

FEDERAL REPUBLIC OF NIGERIA

KADUNA STATE HOUSE OF ASSEMBLY

A BILL

FOR

**A LAW TO PROVIDE FOR GENDER EQUITY AND THE
ESTABLISHMENT AND ADMINISTRATION OF THE
GENDER AND EQUAL OPPORTUNITIES
COMMISSION IN KADUNA STATE**

2013

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ESTABLISHMENT AND ADMINISTRATION OF THE GENDER AND EQUAL
OPPORTUNITIES COMMISSION IN KADUNA STATE 2013

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BE IT ENACTED by the Kaduna State House of Assembly As follows:

PART 1

PRELIMINARY

1. This Law may be cited as the Gender Equity and for the establishment and Administration of the Gender and Equal Opportunities Commission in Kaduna State Law 2013

2. This Law shall come into operation on theday of2013

3.(1) In this Law, unless the context otherwise requires:

“Abuse” includes physical, psychological, sexual, verbal, economic, social, cultural or similar mistreatment or mishandling which interferes with the integrity of a female or male human being.

“The Convention” means the United Nations Convention on the Elimination of All Forms of Discrimination against Women.

The “Covenant” means either the International Covenant on Social and Political Rights or International Covenant on Economic, Social and Cultural Rights.

“The Commission” means the Kaduna State Gender and Equal Opportunity Commission as established under this bill.

“The Chairperson” means the Chairperson of the Commission.

“Court” means any court of record within the State

"Discrimination against any person" shall mean any distinction, exclusion or restriction made on the basis of his or her sex or gender or other condition or status,, which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by any person, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

“Governor” means the Executive Governor of Kaduna State

“Legislature” means the Kaduna State House of Assembly

“Women” include the girl child.

“Men” include the boy child.

“Members” mean the Members of the Commission

“The Protocol” means the Protocol to the African Charter on Human and People’s Rights on the Rights of Women in Africa.

“Staff” means the staff of the Commission.

“Violence” includes physical, psychological, sexual, verbal or emotional maltreatments or assault.

"Violence against women" means all acts perpetrated against women which cause or could cause them physical, sexual, psychological, and economic harm, including the threat to take such acts; or to undertake the imposition of arbitrary restrictions on or deprivation of fundamental freedoms in private or public life in peace time and during situations of armed conflicts or of war;

“The ministry” means the ministry as the case may be responsible for women affairs and social development.

“The Commissioner” means the commissioner in the ministry or such official, responsible for women affairs and social development.

“The Policy” means the National Gender Policy.

“Protocol” means Protocol to the African Charter on Human and Peoples Rights on the Rights of Women in Africa.

“Person” shall include organ, body corporate, public institution, private enterprise authority, male or female.

“State” means Kaduna State of Nigeria.

Purpose of this Bill

4. The Purpose of this law paragraphs (a) (b) (c) (d) and (e) shall to give effect to the following;

- (a) Chapters 11 and 1V of the 1999 Constitution of the Federal Republic of Nigeria.
- (b) The International Covenants on Human Rights which affirm the principle of non - discrimination and proclaims that all humans are born free and equal in dignity and rights, and that everyone is entitled to all the rights set out without distinction of any kind including distinction based on sex;
- (c) The domestication of certain aspects 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.
- (d) Protocol to African Charter on Human and Peoples Rights on the Rights of women in Africa
- (e) National Gender Policy

PART 11

GENDER EQUITY

Prohibition of discrimination

5. (1) No person shall either through words spoken, acts, inactions, omissions, laws, regulations, administrative procedures, policy, guideline, rules, customs or practices discriminate against any person on the ground of gender.

(2) Any person who fails in the duty imposed on him/her under this Law or has discriminated against any person has committed an offence and shall in addition to a term of community service under supervision by the Commission, be liable to:

(a) On first conviction, a caution

(b) On the second conviction, a term of imprisonment not exceeding two months or a fine of twenty thousand Naira or both fine and/or a term of imprisonment; and

(c) On any subsequent conviction to a term of imprisonment for a term not exceeding ten months or a fine not exceeding fifty thousand Naira or both such fine and imprisonment.

(d) Where an offence under this Law has been committed by a body corporate, any person who at the time of the commission of the offence was a proprietor, director, general manager or similar officer, servant or agent of the body corporate shall be deemed to have jointly and severally committed the offence and may be liable on conviction in the same terms as in subsection (a) (b) and (c) of this section.

(e) Where an offence is committed by a body corporate, the body, organ, institution or enterprise shall be liable on first conviction to pay a fine of One hundred thousand Naira and

Regulatory policy of government for guaranteeing human rights and freedom

6. Every person, individual communities, authority or authorities in the State shall take all appropriate measures, including regulatory policy, fiscal and administrative measures to insure the full development and advancement of persons for

the purpose of guaranteeing to them the exercise and enjoyment of human rights and fundamental freedoms on the basis of equality.

Modification of socio- cultural practices

7. Every organ or agency of government, public or private institution, commercial or corporate body, community, or other entity, including educational institutions shall have the responsibility to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices, and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes, or on stereotyped roles for men and women, and to this end:

- (i) every public or private educational institution shall ensure the adoption of appropriate teaching methods and curriculum including provision of facilities that emphasise the promotion of equality of all sexes in all circumstances and for all purposes, including choice of career, equal participation and inclusion of all persons in all activities of the school or institution.
- (ii) the family as a unit of society shall ensure that values, practices or other forms of upbringing of children, ward and young people in the family and community, or other forms of socialization, is not discriminatory, and promotes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children.

Freedom from discrimination in political and public life

8. (1) Every person shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

- (a) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government.
- (b) In the case of political and public sphere a minimum of 35% of all elective posts at local and state levels, offices, positions or appointments is reserved for women
- (c) To be given the opportunity to represent the Government of the State at the international level and to participate in the work of International Organizations.

Freedom from discrimination in the field of employment

9. (1) Every person shall take all appropriate measures to eliminate discrimination in the field of employment in order to ensure, on a basis of equality of men and women:
- (a) The right to equal remuneration, including benefits, and to equal treatment in respect to work of equal value, as well as equality of treatment in the evaluation of the quality of work.
 - (b) The right to social security, particularly in cases of unemployment, sickness, physical challenges, old age and other incapacity to work
 - (c) The right to protection of health and to safety in working conditions including the safeguarding of the function of reproduction

Freedom from discrimination on grounds of marital status

10. (1) In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, all persons shall:
- (a) Prohibit the dismissal of any woman on the grounds of marriage, pregnancy, maternity leave and or marital status;
 - (b) Ensure enforcement of maternity leave with pay or with comparable social benefits without loss of former employment, promotion or other social allowances;
 - (c) Encourage the provision of necessary supporting social services to enable parents combine family obligations with work responsibilities and participation

in public life, in particular through promoting the establishment and development of a network of child-care facilities.

(d) Provide special protection to women during pregnancy.

(2) Protective regulations, policies and practices relating to matters covered in subsection (a) of this section and the other sections of this bill, shall be reviewed as often as necessary in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

The Rights of persons in rural communities

11.(1) Every person shall take into account the particular problems faced by rural people and significant roles which they play in the economic survival of their families, including their work in the formal non-monetized sectors of the economy:

(2) Every person shall ensure to rural people the rights:

- (a) To participate in the conceptualization, elaboration and implementation of the development projects at the rural levels.
- (b) To benefit directly from social security programmes.

Prohibition of violence against women

12. (1) Every educational, school or training authority in the state shall promote peace education through curricula and social communication in order to eradicate elements in traditional and cultural beliefs, practices and stereotypes which legitimize and exacerbate the discrimination against women, persistence and tolerance of violence against women.

(2) All forms of trafficking in women and children, abuse and exploitation of women and children in any manner or way, and medical experiments on women without their informed consent, or on children without the informed consent of their parents or legal guardian, are prohibited.

(3) Any person who violates the provisions of sub-section (a) and (b) of this section shall, without prejudice to section 20 of this bill, be guilty of an offence and liable to

- (a) On first offence, to imprisonment of one year or a fine of fifty thousand naira, or to both imprisonment and fine.
- (b) On second or subsequent offence, to imprisonment of a minimum of eighteen months or a fine of one hundred Naira thousand naira, or both imprisonment and fine.

Rights of Widows

13.(1) The Commission shall take appropriate legal measures to ensure that widows enjoy all human rights through the implementation of the following provisions:

- (a) That widows are not subjected to inhuman, humiliating or degrading treatment;
- (b) That a widow shall automatically become the guardian and custodian of her children, after the death of her husband, unless this is contrary to the interests and the welfare of the children;
- (c) That a widow shall have the right to remarry, and in that event, to marry the person of her choice

Special Protection of Elderly women

14.The commission shall undertake to:

- (a) Provide protection to elderly women and take specific measures commensurate with their physical, economic and social needs as well as their access to employment and professional training;
- (b) Ensure the right of elderly women to freedom from violence, including sexual abuse, discrimination based on age and the right to be treated with dignity.

Special Protection of women with disability

15.The Commission shall undertake to:

- (a) Ensure the protection of women with disabilities and take specific measures commensurate with their physical, economic and social needs to facilitate their access to employment, professional and vocational training as well as their participation in decision-making;

- (b) Ensure the right of women with disabilities to freedom from violence, including sexual abuse, discrimination based on disability and the right to be treated with dignity.

Special Protection of women in distress

16. The Commission shall undertake to:

- (a) Ensure the protection of poor women and women heads of families including women from marginalized population groups and provide an environment suitable to their condition and their special physical, economic and social needs;
- (b) Ensure the right of pregnant or nursing women or women in detention by providing them with an environment which is suitable to their condition and the right to be treated with dignity.

Provisions relating to offences and sentencing including costs, damages and compensations

17. (a) Any person, who fails or neglects any of the duties imposed under this bill shall be liable to an offence, and on conviction, to such term of imprisonment not less than one year, or such fine not less than fifty thousand Naira for an individual and one hundred thousand Naira for a Corporate body or both imprisonment or fine as the court may impose considering the entire circumstances of the case.

(b) Any person who suffers violation of his or her rights, or becomes victim of any action, omission, or inaction of any person shall be entitled to fair and adequate compensation as may be determined by the court, taking into consideration the special damages suffered, as well as social, psychological, emotional and health related burden suffered by such a person by reason of such action, omission or inaction aforesaid.

(c) Any person who condones, aids, facilitates and abets any other person, body or entity to fail or neglect or omit in any of the duties imposed under this bill shall be liable and the provisions of sub section (a) and (b) of this section shall apply to such a person or body.

(d)Where a corporate body, agency, institution or community is liable under sub section (a) and (b) of this section, the chief executive, leader, or head of such corporate body, agency, institution or community shall have the primary responsibility of the punishment imposed by the court in accordance with the said section, and where there is continued failure or omission or neglect to comply with the duty imposed after the punishment prescribed in this section, such chief executive, leader, or head of corporate body, agency, institution or community shall be personally liable for such punishment as may be imposed by the court, taking into consideration the provisions of sub sections (a) and (b) of this section.

(e)The court may in addition order such exemplary damages, public apology, or such redress or restitution as may be deemed appropriate in the circumstances by the court.

PART III

ESTABLISHMENT OF THE STATE GENDER AND EQUAL OPPORTUNITIES COMMISSION

ESTABLISHMENT OF THE GENDER AND EQUAL OPPORTUNITIES COMMISSION

18. (1) There shall be established a body to be known as the Kaduna State Gender and Equal Opportunities Commission (hereinafter referred to as the Commission) which shall have and exercise the powers conferred on it by this law.

(2) The Commission shall be a body corporate with perpetual succession with a common seal, which can sue and be sued in its corporate name.

Functions of the Commission

19. The Commission shall carry out the following functions -

- (a) Monitoring and supervision of the implementation of the Bill;
- (b) Promote gender equity and the entrenchment of social justice in all spheres of life.

- (c) Organize meetings, conferences, symposia and other enlightenment for the entrenchment of full rights to men and women on equal terms for the full advancement and development of the State;
- (d) Investigate and make application 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 law;
- (e) Liaise with the National Human Rights Commission and other such bodies relating to enforcement of fundamental rights;
- (f) Prepare and submit periodic reports on the state of implementation of the law to the State Government and other appropriate bodies
- (g) Perform such other functions and activities as may be specified by any law or enactment.
- (h) Undertake such other activities as are expedient for giving full effect to the provisions of this law.

Composition of the Commission

20. The Commission shall comprise a chairperson, a secretary and ten members who shall at all times reflect gender and social Inclusion balance and are persons in the opinion of the Governor and approved by the State Assembly, to be persons by reason of their ability, experience or specialized knowledge of gender and development, who have outstanding contributions to the development of women and marginalized people in the State, are able to make contributions to the work of the commission.

21. The Commission shall comprise of and represent the following: -

- i. one representative of labour,
- ii. one representative of the organized private sector;
- iii. one representative of civil society organisations
- iv. one representative of the media
- v. one representative of the judiciary
- vi. One representative of Christian religious institution
- vii. One representative of Muslim religious institution and;
- viii. Two representatives of a gender rights civil society group.

- ix. Two representatives of the Ministry of women affairs and social development(one from the department of women affairs and one from the department of social development)
- x. Representative of the unit responsible for Labor and productivity

Appointment of the Chairperson and members

22. The Governor shall nominate the Chairperson and members of the Commission and the nominations shall be subject to confirmation by the State House of Assembly.

Appointment and functions of the Secretary

23. (1) There shall be a Secretary who shall be appointed by the Governor subject to confirmation by the State House of Assembly and shall;

- (a) be a senior counsel in the service of the State Ministry of Justice not below the rank of a substantive Director or a Lawyer in private or corporate practice with a minimum of 10 years post call experience.
- (b) Be the accounting officer of the Commission; and

(2)The Secretary shall, subject to the general direction of the Commission be responsible:

- (a) For the day to day administration of the Commission, and
- (b) For keeping the books and proper records of proceedings of the Commission.

Tenure of office

24. A member of the Commission shall hold office for a period of four yearsand may be eligible for reappointment for tenure of four years only.

Removal of Chairperson and members of the Commission

25. Notwithstanding Section 18 of this law, the Chairperson, Secretary or any member of the Commission may at any time be removed from office by the Governoracting on an advice supported by two-thirds majority of the State Assembly praying for the removal of such person for the inability to discharge the functions of his/her office (whether arising from infirmity of mind or body or any other cause) or for misconduct.

Terms and Conditions shall be contained in the instrument of appointment

26. The Chairperson and members of the Commission shall hold office on such terms and conditions as may be specified in their instruments of appointment.

Staff of the Commission

27. The Commission shall subject to the provisions of this Bill, determine the tenure of office and conditions of service of staff of the Commission.

Resignation from office

28. The Chairperson, Secretary or any member of the Commission may resign his/her appointment by notice in writing under his/ her hand addressed to the President and such person shall on the date of receipt of such notice, cease to be Chairperson, Secretary or member of the Commission as the case may be.

Power to appoint, dismiss or exercise discipline

29. The Commission shall have power to appoint, dismiss and exercise disciplinary control over its staff and for this purpose, shall prescribe its own rules.

Meetings of the Commission

30. The Commission shall ordinarily meet for the dispatch of business at such times and places as it may determine, but not less than four times in a year.

Quorum

31. The Quorum for a meeting of the Commission shall be not less than two-thirds of the total number of members of the Commission,

PART IV

MISCELLANEOUS

Legal Obligation to give information to the Commission

32. (1) Any Officer of the Commission investigating the commission of an offence under this Bill may cause any person;
- (a) To attend; and
 - (b) To produce any relevant materials or evidence before such officer for the purpose of being examined in relation to any matter, which may assist in the investigation of the matter.
- (2) A person is obliged to appear and produce all relevant information required under the notice within his/ her knowledge or which is available to such person.
- (3) A person who;
- (a) Willfully refuses to appear in response to a written notice to attend; or
 - (b) Willfully refuses to produce such materials or evidence as requested by the Commission with regards to which the officer of the Commission has reasonable grounds for suspecting or believing that an offence under this Bill or under Chapter IV of the 1999 Constitution has been or is being committed;
 - (c) Makes or procures another person to make any statement in the information which such person knows or believes to be false or misleading in a material particular; or
 - (d) Intentionally obstructs another person in the exercise of the power conferred by this Bill; commits an offence.
- (4) An individual who commits an offence under subsection (3) above, is liable on summary conviction to imprisonment for a term not exceeding two months, community service or a fine not exceeding fifty thousand Naira or to both such fine and imprisonment.

Funds of the Commission

33. (1) The Commission shall maintain a fund, which shall defray all expenditure incurred.

(2) There shall be paid and credited to the fund all monies due to the Commission from whatever source and such monies as shall annually and from time to time be appropriated for the purpose of the Commission by an appropriation Law of the State.

(3) The Commission shall be free to seek/receive funding for its work from the international donor community and corporate Nigeria.

Accounts and Audit

34. (1) The Commission shall:

(a) Cause proper accounts and other records in relation thereto to be kept; and

(b) Shall prepare an annual statement of accounts containing such particulars

as

the Government may from time to time request.

(2) The said annual statement of account shall represent a true and fair view of the financial position of the Commission and of the results of the operation of the Commission for the financial year to which it relates.

(3) The accounts of the Commission shall be audited by the State Directorate of Audit annually and an audit Report made thereon.

(4) As soon as the accounts of the Commission have been audited as required by Sub-Section 3 of this Section, the Commission shall send a copy of the statement of accounts and the audit report to the Government.

Annual Report

35. Commission shall soon after the end of each financial year prepare and submit report dealing with the activities of the Commission during that financial year in such form and containing such particulars as the Governor may from time to time direct.

Statement of accounts, auditors and annual reports

36.The Governor shall lay before the State Executive Council a copy of the statement of accounts, auditor's report and annual report of the Commission as required by Section 26 and 27of this Law.

Annual estimates

37.The Commission shall after considering its Budgetary proposal prepare and submit to the Governor not later than 31st day of December of each year an estimate of income and expenditure of the Commission for the next succeeding financial year

Rules and regulations of the Commission

38.Without prejudice to any other powers of the Commission with respect to rules of procedure, the Commission may make rules specifying the procedures to be followed in connection with the proceedings under this part.

Failure to comply with direction for reversal of discrimination

39.Where the Commission upon receipt of a complaint and after due investigation gives a direction under this Bill and an individual, community, institution, public or private enterprise fails to take any step to reverse any act of discrimination, the Commission may proceed to initiate proceedings against such person, organ, body, institution, public or private enterprise in the appropriate court.

Jurisdiction

40.The high court of the state shall have original jurisdiction to look into applications arising from any breach of the provisions of this bill.

Procedure

41.Procedure shall be in accordance with the procedure under the Fundamental Rights (Enforcement Procedure) Rules 2009, or any other rules of procedure for the time being applicable to the court.

Miscellaneous

42.If an offence under this Act is proved to have been committed with the consent or connivance or is attributed to any neglect on the part of any director, manager, secretary or other similar officer of a body corporate, or any person who was purporting to act in any such capacity, such officer as well as the body corporate, commit an offence and are liable to be proceeded against and punished accordingly.

ADOPTION OF THE NATIONAL GENDER POLICY

43.The provisions of the National Gender Policy, in the schedule to this Bill, shall have all the force as part of this Bill; accordingly, all provisions on the Policy shall be read, interpreted, construed and applied to meet the overall purpose of this Bill. Also, all provisions of this bill shall, where appropriate, be read, interpreted, construed and applied to meet the objectives of the Policy.

44. This Law shall come into effect onday of2010

SCHEDULE

The National Gender Policy

DATED THIS.....DAY
OF.....2013

.....
Alhaji Ramalan Yero
EXECUTIVE GOVERNOR OF
KADUNA STATE

EXPLANATORY NOTE

(This note does not form part of this Law)

The purpose of this Law is to provide for Gender Equity and the Establishment and Administration of the Gender and Equal Opportunities Commission in the State.