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**The Gender and Equal Opportunities Bill made  
simple with graphic illustrations of selected  
provisions**

CIRDDOC publication Series....

Affirmative Action Initiative for Women (NCAA)

(LOGO)

GRM International/Voices for Change DFID (V4C)

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## **Acknowledgement**

The Board of Trustees, Coordinating Committee and members of the Affirmative Action Initiative for Women (NCAA) formerly known as the National Coalition on Affirmative Action (NCAA) are grateful to GRM International/Voices for Change (V4C), a project of the United Kingdom's Department for International Development (DFID) for supporting NCAA's project **Strengthening the Legal Framework for Gender Equality and Women's Rights** and the publication of this pamphlet.

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## Introduction

The Nigerian government's response to efforts by women's rights activists' agitations for a solid foundation to enhance the promotion and protection of the rights of women and concrete commitments to women's issues led to the establishment of the Commission on Women in the 1980's which was transformed into the Ministry of Women Affairs. This commitment however has failed to translate into constitutional and legally binding provisions. This is evident in the failure of government to domesticate the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) which was ratified by the Government in 1985. With the return to democratic rule in 1999, several efforts have been made unsuccessfully, to incorporate the provisions of CEDAW into Nigerian law in line with section 12 of the Constitution of the Federal Republic of Nigeria 1999 which makes it mandatory for provisions of international treaties, whether ratified or not, to be incorporated into municipal law in order for the treaty to become applicable in Nigeria.

While the efforts by Civil Society Organizations to domesticate CEDAW was on going, the African Union adopted the Protocol to the African charter on Human and People's Rights on the Rights of Women in Africa in 2003 and Nigeria ratified this treaty in December 2004. This 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 the 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.

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.

The GEOB 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.

The **goal** of the GEO Bill is 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.

The Draft GEOB seeks to give effect to:

1. Chapters II and IV of the 1999 Constitution of the Federal Republic of Nigeria.
2. The International Covenants on Human Rights which affirms the principle of non -discrimination and proclaim that all human 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;
3. The domestication of certain aspects of the CEDAW, and the Maputo Protocol and the National Gender Policy.

The Bill is structured into 3 parts:

**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.... 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.

A cursory look at the history of eliminating discrimination against women and promoting equality in Nigeria shows that there has been considerable delay in the process. Perhaps this is a result of the high level of apprehension, misrepresentations and manipulations on issues of women's rights and gender equality. The passage of the GEO bill will fast track these processes and give women's rights and gender equality the priority they deserve.

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About the Affirmative Action Initiative for  
Women (NCAA)

The Affirmative Action Initiative for Women, (NCAA) formerly known as National Coalition on Affirmative Action (NCAA) is 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 that promote women's rights. NCAA is committed to the domestication of the Convention on the Elimination of all forms of Discrimination against Women (CEDAW) and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (the Maputo Protocol).

The NCAA came into being on the 23rd of September 2003 at the end of a 2-day International Public Hearing on Affirmative Action for Increasing Women's Political participation in Nigeria. The public hearing, which was held at the House of Representatives Hearing Room, was organised by the Civil Resource Development and Documentation Centre (CIRDDOC) in collaboration with the National Human Rights Commission (NHRC), Coalition of Eastern NGOs (CENGOS), and the Women's Committee of the House of Representatives.

The Public hearing created a forum for CSOs, legislators and women's rights activists to discuss the need to adopt affirmative action as a strategy for increasing women's political participation in Nigeria. Participants agreed that the

domestication of CEDAW was the immediate pressing need as it would provide the legal framework to situate women's demands for affirmative action.

The Abuja Declaration was issued at the end of the Public hearing and one of the recommendations was the setting up of a broad based coalition of women's rights activists to focus efforts on the domestication of CEDAW and the Maputo Protocol. The NCAA was inaugurated at the Civil Society Roundtable on Affirmative Action organized as part of activities of the Commonwealth Heads of Governments' Meeting (CHOGM) in Abuja, 2003.

The NCAA, which is registered with the Corporate Affairs Commission (CAC) is run by a Coordinating Committee comprising all state coordinators and the National Coordinator. At the apex of the organogram of the coalition is the Board of Trustees. The Coordinating committee is assisted by the Advocacy Committee and Drafting Committee. At the state level, the Coordinators and Secretaries oversee the activities of the coalition working with other NGOs that make up membership of the branch. Membership of the coalition is open to CSOs working on women's rights or who support affirmative action.

The NCAA is presently collaborating with the Women's Committees of the Senate, House of Representatives, and State Houses of Assembly, and the Ministry of Women Affairs at national and state levels to advocate for the passage of the Gender and Equal Opportunities bill. The bill has been passed in Imo, Anambra (yet to receive the Governor's assent) Ekiti and Kogi states. It is expected that the bill will soon be passed in Edo, Abia, Ebonyi, Enugu, Rivers, Lagos, Ogun, Plateau, and Kaduna.



The national secretariat of the NCAA is located at the Civil Resource Development and Documentation Centre (CIRDDOC).

NCAA has been supported in the past by the Open Society Initiative for West Africa (OSIWA) in the project “Affirmative Action for increased Participation of Women in Politics: From Project to Policy change” project. NCAA is presently being supported by Voices for Change (V4C) a project of DFID. NCAA has a publication to its credit and produces a quarterly newsletter titled “Gender Issues, 50:50 by 2015”.

## FEDERAL GOVERNMENT OF NIGERIA

### Date of commencement

**Long title:** A Bill to incorporate and enforce certain aspects 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.

1. **Citation:** GENDER AND EQUAL OPPORTUNITIES BILL 2014

2. **Interpretation**

### 3. Purpose of this Bill

The Purpose of this Bill is to give effect to –

- (a) Chapters II 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.

### 4. Prohibition of discrimination

Discrimination against any person on the ground of gender, age or disability or by any law, regulation, custom and practice is prohibited.

### 5. Promotes the equality, full development and advancement of all persons

### 6. Adoption of temporary special measures to Eliminate Discrimination

The adoption of temporary special measures aimed at accelerating *de facto* equality of opportunity and treatment between men and women is the responsibility of government.

For the purpose of the special measures to ensure that:

- (i) in the case of political and public sphere, and employment, 35 per cent of all offices, positions, or appointments is reserved for women;

- (ii) in the case of educational placement and school enrollment, including award of scholarships, bursaries, that a minimum of 50 per cent is reserved for women;
- (iii) in all other cases, a minimum of 35 percent is reserved for women.

### **7. Modification of socio- cultural practices**

With a view to achieving the elimination of gender stereotyping, 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 the roles for men and women:

#### **A widow**

shall not be subjected to inhuman, humiliating or degrading treatment;  
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;  
shall have the right to remarry, and in that event, to marry the person of her choice;  
shall have the right to an equitable share in the inheritance of the property of her husband and shall have the right to continue to live in the matrimonial house. In case of remarriage, she shall retain this right if the house belongs to her or she has inherited it.

Women and men shall have the right to inherit, in equitable shares, their parents' properties.

### **8. Elimination of discrimination in political and public life**

Discrimination against women in the political and public life of the country is prohibited. Women's right on equal terms with men, to participate fully in all political activities, including the right to vote and be voted for in all elections and public referenda, and to be eligible for election to all publicly elected offices and bodies without any restriction, limitation or barriers whatsoever is guaranteed.

### **9. Elimination of Discrimination in the field of Education**

Guarantees equality of men and women and the application of the same conditions for career and vocational guidance, for access to studies; and equal opportunities to benefit from scholarships, bursaries and other study grants.

### **10. Eliminating discrimination in the field of employment**

Guarantees equal treatment in the areas of promotion, job security and all benefits and conditions of service including training and retraining opportunities; it guarantees right to equal remuneration of persons of equal skill, competence, expertise and knowledge; right

to social security, particularly in cases of unemployment, sickness, physical challenges, old age and other incapacity to work, as well as the right to paid leave. The right of a woman in employment to maternity leave or any such leave or concession relating to her maternity needs, shall not limit or restrict her right to equal treatment.

**11. Elimination of discrimination on grounds of marital status**

This section prohibits discrimination against women on the grounds of marriage, marital status, or maternity; accordingly, it provides necessary supporting social services to enable parents in employment to combine family obligations with work responsibilities and participation in public life; and provides special protection to women during pregnancy in types of work and practices harmful to them.

**12. Elimination of discrimination in the field of health**

This guarantees that all women who are pregnant and within 2 years of delivery, and all children under the age of 12, are given free and quality health care services; that appropriate services in connection with the pre natal, confinement and the post-natal period are available and accessible; and that the reproductive rights of women to terminate a pregnancy in cases of sexual assault, rape, incest, and where the continued pregnancy endangers the mental and physical health of the mother or the life of the mother or the foetus is protected.

**13. Elimination of discrimination on socio- economic grounds**

Guarantees on the basis of equality between men and women, the same rights to family benefits; to equal access between men and women to capital, credit, including informal sector, small and medium scale loans, mortgages and other forms of financial credit; and the right to participate in recreational activities, sports and all aspects of cultural life.

**14. Right to choose indigeneship and identity**

It grants to women and men equal rights to acquire, confer, change or retain their indigeneship, and ensures that neither marriage, divorce nor widowhood shall deny a woman the right to choose or retain her citizenship and identity. A woman shall have the choice, without hindrances to retain her maiden name.

**16. The Rights of persons in rural communities**

This section prohibits discrimination against women in rural areas and guarantees, on the basis of equality between men and women that they participate in and benefit from rural development. Accordingly, women's right to participate in the identification, design and

implementation of development projects at all levels; their right to benefit directly from social security programmes; have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes are guaranteed.

**17. Rights in matters relating to marriage and family relations**

Discrimination against women in all matters relating to marriage and family relations is prohibited. It guarantees to women and men the right to enter into marriage, and equal rights to freely choose a spouse, equal rights and responsibilities during marriage and at its dissolution, equal rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children, equal rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights. Complimentary and corresponding rights and responsibilities with regard to custody, guardianship, ward ship, trusteeship and adoption of children are also guaranteed.

**18. Prohibition of violence against women**

All forms of violence against women are prohibited, whether the violence takes place in private, family or public sphere, including unwanted or forced sex, or traditional, religious or cultural practices harmful to the health, well being and integrity of the woman.

All forms of violence against elderly women including sexual abuse, and discrimination based on age are prohibited.

All forms of violence against women with disability including sexual abuse, and discrimination based on disability are prohibited; all forms of trafficking in women and children, abuse and exploitation of women and children, and medical experiments on women without their informed consent, or on children without the informed consent of their parents or legal guardian, are prohibited.

**Punishment section**

Any person who violates any of the provisions shall be guilty of an offence and liable, on first offence, to imprisonment of one year or a fine of N50,000 Naira, or to both imprisonment and fine; and on the second or subsequent offence, to imprisonment of a minimum of eighteen months or a fine of N100,000 thousand naira, or both imprisonment and fine.

**19. Provisions relating to marriage and matrimonial causes**

Subject to the subsisting provisions of the Marriage Act, Child Rights Act, and the Matrimonial Causes Act, no marriage shall take place without the free and full consent of both parties; the minimum age of marriage for women shall be 18 years; every marriage shall be recorded in writing and registered in accordance with national laws, in order to be legally recognised; a woman and a man shall jointly contribute to safeguarding the interests of the family, protecting and educating their children; a woman shall have the right to acquire her own property and to administer and manage it freely during her marriage.

**20. Provisions relating to offences and sentencing including costs, damages and compensations**

**PART B SECTIONS 21 – 41**

**21. ESTABLISHMENT OF THE GENDER AND EQUAL OPPORTUNITIES COMMISSION**

- (a) There shall be established a body to be known as the Gender and Equal Opportunities Commission which shall have and exercise the powers conferred on it by this Bill.
- (b) The Commission shall be a body corporate with perpetual succession with a common seal, which can sue and be sued in its corporate name.

**ADOPTION OF THE NATIONAL GENDER POLICY**

- 22. 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.

- 23. **This bill shall come into effect on ... day of 2010**