

Press Statement by the National Coalition on Affirmative Action (NCAA) on the Gender and Equal Opportunities Law Anambra State (2007) on 16th April, 2007

The National Coalition on Affirmative Action (NCAA) is an umbrella organization of over 150 NGOs working towards the entrenchment of Affirmative action policies in the Constitution of the Federal Republic of Nigeria or in a new legislation. The coalition was formed after an international conference organised by the Civil Resource Development and Documentation Centre (CIRDDOC) and the Coalition of Eastern NGOs (CENGOS) at the National Assembly in 2003 which was attended by experts from USA, Brazil, Uganda, Tanzania, South Africa – countries where affirmative action has been in action successfully and members of the Senators and House of Representatives and representatives of NGOs. One of the resolutions at the conference was to form a coalition of like-minded NGOs to pursue the issue of affirmative action in Nigeria as a strategy for increasing participation of women in politics.

The NCAA has branches in all the states of the federation. Soon after the taking off of the coalition, it embarked on legislative advocacy for the domestication of the Convention on the Elimination of all forms of Discrimination against Women (CEDAW), the Women's Convention which Nigeria has signed. Domestication of CEDAW simply means the incorporation of its provisions into national legislation or enacting the treaty as a national law to enable its implementation in the country. When Nigeria signed and ratified CEDAW, it committed itself to embody the principle of the equality of men and women in its national constitution or other appropriate legislations and to ensure, through law and other appropriate means the practical realisation of this principle. This can only be done by domesticating the instrument and its effective implementation in Nigeria.

The Convention on the Elimination of all forms of Discrimination against Women (CEDAW) is the central and most comprehensive human rights treaty on the elimination of discrimination against women. Adopted on December 18, 1979, it is the leading modern instrument on women's equal rights. It entered into force as an international treaty on September 3, 1981, after the twentieth country had ratified it in accordance with

the Convention's article 27. CEDAW is a landmark Convention and the most important normative instrument that aims to achieve equal rights for women everywhere in the world. The Nigerian government became a State Party to this important Convention when it ratified it in 1985 without reservations, signed the Optional Protocol in 2000 and ratified it in 2004.

The NCAA is spearheading the domestication of CEDAW at the National Assembly. The bill has passed through First Reading and the Committee stage. By virtue of section 12 of the Constitution of Nigeria 1999, CEDAW, when passed into law by the National Assembly, will not be applicable in the states unless it is *ratified* by at least two-thirds of the states of the federation. At the state level therefore, the state branches of the National Coalition on Affirmative Action (NCAA), which is being coordinated by CIRDDOC, and supported by the Open Society Initiative for West Africa (OSIWA) are working towards the domestication of CEDAW in at least 23 States Houses of Assembly.

We rejoice and celebrate with Anambra State branch of the NCAA headed by the indefatigable Prof. (Mrs.) Mercy Anagbogu for being the first to get the House of Assembly to pass the Gender and Equal Opportunities Bill into law on the 5th of April 2007. The purpose of the Bill is to give effect to Chapters 11 and 1V of the 1999 Constitution of the Federal Republic of Nigeria which deal with human rights; International Covenants on Human Rights which affirm the principle of the inadmissibility of discrimination and proclaims that all humans are born free and equal in dignity and rights and that everyone is entitled to all the rights set out without distinction of any kind including distinction based on sex; and the domestication of certain aspects of the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW)

The bill prohibits discrimination in any form including through any existing laws, regulations, customs and practices, or actions. It provides for the elimination of discrimination in education, employment, health, socio-economic grounds, political and public life, grounds of marital status or indigeneity etc. It promotes the right to full

development and advancement and Equality before the law. The bill provides for the adoption of temporary special measures in favour of women, modification of socio-cultural practices and 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. Finally, it provides for the establishment of a Gender and Equal Opportunities Commission and adopts the National Policy on Women.

In answer to the frequently asked question of why women need special treatment, women have been marginalised over the years from participating in decision making at all levels by several factors including patriarchal systems, customs and tradition etc. Affirmative action is therefore a set of temporary measures to be put in place by the government as a strategy to redress the age-long and historic injustices and discrimination against women. It is to address institutionalised mistreatment and discrimination arising from social, political, and cultural patriarchal patterns and practices. An example is the political arena where women have been excluded through several means including violence, monetisation of politics, lack of level playing field and feminisation of poverty.

After the 2003 elections, women were massively under-represented at the National and State Assemblies and in executive positions. In the Senate of 109 members, there were only 4 women and in the House of Representatives of 360 members, there were only 23 women. They did not fare better in the State Houses of Assembly. There are no female Governors and only a handful of female chairpersons of Local Governments. In the present elections, (2007) women have again lost another opportunity to be part of activities in the field. Only very few of them made it through the party primaries to run for political offices. Although there was a slight improvement as there are now 6 female deputy governors, 9 female senators, 25 female Representatives and 37 women in the various Houses of Assembly, a lot still needs to be done.

It has therefore become clear to everybody that no matter how hard women try, the men are not ready to shift grounds rather the violence has increased and marginalisation

worsened. The Beijing Platform for Action (BPFA) (the document of the Fourth World Conference on Women in Beijing China, 1995) and CEDAW and the Protocol to the African Charter on the Rights of Women in Africa provide for Affirmative action as a strategy to address this problem. The BPFA actually provides for the reservation of at least 30% of seats for women. This provision has been implemented in many African states, including Uganda, Tanzania, South Africa, successfully and more women are participating in the governance of those countries. To exclude women from governance means excluding the perspective of more than half of the country's population from the decision-making process. It is to bridge this wide gap that NCAA decided to bring CEDAW home to use it as a tool to enforce the rights of women in Nigeria.

We commend the 2003-2007 Anambra State House of Assembly for taking the lead and living up to the expectations of the women of Anambra State to pass the Anambra State Gender and Equal Opportunities Bill 2007. They have through this bill domesticated CEDAW in Anambra State. We express our joy at the passage of this bill into law and call on the Executive Governor of the State, Mr. Peter Obi, to assent to this bill as soon as possible and history will remember his administration for doing so.

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