

THE NIGERIA CEDAW NGO COALITION SHADOW REPORT

SUBMITTED TO THE 41ST SESSION

OF

**THE UNITED NATIONS COMMITTEE ON THE ELIMINATION OF ALL FORMS OF
DISCRIMINATION AGAINST WOMEN
HOLDING AT THE UNITED NATIONS PLAZA NEW YORK**

BETWEEN

JUNE 30 - JULY 18, 2008

**For consideration by the CEDAW Committee in its review of the Government of
Nigeria's 6th Periodic Country Report (2004-2008) on the implementation of CEDAW
in Nigeria**

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List of Abbreviations/Acronyms

AAWORD: Association of African Women for Research and Development
ADR: Alternative Dispute Resolution
AU Protocol: African Union Protocol
AWDF: African Women Development Forum
CEDAW: Convention on Elimination of all forms of Discrimination against Women
CFRN: Constitution of Federal Republic of Nigeria
CMC: Citizens Mediation Centre
CRA: Child Rights Act
CRPD: Convention on the Rights of Persons with Disabilities
CSOs: Civil Society Organisations
DW: Defense Witness
ECOWAS: Economic Community of West African States
ESCR: Economic, Social and Cultural Rights
FEEDS: Federal Capital Economic Empowerment and Development Strategy
FEF: Freidrich Ebert Foundation
FGN: Federal Government of Nigeria
FIDH: International Federation of Human Rights
FME: Federal Ministry of Education
GATTS: General Agreement on Trade and Tariffs Agreements
HCT: HIV Counselling and Testing.
HEAP: HIV/AIDS Emergency Action Plan
HMOs: Health Management Organisations.
ILO: International Labour Organisation
INEC: Independent National Election Commission
IWRAP: International Women's Rights Action Watch-
J.C.A: Justice of the Court of Appeal.
LACA: Local Action Committee on AIDS
LEEDS: Local Economic Empowerment and Development Strategy
LFN: Laws of the Federation of Nigeria.
LGAs: Local Government Areas
LLINS: Long Lasting Insecticide Treated Nets.
MDGs: Millennium Development Goals
NACA: National Action Committee on AIDS
NACRDB: National Agricultural Co-operative Rural Development Bank

NAPEP: National Poverty Eradication Programme
NAPTIP: National Agency for Prohibition of Trafficking in Persons
NARFEGES: Nigerian Aid Response Fund/Gender Equality Strategies
NCE: National Certificate in Education
NDF: Nigerian Development Forum
NEC: National Economic Council
NEEDS: National Economic Empowerment and Development Strategy
NEPAD: New Partnership of Africa's Development
NGO: Non - Governmental Organisation
NGO: Non Governmental Organisation
NHIS: National Health Insurance Scheme.
NHRC: National Human Rights Commission
NLR: Nigerian Law Report.
NPHCDA: National Primary Health Care Development Agency
NPRC: National Political Reform Conference
NWLR: Nigerian Weekly Law Reports
OPD: Office of the Public Defender
PAC: Post Abortion Care.
PCA: Presidential Committee on AIDS
PHC: Primary Health Care
PMTCT: Prevention of Mother to Child Transmission
SACA: State Action Committee on AIDS.
SEEDS: State Economic Empowerment and Development Strategy
SFH: Society for Family Health
STDs: Sexually Transmitted Diseases
UBE: Universal Basic Education
UNAIDS: Joint United Nations Programme on HIV/AIDS.
UNCEDAW: United Nations Committee on CEDAW
UNESCO: United Nations Education Scientific and Cultural Organisation
UNESCO: United Nations Educational Scientific and Cultural Organisation
UNICEF: United Nations Children Education Fund
UNIFEM: United Nations Fund for Women
USAID: United States Agency for International Development
WANEP: West Africa Network for Peace Building
WIN: Women in Nigeria
WOFEE: Women Fund for Economic Empowerment

WTO: World Trade Organisation

AAWORD: Association of African Women for Research and Development

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The volunteerism that made this Report a reality remains unrivaled in the history of civil society activism in Nigeria. It is notable that this Report has been produced without funding from any international or local donor agency, state or non-state actors including the private sector. Member organisations of the Coalition bore the full costs and responsibility for its production.

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Other Contributing NGOs:

1. Action Health Incorporated
2. Actionaid International Nigeria
3. Ajegunle Community Project
4. Centa for Organisational Development (C.O.D)
5. Centre for Twenty First Century Issues (C21st)
6. Centre for Human Empowerment, Advancement and Development, Abia
7. Centre for the Rule of Law (CENTROLAW)
8. Centre for Women's Health and Information (CEWIN)
9. Committee For the Defense of Human Rights (CDHR)
10. Community Empowerment Partners International (CEPI)
11. Environmental Rights Action/Friends of the Earth (ERA/FOEN), Benin
12. Gender and Development Action (GADA)
13. Gender Child and Rights Initiative
14. Girls Power Initiative
15. Global Health Awareness Research Foundation (GHARF), Enugu
16. Human Angle
17. Kudirat Initiative for Democracy (KIND)
18. Labour Health and Rights Development Centre
19. Lady Mechanic Initiative
20. Legal Defense and Assistance Project (LEDAP)
21. Legal Research Resource and Documentation Centre, Yaba
22. Model Missions of Assistance in Africa (Momi Africa)
23. Organisation for Non-Formal Education Foundation (ONEF)
24. Organisation for the Child, Woman and Family
25. Project Alert on Violence Against Women
26. Utmost Caring World
27. Widow's Development Support Services (WADSS)

28. Women Law and Development Centre (WLDCN)
29. Women Protection Organisation (WOPO)
30. Women's Center for Peace and Development (WOPED)
31. Women's Health and Rights Project (WHARP)
32. Women's Optimum Development Foundation (WODEF)
33. Women's Rights Advancement and Protection Alternative (WRAPA)

Other Contributing Organisations:

1. African Women Lawyers Association (AWLA)
2. Development Communications Network (DEVCOMS)
3. Henrich Boll Foundation (HBF)
4. International Federation of Women Lawyers (FIDA), Anambra
5. International Press Centre (IPC)
6. National Association of Democratic Lawyers (NADL)
7. Women Information Network (WINET), Enugu
8. Women's Organisation for Representation and National Cohesion (WORNACO)

Contributing Media Houses:

1. The Nations Newspapers
2. This Day Newspaper

FORWARD

The Nigerian NGO CEDAW Coalition was formed in May 1998 as a national network of over fifty registered Nigerian NGOs across the country and working on women's human rights and CEDAW's sixteen articles from different perspectives and expertise.

The Coalition was conceived as an interventionist strategy and response to the inaccuracies reported by the Nigerian Government in its second and third periodic country report to UN CEDAW Committee for the period 1986-1994 on the implementation/domestication of CEDAW in Nigeria. It produced its first Shadow Report in 1998, which was used as an advocacy tool during the Committee's consideration of fourth country report. BAOBAB for Women's Human Rights currently hosts the Coalition's secretariat.

From June 30 to July 18 2008, the UN CEDAW Committee will once again meet in New York to consider Nigeria's sixth country periodic report already submitted to it. Like previous reports, the Nigerian government has made various claims as to what it has done in the protection and promotion of women's human rights. This Shadow Report seeks to review the existing realities in Nigeria against the backdrop of what has been reported. It puts in the proper perspective, the challenges encountered by women activists in their efforts to domesticate CEDAW into law in Nigeria and ensure its implementation.

This Shadow report has been compiled from the experiences of women's rights organisations, documents, statistics, research reports, published reports, media reports and other available resources. All expenses incurred in writing this report were covered by participating organisations of the Coalition, with BAOBAB covering the expense of hosting, co-coordinating, editing and production of the report. The commitment and extra labour of the members of the Working Committee ensured that this detailed Nigeria CEDAW NGO Coalition's Shadow Report is a reality.

EXECUTIVE SUMMARY

The Nigerian government ratified CEDAW in 1985 without reservations. Consequently, it is bound to fulfill all obligations stated in article 2 towards the promotion of the principles of CEDAW. The situation of women's human rights in Nigeria, however, signifies that the Nigerian Government is not carrying out its obligations as CEDAW requires. The sorry state of women's rights in Nigeria has been attributed to the non-domestication of and non-implementation of CEDAW.

Nigeria's periodic reports should reveal the measures undertaken by the government to fulfill its obligations under the Convention including steps taken to address violations of women's human rights in all its ramifications. It is noted that while government in its Report, acknowledged the existence of discriminatory practices against women sustained by discriminatory legislation, policies and societal and cultural agents, it is silent in many respects on the measures it has undertaken to address these. The Nigerian official report does not reflect the true reality of Nigerian women. The need to put the situation of women's human rights in Nigeria in proper perspective, especially before the UN CEDAW Committee, underlies this Shadow Report.

This Shadow Report, therefore, aims at presenting the true situation of women's human rights in Nigeria to the Committee. It is intended for use also as an advocacy tool in constructively engaging the government of Nigeria over its responsibility for the protection and promotion of women's rights in Nigeria.

This Report analyses the situation of women's rights in Nigeria vis-à-vis each Article of CEDAW as well as other critical issues relevant to women's human rights but not falling directly under any of the Conventions' provisions. It further enumerates recommendations which are considered useful to the CEDAW Committee in engaging the Nigeria government during the reporting period. This, it is expected, will hasten the process of domestication and improve the implementation of the Convention in Nigeria.

Articles 1-2

The level of discrimination against women in Nigeria is still very high. The 1999 Constitution of the Federal Republic of Nigeria does not give a comprehensive definition of the concept of discrimination against women, as it only gives a general note against all forms of discrimination including discrimination on the basis of sex. Other laws that are specifically made on discrimination against women exist only in five states and are rarely enforced. Some provisions of the Constitution outrightly discriminate against women. For instance, the Constitution provides that Women who marry non-Nigerians cannot confer Nigerian citizenship on their husbands by virtue of the marital union, while Nigerian men who marry non-Nigerians automatically have Nigerian citizenship conferred on their wife on the basis of marriage.

Articles 3-4

Most of the socio- economic, legal, and political frameworks needed for the protection and promotion of women's rights have not been effectively implemented. In early

2007, the National Assembly rejected the Bill for the domestication of CEDAW, which stands as the acid test for gender equality in Nigeria. This has put on hold the process of integrating CEDAW Convention as an integral part of the criminal justice and legal administrative system in Nigeria.

The National Economic Empowerment and Development Strategy (NEEDS) four years after its adoption as the country's economic blue print have failed most of its promises. It has not created the seven million jobs which had been envisaged to reduce the number of unemployed women in Nigeria; its promise of accelerated privatisation of the commanding heights of the Nigerian economy including oil and gas sectors also have rather impoverished more Nigerians especially women. Essential services including water, health and education under NEEDS have been outsourced to private/public participation.

Article 5

Gender stereotypes continued to be reinforced in Nigeria as series of the agents of socialisation such as the family, schools, churches, mosques, and the media have become custodians as well as disseminators of gender roles, stereotypes, prejudices and discriminatory cultures. Girls and boys grow up in Nigerian society to accept male superiority over female and the patriarchal structure has become unquestionable phenomenon. The Teachers, Religious Leaders, Parents, Police Officers and Artistes in Nigeria usually work to promote obnoxious customary beliefs and practices that violate the rights of women. Consequently, customary practices such as female genital mutilation, preference for male-child, and widowhood rites are still prevalent in most parts of Nigeria.

Gender stereotypes in Nigeria are further reinforced by lack of national legislations aimed at disabusing the mind of people of such stereotypes as well as specify the punishment for offenders.

Article 6

Trafficking and exploitation of women and children in Nigeria still go on because the government only focus on the legal regulation and established an agency National Agency for Prohibition of Trafficking in Persons (NAPTIP) to check the syndrome while the remote causes of trafficking and exploitation such as poverty, unemployment, illiteracy, are yet to be seen as important indicators, and yet to be addressed.

Article 7

At the political/policy level, only three percent of Nigerian women have achieved one level of appointive/elective position at the Federal, State and Local Levels. As a result, the 30% affirmative action that was made to improve women's participation in political and public life is seriously hampered in terms of implementation. Hence participation of women in politics has hardly improved over the years. The National Gender Policy which was put together in 2006 to replace the National Policy on Women has also remained a paper-tiger as it is not backed by force of law and yet to be implemented. These factors continue to widen the gap between women and men in Nigeria.

Article 8

The employment of women into Foreign Service as well as into the Federal Civil Service is on a federal character basis and not aimed at gender balance. That is, consideration is only given to people's state of origin and ethnicity before they are employed; regardless of whether they are female or male. This system of federal character has in no way favoured women as they continue to be under represented in Foreign Service. Women's participation in international organisations also suffers the same fate as there are also no special measures to improve women's participation. The government is yet to come up with any special or temporary measure to improve on the number of women in Foreign Service and international organisations.

Article 9

The Nigerian Constitution in Section 26 allows a foreign woman who is married to a Nigerian man to automatically become a Nigerian whereas; this automatic citizenship does not apply in the case of a Nigerian woman married to a non-Nigerian man. This is a serious denial of the rights of Nigerian women who marry foreigners to have their spouses become Nigerian by the virtue of marriage: A right which every Nigerian man enjoys. It is really disheartening that the Constitution of Nigeria harbours and promotes discrimination against women in nationality issues. This provision needs to be reviewed for gender balance and equality.

Article 10-11

Disparity still exists in literacy rate between men and women. While male adult literacy is 70.1%, female adult literacy is 54.6%. The girl child continues to be deprived of her rights to quality education because priority is given to male education. She ends up not being empowered and exposed to harassments and intimidation that the patriarchal nature of the Nigerian society reinforces.

Educated females face a lot of discrimination in employment as there are internally constructed gender discrimination in almost all private industries (the banking, marketing and insurance sectors are at the top of the list). The educated females either end up unemployed or under-employed. Consequently, most females opt for employment in the informal sector where gender discrimination might be minimal, but where their economic attainment is greatly limited, leaving them less financially empowered than their male counterparts. The uneducated females suffer worse fate as their field of specialisation, mainly in the informal sector, is unregulated by government's policies.

Article 12

The health of Nigerian women is not spared from the rot that militates against women's rights. The rate of maternal mortality is quite alarming as Nigeria contributes 10% to global maternal deaths. Abortion and pregnancy related complications are also a bane of women's right to life and health. Young women are the most exposed and vulnerable to and affected by HIV/AIDS. Many cannot negotiate safe sex.

Article 13

The Nigerian Constitution does not provide for socio-economic rights, and this has in reality affected women more as they constitute a greater percentage of Nigerians who live below the poverty line. The number of women below the poverty line is 65% compared to that of men which is 35%, and women's purchasing power is also very low.¹

Furthermore, over 80% (percent) of commercial activities in the country take place within the small-scale sector of the Nigerian economy. This sector is largely informal and dominated by women and girls. Low income, greater financial risks, low standards of human development, and greater social exclusion by the organised private sector characterises this group. A negligible proportion has access to credit. Most lack all the trappings of effective organisation and management of successful businesses and these explain the high attrition rate of small businesses operated by them.

Article 14

Rural Women represent 76% of the entire population in the rural areas; constitutes the larger percentage of the poor; are less educated and majority of them engage largely in small scale agriculture and petty trading. It is indeed disturbing that despite the crucial and basic contribution of women in rural areas in terms of production, processing, distribution and almost in all fields of human endeavour, their indispensable labour is unacknowledged, unpaid for, and poorly taken into account in national development plans and policies.

Article 15

Women are far from equal with men under the Nigerian laws. The tripartite legal system in Nigeria, that is, the statutory, religious and customary laws, in some ways discriminate against women in their provisions. The Sharia law especially discriminates against women as, in the interpretation of its provisions; women are easily established as culprits in cases of adultery while the males who commit adultery with women can hardly be established as guilty.

Article 16

The complexities engendered by the operation of the tripartite systems of Laws in Nigeria are most evident in the marriage and family law. The three systems of laws via statutory, Customary and Religious Laws apply on equal force depending on the marriage contracted. These three systems of laws often have conflicting and discriminatory provisions that reinforce male supremacy and perpetuate patriarchy in the context of marriage. It is expedient that the government expunges the contradictory provisions of these laws, and ensures that all laws protect women's human rights in marriage and family matters.

The foregoing are the numerous problems associated with promotion, protection and fulfillment of women's human rights in Nigeria; they are some of the reasons Nigerian women continue to suffer discriminations. These problems persist mainly because the Nigerian government has thus far shirked in its responsibility to domesticate CEDAW, and this has formed the major challenge to the implementation of CEDAW in Nigeria.

¹ The National Gender Policy, 2006 p. 4-5.

The following are the summary recommendations that this report highlights as a way forward to the protection and promotion of the human rights of women in Nigeria:

SUMMARY RECOMMENDATIONS

1. Immediate domestication of CEDAW.
2. Immediate passing of the National Bill on Violence against Women into law.
3. Incorporation of CEDAW and other Human Rights treaties in to local laws.
4. Government must ensure the implementation of national legislation against violence against women and provide at least one shelter in every state of the nation to protect survivors from further violence.
5. Government must ensure that there is national legislation prohibiting all forms of obnoxious and harmful practices against women and girls.
6. Government must take appropriate measures to implement and enforce laws and policies directed at the advancement of women.
7. Locus standi must be extended to allow third party (or at least the National Human Rights Commission) to take up women's human rights issues to support women's access to justice and enforcement of women's human rights.
8. Government must ensure prevention programmes and the availability and accessibility of drugs for diseases such as malaria, typhoid, dysentery and HIV/AIDS.
9. Government must uphold the human rights of women under the Sharia legal system and customary laws as practiced presently in Nigeria, under which Nigerian women are disproportionately affected and discriminated.
10. The citizenship status of Nigerian women must be reviewed to give women citizens the same rights as Nigerian men.
11. Nigeria must as a matter of priority, come up with and implement a 30% Affirmative Action in all spheres in fulfillment of the principle of equality stipulated in CEDAW. We further recommend a 50% representation of women in all spheres and sectors.
12. Quota system in gender representation should be reflected in political positions in Nigeria.
13. Government must review the Constitution to promote the principle of gender equality between men and women. This must be reflected in both the language and provisions of the Constitution.

It is hoped that the information contained in this shadow report will be useful to the United Nations Committee on Elimination of Discrimination Against Women at the consideration of Nigeria's 6th country report, which will be presented to it at the UN Headquarters between June 30 and July 18, 2008.

ARTICLE 1: DEFINITION OF DISCRIMINATION AGAINST WOMEN

LEGAL AND OTHER MEASURES:

Section 42 of the 1999 Constitution of the Federal Republic of Nigeria² (hereinafter called the Constitution) under Chapter IV, guarantees the right to freedom from discrimination. The Chapter itself is titled Fundamental Rights. The section states:

“(1) A citizen of Nigeria of a particular community, ethnic group, place of origin, sex, religion or political opinion shall not, by reason only that he is such a person-

- (a) be subjected either expressly by, or in the practical application of, any law in force in Nigeria or any executive or administrative action of the Government, to disabilities or restrictions to which citizens of Nigeria of other communities, ethnic groups, places of origin, sex, religion or political opinions are not made subject; or
- (b) be accorded either expressly by, or in the practical application of, any law in force in Nigeria or any such executive or administrative action, any privilege or advantage that is not accorded to citizens of Nigeria of other communities, ethnic groups, places of origin, sex, religions or political opinions.

(2) No citizen of Nigeria shall be subjected to any disability or deprivation merely by reason of the circumstances of his birth.

(3) Nothing in subsection (1) of this section shall invalidate any law by reason only that the law imposes restrictions with respect to the appointment of any office under the State or as a member of the armed forces of the Federation or a member of the armed forces of the Federation or a member of the Nigeria Police Force or to an office in the service of a body corporate established directly by any law in force in Nigeria.”

The Constitution prohibits discrimination on a general note but in a gender blind fashion, it is evidently gender insensitive as it uses the masculine gender pronoun to represent Nigerian citizens of both sexes. Although it generally prohibits discrimination against Nigerian citizens based on membership of a particular ethnic group, place of origin, sex, religion or political opinion, nowhere in the Constitution is discrimination defined. Neither CEDAW nor the Protocol to the African Charter on Human and People’s Rights on the Rights of Women in Africa³ (hereinafter called the Protocol), which adequately defines and prohibits discrimination against women, has been domesticated. Given the provisions of Section 12 of the Constitution, women cannot take advantage of the two instruments in the national courts. The section states:

‘No treaty between the Federation and any other country shall have the force of law except to the extent to which any such treaty has been enacted into law by the National Assembly.’

The African Charter on Human and Peoples’ Rights⁴ (hereinafter called the African Charter)⁵ which Nigeria has domesticated and which should protect every Nigerian

² Cap C23, Laws of the Federation of Nigeria (LFN), 2004.

³ Adopted by the Ordinary Session of the Assembly of the African Union at Maputo, Mozambique on July 11, 2003, available at http://www.achpr.org/english/info/women_en.html. Last visited February 4, 2008.

⁴ The Charter adopted June 27 OAU Doc CAB/LEG/67/3 rev 5, 21 ILM 58 (1982), entered into force 21 October 1986.

⁵ The Charter draws inspiration from CEDAW. See Art 60 of the Charter. CAP. A9.LFN, 2004.

woman against discrimination does not specifically define discrimination against women. Article 2 of the Charter, like Section 42 of the Constitution, only provides for non-discrimination generally. Article 2 states as follows:

*“Every individual shall be entitled to the enjoyment of the rights and freedoms recognized and guaranteed in the present Charter without distinction of any kind such as race, ethnic group, colour, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or other status.”*⁶

The poor response of the Nigerian constitutional provisions to discrimination against women is evident in the fact that economic, social and cultural rights (ESCR) are not known to the Nigerian Constitution as legal rights enforceable by the rights bearer. The closest to ESCR are found in Chapter II of the Constitution, which is titled Fundamental Objectives and Directive Principles of State Policy. The chapter is not justiceable, that is, they cannot be enforced in a court of law in Nigeria. The implication is that the Constitution does not effectively protect women from discrimination with respect to economic, social and cultural rights. Yet, it is in the area of ESCR that women’s human rights are most violated. This failure to guarantee, promote and protect ESCR for women has reinforced feminisation of poverty thus strengthening the context for denial of political rights such as participation and decision-making to women and indirectly accounted for violence against women. The foregoing makes Nigeria fall short of its obligations to eliminate discrimination against women by means of legal and constitutional measures enshrined in Article 2 of CEDAW.

The Federal Government of Nigeria adopted the National Gender Policy in 2006 to replace the National Policy on Women of 2000. This was with a view to responding to the challenges of gender inequalities and attendant low socio-economic indicators. The goal of the National Gender Policy is to “build a just society devoid of discrimination, harness the full potentials of all social groups regardless of sex or circumstance, promote the enjoyment of fundamental human rights, and protect the health, social, economic and political well being of all citizens in order to achieve equitable rapid economic growth; evolve an evidence based planning and governance system where human, social, financial and technological resources are efficiently and effectively deployed for sustainable development.”⁷ The core strategies for achieving the objectives of the National Gender Policy makes reference to gender mainstreaming, gender justice and addressing the needs of women and children.

REALITY

Nigeria still falls short of the desired result of giving males and females equal opportunities and equal access to opportunities to advance socially, economically and politically. Evidence abounds of several forms of gender-based discrimination in gender relations in Nigeria. Gender-based division of labour, disparities between male and female access to power and resources, and gender bias in rights and entitlements remain pervasive in Nigeria.⁸

⁶ Art 2, Cap A9 LFN, 2004.

⁷ *NATIONAL GENDER POLICY*. A publication of the Federal Ministry of Women Affairs and Social Development, 2006. p. vii.

⁸ *Id.* p. 3.

As earlier stated, the language of the Nigerian Constitution is not gender sensitive. In its being gender neutral, it indirectly excludes women. Other instances of Constitution-supported discrimination are found in the “indigene-ship” or “indigeneity principle”.⁹

Indigeneship or Indigeneity Principle

Nigerian law contains no definition of “indigeneity” although a broad range of policies at every level of government makes use of the concept. This concept arose out of a need to preserve the integrity of the cultural identity of the more than 250 different ethnic and cultural groupings found in Nigeria. In practical terms, the concept relates to the ability of a Nigerian proving that he is an indigene of where she/he lives or where she/he originates. This entitles such persons to academic scholarships, employment, political participation, provision of basic services and infrastructures to their communities. In turn, non-indigenes are usually excluded from such benefits.

Section 14(3) of the Constitution indirectly confers legitimacy on the principle. Its intended effect is that there should be no dominance of any ethnic group in government at all levels or in any of governmental agencies. The result is that there is always a careful investigation and requirement of strict proof of where a Nigerian citizen hails from within the country, that is, where he or she is an indigene of. Furthermore, Section 147 of the Constitution requires that at least one Minister of the Government of the Federation should be appointed from each State of the Federation and that such a person must be an indigene of such State. The Federal Character Commission was established to give effect to these provisions. In reality, the concept has been used to deny many Nigerians rights and opportunities guaranteed by the country’s Constitution. Many Nigerians are denied employment, academic scholarship, political participation by a State even when they have resided in the same State for the better part of their lives simply because their ancestors or parents did not originate from that particular community.¹⁰

The application of this concept impacts women who are married to men from different ethnic origin more negatively. The effect of indigeneity principle is that it deprives women of employment opportunities and political appointments in their husband’s state of origin which opportunities they are excluded from also in their natal states because they are deemed to have acquired their husband’s indigeneship by the fact of marriage.¹¹ With these constitutional provisions in force and religiously implemented to the letter by the Federal Government, women in Nigeria married to men whose

⁹ The issue of indigeneity began to take on increased importance not long after Nigeria’s independence, with regional policies that discriminated against the indigenes of other regions in areas as diverse as employment and acquisition of land. The Federal Government effectively legitimized that discrimination by doing nothing to oppose it. Nigeria’s first Attorney-General described it as “a temporary concession to expediency.” The concession has turned out to be not temporary and discrimination against non-indigenes throughout Nigeria has grown steadily over the intervening years. Human Rights Watch, “They Do Not Own This Place” Government Discrimination Against “Non-Indigenes” in Nigeria. *Human Rights Watch*. Volume 18, No. 3(A), April 2006. p. 11.

¹⁰ See generally, *Human Rights Watch*, Volume 18, No 3 (A), April 2006.

¹¹ “They Do Not own This Place” Government Discrimination Against “Non-Indigenes” in Nigeria. *Human Rights Watch*, Volume 18, No. 3(A), April 2006.

indigeneship is different from theirs continue to suffer discrimination in terms of access to land, employment opportunities and political appointments.

Citizenship By Registration

Section 26(2) of the Constitution, which confers citizenship by registration, is skewed in favour of Nigerian men married to aliens whereas there is no reciprocal provision for alien husbands who are married to Nigerian women. This defeats the purpose of Section 15(3)(c) which “encourages inter-marriage among persons from different places of origin, or of different religious, ethnic or linguistic association or ties.” Similarly, Section 29(4)(b) of the Constitution states that “any woman who is married shall be deemed to be of full age.” But this provision must be read along with Section 29(1) of the Constitution, which applies to any citizen of Nigeria of full age who wants to renounce his/her citizenship. The context of deemed age of maturity for any woman can easily be misconstrued if not properly contextualised. The provision can be abused to encourage child marriage as a girl who is under 18 and given out in marriage is deemed to be of full age. The provision may also be invoked to render Section 21 of the Child Rights Act¹², which prohibits marriage and betrothal of a child under the age of 18, inconsistent with the provisions of the Constitution.

Harmful Traditional Practices

Harmful traditional and cultural practices, which discriminate against women, are still abound despite the constitutional provisions that can be interpreted as obligating the government to eliminate them. Section 21(a) of the Constitution requires the State to protect, preserve and promote only Nigerian cultures that enhance human dignity and are consistent with the fundamental objectives as provided in this Chapter.

Institutions set up to provide sound justice

Institutions such as the Nigeria Police Force, the National Human Rights Commission (NHRC), the Law Reform Commission, Legal Aid Council, National Agency for the Prevention of Trafficking in Persons (NAPTIP), the Federal Ministry of Women’s Affairs and Social Development, Code of Conduct Bureau and the Federal Character Commission are some of the institutional mechanisms designed to complement government’s efforts to provide justice and protect human rights. However, most of these institutions are themselves inhibited by official and unofficial policies conducing to a favourable atmosphere for violation of women’s rights. Furthermore, some of the legal frameworks establishing the institutions are discriminatory against women. Few of the examples listed below will suffice,

- Government’s sincerity in upholding the Paris Principles by setting up the NHRC is suspect. This is against the backdrop that in June 2006, the Federal Government removed the Executive Secretary for daring to criticise the government’s human rights stance. Government’s interference with the activities of the NHRC has serious negative impact on the promotion and protection of human rights in general and women’s human rights in particular.
- The Legal Aid Council provides services mainly for criminal cases. There is nothing to indicate that it has mainstreamed gender into its work. There is no

¹² The Child Rights Act, which domesticates the UN Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child, was passed into law in 2003.

specific budgetary provision for indigent women in need of legal aid. Furthermore, it does not provide for legal aid in respect of ECSR where women need such services the most. Worst still, it does not provide legal services for women who are victims of gender-based violence.

- The Code of Conduct Bureau has not lived up to expectations as it has consistently failed to examine the declarations of assets of public officers where such public officers bother to declare such. This is disturbing given that corrupt practices now trail public officers in Nigeria as they embezzle the resources that are meant for the provision of infrastructure such as good road, education, affordable housing, water, health, and so on. The non-provision of these mentioned infrastructures impact negatively more on women's access to socio economic rights than men. For instance, when there is scarcity of resources in the family, the girl-child drops out of school while the little resources available is expended on the boy-child.
- Trafficking is generally on the increase and manifests in different forms. It is common to find trafficked young girls serving as domestic workers in many households in Nigeria. So one may question the efficiency of NAPTIP.
- Truly, the Nigeria Police Force launched the establishment of Human Rights Desk, but this exists only in few police stations in some state capitals in Nigeria.

Absence of Gender Equality Law

Nigeria is yet to have a National Gender Equality Law although a few states such as Imo and Anambra states have state laws to that effect.

RECOMMENDATIONS

1. Future constitutional amendments should:
 - (a) Incorporate the provisions of CEDAW on gender equality particularly those on prohibiting discrimination based on sex.
 - (b) Insert an express provision on prohibition of discriminatory customary practices against women in place of the sweeping definition of discrimination.
 - (c) Every discriminatory provision against women in the 1999 Constitution must be expunged. Examples include Section 29(4), Section 42(3)
 - (d) Sections 42(3) and 29(4)(b) of the Constitution should be reviewed to accommodate affirmative action provisions.
 - (e) The language, content and structure of the Constitution should reflect gender sensitivity. This will entail changing the masculine gender of "He" which is patriarchal in nature to "S/he" to accommodate the female gender.
 - (f) Make Chapter II of the Constitution enforceable or justiceable.
 - (g) Eschew indigeneity principle and promote residency rights.
2. The Federal Government should fund and encourage broad consultative meetings with all stakeholders with respect to future domestication of the CEDAW bill to ensure ownership of the process in order to facilitate speedy

passage of the bill and such other international/regional instruments such as the AU Protocol that draws inspiration from CEDAW.

3. Domestication of CEDAW and the AU Protocol to guarantee elimination of all forms of discrimination against women since domestication will provide the necessary legal backing for promotion and protection of women's human rights.
4. Urgent enactment of a Gender Equality Law to complement the National Gender Policy. This is imperative because as a Policy, it is not yet legally backed to give it the necessary teeth. Until this is done, the National Gender Policy will remain a mere paper tiger.

ARTICLE 2: OBLIGATION TO ELIMINATE DISCRIMINATION

Nigeria has domesticated the African Charter on Human and Peoples' Rights¹³ and enacted the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, 2004, the Universal Basic Education and Other Related Matters Act, 2004, and the Child Rights Act at the federal level and in sixteen (16) states.

In defining the obligation to eliminate discrimination against women in Nigeria, some states governments in Nigeria have enacted the following laws:

- Malpractices Against Widows and Widowers (Prohibition) Law 2005 in Ekiti, Enugu, Imo, Ebonyi and Anambra States.
- Law to Prohibit Domestic Violence Against Women and Maltreatment. Law No.10 of 2004 by the Cross Rivers State Government.
- Inhuman Treatment of Widows (Prohibition) Law 2004 of Edo state.
- Law Prohibiting Domestic Violence in Lagos State 2007 (passed by the House but not signed) and Ekiti State.
- Law Prohibiting Withdrawal of the Girl Child from School for Marriage in Kano, Niger, Gombe, Bauchi and Borno States.
- Schools' Rights (Parents, Children and Teachers) Law No. 2, 2005 Rivers State.
- Street Trading Restriction law, 2004 Anambra State.
- Women's Reproductive Rights Law, 2005 Anambra State.

The National Gender Policy was adopted in 2006 to replace the National Women's Policy of 2000.

REALITY

Despite the spirited efforts of women's organisations in some states to domesticate CEDAW, the process of passing the 'Abolition of all forms of Discrimination Against Women in Nigeria and Other Related Matters Bill, 2006' (CEDAW Bill), drafted from the provisions of CEDAW, into law in Nigeria to make it enforceable was stalled at the National Assembly because of the misinterpretation of Articles 12 and 16. Article 12,

¹³ Cap A. 10 Laws of the Federation of Nigeria (LFN), 2004.

which basically provides for sexual and reproductive health rights, has been conservatively interpreted as that which seeks to legalise abortion under the disguise of reproductive health and family planning. Article 16, on the other hand, has been criticised as anti-religious and contrary to culturally laid-down rules on betrothal and marriage. The points against article 16 includes the age of marriage, compulsory registration of all marriages in an official registry, rights on the choice of family name; full consent in betrothal and marriage among other points; as it is feared that men's dominant power in marital issues, which has generally become the norm, would be challenged by women. The Bill if passed into domestic law and implemented would have been able to address the issue of discrimination and violence against women in Nigeria. Since the Bill was thrown out by the National Assembly, the effort to have a law to breach the equality gap between women and men was frustrated. The failure to pass the Bill into law signifies the lack of goodwill on the issue of equality between women and men and has enhanced the level of intolerance to the total emancipation of women in Nigeria.

However, four State Houses of Assembly (state legislature) with the efforts of women's rights organisations have passed State law to prohibit malpractices or inhuman treatment against widows or widowers in consonance with Section 43 of the Constitution, which permits both men and women to own and acquire movable and immovable property. Despite this provision, 'a large proportion of women in Nigeria are barred from owning land by customary laws of inheritance'¹⁴. But we must note that this is just an aspect of the customs and practices that discriminate against women, nothing short of the existence of a justiceable National law prohibiting these customs and practices can adequately protect women in Nigeria.

Moreso, the haphazard manner in which some aspects of CEDAW has been incorporated into the law in some states in Nigeria is of great concern, which may eventually water down the importance of CEDAW. This may reinforce discrimination against women. The compilation and harmonisation of the tripartite system of laws undertaken by the National Centre for Women Development in collaboration with the Federal Ministry of Women Affairs, Nigerian Law Reform Commission, Legal Aid Council, National Human Rights Commission, International Federation of Women Lawyers, and Women's Rights Advancement and Protection Alternative is laudable. However, it has not impacted positively on the lives of Nigerian women and the outcome of the exercise which resulted in the "Abolition of all forms of Discrimination Against Women in Nigeria and Other Related Matters" Bill, 2006 was frustrated when the Bill was thrown out in year 2007 by the National Assembly.

The Child Rights Act has not been enacted into law in all the states of the Federation and where the law has been enacted, some state governments place reservations to some of the provisions -in particular the provisions relating to the age of marriages.

The National Gender Policy 2006 is a key policy document that supports women's participation in political and public life. The fifth objective of the Policy is aimed at achieving minimum threshold of representation for women in order to promote equal opportunity in all areas of political, social, and economic life of the country for

¹⁴ Federal Republic of Nigeria National Gender Policy developed by Federal Ministry of Women Affairs and Social Development 2006.

women, as well as for men. The fifth target of the policy is to adopt special measures, quotas and mechanisms for achieving minimum critical threshold of women in political offices, party organs and public life by pursuing 35% affirmative action in favor of women to bridge gender gaps in political representation in both elective and appointive post at all levels by 2015.¹⁵ This is taken as a temporary measure to bridge the disparity between men and women, which stands at 94% to 6% as at 2007. The bane of this policy however is that, in reality, there is little or no awareness of it, and it also does not have force of law.

Some States have taken special measures to bridge the gap and address the issue of lack of adequate protection for women's right by establishing the Office of the Public Defender (OPD) which provides legal aid on civil matters that are of utmost importance to women. Sadly, only four states out of the 36 states in Nigeria have OPD.¹⁶ The OPD in these states are also unable to cope with the enormity of the cases brought to them. Where they exist there is low level of awareness of their existence, as such most women cannot benefit from the services provided.

RECOMMENDATIONS

1. CEDAW should be domesticated at both the Federal and State levels.
2. The Nigerian government should have the political will to enforce and implement existing laws eliminating discriminatory practices against women.
3. All the States of the Federation should enact laws to eliminate discriminatory practices against women.
4. There is also need for mass awareness and education at all levels by the various governments and governmental agencies in Nigeria.
5. The Federal and States government should have sufficient funds specifically for women's rights education at all levels.
6. There is urgent need for constitutional review to incorporate affirmative action of 50% in favour of women.

ARTICLE 3: MEASURES TO ENSURE THE FULL DEVELOPMENT AND ADVANCEMENT OF WOMEN.

LEGAL AND OTHER MEASURES:

There are existing governmental institutions, laws, policies and mechanisms aimed at guaranteeing the full development and advancement of Nigerian women. The Federal and States Ministries of Women Affairs and Social Development; National Centre for Women Development; Gender Desks established in some of the Ministries and agencies are all examples of measures taken to enhance the full advancement of women.

The closest provision for economic, social and cultural rights is found in Chapter 2 of the Constitution and it is titled Fundamental Objectives and Directive Principles of State Policy.

¹⁵ National Gender Policy, 2006.

¹⁶ Lagos, Rivers, Ogun and Ekiti States have established OPD.

The Nigerian government adopted the National Economic Empowerment and Development Strategy (NEEDS)¹⁷ aimed at realizing the Millennium Development Goals (MDGs) and the New Partnership of Africa's Development (NEPAD), a development initiative by the African Union. The State Economic Empowerment and Development Strategy (SEEDS) is a replication of NEEDS at the State level. The NEEDS policy thrust for women is to fully integrate them through enhancing social, political and cultural life of the country. The measures to be adopted to achieve these goals are:

- Ensuring equitable representation of women in all aspects of governance. The affirmative action of proportionate representation of not less than 30% representation is to be pursued where feasible.
- Domestication of UN Convention on the Elimination of all forms of Discrimination Against Women (CEDAW).
- Pursuing legislation for the abolition of all forms of harmful traditional practices against women.
- Mainstreaming women concerns and perspectives in all policies and programmes.
- Promotion of women's access to micro credit at all levels of poverty alleviation with a view to reducing feminised poverty.
- Empowerment of women through sustained advocacy education and mobilisation to reduce vulnerability to HIV/AIDS and STDs.
- Establishing scholarship schemes at the secondary and tertiary levels in order to expand educational opportunities for female students where necessary and expanding a programme on non-formal education through sustained advocacy education e.g. adult and vocational education to cater for women beyond school age.¹⁸

REALITY

Economic, social and cultural rights (ESCR) are not provided for by the Constitution.¹⁹ The closest to ESCR is found in Chapter II of the Constitution and it is termed Fundamental Objectives and Directive Principles of State Policy. Neither the language of the Constitution, its terms, intents or purposes denote them as rights, or title bearing claims. In their true character, the Fundamental Objectives and Directive Principles of State Policy are declaratory statements of national policy that establish broad political, social and cultural guidelines of government policymaking. They identify or articulate our national idealisms, within the scheme of a constitutional agenda and establish broad and sometimes specific means of attaining to the visions. The provisions are also non-justiceable.²⁰ This constitutional gap fosters wider room for discrimination against women.

One of the objectives of NEEDS is to reduce the poverty level among citizens- in particular women. The poor implementation of the policy as well as ineffective

¹⁷ Policy was adopted in 2004.

¹⁸ NEEDS document , 2004 p. 107.

¹⁹ Chapter II of the Constitution.

²⁰ Section 6(6) (c) of the Constitution states "The judicial powers vested in accordance with the foregoing provisions of this section shall not, except as otherwise provided by the this Constitution, extend to any issue or question as to whether any act or omission by any authority or person or as to whether any law or any judicial decision is in conformity with the Fundamental Objectives and Directive Principles of State Policy set out in Chapter II of this Constitution."

monitoring of progress made, especially with women, has however left majority of women especially the rural women and women headed households in abject poverty. As at 2006, statistics shows that women constitute over 65% of the 70% Nigerians who are estimated to live in abject poverty²¹, that is, on less than \$1 per day.

At the economic level, the voices of Nigerian women are not heard since they are mostly seen in the informal sectors and care economy. From a gender perspective, poverty in Nigeria has a feminine face, and this has been proven by quantitative and qualitative data. Women are predominantly in the affected groups, although poverty affects men and women in different ways, analysis has shown that poor women outnumber poor men.

Given that Chapter II of the Constitution is not enforceable, it is impossible for government to be held accountable for not implementing the provisions of NEEDS as they relate to Chapter II of the Constitution.

30% Affirmative Action for women’s participation in Nigeria:

As a means of improving women’s participation in politics in Nigeria, 30% affirmative action is provided for in the National Women Policy. This percentage has been increased to 35% in the National Gender Policy, 2006. Little or nothing is known of the Gender Policy, and this hinders implementation. Women’s political participation continues to be inhibited by some socio-cultural factors that relegate women to the background in leadership discourse and decision making processes. The table below shows the low level of women’s participation in political positions in Nigeria²².

Year	Houses of Assembly		House of Representatives		The Senate	
	Seats available	No. of women	Seats available	No. of women	Seats available	No. of women
1999	978	12	360	13	109	3
2003	951	39	339	21	109	4
2007	990	54	358	25	109	9

The World Class classification of women in National Parliaments records that as at 30 November 2007, the percentage of women in the lower house of legislature is 7.0%, while it is 8.3% in the senate.²³

The percentage increase in the participation of women in Nigeria in 2007 (over that of 2003) is only 2%.²⁴

²¹ Federal Ministry of Women Affairs, 2006; National Gender Policy.

²² Onwuka Nzeshi: Nigeria: ‘Women, Still Underdogs in Nigerian Politics’. This Day (Lagos); 11 May, 2007; and contribution from GADA.

²³ Women in Parliament: World Classification; 30 November 2007; <http://www.ipu.org/wmn-e/classif.htm>; Last visited on Feb 26, 2008.

²⁴ Info from GADA.

In April 2007, Anambra state passed a bill on equal opportunity, which was sponsored by a female member of the legislative body, Mercy Anagbogu. The main challenge however is in the area of implementation.

The leader of the House Committee on Women at the National Assembly, seeing that women are yet to be adequately represented in politics and leadership positions despite the 30% affirmative action, is recently soliciting a quota system, which will be applied from the primary levels of all political parties. A quota system of this nature will ensure that women have equal opportunity to contest for political posts, she said²⁵.

Women do not also fare better in the Federal Civil Service. As opposed to the promise of the Federal Civil Service Rules, 03201(a), that 'Nigerian women, whether married or not may be admitted to the permanent establishment in these trades of the Federal Public Service for which they are qualified on equal terms with men', women only constitute 24% of the total number of persons employed in the Federal Civil Service. This inequality manifests to a greater degree at the managerial position in which women only constitute 14%.²⁶

On a positive note however, Nigeria now has its first female head of civil service but this is still insignificant in comparison to the general marginalisation of women in the country.

Gender stereotypes have also militated against women in the industrial arena. Women only constitute 11% of persons employed in the industrial sector compared with men who have 30% representation. Women are most seen in the informal sector, as they constitute 87% of persons employed therein²⁷.

Child Rights Act: The National Assembly passed the Child Rights Act (CRA) into law in 2003 to promote and protect the rights of the child. The Act specifically responds to the situation of the girl child and her vulnerability to violence, sexual abuse, early/forced marriage and other forms of sexual exploitation. This Act has however been adopted in only 16 states (Abia, Anambra, Bayelsa, Ebonyi, Edo, Ekiti, Imo, Jigawa, Kwara, Lagos, Nasarawa, Ogun, Ondo, Oyo, Plateau, and Taraba) out of the 36 states of the federation. Osun and Rivers states legislatures have passed the law but still waiting for the Governors to assent. Most of the states in the north of Nigeria have refused to adopt the Act on the grounds of culture and religion.

In the states that have passed the CRA into law, implementation and enforcement of the law remains a challenge. The implication of this is that the girl child in Nigeria is still vulnerable to violation of rights, betrothal, marriage, and her entire sexuality.

The National Health Insurance Scheme put up by the government aims of bringing about a comprehensive health care system, based on primary health care to every citizen of the country has practically become inaccessible to most women. The scheme has largely benefited only the few women who are engaged in the formal wage

²⁵ News broadcast on Nigerian Television Authority; January 18, 2008.

²⁶ Ibid 1.

²⁷ Ibid 1.

sector, especially those in government paid employment. As majority of women are unemployed in the non-wage sectors such as farming and trading in the rural areas, and the women who only work in the homes, most women do not benefit from the scheme.

There is also insufficient awareness of the activities of the Health Management Organisations set up to provide health services through healthcare facilities approved by the scheme.

The National Economic Council: The recently adopted proposal of the National Economic Council to disburse funds to improve on the agricultural sector of the country to give funds in form of subsidy to those actively involved in agriculture, makes no reference to gender consideration. There is no mention of gender consideration. From experience, when there is a general policy without a specific attention given to gender implications, women usually do not benefit. The non-specificity of gender consideration in the proposed programme would likely result in women not getting equal benefit from it as men. It can, however, not be over emphasised that most women at the community level survive mainly on subsistence farming.

Domestic Violence Against Women: From the last country report, very little information was provided on violence against women. Then the CEDAW committee raised the following questions:

- What was the legislative situation with regard to violence against women, including domestic violence, especially in the Penal code?
- What are the evidentiary rules that govern sexual violence and adultery?
- Does the government provide funding for support services for women victims of violence?
- What is the government doing to raise the awareness of law enforcement officials with respect to the issue of violence against women, particularly within the home?

Reality in Addressing Violence Against Women in the country: Domestic violence is part of the systematic violation of the dignity and rights of women in Nigeria. Since the last report, not much more is known about the real extent of domestic violence in the country. The government is very slow in putting measures in place to combat domestic violence against women and children. Despite the existence of Ministries of Women Affairs at federal and state levels, not so much is being done in ensuring the protection of women and children from domestic violence.

Apart from the Bill on CEDAW, several other Bills introduced into the National Assembly regarding the protection of the rights of women, have not succeeded in being passed into law indicating a total lack of commitment to outlawing violence against women. By the end of the 2007 legislative, The Violence Against Women (Prohibition) Bill 2003 has not been formerly raised on the floor of the House; Domestic Violence Protection Bill 2005 has passed first and second readings in the House but it is still at committee level; Draft Bill on Elimination of Violence 2006 has only passed first reading at the National Assembly; The bill on the Protocol to the

African Charter on Human and People's Rights on the Rights of Women has also not been passed into law²⁸.

Out of the 36 states in Nigeria, only four states have enacted Domestic Violence Law. These states are Ebonyi, Jigawa, Cross River and Lagos state. Coalitions on the Domestic Violence Bill in each of these states worked together with the state legislators and Ministry of Women Affairs in ensuring the promulgation of the bill into law in these states.

The legal aid scheme, which the government provided could not be assessed by women who constitute a large number of those who need the scheme the most. This is because the scheme, which ought to be available for all criminal and civil offences, does not function well; sometimes only fresh law school graduates who lack experience are available to render services, at other times, the scheme is just unavailable. There had been no awareness on the services of the legal aid, and most women are simply ignorant of its existence²⁹.

Effects of trade policies on women: International trade, through economic agreements, is a tool for addressing poverty in the world. The World Trade Organisation/General Agreement on Trade and Tariffs (WTO/GATT) Agreements for example are also meant to promote free and fair trade and to ultimately alleviate poverty in the world. Impressed by the much touted gains of deregulation of a neo-liberal global economic system, Nigeria as many developing countries has adopted various liberal trade policies without adequate consideration given to its gender impact. For example, withdrawal of protection from textile industry has led to unfair competition and virtually killed the industry. Some years back, the textile industry formed the largest means of livelihood for women who dominated the industry, the unfair trade balance has not allowed the industry to be taken over: most clothing are now imported into the country, leaving the women without a surviving means. Women carry out 70% of agricultural labour, 50% of animal husbandry and 60% of food processing³⁰, but the unfair trade policies would not allow these agricultural products to be exported, foreign agricultural products, especially fruits flooded the Nigerian market, and the women bear the major brunt.

The 1999 Constitution of the Federal Republic of Nigeria: The Constitution is not gender sensitive in so many ways. Not all its provisions are enforceable. A case in point is Chapter II of the Constitution. Consequently, economic, social and cultural rights which are also of importance to women are not guaranteed despite the fact that these rights are crucial to the promotion and protection of women's human rights and will further aid the full advancement of women. The language of the Constitution is also not gender sensitive, as the pronoun 'he' is used in all places where women and men are referred to.

²⁸ Africa: SOAWR update on the Protocol on the Rights of Women in Africa. <http://www.pambazuka.org>. accessed on February 18, 2008.

²⁹ *Women's Access to Justice and Personal Security: A Synthesis Report*; Published by BAOBAB for Women's Human Rights, 2003, p. 7.

³⁰ National Gender Policy, 2006, p. 7.

The Constitution in section 12 particularly requires all international treaties to be domesticated before they can have the force of law in Nigeria. As a result, bills on CEDAW, the African Union Protocol on the Rights of Women in Africa and all other gender sensitive international instruments would have to pass several readings, gaining the consent of the two-third majority of the senators in the National Assembly before they can be passed into law. Moreso, because the domestication of CEDAW falls under the concurrent legislative list in the Constitution, it must be ratified by majority of all the houses of Assemblies in the federation before it can be enacted into law applicable throughout the country.³¹ All the thirty-six states also have to pass state legislations on such Acts before it becomes enforceable in all the states.

Some other policies of some governmental establishments: Various legislation and official policies of the government as exemplified in the Police Act recruitment of a married woman cannot be recruited into the force discriminates against women. A police woman who becomes pregnant outside marriage is suspended; and a police woman who intends to marry must seek approval from the boss on the man to marry, and get a permission to marry. This is not applicable to the men, and shows the level of discrimination against women. These provisions constitute a legal backing for discrimination against women within the force, and as it is also influential in communicating official perspectives in the status of women, it is not unlikely to be contributing to the lesser regard given to women by law enforcement agents; this retards the full advancement of women. The immigration office would require a married woman who intends to travel outside the country to present a written permission from the husband, whereas, married men are usually not being asked for wives' permission: another form of gender discrimination that the government indirectly perpetrates against women under the disguise of policy.

The Human Rights Commission: The National Human Rights Commission, NHRC, was established in 1996 with the mission of creating an enabling environment for extra-judicial recognition, promotion, protection and enforcement of all rights recognised and enshrined in the Constitution and other regional and international treaties to which Nigeria is a party³². The NHRC needs to be strengthened for the promotion of human rights in general and women's human rights in particular. To get this done, most international women's rights treaties like CEDAW and the AU Protocol have to be domesticated and made to have the force of law. The Executive Secretary to the NHRC in a visit to the Speaker of the National Assembly on March 18, 2008, corroborated this point as she pleaded with the Speaker for the National Assembly to speed up action in passing the numerous human rights bills that have been presented to it. She said only that would allow the NHRC to be able to fulfill its mandate³³.

The National Gender Policy: The National Policy on Women adopted in 2004 was largely one on paper only and it had little positive effects on the lives of Nigerian women. It was replaced with the National Gender Policy in 2006. On January 14, 2007, the Minister of Women Affairs, Mrs. Maryam Ciroma commenting on the National Gender Policy noted that, that "once adopted, the policy will become effective vehicle for the actualisation of other developmental instrument such as NEEDS/SEEDS,

³¹ Section 12(2)(3) of the Constitution.

³² www.nhrc.org

³³ News broadcast on Nigerian Television Authority; January 18, 2008.

MDGs, and CEDAW”³⁴. As at the time of this report, there have been no significant improvements on the actualisation of NEEDS/MDGs as evident by the situation of women in Nigeria. Besides, it will almost be impossible for the set policy objectives, goals and targets as well as other outlined strategy of the policy to be effective without a constitutional to promote gender equity, and the domestication of gender sensitive international instruments such as CEDAW and the AU protocol on women.

RECOMMENDATIONS:

1. Review the Constitution to make it gender sensitive.
2. Domesticate CEDAW and the AU Protocol on Rights of Women.
3. All states should adopt the Child Rights legislation.
4. The government should review all national policies to accommodate and cater for women’s needs.
5. The government should Implement policies such as NEEDS, and the National Gender Policy to benefit women.
6. The Parliamentarians should enact the Draft Bill on Elimination of Violence 2006, the Violence Against Women (Prohibition) Bill 2003, and the Domestic Violence Protection Bill 2005.
7. The government should engender all policies in order for the women to benefit from such.
8. Government should enact Domestic Violence Law at national and state levels.
9. Concrete approach should be put in place to monitor the work of the government ministries.
10. The government should raise awareness of law enforcement officials with respect to the issue of violence against women, particularly within the home.
11. The government should provide funding for rehabilitation of women survivors of violence.
12. Ministry of Women Affairs and Youth Development should work also in collaboration with the NGO Coalition on Domestic Violence in Nigeria to achieve results.
13. The government should build capacity of the law enforcement agents, social welfare and judiciary officials to handle violence against women and also in providing support and counseling to women victims of violence.
14. Strengthen the National Human Rights Commission (NHRC) and give it specific legal mandate to promote and protect women’s rights.

ARTICLE 4: SPECIAL MEASURES TO ACCELERATE EQUALITY BETWEEN MEN AND WOMEN

LEGAL AND OTHER MEASURES:

The National gender policy was adopted in 2006 to replace the national Policy on women. The NEEDS and SEEDS document provides for engendering of all programs emanating from the document through affirmative action. The virtual Poverty Fund

³⁴ www.triumphnewspapers.com; Sunday January 14, 2008.

and the Women Fund for Economic Empowerment (WOFEE) are measures adopted by government to provide micro-credit loans to rural women which is aimed at creating the enabling environment for the acceleration of equality between men and women.

Strategic and women focused institutions, such as National Council for Women Society, exist in each state of the federation and carry out activities that will impact women's lives by closing the inequality gap between women and men in our society.

Laws are also enacted in some states of the federation, especially the Northern States such as Bauchi, Borno, Gombe, Kano and Niger states, to prohibit the withdrawal of the girl child from school for marriage.

The Child Rights Act, Universal Basic Education Act, the Domestic Violence Laws, and other Laws prohibiting discrimination against Women enacted by the Federal Government and some state government in Nigeria are laws whose effective implementation and enforcement are capable of accelerating equality between men and women in our society.

Equally, training activities such as human rights training, gender mainstreaming, handling of gender based violence, and other advocacy activities were undertaken by Government in collaboration with various civil society organisations and Development Partners. These are laudable efforts in raising awareness and building capacity of the law enforcement officials, as this will further aid the acceleration of equality between women and men.

Shortly, before the general elections in 2007 the Federal Ministry of Women Affairs and Social Development in collaboration with some Women focused Non-governmental Organisations (NGOs) in Nigeria to build the capacity of women to participate in the electoral processes. The National Political Reform Conference (NPRC) held in 2005 also made far-reaching recommendations that can aid the attainment of gender equality in Nigeria.

In the area of peace and human security, the Federal Government sometime in September 2007 launched a gender task force on peace and human security in Nigeria. This task force comprises representatives of the House Committee on Women, the Federal Ministry of Women Affairs, and two NGOs, West Africa Network for Peace Building (WANEP-Nigeria) and Impact for Change. The mandate of this task force is to monitor the implementation of UN Security Council Resolution 1325.

REALITY

The implementation of NEEDS and SEEDS has not improved the situation of Nigerian women who bear the brunt of inequality.

The laws enacted especially in the Northern states of the country to improve the opportunity of the girl child to education are seriously hampered by lack of effective enforcement and monitoring mechanisms. The Laws are only on paper and not in reality. Many women in Nigeria still lack formal education compared to their male counterpart. A research conducted in Nigeria on gender perception in 2006 reveals that 94% of respondents interviewed agreed that education is a fundamental right on which both boys and girls should draw and that it is proper and good for the society.

But when asked whose education should be pursued when under financial crisis, 70% of the respondents preferred the male child, reflecting the societal gender perception.³⁵ The outcome of these researches and studies point to the fact that the legal measures taken to improve access of the girl child to education has not translated to any remarkable progress in accelerating equality between men and women. The patriarchal structure and gender stereotypes inherent in our society have continued to retard any meaningful progress recorded in accelerating gender equality.

There is little or no awareness of the various legislations enacted to tackle inequality and raise the status of women. Further, there is no evident commitment, enforcement and implementation of the laws. The numerous trainings conducted by government, civil society and other development partners do not appear to have had much effect. The attitude of an average Police Officer to gender based violence has not altered nor has there been any meaningful improvement in the political participation of women.

The Virtual Poverty Fund, skills acquisition, and all other poverty alleviation programmes have similarly not translated into raising the status of women to parity with that of men. Skills acquisition programmes have in fact ensured in reinforcing the inequality between men and women as major training skills offered follow the traditional gender-defined occupational stereotypes for example hairdressing, fashion designing, catering are but an extension of women domestic responsibilities. Majority of Nigerian women are not aware of the Virtual Poverty Fund and as such unable to take advantage of the funds.

The measures reported to have been taken by the government at the level of the private sector is false. There are no measures or programs targeted by government towards the private sector aimed at accelerating equality between men and women. The emergence of a woman as the CEO of Oceanic bank PLC Nigeria was not in anyway connected to the activities or special measures towards the private sector. Rather, the government has been very insensitive towards the plight of women working in the private sector. These women experience discrimination in employment on daily basis. Their plight is well captured in the 6th periodic country report.

The gender budgeting network of Center for Democracy and Development (CDD) and the gender policy of the Nigerian Labour Congress (NLC) are independent initiatives of the organisations concerned. The programs are not in anyway facilitated by the government.

None of the special measures taken by the government to accelerate equality between men and women are minority specific. There are no statistics to show that there are measures in place to accelerate equality between men and women, especially women belonging to ethnic minority groups. Women belonging to ethnic minority groups in Nigeria suffer double marginalisation as they constitute the poorest of the poor in Nigeria because they are women.

The situation of the Niger-Delta women whose environment has been devastated by oil exploration activities is illustrative. Women are the worst victims of the activities of

³⁵ The Association of African Women for Research and Development (AAWORD) Research on Gender Perception.

oil exploitative and exploration companies as the destruction of the ecosystem deprives them of their basic means of subsistence, which is fishing. Given that many of these women are breadwinners, the destruction of the ecosystem affects their daily subsistence and widens the poverty gap between women belonging to ethnic minorities and women belonging to other groups and men in general. The unabating poverty has propelled many of these women to embrace prostitution as a way of providing for their families. This increases the risk of contracting HIV. The high rate of poverty has also resulted in restiveness in the region; which, in turn, constitutes a threat to peace and human security from which women suffer more as victim's.

RECOMMENDATIONS

1. The government should put special measures in place to address the underdevelopment of the Niger Delta and the impact on women and adopt specific recommendations to respond to this.
2. The Constitution should be reviewed to make it gender sensitive.
3. Governments should as a matter of urgency represent the CEDAW Bill before the National Assembly for enactment into Law.
4. Law enforcement mechanisms must be sharpened towards the actualisation of women's human rights.
5. Government should create awareness, on all poverty reduction or alleviation funds and simplify procedures for accessing the funds, so that many women can benefit from it.
6. Skills acquisition programmes should be reviewed to include skills which do not reinforce the domestic responsibilities of women. Funds should be made available to beneficiaries of the programmes to enable them to set up their businesses.
7. Legal measures should be complemented with popular education and information dissemination to promote increased public support for ending all forms of discrimination against women.
8. Effective regular monitoring and evaluation mechanism should be put in place to constantly review and assess the enforcement of laws regularly.
9. Measures to accelerate equality between men and women should be minority specific.

ARTICLE 5: GENDER ROLES AND STEREOTYPES

LEGAL AND OTHER MEASURES

The language of the Constitution reinforces preference for the male sex, which is a reflection of societal gender perception. The National Gender Policy, 2006 seeks to "build a just society devoid of discrimination, harness the full potentials of all social groups regardless of sex or circumstance, promote the enjoyment of fundamental human rights, and protect the health, social, economic and political well being of all citizens in order to achieve equitable rapid economic growth and evolve an evidence based planning and governance system where human, social, financial and technological resources are efficiently and effectively deployed for sustainable

development.”³⁶ It challenges the present structure of gender role relations in both the private and the public spheres of life, and in particular the structures which continue to perpetrate gender inequalities, and the inability of the citizenry (women and men) to use their natural endowments and potentials to the optimum because of negative traditional gender role orientations and values which impede development. The policy is to facilitate institutional frameworks, which will ensure equal access to and control over resources for both women and men. The core strategies for achieving the objectives of the National Gender Policy makes reference to gender mainstreaming, gender justice and addressing the needs of women and children.

REALITY

The Nigeria 6th country periodic report on gender roles and stereotypes asserts that it has put some administrative measures in place to eliminate gender roles and stereotypes about women and girls. However, these measures have only scratched the surface of the problem but not solved it. Furthermore, sex and gender stereotypes pervade the school system and curricular. Socialisation in a patriarchal culture like Nigeria makes domestic chores and domestic affairs to be seen as the concern for women whilst men are associated with occupying public positions. Some women are perpetrators of sex roles and gender stereotypes due to lack of awareness of the impact of such roles on the promotion and protection of women’s rights. Government in collaboration with faith based organisations has not created enough awareness programmes to use religion as a vehicle to promote women’s rights. Consequently, despite the existence of the National Gender Policy, patriarchy, gender roles and stereotypes still dominate all aspect of women’s lives and have impeded economic productivity, resulting in an unequal access to and unfair distribution of resources. The methods of socialisation and cultural practices are highly skewed in favour of men. It also accounts for the greater number of females in the informal sector.

The regional research conducted by the Association of African Women for Research and Development (AAWORD)³⁷ titled “*The Perceptions and Representations of African Men and Women of the Equality between Men and Women*” had the objective to review trends by identifying the levels of inequalities and socio-culturally determined sexual discrimination and to evaluate the progress made in this area. This research was conducted in the six geo-political regions in Nigeria. The research work showed that a lot of obstacles remain to be tackled in terms of barriers to changing perceptions embedded in culture/traditional beliefs and practices as shown in the tables below.

³⁶ NATIONAL GENDER. POLICY. A publication of Federal Ministry of Women Affairs and Social Development, 2006. p. vii.

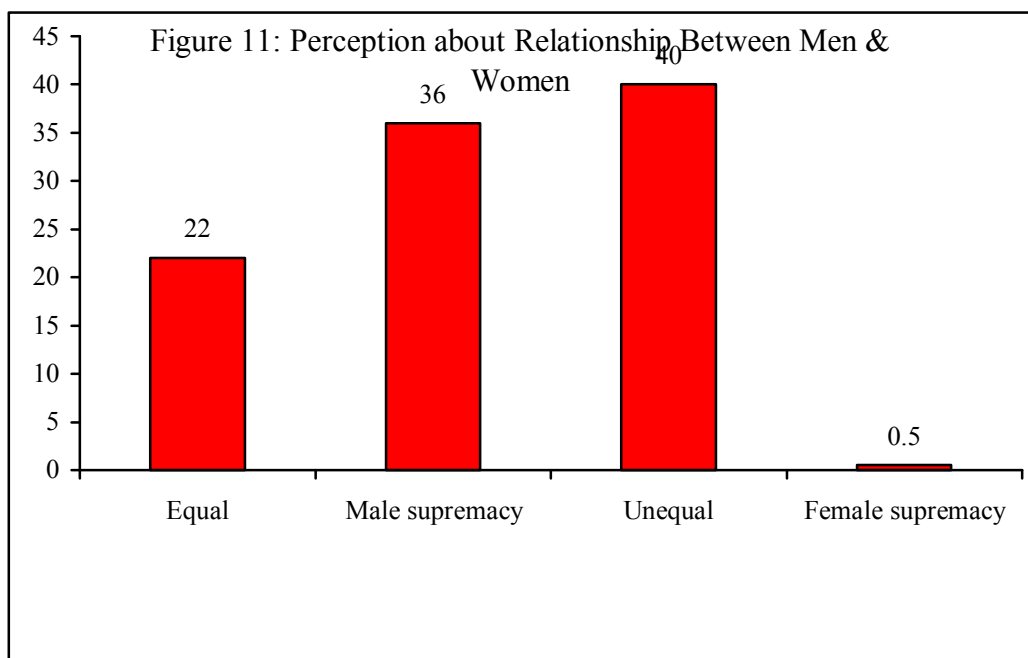
³⁷ The Association of African Women for Research and Development (AAWORD) SHOULD THIS BE A CITATION TO THE RESEARCH PAPER?.

Table 5.1 Who takes care of household expenses?³⁸

	Base	Sex		Social Class ³⁹		
		Female	Male	AB	C	DE
	739	446	281	76	263	285
No reply	7.70%	6.50%	9.60%	9.20%	7.20%	7.40%
Male spouse	51.20%	61.40%	34.90%	48.70%	48.70%	56.10%
Female spouse	6.40%	5.20%	8.50%	7.90%	8.00%	5.30%
Other members of the family	28.30%	22.20%	38.40%	32.90%	29.30%	25.30%
Father	2.80%	3.40%	2.10%	-	2.70%	3.20%
Mother	1.10%	0.70%	1.40%	-	0.80%	1.40%
Brother	0.70%	0.70%	0.70%	-	0.80%	0.70%
Siblings	0.80%	-	1.80%	1.30%	1.10%	0.70%
Parents	1.10%	-	2.50%	-	1.50%	-

When respondents were asked to name the person who bears household expenses, the results confirm the societal perception that men are the bread winners and are major contributors to household income.

Table 5.2. Perception about Relationship Between Men and Women⁴⁰



³⁸ *The Perception of Men and Women on the Equality between Men and Women- The Nigerian Case Study*. Published by AAWORD , 2006. Table 10C. p. 345.

³⁹ In the Social Class stratification, AB means Top Class; C means Middle Management Staff; D means Artisans; E means Clerks.

⁴⁰ Ibid 40.

In order to elicit respondents' opinion on relationship between men and women within the family framework they were asked various questions on relationships within the home front and its management. First, they were asked to give their perception about relationship between men and women. Majority of respondents said that the relationship is not equal or is dominated by male supremacy.

This assertion was later confirmed when they were asked 'who makes important decision in the family'. Sixty-four percent of the sample mentioned the man while 32% said it is both man and woman.⁴¹

TABLE 5.3 Is the salary of women to be mere supplement to household income?⁴²

	Base	Sex		Widower	Social Class		
		Female	Male		AB	C	DE
	1608	687	896	13	207	625	515
No reply	63	15	42	1	8	27	12
	3.90%	2.20%	4.70%	7.70%	3.90%	4.30%	2.30%
Yes	960	440	510	6	96	361	345
	59.70%	64.00%	56.90%	46.20%	46.40%	57.80%	67.00%
No	585	232	344	6	103	237	158
	36.40%	33.80%	38.40%	46.20%	49.80%	37.90%	30.70%

Sixty (60)% of respondents felt that women's salary is a mere supplement to household income, a view held by a larger proportion of the female respondents than their male counterparts. That is, more women than men believe their salary is a mere supplement to household income. This finding corroborates Table 5.1 above where 52% of the total sample agreed that men are saddled with household expenses.

TABLE 5.4 Do you think there are jobs women cannot do?⁴³

	Base	Sex		Social Class		
		Female	Male	AB	C	DE
	1608	687	896	207	625	515
		42.70%	55.70%	12.90%	38.90%	32.00%
No reply	1011	392	603	121	394	348
	2.80%	2.00%	3.10%	3.40%	2.60%	3.10%
Yes	552	281	265	79	215	151
	34.30%	40.90%	29.60%	38.20%	34.40%	29.30%

⁴¹ *Id.*

⁴² Table 32a p. 369 AAWORD research.

⁴³ Table 33a p. 369 AAWORD research.

As evidenced from the table above, many people still believe that there are jobs that women cannot do. 63% of the respondents confirmed this.

In the realm of political participation, the patriarchal structure, which strengthens male superiority over female, also came to the fore as the majority of respondents preferred to vote for a man rather than a woman on the basis of equal competence.

The choice of men over women on this issue is informed by the following:⁴⁴

- He is the head as a man
- They are more capable/competent
- Men are more responsible than women
- I am not in support of women to be the president
- A man is created to rule a woman

Table 5.5 On the basis of equal competence, would you vote for a man or a woman?⁴⁵

	Base	Sex		Social Class			Zones of Survey					
		Female	Male	AB	C	DE	North Central	North East	North West	South East	South West	South South
	1608	687	896	207	625	515	352	217	244	289	230	260
No reply	113	41	66	12	50	29	19	11	6	22	31	21
	7.00%	6.00%	7.40%	5.80%	8.00%	5.60%	5.40%	5.10%	2.50%	7.60%	13.50%	8.10%
Men	976	310	652	122	372	343	214	146	182	169	137	121
	60.70%	45.10%	72.80%	58.90%	59.50%	66.60%	60.80%	67.30%	74.60%	58.50%	59.60%	46.50%
Women	519	336	178	73	203	143	119	60	56	98	62	118
	32.30%	48.90%	19.90%	35.30%	32.50%	27.80%	33.80%	27.60%	23.00%	33.90%	27.00%	45.40%

TABLE 5.6 Whether it was necessary to transform the balance of power existing between men and women?⁴⁶

	Base	Sex		Social Class		
		Female	Male	AB	C	DE
	1608	687	896	207	625	515
No reply	75	31	41	12	21	21
	4.70%	4.50%	4.60%	5.80%	3.40%	4.10%
Yes	832	410	411	116	334	256
	51.70%	59.70%	45.90%	56.00%	53.40%	49.70%
No	701	246	444	79	270	238
	43.60%	35.80%	49.60%	38.20%	43.20%	46.20%

⁴⁴ AAWORD research p.382.

⁴⁵ Table 47a p. 383 AAWORD research.

⁴⁶ Table 49a. p. 383 AAWORD research.

The fact that about 52% of respondents agreed that there is need to transform the balance of power existing between men and women shows the imbalance in power relations, and only 32% of respondents want equality between men and women.

TABLE5.7: If yes, which direction? - Whether to transform the balance of power existing between men and women?⁴⁷

	Base	Sex		Social Class		
		Female	Male	AB	C	DE
	832	410	411	116	334	256
No reply	11	3	8	1	3	5
	1.30%	0.70%	1.90%	0.90%	0.90%	2.00%
Give more power to the man	176	55	118	22	57	79
	21.20%	13.40%	28.70%	19.00%	17.10%	30.90%
Give more power to the woman	358	219	134	51	156	92
	43.00%	53.40%	32.60%	44.00%	46.70%	35.90%
In the equality ... direction	262	122	137	37	109	73
	31.50%	29.80%	33.30%	31.90%	32.60%	28.50%
Status quo	23	10	13	3	9	7
	2.80%	2.40%	3.20%	2.60%	2.70%	2.70%
Others	2	1	1	2	-	-
	0.20%	0.20%	0.20%	1.70%	-	-

As made evident by the data above, gender stereotypes continued to be reinforced in Nigeria as series of the agents of socialisation such as the family, schools, religious institutions, and the media have become custodians as well as disseminators of gender roles, stereotypes, prejudices and discriminatory cultures. Girls and boys grow up in Nigerian society to accept male superiority over female and the patriarchal structure has become the unquestionable phenomenon. The Teachers, Religious Leaders, Parents, Police Officers and Artistes in Nigeria usually work to promote obnoxious customary beliefs and practices that violate the rights of women. Consequently, customary practices such as female genital mutilation, preference for male-child, and widowhood rites are still prevalent in most parts of Nigeria.

Gender stereotypes in Nigeria are further reinforced by lack of national legislations (such as a national law on female genital mutilation and widowhood practices), which will have the effect of disabusing the minds of people of such stereotypes as well as specify the punishment for offenders. Some of the provisions of customary laws in Nigeria also promote gender stereotypes, while the gender insensitivity of the language and provision of the Constitution is an indication that the government corroborates gender stereotypes.

⁴⁷ Table 49b p. 384 AAWORD research.

RECOMMENDATIONS

1. The language of the Constitution should be made to be gender sensitive.
2. Government, the civil society and other stakeholders should embark on aggressive awareness and enlightenment campaign towards changing societal perception that women are inferior to men.
 - (i) Dismantling the patriarchal structures that reinforce power imbalance between women and men.
 - (ii) Empowering women, through training, to see themselves as important stakeholders in contributing to household income expenses in order to enhance their status and self worth in marriage and family life.
 - (iii) Dismantling the cultural belief of the role of women in domestic affairs to the exclusion of other societal activities.
 - (iv) Embracing affirmative action in favour of women to increase their level of participation in all aspects of societal life.
 - (v) Men realizing their essential role as collaborators and stakeholders in the effort to eliminate gender roles and stereotypes.
 - (vi) Promoting the right to women dignity and freedom from inhuman and degrading treatment.
3. Prioritise education especially for the girl child.

ARTICLE 6: ABOLITION OF ALL FORMS OF TRAFFICKING AND EXPLOITATION

LEGAL AND OTHER MEASURES TAKEN:

Section 34 of the Constitution guarantees the right to respect and dignity of the human person and forbids torture or inhuman and degrading treatment slavery or servitude. The federal government enacted the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act 2003. Also, the National Agency for Prohibition of Trafficking in Persons (NAPTIP) was established pursuant to this Act. NAPTIP was established to enforce and monitor the Law on trafficking.

The criminal code and the penal code, which are applicable to the Southern and Northern parts of the country, respectively, have provisions on the prohibition of trafficking of persons. States such as Cross River, Edo, and Imo have enacted additional legislations to prohibit child trafficking.

Nigeria has also ratified the following: UN Convention on Trans-National Organized Crime 2000 and its Protocol to Prevent, Suppress and Punish Trafficking in Persons especially Women and Children; International Labour Organisation (ILO)⁴⁸ Convention 182 on the Worst Forms of Child Labour (2000); Nigeria has also signed the Optional Protocol to the Convention on the Rights of The Child on The Sale of Children, Child Prostitution and Child Pornography (2000); the ECOWAS Declaration Against Trafficking and the ECOWAS Initial Plan of Action Against Trafficking as well as ratified the African Union Charter on the Rights and Welfare of the Child on July 23, 2001.

⁴⁸ International Labour Organisation

REALITY:

The legal and administrative measures taken by the federal government of Nigeria have not been effective so far because other causal factors responsible for the high number of trafficked women and children in Nigeria have been neglected. These factors include the following:

1. High level of poverty among women, especially the ones in the rural areas.
2. High unemployment rate of educated women in the urban areas.
3. The general illiteracy level of women.
4. Lack of basic empowerment skill and lack of funds to establish where such skills have been acquired.
5. Lack of information on reproductive health, especially on contraceptives and family planning.
6. The high rate of broken homes and departed parents.

According to ILO report on trafficking in Nigeria, 40% of Nigerian street children and hawkers are trafficked persons.⁴⁹

There is also a high level of prostitution in Nigeria, which results from poverty, unemployment, illiteracy, and other socio-cultural factors that debase the status of women in Nigeria. Some women have also gone into prostitution as a form of rebellion to the structured patriarchal inhibitions to the rights of women.⁵⁰

The diversity of forced prostitution in Nigeria is boundless, but the categories include the following:

Female employees in the banking sectors are often employed into the marketing sectors. They are given high financial targets to meet, and in the process of soliciting customers and huge accounts for the bank, they are vulnerable to sexual harassment and exploitation. There are accounts of female employees in both the formal and informal sectors who are coerced into sexual relationship with their senior male colleagues for rewards and benefits such as promotions. The government has not been able to come up with regulations to correct this abnormality.

Commercial sex workers are susceptible to exploitation and sexual assaults by police officers who abuse them under the guise of apprehending the sex workers.

Sexual harassment and sexual exploitation of women have been widely reported in educational institutions and even amongst political colleagues.

Sexual exploitation which includes sexual harassment and abuse of female domestic staff by their senior male colleagues have been reported as well as sexual exploitation of young female hawkers by cattle-rearers and street/area/garage boys.

⁴⁹ International Labour Organisation (2000), *Combating Trafficking in Children for Labour in West and Central Africa*, Geneva, p.13.

⁵⁰ UNAIDS UNICEF and USAID (2004) *Children on the Brink 2004; A Joint Report of New Orphan Estimate and a Framework for Action*; http://www.unicef.org/publications/index_22212.html.

RECOMMENDATIONS:

1. The Nigerian government should intensify awareness creation on the ills of human trafficking.
2. The causal factors responsible for trafficking in women and children such as unemployment, illiteracy, poverty and lack of information on family planning should be addressed.
3. The government should come up with policies and laws that regulate sexual exploitation of females at the corporate, political and schools level.

ARTICLE 7: WOMEN IN POLITICAL AND PUBLIC LIFE

LEGAL AND POLICY MEASURES

Section 40 of the Constitution guarantees the right of every citizen to associate and freely assemble with other persons, right to belong to any political party, trade union and any other association. Section 77(2) also confers the right to register and to vote for the purpose of election on every citizen that has attained the age of 18 years. A key policy document that supports women's participation in political and public life is the National Gender Policy 2006. The fifth objective of the Policy is aimed at achieving minimum threshold of representation for women in order to promote equal opportunity in all areas of political, social, economic life of the country for women, as well as for men.

The targets of the fifth policy include but are not limited to:

- Adopt special measures, quotas and mechanisms for achieving minimum critical threshold of women in political offices, party organs and public life by pursuing 35% affirmative action in favor of women to bridge gender gaps in political representation in both elective and appointive post at all levels by 2015.⁵¹

The strategies for implementing the fifth objective include the following:

- Mainstream gender into party politics at all levels, Federal, State and Local Government Areas;
- Reform the existing traditional structures, which exclude women from participating in decision-making, and make them amenable to equality principles;
- Sensitisation of the traditional councils to the rights of women to participate in politics; and
- "Conscientisation" of electorate on democratic principles and practices.

As a measure to increase women's political participation in the 2007 general elections, the Federal Ministry of Women Affairs at several levels engaged Independent National Election Commission (INEC) to achieve this. The Honorable Minister of Women Affairs convened a meeting with women opinion leaders to map out strategies towards engaging women in the 2007 general elections. This led to the establishment of six

⁵¹ National Gender Policy, 2006.

Zonal Women Political Empowerment Offices to support political focused women NGOs in mobilizing women towards popular political participation in the 2007.

The Gender Equality Opportunity Bill, Gender Mainstreaming Bill, Affirmative Action Bill and the CEDAW Bill, though they have not been passed, are attempts to improve the participation of women in political and public life.

REALITY

According to the report of the 2006 census, women constitute 48.78% of the national population of Nigeria, but this numerical strength has never found corresponding expression or representation in Nigeria's political life and decision-making processes. Women are inadequately represented in the National Assembly, at the State Houses of Assembly, and at the Local Government Councils. They are either completely absent or grossly under represented. The problem of under representation of women in politics and decision-making is beyond the usual supposition that "there are no suitable women" to fill vacancies and or take up political appointments. The systemic exclusion of women from leadership and decision-making is further reinforced by the patriarchal structure of the Nigerian society.

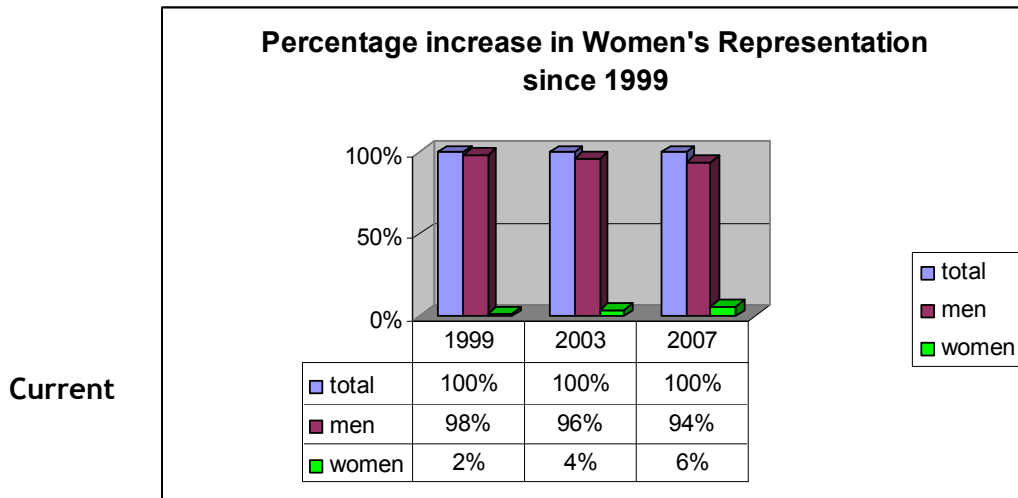
Lack of financial capacity and the violence culture that characterised Nigerian politics have also been the bane of women's under representation in the political sphere. Most political parties either waived or subsidised the cost of nomination forms in support of the women aspirants because most women could not afford the huge cost to obtain forms. Eventually, these women are either asked to step-down for their male counterparts.

In the 2007 general elections, a few political parties took measures to increase the participation of women in politics. The strategy used was to give women aspirants a concession not to pay the fees for the nomination forms which the men had to pay. This effort did not help in increasing women's political participation as intended, rather, party leaders used the fact to ridicule women's participation or withdraw their nomination as the party's candidate/delegate in favor of men who were able to pay huge amount for the nomination form. In most political parties, women politicians are mere praise singers, mobilisers and party supporters, and only few women are effective party delegates.

The National Gender Policy provides several frameworks and tools to facilitate gender mainstreaming. Some of the frameworks and tools include the implementation of the 35% representation of women at all levels of decision making; enactment of gender sensitive legislation; and targets and benchmark for assessing results as well as a 5 yearly review for achievement of set targets.⁵² The reality, however, is that the affirmation of these provisions remains a mere academic exercise as the Policy strategies have not been used to develop and implement a viable action plan. The Affirmative Action of 35% in the National Gender Policy may never be implemented because the policy is not enforceable. The non-inclusion of Affirmative Action in the Constitution to strengthen the National Gender Policy provision weakens it

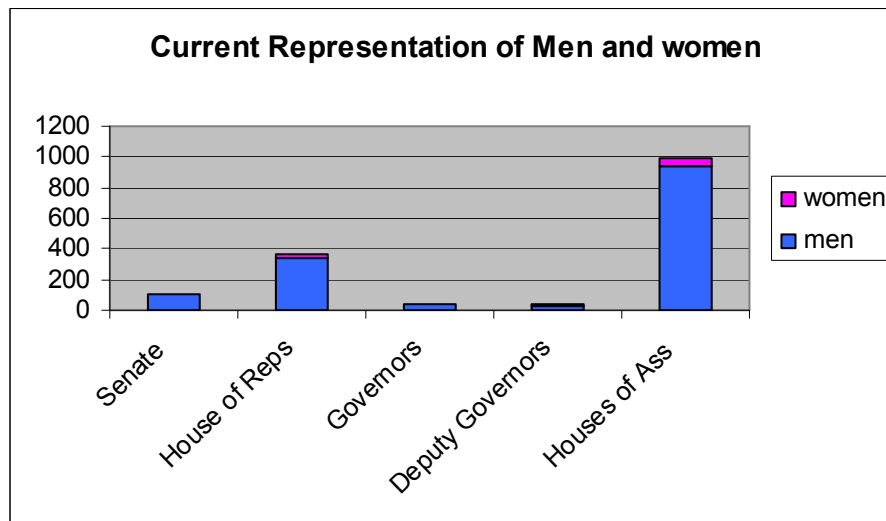
⁵² National Gender Policy. A Publication of the Federal Ministry of Women Affairs and Social Development, 2006.

As stated under article 3 in this report, there has been a meagre increase of 2% in the participation of women in politics in 2007 when compared with the situation in 2003. The table below shows progressive but little improvement that women have made since 1999.



Representation of Men and Women 2007⁵³

Positions	Men	Women	Total
Senate	100	9	109
House of Reps	333	27	360
Governors	36	0	36
Deputy Governors	30	6	36
House of Ass	939	54	990
Total	1438	96	1531



During the last presidential elections, there was a lone female candidate in the midst of over 30 aspirants for the position of the president while no woman emerged as the running mate of any of the aspirants. No female candidate emerged as governor, although there were 15 female aspirants in the gubernatorial race across the country. In the 36 states that make up the country, 5 women emerged as Deputy Governors and this is equal to a 13.8% representation.

With regards to appointive positions in the public sectors presently, the percentage of women to men is **18%:82%** in the federal cabinet. At present also 11.2% of women made the ambassadorial appointment and 13.6% are members of the Electoral reform⁵⁴.

POSITION	NUMBERS	MEN	WOMEN	PERCENTAGE
Ministers	44	36	8	18%
Ambassadors	62	55	7	11.2%
Electoral Reform	22	19	3	13.6%
NEITI	14	13	1	7.1%

Representation of Women at the State Assemblies

State	No of Seats	No of Women	Percentage%
Abia	24	2	8.3%
Adamawa	25	0	0%
Akwa Ibom	26	2	7.7%
Anambra	30	5	16.6%
Bauchi	31	1	3.2%
Bayelsa	24	1	4%
Benue	29	1	3.4%
Borno	28	0	0%
Cross River	25	2	8%
Delta	29	4	13.8%
Ebonyi	24	2	8.3%
Ekiti	26	0	0%
Edo	24	1	4.1%
Enugu	24	5	20.0%
Gombe	24	2	8.3%
Imo	27	2	7.4%
Jigawa	30	0	0%
Kaduna	34	2	5.8%
Kano	40	0	0%
Katsina	34	0	0%
Kebbi	24	0	0%
Kogi	25	0	0%
Kwara	24	3	12.5%

⁵⁴ Gender and Development Action, GADA analysis of the Executive and Legislative Positions of 2007 general elections. Note however that results released by INEC are still inconclusive and often contradicted by media reports showing that political parties continued to substitute candidates even after the elections.

Lagos	40	5	12.5%
Nasarawa	24	1	4.1%
Niger	27	2	7.4%
Ogun	26	2	7.7%
Ondo	26	1	3.8%
Osun	26	1	3.8%
Oyo	32	0	0%
Plateau	24	2	8.3%
Rivers	32	5	15.6%
Sokoto	30	0	0%
Taraba	24	0	0%
Yobe	24	0	0%
Zamfara	24	0	0%
Total	990	54	5.5%

There is less than 5% representation of women at decision-making level at the three tiers of government.

The recommendations of the National Political Reform Conference (NPRC) with the aim of constitutional review to engender the provisions of the Constitution to redress the imbalance in the appointment of representatives, protect women’s rights and formulate pro-gender review mechanisms and strategies was ‘thrown out’ because there was also a proposed agenda to elongate the terms of the President in office, this elongation is usually referred to as the ‘3rd term agenda’. Thus the NPRC has in no way addressed the issue of increasing the participation of women in governance.

RECOMMENDATIONS

- The National Gender Policy which provides several frameworks and tools to facilitate gender mainstreaming, such as, implementation of the 35% representation of women at all levels of decision making should be made enforceable.
- Further steps should be taken to ensure a 50% affirmative action for women by the government.
- State parties should adopt temporary special measures aimed at accelerating defacto equality between men and women.
- The National Assembly should increase the total representative seats in each of the legislative houses, executive arm and party hierarchies as temporary measures.
- The political terrain should be restructured to ensure the security and safety of women politicians to contest for elective posts.
- Political Parties should have a quota system of proportional representation of women and men.

ARTICLE 8: WOMEN IN FOREIGN SERVICE

LEGAL AND OTHER MEASURES:

The Constitution creates the Federal Character Commission which is charged with enforcing due compliance with Sections 14(3) and (4) of the Constitution. The Sections provide as follows:

‘(3) The composition of the Government of the Federation or any of its agencies and the conduct of its affairs shall be carried out in such a manner as to reflect the federal character of Nigeria and the need to promote national unity, and also to command national loyalty, thereby ensuring that there shall be no predominance of persons from a few State or from a few ethnic or other sectional groups in that Government or in any of its agencies.

(4) The composition of the Government of a State, a local government council, or any of the agencies of such Government or council, and the conduct of the affairs of the Government or council or such agencies shall be carried out in such manner as to recognise the diversity of the people within its area of authority and the need to promote a sense of belonging and loyalty among all the people of the Federation.’

The Third Schedule further explains the provision above and spells out the functions of the Commission in that regard.

Third Schedule:

‘8. (1) In giving effect to the provisions of section 14(3) and (4) of this Constitution, the Commission shall have the power to:

(a) work out an equitable formula subject to the approval of the National Assembly for the distribution of all cadres of posts in the public service of the Federation and of the States, the armed forces of the Federation, the Nigeria Police Force and other government security agencies, government owned companies and parastatals of the states;’

REALITY:

In spite of policy measures and advocacy on women’s equal participation in public life, gains in the Foreign Service have remained minimal since the last report. The provision of the Constitution as stated above in taking a gender-neutral approach as it does, does not recognise gender discrimination as a critical factor in the marginalisation of women in allocation of appointment in the federal, states and other Parastatals. It only envisages ethnic and linguistic diversities. This is why appointments into the federal service do not aspire to gender parity. It only follows the federal character principle, which is not necessarily gender balanced.

The indigeneity principle works against married women in public appointments, be it national or foreign. Married women (married to men of a different state of origin) often have difficulty in getting public appointments. This is premised on the fact that a married woman is deemed to acquire her husbands’ state of origin. Unfortunately, many married women are not recognised for appointment in their husbands’ state of

origin. When they seek appointment in their state of origin, they are also turned down on the excuse that they are married and should claim their husbands' state of origin. This really is double jeopardy for women as they end up not being well represented in Foreign Service as well as national appointments.

As at 2006, out of the 87 Ambassadors, 7 were women representing 8.04%. Of the 37 career Ambassadors, only 2 are women, representing 5.4%. Of the 50 non-career Ambassadors, only 5 are women representing 10% of the total number. Of the 593 Diplomatic Staff, 63 are women representing 10.6% of the total number.

The ratio of representation of women in international agencies is also poor. UNESCO for instance has only one major slot occupied by a woman. There is usually a tendency of nominating male representatives for such slots.

Apart from the foregoing, societal norms that give undue advantage to a married woman over an unmarried woman or divorcee have further exacerbated discrimination against women in Foreign Service. This is disturbing given the provision of Section 42 of the Constitution, which provides for freedom against discrimination on the basis of sex. Unfortunately, there are no special measures by the government to recruit women into the Foreign Service or international organisations.

RECOMMENDATIONS

1. Constitutional amendment to reflect gender parity in appointment in furtherance of full representation as contemplated by Sections 14(3) (4) Of the Constitution. This will promote equal representation and participation of women at the international level.
2. Government should encourage women to apply for jobs at the Ministry of Internal Affairs.
3. There should be free and qualitative education for the girl child.
4. United Nations should adopt gender equity policy in international appointments that will be binding on national governments.
5. Conscious efforts should be made to recruit women into Foreign Affairs and Inter-governmental agencies.
6. Deliberate effort should be made at domesticating international conventions on gender equality participation.
7. Government should ensure that all appointments to International positions by government and United Nations agencies conform to the National Gender Policy which stipulates 35% of all positions reserved for women.
8. Civil Society Organisations (CSOs) should intensify sensitisation and mobilisation towards realisation of Affirmative Action quota in the International sector.

ARTICLE 9: NATIONALITY

LEGAL AND OTHER MEASURES

The Constitution confers citizenship by birth on a person where either or both of his parents or grandparents are Nigerians before or after Nigeria got its independence whether or not the child was given birth to in Nigeria or outside Nigeria.⁵⁵

The Constitution also confers citizenship by registration on a person who is not a Nigerian by birth, if the President is satisfied that the person is of good character, and has shown intention to live in Nigeria and has taken the Oath of Allegiance prescribed in the Constitution.⁵⁶ The Constitution further states that the above condition shall apply only to a foreign woman who is married or has been married to a citizen of Nigeria⁵⁷ or every person of full age and capacity born outside Nigeria any of whose grandparents is a Nigerian'.⁵⁸ The implication of this is that section 26(1) does not apply to a foreign man married to a Nigerian woman.

Section 27 confers citizenship by naturalisation provided that the person applying fulfils the required condition to the satisfaction of the president. The procedures are however not clear.

Section 28 permits dual citizenship, but where “a person becomes a Nigerian citizen by registration or naturalisation, such a person cannot acquire the citizenship of another country other than that of his birth.”

Section 32 empowers the president to make regulations that would make the aforementioned section effective and for the granting of the special immigration status to a non-Nigerian spouse of a citizen of Nigeria who does not wish to acquire Nigerian citizenship by registration, such regulation must however be consistent with the provision of the Constitution.

REALITY

By the provision of section 26 of the Constitution, foreign women who marry Nigerian men may acquire Nigerian citizenship by registration, a process which is less demanding than naturalisation. However, such opportunity is not available to foreign men who marry Nigerian women. The latter can only acquire Nigerian citizenship by naturalisation. This is discriminatory against Nigerian women who marry non-Nigerian men.

RECOMMENDATIONS

1. The Constitutional provision on non-discrimination should be applied to enable acquisition of citizenship by registration by both foreign men and women married to Nigerians.

⁵⁵ Section 25(1)(a)-(c) of Cap. C.23 LFN, 2004.

⁵⁶ Section 26 Cap C.23 LFN, 2004.

⁵⁷ Section 26(2)(a) C.23 LFN, 2004.

⁵⁸ Section 26(2)(b) C.23 LFN, 2004.

2. Constitutional review should include amendments of its discriminatory provisions highlighted above to guarantee women full and equal rights as citizens in a democratic state.

ARTICLE 10: EDUCATION

LEGAL AND OTHER MEASURES

Section 18 of the Constitution states, the educational objectives for the Nigerian state thus;

- (1) Government shall direct its policy towards ensuring that there are equal and adequate educational opportunities at all levels,
- (2) Government shall promote science and technology,
- (3) Government shall strive to eradicate illiteracy, and to this end, government shall as soon as when practicable provide:
 - a free, compulsory and universal primary education,
 - b free secondary education,
 - c free university education,
 - d free adult literacy programme.

Article 17 of the African Charter also provides that every individual shall have the right to education. The African Charter has been domesticated in Nigeria and therefore has the full force of law⁵⁹.

Section 15 of the Child's Rights Act⁶⁰ states that;

- (1) 'that every child has the right to free, compulsory and universal basic education and it shall be the duty of the government in Nigeria to provide such education
- (2) Every parent or guardian shall ensure that his child or ward attends and completes his
 - (a) primary school education; and
 - (b) Junior secondary school'

Section 15(5) of the Act guarantees female students the opportunity to complete their education should they become pregnant while in school, and section 15(6) prescribes punishment for parents or guardians who prevent a child from attending and completing his/her education. This Act and other laws enacted in some states of the federation especially the Northern part of the country such as Bauchi, Borno, Gombe, Kano and Niger, have been passed for equal opportunities in education.

The Universal Basic Education and other related matters Act 2004, (UBE ACT) was passed as part of the efforts to address the barriers to the right of every Nigerian child to education. The Act established the Universal Basic Education Commission to implement the provisions of the UBE Act. The ACT makes the denial of any child access to education a punishable offence.

⁵⁹ Cap A 10 Laws of the Federation of Nigeria, (L F N) 2004.

⁶⁰ It was passed into law in 2003.

REALITY

It is unfortunate that the Nigerian Constitution does not guarantee the right to education and the provisions of the Constitution on education in Section 18 are under Chapter II of the Constitution, which is not justiceable. Also, although the African Charter has the force of law in Nigeria, its Article 17 only guarantees the right to education but does not guarantee the right to free education. Moreso, Article 17 may not be enforceable in Nigeria as it relates to the non justiceability of the provisions of S.18 of the Constitution. This is against the background that in S. 1 of the Nigerian Constitution, the Constitution is supreme and its provisions shall have binding force on all authorities and persons throughout the federal republic of Nigeria.

The non-discrimination educational opportunities in Nigeria tend to be circumscribed by the patriarchal structures and negative gender stereotypes that are pervasive in our society. Cultural problems such as teenage pregnancy, early child marriage, conservative religious interpretations, domestic responsibilities or gender stereotypes negatively impact on the access of the girl-child to education and invariably the equality of results, as the boy child will be at advantage to complete his education and become gainfully employed. Despite the provisions of the Child Rights Act 2003 and the UBE Act 2004, the chances of the girl-child furthering her education to secondary or tertiary level usually depend on the parents or guardians' ability or willingness to support such a child. In practice, there is still a general attitude of discrimination in Nigeria against the girl-child in the area of education.

The UBE Act and the CRA makes provisions for free and compulsory basic education up to junior secondary school level but in reality, parents are made to pay charges in forms of development fees, examination fees, Parents Teachers Association levies e.t.c. The provision of free lunch, books and other educational materials as stipulated by the UBE act are never made by the government. According to a research conducted on basic education in Nigeria, 87% of parents interviewed in the course of the survey claimed that they pay PTA levies, and 50% reported that they pay for text books for their children.⁶¹

The enforcement of the Universal Basic Education Act 2004, Child's Rights Act 2003 and Article 17 of the African Charter are important in ensuring free, compulsory and universal basic education in Nigeria. Any legislation without strict enforcement is a mere rhetoric and incapable of securing the right of the girl-child to education. Hence, as laudable as these legal efforts are, the girl-children as a disadvantaged group do not benefit from these efforts because there are no mechanisms to ensure that. Though enrolment into primary schools has been fluctuating within the reporting period, available data shows a steady but moderate rise in enrolment from 1999 to 2002 at 17,907,328; 19,151,532; 19,041,223 and 19,806,082 respectively. Enrollment rose steeply in 2003 to an all time high of 25,704,793, decreased sharply in 2004 to 21,395,510, only to slightly increase in 2005 to 22,115,432.⁶² The statistics released by the Federal Ministry of Education puts the gross of un-enrolled out of school children at 10million with the girl-child representing 6.2 million⁶³. The boy to girl

⁶¹Research on Management and Funding of Basic education in Nigeria, may 2008

⁶²Id Pg 59-60

⁶³ Federal Ministry of Education, Basic and Senior Secondary statistics in Nigeria, 2004 and 2005, Federal Ministry of Education 2006

enrollment in Primary schools for 2003, 2004 and 2005 shows the ratio of 56%: 44%; 55.02%:44.89% and 55.12%: 44.88% respectively⁶⁴

The Nigerian basic education sub-sector still lags behind expectations in most indicators of access, equity and quality. Analysis of data from government sources shows a very high teacher-pupil, classroom-pupil ratios at both primary and Junior Secondary School (JSS) levels. The analysis also indicates that over ten million children, a majority of whom are girls, still lack access to basic education. Access is particularly worse at the JSS level. Girls are more in danger of not enrolling or completing the full course of primary education than boys. The system is also in dire need of female teachers who can act as role models to girls especially in the North-West and North-East of Nigeria. Academic achievements from national assessments also indicate a low level of literacy, numeracy, social studies and science⁶⁵.

Federal Budget Allocation on Education

Section 18 of the 1999 Nigerian Constitution affirms that education is important to national development, but this realisation has not been matched by government spending on the education sector. According to World Bank analysis on funding education in Nigeria, it noted that “in real terms, the federal education budget has increased by 47 per cent over the past five years. It may appear that this is a remarkable increase in federal government allocation on education in Nigeria, but in reality, what is spent or budgeted for education (as a share of the total national budget) still falls short of the UNESCO’s recommendation of 26% minimum of annual budget for developing countries’ education. The table below confirms the fact that Nigeria’s budget allocation for education has never been up to 13% of the total budget.

Table 1.1: Share of Federal Government’s Budget to Education in Nigeria 1990-2005 (Nn),⁶⁶

Year	Federal Govt. Annual Budget	Total Allocation to Education	Education Allocation as %
1990	40.70	2.20	5.41
1991	38.70	1.80	4.65
1992	52.10	2.40	4.61
1993	111.60	8.00	7.17
1994	69.20	10.30	14.88
1995	111.50	12.80	11.48
1996	121.20	15.40	12.71
1997	188.10	16.80	8.93
1998	246.30	23.70	9.62
1999	249.00	27.80	11.16
2000	675.10	56.60	8.38
2001	919.20	62.47	6.80
2002	1612.80	69.03	4.28
2003	1679.40	78.54	4.68
2004	2035.60	93.84	4.61
2005	1799.90	120.04	6.67

⁶⁴ National Gender Policy, Situation Analysis and Framework Vol. 1Pg 182

⁶⁵ Id Pg 6

⁶⁶ Federal Ministry of Education, Presidential Forum on the Education Sector, October 2006

State Government Education Budgets

The Constitution gives the primary responsibility for funding and management of basic education to the State and Local Governments. However, the UBE Act allows the Federal Government to intervene with 2% of its Consolidated Revenue Fund (CRF) and states are also required to match the Federal Government contribution by an equal amount of money. That is, in order to access the federal government fund, the states must provide counterpart funds. As evident from UBE, there is a huge short fall in provision of counterpart funds by states. As at February 2008, the 36 states of the federation and FCT were only able to provide N34, 647,200,122.56 or 56% of the total expected states counterpart funds contribution of N61, 743,500,000.00 for the 3 year period, 2005-2007⁶⁷. Many states are unable to draw from the federal government intervention fund because of the inability to provide counterpart funding to match the federal government grant, a condition stipulated by the UBE Act for assessing the funds.

Generally, budgetary allocation for the educational sector is inadequate to provide qualitative education at the primary, secondary and tertiary levels in Nigeria. The liberalisation of education by Nigerian Government leading to the new 'rave' of privatisation of the education sector, has led to an increase in the establishment of private schools, which are considered as the only source of qualitative education in Nigeria. The exorbitant fees charged by the private schools have taken qualitative education out of the reach of the middle and low class of the society. The sad reality is that many of these private schools are not approved by any Act of government, many of the structures are hurriedly built and often, the collapse of such structures has led to the death of several Nigerian school pupils.

Provision of human resources and infrastructure:

UNESCO in year 2000 estimated that Nigeria required 679,909 additional teachers to the existing 488,164 to be able to handle the 28,822,217 primary school pupils in the 49,326 primary schools before UBE can be achieved in 2015⁶⁸. In 2001, Federal Ministry of Education gave the total number of additional primary school teachers required as 772,338, before the UBE can be successfully implemented. This number will bring the staff-pupil ratio to internationally acceptable standard of 1:40⁶⁹. For the implementation of the Child Rights Act and for UBE Acts to become a reality, the primary school system will require production of hundreds of thousands of teachers within the next two years that is by 2010.

The National Teachers Institute Intensive Programme (PTTP) had by 2003, produced only 30,000 National Certificate in Education (NCE) and 42,000 auxiliary teachers. The PTTP could only produce 2,700 teachers in ten years for the nomadic schools, which was sufficient to handle only 18% of the children that should currently be in school.⁷⁰ The quantity of teachers varies from a teacher: pupil ratio of 1:111 in Yobe, to 1:52 in

⁶⁷ UBEC 2005 Annual Report

⁶⁸ UNESCO NINEDAF VII. Nigeria Country Profile, p.91.

⁶⁹ Federal Ministry of Education 2003.44.

⁷⁰ UNESCO (2002), Universal Primary Education Goal for All, Statistical Document, MINEDAF VIII, UNESCO, Paris, CSACEFA and Otiye Igbuzor (2003) "*Cost of Education in Nigeria: A Research Conducted in Oyo, Ebonyi, Kaduna, Delta and Nassarawa States*, ActionAid Nigeria, Abuja, November, 2003. *ibid* 3.

Sokoto, to 1:42 in Borno, (in the Northern States), to 1:38 in Ondo, and 1:22 in Lagos State (South Western States). A study conducted by civil society coalition for poverty eradication (CISCOPE) in 2005 reported that 60% of available classrooms were not suitable for learning while 90% of laboratories, 58% of libraries, 50% of toilets and about 45% of classroom furniture were in very bad conditions and needed replacement or refurbishment⁷¹.

The school environment is simply not conducive for learning in most of the public schools. Infrastructure is dilapidated at all levels of the educational system in Nigeria. Schools are often too distant for children to attend, as a 1999 survey shows that primary school pupils in some rural areas have to travel up to 5 kilometers daily to the nearest schools⁷². The base line 2001 survey shows that out of 49,326 schools, at least 36,418 (74%) and about 5,707 (12%) were over 2 km distant from the homes of pupils. They argued that schools are not just far away, they are also in bad conditions. In 1999, Nigeria's 44,292 primary schools had 332,408 classrooms, of which 157,819 needed massive rehabilitation. It was determined that 285,920 additional classrooms were needed to accommodate 511,939 pupils that had no classrooms⁷³.

The state of Education in Nigeria is precarious. The Millennium Development Goals (MDGs) report 2005 reveals that quality assurance in education is yet to be adequately addressed in terms of teachers, curricula, teachers' support and teaching learning materials.

The impact of full market liberalisation of Nigeria's economy and its integration into the global economy especially since 2003 has impacted negatively on the right of the girl-child to education. While the girl-child and the boy-child suffer economic dislocation as a result of neo-liberal economic policies, the girl-child, because of her culturally constructed position as the domestic gender suffer even more. As a result of this, many girl-children drop out of school while many others are withdrawn to raise funds for the education of the boy-children, or to take care of the elderly, the sick and the young ones. This was confirmed by the research findings of AAWORD in 2006⁷⁴ where majority (69.9%) of respondents said they would pursue the education of the boy child when under financial crises.

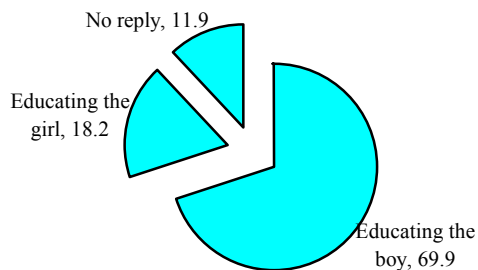
⁷¹ Civil Society Coalition for Poverty Eradication, 2005

⁷² Bonat and Makun. A Research Report on the state of Education in Nigeria .1999.

⁷³ Federal Ministry of Education 2003 Report. p. 44.

⁷⁴ AAWORD Gender Research

Figure 24: When Compelled, whose education would you pursue?



The support from the international development donor agencies in the form of grants, internally generated revenue, and funds allocated to education in Nigeria are not reflected in the state of education due to the high level of corruption in Nigeria.

Disparity still exists in literacy rate between men and women, male adult literacy rate is 70.1 % compared to female adult literacy which is 54.6%⁷⁵. The tertiary education sub-sector presents a more gruesome picture. The percentage of females in higher education in Nigeria is 39.9%; a wide disparity also exists in traditionally male dominated disciplines such as the field of engineering. The ratio of girls to boys in technology oriented disciplines, especially the field of engineering is about 1:20 (female/male).⁷⁶

In conclusion, although there are laws, such as Child Rights Act (2003); UBE Act (2004), Article 17 of the African Charter and other laws passed at the state level in Bauchi, Borno, Kano and Niger states prohibiting the withdrawal of a girl-child from school, disparity in educational opportunities still pervade the Nigerian environment. This is due to lack of awareness of the existence of these laws, non-justiciability of Section 18 of the Constitution and lack of political will on the part of Nigerian government to ensure that every Nigerian child especially female children have access to quality basic education. Moreso, liberalisation of education by the Nigerian Government, which priced education out of the reach of the poor, and the non-domestication of CEDAW are other factors that are militating against girl-child access to education in Nigeria.

RECOMMENDATIONS

1. The Nigerian Government should recognise the high premium placed on education in National Development and ensure that every Nigerian child especially the girl-child has access to functional, free and compulsory basic education.

⁷⁵ Federal Ministry of Women Affairs, Abuja, 2006 Nigeria Gender Statistics Book, Pg xvi

⁷⁶ Ibid 73.

2. The Nigerian Government should ensure that 26% of the federal allocation goes to Education as recommended by UNESCO.
3. Education should be given the prominence it deserves, and Gender mainstreaming should be part of policy development, institutional mechanisms and processes in the educational sector in Nigeria.
4. The Constitution should be reviewed to make Section 18 justiceable and enforceable.
5. All the laws promoting equal opportunities in access to education should be popularised for every Nigerian child to know she or he has a right to educational opportunities and take advantage of it.
6. The Federal Government should re-present the CEDAW bill to ensure its speedy passage into law.
7. Government should demonstrate requisite political will to confront patriarchy, and ensure that all the cultural barriers against the girl-child's right to education are removed so as to bridge the gender gap in access and opportunity to education.

ARTICLE 11: EMPLOYMENT

LAWS AND OTHER MEASURES

The Nigerian Constitution does not guarantee the right to work. The closest Constitutional provision on means of livelihood is enshrined in Chapter II of the Constitution, which is non-justiceable.⁷⁷ Furthermore, the language does not denote it as rights. Section 17(3) provides that

“The State shall direct its policy towards ensuring that-

- (a) all citizens, without discrimination on any group whatsoever, have the opportunity for securing adequate means of livelihood as well as adequate opportunity to secure suitable employment;
- (b) conditions of work are just and humane, and that there are adequate facilities for leisure and for social, religious and cultural life;
- (c) the health, safety and welfare of all persons in employment are safeguarded;
- (e) there is equal pay for equal work without discrimination on account of sex, or on any other ground whatsoever;
- (h) the evolution and promotion of family life is encouraged.”

The Trade Unions Act⁷⁸, Labour Act⁷⁹ and the Factories Act⁸⁰ and the Workmen's Compensation Act are Federal Laws that seek to protect the rights of workers.

⁷⁷ Section 17(3)(a)(b) of the CFRN.

⁷⁸ CAP.T.14 Laws of the Federation of Nigeria (LFN), 2004.

The National Gender Policy, 2006 sets to achieve equity and equality in employment opportunities and eliminate all discriminatory and abusive practices (on the grounds of sex, ethnicity, class, religion, age, disability, or marital status) against the employment of women in the public and private sectors of the economy by 2015.⁸¹

REALITY

Certain provisions of the instruments highlighted above are detrimental to the rights of women. For instance, the title of the Workmen's Compensation Act does not contemplate injuries to be suffered by women at the work place. The term 'workmen' is sexist. Although women workers do get compensation, there is absence of a gender-based conceptualisation of work place injury.

The Labour Act⁸², which prohibits the employment of women on night work and in underground work such as mining, is also discriminatory. It promotes stereotyping labour roles for women as the night work exclusion permits night work for women employed as nurses in any public or industrial undertaking or in any agricultural undertaking. The Factories Act does not make provision for the specific health and safety needs of women working in factories.

Although Section 12 of the Trade Unions Act provides for membership of trade union and for non-restriction of membership of trade union on discriminatory grounds, yet the Trade Unions (Amendment) Act 2005 introduced a new Subsection 4 to Section 12 of the Principal Act which now rendered membership to a trade union to be voluntary. It also forbade the forcing of any employee to join a trade union or to be victimised for refusing to join or remain a member.⁸³ Whilst this is salutary, it weakens the ability of female workers to have a common voice on pressing women's rights issues at the work place, as they can no longer use industrial actions of protest (e.g. temporary work boycott) as a strategic weapon to make demands upon their employers.⁸⁴

Contrary to the government's country report, the official maternity leave period is three months and not ninety working days. In some banking sectors, the maternity leave days are being deducted from, or given in lieu of, the annual leave days. In the public sector, women who have gone on maternity leave in a particular year do not get the annual leave but are only entitled to the annual leave allowance for the year under reference. The government has not come up with measures to regulate this unfair practice relating to nursing mothers in both the private and public sectors.

Discrimination in employment and wages is still rampant in both the government and private sector despite the fact that Nigeria is signatory to the International Labour Organisation Convention 111, which deals with discrimination in respect of employment and occupation. For instance, recruitment into the Nigeria Police Force leans in favour of men. Whilst there is no requirement for men to be either married or

⁷⁹ Sections 55(1) & 56(1) CAP. L1 Laws of the Federation of Nigeria (LFN), 2004.

⁸⁰ CAP.F1 Laws of the Federation of Nigeria (LFN), 2004.

⁸¹ Objective 4, target (a).

⁸² Sections 55(1) & 56(1).

⁸³ [http://www.nigeria-law.org/TradeUnion\(Amendment\) Act 2005.htm](http://www.nigeria-law.org/TradeUnion(Amendment) Act 2005.htm)

⁸⁴ The Federal Government decentralised the Labour Union in order to weaken labour capacity to respond to obnoxious government policies that are deemed inimical to the well being of Nigerian workers.

unmarried before they can be recruited into the Police Force, the law specifically requires that women are to be unmarried at the time of enlistment in the Police.⁸⁵

Furthermore, after being enlisted, “A woman police officer who is desirous of marrying must first apply in writing to the commissioner of police for the state Police command in which she is serving, requesting for permission to marry and giving name, address, and occupation of the person she intends to marry.”⁸⁶ There is a further requirement that “permission will [only] be granted for the marriage if the intended husband is of good character and the woman police officer has served in the Force for a period of not less than three years.”⁸⁷ There is no such requirement for a male police. Worst still, an unmarried woman police officer who becomes pregnant shall be discharged from the Force, and shall not be re-enlisted except with the approval of the Inspector- General.⁸⁸ This constitutes a serious infraction on article 16 of CEDAW.

The language of the law with respect to maternity leave does not make maternity leave compulsory for a married woman police officer.⁸⁹ The provision states “A married woman police who is pregnant may be granted maternity leave in accordance with the provisions of general orders.”⁹⁰ The word “shall”, ought to have been used instead of “may” as the use of the word “shall” in legal drafting makes it mandatory on the part of the employer to grant leave to the employee.

The law restricts the full potentials of women in the Police Force. They are seldom awarded strategic career postings. This limits their opportunities for professional advancement and reduces women’s chances of reaching the peak of their career and taking up leadership positions in the Police Force. To date, Nigeria has not yet had a female Inspector General of Police. With respect to recruitment and training, women are often prevented from participating in full drill training thereby limiting their capacity to effectively perform their duties. As a general rule women are employed on duties that are connected with women and children;⁹¹ and women police officers recruited to the General Duties Branch may in order to relieve male officers from those duties be employed in clerical duties, such as telephone duties and office orderly duties.⁹² The implication is that sexual division of labour still predominates in the Federal Service.

In the private sector discriminatory employment practices also abound as captured in the 6th periodic country report. The banking industry takes the lead in this regard. Many companies including oil companies and those in the communication industry prefer to employ contract staff in order not to commit themselves financially to the full range of employment benefits for permanent workers as contract staff can not form trade unions. This constitutes a serious infraction on International Labour Organisation Convention 98. Worst still, the Federal Government passed into law the

⁸⁵ Regulation 118(g) of the Nigeria Police Regulation CAP.P19 Laws of the Federation of Nigeria (LFN) 2004.

⁸⁶ Regulation 124 CAP P.19 LFN, 2004.

⁸⁷ *Id.*

⁸⁸ Regulation 127 CAP. P19 LFN, 2004.

⁸⁹ Regulation 126.CAP. P19 LFN, 2004.

⁹⁰ *Id.*

⁹¹ Regulation 121 CAP P.19 LFN, 2004.

⁹² Regulation 122 CAP P.19 LFN, 2004.

Trade Union (Amendment) Act 2005.⁹³ The Act made membership of trade union voluntary.⁹⁴ The “de-unionisation” of staff has far-reaching implication for the advancement of women’s rights at the work place. “De-unionisation” strips women of the advantage of a common voice to advocate for women’s social welfare benefits from their employers. These demands were hitherto achieved through the use of industrial actions of protest (e.g. temporary work boycott) as a strategic weapon to make demands upon their employers.⁹⁵

It is common for women and young mothers to work for over 14 hours a day in the banking industry, including weekends. Failure to comply with such directives normally attracts stiff sanctions and in some cases out right dismissal. The inordinate working hours have accounted for a number of involuntary job resignations by many young mothers to enable them meet up with family obligations. This reduces the chances of women rising to the decision-making positions at their work place thereby denying them of the opportunity to have an impact on policy decisions promoting the rights of women. This has far-reaching implication for women’s economic empowerment and their prospects of engaging in professional, managerial and technical jobs.

Some terms of employment in the banking industry further exposes women to sexual harassment all in a bid to maximise profit for the employer bank at the expense of the dignity of the woman. Some women bankers are given the target of getting a client that can deposit at least the sum of two hundred and fifty million naira (₦250 million) to the bank in a month, failure to meet this target attracts sanctions such as threats of job loss or salary cut for the month under reference. These unconscionable working conditions exerted on women have forced many women to compromise their dignity and engage in ‘corporate prostitution’ in order to attract clients for the employer bank.

Given the high unemployment rate in Nigeria coupled with a weak or near absence of effective regulatory mechanism on labour issues in the organised private sector, many banks in Nigeria including global satellite systems communication outfits cause their newly employed female employees to enter into unconscionable bargain requiring them not to get pregnant for at least one year.

Social security in Nigeria is usually restricted to those engaged in the formal sector which unfortunately is dominated by men. It does not extend to the informal sector where women are preponderant. The limited social security for pensioners technically excludes a large percentage of women because fewer women work in the formal sector compared to the informal sector. This poor social security regime impacts negatively more on women who are already disadvantaged due to gender relations, fuelling the feminisation of poverty.

⁹³ This was the ploy adopted by the Federal Government to checkmate the Nigerian Labour Union (NLC) and to break the monopoly of power enjoyed by the leaders of the union. This prevented from having a cohesive voice to fight the Federal Government over wages and salaries, arbitrary increase in prices of petroleum products, the below poverty level of the living standard of the populace etc.

⁹⁴ Section 2 of the Trade Union (Amendment) Act.

⁹⁵ The Federal Government decentralised the Labour Union in order to weaken labour capacity to respond to obnoxious government policies that are deemed inimical to the well being of Nigerian workers.

According to the National Gender Policy, a sharp contrast exists between the income generating and livelihood opportunities of women and men across multiple sectors in Nigeria. Women's participation in the industrial sector is 11% as compared with 30% for men. Women represent 87% of those employed in the service sector, which involves predominantly informal and unregulated forms of employment.

The composition of the work force in the Federal Civil Service which is the largest single-entity employer in Nigeria is inclined in favour of men as 76% of the work force is men whilst women comprise 24%. Women hold less than 14% of total management level positions in the Federal Civil Service. In the medical field, which involves highly skilled and relatively well-remunerated work, women represent 17.5% and men 82.5% of those employed.⁹⁶ The extractive industry with annual business volume of over US\$42m has almost zero level participation of women.⁹⁷

Women are responsible for carrying out 70% of agricultural labour, 50% of animal care related activities and 60% of food processing activities. Despite the role that women play in the agricultural sector, their contributions are not valued or recognised nor are they reflected in the National Accounting Systems. Consequently, the issues and concerns of women employed in the agricultural sector have been largely over looked in programs dedicated to improving agricultural productivity. Women have access to less than 20% of available agricultural resources, a serious impediment to maximizing agricultural production. Men are generally presumed to be the chief actors in agricultural production and, as such, are often the main participants in and/or recipients of program-related support.⁹⁸

Institutional practices and perceptions of gender roles also have an impact on the equitable enjoyment of privileges and incentives, in both urban and rural settings. A case in point is the tax regime, which generally assumes that male 'breadwinners' bear the sole responsibility of meeting the financial and material needs of the families and neglect to acknowledge the existence of female-headed households. Accordingly, tax benefits related to child care are restrictively granted to male workers (also excluding single mothers and divorced women with children in their care as well as married women, some of whom, are family breadwinners), as a result of being denied access to these benefits, the affected women tend to pay relatively higher taxes.⁹⁹

Generally, there is a weak legal regime to protect workers' rights, which is really borne out of a weak, or nearly absent, regulatory framework. The impact on women's economic empowerment is far reaching because low educational attainment by women, due to scarce resources in poor homes, has made them unable to climb to managerial position thus compelling many women to take up employment as casual labourers. The health and safety standards in such factories or companies are seriously compromised and this endangers the health of female workers.

⁹⁶ National Gender Policy p. 4.

⁹⁷ *Id.*

⁹⁸ *Id* p. 7.

⁹⁹ *Id.*

RECOMMENDATIONS

1. The Government should reform all existing legal instruments and policies to make them gender sensitive and/or deal with specific non-discriminatory acts contemplated by CEDAW and the International Labour Convention 111, which deals with discrimination in respect of employment and occupation.
2. Amend the Constitution to make the right to work an enforceable right, and sanction employers who discriminate against female staff. Government and the private sector should promote the establishment of crèches or child care centres to enable parents combine family obligations with work responsibilities.
3. Government should set up appropriate and effective regulatory mechanism to ensure gender compliance in the implementation of government policies.
4. Government should create an Equal Opportunity Commission to act as the engine room of the National Gender Policy and demonstrate a commitment to making the Commission functional by exerting the required political will, challenge the structures through judicial and administrative interventions and meting out sanctions where appropriate and through sustained advocacy. This will help address the systematic inequalities between women and men in our society without ignoring the fundamental differences between them.
5. Government should adopt and implement appropriate gender-sensitive policy that will dismantle every form of discrimination against women in agricultural production and land use system.
6. Review of the social security regime in Nigeria to consider workers in the informal sector of the economy.

ARTICLE 12: EQUALITY IN ACCESS TO HEALTH CARE

LEGAL AND OTHER MEASURES

Section 17(3)(c) of the Constitution provides that the state shall direct its policy towards ensuring that ‘the health, safety and welfare of all persons in employment are safeguarded and not endangered or abused’.

Article 11 of the African Charter¹⁰⁰ guarantees “the right of every individual to enjoy the best attainable state of physical and mental health. Article 16(2) further states that state parties should take necessary measures to protect the health of the people to ensure that they receive medical attention when they are sick.

The National Health Policy and Health Reform Strategy, which seeks to achieve health for all Nigerians, was promulgated in 1988 and revised in 2004. It was established by the government with the aim of bringing about a comprehensive health care system through the primary health care to every citizen of the country. The National Health Insurance Scheme (NHIS) (2003) is under the National Health Policy and Health Reform Strategy. NHIS is meant to spread health benefits across the primary, secondary and tertiary spectra. The NHIS encompasses the ‘Urban Self-employed Social Health

¹⁰⁰ The Charter has been domesticated in Nigeria. See CAP A9 Laws of the Federation of Nigeria (LFN), 2004.

Insurance Programme’, ‘Under 5 Children Health Programme’, and the ‘Permanently Disabled Persons Social Health Insurance Programme’ which are for persons such as community dwellers, informal sector, children below 5 years of age, and disabled persons respectively. The Health Maintenance Management Organisations (HMOs) is licensed by NHIS to facilitate the provision of health care benefits to contributors under the formal and informal sector’s Social Health Insurance Programme while the Children and the Disabled are under the direct management of the NHIS.¹⁰¹

The National Health Bill (2006) when passed into law will complement the National Health Policy, National Health Sector Reform Programmes, Presidential blue print on Health and the Millennium Development Goals blue print on Primary Health Care. The Bill is designed to serve as an Act to establish the National Health Commission to provide professional supervision and coordination of health agencies and organisation in Nigeria, and for other connected purposes.¹⁰²

Other key health policy framework adopted to achieve quality reproductive health for all Nigerians especially women and girls are the National Policy on Sexuality Education, National Policy on HIV/AIDS 2003, and the National Policy on Population for Development Unity, progress and Self-Reliance, 1998, and 2004, designed to decelerate the rate of population growth and improve living standard.¹⁰³

REALITY

The Constitutional provisions on health are not justiceable as health issues are contained in Chapter II of the Constitution.

Despite the reforms in the health sector, reproductive health care delivery services in Nigeria are yet to be realized, as most of the reforms have not impacted on the lives of a majority of women. Only few women have access to good health care delivery or benefit from the free maternal health policies in some states. This is because available facilities are inadequate and poorly maintained, particularly at the Primary Health Care level; there is poor state of infrastructural and existing facilities, that is, building, material and supplies; and inequitable distribution of available facilities such that in many instances women especially, travel over 5km to access health care services. There is also distribution of Health Personnel at various levels, especially the rural and hard to reach areas. The provision of quality services is poor and mainly not affordable. Often times, unofficial payments are demanded from patients who might not be able to afford it. Poor client satisfaction has frequently led to loss of confidence in the public health system, leading to the patronage of private health sector and alternative medical providers by over 80% of the population. All these contribute to not making health care services accessible to women especially.¹⁰⁴ Women in the rural areas are worst hit, as the services are not readily or hardly available at all. Women and children’s Hospitals exist in few states and mostly in the urban cities, while the rural communities make use of the traditional healers and

¹⁰¹ Web Posting by Nigeriafirst.org, February 18, 2003, 21:22.

¹⁰² *Id.*

¹⁰³ AAWORD research pp. 66

¹⁰⁴ Executive Summary- Health Sector Reform Programme: Federal Ministry of Health, Abuja, September 2004, pg. 5

sometimes the ill-equipped Primary Health Care facilities in the Local Government Areas (LGAs).

Nigeria operates a three tier health care delivery system namely:

1. The Primary Health Care (PHC) system which is the responsibility of the Local Government supported by the State Ministries of Health. The private sector provides 65.7 % of health care delivery in Nigeria. Government's efforts to initiate public private participation in Health Care Delivery are still on going.

2. The Secondary Health Care Institutions provide in and out patients services on general medicals, surgical, paediatric patients and community health services. It is available at the district, divisional and zonal levels of states.

3. The Tertiary Health Care Institutions is provided by teaching hospitals and other specialist hospitals, such as the Orthopedic, Optical, Psychiatric, Maternity and Pediatric hospitals.¹⁰⁵

The Constitution falls short of specifying what roles the LGAs, State and Federal Governments must play in the national health care delivery system. This is a very serious omission since Nigeria's current health care system is built on a three-tier system, with LGAs being the main implementing agents of primary health care.¹⁰⁶

The Local government provides 80% of the population with Primary Health Care in Nigeria. However, it does not have the required capacity for providing efficient health care for the teeming population of Nigeria.

Some states in Nigeria have enacted laws that specifically address the issue of women's health. Examples of such laws include Edo State Law on Safe Motherhood, Rivers State Law on Reproductive Health, Women's Reproductive Rights Law 2005 of Anambra State and the Cross River State Law against Early Marriage.

Abortion Law

The abortion law prohibits abortion, but in reality abortion is still widely practiced by both medically trained and untrained personnel in Nigeria resulting in high maternal mortality rate. Abortion complications accounts for 72% of all deaths among girls under the age of 19 years and 50% of deaths in adolescent girls in Nigeria. This outcome underscores the devastating health impact of unsafe abortions in Nigeria, yet Nigeria has not fully implemented the actions contained in paragraphs 1069(j) and 1069(k) of the Beijing Platform for Action regarding the Health Impact of Unsafe Abortion and the need to reduce the recourse to abortion.

The Post Abortion Care (PAC) is nearly non-existent as there is little or no awareness on this public health service since most of the women that procure abortion do it through illegal means.

¹⁰⁵ *Id.*

¹⁰⁶Executive Summary- Health Sector Reform Programme: Federal Ministry of Health, Abuja, September 2004, pg. 5

Family Planning

There are no laws on family planning in Nigeria except for a policy framework (the National Policy on Population, 1998, and 2004), which the Nigerian government adopted to determine the number and spacing of children. The objective of the policy is to provide information on the benefits of reasonable family planning and this is done through the Primary Health care system (PHC).¹⁰⁷ The PHC, due to its ill- equipped nature, has however not been able to meet up with this enormous task to the Nigerian populace. 74% of contraceptives in Nigeria are being distributed by Society for Family Health (SFH) and other NGO and international bodies.

Few pregnant women who attended ante-natal care in PHC centre in mostly urban cities have access to these services and information, but they are often referred to SFH desk situated within the premise of major ante-natal hospitals in the cities and these are limited in number. Hence, information is only available to few women who patronise those hospitals where the SFH desk are sited. Some women and not all in rural areas have information on family planning but do not have access to the services except if they have to travel to the one closest to their location.

Contraception, such as condoms available in Nigeria are brought in by foreign donors, government agencies and individuals who import them into the country, citizens often time purchase substandard or expired ones.

Disease Control: HIV/AIDS

The challenge of HIV/AIDS has been a major impediment in the attainment of sustainable mental and physical health of women in Nigeria. The break down of HIV/AIDS cases in Nigeria reveals that more females are infected than males due to inability to negotiate sexual relation, discrimination and systemic inequality.¹⁰⁸

Consequently, government's efforts to combat the disease includes setting up institutional arrangements such as the Presidential Committee on AIDS (PCA) and the National Agency for the Control of AIDS (formerly the National Action Committee on AIDS-[NACA] (2000), other components integrated into NACA are the State Action Committee on AIDS (SACA) and the Local Action Committee on AIDS (LACA) established to ensure the prevention, control and treatment of the HIV/AIDS disease in all the 36 states and 774 LGAs, respectively. These institutions also serve as an avenue through which the HIV/AIDS National Strategic Framework for Action 2005-2009 is being implemented. A 3-year HIV/AIDS Emergency Action Plan (HEAP) was also formulated in 2001 and is also being implemented.¹⁰⁹ The Nigerian Aid Response Fund/Gender Equality Strategies (NARFEGES) to ensure gender-mainstreaming components into HIV/AIDS interaction at all levels in different societal settings were also formulated. Despite these interventions, the HIV/AIDS prevalence in Nigeria is still 4.4%.¹¹⁰

The prevalence rate of HIV infection among females between 20-24 years of age is 5.6%, as compared with the overall infection rate of 5%, while 60% of new infections

¹⁰⁷ Website Posting on Nigerian Policy on Family Planning. Last visited on May 6, 2008

¹⁰⁸ African Union Solemn Declaration Report, 2006:11.

¹⁰⁹ Federal Government of Nigeria: National Policy on AIDS. Reproduced by Lagos State AIDS Control Agency; HIV/AIDS Programme Development Project, 2006.

¹¹⁰ Federal Ministry of Health National HIV Prevalence Sentinel Survey 2005..

are among females between 15-25 years¹¹¹. In 2005, the estimate number of HIV positive pregnant women in Nigeria was 250,000 while the percentage receiving Prevention of Mother to Child Transmission (PMTCT) treatment was less than 1%.¹¹² However, all these measures put on ground have only reduced the spread of the disease minimally. New cases of HIV/AIDS are still being discovered in most states in the country. The Anti-retroviral centres in Nigeria are 43 in number; (Lagos-5; Abuja-11; Oyo-1, Kwara-1; Edo-2; Anambra-2; Imo-1; Enugu-1; Rivers-1; Akwa Ibom-1; Plateau-3; Benue-1; Borno-1; Kaduna-1; Sokoto-1; Kano-2; Cross River-2; Adamawa-1; Nassarawa-1; Bauchi-2; Yobe-1 and Taraba-1). As highlighted, these centres are more in some states while they do not exist at all in some states. Accessing the centres by people living with HIV/AIDS, especially pregnant women, becomes problematic since they have to travel to a state where the centres exist for treatment.

Malaria

The Nigeria National Malaria Control Programme employed a workable and evidence based framework for the elimination of malaria. It ensures ante-natal care and health education of all pregnant women who avail themselves of the government ante-natal care service; provides Intermittent Preventive Treatment, which assures that a pregnant woman who is infected with malaria should receive at least two treatment doses of anti-malaria drugs and also Long Lasting Insecticide Treated Nets (LLINs) to reduce malaria transmission. Lastly, it provides for case management of the disease with emphasis on screening and prompt treatment for anaemia.¹¹³

Despite all these measures malaria kills a child in every 30 seconds¹¹⁴, it ranks second among the top 10 causes of death in Nigeria among adult (11%) and under-5 (24%). The Treated Nets distributed by government to hospitals for children and pregnant women are limited in supply and often diverted to private buyers who in turn sell them at exorbitant prices to people.

Maternal mortality and morbidity

The federal government of Nigeria announced in 2006 free health services to its citizens after the report of the Nigerian Development Forum (NDF) highlighted that pregnancy related causes are responsible for 52% of deaths among Nigerian women and it also accounts for 10% of global maternal deaths. About 529,000 women die annually globally while Nigeria contributes 1.7 % of the global population yet it accounts for 10% of maternal death annually. That is, at least 52,000 women die annually or one woman dies every 10-15 minutes.¹¹⁵ A recent needs assessment of maternal mortality ratio varies from 727 to 7,523 per 100,000 deliveries. The Southwest has a maternal mortality ratio of 1,465/100,000. South East is 1,406/100,000. North West is 3,295/100,000, and North East is 2,101/100,000.¹¹⁶

¹¹¹ National Gender Policy Manual (2006). Federal Ministry of Women affairs and Social Development. pp. 5.

¹¹² Reproductive Health Matters Manual. Vol. 15, No. 30, November 2007, pg. 185.

¹¹³ Media Partnership for Women and Children (MP4)- A quarterly publication by DEVCOM. November-January 2008.

¹¹⁴ The Global Fund

¹¹⁵ Clinical Health Magazine, Vol. 2-Issue 4, 2007, pp. 34.

¹¹⁶ SOGON 2004: Needs Assessment Report of Society of Obstetrics and Gynaecology of Nigeria.

Other causes of death among women are prenatal conditions, namely: prolonged obstructed labour, ruptured uterus, post-partum haemorrhage, eclampsia, infections and complication of induced abortion.¹¹⁷

Infant and under-five mortality rates

In Nigeria, infant mortality rate was about 100 deaths per 1000 live births.¹¹⁸

The common causes of death among infant and under-5 are identified as neo-natal causes which constitute (26%) and is the highest cause of death among these groups while malaria constitute (24%), Pneumonia (20%), Diarrhoea (16%), HIV/AIDS (5%), Injuries (1%) and others.

RECOMMENDATIONS

1. State health ministries should support community sensitisation by NGOs on voluntary and confidential HIV Test of pregnant women through referrals from Traditional and faith based maternity centres to HCT.
2. Government should shift effort from policies and planning to emphasis on implementation and strengthening of partnership with stakeholders in the sector.
3. There is need to improve the access, quality and efficiency of public health care, strengthen and re-orientate secondary and tertiary service delivery to support public health care.
4. Government should promote legislative measures guaranteeing reproductive rights for women and redress mechanisms for violation of these rights.
5. Government should include sexual and reproductive health rights advocacy networks in decision-making.

ARTICLE 13: SOCIAL AND ECONOMIC RIGHTS

LEGAL AND OTHER MEASURES:

The closest to Economic, Social and Cultural Rights (ESCR) is found in Chapter II of the Constitution and it is termed Fundamental Objectives and Directive Principles of State Policy.

Sections 16 to 18 of the Constitution, which falls under Chapter II of the Constitution respectively, provide for economic, social and educational objectives. Section 42 also provides for freedom from discrimination on the basis of sex; this implies that the provisions of Section 16 to 18 are to be applied to both men and women equally.

With the advent of democratic transition in May 1999, various economic reform strategies aimed at debt reduction, poverty alleviation and wealth creation were launched. The National Economic Empowerment and Development Strategy (NEEDS) was launched in March 2004. NEEDS is the government's blue print for economic recovery and reconstruction. It is aimed at restoring the nation on the path of real

¹¹⁷ The Nigerian Clinical Review Journal , March – April 2007, Year 11, Vol. 62, pp. 10.

¹¹⁸ Clinical Health Magazine. Vol. 2- Issue 4, 2007, p.34.

economic growth and development, nationalise the provision of NEPAD¹¹⁹ and also move towards the actualisation of the MDGs and the Beijing Platform for Action.

REALITY

The non-justiceability of Chapter II of the Constitution makes it difficult to enforce the provisions of Sections 16 to 18. This tacitly deprives citizens of the enjoyment of the closest to socio-economic rights the Constitution has provided. This also gives wider room for discrimination against women.

The efforts of the Federal Ministry of Women Affairs and Social Development in different skills acquisition and training programmes have done little or nothing to reduce poverty level among women because most of the beneficiaries of the training and skills programme lack the take-off capital to establish a trade. As stated in the government report, 58.70% of the beneficiaries only acquired skills¹²⁰. Skills acquisition alone is not enough if it is not backed up with adequate financial assistance. This becomes imperative as the number of women below the poverty line is 65% compared to that of men which is 35%, and women's purchasing power is also very low.¹²¹

Discrimination against women in Nigerian society limits women's involvement in the industrialised sectors. Gender stereotypes also limit women's involvement in professional fields such as in Medicine, Information and Communication Technology, Engineering etc. Women are predominantly seen in the informal sectors engaging in small-scale agricultural work, food processing and marketing inputs. The government usually does not regulate these fields on informal work dominated by women and, therefore, women remain economically marginalised.

There is no tax relief/reduction for married women with children whose husbands are still alive, even when such women are breadwinners. Although the government reported this as a challenge, there are no measures in place to address this issue.

Women's access to loan from finance houses is very limited due to various discriminatory internal policies. Sometimes, women are asked to get a male guarantor or to access loans through their husbands. Most women are out rightly unaware of or unable to comprehend the usually complex credit policies and hence could not access them. This area has also been left unregulated by the government.

The Federal Government's budget has also not been gender sensitive so far, as the Federal Ministries of Women Affairs and Social Development usually have financial challenge, while the budgets assigned to other sectors of the economy do not quote specific allocation for gender needs.

Most women in Nigeria do not have access to land, as they could not inherit family land and other immovable properties due to some customary practices. The Land Use Act¹²² also makes it difficult for the poor, majority of whom are women to own land.

¹¹⁹ The New Partnership for Africa's Development. Adopted at the 37th Summit of the OAU in July, 2001. Available at <http://www.nepad.org/2005/files/inbrief.php>. Last visited on April 3, 2008.

¹²⁰ Nigerian 6th country periodic report p. 77.

¹²¹ The National Gender Policy, 2006 p. 4-5.

¹²² CAP. L5 Laws of the Federation of Nigeria (LFN), 2004.

According to Utuama, the Land Use Act in Nigeria is characterised by numerous bureaucratic protocols and hence “cannot deliver the development goals as it is likely to exclude the poor for lack of knowledge and capacity to scale the various statutory hurdles to be able to have access to secure title to land so as to enjoy the associated economic benefits of land security as a primary asset”¹²³.

Most customary practices in Nigeria also deny inheritance rights to widows and daughters.

RECOMMENDATIONS:

1. Nigerian government should mainstream gender in the budget and the budgetary process.
2. There should be advocacy and legislation on the abolition of all customary practices that limit women’s access to credit, economic resources, property rights and right to inheritance.
3. Government should come up with a policy to ensure tax relief for women regardless of marital status.
4. The government should regulate the policies of finance houses to make loans and credit facilities available to women and men on equal basis.
5. The government should come up with policies to regulate the informal sectors of the economy, which have been obviously dominated by women.
6. The Gender Policy, which states the strategies to improve women’s economic rights, should be made effective.
7. Poverty reduction strategies should have substantive gender components.
8. Reform of the Land Use Act in such a way that land can be owned by the poor, majority of who are women.

ARTICLE 14: WOMEN IN RURAL AREA

MEASURES AND PROGRAMMES IN PLACE FOR RURAL WOMEN.

The National Economic and Empowerment Development Strategies (NEEDS); the State Economic and Empowerment Development Strategies (SEEDS); the Local Economic and Empowerment strategy (LEEDS); and the National Gender Policy, 2006 are policies of the government that should also promote and empower rural women in Nigeria.

REALITY

Rural women represent 76% of the entire population in the rural areas; they constitute the larger percentage of the poor; they are less educated and majority of them engage largely in small scale agriculture and petty trading. Women also form the larger part of the labour and production force, which produce over 70% of the nation’s food supply, but they have access to less than 15% of the resources available in the agricultural sector.¹²⁴

¹²³ Professor Amos Utuama: ‘The Land Use Act and the Challenges of MDGs. Being paper presented at the First Memorial Lecture in Honour of Prof. J.A. Omotola, SAN. The Guardian Newspaper, March 31, 2008.

¹²⁴ The Status of Women In Nigeria, WIN document October 1994, page 5,

It is indeed disturbing that despite the crucial and basic contribution of women in rural areas in Nigeria, in production, processing, distribution and almost in all fields of human endeavour, their indispensable labour is unacknowledged, unpaid for, and poorly taken into account in national development plans and policies

Economic Policy:-

The liberal economic policy pursued by the government had a lot of implications for rural women. For instance, the continuous withdrawal of real or imagined subsidies on petroleum products such as kerosene, which is generally used by rural women for domestic purposes, has become a scarce commodity and not easily affordable by these women. Many have resorted to the use of charcoal and firewood as alternatives for cooking. This has made women and young girls in the home to spend more time and energy in search of fire wood for cooking as coal cooking as an alternative is not only tedious, but equally hazardous.

The pro-poverty reduction strategies of the immediate past government of Olusegun Obasanjo (1999-2007), such as NEEDS (2004) and SEEDS (2005) have not helped the situation of Nigerian women in rural areas, as their implementation has been fraught with great challenges.

The strategies in sectoral employment policy as articulated by NEEDS/SEEDS that are meant to empower rural women ranged from increased productivity of small farmers; new jobs in rural areas rising from improved rural infrastructure; and rural telecommunication. However, there is nothing to show that these strategies are being implemented in rural areas.

Agriculture and rural development in NEEDS/SEEDS documents.

The NEEDS/SEEDS document seems to view agricultural developments only from the agro-business point of view. There is no policy on how women can be empowered through agriculture; how farmers can define their own agricultural practices, which are ecological and culturally appropriate to their unique circumstances and the ability for farmers to make informed choices, which are critical in the success of agriculture.

The NEEDS/SEEDS did not address important issues in enhancing agriculture and rural development such as:

- Placing priority on food production for local and domestic markets as a matter of priority;
- Ensuring fair pricing for farmers;
- Access to land, fertilizers, water, etc through genuine redistribution;
- Recognition and promotion of women's role.

These gaps as well as others have led to the proposal of NEEDS/SEEDS II documents, which are yet to be launched.

In essence, the NEEDS/SEEDS did not address the situation of rural women in Nigeria. The FEEDS/LEEDS, which should bring the NEEDS/SEEDS policy close to the community level, is still in the imagination of the government policy makers, it is surprising, however, that they are included in government report as functional, whereas they are actually non-existent at the implementation level.

Programmes

Although Federal Government and some State Governments have provided subsidies in the form of fertilizer and other agricultural services, but those who benefit from these services are male farmers, female farmers are hardly aware of the existence of government's subsidies, because as far as government is concerned farmers are men.

In March 2006, the Federal Ministry of Women Affairs in collaboration with the National Agricultural Co-operative Rural Development Bank (NACRDB) established a funding window for micro-credit delivery to grassroots women in 22 states, known as Women Fund for Economic Empowerment (WOFEE). WOFEE came as a response to the yearnings of Nigerian rural women, and was designed to provide micro-credit loan to rural women, provide skills to the women, source for markets for the rural women's businesses, provide information, establish linkage among the different states and encourage healthy competition among the women. The micro-credit revolving loan scheme allocates six million naira (₦6,000,000) per state, but for every rural women's group to access this loan, they must deposit 10% of the amount approved for them with the respective bank. Most of the rural women's groups are so poor that they cannot afford 10% of any amount that can make meaningful impact in their farming and petty businesses.

Furthermore, the general implementation of WOFEE is very poor. There are no mechanisms to ensure that corrupt practices do not hamper the implementation of the project. For example, most of the beneficiaries of government projects, such as National Poverty Eradication Programme, NAPEP, (which aimed at providing loans for the purchase of shares in companies, and micro - credit for farmers and small and medium scale entrepreneurs in order to alleviate poverty) was used by political parties in power at Federal and State levels to fund members and supporters.

Health

The National Primary Health Care Development Agency (NPHCDA) referred to in the 6th country periodic report has not taken off. Whilst acknowledging that some states like Bayelsa and Ebonyi provide mobile health services, these services are not adequate and do not address the serious health problems of rural women.

The health facilities in the rural areas in Nigeria are inadequate and non-functional. Few hospitals and health centers that exist in rural areas are poorly equipped, under staffed and expensive, making it difficult for the poor to have access. More often than not, the available health centers are far from the villages where most rural women live; they usually cannot afford transportation fare to the hospitals, let alone afford the medical bills. Nurses act as doctors due to lack of requisite human-power, the hospitals lack drugs and other essential medical equipment needed to save lives.

The numerous inhibitions to accessing primary health care make the poor women to find alternative ways of providing for their health care; and they patronise quacks, whose services are injurious to their health. Most pregnant women in rural areas due to poverty and lack of awareness patronise unhygienic traditional health care services and roadside patent medicine stores because it is affordable, available and accessible. This poor health care delivery system has resulted in high maternal mortality rate in the country. As estimated by UNICEF, the rate of maternal mortality in Nigeria is 1,100

pregnancy related deaths of women per 100,000 live births¹²⁵, and this constitutes a big challenge to the achievement of MDG5. Maternal mortality is the leading cause of premature death and disability among women of reproductive age in Nigeria. Rural areas and urban slums contribute a higher percentage of pregnancy related deaths in Nigeria. Rural women are also prone to the infection of HIV/AIDS and other sexually transmitted diseases.

Nigerian women in rural areas face a myriad of problems including poverty; illiteracy; poor access to information; lack of health care services; and lack of access to decision-making processes. This, in addition to other problems, such as bad roads, and lack of basic infrastructure, poor sanitation and lack of safe drinking water limit the development and advancement of the Nigerian rural women.

RECOMMENDATIONS

- 1 Government should mainstream gender and rural women in the implementation of development initiative even where the formulation of the policy was not inclusive.
2. All the programmes for the development of rural areas and empowerment of rural dwellers should articulate the needs of rural women and allocate resources to address these needs as a matter of priority.
3. The NEEDS/SEEDS policy should as a matter of urgency recognise the contributions and situation of rural women and the importance of land to rural women empowerment.
4. The NEEDS/SEEDS Policy should put in place mechanisms to ensure that NEEDS/SEEDS objectives are fully implemented and that the desired impact is achieved.
5. The SEEDS policy should provide mechanisms on how social services will be improved and poverty reduced especially among the majority of poor people that reside in rural areas.
6. There should be training for policy formulators on how gender dimensions be tackled and integrated into policy and how these gender dimensions be integrated within NEEDS/SEEDS and made sustainable.

ARTICLE 15: EQUALITY BEFORE THE LAW.

LEGAL AND OTHER MEASURES

Equality before the law connotes equal treatment in the Law without any discrimination.

S.17(a) of the Constitution provides that every person shall have equality of rights, obligations and opportunities before the law S.17 (e) proclaims the independence, impartiality and integrity of the court of law and that easy accessibility thereto shall be secured and maintained. The Human rights provisions of the Constitution, particularly S.42, which prohibits discrimination, also outlaws inequality before the law while S.6 (6)(b) vest judicial powers in the law courts.

¹²⁵ UNICEF- *At a Glance: Nigeria Statistics*. http://www.unicef.org/infobycountry/nigeria_statistics.html; last accessed on April 3, 2008.

To enhance access to justice, legal aid is provided to indigent citizens in both criminal and civil matters by the Legal Aid Council, and National Human Rights Commission. Lagos state has also taken bold steps to improve access to justice for the poorest and most vulnerable persons and to reduce the number of awaiting trial detainees by establishing The Directorate of Citizens Rights that has Citizens Mediation Centre (CMC), Office of the Public Defender (OPD) and the Human Rights Unit.

States of the Federation such as Anambra, Ogun and Ekiti states have followed the Lagos state example, and the remaining states of the Federation have expressed the intention to establish the Directorate in their states. The Negotiation and Conflict Management Group in Nigeria has also established the Multi-door courts in Lagos, Ogun and the Federal Capital Territory Abuja, which provides a menu of alternative dispute resolution (ADR) options for more complex cases.¹²⁶

In the Area of criminal justice administration, the federal government in June 10, 2004 inaugurated the National Working Group on Reform of Criminal Justice Administration to review and produce a legislation that would reform and modernise the administration of criminal justice in the country.¹²⁷ One of the results of the working group activities was the draft bill on Administration of Criminal Justice.

REALITY

In spite of these Constitutional provisions, there exist laws in our statute books whose provisions are inherently discriminatory against women while the application of others negates the spirit and principles of equality before the law. A gender audit of Nigeria's local laws and policies reveals that many legal instruments are discriminatory and/or gender insensitive.¹²⁸

The unequal treatment of women under the law is mainly facilitated by the parallel practice of the tripartite system of laws via statutory, customary and Islamic. These laws often have conflicting principles, definition, procedures and are often discriminatory in their application. This has continued to widen the inequality gap in the law against women. The patriarchal structure of our society has also continued to discourage the introduction and enforcement of laws and policies promoting equality before the law.

The expansion of Sharia law by some states in the Northern part of Nigeria to cover criminal cases is another contributory factor to inequality before the law against women. While it is true that the contents of Sharia law appears to protect the rights of women, some procedural laws of Sharia are inherently discriminatory against women; for instance, the Sharia law provides that a man who is alleged to have committed adultery can only be punished upon the evidence of four witnesses. The practical application of this law will work injustice against women because it will be

¹²⁶Getting Justice Sector Reform on the Political Agenda: The Lagos State Experience. A paper delivered by Professor Yemi Oshinbajo, the immediate past Attorney General and Commissioner for Justice Lagos State, Nigeria at the Conference on Justice Reform in Sub-Saharan Africa: Strategic Framework and Practical Lessons. Nairobi, Kenya 21-22 November, 2006

¹²⁷ 'Reforming Criminal Justice Administration in Nigeria: Going Beyond Vision' by Chino Edmund Obiagu, being a paper presented at the Nigerian Bar Association 's Annual Conference, Port Harcourt, 29 August, 2006

¹²⁸ National Gender Policy. pg 12.

very difficult for four people to witness the commission of the offence. The inability to satisfy this requirement especially in cases where the woman is pregnant by the act of zina, in most cases will make most male culprits escape judgment. The cases of *Bariya Magazu, Commissioner of Police v. Amina Lawal and another*¹²⁹ and *Commissioner of Police v. Safiya Husainni*¹³⁰ are very instructive. In the two later cases. The judgment of death by stoning for zina (adultery) were passed on the two women involved while the men with whom they committed the alleged offence were allowed to go free. The decisions in these two cases clearly violate the fundamental rights of these two women to equality before the Law. The Ulamas who apply Sharia laws are usually of different schools of thought, and end up giving conflicting interpretations, which ultimately subsume the fundamental rights of women in favour of men.

Inadequacy of the Law on Gender based Violence

Although some states have enacted laws on domestic violence, the increase in the incidence of domestic violence and the inadequacy of the existing laws have continued to make women vulnerable to unequal treatment before the law.

The provisions of S. 353 of the Criminal Code which makes it a felony when the victims of indecent assault is a man and makes it a misdemeanor or a lesser offence where the victim is a woman is a classical example of inequality before the law against Nigerian women.

The requirement of corroboration in establishing the case of rape is another legal and judicial backing for inequality before the law. In the case of *State v. Akingbade*¹³¹ where, according to the court, the accused committed the rape and that the “act does not call for corroboration” the court was still unable to convict the accused. In the case of *Uphar v. State*¹³² (2003) 6 NWLR Pt 816, 230, the court of appeal not only insisted on corroboration but also widened the quality and scope of corroboration, which the prosecution is to establish before an accused can be convicted for rape. The Court of appeal stated that the nature and content of the corroborative evidence must not only support the claim of the prosecutrix that the accused raped her by penetrating into her vagina; it must also unequivocally implicate the accused.

The traditional presumption of innocence until guilt is proven does not extend to the rape survivor by the combined operation of S.210 of the Evidence Act, which makes character evidence of the survivor of rape admissible in evidence and the requirement of proving the innocence and non complicity of the victim in the commission of the crime.

It is true that the Nigerian government has taken some steps to repeal discriminatory statutory and customary laws and practices, which give room for unequal treatment of women and men before the law, by compiling discriminatory laws in our statute books and the Constitution for repeal. This effort has, however, failed to yield any meaningful result because the proposed Constitutional amendment that incorporates the recommendations of the National Political Reform Conference (NPRC), as well as

¹²⁹ Case no 9/2002.

¹³⁰ Case no USG/GW/CR/F1/10/0.

¹³¹ (1971) All NLR, 508.

¹³² (2003) 6 NWLR Pt 816, 230.

those got from other sources, were thrown out by the National Assembly. This was due to the inclusion of the provision to extend the term of office of the president of the country and make it apply retroactively.

The CEDAW Bill also suffered the same fate due to misconceptions on article 12 and 16 as already explained under article 4 of this report¹³³. **The National Assembly has not passed The Abolition of All forms of Discrimination Bill into law**, consequently, the discriminatory laws are extant till date. The implication of this is that, Nigerian women are still laboring under these oppressive laws and advocacy for Constitutional amendment and the passage of the bills into laws at the National assembly has to be renewed.

It is acknowledged that the enactment of these laws will to a greater extent remove discriminatory laws from our statutes books, however, it must be noted that the challenges of making these laws realistic and have an impact on the lives of Nigerian women cannot be realised simply by enacting these laws at the federal level where it is presently concentrated. The nature of Nigeria's federal system of government dictates that advocacy and intervention for the repeal of these discriminatory and gender insensitive laws must be decentralised (i.e be made effective at the state and local government levels, where they can be made more realistic and meaningful in the lives of women).

Access to Justice

Access to justice encompasses (a) the existence of a right, (b) the knowledge of the existence of such right (c) the knowledge of where to go to seek redress in the case of violation of the right (d) the existence of an independent arbiter to consider the matter without fear or favour (e) timely consideration of the matter (f) the existence of a reliable and efficient mechanism for the enforcement of the right.¹³⁴ These conditions are not adequately articulated in the Constitution, the access to justice guaranteed has no practical meaning when the procedures for the ventilation of grievances are not adequately spelt out¹³⁵.

Majority of Nigerian women are uneducated and uninformed about their rights and the language of the law is very technical and complicated for them.

There is a provision of legal aid for indigent citizens but, generally, the Nigerian Legal System does not recognise legal aid for civil matters, which is very important for the protection of women's rights.

A major challenge to enhancing access to justice in Nigeria, apart from the ones stated in the Nigerian CEDAW report, is corruption, which pervades the gamut of the administration of justice in Nigeria. According to a survey conducted in 2000 in Lagos state, it was revealed by 99% of lawyers who frequently use the Lagos State High Court that corruption was an issue in the state judiciary; 80% of lawyers who had 11-15 years post-call experience agreed that the prevalence of corruption was high or very high

¹³³ More explanation on the reasons why the CEDAW Bill was not passed is given in Article 4 of this report

¹³⁴ Jadesola Akande, A Search for Decency and Human Dignity : Text of a paper delivered at the Annual Bar Association Conference, Abuja 2004.

¹³⁵ *Id.*

while 65% of lawyers in this category were of the view that confidence in the judiciary was low,¹³⁶ and this is true of all other states of the federation. The challenges faced by these institutions that provide legal aid services are that they do not have institutional capacity and requisite financial capacity to cope with the enormity of the cases that need legal assistance. Therefore, they could not reach out to many indigent Nigerian women citizens who need their services.

Nigerian prisons are congested with awaiting trial inmates who form over 80% of the total inmates in prison or police custody¹³⁷. These detainees suffer all forms of inhuman and degrading treatment. The situation of women detainees is even more appalling. Women in prison do not have access to medical facilities and are open to poor living conditions. A recent prison audit reveals that the total number of 50 women inmates was found to be either pregnant and or nursing mothers and there are no special provisions for them as required by the Standard Minimum Rules for the Treatment of Offenders. This suggests that the women in prison may be highly vulnerable to rape and invariably to HIV/ AIDS.

Litigation at the Multi door court is very expensive, as this has made the services out of the reach of many women who are disproportionately affected by poverty in Nigeria. Awareness and accessibility of these schemes by the majority of the populace, particularly women is still a major challenge.

Notwithstanding the provision of the Human Rights Desk in some Police Stations, many women are unable to benefit from the service provided because of the levity with which women's human rights cases are handled by the Nigerian Police. The Police are one of the major violators of human rights in Nigeria. The wrongful arrest of young girls and women in Lagos and Cross River States, and some other parts of the country, by the Nigeria Police under the guise of 'indecent dressing' and 'prostitution', which further created an avenue for the police to extort money from victims, is a case in point¹³⁸. The justice and law enforcement administration in Nigeria is not gender friendly in the delivery of its mandate.

The centrally controlled Nigerian Police and Prisons have been a major hindrance to effective crime control and prevention. States that deliver majority of justice services do not have control or say over these institutions thus, the institutions are not accountable to state governments for their performance. State service delivery is also constrained by the limited and erratic flow of funds from federal to state level.¹³⁹ The impact of these challenges affect the poorest in society who are the most frequent victims of long detentions for minor offences and extortion by the Police and other law enforcement agencies.

The government has done nothing to tackle the challenges of access to court as stated in the Nigeria CEDAW report. Many women still have no access to the courts, which is a pre-condition for access to justice.

¹³⁶ Yemi Osibajo supra pg 3.

¹³⁷ Yemi Osinbajo supra pg 2.

¹³⁸ Commissioner of Police V Hope Innocent & 10 Ors, mik/s/41/07.

¹³⁹ Ibid 1

RECOMMENDATIONS

1. Efforts to Domesticate CEDAW and pass the Abolition of all forms of Discrimination Law and the Administration of Criminal Justice Law should be renewed. For effectiveness, domestication of these laws should be decentralised and implemented at all levels of government.
2. Government should allocate more money for Legal Aid to improve the access of women to this service.
3. All legal provisions denying equal capacity under the law should be repealed.
4. Awareness should be created on the new institutions established at the state and federal levels to provide legal aid.
5. Government should locate law courts in rural areas for ease of accessibility by rural women.
6. The language of the court should be simplified for the uneducated women to understand.
7. The cost of litigation should be reviewed to facilitate women's access to legal aid services in civil matters.
8. The Police should be reformed to make it more efficient and gender sensitive in the prevention and control of crime, as well as in the treatment of female police personnel.
9. Women's human rights should be integrated in the application and implementation of Sharia laws in Nigeria.
10. The capacity of Justice delivery institutions both at the Federal and State levels should be strengthened to enable them to perform their functions efficiently and effectively.

ARTICLE 16: EQUALITY IN MARRIAGE AND FAMILY

LEGAL AND OTHER MEASURES:

Section 42 of the Constitution outlaws discrimination in all forms; also, S.37 guarantees the right to privacy. Article 21 of the Protocol to the African Charter on Human and Peoples Rights on the Rights of Women (African Protocol) guarantees the right of the widow to inherit her husband's property upon his death. The African Protocol has been ratified by Nigeria but not yet domesticated and the implication of this is that it cannot have the force of Law, i.e. the provisions of the protocol cannot be enforced in the courts in Nigeria. Consequently, the provisions of Article 21 referred to in the Country report cannot be invoked to enforce the rights of widows to inheritance in Nigeria.

The complexities engendered by the operation of the tripartite systems of laws in Nigeria are most evident in the marriage and family law. The three systems of laws via statutory, customary and religious laws apply on equal force depending on the marriage contracted. These three systems of laws often have conflicting and discriminatory provisions that reinforce male supremacy and perpetuate patriarchy in the context of marriage.

Age of Marriage

Generally, the 3 systems of laws do not stipulate the minimum age of marriage until recently when the Child Rights Act (CRA) S.21 prohibits and provides penalty for the marriage and betrothal of a child under the age of 18, but the CRA is not applicable throughout Nigeria. It is applicable only in Abuja the federal capital territory and in the sixteen states of the federation where the law has been enacted. The situation is further compounded by the provisions of S.29(4)(b) of the Constitution, which provides that any woman who is married is deemed to be of full age. Although this provision applies to a citizen of Nigeria of full age who wishes to renounce her Nigerian Citizenship but the implication of this Constitutional provision is that it can be erroneously used to justify child marriage and may also be invoked to render the provisions of S.21 of the CRA inconsistent with the Constitution if not properly contextualised.

Meanwhile, child marriage is still rampant in Nigeria and is one of the major causes of the high school drop out rate for girls. In states where the CRA has been enacted into law, no one has been prosecuted for child marriage even though it is still being practiced. There is a wide gap between enactment and enforcement of laws.

Property Rights

S.43 of the Constitution guarantees the right of every Nigerian to own movable and immovable property anywhere in Nigeria, subject to compulsory acquisition in accordance with the law.

The Married Women's Property Law of 1994, applicable in the south Eastern part of Nigeria, and also S.3 of the Oyo State Married Women's Property Law of 2000 recognise a woman's capacity to acquire and dispose of any property and have personal liability in contractual matters¹⁴⁰. Under Kaduna, Sokoto and Zamfara States Married women's Property laws, only married women are accorded the right to acquire, hold and dispose of any property, a single or unmarried woman is denied such rights¹⁴¹.

Various customary laws applicable in different parts of Nigeria deny married women the right to inherit property. The various customary laws operative in most parts of Nigeria still regard women as part of the property owned by her husband and that all properties acquired during the subsistence of the marriage belongs to the husband, even where she has contributed to the acquisition and development of the property. At divorce, she is not entitled to maintenance and custody of the children of the marriage. She also loses the right to be accommodated by her ex husband even where she is granted the custody of very young children.¹⁴²

These rules of customary law is manifestly obnoxious and discriminatory against women when subjected to the full weight of Article 16 of CEDAW which requires state parties to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against woman.

¹⁴⁰ Initial Country report on The Implementation of AU Solemn Declaration on Gender Equality in Africa 2004-2006 pg 32.

¹⁴¹ Ibid 137.

¹⁴² Margaret Tilly Giyado, *Inheritance and Administration in Northern Nigeria in Women and Law in West Africa: Situation Analysis of Some Key Issues Affecting Women*. p. 175.

Kaduna, Sokoto and Zamfara states have enacted laws that guarantee the right of women to own and acquire property, but these laws exclude single women from enjoying these rights.

With respect to custody of children at divorce, the wife (in a marriage contracted under customary laws) generally is not entitled to custody of children of the marriage because of the customary law belief that children belong to the father. Although, this customary belief has been outlawed by the provisions of the customary laws of the various states in the western part of Nigeria, the current provision states that in any matter relating to the guardianship and custody of children the interest and welfare of the child shall be the first and paramount consideration.

Marriage under the Marriage Act substantially guarantees equality between the spouses in terms of rights in marriage, divorce, inheritance and custody of children and maintenance at divorce.

A woman married under the Marriage Act has equal rights with her spouse to family assets and property acquired during the subsistence of marriage and right to be involved in its disposal during or after the marriage or upon the death of her husband. However, given the patriarchal nature of our society, the husband, more often than not, has the power to dispose of the family property and assets, irrespective of the wife's contribution and without her consent.

The major area where discrimination and inequality is often manifested against the wife upon dissolution of the marriage is where the woman claims financial contribution to any property acquired during the subsistence of the marriage. Nigerian courts often require the woman to give documentary evidence of co-ownership of the property and unfortunately some women have been socialised to believe that major properties purchased, should be in their husband's name.

In the case of **Adeyemi v. Adeyemi**¹⁴³ where the wife failed to tender receipts in court to prove her contribution to the property acquired during the subsistence of the marriage, the court held that failure to tender the receipt in evidence to prove her contribution to the property acquired during the marriage disentitles her to the property. While in the case of **Egunjobi v. Egunjobi**¹⁴⁴ where the wife gave evidence of her actual contribution and exhibited receipts for the construction of the building acquired during the subsistence of the marriage the court awarded her a third of the property.

While some judges insist on the production of documentary evidence or otherwise to prove financial contribution of the wife to the property others have held that the wife's contribution need not be financial in nature. It was held in the case of **Kaffi v. Kaffi**¹⁴⁵ that the fact that the wife took care of the husband and the family and that the husband had the peace of mind to acquire the property gives the wife an interest in such property.

¹⁴³ (1985) Suit No CB/354D/85.

¹⁴⁴ Advocacy for a Better Implementation of Women's Rights in Nigeria. A publication of Women in Law and Development Nigeria Chapter; p. 21.

¹⁴⁵)1986) 3 Nigeria Weekly Law Report (NWLR); part 2; p. 175.

Under customary law it is assumed that the husband owns all properties acquired during subsistence of the marriage. A wife does not by virtue of marriage become co-owner or joint owner of properties and assets acquired during the subsistence of the marriage even if she has contributed to the acquisition and development of the property. Although most customary laws recognise the right of the women to purchase and own property, some customary laws in the eastern part of Nigeria do not allow women to inherit family land or property.

In Nigeria there is no law on marital rape and domestic violence but by virtue of S.16(1)(e)(11) of the Matrimonial Causes Act, violence is one of the grounds for divorce.

In the case of *Otti v. Otti*¹⁴⁶ and *Akinbuwa v. Akinbuwa*¹⁴⁷ the violent spouse should first be convicted of the offence occasioned by the violence before the court can consider it extreme violence capable of grounding a divorce.

Inheritance /Succession Rights

Under the various customary rules of intestacy applicable throughout Nigeria, widows and female daughters are generally excluded from inheriting from their husbands and fathers, except under Yoruba customary rules of intestacy where female children can inherit. The Nigerian Supreme Court confirmed this obnoxious customary law practice in the case of *Akinnubu v. Akinnubi*¹⁴⁸.

In the case of *Akinnubi* the Supreme Court held that “it is a well settled rule of native law and custom of the Yoruba that a wife could not inherit her husband’s property. Indeed under Yoruba customary law, a widow under intestacy is regarded as part of the estate of her deceased husband to be administered or inherited by the deceased family. She could neither be entitled to apply for a grant of letters of administration nor appointed as co-administratrix”. In the same year, the Court of Appeal in the case of *Mojekwu v. Mojekwu*¹⁴⁹ disapproved the “*Oliekpe*” custom which disentitles a female child from inheriting the property of her father where no male children survives him and the case of *Mojekwu v. Ejikeme*¹⁵⁰ disapproved the traditional rites of “*Nrachi Nwanyi*” which enables a man to keep one of his daughter’s in his family to raise male issues to succeed him.

In the two cases cited the issue of widow disinheritance was not directly the issue but the affirmative manner in which the court of appeal denounced these customary law practices as being contrary to natural justice, equity and good conscience gives hope for a better enforcement and enjoyment of women’s right. To quote Niki Tobi J.C.A. who commented on the evidence given by the third defense witness (DW 3) that “in Nnewi custom a widow cannot inherit the estate”. The learned J.C.A., while acknowledging the fact that no issue of widow disinheritance was raised, he, however commented that 21st century Nigeria should not tolerate the evidence of DW3. It is

¹⁴⁶ Nigerian CEDAW Report, p.85.

¹⁴⁷ Ibid.

¹⁴⁸ (1997) 2 NLWR 144.

¹⁴⁹ (1997) 7 NWLR; Pt 512; 283.

¹⁵⁰ (2000) 5 NWLR 3.

discriminatory and therefore against the provision of Nigerian Constitution and CEDAW.

It would have been assumed that the decision of the court of appeal in the case of **Mojekwu v. Mojekwu**¹⁵¹ should have been endorsed by the Supreme Court but this was not to be. When this case now titled **Mojekwu v Iwuchukwu**¹⁵², got to the Supreme Court, the hope of a better enforcement and enjoyment of women's rights in Nigeria was almost dashed when the Supreme Court held that there was no justification for the court below to pronounce that the Nnewi's native custom of "Oliekpe" was repugnant to natural justice equity and good conscience, since this was not part of the issues joined by the parties. While this is quite understandable, the further pronouncement of Justice Uwaifo on the matter that "the language used made the pronouncement so general and far reaching that it seems to cavail at, and is capable of causing strong feelings against all customs which fail to recognise a role for women, with due respect, is not justifiable. One cannot but wonder why it is wrong to express strong feelings against all customs that discriminate against women, after all women are part of the society where the custom is to be applied. It is submitted with due respect, that any society that fails to recognise a role for women in its custom is less human. The conflicting signals from the courts in the above cases sum up the judicial attitude to women's rights in Nigeria.

Marital Rape/Violence in Marriage

In Nigeria there is no law on marital rape and domestic violence is currently classified under common assault, which downplays the seriousness of the offence and reduces it to a mere misdemeanor. However, under S.16(1)(e)(11) of the Matrimonial Causes Act, violence is one of the grounds for divorce. However, according to the cases of **Otti v. Otti**¹⁵³ and **Akinbuwa v. Akinbuwa**¹⁵⁴, the violent spouse should first be convicted of the offence occasioned by the violence before the court can consider it extreme violence capable of grounding a divorce. Similar to this is the provision of Section 55 of the Penal Code, which is applicable to states in the North. This section permits a husband to beat his wife as long as it does not amount to grievous hurt. "Grievous hurt" according to S.241 of the Penal Code include emasculation, permanent loss of sight, inability to hear or speak, facial disfigurement, deprivation of any member or joint, bone fracture or tooth dislocation. Many women continue to experience violence in marriage on account of these laws which progressively reduce their self esteem and reinforce their subjugation in Marriage.

RECOMMENDATIONS

1. Advocacy for the adoption of the Child Rights Act by the states, which are yet to pass as law, should be intensified and accelerated.
2. The gender insensitive provisions of the Nigeria Constitution in
 - S.16(1)(e)(11) Of the Matrimonial Causes Act Should be repealed to make any degree of violence enough for ground divorce.
 - S.55 and S.241 of the penal code, which legalises wife battery, should be repealed.

¹⁵¹ Ibid 121.

¹⁵² (2004) NWLR Pt 883 pg. 196.

¹⁵³ See Nigeria CEDAW Report.

¹⁵⁴ See Nigeria CEDAW Report.

- S.353 Criminal Code which makes indecent assault on males punishable by 3 years imprisonment while assault on females is treated as a mere misdemeanor punishable by a maximum of 2 years should be repealed to raise the status of the offence to a serious offence which attracts stiff sanctions. The existing discriminatory sanctions should be expunged.
3. Government should, as a matter of urgency, represent the CEDAW Bill, the Administration of Justice Bill, and the Bill on Abolition of all forms of Discrimination to the National Assembly for passage into law.
 4. Periodic and continuous training on women's rights as well as international human rights treaties, for Judges, Lawyers, Police and Judiciary Personnel must be embarked upon by government.
 5. The various Laws of Administration of Estate should be repealed to bring it in tune with modern day reality in Nigeria.

OTHER CRITICAL ISSUES:

VIOLENCE AGAINST WOMEN IN NIGERIA

Legal and other measures

There is Violence against Women (Prevention, Protection and Prohibition Act 2002). Four Nigerian states namely Ebonyi, Jigawa, Cross Rivers and Lagos states have enacted domestic violence laws. Six states (Enugu, Edo, Bayelsa, Delta, Cross Rivers, and Ogun) have also passed laws against female genital mutilation (FGM).

Reality

Nigerian women suffer various forms of violence mostly owing to the patriarchal nature of the Nigerian society. The different forms of violence against women in Nigeria includes, but is not limited to: domestic violence (e.g. wife battering and verbal abuse, emotional and psychological abuse marital rape); sexual exploitation and harassment especially in academic institutions, corporate organisations and in Police custody; rape; trafficking; forced prostitution; forced marriage; widowhood rites; and female genital mutilation among others.

Despite the questions raised by the CEDAW committee in Recommendation No. 19, no functional feasible measures have been taken by the government in protecting women from violence both from state actors and non-state actors. The Violence Against Women (Prohibition) Bill 2003 has not been formerly raised on the floor of the National Assembly (Parliament); Domestic Violence Protection Bill 2005 has passed first and second readings at the National Assembly, but has not gone past the committee level; Draft Bill on Elimination of Violence 2006 has only passed first reading at the National Assembly. Out of the 36 states in Nigeria, only 4 states have enacted Domestic Violence Law.

The statutory, religious and customary laws in Nigeria allows for violence against women as they give some provisions in support of such. The penal code {section 55(4)}, which is applicable in the Northern part of the country, allows the correction of child, pupil, servant or wife by beating in as much as the beating does not amount to grievous hurt. This encourages wife battering, and diverse forms of violence against women. There is also the omission of marital rape from the definition of rape under the penal legislation applicable in the North as well as under the criminal code applicable in the southern part of the country. Hence, in every part of the country, marital rape is not recognised by legislation and is, therefore, not a crime. The customary laws are not progressive: as most customs (uncodified) do not recognise marital rape as a form of rape and some customary laws promote obnoxious widow rites (including the inheritance of a widow by her brother-in-law on the basis that she is a property of her husband's household) and wife battering.

About one-third of every woman in Nigeria has at one time or the other been a victim of violence in its diverse form. Violence against women is mostly perpetrated by husbands, fathers, and relatives (basically people known to the women who suffer the violence). It is further reinforced by the culture of silence about violence against women especially the domestic type and other types perpetrated by family members. Most women are not aware of the fact that an act of violence against them is a form of human rights violation. Some who are aware are afraid of stigma and, consequently,

they tolerate violence and suffer in silence. Most cultural and traditional belief systems of the various ethnic groups in Nigeria assign and inferior role to women and further promote violence against women. As there are no laws on some very prominent forms of violence against women in Nigeria, most acts of violence against women are justified on the grounds of some women's actions or inactions. Some women, especially in the Northern part of the country, are of the opinion that the husband can punish the wife if she neglects some of her duties such as taking good care of the children or not putting the husband's food on the table in good time.

The provisions of both international and regional laws on violence against women are not known to most Police Officers and Judges in the customary courts and even in some higher courts. Hence, Police Officers dismiss cases of violence against women as domestic affairs (private matters) that should be settled within the family, while some Judges in the customary courts, without any recourse to the provision of international and regional laws on violence against women, directly apply customary laws even when such reinforces violence against women. The parallel tripartite system of laws in Nigeria also makes it a challenge to checkmate some of these discriminatory customary laws. Generally, most victims of violence against women in Nigeria do not seek redress in the court except in cases of divorce (which is rarely sought by women in the Eastern part of the country due to the stigma attached to divorced women).

Series of cases in which husbands beat their wives to death are often reported in the media, but the end result of investigation of the police into such cases are usually unknown as they are not reported. Other several cases of violence against women go unreported because the victims suffer in silence. The absence of a gender disaggregated data on violence against women makes it impossible to determine how many women suffer violence and to what extent in Nigeria. The data that are usually relied on are those received from some field survey and or research of some NGOs. The non-governmental organisations that have mandates around women issues are also known for carrying out various campaign activities on violence against women, especially during the annual 16 days of activism on violence against women between November 25 and December 10. The only two shelters available to survivors of domestic violence in Nigeria are also owned by non-governmental organisations with funds raised from international donor agencies: the Nigerian government gives no provision for that.

The killing of women by husbands and intimate partners is frequently reported in the news media and by human rights defenders, lawyers, journalists, care workers and medical professionals. However, it is often difficult to obtain information about the outcome of any investigation by the police into such cases, sometimes because of the difficulties experienced by the press in obtaining information from the police. There is widespread lack of confidence in the capacity or resources of the police to carry out thorough investigations, for example in the collecting and preserving of evidence.

RECOMMENDATIONS

1. The Nigerian government should abolish all statutory, religious and customary laws that promote violence against women.
2. There should be promulgation of legislations at both the federal and state levels on elimination of violence against women.

3. The several bills on violence against women at the National Assembly should be passed into law with immediate effect.
4. Government should put substantive measures in place to protect women from violence by both state and non-state actors.
5. The government should embark on a nationwide project of creating awareness on acts that constitute violence against women.
6. All Nigerian legislations must contain prohibitions of all forms of violence against women.
7. The federal and state governments should provide shelter for and guarantee easy access to redress for women who have been abused by violators.

CONCLUDING COMMENTS

Nigerian government's apathy to the promotion and protection of human rights generally has rubbed off on the promotion and protection of women's human rights. The situation of women's human rights is worse due to patriarchy and stereotypes that are prevalent in the country. There is near absence of monitoring, evaluation and implementation mechanisms to strengthen the existing limited coverage of laws and policies that seek to promote and protect women's human rights. There is often a disconnection between laws/policies and their implementation.

The adoption of the National Gender Policy in 2006 few months after the refusal of the National Assembly to enact the CEDAW bill presents a contrasting picture of government's attitude towards the promotion and implementation of women's human rights. The rejection of the CEDAW bill practically erodes the political will the Nigerian government had in presenting the CEDAW bill as an executive bill to the National Assembly.

There is urgent need to build institutional structures and develop the required capacity needed for the actualisation of women's human rights in Nigeria. Training on women's human rights for members of the National and State Assemblies, police officers, judicial officers and other state agents should be a matter of priority. This must be accompanied by requisite funding, appropriate technical expertise and political will.

Creating mass awareness and education at the grassroots by relevant government agencies in collaboration with gender-focused women's human rights organisations and gender activists in Nigeria is imperative. The mobilisation process should assume a genuine bottom-up approach, making maximum use of local women societies' structures. Gender mainstreaming should be a critical path of policy development and institutional mechanisms in Nigeria.

The dearth of disaggregated data along gender, ethnic, linguistic and religious minorities' lines in Nigeria is one of the gravest challenges to the promotion of women's rights. This negatively affects planning and implementation policies in Nigeria as regard to women generally. Women are often excluded from national development and intervention programmes. Women belonging to ethnic, religious and linguistic minority suffer double discrimination in this regard.

Government should confront patriarchy through awareness creation, education and consultation with traditional rulers that are custodians of culture, leaders of religious groups, faith-based organisations and community associations. This will help bridge the gender gaps in access to basic education, health facilities, food and water, decision-making and leadership positions. Government should also embark on eliminating gender stereotypes in legislations, the work place, in other social outlets and engagements in the country. They should also put specific measures to protect women from violence by both state and non-state actors.

Government has only paid lip service to Beijing Platform For Action, as women are severely excluded from politics, decision-making and leadership positions. Consequently, women do not have more than 7.8% representation in both elected and

appointive positions. Statistical review of women's representation in political and appointive positions reveals that women have consistently been marginalised and there seems to be no visible means of addressing the shortcomings. There are neither national laws, or effective policies and programmes by political parties and the government to ensure that many women are elected and appointed into public offices.

The crisis in the Niger-Delta, which has its major root cause in the activities of oil exploration and exploitation, reveals how far-reaching the role of non-state actors can impact negatively on women's human rights, peace and human security. Women continue to bear the major brunt of violent conflicts in this region first as victims and secondly as resisters of oppression. The victimisation experienced by the womenfolk also extend to the treatment they receive from the menfolk as they are most often sidelined from negotiations resulting from the women's protest and subsequent compensation.¹⁵⁵

Though there is so much talk about gender budgeting and the remarkable strides achieved toward implementing a gender budget in Nigeria, it is yet to have a firm foothold as many Ministries (both at the national and state levels, including local government) are yet to mainstream gender in the formulation and implementation of their budgets.

The girl child's education suffers severely in the mainstream of inadequate funding and non-qualitative education, which characterised the Nigerian education system. Federal government must comply with the United Nations Education Scientific and Cultural Organisation (UNESCO)'s recommendation that 26% of the annual Federal budget should be allocated to education. High premium must be placed on the girl child's education.

Members of the three arms of Government in Nigeria (i.e. the executive, legislature and the judiciary) need proper orientation in the promotion and respect of women's human rights. This becomes necessary to forestall the current abuse of women's human rights as witnessed in both public and private spheres

The HIV/AIDS scourge and the high level of maternal mortality in Nigeria which is the highest in Africa must be addressed to reverse the negative toll it has taken in the lives of women. Government must also show commitment towards achieving the MDGs and in turn, realise that the MDGs cannot be achieved meaningfully without implementing the provisions of CEDAW.

Nigeria has a duty to fulfill its international treaty obligations with respect to the right to work as enshrined in the International Labour Organisation (ILO) Convention 111, which deals with discrimination in respect of employment and occupation. In consequence, the searchlight on employers of labour needs to be prioritised; in this regard the need for a comprehensive system of protection to combat gender discriminatory practices in the work place, ensure equal opportunities and stop the use of women as articles of trade by the organised private sector cannot be over

¹⁵⁵ The Paradox Of Penury In Plenty: Research Findings Of Women Responses To Conflicts In The Niger Delta. A publication of Women's Advocate Resource and Documentation Centre (WARDC) 2006. p. 26 – 27.

emphasised. Specifically, women's biological roles like childbearing must not constitute an obstacle to employment and should not constitute justification for loss of employment.

Given the fact that over 70% of rural dwellers are women, there seems to be near absence of government presence in rural areas in Nigeria. Rural women are not taken into consideration in policy formulation and implementation. They do not have access to decision making, political positions, economic opportunities or facilities, education, health, land for their agricultural activities and they experience general violations of their rights due to their gender and social environment.

There is need for the Nigerian government to step up action towards the domestication and full implementation of CEDAW. Nigerian civil society is concerned that after over two decades of ratifying the Convention, the Nigerian government is still foot-dragging towards living up to its obligations to promote and protect the rights of Nigerian women, as substantively provided for under the Convention.