

Memorandum on Senate Gender and Equal Opportunities Bill
Submitted by The Nigerian Young Women Group
With support from Education As A Vaccine

MEMO FOR STRENGTHENING AND UPHOLDING THE RIGHTS OF ADOLESCENTS AND YOUNG GIRLS IN THE ACT TO INCORPORATE AND ENFORCE CERTAIN PROVISIONS OF THE UNITED NATIONS CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN, THE PROTOCOL TO THE AFRICAN CHARTER ON HUMAN AND PEOPLE'S RIGHTS ON THE RIGHTS OF WOMEN IN AFRICA, AND OTHER MATTERS CONNECTED THEREWITH.

The rights of young women and girls must be explicitly addressed in the S.B 301, Gender and Equal Opportunities Bill. Often in laws and policies developed to address gender based discrimination and gender inequality, young women and adolescent girls are overlooked; their specific needs and concerns are ignored in particular adolescent girls. Young women and girls in Nigeria are extremely vulnerable to poverty, violence and abuse. Accurate disaggregated data on the life outcomes for young women, young men, boys and girls are minimal or nonexistent but the sources that do exist show that laws created to eliminate gender based discrimination must include and improve the lives of young people who make up a significant percentage of the population.

Nigerian young women and girls understand the importance of this bill and welcome this long awaited legislative development by the Senate. We thank the Senate Leader; Senator Saraki for his leadership and commitment by reintroducing the Gender and Equal opportunities bill after it was thrown out in March. Senator Olujimi deserves commendation for sponsoring the bill and her colleagues in the senate as well as the women rights and other human rights organizations she worked with to create this opportunity and to all that have worked hard for this moment.

The Gender and Equal Opportunities Bill provides an important opportunity for the legislature to provide a comprehensive legal framework that will rectify the historical and present imbalances that privilege men over women and boys over girls in Nigeria. Young women are pleased to see that the GEO Bill uses language that covers both the public and private sphere and also acknowledges the customary and traditional practices that reinforce discrimination against women and girls. In the first section that addresses Prohibition of Discrimination age, gender and disability are specifically referenced. This means that discriminatory laws and policies that are in existence are voided and rendered unenforceable. This is important because of laws in agencies and the private sector that place undue burdens on young women seeking

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employment or services. In addition the **section on the Promotion of Equality, Full Development and Advancement of all Persons is willing to take all measures and fully recognizes young women and adolescent girls and the need to promote their rights and guarantee their equality in society and under the law.** This provides hope that the rest of the Bill would be as detailed in understanding and addressing particular issues that faces the girl child especially adolescent girls and young women (AGYW). AGYW face unique forms of discrimination and challenges that require naming and inclusion in the definition of the problems and prescribed solutions.

Even though the bill not only ensures against gender-based discrimination, it provides for the temporary adoption of special measures to eliminate discrimination. The key highlight of this was the provision for gender parity in education, guaranteeing parity for girls and boys in particular stating primary education. Parity should be extended to other areas mentioned in this section. This is important because the rights of women, men, girls and boys intersect and have a cascading effect as can be seen in the life of young women in Nigeria. Jamila lost her parents at a young age and her uncle took her inheritance violating her right to inherit an equitable share of her parents' properties. She had to drop out of school in JSS three because she had to support and feed her two younger siblings. For Jamila guaranteed protection of rights could have saved her from resorting to getting married and earning only N200 a day pounding yam to support her family. Additionally parity in access to economic and credit facilities could change her life now.

However the rest of the bill does not address young women and girls and as Young Nigerian Women, we are recommending areas that the bill can be strengthened and show Nigerian legislators as the real champions of women and men which includes young women and girls who often have little to no redress as they face violations of their rights and serious gaps in social protection at the societal and individual level. It is encouraging that the Bill is very clear on the penalties that will be given to persons and institutions that do not comply with the provisions within the bill. The Bill would be stronger and afford better protection to young women and girls if this was visible in the rest of the bill.

As young women we push for gender parity in all spheres not just education, women deserve a seat at the table as decision makers. A report described

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Nigerian women as a hidden resource; women and girls should not be treated as a hidden resource.

Nigerian Young Women affirm the Bill but know the Bill could be strengthened to truly target the vulnerabilities that further marginalize young women and in some cases men in Nigeria and provides an unprecedented opportunity to pass a far reaching and inclusive Bill that would transform Nigeria and increase the equality of opportunities available to women and men especially women and girls to contribute to the holistic development of Nigeria. The Young Nigerian Women is a group made up of women representing individuals, CSOs, interest groups and constituencies who are passionate about the rights of women and girls. The group is pushing for a society where women are able to enjoy their human rights in its entirety have reviewed the bill and present their recommendations using their combined experience as young women who work with young people to advocate for their rights.

It is clear that important provisions that protect the rights of young women and girls to determine and live a life free from discrimination on the basis of gender and sex were edited or removed. We call on the Senate to include the recommendations of young women and girls who want to enjoy the rights as fully as their male peers.

Recommendations for Sections:

Young women and girls as well as young men and boys barely referenced in the Bill. In the list of definitions, the definition of "person" should include young women, men, boys and girls. This would clarify that each provision would address their concerns and protect their rights. This is imperative in a country where young people are the majority of the population. This definition should also be inclusive of person especially young persons with disability. Young women with disabilities face double discrimination due to their gender and disability. And these provisions are relevant to their lives and the lives of their families.

Section 3: Promotion of Equality, Full Development and Advancement of all Persons- we propose that this section includes women living with disabilities and those in humanitarian settings to be free from all forms of violence in public and private environment.

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Section 4:

(i) In the political and public sphere, we propose 50% affirmative action for all offices, positions or appointments.

50% not 35 % affirmative action for women in all public and private leadership positions in particular in the case of employment, credit or other economic sphere in the public or private as stated in the Bill is needed to strengthen this piece of legislature and achieve its aim of gender equality.

(ii) In the reference to economic sphere, gender parity is required. Women must have access to participation in the economy as full citizens. It protects women from abuse and violence. In many communities due to migration, insecurity, conflict and disease burden female led households are on the increase. Their access to economic opportunities to support their families must be guaranteed. In section 11, that includes the “right to equal access between men and women to capital, credit, including informal sector, small and medium scale loans, mortgages and other forms of financial credit.” The rights should complement and reinforce each other. Equal access to opportunities for women should be the norm for women across the economic spheres. And the multiplier effect of the benefits is widespread throughout the communities and at the national level.

(vi) Widows in Nigeria should have the right to “equitable” share not a fair share because who determines what a fair share is? Equity guarantees fairness under the law and protects widow from the losses they suffer after the death of their spouse.

Section 7:

This is the section on Education, the inclusion of young people and children is important.

a. The same conditions for career and vocational guidance, for access to studies and for the achievement of certification 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. **Basic education must be included here to cover the education needs of children and young people.**

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Section 8:

We propose that **‘maternal leave’** should be changed to **‘parental leave’** and this language will cover both maternal and paternal leave so that men and women can have equal parenting rights recognized in the workplace.

This section must also include a clause that guarantees an environment free from sexual harassment. Included in the list of rights should be **the right of persons to a work environment free from unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature that constitute harassment.**

Section 10

The reproductive and sexual health rights of women deserve inclusion in this provision.

a. Every agency, organ, body, authority, public institution or private enterprise shall take all appropriate measures to eliminate discrimination against any person on any ground whatsoever, in the field of health care. Accordingly, every organ or agency of government, public institution, commercial or corporate body, or other entity responsible for providing public health care services shall ensure that all women who are pregnant and within 2 years of delivery, and all children under the age of 12, are given free and quality health care including provision of all necessary medical, surgical, diagnostic, and pharmacological supplies. **And family planning services should be included after healthcare.**

b. Every man and woman is entitled to receive the necessary material, medical, psychological, socio and legal assistance through governmental agencies and non-governmental agencies providing such assistance; as well as being informed and availed access to legal, health and social services and other relevant assistance. **Information and access to sexual and reproductive health services must be included.**

Section 13

This section is of great importance to Nigerian Young women. Too many young women are denied the rights that were removed from this clause. The right to enter into marriage and to freely choose their spouse must be respected. Girls are forced into marriages without their consent at a young age. Early marriage is an issue in Nigeria that must be addressed, 43 per cent of girls get married before the age of 18 and 17% are married even earlier. This bill provides an

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important opportunity to protect young women and girls and respect their decency. Delaying early marriage and childbirth improves the quality of life of women and their children and makes it possible for girls to stay in school. This provision also had clauses that protected the rights of women and men to keep their maiden name or choose the family name. And more importantly it guaranteed the right to “decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights.” This provision must be restored in order to truly make gender equality a reality for young people. Young persons especially young women should **have full control of, if and when they want to have children, number and spacing of their children and have access to family planning services.**

We also propose the reintroduction of other key sections that was removed because these rights should be considered part of redressing gender based discrimination in Nigeria. Women should have the same **right to indigenship and identity that their male peers have to “acquire**, confer, change or retain their indigenship, and in particular, to acquire, confer, change or retain their indigenship. Additionally the right to confer citizenship on their children should be stated clearly in this Bill so that women are not forced to consistently defend their right to confer citizenship on their offspring.

The exclusion of women especially young women and girls who are forced to flee and are displaced from their homes because of conflict and natural disasters is an oversight that should be corrected. Their rights need to be protected and recognized in this Bill. Women and children are majority of the persons living in the camps and their rights are not protected, young women and girls have been raped and forced to have sex for food and support for themselves and their families.

As Nigerian Young Women, we appreciate the opportunity to make recommendations for the strengthening of the Gender and Equal Opportunities Bill. **Young women and girls in Nigeria deserve a strong Gender and Equal Opportunities Bill** that provides the legal framework for young women and men, girls and boys to live full lives free of gender based discrimination.