

**FACTSHEET**  
**GENDER AND EQUAL OPPORTUNITIES (GEO) BILL 2010**

***Background***

National efforts to establish a solid foundation to enhance the promotion and protection of the rights of women in Nigeria can be traced back to the 1980's. These efforts were, and continue to be a response to what is happening at the local, regional and global levels.

The Nigerian government's response to these efforts by women's rights activists' agitations for concrete commitments to women's issues led to the establishment of the Commission on Women in the 1980's. This commitment however failed to translate into constitutional and legally binding provisions; thus the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) which the military government signed in 1985 was not domesticated. With the return to democratic rule in 1999, several efforts have been made to incorporate the provisions of CEDAW into Nigerian law without success.

While the effort to domesticate CEDAW was on going, the African Union adopted the Protocol to the African charter on Human and People's Rights in 2003 and Nigeria ratified this treaty in 2004. This optional protocol which was home grown on the continent of Africa has been acclaimed globally as the most progressive document on women's rights. Civil society Organizations in Nigeria that were part of the lobby for the new treaty as expected, began several engagements at achieving the domestication of this treaty.

Meanwhile, the Federal Executive Council in 2006 approved the National Gender Policy (NGP). This policy states the aspiration of the Federal Government in line with the principles of its national and international commitments. Even though the NGP has clear commitments, it does not have a legal backing, a situation which legal experts say limits its capacity and utility for judicial enforcement.

These two instruments and policy have now been woven into the Gender and Equal Opportunities bill (GEOB). The GEOB incorporates certain aspects of CEDAW, the African Union Protocol and the National Gender Policy into a model law that achieves the aspiration of the elimination of all forms of discrimination on the basis of sex and gender in the private and public spaces, affirms women's rights to equal opportunities to realize their full potential and provide protection for their bodily integrity and human dignity.<sup>1</sup>

The decision to weave all these instruments into the Gender and Equal Opportunities Bill (GEOB) was borne out of the desire to bring together similar initiatives to avoid overlap and duplication of efforts as well as harness the full potential of the pooling of capacities for the promotion and the protection of the rights of Nigerian women. Two national Nigerian networks and a government Ministry are thus collaborating to ensure the passage of the GEOB. These organizations are the National Coalition on Affirmative Action (NCAA), an umbrella organization of women's rights non-governmental groups whose mission is the promotion of affirmative action for increased participation of women in public life in Nigeria as well as the domestication of international human rights instruments promoting

---

<sup>1</sup> Nwankwo, O, 2010, "background paper on the gender and equal opportunities bill"

women's rights. NCAA is committed to the domestication of CEDAW, the protocol to the African Charter on the rights of women in Africa and all women's rights treaties in Africa. NCAA implements its work through advocacy and lobbying, networking, collaboration, capacity building and the campaign for the adoption of pro-CEDAW recommendations in the electoral reform committee. The Open Society Initiative for West Africa (OSIWA) has been supporting NCAA in this project, whose title is "CEDAW and Women in Politics: from Project to Policy Change" since 2006.

### ***Short Title***

Gender and Equal Opportunities Bill 2010

### ***What it is***

The GEO Bill is a direct response to the concerns on the delays in the domestication of gender focused international treaties/conventions particularly CEDAW and the African Union Protocol on the Rights of Women in Africa. It incorporates certain aspects of CEDAW, the African Union Protocol on the Rights of Women and the National Gender Policy.

### ***What the Bill Seeks to Do***

It seeks to give effect to chapters II and 1V of the 1999 Constitution of the Federal Republic of Nigeria, the International Covenants on Human Rights which affirms the principle of non - discrimination and proclaims that all humans are born free and equal in dignity and rights, and the domestication of certain provisions of the Convention on the Elimination of all Forms of Discrimination against Women, and the protocol to the African Charter on the Rights of Women in Africa and the National Gender Policy. It also seeks to provide a legislation that seeks to eliminate all forms of discrimination on the basis of sex and gender in private and public spaces, affirms women's rights to equal opportunities to realize their full potential and provide protection for their bodily integrity and human dignity.

### ***Legal and Social implications of the Bill***

It prohibits discrimination, promotes equality among the sexes and proposes the adoption of temporary special measures to eliminate discrimination in public, political, education and employment

### ***Status of the Bill***

The GEO Bill was introduced in the 6<sup>th</sup> National Assembly as CEDAW but as a result of certain aspects of it being anti- Africa, it was thrown out. it is in the process of being reintroduced to the 7<sup>th</sup> National Assembly as an executive bill with NCAA collaborating with the Federal Ministry of Women Affairs and the Raising Her Voice Project.

### ***Full title of the Bill***

A Bill to incorporate and enforce certain provisions of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women, the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa, National Gender Policy, and other matters connected therewith (2011).

### ***Structure and Scope of the Bill***

The Bill is laid in 3 Parts, with 41 major sections and about 147 provisions. It is a product of an inclusive and consultative process.

### ***Summary provisions of the Bill***

#### ***Part A:***

This part contains the substantive sections covering all forms of discrimination against women. Thus you will find sections dealing with the prohibition of discrimination; and adoption of temporary special measures to eliminate discrimination in political and public life; in the field of education; employment; health; on grounds of marital status; and on socio-economic grounds. There are sections on the promotion of equality, full development and advancement of all persons and the modification of socio-cultural practices that discriminate against women. The right to choose indigeneship and identity; the rights of persons in rural communities; rights in matters relating to marriage and family relations are given prominence in the bill. In this part, the bill addresses the prohibition of violence against women; marriage and matrimonial causes; provisions relating to offences and sentencing including costs, damages and compensations.

#### ***Part B:***

Provides for the establishment of an Equal Opportunities Commission which will among other things monitor and supervise the implementation of the bill as well as investigate and apply to the appropriate court or tribunal for an order of assessment of practices of any person, organ, body, institution, private or public organ in accordance with the bill...<sup>2</sup>. This part of the draft bill further provides for the functions, funds and membership of the commission as well as the appointment of a secretary and tenure of office. Other provisions include resignation from office; power to appoint, dismiss or exercise discipline; meetings of the commission; legal obligations to give information to the commission; rules and regulations of the commission; failure to comply with direction for reversal of discrimination; jurisdiction; procedure and a miscellaneous section.

***Part C:*** This part simply and innovatively seeks to enforce the National Gender Policy.

---

<sup>2</sup> Section 22 of the draft GEOB