

**NGO Coalition Shadow Report to the 7th & 8th Periodic
Report of Nigeria on Convention on the Elimination of all forms of Discrimination against
Women (CEDAW)**

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Coordinated

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LIST OF ABBREVIATIONS

AIDS	Acquired Immune Deficiency Syndrome
AU	African Union
BPFA	Beijing Platform for Action
BUDFOW	Business Development Fund for Women
CEDAW	Convention on the Elimination of all forms of Discrimination against Women
CHEWs	Community Health Workers
CSACEFA	Civil Society Action Coalition on Education For All
CSOs	Civil Society Organisations
ECOWAS	Economic Community of West African States
EFA	Education for All
EFCC	Economic and Financial Crimes Commission
FCT	Federal Capital Territory
FGC	Female Genital Circumcision/Cutting
FMWASD	Federal Ministry of Women Affairs and Social Development
FWCW	Fourth World Conference on Women
GAD	Gender and Development
HIV	Human Immune Deficiency Virus
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICPC	Independent Corrupt Practices Commission
ICPD	International Conference on Population and Development
ILO	International Labour Organisation
INEC	Independent Electoral Commission
IOM	International Organisation for Migration
LACVAW	Legislative Advocacy Coalition on Violence Against Women
MCH	Maternal and Child Health
MDAs	Ministries, Departments and Agencies
MDGs	Millennium Development Goals
MWASD	Ministry of Women Affairs and Social Development
NAFDAC	National Agency for Food and Drug Administration and Control
NAPTIP	National Agency for the Prohibition of Trafficking in Persons
NBS	Nigeria Bureau of Statistics
NCAA	National Coalition on Affirmative Action
NCW	National Commission for Women
NCWD	National Centre for Women Development
NDLEA	National Drug Law Enforcement Agency
NEPAD	New Partnership for Africa's Development
NGOs	Non-Governmental Organisations
NGP	National Gender Policy
NHRC	National Human Rights Commission
NOA	National Orientation Agency
NPPATPN	National Policy on Protection and Assistance to Trafficked Persons in Nigeria
NYSC	National Youth Service Scheme
OSSAP-MDGs	Office of the Senior Special Assistant to the President on Millennium Development Goals and other related matters
PHCs	Primary Health Centres
PMTCT	Prevention of Mother to Child Transmission
SDGEA	Solemn Declaration on Gender Equality in Africa
UDHR	Universal Declaration of Human Rights

UNICEF	United Nations International Children Emergency Fund
UNICRJI	United Nations Interregional Crime and Justice Research Institute
UNODC	United Nations Office on Drugs and Crime
USAID	United States Agency for International Development
VHW	Village Health Worker
WELA	Women Empowerment and Legal Aid
WID	Women in Development
WOFEE	Women's Fund for Economic Empowerment
WORDOC	Women's Research and Documentation Centre
WOTCLEF	Women Trafficking and Child Labour Eradication Foundation
WRAPA	Women's Rights Advancement and Protection Alternative

List of Contributing NGOs

AAWORD

Action Health Incorporated (AHI)

African Women Lawyers Association (AWLA)

Ajegunle Community Project

Centa for Organisational Development (COD)

Centre for Twenty First Century Issues (C21st)

Centre for Women Studies and Innovation (CWSI)

Centre for the Rule of Law (CENTROLAW)

Centre for Women's Health and Information (CEWIN)

Centre for Mmadu On Human Rights (C4M)

Change Managers International Network, Nigeria

Civil Resource Development and Documentation Centre (CIRDDOC) Nigeria

Civil Society Legislative Centre (CISLAC)

Committee for the Defence of Human Rights (CDHR)

Community Empowerment Partners International (CEPI)

Core Human Rights Initiative (CHRI)

Development Communications Network (DEVCOMS) Lagos

Environmental Rights Action/Friends of the Earth (ERA/FOEN), Benin

Gender and Constitution Reform Network (GECORN)

Gender and Development Action (GADA) Kaduna

Gender Awareness Trust (GAT)

Gender Child and Rights Initiative

Gender Equality, Peace and Development Centre (GEPADC)

Gender Technical Unit (GTU)

Girls Power Initiative (GPI)

Global Communities Prime Initiatives Kaduna

Human Angle

International Federation of Women Lawyers (FIDA Anambra)

International Press Centre (IPC)

IPAS Nigeria

Ketbekache

Kudirat Initiative for Democracy (KIND)

Labour Health and Rights Development Centre

Legislative Advocacy Coalition on Violence against Women (LACVAW)

Lady Mechanic Initiative

Legal Defense and Assistance Project (LEDAP)

Legal Research Resource and Documentation Centre (LRRDC)

Lpi-Fledsr Gwarimpa Abuja
Model Missions Africa (MOMI Africa)
National Association of Democratic Lawyers (NADL)
Organisation for Non-Formal Education Foundation
Organisation for The Child, Woman and Family (ONEF)
Partnership for Justice
Project Alert
Utmost Caring World
Vision Spring
WADSS
West Africa Network For Peace (WANEP)
Women Advocates Research and Documentation Centre (WARDC)
Women Aids Collective (WACOL)
Women Empowerment Program (WEP)
Women Information Network (WINET, Enugu)
Women Initiatives for Affirmative Action
Women Law and Development Centre (WLDCN)
Women Optimum Foundation (WODEF)
Women Protection Organisation (WOPO)
Women's Health and Rights Initiative
Women's Optimum Development Foundation (WODEF)
Women's Right To Education Project (WREP)
Women's Right and Health Project (WRAHP)
Women's Rights Advancement and Protection Alternative (WRAPA)

SECTION ONE EXECUTIVE SUMMARY

1.0 Background

Nigeria ratified CEDAW in 1985 and the Optional Protocol in 2004, thereby accepting its binding legal obligations under international law. The obligation to respect includes State party refraining from interfering with or curtailing the enjoyment of human rights; while the obligation to protect obliges a State to protect individuals and groups against rights abuses. The obligation to fulfill imposes the duty on a State party to take positive action to facilitate the enjoyment of basic human rights.¹

Nigeria like other Commonwealth countries adopts a dualist legal system, which means that international treaties ratified or acceded to have limited legal force in the municipal context until they are domesticated by an Act of the National Assembly. Section 12 of the 1999 Constitution of the Federal Republic of Nigeria embodies the principle of dualism as it restricts implementation of an international treaty even when ratified until the treaty is “*enacted into law by the National Assembly.*”

Coalition Priority Areas of Concern:

The following priority areas of concern on CEDAW Compliance by the Federal Republic of Nigeria (FRN) were identified for engagement with the State Party:

1. On discriminatory provisions of the Constitution of the FRN:

S42 (3) validates any law that imposes restriction with respect to the appointment as a member of the Nigerian Police Force or an office of a body corporate recognised by law. Section 26(2)(a) of the 1999 Constitution, out rightly discriminates against women, when it confers citizenship by registration only to ‘*any woman who is or has been married to a Nigerian man*’ but excluding any man married to a Nigerian woman. While Section 29(4) (a) sets out clearly age 18 as the acceptable age for adulthood on one hand, S29(4) (b) on the other hand allows ‘*any woman who is married*’ to be an adult, in a country where about half of the women in the North are married off by age 16.²

1.1 Concerns

The major concerns for the demand amend the above sections of the 1999 Constitution:

- a) The discriminatory implication of the section where it recognizes *married women* below 18 years and awards them the right to renounce their citizenship while impliedly denying the same right for *unmarried girls* below 18.
- b) The tacit recognition for child marriage not minding the enormity of the capacity implications in matters of citizenship, as well as the risk for its abuse.
- c) The proposed Gender and Equal Opportunities Bill before the National Assembly and some State legislatures has incorporated certain aspects of CEDAW into local jurisprudence has suffered some set backs.

2. On ensuring *defacto* and *dejure* equality between men and women

Several other laws affecting the lives of women negatively have remained with little or no commitment to repeal, or adopt provisions that abrogate the discriminatory these laws texts found in the Labour laws, Police Regulations, Penal and Criminal Codes and in Customary and Religious

¹ <http://www.ohchr.org/EN/ProfessionalInterest/Pages/InternationalLaw.aspx>

² This is dealt in greater detail in para. 9.1 of section 3 of this Shadow Report.

laws; as well as state and national policies across the country. It is pertinent to point out that CEDAW has not been domesticated by Nigeria. Notwithstanding that, there is indeed derogation between the provisions of Section 42 (1) and Section 42 (3).

This results in a protection deficit for Nigerian women seeking public office. One of such negative manifestations is in the Police Act 1967 Laws of the Federation (Cap. P19, Laws of the Federation of Nigeria, 2004); and the Police Regulations made pursuant to Section 46 thereof. The Act made provisions discriminatory to the woman, which would appear to be endorsed by the provisions of Section 42 (3) of the 1999 Constitution (as amended).³

2.1 Concerns

Need for:

Immediate repeal of discriminatory laws and practices that affect women's human rights in Nigeria;

Urgent gender audit of laws and policies to ensure gender responsiveness and compliance with the provisions of CEDAW and concrete steps to ensure that the Violence Against Persons Prohibition Act (VAPP) 2015 is domesticated in all states in Nigeria.

Instituting strict observance and compliance with work ethics and implementation of workplace policies that protect women employees, especially those at the bottom to reduce their economic and social vulnerabilities.

Deliberate and sustained gender mainstreaming through affirmative action(s) as a means of incorporating vulnerable groups especially women who have been systemically excluded from processes.⁴

The recommendation of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women- Article 5 (a) adopted by the General Assembly resolution 34/180 of 18th December 1979 should be upheld.

Passage of and implementation of the GEO bill (CEDAW incorporation bill) into law at National State levels.

3.0 On the need to address the gaps in women's representation on equal terms with men without any discrimination (Article 7, 2 & 9)

The low level of women's participation and representation in governance and leadership processes in Nigeria accounts for the significant perpetuation of the social conditions of abuse and discrimination that Nigerian women suffer. Although women account for nearly 50% of Nigeria's population in 2006 (Total population 140,431,790, Male 71,345,488, Female 69,086,302), women hold less than 10 percent of elected positions at the federal and state levels.

However, for many, it is still a long way to the top as women continue to face various factors that limit their full career advancement.⁵

3.1 Concerns

³ BAZE UNIVERSITY 3RD CONVOCATION PRE-CONVOCATION LECTURE

The Home And Women's Career: Overcoming The Challenges Of The Law And Traditions In A Modern Society. By Her Lordship (Her Excellency) Hon. Justice Fati Lami Abubakar, CON, LLD Former First Lady, Federal Republic of Nigeria, Former Chief Judge Niger State & Chair WRAPA Board of Trustees - 7th October 2016

⁴ Ibid

⁵ These factors were looked at in more detail in the corresponding section 3, of this Shadow Report.

As the run up to the 2019 elections, there is the need to:

Take active steps to remove obstacles and barriers to women's participation in the electoral process including implementation of 35% affirmative action for women in appointive and elected positions provided for in the National Gender Policy;

The revamping and strengthening of the Women Political Empowerment Offices that have existed since 2007 in the six geo-political zones with the mandate to provide adequate support for women to participate.

Enact legal reforms by way of legislation are needed to support the changes in the laws relating to professions identified by the paper.

Define and increase opportunity for women's entry and growth in particular careers, backed by wide based sensitization to promote understanding and endorsement of the changes.

4.0 On the need to address the gaps in girl-child Education, the protection of the Girl Child against insurgents and other issues affecting Internally displaced persons (Article 10)

The 2014 UNICEF Report showed that 10.5million children, about a third of the figure for the whole of sub-Sahara Africa were out of school; 60 per cent of these children are located in the Northern part of the country. This figure may have increased far beyond the officially recorded due to insurgency by *Jama'atu Ahlis Sunna Lidda'Awati Wal alias Boko Haram*. Nigeria in recent times has witnessed attacks on schools by insurgents, kidnapers and abductors; making schools unsafe for children (particularly for the girl child).⁶

4.1 Concerns

The protection of school premises to provide for safe and secure environments for girls;
Sustain commitment to rescue and return of the remaining 195 abducted Chibok Girls;

Legislation and social advocacy to stem the tide of forceful marriages in conflict and religious conversions, to protect the right of the girl child to education.

Enforcement government agencies and established traditional institutions to enforce extant laws that protect the girl child; address sexual harassment of girls and women in IDP camps and other government institutions. In respect of Nigeria's commitment to the UN Resolution 1325, need to build women's capacity to participate in conflict prevention, resolution and peace-building in the north east and Niger delta.

5.0. Urgent need to address the high maternal mortality in Nigeria and protect sexual and reproductive rights of women (Article 12)

Appreciable progress has been made in the last few years in reducing maternal mortality rates and child mortality rates in Nigeria. However, the current ratio of 576 to 100,000 live births remain a source of great concern especially with the poor implementation of the National Health Act, alongside issues of accessibility, affordability, availability and quality of health care.

5.1 Concerns

⁶ Factors that make schools unsafe have been discussed in more details in the corresponding section 3.

Need to ensure that women have access to appropriate maternal health services including contraception; repeal all laws affecting women's enjoyment of their freedom of sexuality; stop detention of pregnant women in public hospitals for failure to pay maternal health fees; stop the compulsory requirement of spousal blood donation in our health facilities; curb practices of "baby factories" where young girls are groomed to produce babies for sale, a growing business culture in Southern Nigeria; address barriers to maternal health services; reconsider the impact of restrictive abortion law on the country's maternal mortality ratio; reform laws to accord with international and regional human rights obligations and increase spending on maternal health in line with its commitment to the Abuja Declaration of 2001 and the National Health Act 2014.

6.0 Urgent need to address socio-economic issues, including women access to credit facilities and increased budget for women to support economic empowerment. (Articles 13, 14,15 & 16)

Research has shown that few women benefited from the socio-economic programmes of the government particularly the Women's Fund for Economic Empowerment (WOFEE) that has been in existence since 2007 and reported in the 2008 6th country report. Women generally remain less economically empowered than men and the recent economic crisis in Nigeria has had more negative impact on women than men.

6.1 Concerns

Need to address the growing menace of Fulani herdsmen who in search of grazing lands have destroyed farmlands and other economic activities of small-holder women farmers; reactivate laudable but ineffective economic programmes like GWIN, You-Win mentioned in the previous Nigeria report.

Need to revise and reform laws and administrative practices to ensure women's equal rights and access to economic resources including access to interest free savings and credit mechanisms for small holder women farmers and women operating in the informal sectors and increase farmland security and protection for women in communities where threats exist.

7.1 GENERAL RECCOMENDATIONS

- Repeal and abolish all laws and policies, discriminatory against women.
- Responsive review of the 1999 Constitution of the Federal Republic of Nigeria (as amended), in compliance with CEDAW.
- Embark on urgent gender audit of laws and policies in order to comply with the provisions of CEDAW.
- Support institution and other agencies to embrace gender mainstreaming and gender responsive policies.
- Take all practical steps to ensure that the CEDAW is incorporated into Nigerian laws.
- As the run up to the 2019 elections, the government should take active steps to remove obstacles and barriers to women's participation in the electoral process and support 35% affirmative Action in compliance with National Gender Policy.
- The Women Political Empowerment Offices in the six geo-political zones should be reactivated and equipped to enable the office to provide adequate support for women in the run up to the 2019 elections.
- The Government should integrate gender perspective into policies and measures aimed at addressing armed conflict situations and their consequences.
- Government should adequately address the causes of conflicts, some of which are inequitable distribution of resources, religious and cultural differences.

- The government should investigate alleged gender based crimes on the part of Boko-haram fighters and Nigeria security forces with perpetrators brought to justice.
- There is a need to set up full and accessible mechanisms for redress for women and girl victims of gender violations with courts and judicial officials adequately trained to respond to such cases.
- Provide appropriate reparations in the form of compensation, restitution and rehabilitation for affected victims and their families.
- The Government should support and implement international and national commitments to meet the health needs of girls and women of all ages, and reaffirm the right to the enjoyment of the highest attainable standards of physical and mental health.
- Design and implement gender-sensitive health plans, services, information, and policies.
- Increase women's access throughout the life cycle to appropriate, affordable, and quality health care, information, and related services.
- Address the barriers that limit access to maternal health services such as user fees and inadequate numbers of skilled health care professionals. The Government should regulate hospital practices to ensure that compulsory blood donations as a precondition for receiving antenatal care services do not continue to prevent access to care, and address the flaws in the voluntary blood donation process that contribute towards the practice.
- Adequate measures to be taken to increase knowledge of, and access to contraceptive methods as recommended by the CEDAW Committee in 2008. These steps should include removing financial barriers to contraception, addressing stock-outs, and addressing disparities in access based on income, education, geographical location and age.
- The government should consider the impact of its restrictive abortion law on the country's maternal mortality ratio as recommended by the CEDAW Committee in 2004 and 2008, and reform its law to accord with its international and regional human rights obligations, including the Maputo Protocol.
- The government should increase spending on maternal health in line with its commitment to the Abuja Declaration of 2001 and the National Health Act 2014.
- Review, adopt and maintain macroeconomic policies and development of strategies that address the needs and efforts of women in poverty by governments modifying macroeconomic policies, with full participation of women.
- Revise laws and administrative practices to ensure women's equal rights and access to economic resources with governments undertaking legal reforms to give women full and equal access to economic resources.
- The Government should provide access to savings and credit mechanisms and institutions for smallholder women farmers and women operating in the informal sectors.
- Increase farmland security and protection for women in communities where threats exist.

SECTION TWO

MAIN REPORT

8.1 Institution Strengthening and Accountability to Gender Equality

8.1.1 Institutional Capacity

The Federal Ministry of Women and Youth Development and the National Centre for Women Development (NCWD) are institutions of the national government devoted to addressing the issues of women. At the states' level, there are State Ministries of Women Affairs also devoted to addressing women's issues within the context of shared responsibilities between the federal and

state government as prescribed by Nigeria's constitutional arrangement.⁷ Gender focal points and gender desks have also been established in all federal government ministries, departments and agencies (MDAs) and parastatals since 2004. Some states such as Kogi and Ogun have followed suit.

At the federal level, relevant institutional mechanisms include the National Human Rights Commission (NHRC), which has a broad mandate to protect the human rights of all citizens and residents of Nigeria regardless of sex or gender as well as the National Agency for Prevention of Trafficking in Persons (NAPTIP) which was established in 2004 to tackle trafficking of women and children especially the girl-child. NAPTIP is granted both policing and prosecutorial powers.

Art. 2(c) of CEDAW obliges States parties to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination. In this regard, in order to enhance citizens' access to justice, states such as Lagos, Ekiti, Ogun, Benue, Jigawa, Enugu and Kwara have introduced legal aid or legal assistance institutions such as the Directorate of Citizens' Rights, Office of the Public Defender and Citizens' Mediation Centres. Most of these institutions have specific mandate to address the problem of discrimination against women as well as offer free or subsidised legal assistance to indigent women. There is no law or official policy restricting women's access to courts in Nigeria although there are numerous non-legal constraints which range from the high financial cost of accessing justice through the formal courts system to cultural inhibitions and distrust which hold citizens back from using the formal court system.

8.1.2 Technical Capacity

At present, there is comparatively reasonable technical capacity in Nigeria to address the problem of discrimination against women alongside other human rights issues. Women as well as men with competence in women's rights and gender issues are found in significant numbers within the academia, public and private sectors including Civil Society Organisations (CSOs). Research and training in human rights and gender, which were largely provided informally by CSOs are increasingly being institutionalised within the formal education system, thus enhancing the opportunities for capacity strengthening in these fields. Unlike the situation at the end of the 1980s when the only known women's research centre was the University of Ibadan-based Women's Research and Documentation Centre, (WORDOC), a number of Nigerian universities now boast of Gender Centres and Gender Programmes. Examples include the Centre for Gender and Social Policy of the Obafemi Awolowo University, Ife and the Centre for Gender, Benue State University Makurdi, Gender Centre of the University of Ado Ekiti and the Centre for Gender Studies of the University of Abuja.

8.1.3 Collaboration, Cooperation and Networks

Government at the three levels (federal, state and local) and CSOs such as professional bodies and social activist groups cooperate and collaborate on various issues including gender violence, early and forced marriages, girl-child education as well as political and economic rights of women. Governments have exhibited commendable levels of openness to civil society cooperation and collaboration. Government - civil society partnerships can be seen in the numerous campaigns that have been jointly pursued around women's reproductive health, access to education and women's political participation. Government as well as CSOs also cooperate and collaborate extensively with international development partners. Various network platforms have been established by CSOs to facilitate cooperation and network. Examples are the National Coalition on Affirmative Action (NCAA), Gender Technical Unit, Gender and Constitution Reform Network (GECORN), Women in

⁷ Some states add to this, other portfolio such as "Social Development" and other states such as Lagos State, add "Poverty Alleviation".

Peace Network, Nigerian Women Trust Fund, West African Network for Peace and the Legislative Advocacy Coalition on Violence Against Women (LACVAW).

8.1.4 Challenges

Major problems facing national machineries are inadequate human and financial resources, including insufficient number of technically competent staff and grossly insufficient budgetary allocations. Other problems include unclear mandates, frequent relocation within the government structure as well as weak and frequently changing leadership. The dearth of disaggregated data along gender, ethnic, linguistic and religious minorities' lines in Nigeria is another serious challenge to the promotion and protection of women's rights. It negatively affects planning and implementation of programmes and policies in Nigeria. In many MDAs, gender focal points are weak because of inadequate funding and weak capacity due to lack of training and requisite qualifications of Gender Desk Officers. Also, many Ministries at both the national and state levels and equivalent offices at the local government level are yet to mainstream gender in the formulation and implementation of their policies, projects and budgeting.

SECTION THREE

ANALYSIS OF NIGERIA'S COMPLIANCE WITH CEDAW ARTICLES

9.1 Articles 1-3 Definition of Discrimination Against Women; State Obligation to Establish Institutional Mechanism and Enact Laws to Address Discrimination against women in Public and Private.

9.1.1 Situation Analysis

There are existing provisions in the laws of Nigeria, which address discrimination. Section 42 of the 1999 Constitution of the Federal Republic of Nigeria as amended is the major provision under Chapter Four which deals with discrimination on the ground of sex, state of origin and other status, as a fundamental right. However, the definition is not comprehensive enough to be able to address discrimination holistically. The contradiction in the general clause prohibiting discrimination in Nigeria is quite apparent under section 42(3). It provides that nothing in subsection (1) of the section "shall invalidate any law by reason only that the law imposes restrictions with respect to the appointment of any person to any office under the State or as 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". In this regard, the law has created a claw back, which gives protection on one hand and removed with another, thus implying that there are conditions upon which the section can be violated. The fact that there is no clear law, which defines what constitutes discrimination, has been a source of challenge for gender advocates and legal practitioners working to support women's rights.

The Constitution also has other sections, which are seen as discriminatory. These sections include Section 26 of the Constitution, which discriminates outrightly against women in the area of citizenship rights. It gives Nigerian men the right to acquire citizenship for their foreign wives by registration while women cannot. Other sections include s. 29 of the Constitution, which legitimizes girl child marriage. Research from 'Child not bride' has shown that, 43% of girls are married off before their 18th birthday; 17% are married before they turn 15. The prevalence of child marriage varies widely from one region to another, with figures as high as 76% in the North West region and

as low as 10% in the South East. While data shows a 9% decline in the prevalence of child marriage since 2003, action is needed to prevent thousands of girls from being married in the coming years.

Although law can be an instrument of social reengineering, law reforms, which run ahead of the values and normative standards that the majority of society still subscribes to, often achieve little. While the various National and State efforts at enacting CEDAW compliant laws (as enumerated in the 7th and 8th Nigerian Report to CEDAW) are commendable, the country has till date failed to deal with the issue of amending extant discriminatory laws. Consequently, the following issues are still of great concern:

- (a) There is no gender consideration in the formulation of the Federal Character policy as contained in Section 14(3) of the 1999 constitution.
- (b) The Criminal Code discriminates against women on punishment for sexual assaults. While the act of indecent assault against a man is classified as a felony under Section 353 (attracting a punishment of 3 years imprisonment), indecent assault of a woman or a girl is classified as a misdemeanor, under section 360 (attracting a punishment of 2 years imprisonment).
- (c) The concept of marital rape is still not recognised under Nigerian laws. Section 182 of the Penal Code specifically provides that “sexual intercourse by a man with his own wife is not rape if she has attained puberty.”
- (d) The provision of Section 182 of the Penal Code impliedly provides a legal justification for child marriage.
- (e) Section 55(1)(d) of the Penal Code also justifies spousal abuse, providing that “Nothing is an offence, which does not amount to the infliction of grievous harm upon any person and which is done by a husband for the purpose of correcting his wife. Such husband and wife being subject to any natural law or custom in which such correction is recognised as lawful.”
- (f) The Criminal Code in Sections 218 and 221-224 raises the burden of proof in sexual offences by requiring that persons accused of offences under these sections can not be convicted on the uncorroborated evidence of one witness.
- (g) Discriminatory provisions found in the Police Act and Regulations are:
 - i. Women police officers are as a general rule, employed on duties which are concerned with women and children (Regulation 121).
 - ii. Regulation 125 states that “A married woman police officer shall not be granted any special privileges by reason of the fact that she is married and shall be subjected to posting and transfer as if she were unmarried.”
 - iii. Regulation 126 provides that an unmarried police officer who is pregnant shall be discharged from the force.
 - iv. Policewomen on duty are prohibited from putting on jewelry except wedding or engagement rings and /or wristwatches; applying face powder, lipstick or colored nail varnish.
 - v. Policewomen are required to place the alphabet ‘W’ before their rank.
 - vi. Compensation, Gratuity and Disability Pensions: Provision was made for payment only to “wife” or “widow”. No reference to spouses (husbands).
 - vii. Policewomen married to civilian husbands are disallowed from living in police barracks.
 - viii. Provision for travel allowance only accommodates accompanying wife and children, not husbands.

(h) Sharia-based penal codes still exist in twelve northern states with discriminatory. Rules of Evidence under Sharia are weighted against the women. The evidence of a woman is half of that of a man in Islamic jurisprudence.

9.2 Legal and policy environment

9.2.1 Laws

Legislations favourable to women have been passed, especially at state level, but often, these have had little positive impact on women's lives. There is little effort and commitment on the part of government to enforce or implement the laws passed. Women themselves continue to hold back from seeking justice when such laws are breached for reasons of cultural beliefs, fear of reprisals from family members and lack of confidence in the justice system.

Examples of relevant but under-enforced laws are:

In October, Bayelsa State enacted a law prohibiting FGM, with penalties for breaching the law in the form of a monetary fine or prison term. In 2000 Edo, Ogun, Cross River, Osun, and Rivers States banned FGM. In Edo State, the punishment is 1,000 naira. Other related state laws are listed below:

- Rivers State Abolition of Female Circumcision Law No. 2, 2001. The law criminalises female circumcision.
- Harmful Traditional Practices (Prohibition) Law of 2003, Rivers State.
- Edo State Female Circumcision and Genital Mutilation (Prohibition) Law No. 4 of 1999.
- Ogun State Female Circumcision and Genital Mutilation (Prohibition) Law 2000.
- Delta State Female Genital Mutilation Law 2001.
- Imo State Violence against the Persons Law No. 2 2012.
- Rivers State Abolition of Female Circumcision Law (No 2 of 2001).
- Dehumanising and Harmful Traditional Practices Law (No 2 of 2003), Rivers State.
- Ebonyi State Abolition of Harmful Traditional Practices Against Women and Children Law No. 10 of 2001.
- A Law to Prohibit Girl-Child Marriages and Female Circumcision No.2 of 2000 of Cross Rivers State.
- Schools Rights (Parents, Children and Teachers) Law, No 2, 2005, Rivers State.
- Street Trading Restriction Law, 2004, Anambra State.
- Bauchi State Prohibition of Withdrawal of Girls from School for Marriage Law.
- Prevention of Transmission of HIV (through blood transfusion) Law (No 4 Of 2004).
- Rivers State Employee with HIV/AIDS (Non Discrimination) Law.

However, implementation of these laws is very poor due to interference of negative cultures and the refusal of custodians of culture to embrace modifications of the cultural system. Another reason why the laws are not effective is because the state is yet to design effective monitoring mechanisms to ensure that the laws are obeyed and enforced. The fines for violation of most of the laws are also ridiculously low and cannot promote any form of deterrence. Furthermore, people are not aware of the existence of the laws; thus the laws have just become mere documents, which are yet to find expression in the lives of the people they are supposed to serve.

Litigation has also had little or no impact on women's rights. Courts have pronounced many official practices and customary laws discriminatory and unconstitutional but nothing is done to bring official or unofficial practices in line with the court decisions or even repeal or amend statutes that have been expressly found discriminatory. For instance, in the case of *Women Empowerment and Legal*

*Aid (WELA) v Attorney General of the Federation*⁸ in which judgment was delivered on 30th April 2010, the Court declared Regulation 124 of the Police Act which prohibits a female officer from marrying a man of her choice without the permission of the Commissioner of Police in the command where she is serving, has been declared discriminatory and unconstitutional by a Federal High Court in Ikeja, Lagos. Five years after the court decision, the provisions remain in the statute books. Various cultural practices relating to widowhood and inheritance have been declared discriminatory and unconstitutional but there has been no concerted government effort to enforce the changes required. Others are: *Mrs. Lois Chituru Ukeje & Anor. v Mrs. Gladys Ada Ukeje*⁹ and *Onyibor Anekwe & Anor. v Mrs. Maria Nweke*,¹⁰.

9.2.3 Policy

Below is a list of national policies and efforts relating to the protection of the rights of women. These policies exist, but are not being implemented.

1. The 2015 Sustainable Development Goals (MDGs) especially Goal 5, specifically recognises the need for gender equality in development.
2. The National Gender Policy, 2006 (which replaced the National Policy on Women, 2000) provides for the general protection of men and women, but especially of women against maltreatment, discrimination, obnoxious cultural practices and for equality in the socio-economic sphere.
3. National Gender Policy and Strategy for the Acceleration of Girls' Education in Nigeria 2003.
4. National Policy on Reproductive Health.
5. National Strategic Framework on HIV/AIDS (NSF).
6. National Strategic Framework and Plan for Vesico-vaginal Fistula (VVF) Eradication in Nigeria.
7. National Guidelines and Strategies for Malaria Prevention Control During Pregnancy 2005.
8. National Reproductive Health and Strategic Framework and Plan.
9. National Policy on Women trafficking.

9.2.4 Challenges

- The dominant customary and religious law systems are patriarchal and discriminatory against women and not very open to change especially as the people consider them as core elements of their cultural identity, which stand them out from others. This leads to resistance to attempts at interrogating the systems and their underlying values and standards.
- Socialisation of boys and girls supports and sustains continuity of discriminatory cultural beliefs and practices. There is still widespread belief that women are inferior to men and that gender roles are divinely assigned. Thus, the occasional female who crosses the traditional barrier is held up as an exception. Indigenous culture (s) still functions as an obstacle to gender equality in the society.
- Absence of political will on part of government to take on specific discriminatory customs and religion.
- Weak law enforcement even where favourable laws and precedents have been passed by the legislature and the courts respectively.

⁸ (Unreported) Suit No. FHC/IKJ/CS/M128/2010

⁹ (2014) LPELR 22724 (SC)

¹⁰ (2014) LPELR 22697 (SC)

- Lack of confidence in the state and its institutions resulting in reluctance on the part of women to use the institutional mechanisms presented.
- Financial cost of undertaking social activism and poor funding environment for social action.

9.2.5 Strategic Interventions

Some of the good practices that have yielded beneficial impact in terms of strategic interventions in line with targets of CEDAW are:

- Constitutional affirmation of equality and non-discrimination.
- Enactment of gender specific legislation at the federal and state levels affirming and guaranteeing women's rights e.g. the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act (NAPTIP Act) (2003)¹¹ and Domestic Violence Law of Lagos State (2007).
- Adoption and review of National Gender Policy (2006).
- Creation of institutions at the federal and state levels focused on gender issues, e.g. the Federal Ministry of Women Affairs and counterpart Ministries of Women Affairs at the state level and the National Centre for Women's Development.
- Establishment of gender focal points in MDAs.
- Gender audit of the laws.
- Partnerships between government and civil society.
- Partnerships between national actors and international actors/development partners.

9.2.6 RECOMMENDATIONS

1. Government should be committed to eliminating all forms of discrimination, through a holistic domestication of the CEDAW.
2. Support rigorous enforcement of all laws that promote and protect the right to equality of the sexes.
3. Review and update of the Strategic Framework (2008-2013).
4. Review of the National Gender Policy (2006).
5. Adoption of new policies and implementation of appropriate economic programmes and policies.
6. Amendment of the Constitution, Criminal Code, Penal Code and other laws to deal with discriminatory provisions.
7. Implementation of policies on women's political participation.
8. Re-orientation of the citizenry to eliminate gender roles and stereotyping.
9. Abolition of all obnoxious customary and religious practices affecting women and girls.
10. Enactment of an Equal Opportunities law to amend Section 14(3) on Federal Character provision and make gender one of the indices of equality and/or opportunities
11. Amendment of the Constitution to make Chapter II on Fundamental Objectives and Directive Principles of State Policy, legally justiciable.
12. Adoption and implementation of policy and programme and/or scaling up interventions that address women's economic disempowerment.

¹¹ Nigeria ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, in 2001. Based on this, the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act was passed in 2003 and the enforcement agency, the National Agency for the Prohibition of Traffic in Persons and Other Related Matters (NAPTIP), was created in the same year. The anti-trafficking law was amended in 2005 and the Senate passed a bill in March 2014 to give prosecutors more authority and restrict the ability of judges to fine traffickers in lieu of issuing prison sentences. The Agency has partnered with other countries and international organisations such as the International Labour Organisation and the UN Office on Drugs and Crime (UNODC) in its effort to curb trafficking in persons and related human rights abuses.

10.1 Articles 4 &5 : Special Measures and Gender Roles and Stereotypes

10.1. 1 Situation Analysis

There are no institutionalised temporary special measures to accelerate the advancement of women in Nigeria. The dominance of patriarchal power still manifests in gender-based cultural practices such as male child-preference, girl-child marriages, harmful widowhood practices, women's lack of inheritance rights and lack of access to critical resources, including land, labour, capital, and entrepreneurial skills.

While there has been a continuous commitment on the part of government and civil society organisations of the administrative, policy and legal environment for formulating gender responsive programmes for effective response to the challenges of women in political and public life, due to deep seated gender stereotypes, strengthened by cultural, economic and social barriers; the number of women who are beneficiaries of Nigeria's advancing democratic culture is increasing at a very slow rate.

10.2 .1 Legal and Policy Environment

Nigeria's complex legal normative framework has implications for the promotion and protection of gender equality and women's rights at the national level. The complex federal arrangements combined with the tripartite system of civil, customary and religious laws often make it difficult to harmonise legislation and remove discriminatory measures that continue to promote inequality. Rules exist to guide how conflicts of law are resolved. For example, the Constitution is superior to all laws so that any law that is inconsistent or conflicts with the Constitution is void. Even international law is subordinate to the Nigerian Constitution.¹² Complicating things further is the uncertainty as to the present status of Islamic law. In the past, it was regarded as a part of the genre of customary law but this is being challenged.

Chapter IV of the 1999 Constitution of the Federal Republic of Nigeria contains the citizens' bill of rights under the title "Fundamental Rights". A number of sections in this chapter are relevant for the protection of women against violence. Section 33 guarantees the right to life while section 34 affirms the right to human dignity and prohibits torture, inhuman or degrading treatment including forced labour, slavery and servitude. Section 35 guarantees the right to personal liberty and section 42 prohibits discrimination on grounds of sex amongst others, which ordinary should support gender equality

10.3.1 Positive Interventions/Best Practices

- Improved legislative and policy environment favourable to eliminating different forms of discrimination against women. Legislation addressing different aspects of women's lives including discrimination against them has been passed at the federal and state levels. Examples are: Domestic Violence Law by some state,¹³ Legislation prohibiting withdrawal of Girls from School in Gombe and some other states, Laws prohibiting early marriage, Female Genital Mutilation and other harmful traditional practices.
- Approval of six months paid maternity leave and ten days paid paternity leave for nursing parents by the Lagos State Government in July 2014.

¹² See *Abacha v Fawehinmi* (2000), No. SC45/1997

¹³ Six states have passed laws against domestic violence: Lagos, Osun, Cross River, Ebonyi, Ekiti, and Kogi states.

- The UNICEF sponsored Nigerian Girls' Education Initiative and the Girls' Education Project in the North.
- Ekiti State Gender-Based Violence (Prohibition) Law, 2011; Osun State Protection against Domestic Violence Law, 2013; Jigawa State Gender Policy, 2013; among others.
- The 2002 National Policy and Plan of Action on Elimination of Female Genital Mutilation in Nigeria (Federal Ministry of Health).
- The 2005 Trafficking in Persons (Prohibition) Law Enforcement and Administration (Amendment) Act.
- 2001 Enugu State Law making it unlawful to infringe the fundamental rights of widows and widowers.
- The Federal Ministry of Women Affairs and Social Development (FMWASD) in collaboration with the National Orientation Agency (NOA) and Ministry of Information, has undertaken a series of sensitisation programmes via the media aimed at eliminating gender stereotypes and to promote equality of women. In many states, there are efforts to encourage women to undertake vocational training and skill acquisitions in some areas that hitherto, were exclusively preserved for men. For example, the Rivers State Taxi Cabbies Project for Women, the Lagos State initiative for vocational training of women as public transportation drivers, motor mechanics, welders and vulcanizers.
- Government is in partnership with the Nigerian Film Industry (Nollywood), providing financial support and other incentives to ensure that the industry serves as a medium for promoting positive perceptions of women and girls with the ultimate aim of eliminating gender stereotypes. An example is the television series on trafficking sponsored by NAPTIP.
- Many states have passed specific legislations and adopted policies aimed at eliminating harmful traditional practices and domestic violence. For example, Enugu State Prohibition of Infringement of a Widow's and Widower's Fundamental Rights Law No.3, 2001, Rivers State Abolition of Female Circumcision Law No. 2, 2001, Edo State Female Circumcision and Genital Mutilation (Prohibition) Law No. 4 of 1999, Ekiti State Gender-Based Violence (Prohibition) Law, 2011; Osun State Protection against Domestic Violence Law, 2013; Domestic Violence Law of Lagos State, 2007; Jigawa State Gender Policy, 2013; among others.
- Launch of women-specific empowerment programmes across the country to promote women's economic advancement and poverty eradication, e.g. YouWIN Women (2012); G-Win; Women's Fund for Economic Empowerment (WOFEE); and Business Development Fund for Women [BUDFOW] (FMWASD, 2013) by the FMoWASD.
- SURE-P Intervention in Maternal and Child Health (MCH) to reduce maternal and new born morbidity and mortality. Some of the specific activities undertaken by SURE-P MCH intervention are: (a) Employment of skilled Health Workers - Midwives, Community Health Workers (CHEWs) and Village Health Workers (VHWs); (b) Upgrading, Equipping and Supplying of Drugs to 500 PHCs across the Nigeria's six geopolitical zones. (c) Selection of 125 General Hospitals across the 36 states and the FCT and equipping and upgrading their Maternity section to provide comprehensive intervention for complicated maternal and child cases.

10.4.1 Challenges

- Discriminatory laws remain in the statute books. Although many of these laws have been identified, documented and brought to official attention, there has been no governmental effort at holistic reform of the laws.

- Numerous discriminatory rules of custom exist and continue to be enforced at community levels without any effort on the part of government to change or abolish them. Even when courts declare these rules unconstitutional, there is no concerted effort to modify the practices.
- Maternity is not accorded recognition as a ‘social function’ that deserves compensation. Adequate maternity leave is not granted by many employers in the private sector. In the public sector, maternity leave has been extended to 16 weeks but most private sector employers only allow 12 weeks. Nursing mothers are not given financial support for maternity care.
- Gender stereotypes abound and greatly influence perceptions and attitudes towards women. Cultural and religious norms perpetuate inequalities and relationships between men and women are moderated by patriarchal orientations.

10.5.1 RECOMMENDATIONS

1. A re-orientation of the citizenry to eliminate gender roles /stereotyping and the abolition of all obnoxious customary and religious practices affecting women and girls.
2. Domestication of all necessary international obligations relating to gender equality and women’s empowerment, which Nigeria has ratified.
3. Comprehensive law reform at the federal and state levels that will: (a) ensure the repeal of all discriminatory laws in the statute books; (b) give legislative strength to progressive judicial decisions; (c) harmonise the standard of women’s rights under statute, customary and religious laws.
4. Amendment of Section 14(3) of the 1999 Constitution to include gender as one of the indices of federal character.
5. Sensitisation and training of law enforcement officers including Customary and Sharia Court Judges on women’s rights and international normative framework for the enforcement of gender equality and women’s rights.

11.1 ARTICLE 6: TRAFFICKING IN WOMEN AND SEXUAL EXPLOITATION

11.1.1 Situation analysis

Nigeria had been identified as a source, transit and destination country for human trafficking for labour and sexual exploitation. The problem of trafficking in persons in Nigeria is not limited to trafficking across borders. There has been as much a problem of internal trafficking in women and children especially the girl-child for labour and sexual exploitation. By 2013, an ILO Data Analysis Report estimated that of the 407 cases of Trafficking reported to NAPTIP, almost a quarter (23.6%) was external trafficking for sexual exploitation. About one-fifth (19.2%) of the total reported cases was that of Child Abuse while cases of Child labour had 13.3% of the total cases reported. In 2016, 27% of the reported cases constituted exportation of persons for prostitution or sexual exploitation, closely followed by cases of employment of children as domestic workers and inflicting grievous harm, constituting 26.1%. Another emerging trend with an increasing frequency of reports of the crime of buying and selling of human beings for any purpose with a total of 46 (6.4%) cases received in 2016.¹⁴

Nigeria was for long identified as a major “exporter” of female commercial sex work to countries in Europe. Around 2000, it was estimated that 60% of prostitutes in Italy hailed from Africa and of these, 80% were from Nigeria.¹⁵

¹⁴ Available at http://www.naptip.gov.ng/documents/Downloads/2016_DATA_ANALYSIS.pdf, accessed on May 3rd, 2017.

¹⁵ ILO/UNICEF Report 2003, available at <http://www.ilo.org/dyn/migpractice/docs/115/Data.pdf>

Nigeria in 2003 enacted an anti-trafficking legislation and established NAPTIP, an agency set up specifically to combat human trafficking. The efforts of NAPTIP in the crusade against human trafficking have yielded significant gains. Nigeria has moved from the US Department of State's Tier 2 Watch List to the Tier 2 list of countries (US Dept. of State, Office to Monitor and Combat Trafficking in Persons: 2014)¹⁶.

11.2.1 Legal and Policy Environment

The UN Trafficking Protocol requires states parties to take action to penalize trafficking, protect victims of trafficking, and grant victims temporary or permanent residence in the countries of destination. Nigeria ratified both the Convention and the UN Trafficking Protocol in June 2001 and the Smuggling Protocol in September 2001.

On the regional and sub-regional levels, AU and the ECOWAS, enacted part of the legal, and policy framework for dealing with the problem of trafficking. These include the ECOWAS Plan of Action to Combat trafficking in Persons, especially Women and Children, the ECCAS/ECOWAS Plan of Action to Combat Trafficking in Persons, especially Women and Children, the ECCAS/ECOWAS Multi-lateral Cooperation Agreement to Combat Trafficking in Persons, especially Women and Children, the ECOWAS Policy on Protection and Assistance to Victims of Human Trafficking, the ECOWAS Guidelines on Protection, Assistance and Support to Witnesses. Also relevant is the AU Migration Policy.

Other relevant legal instruments on the national level are the Child Rights Act (2003) and the Child Rights Laws of the states that have passed them. These legislation, passed at the federal and states levels address the problems of trafficking through penalization.¹⁷ Also, the various Penal and Criminal Codes applicable at the federal and states' levels contain provisions, which penalize trafficking in persons as well as sexual exploitation of women and girls.

11.3.1 Positive interventions/Best Practices

- ❖ 2,726 cases of human trafficking have been reported to the Agency since inception. Between 2010 and 2011, NAPTIP won a total of thirty-seven (37) cases, which resulted in forty four (44) convictions of 22 males and 22 females. It has secured 218 convictions from inception till the end of 2013 (NAPTIP Analysis, 2013).
- ❖ Continuous sensitisations programmes undertaken by NAPTIP in collaboration with National Youth Service Corps Scheme (NYSC), NOA, Nollywood actors and actresses, public schools and NGOs across the country.
- ❖ 964 victims of human trafficking were rescued by NAPTIP in 2013 with Child trafficking having the highest number of 212 rescued victims, representing 22.0% of the total number of victims rescued. External trafficking for sexual exploitation had 186 which is 19.3% and internal trafficking for labor exploitation had Ninety Six (96) representing 10.0% of the total victims rescued (NAPTIP 2013 Analysis)
- ❖ External trafficking for labour exploitations and external trafficking for sexual exploitations reduced by 0.9% and 0.4% respectively in the year 2013 (NAPTIP 2013).
- ❖ Cooperation between Nigeria and neighbouring countries has improved effective joint activities especially in areas of repatriation and reintegration of victims of trafficking across neighbouring countries. The approval of the National Policy on Protection and in Assistance to Trafficked

¹⁶ Available at <http://www.state.gov/j/tip/rls/tiprpt/2014/226649.htm> accessed on 25 February 2015.

¹⁷ Section 30 of the Child's Rights Act prohibits the use of a child for the purpose of begging for alms, guiding beggars, prostitution, domestic or sexual labour or for any unlawful or immoral purpose.

Persons in Nigeria (NPPATPN) by the Federal Executive Council in November, 2008 to improve the protection and rehabilitation efforts of NAPTIP. The objective of NPPATPN is to provide guidelines for all the stakeholders working together on human trafficking in re-instilling confidence into trafficked victims by reintegrating them into the society to function effectively.

- ❖ The development of a Strategic Implementation Framework (SIF) as a roadmap for fast tracking the implementation of the NPPATPN to ensure uniformity in standards and to provide a benchmark to drive implementation. The SIF was developed in April, 2011.
- ❖ Establishment of two additional zonal offices to increase the zonal offices from six to eight across the six geo-political zones of Nigeria. In addition, nine shelters are now being operated by NAPTIP for victims of trafficking. These shelters are located in Abuja and the eight zonal offices of NAPTIP. There are other shelters across the country being managed by NGOs under the supervision of NAPTIP.
- ❖ Collaboration between NAPTIP and other security agencies like Immigration Service and the Police through training in effective identification of trafficked victims and referral to NAPTIP.
- ❖ Collaboration between NAPTIP and NGOs in rehabilitation of victims of human trafficking especially in shelters managed by NGOs.
- ❖ 2005 Trafficking in Persons (Prohibition) Law Enforcement and Administration (Amendment) Act, 2003 Trafficking in Persons (Prohibition) Law-NAPTIP Act, and 2003 Child Rights Act.

11.4.1 Challenges

- ❖ Implementation of the Plan of Action on trafficking in persons and other protocols in West Africa has been hampered by the low level of commitment of some countries, sporadic and uncoordinated actions, lack of adequate data and technical incapacity for surveillance and tracking down of traffickers.
- ❖ While some bilateral and sub-regional arrangements and conventions exist on issues relating to trafficking such as the ECOWAS Convention on Extradition and the Convention on Mutual Assistance in Criminal Matters, some of the existing international conventions have not been fully signed and ratified by all member countries of ECOWAS.
- ❖ ECOWAS Protocol on the Free Movement of Peoples designed to facilitate the free movement of goods and persons within the sub-region is supposed to simulate efforts towards a return to the homogenous society that once existed in the sub region. However, the protocol, has been abused by fraudsters. The abolition of visa requirements among ECOWAS states also tend to favour the activities of traffickers since they do not have to procure visas for victims taken out of national frontiers within and outside the sub-region.

11.5.1 RECOMMENDATIONS

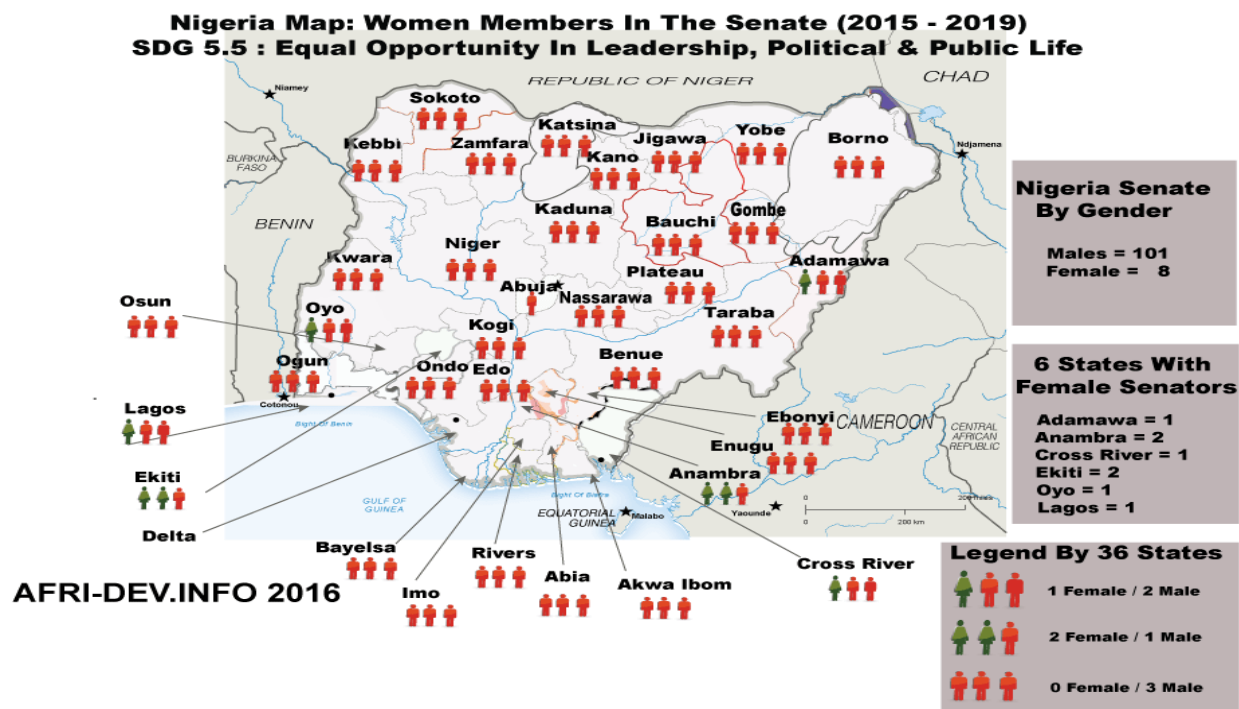
- ❖ Encourage ECOWAS Member States to ratify and implement, the various agreements and protocols that have been put in place to combat human trafficking as a matter of collective strategy, priority and responsibility in the sub-region.
- ❖ ECOWAS should also explore ways and means of providing technical assistance, institutional support especially to member states that lack such capacities.
- ❖ Provision of basic education would go a long way in empowering people through enlightenment and value-added orientation to appreciate the hollowness of the promises and antics of human traffickers in their midst. Emphasis must also be placed on the education of the girl-child, who is perhaps the most vulnerable among the groups that are most at risk.

- ❖ Strengthening of inter-agency collaborations both at the national and regional levels to facilitate information sharing, joint surveillance, capacity building and trainings to enhance effective operations.
- ❖ Development of methodologies and approaches to measure and ensure sustainable progress in the combat of trafficking in persons and children.

12.1. Articles 7, 8 & 9: Women in Political and Public Life, Representation at the International Level and women’s nationality

12.1.1 Situation Analysis

The National Gender Policy of 2006 stipulates 35% Affirmative Action for both appointive and elected positions in Executive and Legislative arms of government. However, it is unfortunate that this proclamation has not been fulfilled both by government, and political parties in Nigeria. Women in Nigeria constitute more than two-thirds of the country’s 70% adult non-literate population. Ironically, they hold less than 5% of the important decision making positions in the country.



12.2.1 Legal and Policy Environment

Political Parties’ constitutions have moved on with their business with little gender sensitivity and provisions supporting certain number of women in their board and in some key positions in the political party. INEC, however, recently supported the adoption of a Gender Policy to ensure that the electoral institution promotes gender equality. Some states have passed the Gender and Equal Opportunity law: Ekiti, Anambra, Kogi, Plateau and Imo.

Other Strategic Interventions are:

- ❖ The granting of waivers for Nomination Form fees to women political aspirants by some political parties is a big encouragement to women aspirants.

- ❖ The adoption of a Gender policy by the Independent National Electoral Commission (INEC) to create an enabling environment towards the achievement of impartiality and equality in electoral processes.
- ❖ The Nigerian Women's Trust Fund is a strategy of the Federal Ministry of Women Affairs and Social Development with support from the Office of the Senior Special Assistant to the President on MDGs (OSSAP-MDGs) and Civil Society Organisations in Nigeria facilitated by the DFID Coalitions for Change Programme (C4C).
- ❖ A gradual increase in the number of female ambassadors representing the country.

12.3.1 Positive Development

- A comparison of the number of female candidates in 2007 (UNIFEM, 2007) to that of 2011 (INEC, 2011) electoral process across positions, gender and political parties, nationwide released by INEC shows an increase in the number of women who emerged as candidates on their party platforms.
 - ❖ The Nigerian Women's Trust Fund is a strategy of the Federal Ministry of Women Affairs and Social Development with support from the Office of the Senior Special Assistant to the President on MDGs (OSSAP-MDGs) and Civil Society Organisations in Nigeria facilitated by the DFID Coalitions for Change Programme (C4C). The Trust was launched in March 2011 to give support for women political aspirants and was able to give financial support to 500 female candidates for the 2011 general elections.
 - ❖ Adoption of Gender policy by the Independent National Electoral Commission (INEC) to create an enabling environment towards the achievement of impartiality and equality in electoral processes.
 - ❖ In 2014, a total of 93 Ambassadors were appointed with 82 male representing 88.2 % while female is 11 representing 11.8% (Ministry of Foreign Affairs, Abuja 2014).
 - ❖ Top positions have been occupied by Nigerian women in international organisations

12.4.1 Challenges

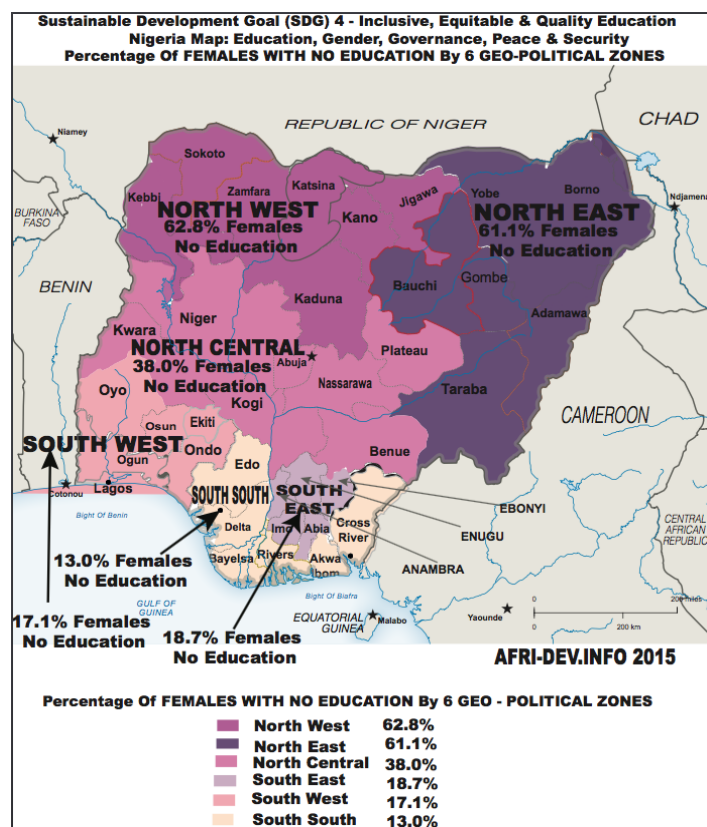
- ❖ Money Politics/Pay Off Syndrome: It is very common for the moneybags and godfathers in the parties to buy off contestants to give way to their own candidates. Women tend to lose out in this power politics.
- ❖ Under representation of women in Party National Executives. The only position usually reserved for women at the National Executive is 'National Women Leader', which is seen as 'tokenism'.
- ❖ High Registration fees militate against women in this country "where poverty wears a woman's face."
- ❖ Sabotage/Pull her down Syndrome by other women, socialised by men to believe that women are not good enough to hold political positions.
- ❖ Incessant Cancellation of Primaries. The process is repeated several times until "the owners of the parties" are satisfied with the results.
- ❖ Security: Women often fall prey to election violence and unless they are sure of their security, they will not venture into the political arena.
- ❖ Political considerations largely influence appointment into top diplomat positions and in many circumstances gender equality are ignored.
- ❖ Constant postings and reshuffles in the diplomatic service are not always suitable for married women at the Ministry of Foreign Affairs.

12.5.1 RECOMMENDATIONS

- ❖ Domesticating all treaties and conventions that promote the rights of women to active participation in political activities e.g. CEDAW.

- ❖ Create and maintain enabling environment for upholding equality and justice for all in all spheres of our national life.
- ❖ Provide legal backing to support the implementation of the 35% Affirmative Action for the Nigerian women in decision making positions and in politics.
- ❖ Equip INEC technically and financially to operate a gender friendly political landscape for the country.
- ❖ Set up mechanisms for measuring the gender responsiveness of political parties e.g. party manifestos and party activities including selection of officers for appointive positions; introduction of affirmative action in party activities to ensure that women also own the rein of power, like their male counterparts.
- ❖ Institute a legal framework and gender mainstreaming framework in the operations of the Federal Ministry of Foreign Affairs to ensure strict compliance with the 35% Affirmation Action for appointments in the Ministry.
- ❖ Engender the operational and personnel policies at the Federal Ministry of Foreign Affairs to give considerations to women's practical and strategic gender needs.
- ❖ Development of a sectoral gender policy at the Federal Ministry of Foreign Affairs to ensure gender equality.

13.1. Article 10 - Education



13.1 Situation Analysis

The Federal, State and Local Government are involved in public education in Nigeria. According to the (2013) Report Series to the United Nations Special envoy for Global Education, adult literacy rates in Nigeria stand at 61%, 70 % for males and 54.6% for females. Total primary school

enrolment which was 17,907,328 in 1999 rose to 25, 704,793 in 2003 but steady decline has since been witnessed and Nigeria is now home to 10.5 million out-of-school children or 42% of its primary school age population (Education for All Global Monitoring Report, 2012).

There are significant regional disparities in enrolment and completion and nearly every child in the south will at some point in life enter primary school whereas only 30 - 40 % is likely to enroll in schools in some states of the North (Gender in Nigeria Report, 2012). Girl's school attendance of secondary education increased from 24% in 1990 to 44%in 2010 although the figure is still below national average. (National Population Commission, 2011).

13.1.1 Budget for Education

According to UNESCO standard, national government is expected to spend at least 26 %of its Gross Domestic Product (GDP) on Education. In 1999 when the country transited to democratic rule, Federal government budget allotted to education sector was only 4.4 % of the annual budget, in 2006, education got 10.46% and in 2013, education was allotted only 9 % of the budget making year 2006 the highest budget (10.46%) since the commencement of democratic rule in 1999. Funding of education by State governments also compares with the federal government. A study of education funding by 9 states stood at between 4.7% and 5.2% of GDP in 2006/2007 (World Bank, 2008)

13.2.1 Legal and policy environment

Section 15 of the Child Rights Act 2003 provides for the right to free, compulsory and universal basic education. A specific provision in Section 15 provides opportunities for female students that become pregnant to complete their education after delivery.¹⁸ Section 15(6) prescribes punishment for parents or guardians that prevent a child from attending and completing his or her education. Article 17 of the African Charter also provides for the right to education for every individual.The National Policy on Education 2013 prioritises Science and Technical Education for girls as a path to decent jobs for them.

There are State Laws that encourage girls' education. Some of them are the Prohibition of Early Marriage Law (Kebbi & Niger States), Prohibition of Withdrawal of Girls from School for Marriage Law of Bauchi, Borno, Gombe and Kano States, a law to Prohibit Girl Child Marriages and Female Circumcision Cross River State 2000, the Child Rights Laws of the various States where it has been passed, Street Trading Restriction Law 2004 Anambra State and Schools (Parents, Children and Teachers) Law No. 2 2005 Rivers State.

While progress has been made in government commitment towards the support of girl child education and retention in school, implementation is still poor. A large proportion of girls still remain out of school especially in northern region due to unsafe nature of schools and other cultural and religious factors. This already unsatisfactory situation is worsened by the recurring attacks on schools by insurgents, kidnapers and abductors which Nigeria has witnessed in recent times, thus making schools more unsafe for children (particularly for the girl child who is the easy target of sexual and other forms of violence).

13.4.1. Positive development

Table 1: Federal Allocation to the Education Sector from 2002- 2013

Year	Allocation in Billion (N)	Percentage of Total Budget %
2002	75.71	6.90
2003	93.77	7.75
2004	147.84	5.24

¹⁸ Section 15(5)

2005	195.69	8.21
2006	221.07	10.43
2007	250.14	9.75
2008	252.20	10.04
2009	339.63	8.79
2010	339.81	7.37
2011	426.65	9.32
2012	468.39	9.86
2013	509.04	10.21

Source: www.budgetoffice.gov.ng, Wale Micaiah, statisense.com

13.5.1 Issues, Gaps and Challenges

- ✓ Nutritional component in education which has proved to be efficient in basic education school enrolment and attendance rate in some states have been completely left out in government policy and national budgets and the states that started the programme could not sustain it due to poor funding.
- ✓ Cultural practices and misinterpretation of religious texts still support women marginalization and girl child marriage and inaccessibility to education.
- ✓ Islamic militancy presently confronting the North eastern part of the country is another big blow to the education of the girl-child in Nigeria.
- ✓ The inability of the government to provide adequate and efficient security for the people has affected both pupils and teachers and many have become refugees or displaced persons which also have implication for livelihood of the families affected and the education of the girl child.
- ✓ Lack of adequate information on completion rate of basic education which is supposed to be the benchmark for measuring literacy level and effectiveness of policies.
- ✓ Schools are not conducive for learning due to poor infrastructure and/or utter lack of it. For instance before the commencement of the Lagos Eko Secondary School Project supported by the World Bank, many secondary schools in Lagos State were death traps that many parents were reluctant to send their children to. But the revitalizing programmes which provides up to N3 million Naira per school has helped to upgrade these infrastructures. However, Lagos is just one out of the 36 states that needs such assistance
- ✓ Most schools are not safe, no exit signs and no proper mechanism for safety and security of students
- ✓ Budgetary allocation for education is below average.

13.6.1. RECOMMENDATIONS

- The Budget should reach 26% of the National budget or 6 % of GNP as stipulated by UNESCO or Dakar Framework, 5% of GDP and 20% of National Budget.
- Emphasis must hence forth be placed on enrolment and completion rate in order to benchmark the effectiveness of policies and interventions.
- CSOs, Federal Ministry of Women Affairs and Women in Parliament need to re-strategise for intense lobbying, engagement and dialogue to make sure the amendments to the Constitution is accepted by at least 2/3 majority of the state Houses of Assembly so that the right to education becomes enforceable.
- More awareness should be created on the Child's Right Act and the UBE Act so that it can become enforceable at all levels. This will also encourage states that are yet to pass the Child Right Act to do so.
- Cultural and religious barriers to children's enrolment and completion of basic and secondary education should be removed by evidence based advocacy and lobbying.

- Improvement in teacher's condition of service and remunerations (access to loans and mortgages).
- Rehabilitation of schools and provision of learning facilities should be given priority in education budgeting rather than the current practice of payment of salaries and overhead cost by the government.
- .
- Inclusive education should be provided to take care of persons with disabilities.
- Compulsory free lunch in primary school should be encouraged because it has been discovered to impact positively on school attendance in places where it was introduced.
- Education curriculum should be reviewed to reflect global trend as well as enable production of employable graduates. Training and re-training of teachers in sciences and information technology should be a continuous process.
- Policy on girls Secondary school education should be reviewed to ensure equality in access to quality education for boys and girls.
- Non-formal and vocational education should be given adequate attention while research in the sector must become part of the priorities.

14.1 ARTICLE 11: Employment

14.1.1 Situation Analysis

Complaints of discrimination against women by Ministries, Departments, parastatals and security agencies were considered by the National Assembly in January, 2013. The House of Representatives mandated its committee on Women's Affairs, Judiciary, labour and Employment and Productivity to investigate reports that government agencies regulate issues of maternity and marriage including whether and/or when female personnel in these agencies can get married and have children. Specifically, the House was concerned that some paramilitary services prevent female employees from getting married within a time frame, and that female employees who get pregnant are instantly dismissed from their employment.

Nothing has been heard about the report of the Committee since it was inaugurated. The UNDP (2009) observes that between 1985 and 2000 inequality in Nigeria worsened from 0.43 to 0.49 placing the country among those with the highest inequality in the world.

Table 2: showing the pay gap in male and female professionals

Occupation	Male	Female	Salary =N=	Salary =N=
			Male	Female
Doctors	42	17	=N=2,056,000	=N=1,904,000
Journalists	48	26	=N=1,408,000	=N=1,296,000
Teachers	13	39	=N1,299,200	=N=1,187,200
Total	103	82		

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The above table shows the actual average salaries of male and female professionals of the three occupations and it shows the pay disparities in their income. The table below shows the clear disparity in the proportion of women and men employed in the Federal public sector.

Year	Women (%)	Men (%)
2001	28.5	71.5

2002	28.7	71.3
2003	30.7	69.3
2004	29.5	70.5

Table 3:

With respect to top positions in the public sector, a similar lack of gender parity is evident. There are nearly 5 times as many male Judges and Permanent Secretaries shown by the table below.

Male and Female Senior Appointments in the Public Sector, 2001-2007

Table 4

Judges Permanent secretaries						
Type	Women	Men	Women (%)	Women	Men	Women (%)
2001	146	724	16.8	135	657	17.0
2002	178	764	18.9	131	697	15.8
2003	184	787	18.9	149	787	15.9
2004	198	809	19.7	154	802	16.1
2005	208	887	19.0	163	839	16.3
2006	208	913	18.6	178	826	17.7
2007	226	901	20.1	208	797	20.7

Source: Gender in Nigeria Report 2012: improving the lives of girls and women in Nigeria (British Council)

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The government report is also lacking on the data of the current employment status of persons living with disabilities both in the private and the public sector.

14.2.1 Legal and Policy Environment

- The Labour Act (CAP 198, Laws of the Federation 1990) contains provisions that are discriminatory against women. For example, Section 55 prohibits women from night work, or any agricultural undertaking while Section 56 prohibits women from employment underground.

- The Factories Act Cap 126 (1990) legislates for the health and safety of workers but omits to take into account the reproductive rights / functions of women. So, risks to their fertility, general health and the health of their unborn foetus are not incorporated in this legislation.
- The Nigerian Police Regulations which is a subsidiary legislation contains a host of provisions that discriminate against women, for example Regulation 122 prohibits the enlistment of a married woman in the police force, Regulation 124 requires woman police officer who is desirous of marrying to first apply in writing to the Commissioner of Police requesting permission to marry and giving the name, address, and occupation of the person she intends to marry. This regulation which does not apply to men, was recently declared unconstitutional and discriminatory against women. Regulation 121 provides that a married woman police officer shall not be granted any special privileges by reason of the fact that she is married and shall be subject to posting and transfer as if she were unmarried.

14.3.1 CHALLENGES

- Institutional practices and perception of gender roles still affect women in matters of employment and thus prevent them from enjoying equal right as men.
- The composition of the work force in the public service is skewed against women.
- Gender pay gap in employment have not received any attention from the government.
- Social security for pensioners favour male because they are in the majority of employees in the formal sector to which compulsory pension regulations apply. Thus, women suffer lack more than men in older age.
- Discriminatory practices against womanhood are still rampant in both private and public institutions in Nigeria.
- Some terms of engagement of female employees especially in the Banking sector expose women to sexual harassment.
- No hourly work policy that could have eased the double burden of family life and work on women.
- Health and safety standards are easily compromised especially by foreign companies.
- Contractual job placement that deny women equal rights with their counterparts is been used by employers of labour.
- The government report is also lacking on the data of the current employment status of persons living with disabilities both in the private and the public sector.
- Lack of social inclusiveness. All legislations relating to employment in both public and private sectors has no consideration for people living with disability (PWD) especially as it affects women.

14.4.1 RECOMMENDATIONS

- Monitoring agencies should report and prosecute compromised health and safety standards which seriously endangers or compromises the health and well-being of women in the work place.
- CSOs should create awareness on eliminating gender based discrimination in employment so that women can report abuses in public and use as advocacy tools.
- Government agencies (Ministry of Labour, Nigeria Labour Congress, other CSOs through the Industrial Court should discontinue contractual job placements that denies women equal rights as men.
- Government should regulate job conditions by some expatriates and their companies to prevent women's human right abuses.
- Government must set up appropriate and effective regulatory mechanisms to ensure gender compliance in the implementation of government policies on employment in both private and public employment.
- Creation of the equal opportunity's communication to act as engine room for national Gender Policy.

- Encourage hourly paid employment policy so that women can have more time for themselves and their families.
- Compulsory health and hazard insurance scheme must be done by employers for their staff especially women.

15.1. ARTICLE 12 - EQUALITY IN ACCESS TO HEALTH CARE

15.1.1 Situation Analysis

Nigeria three-tier federal system has implications on the health sector. The three tiers of government share the constitutional duty for health care provision. The local government with support and oversight from the state governments provides primary health care. This level of health provision which is closest to the people at the grassroots provides basic health care services such as information on nutrition, water and sanitation, family planning services, immunization against the childhood diseases, disease control, provision and distribution of essential drugs. Tertiary Health care is provided by the federal government through its teaching hospitals, Medical Centers, specialised health institutes such as orthopaedic, Psychiatric and many others.

It would be expected that with this shared responsibility, health care provision would be adequate. Unfortunately, local governments which are responsible for providing health care at this level are the least resourced and other challenges of underdevelopment mean that they are unable to provide skilled personnel especially in the rural areas. The health seeking behaviour and health transition among the Nigerian population has remained low, compounded by ignorance and apathy. The results include very high levels avoidable deaths and disease-induced disability making the country one of those with the highest disease burden in the world.

The health sector performance in any country is a major benchmark for measuring the level of human development in any country. In Nigeria, empirical evidence suggests a high level of underperformance with the health care system characterized by inefficiency and poor quality of service across the country. The impact of all these on women's health is much more significant. Cultural beliefs rein in to ensure that many women bear many children. Yet, pregnancy possesses the greatest risk to women's life and health. 52 percent of deaths among Nigerian women are pregnancy related. Aside the effect of poverty on the health-seeking behaviour of much of the population, delayed access in emergency obstetric care in many health facilities accounts for a great percentage of maternal deaths in Nigeria. Nigeria currently spends 6.5 percent of its annual budget on health and it is reported that 75 percent of health cost are borne by individual households (Gender in Nigeria Report, 2012) According to Federal Ministry of Health Reports 2011, the cost of care particularly obstetric emergency care is one of the greatest barriers to health service use among women.

Nigeria has one of the highest unmet family planning needs in the world; only 15 percent of currently married women are using contraceptive methods to space or limit childbearing. Contraceptive usage increases with educational level which also confirms maternal mortality being lower among more educated women. About 20 percent of currently married women have unmet family planning needs (NDHS, 2013). Education is positively correlated with fertility size which in turn has implication for maternal deaths, age at marriage and the health status of both mother and child.

Reports suggest that Nigeria contributes about 10 percent of the global maternal deaths inspite of its population which is just about 1.7 percent of the global population. Nigeria has made some progress in the match towards the attainment of MDG 5 (reduce maternal mortality) especially in the urban south, the number of maternal deaths is still outrageously high with a national rate of 545 per 100,000 live births and 1,549 per 100,000 live births in the North east which has the highest maternal deaths in the country. Only 38 percent of pregnant women delivered in a health facility under the supervision of a skilled health worker between 2008 and 2013 (NDHS, 2013). Traditional

Birth attendants provide a large chunk of maternity services to pregnant women during delivery especially in the rural areas. Some have been trained as part of the safe motherhood initiative to discover early signs of complications and basic hygiene. There are no data on the compliance of the traditional birth attendant neither are there information on monitoring and evaluation of their activities.

15.2.1 Positive strategic Intervention

The free maternal health care programmes at the state level were also more of policy statement due to poor funding and because the women have to bear some cost, starting from blood screening, blood donation by husbands, procurement of drugs and the actual delivery of babies. Ondo State in South West Nigeria has been the reference point on safe motherhood initiatives in terms of having empirical evidence to suggest performance. The state specifically established a hospital in the state capital, Akure to cater for emergency obstetric care and post abortion care because according to Ondo State Ministry of Health, 46 percent of maternal deaths are the result of abortion complications among the youths in the state. Funding agencies such as the World Health Organisation, Bill and Melinda Gates Foundation, DFID and many others are partnering with the state government in the health provision in the state. Health as a right is also stated as an objective principle of the state and thus not justiceable.

Specialised hospitals focusing on women's specific and obstetric needs have been established, example is Women and Children's hospitals in Lagos State and Rivers State

15.3.1 Challenges

Although there is a high level of official commitment to women's health as indicated by the numerous official policy statements and programme interventions focused on health care delivery to women, poor funding of the health sector frustrates the goals of these interventions. The situation is compounded by the fact that the local government which is saddled with the primary health care of over 70 percent of the population gets the least allocation from the joint purse and the fact that majority of Nigerians live in rural areas yet these are the least developed areas of the country. Parlous infrastructure not only makes it difficult to attract skilled staff to them, it seriously hampers service delivery. For example, how can a hospital effectively function without water and electricity supply. The poor transportation system also hinders the population from seeking health care. The result is avoidable deaths and injuries and short life expectancy (52 for males and 56 for females).

- Corruption has also affected the health sector couple with Governmental inefficiencies. Budget allocations are never released on time and when they are released, most of it does not go into what they are meant for.
- Poverty and ignorance greatly constrain the health care seeking behaviour of women. Low household income pushes more citizens to perceived cheaper providers of health care service. The free health care policy on safe motherhood and reproductive health enacted by many states are not well funded and women have to pay for almost every service and drugs during pregnancy and delivery, hence women's death from pregnancy related causes continues unabated.
- Family planning has received little attention from the government in the recent past. Contraceptives and family planning services are mostly funded by international donors with minimal coverage. The result is high levels of unwanted pregnancy as well as multiple numbers of pregnancies which threaten the life and health of many women. Although abortion other than to save the life of the mother is illegal throughout the country, many women and girls faced with unwanted pregnancies resort to unsafe abortion. Today, unsafe abortion is estimated to contribute to over 50 percent of maternal deaths in Nigeria.
- There has been several strike actions by medical personnel in public hospitals due to poor funding which has resulted in several deaths, injuries and disabilities thereby worsening the disease burden of the Nigerian population.

- The health insurance scheme only covers less than 20 percent of the population that works in the formal sector and government have not been proactive enough to make the scheme cover the remaining population so that all and sundry can benefit from the scheme.
- Non-implementation or poor implementation of existing laws and policies on health.
- Inadequate enlightenment of women on sexual and reproductive health and rights especially in the rural areas.
- Little attention is paid to the health of persons with disabilities especially women.
- All the three tiers of government are involved in the control and prevention of HIV/AIDS because Nigeria is the third largest infected population in the world. Although reports suggest a reduction in the rate of infection due to the high level of awareness about the disease, only 15 percent of the over 3 million infected people (People Living with HIV/AIDS, (PLWHA) have access to Anti-Retroviral drugs ARV. Report from UNAIDS (2013) says Nigeria has 90 percent unmet ARV needs with 15 -25 years old women being the most infected group and the coverage of Prevention from Mother to Child Transmission (PMTCT) is less than 50 percent.

Table 5 Analysis of budgetary allocation of maternal health in Lagos, Kwara and FGN

Maternal Health Budget	FGN		Lagos State		Kwara State	
	2014	2015	2014	2015	2014	2015
Gender Specific Budget (N'm)	2,902.00	5,886.00	643.10	658.00	682.50	N/A
Maternal Health Budget (N'm)	474.00	624.00	474.28	650.00	335.80	N/A
Gender Budget Growth (%)	N/A	32%	N/A	37%	N/A	N/A
Share of Maternal Health Budget	16%	11%	74%	99%	49%	N/A

Sources: Appropriations Act of 2014 and 2015 of Lagos, Kwara and Federal Government of Nigeria.

13.5 RECOMMENDATIONS

The government just signed into law the National Health Bill on Dec 9 2014. The move has been applauded but caution must be exercised because if the allocation to the health sector is not adequately increased, then the aim of the law will be defeated. The law seek to provide among other things free basic health care services to children age 0 -5, pregnant women and the elderly and persons living with disabilities. It seeks to provide funding for 772 primary health care centres in the country from the sovereign wealth funds while the value of crude oil is dipping. Hence post 2015 engagement in equality of access to health care must address the issue of budgeting to the sector while CSOs must improve its partnership and engagement with the sector to push for change.

- The establishment of more health centres and recruitment of more midwives which is currently been undertaking under the Subsidy Re-investment and Empowerment Programme (SURE-P) should be sustained.
- Government establishes outreach health care services for people in the remote rural areas who had to travel long distance while the remuneration for health personnel should be increased above those in the urban centres to act as incentives for them to work in the rural areas.
- Awareness on the benefits of family planning and where to get contraceptives should be re-launched to assist poor uneducated women to space and limit the number of children to prevent avoidable deaths among married women and unwanted pregnancies among teenagers.
- Government allocation to the HIV/AIDS prevention and protection programme is increased and accountability is enforced.
- Sexual and reproductive rights education is included in school curriculum so young women can know their sexual and reproductive rights which may encourage young women to resist

forced early marriage and reduce maternal deaths especially in the northern part of the country.

- Government and CSOs should strengthen advocacy in the communities on norms and tradition that negatively affect the well-being and health of women and girls.

16.1 Articles 13 &14: Economic and Social Life and Rural Women

14.1 Situational Analysis

The gap between the rich and the poor continue to grow at an alarming rate. Between According to Actionaid Nigeria, 2004 and 2010 Nigeria's Gini index - a measure of how unequal income is shared - rose from 42.9 to 48.8, making Nigeria one of the most unequal countries in the world. Between 70–80 per cent of the agricultural labour force in the country are women smallholder farmers. They produce the bulk of food for domestic consumption in the country. In spite of this, the women farmers have limited access to credit facilities, farm inputs, training and advice, technology, crop insurance when compared to their male counterparts.

In spite of their large number, the women smallholder farmers have just about 14% holding right on the lands on which they farm. Their strategic role in food production, processing and marketing notwithstanding, government policies hardly focus on supporting them. It is estimated that if women had the same access to finance, land, technology and training and advice as men they could contribute significantly to the country achieving the Sustainable Development Goals (SDG) 1, to reduce extreme poverty and eradicate hunger everywhere. The issues of the women farmers however cannot be separated from the broader issue of gender inequality and women's empowerment. Women are still voiceless on issues affecting their lives in this instance, influencing agricultural policies. There are little or no involvement of smallholder farmers in local, states and national decision-making and policy issues.

From the aforesaid, women are facing more challenges unless the gender gap in agriculture is addressed holistically and women's voices are heard in decision making so that they will benefit like men in the profession that employ more than half of their population. Women have less access to land.

Another issue that have received lots of attention and financing in the Agriculture sector is biodiversity and climate change programme. Capacity building and intervention in this area needs to be investigated to see how socially inclusive it has been, considering the fact that gender mainstreaming has just been launched by the Ministry of Agriculture in May 2014.

Table 6: Gender Specific Agriculture Budget of Lagos, Kwara and FGN

Agriculture Budget	FGN		Lagos State		Kwara State	
	2014	2015	2014	2015	2014	2015
Sector Capital Budget (N'b)	35.55	8.79	1.48	1.34	1.95	N/A
Gender Specific Budget (N'b)	1.30	0.56	0.87	0.77	0.87	N/A
Gender Budget Growth (%)	N/A	-57%	N/A	-11%	N/A	N/A
Share of Gender Specific Budget	4%	6%	59%	57%	45%	N/A

The proportional share of the gender specific allocations of the FGN to the total capital expenditure are 4% and 6% in 2014 and 2015 respectively, Lagos State had 59% and 57% in 2014 and 2015 respectively, while Kwara state had 45%. Despite the decreasing commitment of government to addressing gender issues in 2015, there was overall steady increase in addressing specific gender

issues in 2014 and 2015. Specifically, in 2014, the FGN, Kwara and Lagos State budget allocations for specific gender issues registered increases of 4%, 45%, and 59%, respectively. The Kwara and Lagos states budgets' increases are perhaps more significant as they represent gender responsiveness to agricultural sector as it will have direct impact on women and children. Although, most of the budget items are gender blind - procurement of seeds, seedlings, agrochemical, etc. Therefore, it will be advisable if budget officers in the various ministries can learn more on how to explicitly disaggregate and mainstream gender in the annual budget.

16.2.1 Legal and Policy Framework

- Agricultural Transformation Agenda (ATA) 2014.
- Agric. gender policy 2014, which is meant to develop a Gender Audit Strategic Framework for Agricultural Transformation Agenda (ATA 2014-2016).

16.3.1 CHALLENGES

- There are a number of employment/labour practices common within the private sector which constitutes challenges in the enhancement of the economic status of the woman.
- Marketing jobs are frequently offered to young girls. The strategy is to exploit the young ladies' sexual appeal to attract funds.
- The conditions for lending in commercial Banks places undue emphasis on land and other property as collateral. Such policies are deliberately skewed against women as available statistics show that 90% of all land is registered in men's names.
- Although women bear the brunt of oil-production related hazards, men are often the beneficiaries of compensation paid by multinational oil companies for land degradation, as they traditionally hold titles to land.

16.4.1. RECOMMENDATIONS

- The government should enact relevant laws against discriminatory practices in the economic sphere to ensure that women meet the human security challenges.
- The private sector should make substantial social investments for poverty reduction programmes targeting the poorest women in the country.
- The CSR policies of corporations should specifically incorporate strategies for addressing the economic disadvantages faced by women in their areas of operation.
- Corporate organisations should incorporate gender & human rights training for management and staff as part of their human resource development strategy.
- Traditional institutions must acknowledge and be involved in rural women's improvement.
- Multinationals and other enterprises should support efforts of non-governmental organisations and government in creating awareness on rights among women in rural areas.
- There needs to be considerable efforts made to bridge the gap in provision of social infrastructure between the rural and urban areas.
- Elderly women in rural areas who can no longer farm or fend for themselves require special protection. Many belonging to that category are dying due to want and hunger.
- Land reforms should be undertaken to provide equal access to women farmers and ensure

food security.

- Micro credit facilities and skill acquisition centers including support for medium scale enterprise for women economic empowerment should be initiated.

17.1. Article 15 & 16: Equality before the Law

17.1.1 Situational analysis

Numerous conflicts exist in the present legal system as a result of Nigeria's multi-pluralism. Various gender audits of laws have been undertaken to identify laws that discriminate against women. However, beyond this identification, little has been done to rationalise and harmonise the laws.¹⁹ A starting point will be for the state to take steps to repeal or amend laws that courts have specifically ruled on as discriminatory and unconstitutional. There is increasing acceptance of the fact that women constitute major development partners and that the exclusion of women stalls the development that a nation needs to meet the challenges of the 21st century. With this increasing acceptance, more women have been appointed to decision making bodies within the public and private sectors. In many parts of Nigeria, women are yet to be accepted as equal partners with men in marriage and in other sectors. Many girls are still given away in early and forced marriages in the north states.

17.2.1 Legal and Policy Environment

The African Charter on Human and Peoples Rights enshrines the African concept of rights and aims to be accessible to African philosophy (Smith: 2007). Articles 2(2) and 3 state that rights and freedoms guaranteed by the Charter are without distinction as to race, ethnic group, colour, sex, language, religion, political or other opinion, national and social origin, fortune, birth or other status. The Protocol to the Charter adopted in 2003 reinforces the commitment of the AU to the elimination of discrimination against women (articles 1(f) and 2).

17.3.1 Challenges:

Indigenous culture(s) still functions as obstacles to gender equality in the Nigerian society. In most indigenous cultures of Nigeria, inherent female inferiority is the value espoused and most social norms serve to entrench women's inferior roles and status in all aspects of social life.

17.4.1. Strategic Interventions

- The Gender Policy (2006) set out to provide 'system-wide approach to gender mainstreaming and women empowerment' which will promote the human rights of women.
- National Centre for Women Development conducted recently an audit of *Constitution, National and State Statutes and Regulations, Local Government Bye-Laws, Customary Laws, Religious Laws, Policies and Practices, and Court Decisions Relating to the Statuses of Women and Children, applicable in Nigeria*. Abuja: NCWD

17.5.1 RECOMMENDATIONS

- Government at all levels must show evidence of clear political will by taking steps necessary to alter or modify aspects of Nigeria culture(s) and traditional practices that support and sustain discrimination.

¹⁹ National Centre for Women Development (NCWD) (2005), *A Compilation of the Constitution, National and State Statutes and Regulations, Local Government Bye-Laws, Customary Laws, Religious Laws, Policies and Practices, and Court Decisions Relating to the Statuses of Women and Children, applicable in Nigeria*. Abuja: NCWD.

- The government must take effective steps to secure elimination of cultures that the courts have declared discriminatory and unconstitutional.
- Revise laws and administrative practices to ensure women's equal rights and access to economic resources with governments undertaking legal reforms to give women full and equal access to economic resources.
- Constitutional amendments to make certain human rights treaties ratified by the government automatically enforceable in Nigeria, without need for another long process of transformation by the parliament.
- Amendment of Section 12(3) to liberalise the provisions on domestication of international treaties that currently require approval of 2/3 of all the states of the federation of Nigeria for a treaty to be incorporated into the domestic legal system.

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²⁰ insert details

***THIS SHADOW REPORT IS DEDICATED TO THE MEMORY OF CHIEF BISI OLATERU-
OLAGBEGI, EXECUTIVE DIRECTOR, WOMEN CONSORTIUM OF NIGERIA***