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# Table of Contents

- FEATURES OF THE GENDER AND EQUAL OPPORTUNITIES LAW 2015
- POINTS TO NOTE IN ACCESSING THE LAW
- DEFINING GENDER BASED DISCRIMINATION
- OTHER BENEFITS IN THE LAW
- PUNISHMENT
Acknowledgement

The Women’s Rights Advancement and Protection Alternative (WRAPA) acknowledges with gratitude the donor support of the Swedish International Development Cooperation Agency (SIDA) which made this publication possible as a part of the 2015 project titled HAKI MKONONI: A Regional Legal Empowerment Programme for Women’s Rights in Kaduna and Plateau States. The support by SIDA, a government agency working on behalf of the Swedish Parliament and government, with the mission to reduce poverty in the world is indeed a significant contribution to the campaign for protective legal frameworks that will guarantee for women and girls opportunities to excel in life with dignity. The simplification, publication and mass dissemination of the Gender and Equal Opportunities Law 2015 aligns with SIDA’s purpose of empowering the poor and vulnerable to improve their lives.

WRAPA is also grateful to Oxfam GB for its exemplary role in coordinating the project. OXFAM’s work to find practical, innovative ways for people to lift themselves out of poverty, saving lives and helping to rebuild livelihoods when crisis strikes; resonates with the objectives of WRAPA and the HAKI project. This makes Oxfam a perfect oversight institution for the project in Nigeria.

WRAPA’s commendations go to the Plateau State House of Assembly and the gender responsive legislators especially the sponsor of the bill Hon. Joyce Ramnap and her team at the House Committee on Women Affairs and Social Development who championed the Gender and Equal Opportunities Bill to passage in 2015. Our special gratitude goes to the former Hon. Speaker of the Plateau State House of Assembly, Rt. Hon Titus Ayuba Alams, for promptly forwarding the bill to the Governor for assent after it passed through all legislative processes.

To the former Governor of Plateau State, Dr. Jonah David Jang, WRAPA, SIDA and Oxfam extend their gratitude and appreciation for signing the bill into law on 26th May 2015, a critical time of his tenure. Posterity will remember you and your team for this legacy. The women of Plateau state appreciate these noble acts of commitment and responsibility.

Finally, the National Coalition on Affirmative Action (NCAA) Plateau State branch ably coordinated by Mr. Gad Peter deserves mention here for their spectacular legislative advocacy that saw the bill through the House.

Saudatu Mahdi MFR
General Secretary, WRAPA
GENDER AND EQUAL OPPORTUNITIES LAW 2015

Foreword


To give effect to Section 12 of the Constitution of the Federal Republic of Nigeria, 1999, Civil Society Organisations under the umbrella of the Affirmative Action Initiative for Women (NCAA) are advocating for the incorporation of the provisions of the two treaties into domestic law through the Gender and Equal Opportunities Law. Because issues concerning women and children are not listed in the Exclusive Legislative List, any law passed by the National Assembly to domesticate a treaty relating to women and children will be applicable in the Federal Capital Territory only. Any state desirable of having the provisions apply in the state will have to bring it home by passing the law in its State Assembly.

As advocacy for the domestication of the treaties at the national level is ongoing, some states have gone ahead to pass the same bill into law. Plateau state is one of those states.

The Plateau State Gender and Equal Opportunities law 2015 is a model law that achieves the aspiration of the elimination of all forms of discrimination on the basis of sex and gender in the private and public spaces. It affirms women’s rights to equal opportunities to realise their full potential and provides protection for their bodily integrity and human dignity.

The law provides for the establishment of a Gender and Equal Opportunities Commission with the mandate to monitor and supervise the implementation of the law as well as investigate and apply to the appropriate court or tribunal for an order of assessment of practices of any person, organ, body, institution and private or public organ in accordance with the law.
The law contains substantive sections prohibiting discrimination against women in all fields including on grounds of marital status and on socio-economic grounds. It provides for the adoption of temporary special measures to accelerate de facto equality between men and women especially in political participation and prohibits violence against women.

The passage of this law by the Plateau State House of Assembly is a welcome development. Plateau State has thus joined Imo, Anambra, Kogi and Ekiti states as champions by adopting the provisions of the above-named treaties. It is our hope that they will implement the provisions of the law fully.

Rt. Hon Titus Ayuba Alams
Former Speaker Plateau State House of Assembly
(October 2013 - June 2015)
Bokkos Constituency
About WRAPA

Women’s Rights Advancement and Protection Alternative (WRAPA) Nigeria, is a registered non – governmental, non - political and non – profit organisation. It focuses on advocacy and mobilization for the promotion, protection and realization of women’s human rights, the elimination of all forms of repugnant practices as well as violence against women and the enhancement of their living standards. The acronym of WRAPA denotes the one or two-piece cloth worn by Nigerian women irrespective of age, tribe or religion, thereby underscoring the national coverage of the organization. WRAPA was established in 1999 with structures of field offices operated by volunteers in at least 30 of the 36 States and the FCT; coordinated by a corporate headquarters situated in the Federal Capital Territory. Activities of the organization include legal aid and counselling services for women, mobilization and sensitization, skills training and advocacy for legal reforms.

WRAPA as a leading voice in the advocacy for legal reforms to respond to gender based violence served as the foundation Secretariat of a 65-member Coalition, Legislative Advocacy Coalition on Violence Against Women (LACVAW). LACVAW is a coalition of diverse civil society groups working on various aspects of women’s human rights particularly, violence against women. The Coalition was formed in 2001 in response to the need to bring together and amplify the efforts of NGOs, international human rights groups, religious organisations and other stakeholders across the country that were proposing bills at the state and national assemblies on issues such as domestic violence and women’s human rights.

WRAPA has been awarded a two-year grant (2015 - 2017) to implement a project titled HAKI MKONONI: A Regional Legal Empowerment Programme for Women’s Rights in Kaduna and Plateau States. The project, which took effect in November 2015, is funded by SIDCA and coordinated by OXFAM GB. Oxfam GB works to find practical, innovative ways for people to lift themselves out of poverty, saving lives and helping to rebuild livelihoods when crisis strikes. Its campaigns focus on supporting the voices of the poor to influence the local and global decisions that affect them. Oxfam works with partner organizations as well as vulnerable women and men to end the injustices that cause poverty.
FEATURES OF THE GENDER AND EQUAL OPPORTUNITIES LAW 2015
The Plateau State Gender and Equal Opportunities Law is a law passed by the Plateau State House of Assembly in 2015. Several features of this law make it unique.

THE LAW:

Prohibits Discrimination: on the ground of gender in all forms whether by spoken words, actions or inactions, omissions, laws, regulations, administrative procedures, policies, guidelines, rules, customs or practices.

Abolishes discriminatory laws and practices: by stating that no discriminatory law, custom or practice shall be enforced against any person.

Eliminates gender-based discrimination against women in the fields of education, employment, health, economic and social benefits such as access to credit and loans, on grounds of marital status and in marriage and family relations etc.

Promotes equality before the law for all persons whether they are male or female.

Provides for Equal opportunities: Men and women, boys and girls are provided equal opportunities to achieve their potentials in life.

Prohibits violence against women and girls, children and infants.

Establishes certain institutions

• The Gender and Equal Opportunities Commission is established with the mandate to monitor whether the law is being complied with or not and to enforce the law.

• The Conflict Resolution/Mediation Centre to look into cases brought by spouses or family members first before they are taken to court.

Adopts the National Gender Policy by stating that its provisions shall apply as part of this Law.
POINTS TO NOTE IN ACCESSING THE LAW
Who can apply for remedy under this law?

It is not only a woman or girl that can apply under this law.

A boy or a man can also apply to the court to enforce his rights under this law.

Any one who resides/lives in Plateau state whether or not Plateau is their state of origin can benefit from the provisions of the law.

Who can be held responsible for a violation of any provisions of the Law?

It is not only an individual or a person that can be brought to court under this law.

Organisations or agencies of government, public or private institutions, commercial or corporate bodies, communities, or their representatives can be found guilty of discrimination and punished under the law.
WHICH COURT WILL HEAR CASES BROUGHT UNDER THIS LAW?

**Anyone** who suffers discrimination can bring an application before the State High Court or Magistrates’ Court for compensation and punishment.

If the complaint is against a husband, wife or family member, the case will first be referred to the Conflict Resolution/Mediation Centre by the Commission.

HOW TO APPLY

The procedure to be adopted is the Fundamental Rights (Enforcement Procedure) Rule or any other rules of procedure for time being applicable to the court.

The Commission may give a direction after due investigation for reversal of the discrimination complained against and if the person, body or institution fails to take steps to reverse the discrimination, the commission will institute proceedings in court.

Anyone whose rights under the law are violated may submit a complaint to the Gender and Equal Opportunities Commission.

The Commission will receive the complaint and assign an officer to conduct an investigation into the complaint.

Any officer of the Commission investigating the complaint may invite any person, institution or body to appear and produce any relevant materials or evidence before such officer and they are obliged to comply.
HOW CAN LAWYERS AND NGOS ASSIST?

Lawyers and NGOs can assist by referring victims of violations under the law to the Commission and following up.

- NGOs can assist in spreading information on the law and its contents among women and men and explaining how it benefits and protects everyone.

- Lawyers can file complaints on behalf of victims and represent their interests as they seek justice for any wrong committed on them under this law.

- Lack of a lawyer should not stop a victim from seeking justice under the law, but it is better to look for one as they are more familiar with court processes and to ensure that the order of court is enforced.

- Many NGOs and the government Legal Aid Council provide free legal services. Those who cannot afford the services of a lawyer can consult them for assistance.
DEFINING GENDER BASED DISCRIMINATION
“Gender” refers to the attitudes, feelings, and behaviours that a given society or culture associates with a person’s biological sex i.e. being male or female.

Gender Based Discrimination is therefore any bias, partiality, exclusion or limitation against a person because of their sex, gender, condition or status which has the effect or purpose of preventing the person from enjoying or exercising their human rights in any area of life.

It does not matter whether the person is married or not.
Acts that Constitute Gender Based Discrimination

1. Denying women the same opportunities as men to exercise legal capacity to conclude contracts, administer property or testify in a court of law;

2. Preventing women from exercise and enjoyment of human rights and fundamental freedoms on a basis of non-discrimination and equality of all persons;

3. Inhuman, humiliating or degrading treatment on widows;

4. Denying women the same rights as men with regard to the movement of persons and the freedom to choose their residence and domicile;

5. Limiting women’s right to vote and be voted for in elections to publicly elected bodies.

6. Failure to allocate special facilities, time and resources to protect maternity and reproductive health of women;

7. Treating women in a different way and/or limiting their benefits or opportunities because of their maternity status and reproductive health;

8. Denying or limiting women from any privilege, respect, advantage or benefit due to women on the basis that she is a woman;

9. Refusing to allow women to take suspects in police station or accused persons in the courts on bail;
OTHER ACTS THAT CONSTITUTE GENDER BASED DISCRIMINATION

Marginalising women and limiting their participation in:

- Political activities including holding public office and performing public functions at all levels of government,
- Formulation and implementation of government policy, and
- The work of international organisations.
OTHER BENEFITS IN THE LAW
Government, companies, private institutions, and communities are required to:

**Introduce temporary special measures** aimed at accelerating real equality between men and women in the following instances:

- A minimum of 35 per cent of all political appointments shall be reserved for women;
- A minimum of 40 per cent of all offices, facilities, positions or appointments shall be reserved for women in employment, credit or other economic sphere in the public or private;
- All eligible girls shall be compulsorily enrolled and retained in primary school throughout the school age;
- A minimum of 35 per cent shall be reserved for girls in educational placement, school enrolment, scholarships, bursaries, or such allocations;
- A minimum of 50 per cent shall be reserved for girls in educational placement, school enrolment, scholarships, bursaries, or such allocations;
- A minimum of 40 per cent of all offices, facilities, positions or appointments shall be reserved for women in employment, credit or other economic sphere in the public or private;
- A minimum of 35 per cent shall be reserved for women in all other cases.
Modify the social and cultural beliefs and attitudes to eliminate partialities, customary and other practices which show women as inferior to men, or which unfairly fix belittling roles for men and women.

Change teaching methods, curriculum and facilities to remove areas that belittle women and girls in the choice of career, equal participation and inclusion in all activities of the school or institutions.

Provide the same conditions for career and vocational guidance, access to studies and achievement of certification in educational establishments of all categories.

Ensure equality in pre-school, general, technical, professional and higher technical education, and in all types of vocational training.
Create the **same opportunities** for boys and girls, men and women:

To participate actively in vocational, extra curriculum, and other non-academic activities of schools, private or public educational institutions including sports and physical education.

To access programmes of continuing education including adult and functional literacy programmes;

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**Ensure equal employment opportunities, including**

- Application of the same criteria for selection, promotion and assignment of responsibilities in employment;
- Free choice of profession and employment;
- Equal treatment in promotion, job security, training and re-training opportunities and all benefits and conditions of service;
- Equal remuneration/salary of persons of equal skill, competence, expertise and knowledge;
- Equal treatment in respect of work of equal value;
- Social security, particularly in cases of unemployment, sickness, physical challenges, old age and the right to paid leave.
Maternity leave with pay or other leave or concession relating to maternity needs, and this shall not limit the right to equal treatment;

Protection of the person’s health including maternity health, and safety in work place,

Safeguarding the function of, and choices in, reproduction and maternal or paternal responsibilities.

**Protect women against discrimination on the grounds of marriage, marital status, or maternity in the following ways:**

Not dismiss, restrict or limit any person in employment, contract, because of her marital status, circumstances of birth, pregnancy, maternity leave, or other reasons relating to the person’s maternal or paternal status;

Provide supporting social services such as child-care facilities in the work premises to enable parents to combine family obligations with work responsibilities and participation in public life;

Protect women during pregnancy in types of work and practices harmful to them.

**Prohibit discrimination against any person in the field of health care through:**

Providing free and quality public health care services for pregnant women, women within 2 years of delivery, and children under the age of 12;

Equipping public health care with adequate medical, surgical, diagnostic, and pharmacological supplies, and qualified personnel for effective health service delivery;

Ensuring access to free medical services in connection with the prenatal, confinement and the post-natal period, including adequate nutrition during pregnancy and lactation.
Remove discrimination against women in economic and social life through ensuring, the same rights between men and women to:

| Family benefits; | Equal access to capital, credit, small and medium scale loans, mortgages and other forms of financial credits; | Participation in recreational activities, sports and all aspects of cultural life. |

Include women in the process of peace building and conflict management

Ensure recognition and respect to the equal rights and responsibilities of women and men, boys and girls:

<table>
<thead>
<tr>
<th>To enter into marriage;</th>
<th>To freely choose a spouse;</th>
<th>During marriage and at its dissolution;</th>
</tr>
</thead>
<tbody>
<tr>
<td>As parents, regardless of whether they are married or not, in matters relating to their children including decisions relating to welfare and upbringing;</td>
<td>To decide freely and responsibly on the number and spacing of their children;</td>
<td>To have access to the information, education and means to enable them to exercise these rights, and responsibilities with regard to custody, guardianship, wardship, trusteeship and adoption of children.</td>
</tr>
</tbody>
</table>
Encourage co-education and other types of education, which will help to eliminate

Recognise the equal rights of men and women to acquire, change and retain their indigene-ship.

Ensure that marriage to a man from another local government or state shall not be used against any woman in all matters that benefit or protect her.

Provisions Regarding Marriage

• This law is subject to the Matrimonial Causes Act and the Child’s Rights Act.

• No marriage shall take place without the free and full consent of both parties.

• The minimum age of marriage for women shall be 18 years.

• Every marriage shall be recorded in writing and registered.

• A woman and a man shall jointly contribute to safeguarding interests of the family, protecting and educating their children.

• During her marriage, a woman shall have the right to acquire her own property and to administer and manage it freely.

Remove bias against women in rural areas and ensure that they participate in, benefit from rural development and enjoy the right to:

• Participate in development projects at all levels;

• Benefit directly from social security programmes;

• Obtain training and education, formal and non-formal, relating to functional literacy;

• Benefit from community and extension services, to increase their agricultural capacity;

• Organize self-help groups and cooperatives to enable them to obtain access to economic opportunities, such as agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and in any improvement being made in the agricultural sector; and in land Recognise the equal rights of men and women to acquire, change and retain their indigeneship, resettlement schemes.
Provisions on Special Measures

Special measures to protect maternity and increase women’s representation in employment or credit shall not be considered discriminatory.

Special measures to increase women’s visibility shall not last for more than 25 years, but shall not be less than 10 years.

Violence Against Women

The law prohibits all forms of violence against women, children and infants whether in private, family or public sphere.

- It requires schools, educational or training institutions:
  - To promote peace education through curricula and social communication.

To eradicate elements in traditional and cultural beliefs, practices and stereotypes which endorse and promote discrimination against women, occurrence and tolerance of violence against women.
### Forms of Violence specifically prohibited in the Law

All forms of violence against women, children and infants, whether in public, family or private, are prohibited:

| • Unwanted or forced sex including rape, incest etc., | Female genital mutilation or female circumcision, | Any traditional, religious or cultural practices harmful to the health or well-being and dignity of the woman, |
| Trafficking in women and children | Abuse and exploitation of women and children in any manner or way, | Medical experiments on women without their informed consent or of their parents or guardians. |

### Provisions on Practices and Perceptions of Families

Families shall bring children up in a way that:

- Discourages male child preference, superiority or favour.
- Promotes a correct understanding of maternity as a social function.
- Emphasizes the upbringing and development of children as a mutual responsibility of both parents.
Violation of the Provisions of the Law

• Any person who violates the provisions of this Law commits an offence and shall be liable on conviction to:
  
  • Imprisonment of 1 year or a fine of fifty thousand naira, (N50,000.00) or to both imprisonment and fine, in the case of first offender;
  • Imprisonment of 18 months or a fine of one hundred thousand naira, (N100,000.00) or to both imprisonment and fine, in the case of 2nd or subsequent offenders.

• Failure or neglect to perform any of the duties imposed in the Law attracts a penalty of imprisonment of not less than 1 year, or to a fine of not less than fifty thousand naira (N50,000.00) or to both imprisonment or fine.

• Violence Against Women, Children or Infants

  • Any person that is found guilty of violence against women, children or infants including trafficking, female genital mutilation, or any other traditional, religious or cultural practices harmful to the health or well being and integrity of a woman:
    • One year imprisonment or N50,000 fine or both for first offenders.
    • Eighteen months imprisonment or N100,000 fine or both for subsequent offenders.

• Failure or neglect to perform any duty imposed by the law shall be liable on conviction to:

  • Not less than one year imprisonment or N50,000 fine or both

• Failure or refusal to cooperate with the Commission during investigation including:

  • Failure or refusal to appear and/or give information to the Commission
  • Making or procuring another person to make false statement in the information given.
  • Intentionally blocking another person in the exercise of the power conferred by this Law:
    • Imprisonment for a term not exceeding 1 month or a fine not exceeding five thousand naira (N5,000.00) or both such fine and imprisonment.
Other offences under the law

- Condoning, aiding, enabling, helping or assisting any person or entity to neglect their duties under the law.
- Commission of an offence with the consent or out of neglect on the part of a manager, secretary or other similar officer of a company, the company and any such person are liable to be prosecuted and punished.

Additional remedies provided under the law

- Reasonable and satisfactory compensation to any person who suffers violation of his or her rights
- Exemplary damages i.e. damages that are meant to be punitive to serve as an example for future offenders
- Public apology in certain instances
- Compensation or restoration (restoring what the victim lost)

Who has primary responsibility when an institution or body is found guilty of a violation?

- The leader, chief executive or head of the institution shall be responsible for the punishment imposed by the court.
# THE GENDER AND EQUAL OPPORTUNITIES LAW OF PLATEAU STATE (2015) AT A GLANCE

<table>
<thead>
<tr>
<th>SECTIONS</th>
<th>TITLE</th>
<th>SECTIONS</th>
<th>TITLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Citation and Commencement</td>
<td>12</td>
<td>Funds of the Commission</td>
</tr>
<tr>
<td>2</td>
<td>Interpretation</td>
<td>13</td>
<td>Prohibition of Discrimination</td>
</tr>
<tr>
<td>3</td>
<td>Establishment of the Gender Commission</td>
<td>14</td>
<td>Promotion of Equality of Persons</td>
</tr>
<tr>
<td>4</td>
<td>Membership of the Commission</td>
<td>15</td>
<td>Adoption of temporary Special Measures</td>
</tr>
<tr>
<td>5</td>
<td>Administration</td>
<td>16</td>
<td>Modification of Socio-Cultural practices</td>
</tr>
<tr>
<td>6</td>
<td>Departments and appointments of other staff of the Commission</td>
<td>17</td>
<td>Freedom from Discrimination in political and public life</td>
</tr>
<tr>
<td>7</td>
<td>Tenure of office</td>
<td>18</td>
<td>Elimination of Discrimination in Education</td>
</tr>
<tr>
<td>8</td>
<td>Resignation from office</td>
<td>19</td>
<td>Freedom from Discrimination in Employment</td>
</tr>
<tr>
<td>9</td>
<td>Power to appoint, Dismiss and exercise discipline</td>
<td>20</td>
<td>Freedom from Discrimination on Grounds of Marital Status</td>
</tr>
<tr>
<td>10</td>
<td>Meetings of the Commission</td>
<td>21</td>
<td>Freedom from Discrimination in Health</td>
</tr>
<tr>
<td>11</td>
<td>Functions of the Commission</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SECTIONS</td>
<td>TITLE</td>
<td>SECTIONS</td>
<td>TITLE</td>
</tr>
<tr>
<td>----------</td>
<td>-------------------------------------------------</td>
<td>----------</td>
<td>-------------------------------------------------</td>
</tr>
<tr>
<td>22</td>
<td>Freedom from Discrimination in Economic and Social Life</td>
<td>28</td>
<td>Provisions Relating to marriage and Matrimonial Causes</td>
</tr>
<tr>
<td>23</td>
<td>Right to Indegeneship</td>
<td>29</td>
<td>Legal Obligation to Give Information to the Commission</td>
</tr>
<tr>
<td>24</td>
<td>Rights of persons in Rural Communities</td>
<td>30</td>
<td>Rules and Regulations of the Commission</td>
</tr>
<tr>
<td>25</td>
<td>Rights in Matters Relating to marriage and Family</td>
<td>31</td>
<td>Failure to Comply with Direction for Reversal of Discrimination</td>
</tr>
<tr>
<td>26</td>
<td>Prohibition of Violence against Women</td>
<td>32</td>
<td>Use of Conflict Resolution Centres in Matters Involving Spouses and Family Members</td>
</tr>
<tr>
<td>27</td>
<td>Offences and Sentencing</td>
<td>33</td>
<td>Jurisdiction</td>
</tr>
<tr>
<td></td>
<td></td>
<td>34</td>
<td>Procedure</td>
</tr>
<tr>
<td></td>
<td></td>
<td>35</td>
<td>Offence Committed with Consent or Connivance</td>
</tr>
<tr>
<td></td>
<td></td>
<td>36</td>
<td>Adoption of National Gender Policy</td>
</tr>
</tbody>
</table>