

AN EQUAL OPPORTUNITIES BILL

STAKEHOLDER
DEMOCRACY
NETWORK



Proposed by
Women's Voices Network

AN EQUAL OPPORTUNITIES BILL

Proposed by
Women's Voices Network
in collaboration with
Gender And Development Action (GADA)

Supported by:
Stakeholder Democracy Network (SDN)

And
**The Federal Ministry of Women Affairs
and Social Development (FMWA & SD)**

Women's Voices Network

The Women's Voices Network is a coalition of Women's rights groups, gender experts and Activists with strong focus on Women's Human Rights Advocacy.

The “Women's Voices Network” was inaugurated on 21st September, 2009 to give voice and vision to the Political aspirations of women in our society where men and violence currently hold centre stage.

The Network will prioritize in its engagements, gender equality, women empowerment and promotion of human rights

practices discriminate against any girl or boy, woman or man.

(i). Any person or institution that fails in The duty imposed on him/her under this Law has committed an offence and shall be dealt with in accordance with the provisions of the 1999 Constitution of the Federal Republic of Nigeria and other existing laws.

3. Any existing laws, regulations, customs and practices, which constitute discrimination against women, shall be null, void and of no effect whatsoever and shall not be enforceable against any person.

4. Every Institution individual or community shall take all appropriate measures, including regulatory policy, fiscal and administrative measures to ensure the full development and advancement of girls and women for the purpose of guaranteeing to them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with boys and men.

5. Every institution, individual or community in the State shall accord to women equality with men before the law, and accordingly, shall on the basis of equality:

(a) Accord to women in civil matters, a

Promotion of the right to full development and advancement:

legal capacity identical to that of men and the same opportunities to exercise that capacity;

(b) Give to women equal rights to conclude contracts and to administer property;

(c) Treat women equally in all stages of procedure in courts and tribunals;

(d) Ensure that all contracts and all other private instruments of any kind with a legal effect directed at restricting the legal capacity of women shall be deemed null and void; and

(e) Accord to men and women the same rights with regard to the Law relating to the movement of persons and the freedom to choose their residence and domicile.

6. (1) Every institution shall adopt temporary special measures (as set out in this Law) aimed at accelerating de facto equality between men and women and such measures shall not be considered discrimination as defined in this or any other law in force, but shall in no way entail, as a consequence, the maintenance of unequal or separate standards; provided that these measures shall be discontinued when the objectives of equality of opportunities and treatment have been achieved.

(2) For the purpose of the special measures provided in sub-section (1) of this section, it shall be mandatory for all institutions concerned to ensure;

(i) in case of political and public sphere, that a

Adoption of temporary special measures in favour of women. (Affirmative Action)

minimum of 30 percent of all offices, positions, or appointments is reserved for women;

(ii) in case of educational placement and school enrollment, including award of scholarship, bursaries, or such allocation, that a minimum of 50 percent is reserved for women;

(iii) in all other cases that a minimum of 30 percent is reserved for women.

(3) Without prejudice to the provisions of subsections (1) and (2) of the section, all institutions shall take appropriate measures to protect the maternity status and reproductive health of women, including allocation of special facilities, time and resources aimed at protecting maternity, and such special measures shall not be considered discriminatory.

7. Every person or institution shall have the responsibility to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women, and to this end:

(a) every public or private educational

Modification of Socio-cultural Practices;

institution shall ensure that adoption of appropriate teaching methods and curriculum including provision of facilities that emphasize the promotion of equality of all sexes in all circumstances and for all purposes including choice of career;

(b) the family as a unit of society shall ensure that socialization is not discriminatory and promote a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children.

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

(a) to participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government; and (b) to be given, on equal terms with men and without any discrimination, and without prejudice to the provisions of chapter II and IV of the Constitution of the Federal Republic of Nigeria and at the convention and covenant, the opportunity to represent the government at international level and to participate in the work of internal

Freedom from discrimination in political and public life

organizations.

9. Every person or institution shall be responsible for taking all appropriate measures to eliminate discrimination against women in the field of education in order to ensure on a basis of equality of men and women:

Eliminating discrimination
in the field of education

- (a) the same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training; and
- (b) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim.

10. Every person or institution shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women:

Freedom from
discrimination in the
field of employment:

- (a) the right to work as an inalienable right of all human beings;
- (b) the right to the same employment opportunities including the application to the same criteria for selection in matters of employment;

- (c) the right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of services including training and retraining opportunities.
- (d) The right to equal enumeration, including benefits and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work.
- (e) The right to social security, particularly in cases of unemployment, sickness, physical challenges, old age and other incapacity to work, as well as the right to leave; and
- (f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

11. (1) In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective rights to work, all agencies, organs, bodies authorities, public institutions or private enterprise shall:

Freedom from
Discrimination on
grounds of Marital
status.

- (a) prohibit the dismissal of any woman on the grounds of marriage, pregnancy or of maternity leave and or marital status;
- (b) ensure enforcement of maternity leave with pay or with comparable

social benefits without loss of former employment, promotion or other social allowances;

- (c) encourage the provision of necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child care facilities.
- (d) provide special protection to women during pregnancy in types of work and practices harmful to them.

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

12. (1) Every person or institution shall take all appropriate measures to eliminate discrimination against women in the field of health care.

(2) Notwithstanding the provisions of subsection.

(1) of this section and without prejudice to the Provision of the Rivers State Reproductive Health Services Law,

Freedom from
Discrimination in
the field of Health

Rivers State
Reproductive Health
Law R. S. N. L Law
No. 3 of 2003

all institutions family, community and individuals shall ensure provision and access to appropriate services in connection with the pre-natal confinement and the post-natal period, granting, free services where necessary, as well as adequate nutrition during pregnancy and lactation.

- 13. Subject to the Rivers State Women Property Law every institution. Individual or community shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure on a basis of equality between men and women, the same rights, in particular:
 - (a) the right to family benefits;
 - (b) the right to bank loans, mortgages and other forms of financial credit; and
 - (c) the right to participate in recreational activities sports and all aspects of cultural life.

Freedom from
Discrimination on
Socio-economic grounds

Married Women's
Property Law Cap 85
of the Laws of Rivers
State

- 14 (1) every institution shall grant to women and men equal rights to acquire, change or retain their indigene ship, and in particular, shall ensure that neither marriage to man from another Local Government area or State

Right to choose
Indigene ship

shall automatically change the indigene ship of a woman or force upon her the indigene ship of her husband.

(2) No action, omission or inaction of an institution, community, family or individual shall deny a woman her right to choose her state of origin, a surname or place of domicile or abode irrespective of the origin or name of her spouse.

15. Every woman shall have equal rights with men in respect to the nationality of their children.

16.(1) Every institution, individual or community shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the informal non-monetized sectors of the economy, and shall ensure the application of these provisions of the law to women in rural areas.

(2) Every institution, individual or community shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality between men and women that they participate in and benefit from rural development and, in particular, shall ensure to such women the right;

The rights of persons in rural communities:

- (a) to participate in the conceptualization, elaboration and implementation of development projects at all levels.
- (b) to benefit directly from social security programmes:
- (c) to obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as inter alia, the benefit of all community and extension services, in order to increase their technical proficiency.
- (d) To organize self-help groups and co-operatives in order to obtain access to economic opportunities through employment or self-employment:
- (e) To have access to agricultural credit and loans marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes:

17. Subject to the provision of the constitution of the federal Republic of Nigeria, Marriage Act, Rivers State Reproductive Health Service Law, Rivers State Adoption Law, Rivers State Married Women's Property Law. Every institution, individual or community shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations shall ensure to women and men.

Rights in matters relating to Marriage and Family Relations

Marriage Act Cap M6, Vol . 8 of LFN

- (a) the right to enter into marriage
 - (b) equal rights to freely choose a spouse
 - (c) equal rights and responsibilities during marriage and at its dissolution including choosing whether to retain maiden name or adopt a family name.
 - (d) equal rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases, the interest of the children shall be paramount:
 - (e) equal rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them exercise these rights.
 - (f) the same rights and responsibilities with regard to custody, guardianship, stewardship, trusteeship and adoption of children.
 - (g) the same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation; and
 - (H) equal rights of both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.
18. The minimum age of marriage shall in all circumstance be 18 and accordingly, betrothal and the

Rivers State
Reproductive Health
Service Law R. S. N. L
Law No. 3 of 2003.

Rivers State
Adoption Law Cap
3 Laws of Rivers State.

Rivers State Married
Women's Property Law
Cap 85, Laws of
Rivers State

Marriage Act, S.18
Cap M6, Vol. 8, LFN.

marriage of a woman under the age of 18 shall have no legal effect.

19. (1) There is hereby established for the State a body to be known as the Rivers State Gender and Equal Opportunities Commission

Establishment of the
Rivers State Gender
and Equal Opportunities
Commission

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

Functions of the
Commission

20. The function of the Commission shall be:
- (1) Monitoring and Supervision of the implementation of the Law;
 - (2) Promote gender equity and the entrenchment of social justice in all spheres of Life;
 - (3) Organize meetings, conferences, symposia and other enlightenment for the entrenchment of full rights to men and women on equal terms for the full advancement and development of the State;
 - (4) Investigate and make application to the appropriate court or tribunal for an order of assessment of practices of any institution, individual or in accordance with this law;
 - (5) Liaise with the National Human Rights Commission and other such bodies relating to enforcement of fundamental rights:

- (6) Prepare and submit periodic reports on the state of implementation of this law to the state Government and other appropriate bodies;
- (7) Perform such other functions and activities as may be specified by any law or enactment; and
- (8) Undertake such other activities as are expedient for giving full effect to the provisions of this law;

21. (1) The Rivers State House of Assembly shall establish funds for the commission and provision for the fund shall be made in the annual budget of the State House of Assembly.
- (2) The Commission shall defray from the fund such expenditures as shall be approved by it and these shall include
- (a) The cost of administration
 - (b) the payment of salaries, fees or other remunerations or allowances and pension and gratuities to members and employees of the commission; and
 - (c) Anything done in connection with any of its functions under this Law.
 - (d) Donation from individuals.

Funds of the Commission

22. (1) The Commission shall comprise a chairperson, a secretary and seven members who shall at all times reflect gender balance.
- (2) The Governor shall upon the recommendation of the House of

Membership of the Commission

Assembly appoint one representative members of the under listed organizations as members of the Commission

- (a) Organized Private Sector;
- (b) Civil Society Organization
- (c) The media
- (d) The Judiciary
- (e) Christian Religious Institution;
- (f) Muslim Religious Institution and;
- (g) Gender Rights Civil Society Group

23. The Secretary shall be-
- (1) a senior Counsel in the service of the State Ministry of Justice not below the rank of a substantive Director.
 - (2) the accounting officer of the Commission;
 - (3) responsible for the day to day administration of the Commission, and
 - (4) responsible for keeping the books and proper records of proceeds of the Commission.

24. Notwithstanding Section 25 of this Law, the chairperson, secretary or any member of the commission may at any time be removed from office by the Governor acting on a resolution signed by two-thirds majority of the

- House of Assembly praying for the removal of such person for inability to discharge the functions of his/her office (whether arising from infirmity of mind or body or any other cause) or for misconduct.
25. A member of the Commission shall hold office for a period of four years and may be eligible for reappointment for another tenure of four years only.
26. The Chairperson and members of the commission shall hold office on such terms and conditions as may be specified in their instruments of appointment.
27. The chairperson, secretary or any member of the commission may resign his/her appointment by notice in writing under his/her hand addressed to the Governor and such person shall on the date of receipt of such notice, cease to be chairperson, secretary or member of the commission as the case may be.
28. The Commission shall have power to appoint, dismiss and exercise disciplinary control over its staff and for this purpose, shall prescribe its own rules.
- Tenure of office
- Resignation from office
- Power to appoint, dismiss or exercise discipline:

29. The commission shall ordinarily meet for dispatch of business at such times and places as it may determine, but not less than four times in a year.
30. The quorum for a meeting of the Commission shall not be less than one third of the total number of members of the Commission.
31. Any officer of the Commission investigating the commission of an offence under this law may cause any person: -
- (a) to attend and
 - (b) to produce any relevant materials or evidence before such officer for the purpose of being examined in relation to any matter, which may assist in the investigation of the matter.
32. A person, representative of an institution, individual or community summoned, is obliged to appear and produce all relevant information required under the notice within his/her knowledge or which is available to such person.
33. A person who:
- (a) willfully refuses to appear in response to a written notice to attend; or
- Meetings of the Commission:
- Legal obligation to give information to the commission

- (b) willfully refuses to produce such material or evidence as requested by the Commission to which the officer of the Commission has reasonable grounds for suspecting or believing that an offence under this Bill or under Chapter IV of the 1999 Constitution has been or is being committed
 - (c) makes or produces another person to make any statement in the information which such person knows or believes to be false or misleading in a material particular; or
 - (d) intentionally obstructs another person who is exercising powers conferred by this Law commits an offence and is liable on summary conviction to imprisonment for a term not exceeding twenty-five thousand naira or to both such fine and imprisonment.
34. Without prejudice to any other powers of the commission with respect to rules of procedure, the commission may make rules specifying the procedures to be followed in connection with the proceedings under this part.
35. Where the commission upon receipt of a complaint and after due investigation gives a direction under

Rules and regulations of the Commission

Failure to comply with direction for reversal of discrimination.

this law and an individual, community or institution, fails to take any step to reverse any act of discrimination, the commission may proceed to initiate proceedings against such person, institution or community in the appropriate court.

36. There is hereby established in each Local Government, a Gender and Equal Opportunities Commission.
37. The Local Government Commission shall comprise the following:
- (a) the secretary of the Local Government as chairperson;
 - (b) one person to represent the organized private sector;
 - (c) one person to represent the Labour
 - (d) the information officer in the Local Government
 - (e) one person to represent the political institution in the Local Government,
 - (f) one person to represent the judiciary;
 - (g) one representative of the Muslim religious groups,
 - (h) one representative of Christian religious groups; and
 - (i) one representative of a Gender Rights Civil Society group
38. The Local Government Commission shall:

Establishment of a Local Government Gender and Equal Opportunities Commission.

Membership

- (i) monitor and supervise the implementation of this law;
 - (ii) promote gender equity and the entrenchment of social justice in all spheres of life;
 - (iii) organize meetings, conferences, symposia and other enlightenment for the entrenchment of full rights to men and women on equal terms for the full advancement and development of the State.
 - (iv) Investigate and make applications to the appropriate court or tribunal for an order of assessment of practices of any person, organ, body, institution or community in accordance with this law.
 - (v) Liaise with the National Human Rights Commission and other such bodies relating to enforcement of fundamental rights;
 - (vi) Prepare and submit periodic reports on the state of implementation of this law to the state government and other appropriate bodies.
 - (vii) Perform such other functions and activities as may be specified by any law or enactment.
39. A member of the Local Government Commission shall hold office for a period of four years and may be eligible for reappointment for another tenure of four years only.

Functions of the Local Government Gender and Equal Opportunities Commission

Tenure of office

40. Notwithstanding Section 39 of this law, the chairperson, secretary or any member of the commission may at any time be removed from office by the Local Government Chairperson acting on an address supported by two-thirds majority of the Local Government Legislative Council praying for the removal of such person for inability to discharge the functions.
41. The chairperson, secretary or any member of the Local Government Commission may resign his/her appointment by notice in writing under his/her hand addressed to the Local Government Chairperson and such person shall on the date of receipt of such notice, cease to be chairperson, secretary or member of the commission as the case may be.
42. The Local Government Commission shall appoint, dismiss and exercise disciplinary control over its staff and for this purpose, shall prescribe its own rules.
43. The Local Government Commission shall ordinarily meet for the dispatch of business at such times and places as it may determine, but not less than four times in a year.

Resignation of office

Power to appoint, dismiss or discipline

Meeting of the Local Government Commission.

44. The quorum for a meeting of the Local Government Commission shall be not less than one third of the total number of members of the commission.

Legal obligation to give information to Local Government Commission.

45. Any Officer of the Local Government Commission investigating the commission of an offense under this law may cause any person:

- (a) to attend; and
- (b) to produce any relevant materials or evidence before such officer for the purpose of being examined in relation to any matter which may assist in investigating the matter.

46. Any person, institution or its representative summoned by the commission is obliged to appear and produce all relevant information required under the notice within his/her knowledge or which is available to such person or institution.

47. (1) A person who:-
- (a) willfully refuses to appear in response to a written notice to attend;
 - (b) willfully refuses to produce such materials or evidence as requested by the commission to

has which the officer of the commission reasonable grounds for suspecting or believing that an offence under this law or under Chapter IV of the constitution has been or is being committed;

(c) makes or procures another person to make any statement in the information which such person knows or believes to be false or misleading in a material particular; or

(d) intentionally obstructs another person in the exercise of the power conferred by this law commits an offence and under this law and is liable on summary conviction to imprisonment for a term not exceeding one month or a fine not exceeding twenty-five thousand Naira or to both such fine and imprisonment.

48. Without prejudice to any other powers of the Local Government Commission with respect to rules of procedure, the commission may make rules specifying the procedures to be adopted in connection to its work.

Rules and regulations under this part.

49. The Secretariat of the Local Government Commission shall be within the Local Government Secretary.

Secretariat of Commission

50. (1) The Local Government Council shall establish funds for the Commission and provision for the fund shall be made in the annual budget of the Local Government Council.
- (2) The Commission shall defray from the fund such expenditures as shall be approved by it and these shall include:-
- (a) The cost of administration
- (b) The payment of salaries, fees or other remunerations or allowances and pensions and gratuities to members and employees of the Commission; and
- (c) Anything done in connection with Any of its functions under this Bill.
51. If an offence under this law is proved to have been committed with the consent or connivance, or is attributed to any neglect on the part of any director, manager, secretary or other similar officer of a body corporate, or any person who was purporting to act in any such capacity, such officer as well as the body corporate, commits an offence and are liable to be proceeded against and punished accordingly.
52. The provision of the national policy on women, in the schedule to this law, shall have all the force as part of

Miscellaneous

this law and accordingly, all provisions on the policy shall be read, interpreted, construed and applied to meet the overall purposes of this law.

Adoption of the National Policy on women

53. In this Law, unless the context otherwise states or As contained in the Interpretation Act (cap 123 LFN 2004), the following words are intended to mean:
- “**Abuse**” includes physical, psychological, sexual, verbal, economic, social, cultural or similar maltreatment or mishandling which interferes with the integrity of female or male human beings.
- “**Chairperson**” means the Chairperson of the Commission either at the State or Local Government level as the case may be;
- “**Commissioner**” means Honourable Commissioner for Women Affairs and Social Development;
- “**Constitution**” means Constitution of the Federal Republic of Nigeria, 1999;
- “**Convention**” means the United Nations Convention on the Elimination of All Forms of Discrimination Against Women;
- “**Court**” means any Court within the State or Federation with jurisdiction over matrimonial causes under the Matrimonial Causes under the

Interpretation

Matrimonial Causes Act (CAP 220 LFN, 1990);

“**Covenant**” means either the International Covenant on Social and Political Rights or Internal Right Covenant on economic, Social and Cultural Rights;

“**discrimination against women**” means any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, culture, civil or any other filed;

“**Governor**” means the Governor of Rivers State;

“**house of assembly**” means the Rivers State House of Assembly;

“**Institution**” means any authority from corporation, public or private enterprises; “**legislature**” means the Rivers State House of Assembly;

“**Local Government Commission**” means the Local Government Gender and Equal opportunities Commission as established under this law;

“**Member**” means the Member of either the State Commission or the Local Government commission:

“**Men**” include the boy child:

“**Ministry**” means the State Ministry for Women Affairs;

“**Staff**” means the staff of the Commission;

“**State commission**” means the Rivers state Gender and Equal Opportunity Commission as established under the bill:

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

54. This law may be cited as the Gender and Equal Opportunities Commission Law 2009, and shall come into force on the day of, 2009