

THE ROLE OF GENDER TECHNICAL UNIT IN INFLUENCING THE PASSAGE OF VIOLENCE AGAINST PERSONS PROHIBITION ACT IN NIGERIA

Maimuna Gambo Hammawa

Faculty Human Ecology, University Putra Malaysia, 43400 UPM Serdang, Selangor, Malaysia.
E-mail: mg.hammawa@gmail.com

ABSTRACT

The pursuit by the feminist since 1970 to see the inclusion of women right into global human right standard became a reality in the 1990s. This resulted in the international criminalising of violence against women and human right is expanded to encompass women right. This however is not without striving by women movement and feminist at national level. The aim of this article is to illuminate how women creative initiative of establishing the Gender Technical Unit in the Nigeria National Assembly, facilitated the passage of the Violent against Persons Prohibition Act (A bill that is drafted and sponsored by women movement). This study opines that having such an intermediary is a vital catalyst to successful pursuit of women movement. This is part of my thesis and I am utilising two interviews made with members of the GTU

Keywords: Legislative advocacy, Gender Technical Unit, Women right, Women right organisation, Violence against women.

INTRODUCTION

Violence against women is a pervasive social problem which is overwhelmingly evident and condoned by the continuous subordination of women. It is an alarming phenomenon that has historically been violating women rights in the world, yet it has been unrecognised, ignored and accepted (Htun & Weldon, 2012; Tripp, 2003 &

Reichert 1998). Thus by subjecting women to violence, men belittle “the right of women to be treated with respect” (Reichert, 1998:372) Statistics revealed that 35 percent of women worldwide have experienced either physical and/or sexual violence; 30 percent of all women who have been in a relationship have experienced physical and/or sexual violence; as many as 38 percent of all murdered women are committed by their intimate partner; 16 percent of physically and or sexually abused women are likely to have low birth rate baby, twice as likely to have an abortion and experience depression and even acquire HIV (World Health Organisation, 2013)).Inspite this statistics however, violence against women (VAW) persist and government inaction gives avenue for solutions.

The UN had since 1970 been an avenue for deliberation among government, Non-governmental, religious and women group. The 1993 United Nations Conference on Human Rights in Vienna was a watershed for feminist whose struggle to place VAW on the international agenda gained acceptance and women right was seen as human right, inalienable, universal, inherent and indivisible part of universal human right(United Nations General Assembly, 1993). This implies that women are entitle to participate in all political, social, economic and cultural life as well as be granted protection of fundamental rights such as right to life; equality; liberty and security; equal protection under the law; free from all forms of discrimination and inhuman treatment (United Nations General Assembly, 1993).Even though the conference centred on all rights, emphasis was more on violence against women.

The 1995 United Nation Fourth World Conference on women held in Beijing further extended to criminalising VAW in both private and public through the adoption of the Universal Human Right Framework (UHRF). The UHRF is the United Nation archetypal otherwise known as “best practice” which prioritised national legislation or adoption of reform over provision of services/ support and training to addressing VAW. This framework is a product of in depth research, it is therefore the most effective means to addressing VAW and all embarkation or initiatives of states are impracticable (United Nation Division for the Advancement Women United Nation Office for Drug and Crime, 2005). The adoption of the UHRF may have set

precedence for the recognition of women's right and the prosecution of offenders. However, the feminist (especially the Africans and Asians) were not in concordance with the UHRF, as they envisaged threat of imposition of Western culture and values over theirs (McBride & Parry, 2011; Zoelle, D., 2000). This shows that women are not homogenous as thought, it is therefore imperative to understand women initiative in their environment.

Extant scholars on women movement and feminist affirmed that they pursue policy reform through legislative advocacy, training, provision of support and educating the public. In Asia and Latin America for instance, a coalesced group known as Joint Action Group on Violence Against Women (JAGVAW) in Malaysia (Ng, Mohammad & Hui), the Mosenyolchicauanij or the Indian Women Working United in Mexico (Gonzalez, 2007) the Korean Women's Hotline's (Sook, 2008) all spearheaded in their respective countries the domestic violence and rape bill while the International Women's Health Coalition (IWHC) coalition strove for abrogation of abortion laws in Latin America (Kane, 2008). These women movement lobbied and exploited public education, shelter counselling, workshops and seminar to push for policy reforms. Only JAGVAW utilised demonstration in its advocacy on rape bill (Ng et al., 2006). All these strive led to the enactment of the respective bills in each country. In Africa, the Netright women coalition strove for Domestic violence in Ghana (Tandoh-offin, 2011) and the Ethiopian women lawyers Association pursuit for the abrogation of harmful laws (Burgess, 2013). These groups pressured the government for policy change through protest; they educate the populace and embarked on research. In spite the growing and deepening consensus about the nature and costs of violence against women, there are puzzling differences in these national policies and the strategy (Htun & Weldon, 2012). For instance, both Malaysia and South Korea adopted domestic violence in piece meal but that of Malaysia was more of rape at first and later domestic violence. South Korea however, dwelled on battered women.

In Nigeria, rather than women movement, women right organisation coalesced and formed the Legislative Advocacy Coalition on Violence against Women (LACVAW) pressured the government into passing the Violence against Person Prohibition Act

(VAPP). LACVAW strove for the bill's passage through training of police, legislators and the judiciary, educating the public, organising rallies and organising a mock trial court during public hearing in the Nigerian National Assembly. What interests me most in the Nigerian case is the creation of the Gender Technical Unit (GTU) of which most informants attribute the success of the pursuit of the VAPP Act to. Given this background, in this article, I wish to discuss on the VAPP Act and how the GTU has been imperative in the pursuit of the VAPP Act.

AN OVERVIEW OF THE NIGERIA'S VIOLENCE AGAINST PERSONS (PROHIBITION)

The Violence Against Persons Prohibition Act (HB.191 and SB43) is an Act of the parliament that gears towards prohibiting and eliminating all forms of violence such as physical, sexual, psychological, domestic, harmful traditional practices, discrimination against persons in private and public sphere and heralding maximum institutional protection and effective remedies for victims and punishment for offenders. The legislation marked a concrete legal recognition of domestic violence. It is the first federal legislation of this sort in that what existed was a civil law for the different regions (Northern and southern Nigeria).

It seeks to apply standards to existing criminal laws, make provision for emergent issues on violence (such as acid bath, kidnapping, conflict and emergency situations, suicide bombing and political violence) and to address the issues as such (Human Rights Agenda Network, 2014; Gell, 2012). The provisions of the Bill are gender friendly but the bill is largely targeted at the protection of women and children, this may not be unconnected to the large victims in such category (Policy and Legal Advocacy Centre, 2012).

The Act is a product of the Legislative Advocacy Coalition on Violence against Women (LACVAW) formed in 2001, a coalition of women right organisation working on various aspects of women rights and social justice. According to Solidarity for African Women's Right (SOAWR), the Coalition was in response to strengthening the voices of women right organisation in proposing Bills on domestic violence, harmful

traditional practices and inheritance rights at the State and National Assemblies (Solidarity for African Women's Right (SOAWR), 2015). The Violence Against Persons Prohibition Act emerged from the harmonisation of nine unsuccessful violence-incline bills initiated by LACVAW and some legislators from 1999-2014. These bills were:

1. Circumcision of Women (Prohibition) Bill, 2000. Sponsored by Hon. Janet .Febisola. Adeyemi.
2. Violence Against Women (Prohibition) Bill, 2001. Sponsored by Hon. Dorcas Odujinrin-Junaral.
3. Violence against Women (Prohibition) Bill, 2003. Initiated by LACVAW and sponsored by Hon. Florence Aya and Hon Farouk Lawal and co-sponsored by 30 others.
4. Public Nudity, Sexual Intimidation and Other Related Offences (Prohibition and Punishment) Bill, 2007. Sponsored by Senator Eme Ufot Ekaette.
5. Discrimination and Related Offences (Prohibition and Punishment) Bill 2008 Sponsored by Chris Anyanwu.
6. Domestic Violence (Prevention) Bill, 2008 Sponsored by Sen. Daisy Danjuma.
7. Abolition of Discrimination Against Women Bill, 2009. Sponsored by Ndoma-Egba (Senate leader).
8. Elimination of Violence in Society Bill, 2011. Sponsored by / Sen. Victor Ndoma – Egba
9. Sexual Offences Bill, 2013. Sponsored by Chris Anyanwu.

LACVAW comprise organizations such as Women Right Advancement and Protection Alternative (WRAPA), International Federation of Women Lawyers (FIDA), IPAS (an international organisation), Department for International Development's (DFID) Voice for Change (V4C), Development Dynamics and Project Alert. LACVAW galvanised support from government agencies (Federal ministry of women Affairs and Federal ministry of Health), champions of the NASS, Faith Base Organisations, Women Associations, the media and traditional rulers. After the due process of the Assembly deliberation, it was accented by the president on the 25th May 2015 after fourteen years of women activism.

The VAPP Act comprehensively deals with varied gender based violence, the content of the Act reflects the realities of the pandemic in Nigeria and it incorporates Nigeria's commitment to international human rights principles (Anarado, 2015). It consists of six Parts. The Offences and penalties (Part I); Jurisdiction of the court (Part II); Service Providers (Part III); Regulatory Body (Part IV); Consequential Amendment (Part V) and Interpretation (Part VI). The offences provided for by the Act are rape; physical injury, coercion, wilfully placing a person in fear of physical injury, early marriage, forceful offensive conduct, prohibition of female circumcision, frustrating investigation, wilfully making false statements, forced ejection from house, depriving a person of his/her liberty, damage property with intent to cause distress, forced financial dependence or economic abuse, forced isolation or separation from family and friends, emotional, verbal and psychological abuse, harmful widowhood practices, abandonment of spouse, children and other dependent without sustenance, stalking, intimidation of a person, spousal/partner battery, harmful traditional practices, substance attack/acid bath, administering substance with intent, political violence, violence by state actors (government officials and security forces), incest and indecent exposure (Human Rights Agenda Network, 2013 and the VAPP Act). In conglomeration, the offence section provides for 26 offences and their accorded penalties.

Unlike the VAPP Act that criminalises harmful traditional practices and violence in both private and public sphere, the existing laws (penal and criminal codes) condone and regard specifically the private violence as family affairs thereby providing women with little protection against violence. It is certain that the endorsement of gender based violence by some societies on the basis of cultural constructs of power relation between sexes does depict inadequacy and discrimination in Nigerian laws (Dunia, May 2015). The VAPP Act is therefore an improvement on the existing penal and criminal code that fall short of standards in Acts, scope and penalties (Human Rights Agenda Network, 2013). This is a good beginning for vulnerable Nigerians (Anarado, 2015), if the VAPP bill had been passed before now, women and girls abuse would not have deteriorated to a state where human lives have become invaluable (Dunia, 2015)

The itemisation of the offences is followed by provisions for the court to pursue justice and protection of victims part II of the Act while Part III and IV provided for the participation of service providers and regulatory agencies. Under this auspice, the newly enacted law introduced the granting of “protection order” by any high court or magistrate court to serve as a protection for a complainant against intended violence. Victims and survivors of violence are also eligible to all-inclusive assistance (medical, psychological, social and legal) by government agencies and accredited service providers. Moreover, victims’ identities are to be protected during court cases. The Act also made provisions for an institutional agency that serves as a regulatory body collaborating with relevant stakeholders to guarantee maximum protection for victims. Currently, the National Agency for the Prohibition of Trafficking in Persons (NAPTIP) has been expanded to accommodate such activity (Human Rights Agenda Network, 2013). Part V of the Act provides for those amendments that have been made to the existing laws (Human Rights Agenda Network, 2013; Choice for life, n.d). The pursuit of the bill from formulation to passage has been appraised as a good development

THE GENDER TECHNICAL UNIT (GTU) AND ITS MISSION

The Gender Technical Unit (GTU) is a gender resource centre established in the Nigeria National Assembly by LACVAW for legislatures, Management staff, legislative aide’s e.t.c It is geared toward “promoting gender friendly laws and issues within the legislation, it is equally a research and documentation centre” (interview with Mrs Ekwunife of GTU on 23rd, November 2015 at the GTU Abuja). Basically, the GTU deal with issues on Democracy and Governance, Sexual and Gender-based Violence, Sexual and Reproductive Health and Education. Specifically, it is missioned to:

- provide technical and knowledge support base particularly to female legislators to enhance quality participation and contributions to legislative processes
- provide accessible resource tools, materials and skills towards articulation and defence of gender legislations

- train legislators to enhance skills for networking and lobbying among female and male legislators beyond partisan lines
- conduct research aimed at accessing and availing to legislators model gender legislations and best practices in partisan and bi-partisan legislative networking and lobbying around specific and general issues of women's political participation.
- share relevant resource materials with key Legislative Aides and National Assembly Standing Committees' Staff to enhance gender-sensitive legislation.
- provide links between legislators and civil society groups, corporate organizations and individuals doing gender work in Nigeria.
- Act as secretariat and referral centre and hub for organisations working with the NASS on women's issues in the Nigeria. "The unit supports Nigerian Legislatures to reasonably carry out its functions of Law making, Oversight and Representation and for the enactment of Gender-Responsive laws for the people of Nigeria" (Interview with Mrs Ekwunife, on the 23th November 2015)

Before the establishment of GTU, WROs were confronting challenges such as being outside the NASS environment, lack of good grasp of legislative skill and knowledge of legislation, undesirable feedback from advocacies embarked upon by WROs, negative views of male legislators towards women issue and clash of interest. However, the establishment of the GTU enabled WROs to champion the initiation of the VAPP bill with great vigour. Under this auspice, WROs:

- Incorporate the legislatures into their activities. They discuss and seek the opinions of the legislature in all their engagements. "The rapport built by those in the GTU with the legislatures further encouraged interactions and provided opportunity to lobby for their support for such bills. The rapport we built with members have exceeded to family tie" (interview with Malam Idris Bawa of United Nation Office for Drug Control). These fora also enable the WROs to be well acquainted with gender sensitive male legislators or champions such as the then Senator Ndoma Egba, Senator Dahiru Tambuwal and Hon Faruk Lawal who eventually spear headed the course of the VAPP Act(interview with Malam Idris Bawa of United Nation Office for Drug Control),

- The GTU staff also engaged the legislators in training so as to get them instilled with the knowledge of legislation. More so, emphasis is not placed on the legislature alone but also on the NASS management staff. This in other words implies that NGOs engaged in capacity building which has enriched Nigeria's democracy thereby preparing the legislatures for their task
- The GTU equally embarked on research on any given gender issues. This is made with the intent that it gingers or enriches the legislators, National Assembly Staff and the general public with the Knowledge of what they are ignorant about. Nigerian society is full of men that are tie to cultural values. The activities of the GTU have widened the horizon of men specifically on violence and the ill treatments that are rendered to women in Nigeria. it has likewise improved the legislative environment for Gender issues.

The activities of WRO is synonymous with the assertion that for feminist to make "policy change in a mainstream policy domain, it is essential for political actors to be positioned in the institutional sites that hold resources and wield political power" (Annesley 2013)

CONCLUSION

This write up examined the role played by an institutional body (GTU) established by the coalition of WROs which has played enviable role of training, provision of technical assistance and mediating between the WRO and the legislators etc. This paper unveiled that if by having an intermediary in the National Assembly, they were able to recognise and understand the activities and routines of the legislature. They were able to know them better WROs would continue to be given support they would greatly enhance women right.

REFERENCES

- Annesley, C. 2010, "Gender , politics and policy change : The case of welfare reform under new labour", *Government and Opposition*, vol. 45, no. 1, pp. 50–72.
- Burgess, G. 2013, "Hidden history: Women activism in Ethiopia", *Journal of International Women Studies*, vol. 14, no. 3, pp. 96–107.
- Gell, F. 2012, "Strengthening Governance Programming Through Tackling Violence Against Women And Girls Raising Her Voice in Nigeria", *OXFAM*, p.5. Available from: <<http://www.policy-practice.oxfam.org.uk/publications/strengthening-governance-programming-through-tackling-violence-against-women-an-269173>>. [17 January 2015].
- Gonzalez, S.M. 2007, "Challenging custom : domestic violence and women's struggles for sexual and reproductive rights in a Mexican Indian Region", *Research and Social Policy Journal*, vol. 4, no. 3, pp. 50-61.
- Htun, M. & Weldon, S.L. 2012, "The civic origins of progressive policy change: combating violence in global perspective, 1975- 2005", *American Political Science Review*, vol. 106, no. 3, pp. 548-569.
- Kane, G. 2008, "Abortion law reform in Latin America: Lessons for advocacy", *Gender and Development*, vol. 16, no. 2, pp. 361–375.
- McBride, D. & Parry, A.J. 2011, *Women's rights in the USA: Policy debates and gender roles*, 4th edn., Routledge, London.
- Ng, C., Mohamad, M. & Hui, T.B. 2006, *Feminism and the women's movement in Malaysia: An Unsung (R)evolution*, Routledge, London.
- Policy and Legal Advocacy Centre, 2012, "Examining the implications of the violence against persons (prohibition) bill", *Legist*. Available from: <www.placnig.org>. [17 January 2016].
- Reichert, E. 1998, "Women's rights are human rights: Platform for action", *International Social Work*, vol. 41, no. 3, pp. 371-384

Solidarity for African Women's Right (SOAWR) 2015, *Legislative Advocacy Coalition on Violence Against Women (LACVAW): Journey Towards the Violence Against Persons (Prohibition) Act 2015 – Nigeria*. Available from: <<http://www.soawr.org/legislative-advocacy-coalition-violence-against-women-lacvaw>>. [17 January 2016].

Sook, H.M. 2008, *Globally Agreed Upon Locally Troubled: The Construction of Anti Violence Legislation Human right Discourse and Domestic Violence in South Korea*, (Electronic Thesis or Dissertation). Retrieved from <https://etd.ohiolink.edu/>

Tandoh-offin, P., 2011. Substantive Representation of Women : The Case of Ghana's Domestic Violence Law of 2007. All Dissertations, Paper 805, (Electronic Thesis / Dissertation).

Tripp, A.M. 2003, "Women in Movement Transformations in African Political Landscapes", *International Feminist Journal of Politics*, vol. 5, no. 2, pp.233–255.

United Nation Division for the Advancement Women United Nation Office for Drug and Crime 2005, *Good practices in Combating and Violence Against Women*. Expert Group Meeting, Vienna.

United Nations General Assembly, 1993, *Declaration on the Elimination of Violence against Women*, 85th Plenary Meeting. Available from: <www.un.org/doc>.

World Health Organisation 2013, *Global and Regional Estimates of Violence Against Women: Prevalence and Health Effects of Intimate Partner Violence and Non-Partner Sexual Violence*, WHO Press, Geneva.

Zoelle, D.G. 2000, *Globalising Concern for Women's Human Rights : the Failure of the American Model*, St. Martin's Press, New York.

ABOUT THE AUTHOR

Maimuna Gambo Hammawa is a PhD candidate of Universiti Putra Malaysia at Government and Politics Department, Faculty of Human Ecology. She received her Bachelor and Master Degrees of Science in Political Science from University of Maiduguri and Bayero University Kano respectively, in Nigeria. Prior to her PhD studies, she was a lecturer in Politics and government at Federal College of Education Yola, Adamawa State in Nigeria. Her current interest is Women Right and Civil Society Organization.