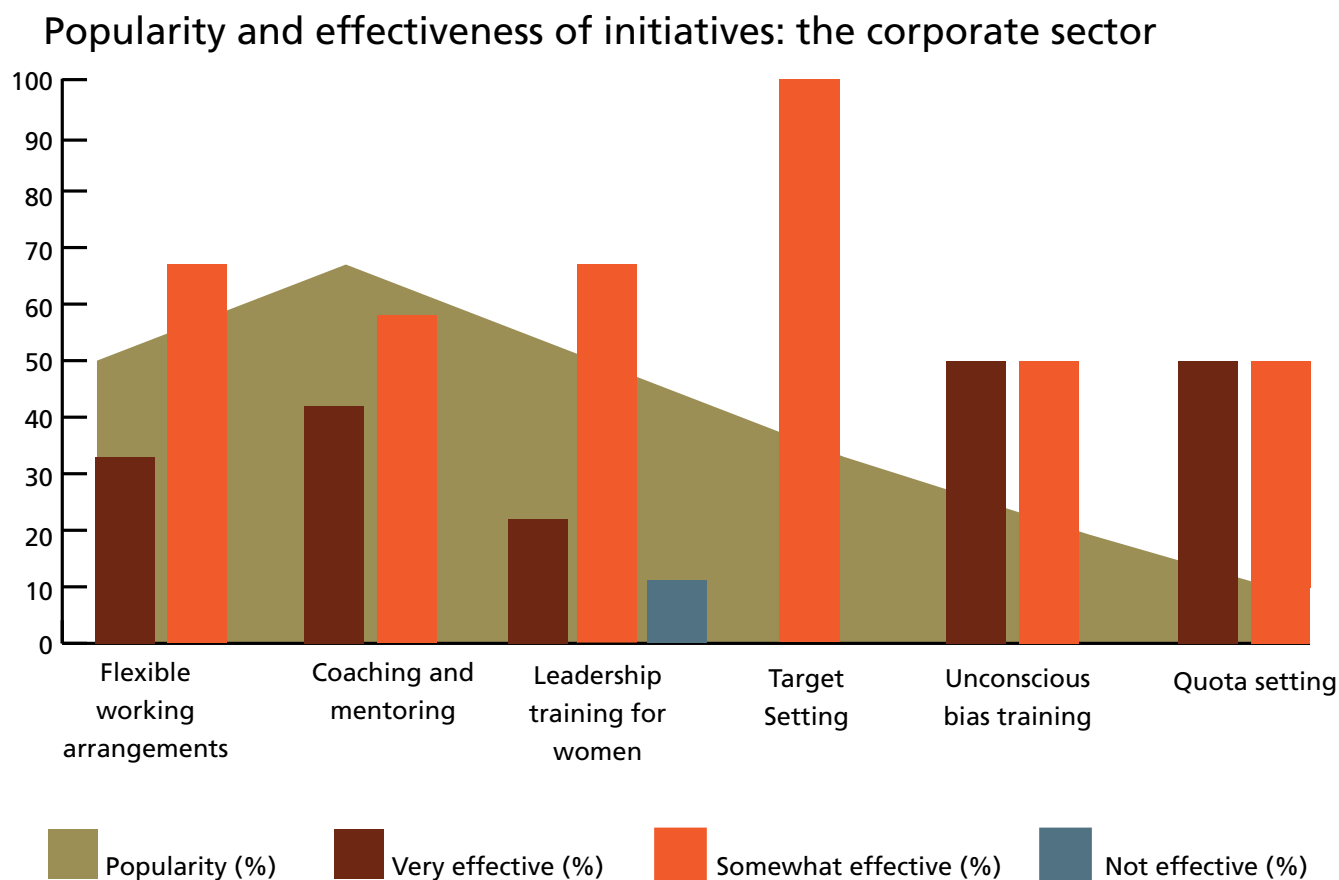


Figure 7: popularity and effectiveness of initiatives to improve gender representation: corporate sector

The popularity of initiatives in the corporate sector largely mirrors the observed trends in private practice.

Figure 7 demonstrates that the most popular initiative across the corporate sector is coaching and mentoring programmes for women (67 per cent). The efficacy of coaching and mentoring programmes differs across the sector, with 42 per cent reporting them as ‘very effective’ and 58 per cent reporting them as ‘somewhat effective’.

Generally, there is a correlation between the formality of the programmes and the reported efficacy. For example, one company reports that their programmes are ‘very effective’, requiring each new female employee be assigned a female mentor within middle or senior management, with them being required to meet regularly over a 12-month period.

Several companies have adopted a more informal approach to coaching and mentoring. While there may be no formal programme in place, one company states that significant mentoring and coaching operates at all levels of the company, and that it works actively to foster a culture where women feel that they can succeed and progress. Many of these programmes are relatively new, and the availability and popularity of coaching and mentoring programmes are likely to increase. For example, Coca-Cola developed and

introduced a mentorship and coaching programme for women within the company in early 2022, where female employees are paired with women in leadership roles to provide training and mentorship.

Several companies take advantage of the WimBiz network, a non-profit organisation dedicated to the empowerment and encouragement of female professionals to aspire to leadership positions in business and public sector spheres by providing specialised mentoring programmes and networking opportunities.⁶¹

Flexible working is the second-most popular initiative, together with leadership training for women. Interestingly, flexible working arrangements are less popular within the corporate sector than within law firms, with only 50 per cent of respondents implementing the initiative, in contrast to 88 per cent of law firm respondents. Many respondents report implementing these arrangements as a result of the Covid-19 pandemic. Since the nature of the pandemic has changed, some companies, such as Chi Nigeria, provide flexible working upon individual request, with consideration given to personal and familial commitments. Some companies mandate the requirements for office work, by having a three-two scheme in place, for example, whereby they allow two days working from home and three in the office. Other policies are more flexible, with Coca-Cola reporting that they *encourage* their employees to work in the office two to three days per week based on individual circumstances.

Despite it being implemented in half of the companies who participated, leadership training for women is reported to be the least effective initiative within the corporate sector, with only 22 per cent of respondents regarding it to be 'very effective'. A few companies adopt a comprehensive approach to leadership training. The Union Bank of Nigeria created a group named Alpher Women in 2019 that organises leadership training sessions for female employees, who are paired with a senior female leader from inside or outside the company to develop their skills and provide employees with insights into career progression. Channels Television reports that each department nominates female employees for leadership training and high-profile assignments, with the target of one female mentee per department per financial quarter. Another entity describes their training as 'extensive' and 'multifaceted', with annual monitoring of progress taking place. Some respondents report leadership training that is open to all genders, aimed at ensuring that employees develop capacity and skills for career development.

The initiatives with the highest perceived efficacy are quota setting and unconscious bias training. However, both initiatives remain unpopular, and there are very few entities where these initiatives are in place. Only 11 per cent of respondents reported quota setting initiatives. One entity has quotas in place that mandate a minimum of 30 per cent of directors and senior management be female. Union Bank requires that 40 per cent of senior positions be filled by female employees. Both companies undertake ongoing monitoring and oversight to ensure that these quotas are being met.

Similarly, only 22 per cent of respondents implement unconscious bias training. Of these, only two companies require formal training for all employees as part of their wider training programmes. Other companies incorporate unconscious bias in a more informal manner, such as by encouraging peer motivation among the females in leadership positions who inspire and encourage other females to aspire for career progression.

61 Women in Management, Business and Public Service (WIMBIZ) <https://wimbiz.org> accessed 13 December 2022.

Two entities cite a strict gender target of 30 and 40 per cent, respectively. Another company has a policy during performance reviews to ensure that female employees are not overlooked. All those adopting this measure report it to be ‘somewhat effective’.

Channels Television provides a range of measures to accommodate female employees and has strong accountability measures through their Human Resources team, which ensures that the policies are being correctly implemented. Measures include the following:

- women are entitled to five months of paid maternity leave;
- working schedules can be adjusted to ensure that all female staff are able to safely return home if required to work late;
- safety at work measures that ensure female staff are accompanied when they go for interviews at a private location have now been put in place; and
- an on-site clinic also provides special medical attention for issues peculiar to women.

The company reports that these efforts increased their female retention rates by 23 per cent between 2020 and 2021.

Several companies have established internal women’s networks to foster inclusive workplaces and support women in their career progression. Another entity has developed a network that is open to employees of all genders, but focuses on ensuring that women are provided with the same opportunities as men and are well represented in all business domains and functions.

The public sector

The position of the AGF within the Nigerian legal system is a specific, double-headed position. The AGF is both an officer of the court and a member of the executive in that the AGF is both the Chief Law Officer and a minister of the government.⁶² The Attorney-General of Nigeria is appointed by the President.⁶³ In addition to the AGF, there is an attorney-general in each state who is the Commissioner of Justice of the government in that state.⁶⁴ There are a total of 37 attorneys-general, one in each of the 36 states, with the AGF at the helm.

The Attorney-General of each state has the judicial power to institute, takeover and discontinue any criminal proceedings against any person within the state.⁶⁵ Applicants for the role must have been qualified to practise as a legal practitioner in Nigeria for at least ten years.⁶⁶ As a judicial officer, the AGF has the power to institute, takeover and discontinue any criminal proceedings against any person and at any court within Nigeria.⁶⁷ At the state level, the Constitution also makes similar provisions for the appointment of commissioners of each state.⁶⁸

62 See s 150 of the 1999 Constitution of the Federal Republic of Nigeria (as amended).

63 See generally s 147 of the 1999 Constitution of the Federal Republic of Nigeria (as amended).

64 See s 195 of the 1999 Constitution of the Federal Republic of Nigeria (as amended).

65 See generally s 211 of the 1999 Constitution of the Federal Republic of Nigeria (as amended).

66 See ss 150(2) and 195(2) of the 1999 Constitution of the Federal Republic of Nigeria (as amended).

67 See generally s 174 of the 1999 Constitution of the Federal Republic of Nigeria (as amended).

68 See generally s 192 of the 1999 Constitution of the Federal Republic of Nigeria (as amended).

We approached the attorneys-general offices within the ministries of justice across six Nigerian states. These states represent the six main geopolitical zones across the country. We obtained responses from three of the six states: Anambra, Kwara and Rivers. All indicated that, unlike the private and corporate sectors, the public sector has not developed and does not implement any gender-specific initiatives within their offices. It was suggested that this was likely to be the case in other states.

We spoke with Professor Zacchaeus Adangor SAN, Attorney-General of Rivers State, who said that he encourages women to ‘aspire to be at the top’. He also advises female talent to stay focused and try to ignore the marginalisation they suffer. He believes the legislator could be more proactive in helping to break down the patriarchal aspects of Nigerian society. Professor Adangor believes that girls’ education should be improved so that the best female talent can compete with the best male talent.

Professor Sylvia Ifemeje is the Attorney-General of Anambra State and has specialised in gender rights law. Professor Ifemeje believes that in order to see Nigerian women thrive within the legal profession and beyond, some basic steps must be taken first. She cites the need for CEDAW to be properly implemented into Nigeria’s domestic legislation. Her broad concern is that female legal professionals are often overlooked and marginalised.

The overall feedback we received leaves us with a clear message: due to the current gender balance in the sector (61 per cent of senior roles within the offices of the attorney-general in the states mentioned above are female), gender-specific initiatives have been deemed unnecessary. Notwithstanding this high percentage, it is notable that only four of the 37 attorneys-general are female.

Several public sector officers we spoke with mentioned that work within the public sector is characterised as being slow-paced and less well-remunerated, which drives away male talent who do not find this attractive. Women, however, find that the public sector allows them to better reconcile their work with their domestic responsibilities. The opinions of Ifemeje and Adangor support this, as they suggest that the characteristics of public sector work better suit female lawyers.

The judiciary

The Nigerian judiciary is like many other common law systems and the Nigerian courts are bound by judicial precedent. The highest court is the Supreme Court of Nigeria, followed by the Court of Appeal. The Supreme Court currently consists of 13 justices,⁶⁹ presided over by the Chief Justice of Nigeria. Each of the federal and 36 state jurisdictions has its own high and magistrate courts.⁷⁰

In addition to the received English common law, Nigeria (like most former African colonies of the British Empire) also practises an indigenous system of law based on the customs of the people. This system of law in the southern part of the country is known as customary law, while the equivalent in the northern part of Nigeria is known as Sharia or Islamic law. There are dedicated courts of lower jurisdiction established for the purpose of interpreting and applying these laws.

69 Ade Adesomoju, ‘Supreme Court judges drop to 13 as another one retires’ (*Premium Times*, 11 September 2022) www.premiumtimesng.com/news/headlines/553445-supreme-court-judges-drop-to-13-as-another-one-retires.html accessed 27 January 2023.

70 See n 31 above.

The Court of Appeal is the second-highest court in Nigeria. This court consists of the president of the Court of Appeal and at least 49 other justices of the Court of Appeal.⁷¹ There is a decentralised Court of Appeal system, with 20 divisions of the Courts of Appeal spread across the six geopolitical zones.⁷²

The third-highest court is the Federal High Court, presided over by the Chief Judge of the Federal High Court and other judges of the Federal High Court.⁷³

The Supreme Court of Nigeria shall not have more than 21 justices.⁷⁴ At the time of drafting this report, there were 13 justices within the Nigerian Supreme Court. Out of these 13, four are female. The Court of Appeal is composed of 80 judges, 25 of which are female.⁷⁵ The current President of the Court of Appeal is a woman.⁷⁶ There are several vacancies on both these courts. The Federal High Court is composed of 79 judges, of which 27 are female.⁷⁷

To summarise, 33 per cent of all judges within the three referenced courts are women. We contacted several registrars within these courts and all confirmed that there are no gender-specific policies in place within the judicial hierarchy aimed at increasing the number of women within the highest courts in Nigeria.

“For me all human beings were created equal and therefore, gender discrimination under whatever guise must be eschewed. In the Nigerian Judiciary there is clear gender balance as both male and female judges abound in all jurisdictions without undue regards to gender. Nigerian Judiciary honours and appreciates the place of all genders in the just and expeditious dispensation of justice without any undue advantage of one sex over the other. For instance several Chief Judges in the various States High Courts in Nigeria are [...] female judges. Even the most famous State Judiciary in Nigeria, the Lagos State High Court [had] in the immediate past [...] two female Chief Judges one after the other and incidentally both of the same parent. Nigeria, therefore, scores very high when it comes to gender equality and sensitivity in the Judicial Space.

Sir Biobele Abraham Georgewill JCA DSSRS Ksc,
Court of Appeal Abuja

71 Constitution of the Federal Republic of Nigeria 1999 s 237(1).

72 ‘A Brief History and Evolution of the Court of Appeal of Nigeria’ (Nigerian Court of Appeal, 5 October 2022) www.courtsofappeal.gov.ng/history accessed 27 January 2023.

73 Constitution of the Federal Republic of Nigeria 1999 s 249(1).

74 Constitution of the Federal Republic of Nigeria 1999 s 230(2)(b).

75 See the webpage of the Nigerian Court of Appeal www.courtsofappeal.gov.ng/current-justices accessed 27 January 2023.

76 See the webpage of the Nigerian Court of Appeal www.courtsofappeal.gov.ng accessed 27 January 2023.

77 See the webpage of the Federal High Court of Nigeria www.fhc-ng.com/judges.htm accessed 27 January 2023.

Comparisons: England and Wales, Uganda, Spain and Nigeria

A comparative analysis of the findings from the four concluded jurisdictions reveals trends worthy of note.

With respect to the overall percentage of female lawyers across each jurisdiction, African countries, namely Uganda and Nigeria, are yet to achieve the 50 per cent threshold for gender representation, at 49 and 40 per cent, respectively. In Spain, and England and Wales, this threshold of female lawyers has been reached, at 54 and 51 per cent, respectively. With a trend towards an increase in the influx of women studying law and entering the legal profession, and given how tight the margin is with respect to Uganda, it is likely that we will see Nigeria and Uganda achieve the 50 per cent balance in the short to medium term.

Another notable trend is the representation of female lawyers in the public sector. Across the four jurisdictions, the public sector has the highest number of female lawyers. In England and Wales, 64 per cent of lawyers in the public sector are females, of which 57 per cent hold the most senior positions. Similarly, in Uganda, 57 per cent of lawyers in the public sector are female, with 62 per cent of them at the most senior positions. For the Spanish legal profession, 62 per cent of lawyers in this sector are female, although in this jurisdiction, only 38 per cent of them are at the most senior positions. A similar trend is also observed in the Nigerian legal profession, as the public sector has the greatest female representation, with 68 per cent of lawyers, of which 61 per cent work in the most senior positions.

The difference between women in senior roles and women in the profession overall is similar in Spain, England and Wales, and Uganda: Spain, 23 per cent less; England and Wales, 19 per cent less; and Uganda, 18 per cent less. However, in Nigeria, there is a higher percentage of women in senior roles than in the profession overall. Nigeria is the only jurisdiction in which this is noted. Remarkably, a closer look at the figures in Nigeria show that a greater percentage of female lawyers hold the most senior positions within the corporate sector and the public sector compared with the other two sectors in Nigeria.

In terms of initiatives, flexible working arrangements, and coaching and mentoring programmes for women are, across all four jurisdictions, always two of the most popular initiatives. Flexible working is viewed as the most effective initiative in place. In Nigeria, 88 per cent of the responding law firms confirm their use of this initiative. The growth of this approach in Nigeria can largely be attributed to life after Covid-19 and the lockdowns in 2020. Another interesting trend observed is the unpopularity across all four jurisdictions of specific part-time working, both in the public and private sectors.

By contrast, quota setting, while unpopular, is viewed as ‘very effective’ by 50 per cent of respondents in Nigeria. This is not the case in Spain or Uganda, where quota setting is not perceived to have this same level of effectiveness. In England and Wales, however, quota setting is perceived to be ‘very effective’ by 40 per cent of respondents and ‘somewhat effective’ by 60 per cent of respondents. Notwithstanding its perceived effectiveness in some jurisdictions, quota setting is the least popular initiative in all four jurisdictions.

It is notable that in contrast to other sectors both in Nigeria and within these sectors in the other studied jurisdictions, the Nigerian judiciary and public sector have not put in place any initiatives to encourage gender parity at the most senior positions.

Acknowledgments

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Appendix 1: data tables

Overall picture: all lawyers

	Female lawyers (%)	Female senior lawyers (%)
Law firms	47 (428/904)	43 (76/176)
Corporate sector	52 (94/180)	55 (22/40)
Judiciary	-	33 (56/172)
Public sector	68 (493/724)	61 (112/185)
Total	40 (2295/5808)	46 (266/573)

Popularity of gender initiatives: sector breakdown

	Law firms (%)	Corporate sector (%)
Leadership training for women	47	50
Flexible working arrangements	88	50
Target setting	41	33
Coaching/mentoring programmes for women	71	67
Unconscious bias training	29	22
Quota setting	12	11

Effectiveness of gender initiatives

	Very effective (%)	Somewhat effective (%)	Not effective (%)
Leadership training for women	41	53	6
Flexible working arrangements	58	42	0
Target setting	46	54	0
Coaching/mentoring programmes for women	50	50	0
Unconscious bias training	44	56	0
Quota setting	50	50	0

Appendix 2: survey questions

1. What type of organisation do you work for?

- Corporation with in-house counsel
- Public sector
- Law firm
- Judiciary

2 We'd like to start by asking some general profiling questions about the lawyers/judges who are employed in your organisation.

Total number of lawyers

Lawyers who work on a part-time basis

Lawyers employed at a partner/management/QC (or equivalent) level

Lawyers employed at a partner/management/QC (or equivalent) level who work part-time

3 This question asks about the lawyers/judges who identify as female. Please enter approximate numbers for the following:

Remember, you can return to the survey at any point if you need to look up any figures

Total number of lawyers who identify as female

Female lawyers who work on a part-time basis

Female lawyers employed at a partner/management/QC (or equivalent) level

Female lawyers employed at a partner/management/QC (or equivalent) level who work on a part-time basis

4. How many individuals sit on your Partnership Council/Management Board/Executive Council (or equivalent)?

5 Of these, how many identify as female?

6 Do you monitor the gender balance in your organisation overall?

- Yes
- No

7 Do you monitor the gender balance in your organisation for lawyers at the senior level?

- Yes
- No

8 **Is this gender monitoring data shared with the leadership of the organisation?**

Yes

No

9 **Is this gender monitoring data shared with the leadership of the department or elsewhere within government?**

Yes

No

10 **Does your organisation have any of the following initiatives/policies in place addressing gender equality and/or seeking to increase the number of women reaching positions of seniority?**

Quota setting for senior role positions

Availability of greater flexible working arrangements (post-Covid-19 restrictions)

Leadership training for women

Target setting for senior role positions⁷⁸

Unconscious bias training

Coaching/mentoring programmes

Other

None of the above

11 **We have a couple of questions about your [measure].**

Can you please provide a brief description of your [measure]?

Please include how it works, how it is measured and the impact it is having.

12 **Approximately, how long has your [measure] been in place?**

Please enter the approximate number of years

78 Targets v quotas: targets tend to be aspirational, quotas tend to be mandated (sometimes set externally by a body with authority to impose them on organisations). Establishing quotas usually includes setting penalties for failing to meet them.

13 In your view, how effective has each initiative/policy been in supporting gender equality and/or increasing the number of women reaching positions of seniority in your organisation?

Very effective

Somewhat effective

Not effective

14 Does your organisation have any other diversity related initiatives in place (race, ethnicity, sexual orientation, disability, religion, etc)?

Yes

No

15 Please describe how one of these initiatives or policies works.

Please include how it works, how long it has been in place, and the impact it is having.

16 What else do you want us to know about other initiatives coming in the future?

17 Would you like to associate your organisation's name with the feedback you have provided? This will enable the IBA to highlight examples of programmes in its reporting.

If you select 'No' below, your survey data will remain confidential and only reported in aggregate.

Yes

No



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