

Framework of Legislative Committee Interventions on Issues Affecting the Rights of Women in Public Emergency



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Rights of Women in Public
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Abbreviations

CCT	Conditional Cash Transfer
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
GBV	Gender-Based Violence
IDP	Internally Displaced Persons
NDHS	Nigeria Demographic and Health Survey
PHEIC	Public Health Emergency of International Concern
PLACNG	Policy and Legal and Advocacy Centre Nigeria
SDGs	Sustainable Development Goals

Executive Summary

The COVID-19 pandemic has brought the matter of public emergencies, including public health emergencies, to the fore. While many aspects of the management of emergencies are important, a focus on the gender dimensions, in particular the protection of women in emergencies, is critical. The risks for women are affected and exacerbated by social, cultural, and biological factors. Similarly, emergency responses affect women in various peculiar ways. For one thing, in many cases, women are the primary caregivers. This means that the deleterious impacts of emergencies on women are likely to be felt by their immediate families and reverberate throughout society. An understanding of the unique or peculiar impacts of emergencies on women can help different organs of government consider the best ways to frame interventions so as to positively provide solutions that mitigate the negative impacts of emergencies on women and on the people they care for.

Given the peculiar challenges that women face during emergencies, it is necessary that an in-depth analysis be undertaken to provide a framework for the protection of women during emergencies to assist all the organs of government in understanding their roles and the necessary interventions required. This peculiarity was highlighted during the COVID-19 pandemic with the increased incidences of various forms of violence against women leading to several fatalities and untold trauma.

This Report however focused on a framework for interventions by the legislature. The legislature, that is the National Assembly and the State Houses of Assembly, are empowered to make laws. These laws can address emergency issues both before and during emergencies. In a democracy, where the rule of law ought to reign supreme, the legislature is perhaps the most powerful of all the organs of government, not only because of their lawmaking powers but also because of their functions in appropriation, and their oversight powers, which allows them the ability to oversee the implementation of legislation and policies.

To develop the framework, an extensive desk review was conducted. This was followed by an inception meeting with organisations working on women's rights and related issues. This meeting provided a wealth of information on some of the occurrences during the COVID-19 pandemic. Participants also identified interventions

from various perspectives which should be helpful going forward on managing emergencies taking gender into account in a way that benefits both women and men.

On the basis of the research and the engagement, this Report presents an overview of the impact of emergencies on women including social, economic, and human rights impact. It situates the discussion within the larger context of the status of women in Nigeria and the extant legal framework that addresses issues of emergencies and also women's rights.

In order to develop an effective and inclusive framework, the Report has identified specific principles that provide the foundation and filter through the interventions. These principles are:

- Gender equality and non-discrimination,
- Leaving No One Behind/Inclusion
- Promoting socio-economic rights
- Gender mainstreaming

On the foundations provided by these principles which are captured within various international conventions and national priorities such as the Sustainable Development Goals, a framework of interventions that the legislature can implement to strengthen the protection of women, particularly during emergencies was developed.

Eleven interventions have been identified and discussed in this Report, focusing primarily on the role that the legislature can play in protecting women during emergencies. These draw from the principles aforementioned, the experiences of women and supportive CSOs during the COVID-19 pandemic, and also best practices from around the world documented in literature. These interventions are primarily proactive rather than reactive recommendations. Many are necessary before an emergency occurs, but several are useful even after an emergency is over. Some are for immediate and short term, while some are broader, long terms interventions that will have a spillover effect beyond emergencies such as implementing social security systems in law.

The identified interventions require the legislature at national and state levels to:

- Identify Gender Issues in Emergency Legislative Interventions
- Engage with the Relevant Communities
- Conduct a Gender Legislative Audit: Review Relevant Legislation for Impact on Women
- Repeal Outdated Legislation
- Introduce Legislation which takes Into Account the Needs of Women and Other Vulnerable and Address Human Rights
- Review and Amend the Violence Against Persons Prohibition Act
- Provide Oversight – Ensure reports are provided during and after
- Gender Responsive Budgeting
- Engagement of Legislative Committees
- Improving Gender Balance in Technical Expertise Utilised for Legislative Support
- Promote Political Participation of Women

It is anticipated that these recommended interventions will be helpful to the legislature in Nigeria to effectively counteract against negative impacts of emergencies on women with a potentially beneficial impact on men and children also. This will also provide civil society organisations a tool with which to campaign for effective protections for women during emergencies.



Introduction

Public emergencies are periods of crisis which affect everyone, men, women, children. However, research has shown that gender plays a key role in the manner in which emergencies affect people and in the resulting interventions. The risks for women are exacerbated by social, cultural, and biological factors. Similarly, emergency responses affect women in various peculiar ways. For one thing, in many cases, women are the primary caregivers. This means that the deleterious impacts of emergencies on women are likely to be felt by their immediate families and reverberate throughout society. An understanding of the unique or peculiar impacts of emergencies on women can help different organs of government consider the best ways to frame interventions, so as to positively provide solutions that mitigate the negative impacts of emergencies on women and on the people they care for.

Existing data presents a grim picture for women in Nigeria. A significant number of girls still marry early and have children early. Gender-based violence was a growing epidemic with every one in three women having suffered some form of violence on account of their gender.

It is well recognized that upheavals and emergencies often affect women more adversely than the rest of the populace. Emergencies often worsen the conditions of women, typically the caregiver of children, and often being vulnerable to sexual abuse and exploitation. It is therefore not surprising that the existing crisis with short and long-term implications for health, the economy and social relations affected women in significantly adverse respects. The emergency has both highlighted and exacerbated existing gender-based challenges, with many negative impacts

on women. The COVID-19 pandemic necessitated a lockdown across the country which had multiple effects on the entire country, particularly women. Against this backdrop, there is need to provide evidence-based policy recommendations for legislative interventions required to achieve quick and effective gender-sensitive policy responses to COVID-19 challenges and other emergencies in Nigeria.

The legislature has crucial roles with respect to emergencies. These include enacting legislation to provide for emergency. The legislature also provides an oversight function including the oversight function specified in the Constitution on the declaration of an emergency. The legislature is thus a veritable avenue for effective support for women.

The aim of this Report is to articulate a framework for legislative interventions that will effectively address issues that affect women's rights during emergencies including public health and other types of emergencies.

Purpose of the Assignment

The purpose of the assignment is to produce a guide defining a framework of recommendations for legislative interventions for the protection of women in periods of emergencies.

This requires a clear articulation of women's rights implicated during emergencies, existing legislation and potential interventions that may be implemented. It also requires the identification of steps which the legislature can take to mitigate the identified adverse impacts.

Objectives

Based on the identified overall goal and purpose, the objectives of this Framework are to:

- i. Articulate the adverse impacts on women and their rights during emergencies;
- ii. Develop a framework of recommendations for legislative intervention in respect to existing gaps in the protection of women during emergencies.

1. Emergencies and the Law in Nigeria

Prior to understanding the legislative interventions necessary to protect rights of women that are impacted during emergencies, an understanding of what is meant by emergencies is necessary.

"While the Constitution of the Federal Republic of Nigeria, 1999 makes several references to emergency¹ it does not define emergency. Nor does the National Emergency Management (Establishment, etc) Act define the term."

However, going by the literal interpretation of the word and in general parlance 'emergency' according to the Oxford Dictionary means "a serious, unexpected and potentially dangerous situation requiring immediate action."² This indicates that emergency can occur in any case portending danger for a part of the country or the country as a whole and emanate from a variety of sources: public health, natural phenomenon such as floods, hurricane, accidents such as fire or explosions or man-made challenges such as riots. It is usually used to denote situations which put a substantial number of people at risk and which may occasion many fatalities or injuries. In this regard, the WHO defines public health emergency as: a public health emergency (the condition that requires the governor to declare a state of public health emergency) is defined as "an occurrence or imminent threat of an illness or health condition, caused by bio terrorism, epidemic or pandemic disease, or (a) novel and highly fatal infectious agent or biological toxin, that poses a substantial risk of a significant number of human fatalities or incidents or permanent or long-term disability.³ In general, therefore, emergency can be described as an unplanned or imminent event that affects or threatens the health, safety or welfare of people, property and infrastructure, and which requires a significant and coordinated response.

Once the facts of the situation disclose a potential emergency, the Constitution and other legislation make provisions for certain steps that may be taken. The Constitution for instance makes provision for exceptions to the human rights standards set out in Chapter 4. Section 45, for instance, provides that:

1 The Constitution uses the word 'emergency' 12 times.

2 Concise Oxford English Dictionary, (Oxford University Press, 2004)

3 WHO, Definitions: Emergencies, online: <[https://www.who.int/hac/about/definitions/en/#:~:text=A%20public%20health%20emergency%20\(the,infectious%20agent%20or%20biological%20toxin%2C](https://www.who.int/hac/about/definitions/en/#:~:text=A%20public%20health%20emergency%20(the,infectious%20agent%20or%20biological%20toxin%2C)>

45. (1) Nothing in sections 37, 38, 39, 40 and 41 of this Constitution shall invalidate any law that is reasonably justifiable in a democratic society:

(a) in the interest of defence, public safety, public order, public morality or public health; or (b) for the purpose of protecting the rights and freedom or other persons

(2) An act of the National Assembly shall not be invalidated by reason only that it provides for the taking, during periods of emergency, of measures that derogate from the provisions of section 33 or 35 of this Constitution; but no such measures shall be taken in pursuance of any such act during any period of emergency save to the extent that those measures are reasonably justifiable for the purpose of dealing with the situation that exists during that period of emergency: Provided that nothing in this section shall authorise any derogation from the provisions of section 33 of this Constitution, except in respect of death resulting from acts of war or authorise any derogation from the provisions of section 36(8) of this Constitution.

(3) In this section, a " period of emergency" means any period during which there is in force a Proclamation of a state of emergency declared by the President in exercise of the powers conferred on him under section 305 of this Constitution.

The President and Governor can also declare a state of emergency under Sections 305 to 306 should the circumstances warrant this. The requirements for such declaration are set out in those sections and provide room for the legislature to provide oversight over the process.

The Constitution also permits the National Assembly to enact legislation articulating what would be considered essential services and supplies, in Section 11 as follows:

11. (1) The National Assembly may make laws for the Federation or any part therefore with respect to the maintenance and securing of public safety and public order and providing, maintaining and securing of such supplies and service as may be designed by the National Assembly as essential supplies and services.

(2) Nothing in this section shall preclude a House of Assembly from making laws with respect to the matter referred to in this section, including the provision for maintenance and securing of such supplies and services as may be designated by the National Assembly as essential supplies and service.

Other legislation such as the Quarantine Act, the National Emergency Management Act amongst others also make provisions that allow for government intervention

during an emergency. The Nigeria Centre for Disease Control and Prevention Act, 2018 established the Nigeria Centre for Disease Control (NCDC). NCDC has led the efforts to control the outbreak. As noted elsewhere, "Although established in 2011, the NCDC's position as the public health institute was strengthened in 2018 when legislation was passed empowering it to protect Nigerians from the impact of communicable disease and to lead and coordinate the response, capabilities, measures and activities to control outbreaks and mitigate the impact of public health disasters. Its responsibilities also include leading the implementation of the International Health Regulations (IHR). In line with its mandate to provide information to the public, the NCDC has been active in managing the testing for the virus, providing relevant information around physical distancing, management of burials and other technical advisories, amongst other things."⁴

2. COVID 19 Pandemic: An Example of an Emergency

The COVID-19 pandemic is a good illustration. It was declared a "public health emergency of international concern" under the International Health Regulations, 2005 by the WHO in January 2020. The novel coronavirus (COVID-19) was declared a global pandemic by the World Health Organization (WHO) on March 11th 2020.

A public health emergency of international concern is an extraordinary event that constitutes a public health risk to other countries through the international spread of disease and may potentially require a coordinated international response.¹

However, an epidemic in-country that may not reach the scale of a public health emergency of international concern which put a significant section or all of the country in jeopardy is an emergency.

In Nigeria, the Federal Ministry of Health confirmed the first case of COVID-19 in Lagos State on 27 February 2020. The President set up a Presidential Taskforce to manage the emergency. He also established regulations under the Quarantine Act and as part of the public measures to contain and prevent spread of the disease, imposed a lock down on Lagos, Ogun and the Federal Capital Territory (FCT), the places most hard hit. All schools, universities and businesses, except for essential services selling groceries and pharmacies amongst others, were closed. Across

4 Cheluchi Onyemelukwe, Nigeria's Response to the COVID-19 Pandemic: A Legal Perspective. Available at <https://www.rug.nl/rechten/onderzoek/expertisecentra/ghlg/blog/nigerias-response-to-the-covid-19-pandemic-a-legal-perspective-13-05-2020?lang=en>

the country, many other States did the same, with a consequent national lockdown. Under the President's regulations made under powers conferred by the Quarantine Act, all airports in the country were closed to international flights and all local flights were also closed.

To mitigate the impact of the lockdown, the President also announced the making of cash transfers to the most vulnerable, an estimated 10.65 million and the food provisions to the Internally Displaced Persons (IDPs) for two months.

3. Women in Nigeria: An Overview of Context

Women in Nigeria are estimated to constitute 49 per cent of the Nigerian population, almost half of Nigeria's 200 million population.

This translates to a significant number of women living in the country. However, despite the strength of this population, women in Nigeria face several challenges in ordinary times which are exacerbated during emergency.

Gender inequality is pervasive. With a heavily patriarchal culture, gender inequality underscores the relationship and interactions of women in the society, starting from childhood. Although the Sustainable Development Goals to which Nigeria has signed up to specifies in Goal 5 that the country should aim to "achieve gender equality and empower all women and girls."

There are many current laws and policies that address issues of gender inequality and recognition of the need to ensure that women and girls are supported within the society and economy. These include the Constitution which prohibits discrimination on the basis of sex.

A number of indices bear out the unequal burdens women bear in Nigeria. Maternal mortality rate in Nigeria is one of the highest worldwide: 512 per 100,000 live births as recorded in the Nigeria Demographic Health Survey 2018 (NDHS). This is far higher than the target of SDG 3.1 which is to reduce the global maternal mortality ratio to less than 70 per 100,000 live births by 2030. A

significant number of girls still marry early and have children early. This has the effect of removing women from the labour market and job opportunities. Women's age of first sexual initiation (17.2) is more than 4 years earlier than men (21.7) and the median age at first marriage is 19.1 years, which also increases women's chances of pregnancy with implications for schooling, employment and income. Life expectancy for women is estimated to be 54 years.

Gender inequality also remains a critical challenge in employment. In Africa, 89.7 percent of employed women are in informal employment higher than 82.7 per cent of men. Many of these women work primarily as domestic workers and in other vulnerable occupations where incomes are typically lower, protections and benefits are few.

With prevailing traditional views on childcare, and the high fertility rates of 5.5 children per woman, many women are locked out of the job market. Even so, the rates of number of women working has increased over time. According to the National Demographic and Health Survey, (NDHS), current employment among women age 15-49 has increased over the past ten years, from 59% in 2008 to 65% in 2018. Similarly, the percentage of men who are currently employed has increased from 80% to 86%

This increase is, however, particularly in women with the least amount of schooling. This demographic are also more likely to be without work than those without schooling. These gains have the potential to be wiped off as a result of the recent legal and policy measures to manage the pandemic.

According to the Nigeria Demographic and Health Survey (NDHS) 2018, 74% of currently married women aged 15-49 were employed in the 12 months before the survey conducted in 2018, as compared with 99% of currently married men. Similarly, whilst 15% of the women employed did not receive any payment for their work, only 8% of men were unpaid for the goods or services they provided. Where women work, they are less likely to be paid as well as men.

Furthermore, a higher percentage of the 5 million children aged 12-17 years who are out of school are girls, a figure which though troubling is unsurprising as Nigeria has the largest number of child brides in Africa with 23 million girls and women married off as children.

It is also notable that there are significant disparities between the richest and poorest women, with 80 per cent latter more likely to be married off as children with the implication of continued poverty than 10 per cent of those in the richest quintile. Women are also likely to suffer more from poverty.

It is expected that with the decline in oil prices and the economic effects of the COVID-19 pandemic, poverty will deepen and will most likely adversely affect women. Many women face gender-based violence. It is estimated that one in three women face physical violence.

Reports from around the world have noted the potential impact on women who are likely to stay at home with their abusers.

According to the NDHS, women in Nigeria suffered significant abuse by their spouse or partners. According to the survey, 36% of the female respondents who had ever been married had experienced spousal physical, sexual or emotional violence, a marked increase from the 25% and 31% of respondents who had been studied in 2008 and 2013 respectively.

This, alongside other forms of gender-based violence, has been worsened by the lockdown imposed during the COVID-19 emergency. Female genital mutilation (FGM) although on the decline, still remains a problem with 20 per cent of women aged 15-49 circumcised.

4. Rights of Women under Nigerian Law

The Constitution provides for the fundamental rights of all Nigerians including women. Specifically, the Constitution, Section 42 provides for the right to freedom from discrimination on the basis of sex among other grounds.



Figure 3 Goal Five of the United Nations Sustainable Development Goals Framework (Source: United Nations)

Nigeria is also a signatory to several international and regional treaties including the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) which specifies the rights of women and the Protocol to the African Charter on Human and People's Rights on the Rights of Women,⁵ ECOWAS Gender Strategy 2010-2020, AU Solemn Declaration on Gender Equality in Africa, and the UN Sustainable Development Goals framework. Specifically, SDG Goal 5 is relevant to women and girls with its goal of "Achieve gender equality and empower all women and girls" and sets out the targets for gender equality.

5 *ibid*

SDG Goal Five Targets

- End all forms of discrimination against all women and girls everywhere.
- Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation.
- Eliminate all harmful practices, such as child, early and forced marriage and female genital mutilation.
- Recognize and value unpaid care and domestic work through the provision of public services, infrastructure and social protection policies and the promotion of shared responsibility within the household and the family as nationally appropriate.
- Ensure women's full and effective participation and equal opportunities for leadership at all levels of decision making in political, economic and public life.
- Ensure universal access to sexual and reproductive health and reproductive rights as agreed in accordance with the Programme of Action of the International Conference on Population and Development and the Beijing Platform for Action and the outcome documents of their review conferences.
- Undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance and natural resources, in accordance with national laws.
- Enhance the use of enabling technology, in particular information and communications technology, to promote the empowerment of women.
- Adopt and strengthen sound policies and enforceable legislation for the promotion of gender equality and the empowerment of all women and girls at all levels.

The rights of women have also been enacted in several legislation enacted by the National Assembly. The Violence against Persons (Prohibition) Act, 2015 is of particular significance. The Act prohibits various forms of violence including rape, sexual assault, physical injury, FGM, harmful traditional practices, harmful widowhood practices etc. The VAPP Act punishes not only direct acts of spousal violence, but also acts of coercive control by deprivation, isolation and emotional abuse.⁶

6 Solomon Ukhuegbe and Anthony Ewere, 'Gender-Based Violence/Social-Cultural Discrimination in Nigeria and the fate of the Gender and Equal Opportunities Bill 2015' (2016). A Paper presented at the International Conference on Strengthening Policy Implementation in a Contemporary World at the University of Benin, Nigeria

The VAPP Act also prohibits coercion, intimidation, forceful ejection of a spouse from the home, deprivation of liberty, damage to property with the intent to cause distress, forced isolation or separation from family and friends, Forced financial dependence or economic abuse, emotional verbal and psychological abuse, spousal battery, attack with a harmful substance. It prohibits the making of any rules that prevent reporting of such acts. In other words, it mandates reporting.

In essence, the VAPP Act is broad-ranging and addresses many issues of violence that could arise in emergencies. Penalties are substantial ranging from terms of one year imprisonment and different fines to life in imprisonment (for rape). However, it does not specifically address emergencies, nor does it clearly define "essential services" as including the services provided to women or men in the context of violence. These are gaps that were made clear during the height of the COVID-19 pandemic. It is also important to bear in mind that not all States have adopted the VAPP Act, leaving major lacuna in their ability to address gender-based violence. Onyemelukwe has identified some of the deficiencies of the VAPP Act thus:

While the Act establishes an institutional framework, it does not address certain aspects that would permit effective implementation. For instance, the Act does not mandate the establishment of rape crisis centres. Given the paucity of these centres and the acute need for them, it would have been helpful for the Act to mandate the enforcement agency to establish such a centre with some basic requirements. Similarly, the Act does not provide for a compensation fund. Such a fund was provided in earlier versions of the Act. The aim of a compensation fund as envisaged by previous versions of the Act was to provide a means for rehabilitating survivors. Where perpetrators are not persons of means, and this is so in a significant number of cases, it is essential for there to be resources for rehabilitation and treatment, as necessary and appropriate. Unfortunately, the Act does not provide for this, relying instead on the goodwill of service providers. This may not be a sustainable or effective approach in the long run, given that these service providers themselves often lack the means to assist victims and survivors. The Act does not specify a budget and source of funding for implementing the Act. This would have been helpful as it would give legal force to such budget. The insertion of clear sources of financing is not unknown to Nigerian legislation. Indeed, the National Health Act, which was signed only a few months before the VAPP Act makes clear provisions for funding from specific

sources including government revenue. Be that as it may, it is critical for the Action Plan to clearly articulate a budget and the sources of funding for implementing the Act.⁷

Other laws prohibit other forms of gender-based violence (GBV) such as the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act 2015. These laws indicate government's commitment at the level of policy and legal framework to the protection of the rights of women, and policy measures that support these goals.

Beyond law, the government has developed or is in the process of developing policies including the National Gender Policy 2007; the National Gender Policy Strategic Framework (Implementation Plan) 2008-2013; the 2nd National Action Plan on Implementation of UN Security Council Resolution (UNSCR) 1325 and Related Resolutions on Women, Peace and Security (2017-2020).

5. The Impact of Emergencies on Women

Women face peculiar and grave challenges during emergencies. From rape and sexual assault, to more intense poverty amidst providing care to families, women often bear the brunt of emergencies be they violent conflicts, natural disaster or public health emergencies.

The current COVID-19 pandemic provides an illustrative context for understanding the adverse impact of emergencies on women. The pandemic has resulted in a global crisis with short and long-term implications for health, the economy and social relations, especially in resource-constrained countries such as Nigeria. Stringent public health measures were implemented in Nigeria from March to September. These included restrictions on movement following stay at home orders issued by the Federal Government. These severely affected economic activity including work in the formal and informal sectors. Many, including women, were unable to work or make a living in any way. Security challenges have developed during this period. Although there have been some preliminary research, the short term and full term

⁷ Cheluchi Onyemelukwe, *Legislating on Violence Against Women: A Critical Analysis of Nigeria's Recent Violence Against Persons (Prohibition) Act, 2015*, 5 DePaul J. Women, Gender & L. (2016) Available at: <https://via.library.depaul.edu/jwgl/vol5/iss2/3\7>

impacts of these measures, particularly on women, have yet to be fully studied. The COVID-19 pandemic has completely diverted the attention of the government from gender-based challenges even though the measures adopted to curb the outbreak such as lockdown orders which have been imposed through law such as the Federal Government, Lagos and Ekiti States Infectious Diseases Regulations had an impact on gender. The lockdown also exacerbated existing gender-based challenges, especially gender-based violence.

It is crucial to point out that women are not homogenous. Women may be affected in different ways by emergencies, some more than others. For instance, widows may be affected more, while women with working husbands may fare better than single women. Overall, however, the key takeaway is, women tend to be disproportionately burdened by emergencies.

The WHO identifies the different ways in which disasters and emergencies affect women differently:⁸ For instance with regard, to exposure to risk and risk perception, research indicates that women tend to perceive risk and threats as more serious. This will naturally have the impact of creating more fear and panic, with adverse effects on mental and emotional health. There are also impacts on preparedness, response, physical impact, and psychological impact. With respect to the latter, some studies have found that a greater proportion of women and girls report higher suffering from emotional disorders and distress as compared to men and boys.⁹ This can be worsened by having to care for others.

Other dimensions of impacts can be segmented into economic, social, legal and human rights impacts.

Economic impacts

Emergencies disproportionately affect women's economy and productivity.¹⁰ The country ranked 161 out of 189 countries in the World Bank's Human Capital Index

8 WHO, Gender and Health in Disasters, 2002, online: <https://www.who.int/gender/other_health/genderdisasters.pdf>

9 Ibid.

10 UN, Policy Brief: The Impact of COVID-19 on Women, 2020, online: <https://www.un.org/sites/un2.un.org/files/policy_brief_on_covid_impact_on_women_9_april_2020.pdf>

in 2020.¹¹ It has been estimated that up to 27 million more persons may have been pushed into poverty as a result of the COVID-19 pandemic.¹² As earlier noted, Nigerian women tend to earn less money and grapple with poverty. Unsurprisingly, this is worsened during emergencies like the COVID-19 pandemic which also occurred when oil prices were at their lowest.

In this regard, it has been noted that more than 90 per cent of Nigerian women in the labour force work in the informal sector, many of whom have seen their wages evaporate overnight amid lockdowns. Women living in these difficult socio-economic circumstances, including female heads of households, are particularly vulnerable to other forms of GBV, such as transactional sex and other forms of sexual exploitation and abuse. Of the over 90 million Nigerians estimated to be living in extreme poverty, fewer than 12 per cent were registered in the National Social Register of Poor and Vulnerable Households (as of 31 March 2020).¹³

While both men and women suffer adverse economic effects from emergencies, the added burden of caring for families is often placed on women. For instance, during the COVID-19 pandemic, while women worked virtually, they also had to manage households. Women also tend to work more in the informal sectors where loss of employment tends to be higher during emergencies. As yet, it is not clear whether or not women, especially in the formal sector, will benefit from the potential long-term changes of virtual work and automation that are now being triggered by the COVID-19 pandemic. The potential for marginalization in any economic benefits is also higher. During the lockdowns imposed as a result of the COVID-19 pandemic, although interim palliatives were provided at Federal and State levels, there is no evidence that gender-based considerations have been taken into account in developing these. Evidence is also lacking on the full impact of the measures and the palliatives.

11 UNDP Human Development Report 2020, *The Next Frontier: Human Development and the Anthropocene*, online http://hdr.undp.org/sites/all/themes/hdr_theme/country-notes/NGA.pdf

12 Kwaw Andam, Hyacinth Edeh, Victor Oboh, Karl Pauw, and James Thurlow, 'Estimating the Economic Costs of COVID-19 in Nigeria,' IFFPRI, 2020.

13 UN Women with UNFPA, UNODC and UNICEF on behalf of the UN System in Nigeria, *Gender-Based Violence in Nigeria During the COVID-19 Crisis: The Shadow Pandemic* (2020).

Social impacts

These impacts are focused on social norms particularly gender norms and roles. Women disproportionately bear the burdens of childcare and housekeeping, thus making it likely that they suffer a double burden where they remain in employment during the lockdowns established by Government. Women are more likely to have the role of caring for the family and managing the aftermath of emergencies. Social impacts may also include matters such as menstrual poverty where out of work women may be unable to take care of sanitary needs. Moreover, adjustment difficulties may force an imbalance in the relationship between husbands and wives which may have damaging consequences for women. For instance, the man's loss of income may make a woman the sole earner, which may not only have adverse economic impacts, but may trigger unhappiness, and sometimes domestic violence and abuse as many men are raised to function primarily as providers.

With public health measures such as school closures, the incidence of child marriage, teenage pregnancy and consequent school drop-out are also likely to have been on the rise.¹⁴

Health Impacts

Studies have shown higher risks of early pregnancy loss, premature delivery, stillbirths, delivery-related complications and infertility during emergencies.¹⁵ Moreover, as noted elsewhere, during COVID-19 "reduced household incomes make it less likely that households will purchase nutritious foods for consumption by children and women of reproductive age."¹⁶ Beyond all these, the adverse effects of sexually transmitted diseases and psychological trauma as a result of rape and other types of gender based violence can be debilitating for women.

14 UN Women, Gender and the COVID-19 National Response in Nigeria, 2020. See also UN, Policy Brief: The Impact of COVID-19 on Women, 2020, online: <https://www.un.org/sites/un2.un.org/files/policy_brief_on_covid_impact_on_women_9_april_2020.pdf>

15 WHO, Gender and Health in Disasters, 2002 online https://www.who.int/gender/other_health/genderdisasters.pdf?

16 Kwaw Andam, Hyacinth Edeh, Victor Oboh, Karl Pauw, and James Thurlow, 'Estimating the Economic Costs of COVID-19 in Nigeria,' IFFPRI, 2020 at 12.

Occupational Impacts

Beyond actual impact, women form the majority of frontline workers with many more nurses, cleaners, likely to be women.¹⁷ They are likely to be a key segment of frontline workers in an emergency. This means that they are exposed to the direct harms of the emergency such as infection but also to human rights abuses from law enforcement in the course of carrying out their tasks. During the implementation of the lockdown, several essential workers reported being harassed.

Gender-Based Violence Impacts

Although gender-based violence can be captured under social impacts and human rights impacts, it is essential to emphasise how much of a challenge this can be during emergencies. It became an epidemic of its own during the lockdown – an epidemic within the pandemic. Some have referred to it as the "shadow pandemic."¹⁸ Women are marginalized. In a patriarchal society, when there is stress on men as there often is during emergencies, including through job loss and inability to provide, they descend on the women.

Gender-based violence is violence inflicted on the basis of gender. Women typically suffer a variety of GBV including rape, sexual assault, incest, domestic violence, FGM, child marriage, forced prostitution, trafficking and exploitation etc. GBV is exacerbated during emergencies. Assistance and reporting may become impossible or difficult since operational services such as hotlines, shelter may become non-functioning.

These challenges were amply illustrated by the COVID-19 pandemic. From March to April, 2020 – there was a 297 per cent increase in violence in States like Ogun, FCT and Lagos in comparison to States that were not locked down. As a result of the lockdown measures that were implemented in Nigeria as elsewhere, many women found themselves in the precarious position of spending the lockdown alone with their abusers. Domestic violence rates skyrocketed.¹⁹ Worse still, very few of the

17 UN, Policy Brief: The Impact of COVID-19 on Women, 2020, online: <https://www.un.org/sites/un2.un.org/files/policy_brief_on_covid_impact_on_women_9_april_2020.pdf>

18 UNICEF, The Shadow Pandemic, online: <https://www.unicef.org/nigeria/stories/shadow-pandemic>

19 Jessica Caroline Young and Camron Aref Adib, The Shadow Pandemic: Gender-Based Violence and COVID-19, (2020) International Growth Centre online: <<https://www.theigc.org/blog/the-shadow-pandemic-gender-based-violence-and-covid-19/>>

victims were able to get help as many government offices and services were at least partially shut down. Beyond this, there were several reported cases of rape and murder of young women, and a disturbing number of cases of incest across the States during the lock down which lasted four months.²⁰ The outrage sparked by these unfortunate incidents led to protests by activists on social media and in person.²¹ The Nigerian Governors Forum declared a state of emergency on GBV in June 2020.²² The state of emergency required certain actions of state governments including: launch of sex offender registries.

Women also suffered both GBV and health impacts at the hands of law enforcement officials. As reported during the pandemic, a “pregnant woman in Port Harcourt miscarried on her way to hospital to see a doctor after policemen detained her for being out during lockdown.”²³

In short, emergencies affect women disproportionately and in many adverse ways. It is therefore essential that a framework of interventions be developed across all sectors to manage these. It is also important to note that despite these impacts, the Federal Ministry of Women's Affairs was not included on the Presidential Task Force on COVID-19, with the implication that the impacts of the pandemic and the health measures instituted did not explicitly take into account the perspectives of women.

6. Framework of Legislative Interventions for Protecting Women During Emergencies

Although the executive arm of government plays a primary role and is often focused

20 Paul Adepoju, ‘Gender-Based Violence – The “Shadow Pandemic” Of COVID-19’ online: <<https://healthpolicy-watch.news/75409-2/>>

21 Peoples Dispatch ‘Massive Protests against Gender-Based Violence in Nigeria Force Government to Take Measure’ online: <<https://peoplesdispatch.org/2020/06/13/massive-protests-against-gender-based-violence-in-nigeria-force-government-to-take-measures/>>

22 Voice of America, All 36 Nigerian Governors Declare State of Emergency Over Rapes and Violence <<https://www.voanews.com/africa/all-36-nigerian-governors-declare-state-emergency-over-rapes-and-violence>>

23 Aljazeera, ‘Women ‘Abused’ by Police Enforcing COVID-19 rules in Nigeria’ September 9, 2020 online: <<https://www.aljazeera.com/features/2020/9/9/women-abused-by-police-enforcing-covid-19-rules-in-nigeria>>

on in the discourse on emergency management, it is essential to recognise that the legislative arm of government has key roles to play. The rest of this Report develops a framework for the intervention of the legislature, working through various committees to address concerns relating to women.

6.1 Recognising the Role of the Legislature in Emergencies

It is well acknowledged that the legislature is the law-making arm of government. Furthermore, in a constitutional democracy, the doctrine of checks and balances requires the legislature to provide oversight over the executive in various ways. This role is clearly articulated in the provisions of the Constitution relating to emergencies. Under Section 305, the Constitution requires the President to provide copies of the Official -Gazette of the Government of the Federation containing a proclamation of emergency including the details of the emergency to the President of the Senate and the Speaker of the House of Representatives, each of whom shall forthwith convene or arrange for a meeting of the House of which he is President or Speaker, as the case may be, to consider the situation and decide whether or not to pass a resolution approving the Proclamation. This allows the National Assembly a say in whether or not a proclamation of emergency is necessary. The declaration must be made with the support of two thirds majority of the National Assembly, otherwise it expires after ten days of the President's proclamation.²⁴ The National Assembly also has the power to extend the declaration of emergency for a further six months.²⁵

However, in some cases of disaster or a major public health event which may, to the ordinary mind, rise to the level of emergency, the President may decide not to declare an emergency. This was the case during the COVID-19 pandemic. Although recognised as a PHEIC, it was not declared a full emergency in Nigeria. Instead, the President issued regulations under the Quarantine Act declaring the coronavirus a dangerous infectious disease under section 4 of that Act.²⁶

The question then remains, what is the role of the legislature, that is, the National Assembly, during emergencies (whether declared as provided in the Constitution or not as occurred during the COVID-19 pandemic)? The key role of the legislature remains to enact law. In this regard, the National Assembly is required to enact law to give effect to intervention measures to protect the health, safety and welfare of the public during emergencies. This, the legislature has done through the enactment

24 Constitution of the Federal Republic of Nigeria, Section 305 (6).

25 Constitution of the Federal Republic of Nigeria, Section 305 (6).

26 COVID-19 Regulations, 2020

of various legislation on emergencies including the Quarantine Act, NEMA Act, etc. During the height of the COVID-19 pandemic, the National Assembly detecting many gaps in our health security laws decided to enact legislation to replace our outdated Quarantine Act. Accordingly, the Speaker and some members of House of Representatives introduced the Control of Infectious Diseases Bill at the House of Representatives, while the Senate Committee Chair on Primary Health, Senator Chukwuka Utazi and other Senators also introduced the National Health Emergency Bill at the Senate. The process of enacting these Bills is ongoing at the time of this publication.

However, recognising the devastating impacts of emergencies on women, there are other interventions in addition to enacting legislation which address public health emergencies.

6.2 Key Principles

In order to develop an effective and inclusive framework, it is important to identify certain principles that must provide the foundation and filter through the interventions. These principles are:

- Gender equality and non-discrimination,
- Leaving No One Behind/Inclusion
- Promoting socio-economic rights
- Gender mainstreaming



Gender Equality and Non-Discrimination

This simply refers to the concept that men and women are equal and should have equal access to opportunities. This principle is captured in the Constitution which prohibits discrimination on the ground of sex. It is also a goal within the SDGs. This principle requires that in emergency situations, interventions should ideally aim to bring everyone up to an equal playing field, with access to protections and benefits in a manner that is non-discriminatory. Issues relating to human rights abuses, GBV, must be taken into account by the legislature in enacting legislation to ensure that the equality guaranteed by the Constitution is adequately protected and promoted.

Leaving No One Behind/Inclusion

This principle emphasizes the need to ensure inclusiveness and ensure that every one, including women, is carried along in managing emergencies which upturn the lives of many people. Underpinning the SDGs, "it represents the unequivocal commitment of all UN Member States to eradicate poverty in all its forms, end discrimination and exclusion, and reduce the inequalities and vulnerabilities that leave people behind and undermine the potential of individuals and of humanity as a whole."²⁷ Women are not homogenous – there are women who have disabilities, who come from different income groups, who have children, who may not have children but are caregivers etc. This principle recognises these intersections and the different challenges that come with some of these in times of public emergency. It also ensures that women and others with peculiar challenges such as those living with disabilities are included in the process of planning and managing, interventions as well as in the protections offered by the government. The principle will help the legislature ask the relevant questions, and in its oversight and legislative role, identify who is missing and who needs extra protections within law.

Promoting Socio-Economic Rights

All rights are important – the so-called first-generation rights – the civil and political rights (such as the freedom of expression) but so are the so-called second-generation rights, the socio-economic rights such as the right to health services, or to the social determinants of health. This is very close to the preceding principle of 'leaving no

27 UN SDGs, Universal Values- Principle Two: Leaving No One Behind online: <<https://unsdg.un.org/2030-agenda/universal-values/leave-no-one-behind>>

one behind.' It also requires that people's socio-economic rights such as the right to health care, the right to proper housing, to social services including GBV services etc are protected. This access is protective during emergencies. Thus interventions must be developed in such a manner as to protect socio-economic rights without which women in particular can be disadvantaged and unable to protect themselves in the event of emergency.

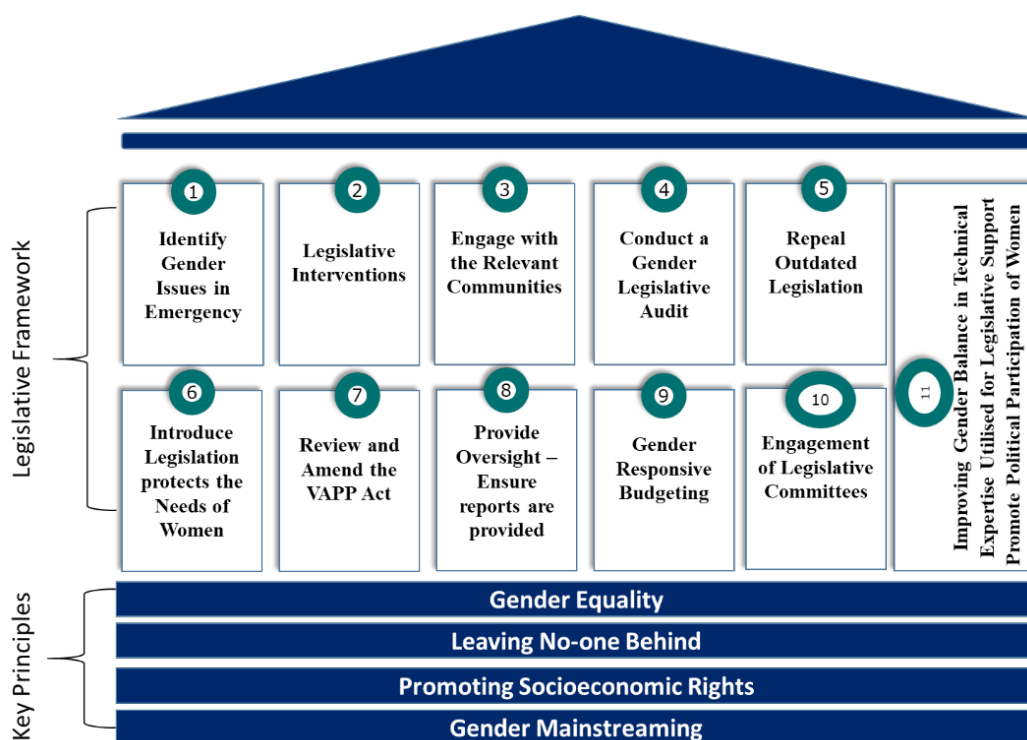
Gender sensitivity and mainstreaming

This principle emphasizes ensuring that matters relating to gender are considered from the very beginning of an emergency all the way to the end of the crisis. The legislature must be able to inquire into the potential impact of emergencies on women in all its work.

6.3 Framework for Legislative Interventions

Having set out the key principles that must guide the intervention of the legislature as a whole and legislative committees developed to address different aspects of emergency prevention and management, we turn now to the actual interventions which are recommended as legislative interventions.

Eleven interventions that must be implemented by the National Assembly to address the identified negative impacts of emergencies on women have been identified herein. These interventions are primarily proactive rather than reactive recommendations. Many are necessary before an emergency occurs, but several are useful even after an emergency is over. Some are for immediate and short term, while some are broader, long terms interventions that will have a spillover effect beyond emergencies such as implementing social security systems in law.



Identify Gender Issues in Emergency Legislative Interventions

The first step in taking a proactive approach to managing the impact on women is to identify issues relating to gender. 'Gender' in this context refers to the manner in which men and women are affected differently by legislation and policies. Identifying gender issues requires the legislature to inquire into how proposed legislation may affect women and men and ensure that it addresses any negative impacts of such legislation. For example, with public health emergency legislation currently being proposed, it is necessary to consider gender impacts of the provisions – lockdowns, compulsory immunisations, and balance these out with appropriate human rights measures. Thus, when a law proposes curfews as a public health measure, questions must be raised and answered on the socio-economic impacts from a gender perspective and potential mitigations must be raised and answered. In this respect, an analytical framework which has been proposed elsewhere for understanding the law's gender implications, is considered very useful in this context. It involves the following steps:

1. Questioning the assumption that laws and policies are "gender-neutral" in their effects;
2. Identifying implicit and explicit gender issues;
3. Assessing whether the law/policy will continue or change existing inequalities between men and women (and groups of men and women) and patterns of gender relations; and

4. Determining whether and to what degree proposed laws/policies enhance women and men's democratic rights.

Engage with the Relevant Communities

It is important that the legislature engage with usually marginalised and vulnerable communities to understand their challenges from their own perspectives. Marginalised and vulnerable communities include women groups, persons with disabilities, youth, the elderly etc. Civil society organisations representing these groups and championing their rights are valuable partners to engage with also.

These hearings should take place on a continuous basis. While public hearings during the legislative process of enacting bills afford a forum for legislators to hear directly from affected communities, it is important that other engagements with relevant groups take place outside these. For instance, given the challenges faced during COVID-19, it would be helpful if the legislators received memoranda from different organisations to understand their challenges. This would help inform ongoing work on bills related to emergencies.

Gender Legislative Audit: Review Relevant Legislation for Impact on Women

One of the issues that came to the fore clearly in the wake of the COVID-19 pandemic, was the fact that several of our laws relating to public health emergencies were outdated and did not address several issues related to managing emergencies. Apart from the NCDC Act, 2018, several other pieces of legislation were outdated or did not address key matters.²⁸ Specifically, none of the current emergency legislation address management of impacts on women. Outside of emergency legislation, other legislation such as the Violence Against Persons (Prohibition) Act, do not specifically address the impacts of emergency on women, for example, the continued provision of supportive services for women undergoing different aspects of GBV. A review of our laws will also show that while the National Health Act provides for the protection of workers from disease transmission,²⁹ it does not capture other matters such as freedom from harassment in the course of carrying out essential duties during an emergency, several instances of which occurred during the lockdown occasioned by the COVID-19 pandemic. In this regard, Resolve to Save Lives 12 Characteristics of Public Health Emergency Laws, is helpful:

28 Cheluchi Onyemelukwe, Implementation of IHR in Nigerian Law (Resolve and NCDC, 2019).

29 Section 21 of the National Health Act

Any law should empower the health agency to provide wraparound protections for health care workers, volunteers and other essential workers as required by the emergency. At work, these protections might include hazard pay and benefits, enhanced insurance and liability protections, guaranteed personal protective equipment and workplace safety measures, and clear guidance on crisis standards of care, among others. In the community, authorities must protect workers from community attacks driven by stigma, fear, and misinformation.³⁰

It is therefore necessary for an audit and review of extant legislation to take place, reviewing for emergencies impacts on women and other persons.

Repeal Outdated Legislation

Following from the review of legislation as described above, it is essential that outdated emergency-relevant legislation are repealed. This is particularly key for women because most obsolete legislation were enacted at a time when the rights of women were not given due consideration.

Introduce Legislation which takes Into Account the Needs of Women and Other Vulnerable and Address Human Rights

When legislation is repealed, it is necessary to replace them with legislation that takes specific account of the impacts of emergency on women and makes consequent provisions for this. Although certain human rights may be curtailed as a result of the emergency measures, there must be sufficient provision of the basic necessities to allow people better comply with the laws. The 12 Characteristics of Effective Public Health Emergency Laws published by Resolve to Save Lives captures these key components. For instance when necessary restrictions are imposed, the government should sustain basic necessities, such as food, water, shelter and medical care. Other rights, such as privacy, freedom of expression, and informed consent to treatment, should be maintained while laws should be implemented without discrimination...³¹

30 Resolve to Save Lives, 12 Characteristics of an Effective Public Health Emergency Law, 2020 online: <https://preventepidemics.org/wp-content/uploads/2020/08/CCC_276_LEG_-Characteristics-of-an-Effective-Public-Health-Emergency-Law-.pdf>

31 Ibid.

For example, the new legislation being introduced for managing public health emergencies should account for impacts arising from school closures, quarantine and isolation such as economic impacts. It should make provisions requiring government to provide palliative measures to allow women care for their families. It should provide supports for essential workers and frontline staff, many of whom are women. Laws should include provisions requiring the uninterrupted functioning of services for managing GBV such as shelters, hotlines, etc. Within the framework of interventions, it is essential that there be inclusiveness. One aspect of inclusiveness is ensuring that women and other persons living with disabilities are not left behind. There must be specific provisions in emergency legislation to address the concerns specific to women and other persons living with disability within the context of emergencies. Other matters which must be addressed through the legislature via new legislation include:

- Where a current national action plan or strategy on violence against women does not already exist, mandate the formulation of a plan, which should contain a set of activities with benchmarks and indicators, to ensure a framework exists for a comprehensive and coordinated approach to the implementation of the legislation. Such a plan should also include regular and institutionalized gender-sensitivity training and capacity-building on violence against women for public officials. Such training and capacity-building should be developed and carried out in close consultation with non-governmental organizations and service providers for complainants/survivors of violence against women. There should be provision for the creation of specialized courts or special court proceedings guaranteeing timely and efficient handling of cases of violence against women. The plan should provide for immediate access to comprehensive and integrated services, including pregnancy testing, emergency contraception, abortion services, treatment for sexually transmitted diseases, treatment for injuries, post-exposure prophylaxis and psychosocial counseling, for complainants/survivors of sexual violence at the expense of the State.
- The plan should require that statistical data be gathered at regular intervals on the causes, consequences and frequency of all forms of violence against women, and on the effectiveness of measures to prevent, punish and eradicate violence against women and protect and support complainants/survivors. These are matters within the remit of NAPTIP under the VAPP Act.

- While developing such a plan is within the remit of the Executive, it is within the remit of the Legislature to ensure that such a plan receives sufficient attention in appropriation. The foundations of such a plan are already laid to some degree in the VAPP Act.
- There should be provision for the creation of a specific, multi-sectorial mechanism to oversee implementation of the legislation and report back to Parliament on a regular basis.
- Provision for immediate access to comprehensive and integrated services, including pregnancy testing, emergency contraception, abortion services, treatment for sexually transmitted diseases, treatment for injuries, post-exposure prophylaxis and psychosocial counseling, for complainants/survivors of sexual violence at the expense of the State.
- The Judiciary and Security agencies should be identified as essential workers during situations where there is a Lockdown
- The National Assembly should ensure that a gender responsive budget that addresses the needs and protects the rights of women is passed
- State Governments should have a database of women who have businesses as well as an emergency fund so in cases of emergencies, these groups could be supported.
- There should be Legislative advocacy to ensure that issues of SGBV are classified as essential as road safety issues too
- There should be more funding deployed to training and building capacity for security personnel for effective response to gender-based violence and other crimes related to public emergencies
- There should be legislation for any upcoming Nigeria census to allow for disaggregated data of women, for instance data that pertains not only to the exact number of women in the country but also their means of livelihood, occupation, type of business activities etc.
- There should be policies that ensure women and children are the first beneficiaries of interventions in cases of public emergencies.

Review and Amend the Violence Against Persons Prohibition Act

While the VAPP Act provides for a wide range of offences relating to violence, there is room for improvement. The Act does not specifically establish Sexual Assault

Referral Centres (SARCs). It does not classify SGBV help centres such as SARCs as essential services in an emergency. It does not specifically provide for a fund to address arising issues. It would also have been helpful for the Act to provide an agency to oversee the implementation of the Act. Such an agency may be housed within the Federal Ministry of Women Affairs. Although NAPTIP is currently given this role within the Act, it is not clear that NAPTIP can effectively undertake this with all the work relating to trafficking, another issue which can be exacerbated during emergencies.

Implement Social Security Systems in Legislation

Although this is related to the preceding point, it is a broader, longer-term part of the framework. Social security arrangements include cash transfer schemes, public work programmes, school stipends, unemployment or disability benefits, food vouchers and food transfers, user fee exemptions for health care or education and subsidized services. Some of these were implemented during the COVID-19 lockdown such as cash transfer schemes, food palliatives, school feeding programmes etc. However, these were by no means sufficient nor perfect, with the result that the lockdown was lifted early. Fortunately, Nigeria has not been as hard hit by the pandemic as some other countries, as the impact would have been extremely severe.

Social security systems provide a safety net for all, including women. They assist in alleviating poverty and mitigating vulnerability and exclusion by cushioning the harsh effects that emergency measures can produce which lead to some of the devastating economic, social and human rights impact that have been identified in this Report. The Fundamental Objectives and Directive Principles of State Policy provided in Chapter Two of the Constitution provide some of these measures. However, Chapter Two is also rendered unenforceable by virtue of the provisions of Section 6 (6) (c) of the Constitution. It is therefore key that separate legislation is enacted to address social security arrangements. Some of these legislations are already in place, even though not well implemented, such as the National Health Insurance Scheme Act, the National Social Insurance Trust Fund Act, the Pensions Reform Act, Employee Compensation Act, 2010 amongst others. These legislations operate generally but are expected to provide the soft landing and safety net that is most necessary during an emergency. Executive programmes include the National Home -Grown School Feeding Programme, the Social Investment Programme, the Job Creation Programme, the National Cash Transfer Programme and the National Social Register. However, there is little evidence that they effectively and substantially

addressed the socio-economic, human rights and other impacts identified in this Report.

What this shows nonetheless, is that the systems of social protection must be improved and strengthened, including through the deployment of legislative frameworks where currently absent. One of the ways to achieve this would be by addressing socio-economic rights within the ongoing constitutional review and making at least some of the rights in Chapter Two justiciable.

Furthermore, it is essential for the legislature to conduct a review of the social programmes that were implemented during the COVID-19 lockdown. The events of past months in respect of the discovery of undistributed palliatives indicates that such oversight is necessary going forward. This review can take place before appropriation of budgets or after. This will help promote transparency and the credibility of the programmes.

Provide Oversight – Ensure reports are provided during and after

One of the major roles of the legislature is to provide oversight over executive functions. It would be necessary to ensure that there is an understanding of what occurred, the challenges, and the effectiveness of the interventions applied. This is to enable learning for future pandemics and other emergencies. Although this is a tool typically used by the executive in the implementation of emergency interventions, for example the Inter-Action Review process, it is also essential for the legislature to have an understanding and take away lessons for future lawmaking. They must ask

- Were there requisite laws?
- Were there gaps in the laws? What were these gaps?
- Did the laws work effectively or not? For instance, the legislature can ask: How effective were social security legislation during the COVID-19 pandemic?

These are key questions that must be asked particularly during and after an emergency so that lessons can be learnt and improvements can be made either through the repeal of laws or passage of new laws or the call by the legislature for full and effective implementation of extant law by the executive.

Relevant legislative committee can requisition reports by the executive including reports on palliatives and social security measures, on implementation regarding compensation for frontline workers, many of whom are women, on measures taken to protect women's health and provide supportive services for GBV, amongst others. For instance, there are reports that more men benefited from palliative distributions than women. This should be investigated within the oversight functions of the National Assembly and the Houses of Assembly, with the goal of making recommendations for more equitable distribution of palliatives in the future should the need arise.

Gender Responsive Budgeting

The budget is an area in which both the executive and the legislature make input. The budget is an important policy instrument which affects all other policies since money is essential for the implementation of most policies. A gender responsive budget does not affect only women or men, instead it takes into account the needs and interests of women and men, ensuring that they are captured and addressed in the budget. Since the budget is submitted to the legislature for consideration, the legislature has ample opportunity to reflect such needs.

One of the ways to do this would be to review existing legislation such as the VAPP Act and ensure that provisions are made for money to address the services and implementing institutions. Another way would be improve the budget of Federal Ministry of Women's Affairs. One of the budget items for the Federal Ministry of Women's Affairs should include creating a database for women in the informal sector who run small businesses, who are self-employed and fall in the demographic requiring support during emergencies.

Budgetary provisions from a gender responsive budgeting perspective must also address issues specific to women, particularly sexual and reproductive health. One crucial area impacted by emergencies is family planning. This would require making budgetary provisions for awareness of family planning, family planning products including contraceptives, all of which will go towards preventing unsafe abortions. Another key area which is often impacted by emergencies and which affects both men and women is mental health. The emotional, psychological and mental health impacts of trauma often occasioned by emergencies, including public health emergencies and the measures taken to manage them, are often overlooked both in policymaking and in budgeting. Gender-based violence which often increases in

emergencies also increases the risk of mental health conditions. The legislature can ask questions in relation to adequate coverage of these aspects and ensure that they are covered. Passage of the Mental Health Bill is also another step that should be taken at Federal and State levels.

The need for data and evidence for legislative interventions must also be emphasised. While there is some data on the impacts of COVID-19 on women, wider data on the impacts of emergencies on women and girls in Nigeria. Interventions relating to budgeting need to pay attention to budgeting for essential research to inform the interventions of the legislature. Data will also support and boost advocacy by civil society organisations and help inform policy implementation by the executive.

Gender-responsive budgeting should also engage fully with women in the process of budgeting including female legislators. It is also important that legislators receive training in gender-sensitive budgeting to allow them determine how to intervene in the appropriation process to ensure a gender-sensitive approach. The impact of such training would need to be evaluated from time to time from the emanating legislation.

Engagement of Legislative Committees

While attention relating to gender issues are often focused on committees dealing with women such as the Committee on Women's Affairs, the issue of emergencies and the gender impacts, is a cross-cutting one. Advocacy to improve the National Assembly and the States Houses of Assembly record on addressing the protection of women's rights during emergencies, both within and outside the legislature, should engage the different overlapping areas including finance, education, health, emergency management, amongst others. This will also help draw in the key MDAs from the executive arm, which have vital impact on the implementation of the legislation to protect women's rights including in emergencies including through girl children's education.

Improving Gender Balance in Technical Expertise Utilised for Legislative Support

Frequently, much of the background work for legislative enactments are done with the support of consultants. Consultants often help collate the reports of public

hearings, provide initial drafts, and revise drafts based on public hearings. They are also engaged to support various committees before draft legislation moves to plenary for debate. They can thus be an important part of the legislative process. It is essential for more females to be engaged as consultants to support the process. In this way, they can bring a unique perspective that is often lacking in the male-dominated legislature. While gender will not be the only criterion for selecting technical experts, it should be one of the criteria to be considered, especially taking into account the general number of technical experts who support the National Assembly or the State House of Assembly and the various committees.

Embedding a Gender Basis to Promote the Political Participation of Women

Finally, women are the most suitable channel to speak to these gender issues and create policies that address them. The low representation of women in the Legislature poses a hindrance in the ability for these issues to be effectively tackled. INEC should ensure that political parties have gender quotas to address the issue of low women representation. There should be long term interventions such as the promotion of the rights of women generally, including their right to participate in electoral processes, especially improving the number of women who are elected into decision-making positions including in the legislature. This will enhance not only inclusion but also promote more gender-sensitive laws that take into account the different needs of the genders and the impacts of emergencies. At present, there are only 9 women in the Senate and 13 in the House of Representatives. This is insufficient to fully bring the insider views and perspectives of women to the fore in legislation.

In this respect, there are a few steps that can be taken:

1. Implement international and regional treaties ratified by Nigeria through domestication in accordance with s. 12 of the CFRN including CEDAW to enable national application of affirmative action in favour of women;
2. Enact women-supportive legislation such as Gender and Equal Opportunities Bill;
3. Amend s. 42 of the Constitution to plainly include the principle of equality and non -discrimination and affirmative action.
4. Mandate a quota for women representation in state and federal house of assemblies within the Constitution.

7. Conclusion

It is well recognized that women bear disproportionate burdens in the midst of emergencies such as the ongoing COVID-19 pandemic. In Nigeria, women are already disadvantaged in several respects as highlighted in this Report and this is only worsened during a pandemic. This Report has identified several of those impacts, especially as experienced by women in Nigeria. These include economic, social, occupational impacts and human rights. Steep increase in the rates of various types of GBV has come out very strongly as one of the most devastating impacts that women have faced in the wake of the COVID-19 lockdown in Nigeria.

There is much that the legislature can do, as a body, and working in committees to intervene in order to lessen the effect of these negative impacts. It is also essential to recognize that addressing matters from a gender lens will ultimately have impact not only on women but men and children also. Upcoming legislative agendas must include these matters, in particular, a focus on sexual and gender-based violence.

This Report has recommended a framework of interventions that would be effective in managing and even preventing these impacts, going forward. Political will is necessary to implement this framework effectively. Advocacy is essential to move the needle of political will in the right direction. For civil society organisations, an effective advocacy strategy aimed at supporting the growth of political will towards implementing this framework would be helpful.

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 supporting the capacity development of the Legislature and reforming the electoral process. This Guide is developed with the support of the European Union.

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