



# FACTSHEET

DECEMBER, 2020

## SOME BILLS THAT SEEK TO INCREASE WOMEN REPRESENTATION IN POLITICS

### INTRODUCTION

Nigeria continues to record low representation of women in political offices. For instance, only 4% of the total elected lawmakers in the Nigerian National Assembly are women. The current ministerial cabinet also has only 16.28% of women occupying office.

This Factsheet therefore intends to create awareness on some legislative proposals by the 9th National Assembly that seek to improve on women representation and participation in politics.

The highlighted Bills in this Factsheet are:

- a. A Bill for An Act to alter the provisions of the Constitution of the Federal Republic of Nigeria, 1999 to specify the minimum number of youths and women appointed as Ministers, Ambassadors and State Commissioners
- b. A Bill for An Act to alter the provisions of the Constitution of the Federal Republic of Nigeria, 1999 to enable women be identified as indigenes of a State by virtue of marriage when running for office
- c. Women's Representation in Legislative Houses Bill, 2020 (HB. 795)
- d. Electoral Act Amendment Bill, 2019 (SB. 122)

### A. [A Bill for An Act to alter the provisions of the Constitution of the Federal Republic of Nigeria, 1999 to specify the minimum number of youths and women appointed as Ministers, Ambassadors and State Commissioners](#)

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**Sponsor:** Senator Ovie Omo – Agege

**Objective of the Bill:** This Bill seeks to alter the provisions of the Constitution of the Federal Republic of Nigeria, 1999 to provide for a minimum number of youths and women appointed as Ministers, Ambassadors and State Commissioners.

**Status of Bill :** This Bill has passed second reading in the Senate and had been referred to the Committee on Constitution Review.

S/N	Current Provision	Proposed Amendment	Comments
1.	<p><b>Section 147</b></p> <p><b>Ministers of Federal Government</b></p> <p>This provides for the appointment of Ministers by the President and as approved by the Senate.</p> <p>It also provides for the appointment of Ministers in a manner that reflects Federal character by the appointment of at least one Minister from each State, who shall be an indigene of the State- section 147(3)</p>	<p>This seeks to amend section 147(3) of extant provisions with a new section 147(3) that provides for the appointment of Ministers in a manner that reflects Federal character so that at least one Minister is drawn from each State of the Federation.</p> <p>It also provides for an age and gender criteria to be taken into consideration at the time of appointment of Ministers so that at least five Ministers in the President's cabinet are not older than forty years at the time of appointment. Additionally, it provides for at least five female Ministers.</p>	<p>This provides for the inclusion of 5 young persons (not older than 40 years at the time of appointment) and 5 women in the President's cabinet.</p> <p>The provision of at least five youths and five women in the President's Ministerial cabinet may address the perceived imbalanced representation of women and youths.</p> <p>However, given that the current Ministerial cabinet has an average of 40 persons, youths and women will still occupy just about 13% of these offices going by this provision. In view of this, it might be better to propose a minimum percentage for women and youth appointments to achieve the representation desired.</p>
2.	<p><b>Section 171 (5)</b></p> <p><b>Presidential Appointments</b></p> <p>This provides for the President to have regard to the federal character of Nigeria and the need to promote national unity when exercising his power of appointment.</p>	<p>The proposed amendment seeks to amend section 171(5) by providing for an age and gender criteria to be taken into consideration at the time of appointment for the position of Ambassador, High Commissioner or other Principal Representative of Nigeria abroad so that at least five of the appointees shall not be older than forty years at the time of appointment with another five of those appointed being women.</p>	<p>This provides for at least 5 youths (that is individuals not older than the age of 40 years at the time of appointment) and 5 women to be included in the appointment of Ambassador, High Commissioner or other Principal Representative of Nigeria abroad by the President.</p> <p>This provision although commendable may be inadequate in addressing the imbalance of youth and women in appointive positions. For instance, in year 2020, there are over 80 career and non-career ambassadors appointed by the President. Thus the minimum of 5 youths and 5 women in such positions would only translate to a 6% representation in such offices.</p> <p>A better stance or provision could be to propose a minimum percentage of women and youth appointments to these positions.</p>

3.	<p><b>Section 192 (1)</b></p> <p><b>Commissioners of State Government</b></p> <p>This section provides for the offices of Commissioners of the Government of a State as may be established by the Governor of the State.</p>	<p>The proposed amendment seeks to provide for an age and gender consideration to be taken into consideration in the appointment of Commissioners so <b>at least five Commissioners shall not be more than forty years old at the time of appointment; with five other Commissioners as women."</b></p>	<p>This seeks to amend the Constitution so that a Governor can appoint at least 5 youths (that is individuals not older than the age of 40 years at the time of appointment) and 5 women as Commissioners of the government of the state.</p>
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**B. A Bill for An Act to alter the provisions of the Constitution of the Federal Republic of Nigeria, 1999 to enable women to be identified as indigenes of a State by virtue of marriage when running for office**

**Sponsor:** Senator Ovie Omo – Agege

**Objective of the Bill:** This Bill seeks to enable married Nigerian women run for elective offices in the state of origin of their spouse.

**Status of Bill :** This Bill has passed second reading in the Senate and has been referred to the Committee on Constitution Review.

S/N	Current Provision	Proposed Amendment	Comments
1.	<p><b>Section 65 (2)</b></p> <p><b>Qualifications for election</b></p> <p>This provides that a person shall be qualified for election under subsection (1) if:</p>	<p>The proposed amendment seeks to alter Section 65 of the Principal Act by substituting the existing subsection (2), with a new Subsection "(2)" that enables a woman to run for elective office if she is <b>married to an indigene of that State"</b>.</p>	<p>This intends to improve on the participation of married women (married to men from a different state) by enabling them to run for office in the State of their spouse.</p>

	<ol style="list-style-type: none"> <li>1. he has been educated up to at least School Certificate level or its equivalent; and</li> <li>2. he is a member of a political party and is sponsored by that party.</li> </ol>		<p>This may be because many married women face the double challenge of being politically alienated from their state of origin by virtue of marriage and at the same time, that of their spouses irrespective of the number of years they may have integrated with their husband's community.</p> <p>In addition, while the proposed amendment is laudable, it is recommended that it should be included as an amendment to section 65(2) rather than a stand-alone new subsection. This is in view of important provisions under existing law which prescribe for instance, the minimum level of educational qualifications that a lawmaker in the Senate or House of Representatives must attain. That should not be discarded.</p>
2.	<p><b>Section 106</b></p> <p><b><i>Qualifications for election</i></b></p> <p>This enables a person to qualify as a Member of a House of Assembly if -</p> <p>he is a citizen of Nigeria;</p>	<p>This seeks to amend section 106 of the 1999 Constitution to enable a woman who is married <b>to an indigene of a State qualify for election as a Member of a House of Assembly.</b></p>	<p>This intends to improve on the participation of married women (married to men from a different state) so that they can be qualified to run for office as a member of a House of Assembly in the State of origin of their spouse.</p>

	<p>a. he has attained the age of thirty years;</p> <p>b. he has been educated up to at least the school certificate level or its equivalent; and</p> <p>c. he is a member of a political party and is sponsored by that party.</p>		
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### C. Women’s Representation in Legislative Houses Bill, 2020 (HB.795)

**Sponsor:** Hon. Oluga Taiwo

**Objective of the Bill:** This Bill seeks to provide for women’s representation in the Legislative Houses in Nigeria in accordance with Nigeria’s obligations as a state party to the African Charter on Human and People’s Rights.

**Status :** First reading

S/N	Highlighted section of Bill	Comments
1	<p><b>Clause 1</b></p> <p><b>“Objectives of the Bill”</b></p> <p>The Bill seeks to establish an appropriate legal framework that will ensure women’s representation at all levels in Legislative Houses in accordance with the African Charter on Human and People’s Rights.</p>	<p>This seeks to promote the equal participation of women in political life as guaranteed by <i>Article 9 of the Protocol to the African Charter on Human and People’s Rights on the Rights of Women in Africa</i>.</p> <p>The Charter states that women are to be represented equally at all levels with men in all electoral processes and mandates state parties to ensure increased and effective representation and participation of women at all levels of decision-making.</p> <p>The Bill also seeks to establish a Legal framework that domesticates the Protocol that was ratified on 16 December 2004.</p>

<p>2</p>	<p><b>Clause 2</b></p> <p><b><i>“Scope of the Application”</i></b></p> <p>This provides for the Bill’s application and implementation of women representation by political parties.</p> <p>Specifically, it mandates all political parties to present candidates for the following Legislative elections;</p> <ul style="list-style-type: none"> <li>» The National Assembly</li> <li>» State Houses of Assembly</li> <li>» Legislative Houses of the Area Council in the Federal Capital Territory (FCT)</li> </ul>	<p>The Bill mandates all political parties to present candidates for Legislative elections to the National Assembly, State Houses of Assembly and Legislative Houses of the Area Council in the Federal Capital Territory (FCT)</p>
<p>3</p>	<p><b>Clause 3</b></p> <p><b><i>“Conduct of Primaries”</i></b></p> <p>This provides for a political party to ensure that all processes and procedures for the conduct of primaries are in compliance with the provisions of the Bill before submitting its list of its qualified candidates to the Independent National Electoral Commission (INEC).</p>	<p>This seeks to ensure the adequate representation of women at all levels of the electoral process in line with the Bill’s objectives.</p>
<p>4</p>	<p><b>Clause 4</b></p> <p><b><i>“Elections of Women into the Senate, House of Representatives and House of Assembly”</i></b></p> <p>This mandates the inclusion of women by political parties in its list of candidates to INEC.</p> <p>It mandates political parties to make provisions for the nomination of women candidates among the Senatorial Districts, Federal Constituencies and the State Constituencies in the following manner:</p>	<p>This provision for gender quota measures is likely to increase women representation in the National Assembly and State Houses of Assembly.</p> <p>For instance, there has been an increase in female representation in Parliament since the adoption of gender quota measures in countries such as Italy and Costa-Rica.</p>

	<p>a. For the elective office of the Senate - at least one candidate from the three Senatorial districts of each state shall be a woman</p> <p>b. For the elective office of the House of Representatives-at least 35% of the total number of candidates shall be women</p> <p>c. For the elective office of the House of Assembly - at least 35% of the total numbers of the candidates are women</p>	
5	<p><b>Clause 5</b></p> <p><b><i>“Elections of Women into Area Councils of the Federal Capital Territory”</i></b></p> <p>This provides for political parties to ensure that at least 35% of the total number of candidates for the electoral wards of the area councils of the Federal Capital Territory are women.</p>	<p>As with the Federal and State House of Assemblies, this provision seeks to ensure a quota system that improves women’s participation in FCT area council elective positions. Political parties are to ensure that a minimum of 35% of its total candidates presented for the electoral wards area councils of the FCT are women.</p>
6	<p><b>Clause 6</b></p> <p><b><i>“Monitoring and Compliance”</i></b></p> <p>This provides that political parties comply with the principle of non-discrimination under <b>Section 42</b> of the Constitution, to give full effect to the rights of women to participate and be represented in elective offices in Nigeria . It also provides for the Independent Electoral Commission to monitor and ensure compliance with the provisions of the Bill and prepare election reports on the status of implementation of the provisions of the Bill which must be submitted to the National Assembly and President not later than one year after every general election.</p>	<p>The Executive and Legislative arm will monitor compliance of the Bill’s provisions.</p>

7	<p><b>Clause 7</b></p> <p><b>“Power to make Rules and Issue Guidelines”</b></p> <p>This empowers the Independent National Electoral Commission (INEC) to make rules and issue guidelines that comply with the Bill’s objectives.</p>	<p>This gives INEC the power to make rules and set guidelines to ensure that political parties comply with the Bill’s objectives.</p>
	<p><b>Explanatory Memorandum</b></p> <p>This Bill seeks to prescribe special measures for the participation and representation of women in the Senate, House of Representatives, House of Assembly and Area Councils in the Federal Capital Territory, Abuja with an appropriate mechanism for monitoring compliance with the provisions of this Bill.</p>	<p>The Bill seeks to establish an appropriate legal framework that will ensure women’s representation at all levels in Legislative Houses in accordance with the African Charter on Human and People’s Rights.</p>

**D. Electoral Act Amendment Bill, 2019 (SB. 122)**

**Sponsor:** Sen. Ovie -Omo-Agege

**Objective of the Bill:** The Bill seeks to amend the Electoral Act (No.6) 2010 and Related Matters

**Status :** Awaiting Committee Report in Senate

S/N	Highlighted Provision	Proposed Amendment	Remarks
1	<p><b>Section 87</b></p> <p><b>Procedure for Nomination of Candidates</b></p>	<p>Provides for an amendment to section 87 so that Ad-hoc delegates in an indirect primary are elected in a manner that:</p> <p>a . Every ward is eligible to elect at least 5 Ad-hoc Ward delegates (with at least one</p>	<p>This provision seeks to provide for women inclusion as Ad-hoc delegates in indirect primaries.</p>



	<p>This provides the procedure for nomination of candidates for elections by political parties which could be by direct or indirect primaries.</p>	<p>Ad-hoc Ward delegate) being a woman except if impracticable to do so)</p> <ul style="list-style-type: none"><li>b. Have at least 50 ad-hoc local government delegates, (with at least ten of them being women except if impracticable to do so.</li><li>c. Have at least 5 Ad-hoc State/ FCT Delegates (with one at least being a woman except if impracticable to do so)</li><li>d. Have at least 5 Ad-hoc National Delegates (with one at least being a woman except if impracticable to do so)</li></ul>	<p>While setting a minimum standard for inclusion may improve on the current state of political affairs, the provision provides a drawback by failing to clarify "when it may be impracticable to select a woman" w.</p>
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## Infograph on Some Bills that Seek to Increase Women Representation in Politics

Title

**A Bill for An Act to alter the provisions of the Constitution of the Federal Republic of Nigeria, 1999 to specify the minimum number of youths and women appointed as Ministers, Ambassadors and State Commissioners**

Sponsor: Senator Ovie Omo – Agege (APC: Delta)

- Provides for at least 5 women to be appointed in the President's Ministerial cabinet
- Provides for at least 5 women to be appointed as Ambassador, High Commissioner or other Principal Representative of Nigeria abroad by the President
- Provides for each State Governor to appoint at least 5 women in his/her cabinet

Status: Second Reading

Title

**Electoral Act Amendment Bill, 2019**

Sponsor: Senator Ovie Omo – Agege (APC: Delta)

- Provides for at least 5 Ad-hoc Ward delegates (with at least one Ad-hoc Ward delegate) being a woman except where impracticable to do so) in indirect primary elections
- Provides for at least 50 ad-hoc local government delegates, (with at least ten being women except if impracticable to do so) in indirect primary elections
- Provides for at least 5 Ad-hoc State/FCT Delegates (with at least one being a woman except if impracticable to do so) in indirect primary elections
- Have at least 5 Ad-hoc National Delegates (with at least one being a woman except if impracticable to do so)

Status: Awaiting Committee Report in Senate

Title

**Women's Representation in Legislative Houses Bill, 2020**

Hon. Oluga Taiwo (APC: Osun)

- Establishes an appropriate legal framework for women's representation in Legislative Houses.
- For instance it;
  - Mandates political parties to present at least one-woman candidate from the three senatorial districts
- Mandates political parties to present at least 33% of women in its list of candidates for the House of Representatives elections
- Mandates political parties to present at least 33% of women in its list of candidates for State House of Assembly elections
- Mandates political parties to present at least 35% of women in its list of candidates for electoral wards of the Area Councils of the Federal Capital Territory

Status: First Reading

Title

**A Bill for An Act to alter the provisions of the Constitution of the Federal Republic of Nigeria, 1999 to enable women to be identified as indigenes of a State by virtue of marriage when running for office.**

Sponsor: Senator Ovie Omo – Agege (APC: Delta)

- Enables married women to run for election in their husband's state of origin
- Enables married women to run for election as a member of a State House of Assembly in the State of origin of their husband

Status: Second Reading

# INFOGRAPH ON INEC'S POLICY ON CONDUCTING ELECTIONS DURING COVID-19

Policy is pursuant to section 160 of the 1999 Constitution (as amended) that gives INEC power to regulate its procedure and section 153 of the Electoral Act, 2010

- Voters to be guided by Voters Code of Conduct developed by INEC
- Polls to open at 8.30am and close at 2.30pm

## HEALTH PROCEDURES



Infrared thermometers to be used at Local Government Areas (LGAs), Registration Area Centres (RACs) and State Collation Centres



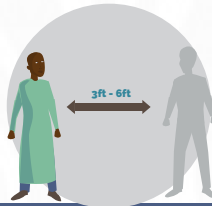
Mandatory use of facemasks by voters and electoral officials



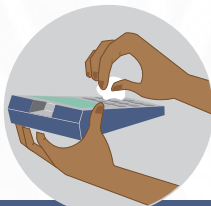
Use of Alcohol based Sanitizers



Persons showing symptoms of COVID-19 will be isolated and COVID-19 emergency numbers will be called



Physical distancing of 6 feet at the collation hall and physical distancing for queuing at polling units; 2-tier queuing system at the Polling Unit, one inside the voting area and the other outside the voting area



Using methylated spirit and cotton wool for the disinfection of smart card readers after a fingerprint of a voter is read



Personal Protective Equipment for Polling staff



Election workers (passengers and drivers) are to wear masks while being transported on election day

## INEC'S TECHNOLOGICAL TOOLS FOR THE ELECTORAL PROCESS

- Use of electronic/non-contact means of recruiting adhoc staff
- Use of technology in post-election debriefings
- Creation of an e-platform for accreditation of observer groups
- Use of e-Platform for submission of nomination forms
- Use of e-platform for tracking and reporting of campaigns and campaign finance by / for Candidates and Political Parties
- Inclusion of accessibility features to carry along persons with disabilities

## AFRICAN COUNTRIES THAT HAVE HELD ELECTIONS DURING COVID - 19 INCLUDE

Ethiopia 

Mali 

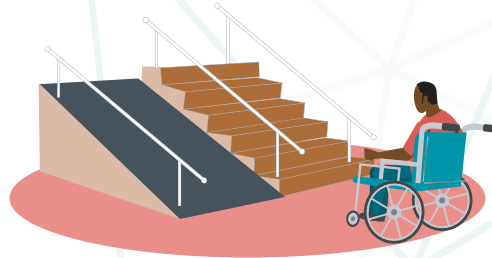
Burundi 

**Key provisions from the Discrimination against Persons with Disabilities (Prohibition) Act, 2019 that can improve on the inclusion of Persons With Disabilities in the Electoral Process**

**A person with disability shall not be discriminated against on the ground of his disability by any person or institution in any manner or circumstance**



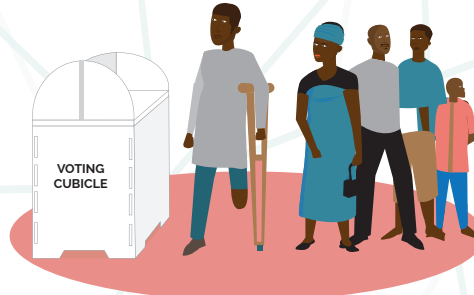
**Section 1 (1);** A person with disability shall not be discriminated against on the ground of his disability by any person or institution in any manner or circumstance



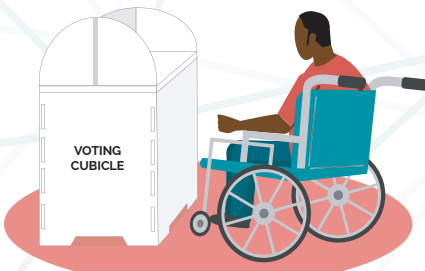
**Section 4;** A public building shall be constructed with the necessary accessibility aids such as lifts (where necessary), ramps and any other facility that shall make them accessible to and usable by persons with disabilities



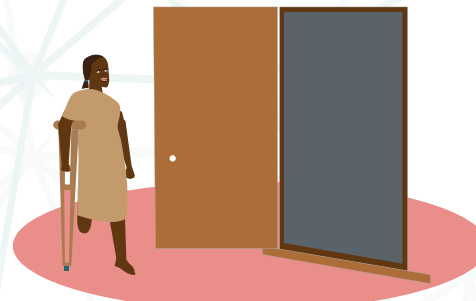
**Section 25;** In all situations of risk, violence, emergencies and the occurrences of natural disasters, the government shall take all necessary steps to ensure the safety and protection of persons with disabilities



**Section 26 (1);** Persons with disabilities shall be given first consideration in queues, and as much as possible, be attended to outside the queue



**Section 30 (1);** Persons with disabilities shall be encouraged to fully participate in politics and public life



**Section 3;** A person with disability has the right to access the physical environment and buildings on an equal basis with others

**Section 30(2);** Government shall actively promote an environment in which persons with disabilities can effectively and fully participate in ;

- a) Conduct of public affairs without discrimination;
- b) Non – Governmental Organisations and associations concerned with the public and political life of the country and;
- c) Activities and administration of political parties

**Section 31 (1) ;** A National Commission for Persons with Disabilities shall be established and be placed under the Presidency

**Section 38 (k) ;** The National Commission for Persons with Disabilities shall liaise with the public and private sectors and other bodies to ensure that the peculiar interests of persons with disabilities are taken into consideration in every government policy, programme and activity

# PLAC

POLICY AND LEGAL ADVOCACY CENTRE

Plot 451 Gambo Jimeta Crescent, Guzape District, Abuja

Website: [www.placng.org](http://www.placng.org) \*Email: [info@placng.org](mailto:info@placng.org) \*Phone: 08091899999

## About PLAC

Policy and Legal Advocacy Centre (PLAC) is a non-governmental organization committed to strengthening democratic governance and citizens' participation in Nigeria. PLAC works to enhance citizens' engagement with state institutions, and to promote transparency and accountability in policy and decision-making processes.

The main focus of PLAC's intervention in the democratic governance process is on building the capacity of the legislature and reforming the electoral process. Since its establishment, PLAC has grown into a leading institution with capacity to deliver cutting-edge research, policy analysis and advocacy. PLAC receives funding support from donors and other philanthropic sources.

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