

NIGERIAN INSTITUTE OF ADVANCED LEGAL STUDIES

ROUNDTABLE ON GENDER AND STATE OF ORIGIN RIGHTS IN NIGERIA

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COMMUNIQUE

INTRODUCTION

The twin issues of *gender* and *state of origin rights* in Nigeria have in recent times dominated discourses at different fora in the country. While it is true that female subjugation as a national and international problem is primordial and recurrent, the issue of *state of origin rights* in Nigeria, a sleeping ogre is relatively new, having been awakened by recent events in the country. From the stand point of experts, the idea of state of origin rights, helped and orchestrated by the notion of federal character as provided under the Nigerian Constitution 1999 as amended, encourages mediocrity and marginalize eminently qualified and specialized citizens who are often prevented from taking up complex positions that require expertise in the society on the basis of state of origin. Consequently, there is need for the Nigerian National Assembly (currently engaging in activities that will lead to another Constitutional amendment) to ensure that provisions are included in the Constitution that will replace “state of origin” with “state of residency”.

The established facts of unfair treatment of women in all spheres of life- social, political, educational, economic and cultural; and the struggle by women not only to survive but also to “live” are incontrovertible. Hence, the Nigerian Institute of Advanced Legal Studies, as part of its mandate to provide information, training, supervision, guidance and advice at the highest level of policy formulation on legal matters, organized a one day roundtable on the above subject matter. The roundtable which brought together the most brilliant legal and non legal minds, deliberated on a wide range of human rights issues that capture gender disparity, human rights and state of origin, protection of Nigerian women against discrimination, women’s rights as well as the challenges of local citizenship, culminated in a series of recommendations which will have wide ramifications for policy makers and implementers, law makers and law enforcers.

OBSERVATION

1. The role of women in the overall development of a nation cannot be over emphasized.
2. It is imperative to note that virtually all the states and local governments in Nigeria have been created by military fiat.
3. Statistics show that women's participation in politics is less than ten percent which apparently falls below the international benchmark of thirty percent as recommended by the Beijing conference.
4. Women are still marginalized and restrained from participating actively in steering the affairs of the nation.
5. Article 9(1) (a) of the Protocol to the African Charter on Human and Peoples' Rights, Article 4 of the Convention on the Elimination of all forms of discrimination Against Women (CEDAW) have been entrenched in the 1999 Constitution of the Federal Republic of Nigeria in section 42 which guarantees freedom from discrimination. Section 40 of the 1999 Constitution also guarantees freedom of every person to belong to any political party of his choice.
6. Although other nations are beginning to implement the principle of gender equality, Nigerian societies are yet to accord to the women equal status with the men.
7. The political process places women at a less-advantaged position both as electorate and as political aspirants.
8. The percentage of women in government still remains infinitesimally insignificant when compared to that of other nations of the world.
9. The discriminatory treatment against women dates back to the colonial era as women were disenfranchised by the Hugh Clifford Constitution of 1922.
10. In the first republic, at the national level, of all the 36 members of the senate, only one was a woman. In the second republic, also, only one female was elected into the senate. The third and fourth republics were also characterized with dominance of men.

11. Of all the 36 states in Nigeria, only 8 states namely, Anambra, Benue, FCT, Imo, Kaduna, Katsina, Osun and Plateau had women as local government chairmen.
12. From 2011 till date, out of 306 candidates who contested election into the National Assembly in the 2011 general elections, only 302(9.1%) were female while men were 3004(90.9%).
13. Women's low participation in political process dates back in history to early society hence, to enable us understand the reason for the negligible involvement of women in politics, we must consider the historical antecedents of the role of women in traditional societies.
14. Although women constitute over 50% of the nation's population, a negligible number of them are actively involved in the electioneering process.
15. Several reasons for the exclusion of women in the scheme of events in the political arena are as follows: traditional values and customs, illiteracy, poverty/financial constraint, unemployment, religious inclination, patriarchal society, institutional obstacles/ unfavourable /discriminatory electoral legislation, and the peculiar nature of Nigerian politics.
16. Despite the male-partisan phenomenon with which our political process is saddled, some women who successfully weathered the storms of politics had achieved laudable results in their respective sphere of influence.
17. Women possess certain traits which naturally predispose them to successful leadership thereby making them perform better than their male counterparts. These are that they are multi-tasking in nature, and they are very sensitive beings.
18. Women are not violent rather they are victims so it is difficult to operate within the political arena we have today in Nigeria.
19. Low participation by women in the political process is not unique to Nigeria. In the USA that has 236 years of democratic practice, women hold 98 seats or 18.3% of the 536 seats in the 113th congress. In the 50 states that make up the country, there are 6 Governors, 11 Lieutenant-governors, 8 Attorneys-General, 12 Secretaries of State, and 8 chief financial officers.

20. Sections 42(1) and 77(1) of the 1999 Constitution guarantee the right not to be discriminated against based on gender, ethnical group, sex, or political opinions and federal representation.
21. In respect of the 36 governorship seats in the federation of Nigeria there were 348 gubernatorial candidates with just 13 or 2.98% being women.
22. It must be acknowledged that there is a powerful international movement fighting to streamline women's rights not only on the sphere of politics but in every facet of life, particularly in those economically beneficial areas of life that appear to be dominated by men.
23. The United Nations (UN) has fostered several declarations and conventions aimed at ending all forms of political discrimination among women.
24. The Beijing Declaration which is the outcome of the 4th World Conference of Women held at Beijing, China in 1995 proclaimed inter alia as part of its action plan objectives such as, ensuring women's equal access to economic resources, ensuring the success of the platform for action which will require a strong commitment on the part of governments, international organizations and institutions at all levels, and ensuring the success of the platform for action in countries with economies in transition.
25. The Beijing declaration advocates for a 30% affirmative action for women vis-à-vis political and elective offices.
26. Following the return from the Beijing conference, a massive campaign in Nigeria was undertaken by enlightened and economically advantaged women led by the then first lady, Mrs. Maryam Abacha seeking escalation in the political empowerment of women.
27. The veritable nature of partisan politics is that elective offices cannot be gifted as ministerial and other appointments. Elective offices have one rule for both men and women and it is that it is a popularity contest of the people by the people.
28. Women have not in many ways ploughed back their experience and resources into the advancement of the progress of women in politics.

29. There is an established school of thought that postulates that women are their own worst enemies.
30. The advancement of the economic livelihood and thereby a matter of survival makes the engagement in the Nigerian brand of partisan politics repugnant to the physiological and psychological make-up of women.
31. The clearest example of the marginalization of a Nigerian citizen in his own country is seen in the Indigene-Settler dichotomy. This happens to people who have migrated from their locations and chosen to live elsewhere within the country. They have in most cases assimilated the culture, language and religion of their hosts but are still referred to as strangers and subjected to discriminatory treatment by their hosts. An example is the Jos crises where settlers in Jos are not regarded as indigenes and they are therefore accorded secondary rights.
32. Gender disparity is evident in several areas in Nigeria such as; access to education, access to property and wealth, income, political participation and representation, participation in formal labour force and in the informal sector and decision making within the household.
33. Associated with gender disparity is the subjection of women to several harmful practices which includes male-child preference in many cultures, female genital cutting, forced and child marriages, sexual hospitality practices, widowhood rites and inheritance, rape and other violence against women and unfair divorce processes and decisions.
34. Gender disparity in Nigeria poses challenges for governance especially in the areas of human rights, development and deployment of human capital, resource allocation, democratic political participation and representation, constitutional and legal framework, efficacy of citizenship, dichotomy between public and private spheres, global contending cultures and diffusion/ assimilation of multiple cultures in Nigeria, and affirmative action and challenge of reverse disparity.
35. Nigeria runs a patriarchal system or culture which is evident in the male-child preference over female-child syndrome that exists in our society.

36. The above syndrome or system encourages disinheritance of women, wives and daughters and completely promotes subordination of women.
37. There is gender discrimination under the Nigerian customary law for example, child marriages, wife/daughter disinheritance, wife chastisement, payments and refund of bride price, denial of custodial and maintenance rights to women, harmful widowhood practices and female genital mutilation.
38. Legalization of marital rape and wife chastisement under certain laws in Nigeria for example in the Penal code, sections 121 -127 of the Police Act which generally provides for the duties of women police and miscellaneous conditions of service for women. Section 124 specifically requires permission from the Commissioner of Police before a woman police officer can get married.
39. The bottom line is that discrimination against women remains part of our daily lives and it is for this reason that women's rights are clearly considered as human rights within the confines of our constitution.
40. It is imperative to state that human rights therefore are rights that accrue to an individual by virtue of being a human being. It flows from every human being natural abilities.
41. The Nigerian constitution guarantees equal rights for all citizens regardless of sex, traditional practices and the adherence to some negative norms have tended to impede women's participation in development.
42. . In fact, before the middle of the twentieth century, Nigerian women traditionally played a more significant role in society than did western women
43. In Nigeria as elsewhere in Africa, educated women enjoy a higher status, depending on their credentials and social connections with male authorities. There are still challenges in this area
44. Women in the informal economy can often secure a measure of personal autonomy through their economic activities, but men often control their access to land and credit.
45. formal education, especially higher level training, has given a small female minority access to wage labor, a strong economic base outside the direct control of men, but

the degree of personal autonomy this affords is significantly mediated by the social boundaries and expectations women must adhere to

46. The struggle to improve women's rights and social status in Nigeria is linked to the fact that just like much of Africa, Nigeria is Patriarchal in Nature where it is still believed that women are to be seen and not heard, women are seen as caregivers and homemakers
47. The struggle to improve African women's social status and rights cannot accomplish much without a substantive legal base.
48. For both men and women, marriage maintains its traditional significance as a rite of passage to adulthood and social responsibility. However, women remain the subordinates of men, their roles being that of mothers, housewives and companions. Initially, women were offered formal education mainly to support their primary roles, with little or no access to paid employment opportunities
49. The social stigma attached to being single heightens the pressure to marry, precluding other forms of social success. Procreation and son preference remained a central element in marriage
50. Further, international platforms for addressing human rights have brought the subject of African women's present social status to the fore- front of public discussion, with a strong focus on violence against women. The struggle to assert women's rights has gained international attention, finding an ally in the human rights advocacy network
51. Almost pathetic being a man in North America, women have all the power as the system protects them 100%
52. American women are regarded as the freest and luckiest women in the world. However that does not mean they do not suffer in some way on the social ladder
53. Women still experience resistance and downright cruelty from their male counterparts in the Military. There are testimonies from women who were in Iraq and Afghanistan stating that they had to give sexual favour to their superiors so as not to be sent out in an hum for patrol.
54. Despite the protection against discrimination afforded women under the constitution, there is no known reported case challenging the constitutionality of any existing law, executive or administrative act of government.
55. Rights are human and there are no disparities between female or male about human rights.

56. It is imperative to note that the constitution of the federal republic of Nigeria that created the problem of state of origin as provided in section 147(3).

RECOMMENDATIONS

At the end of the roundtable, the following recommendations were made:

- 1 Nigerian women must deal with oppressive practices which reinforce their position as subordinates to men in virtually all social contexts.
- 2 History will repeat itself for the survival of our nation, if women do not participate and engage in the political life of this nation to stir her out of the musky water of violence, crime, corruption and bad governance.
- 3 Women should first seek the kingdom of educational and economic empowerment before seeking a full stake in the political kingdom.
- 4 Women must realize that to navigate the murky waters of partisan politics require much more than lofty principles and occasional grandstanding.
- 5 Women should be supportive of one another as they form about 50% to 55% of the population in Nigeria.
- 6 The Nigerian citizenry should be based on residency as opposed to state of origin or indigeneship. A new section 32 of the 1999 Constitution should be put in place while the existing section 32 will become section 33 to address the problems expressed above and provide hope for Nigerians.
- 7 There should be comprehensive social, economic, political and cultural policies and programs which include orientation, enlightenment and mobilization for prevention and remediation.
- 8 There should be time-based affirmative actions.
- 9 There should be universal access and merit-based reward system.
- 10 There should be domestication of the Convention on the Elimination of all forms of discrimination Against Women (CEDAW) in Nigeria as a municipal law.

- 11 An instant review of all gender discriminatory laws in Nigeria and uprooting of all obnoxious practices.
- 12 Traditional practices that impede the rights of women must be eliminated.
- 13 Economic empowerment of women must be encouraged.
- 14 There should be an overhauling of social institutions.
- 15 The rate at which women are given political appointment should be on the increase.
- 16 Women should be engaged in all reform efforts.
- 17 There should be enactment of Gender based specific laws.
- 18 There should be re-orientation of the Nigerian police force.
- 19 An aggressive advocacy must continuously be carried out by gender rights activists, lawyers and judges.
- 20 The media should assume the role of establishing more internet portals to foster dialogue for the promotion of gender equality.
- 21 there is need for a grass root orientation and participation to remedy these inadequacies as the capacity of law to change social relation is very limited
- 22 The federal character commission guideline should be implemented based on section 42 of the federal republic of Nigeria 1999.
- 23 There is need to raise the quality of citizenship as provided for in chapter 3 of the 1999 constitution and make it a basis for indigenship instead of the emphasis on state of origin.
- 24 There must be something we hold dear in this country, that distinguishes us as a nation and not anything passed at the media.
- 25 The disparities between men and women can only be corrected at entry level – universal basic access to education at the entry level.
- 26 In terms of appointment at state level, the appointor need only recognise the diversity of the people within its area of authority. However, in relation to the composition of government of the federation or any of its agencies and conduct of its affairs, these shall be carried out in such a manner as to reflect the federal character of Nigeria and

the need to promote national unity, and also to command national loyalty, thereby ensuring that there shall be no doubt that section 14(4) is not as far reaching in what it directs as section 14(3) of the constitution . This position receives unqualified support from the federal character commission. The commission which has the responsibility of ensuring compliance with the balancing provision of the constitutions.

- 27 Most importantly for Nigeria, the struggle for women's rights must capture all the oppressive factors which define their social status. Besides violence, the struggle must address the gamut of social, economic and political inequities visited upon women.
- 28 Any serious attempts at improving Nigerian women's lives must consider the reconfiguration of tradition in any form or shape it takes that stands in the way of such progress.
- 29 We need to take a serious look at our present legal system, with its problematic continuities and contradictions. We must revisit aspects of this system which either remain silent on new issues in current social relations or fail to address the double standards that leave women in a weak bargaining position.