

Legal Implications of Covid-19 Pandemic on Women's Right in Nigeria

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Abstract

To say that inequalities exist in Nigerian society is to state the obvious. Gender inequality is linked among others to the patriarchal society that Nigeria practices. Pandemics as witnessed in the past always leads to health crisis which further widens the gender inequality gap. The recent Corona Virus (Covid-19) pandemic witnessed restrictions and lock down orders imposed by the government to tackle and curtail the spread of the virus. However, this approach led to several negative impact on women's rights in Nigeria. This paper adopted doctrinal research methodology in examining the legal implications of the pandemic on women's rights in Nigeria. It recommended the need for the timeous prosecution and punishment of perpetrators of gender-based violence.

Keywords: Covid-19, women's rights, gender-based violence, Nigerian women.

1.1 Introduction

"When I see how women are treated, I really do not want to become one." These were the words of Zahra, a fifteen-year-old French girl, quoted in the French Magazine, GEO. These words reveal a grim reality of the legal implication of women's right in this period of Corona Virus (COVID-19) in Nigeria.

This novel virus is not just deepening pre-existing inequalities, it is also exposing vulnerabilities in social and economic systems which are in turn amplifying the impacts of the pandemic across every sphere, from health to the economy, security to social protection. The impacts of COVID-19 are exacerbated for women by virtue of their sex.

Indeed, from past pandemics, health crisis has always led to a regression of gender equality and a pandemic of this nature is no exception. The necessary restrictions taken by the Federal Government of Nigeria to flatten the curve and contain the massive spread of the

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virus has led to the immediate and alarming negative effects on women's right. According to a United Nation's women report titled, "COVID-19 and Ending Violence against Women and Girls"¹, emerging data shows that since the outbreak of COVID-19, violence against women and girls (VAWG) particularly domestic violence, has intensified. In Nigeria, reports of rape and sexual violence have increased over the past few months following the outbreak of this virus.

As the number of people with COVID-19 in Nigeria continues to rise, and government continues to impose strict measures including state of emergencies to curtail the spread of this virus. It has become increasingly apparent that similar to other parts of the world, women in Nigeria are most likely to bear the brunt end of this virus. Granted that the virus does not discriminate, neither is it gender sensitive. However, the measures States have put in place to respond and tackle this virus are often discriminatory both in the way they are developed, formulated, implemented, and measured. The majority of government response plans that are currently been rolled out have little to no inclusion of gender lens.

This paper focuses on each of these issues in turn. It explores the legal implications of women's right in the face of COVID-19 in Nigeria. As well as outline suggested priority measures to accompany both the immediate response and long-term recovery efforts.

1.2 Background of Corona Virus in Nigeria

Nigeria received her first confirmed case of the Corona Virus on the 27th of February, 2020 in Lagos State. The index case was an Italian citizen, who works in Nigeria and returned from Milan, Italy to Lagos, Nigeria on the 25th of February, 2020. He was confirmed by the Virology Laboratory Department of the Lagos State University Teaching Hospital, part of the Laboratory Network of the Nigeria Centre for Disease Control². Since then, the pandemic has spread to all 36 states of the Federation and the Federal Capital Territory, with a geometric increase on a daily basis.

As the disease continues to spread across the nation, the Federal and State Governments have put in place structures to reduce the spread. These measures include the shutting down of all educational institutions, restrictions on large public gatherings, and social distancing. Most significant however, is the restriction of movement instituted by the President in the nation's capital, Lagos and Ogun States. Businesses and Companies were shut down at

¹ United Nations Entity for Gender Equality and the Empowerment of Women (UN Women) EAW COVID 19 briefs, 2020.

² Osagie Ehanire, "First case of Corona Virus Disease confirmed in Nigeria" NCDC (Nigeria, 28th February, 2020) <<https://ncdc.gov.ng/news/227/first-case-of-corona-virus-disease-confirmed-in-nigeria>> Accessed 27th May, 2020

some point at the different phase of the spread of the virus, and residents were instructed to only come out for the purchase of essential materials and at stipulated times.

Sequel to the recommendations by the Presidential Task Force on COVID-19 to the President, the Executive ordered lockdown (in the Federal Capital Territory, Lagos and Ogun States) was instituted on the 30th of March, 2020 for an initial period of 14 days, and was extended for another 14 days on the 13th of April, 2020. In Kano State, the Executive Governor ordered a 7 day lockdown which commenced on the 16th of April, 2020³.

On the 19th of April, 2020, Borno State recorded its index confirmed case of the Corona Virus, and since then has recorded additional cases. Prior to this, and as a preventive measure, the Borno State government had instituted a lockdown which shut her borders to non-essential movements in a bid to contain influx of COVID-19 patients. The order which took effect from Monday, April 13, 2020 was to completely restrict movement in and out of the State⁴.

In Enugu State, a closure of all markets and land borders was announced on the 28th of March, 2020, in response to two confirmed cases of COVID-19⁵. The State government also stopped inter-state transportation until further notice, except those on medical emergency services. In the South-South zone, States such as Bayelsa, Delta, Rivers and Edo have instituted dusk to dawn curfews to curtail the spread of the virus across the States. A unanimous decision of the Nigeria Governor's forum was reached on 22nd April, 2020 to implement an inter-state lockdown in the country to mitigate the spread of the COVID-19 virus from State to State⁶.

As at Friday, 21st August, 2020, the number of confirmed cases stand at 50,951 while active cases of COVID-19 are 12,390 in the whole of the federation. Unfortunately, 992 deaths have been recorded as a result of the virus.

³ Jude Egbas, "Gov Ganduje shuts down Kano over corona virus" Pulse Nigeria (Nigeria, 14th April, 2020), <<https://www.pulse.ng/news/local/coronavirus-gov-ganduje-shuts-down-kano/r2gyph3>> Accessed 27th May, 2020

⁴ Abdulkareem Haruna, "Coronavirus: Borno declares 14-day 'lockdown'" Premium Times (Nigeria, 20th April, 2020), <<https://www.premiumtimesng.com/news/local/coronavirus-borno-declares-14-day-lockdown.html>> Accessed 27th May, 2020.

⁵ Nwafor, "Breaking: Enugu govt closes all borders, markets over corona virus" Vanguard (Nigeria, 27th March, 2020) <<https://www.vanguardngr.com/2020/03/enugu-govt-reacts-to-two-confirmed-cases-of-COVID19/>> Accessed 27th May, 2020

⁶ Joshua Odeyemi, "Governors agree on 14 days interstate COVID-19 lockdown," Daily Trust (Nigeria, 22nd April, 2020) <<https://www.dailytrust.com.ng/governors-agree-on-14-days-national-COVID19-lockdown.html>> Accessed 27th May, 2020

1.3 Women and Legal Rights

Legal rights denote different meaning to different people. Thus, it is classified under different categories. In simple terms, it means the existence of a duty on a person, a breach of which the aggrieved person can seek a legal redress in a law court. In other words, legal rights are rights which have been clothed with the full protection of law, and if breached or trampled upon, the person affected by the breach can seek redress in a law court. Under the 1999 Constitution of the Federal Republic of Nigeria (as amended), certain rights have been accorded to the citizenry.⁷ However, the question that comes to mind is whether the citizens can sue the government for a breach of any of these legal rights? To answer this question, subject to some exceptions, they are enforceable by any person who feels that any of these rights have been violated. This explains why under section 6 (6) (b) of the same Constitution⁸, the courts have been empowered to entertain any matter from any person who feels that any of these rights have been violated.

1.4 Women and the Law in Nigeria

Attempt would now be made to examine the rights of women under Nigerian law. The legal rights discussed above are the general rights which also include the rights of Nigerian women⁹. Although Nigeria is a party to many international and regional conventions, many of the conventions have not been tested in the Nigerian courts of law. Some of the international treaties applicable to women and ratified by Nigeria includes; International Covenant on Civil and Political Rights (ICCPR) 29 July, 1993; International Covenant on Economic, Social and Cultural Rights (ICESCR) 29 July, 1993; Optional Protocol on ICCPR concerning individual petition; Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) 28 June, 2001; International Convention on the Elimination of all Forms of Racial Discrimination (CERD) 16 October, 1967; Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) 23 April, 1984; Optional Protocol on the Elimination of all Forms of Discrimination Against Women 22 November, 2004; and the Convention on the Rights of the Child (CRC) 19 April, 1991.

In addition to these are, however, there are some specific rights enjoyable by women alone by virtue of their gender. Therefore, the law provides that they should in addition, enjoy those specific rights. A close relationship exists between the legal rights discussed above and the legal rights of women under Nigerian law. This paper intends to focus on all rights of women that has been affected due to the COVID-19 Pandemic.

⁷ Constitution of the Federal Republic of Nigeria, 1999 (As Amended), Chapter IV.

⁸ Ibid

⁹ National Human Rights Commission Decree of 1995, Section 5 (a-j).

To start with, there is the general constitutional right of men, inclusive are the rights of women. Section 42 (1) of the 1999 Constitution of the Federal Republic of Nigeria (as amended) provides for the rights of all Nigerians to freedom from discrimination. There is also the protection of women from the sexual abuse. This relates to the offence of rape. Rape is punishable both under the Penal Code and Criminal Code. Another legislation which provides for the rights of women in Nigeria is the Labor Act of 1974. Under the Act, a woman cannot generally be employed 'on night work in a public or private industrial or agricultural undertaking'.¹⁰

Consequently, many International Declarations, Conventions, Protocols and Treaties to which Nigeria had signed and ratified enjoys the status of enforceability in the country. Such international instruments have been domesticated by the National Assembly, thus body of Nigerian laws frown at the discrimination of women. These international declarations include but not limited to:

- i) **The African Charter on Human and people's Rights:** Section 18 (3) of the Charter provides that: "The State shall ensure elimination of every form of discrimination against women and also to ensure the protection of the rights of the women and the child as stipulated in international declarations and conventions."
- ii) **The Convention on the Elimination of All forms of Discrimination against Women (CEDAW).**¹¹ This Convention enjoins all State Parties to: "Take all appropriate measures including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women...by any person or institution...and to enact appropriate legal protection of the rights of women."¹² Article 16 (2) declares null and void the betrothal and marriage of children and call on State Parties to come out with a minimum age of marriage and to make the official registration of marriages at the marriage registry compulsory.
- iii) **Vienna Declaration and Program of Action:** Article 18 provides that: "The human rights of women and of the girl child are an inalienable, integral and indivisible part of universal human rights."
- iv) **The Universal Declaration of Human Rights of 1945:** Although this covers both men and women, yet it has its significance in the sense that it reiterates the fundamental rights of women. It was therefore not surprising that this Declaration led to the International Decade for Women. As earlier stated, most of these International Conventions have been entered into by Nigeria, and having been

¹⁰ Sections 55 and 56 of the Labour Act, Cap 198, Laws of the Federation of Nigeria, 2004

¹¹ Ratified by Nigeria in June 1985

¹² Convention on the Elimination of All Forms of Discrimination Against Women, Art 21. However, s. 21 of the Constitution of the Federal Republic of Nigeria 1999 (As amended) is a negation of the operation of this provision.

domesticated by the Nigerian government through the National Assembly¹³, they are now regarded as part of Nigerian laws. This explains why they are regarded as part of the obligations of Nigeria under international law, and to which they must strictly abide by even in this period of pandemic. This should not however be construed to mean that there are no cases of breaches and violations of the provisions of the declarations. This is the challenge being faced by many women in Nigeria during this period, and this will be the next focus of discussion in this work.

1.4 Women's Rights Violation as a Result of the Covid-19 Pandemic

1.5.1 Right to Support Services and Access to Justice

The COVID-19 Pandemic has compromised access to life-saving services and justice to women at a time when these were needed most. Many one-stop shelters and domestic abuse safe haven have been forced to close or provide limited services. Again, as resources are diverted towards the pandemic response, access to justice and other forms of legal redress for survivors of abuse risk become increasingly difficult. Police officers stationed for sure cause and their response have been mobilised to support in enforcing the executive orders of President and other State Governors, leading to shrinking capacity to respond to calls of gender-based violence. Many court proceedings have been postponed, which is detrimental and further limits the system's ability to issue protection and restraining orders that would otherwise have an immediate impact on protecting women who are most victims of these abuses. There will most likely be a backlog of cases, hampering the quality of judicial procedures in the future.

1.5.2 Right to Protect Women from all Forms of Violence and Degrading Treatment

As the COVID-19 pandemic deepens economic and social stress coupled with restricted movement and social isolation measures, gender-based violence is increasing exponentially. Many women are being forced to 'lockdown' at home with their abusers at the same time that services to support victims are being disrupted or made inaccessible. Thereby leaving them with no available alternatives than to endure violence.

Whilst virus outbreaks threaten populations' health, the prompt and aggressive response measures of governments, such as lockdowns, often increase women's vulnerability to violence. There is rightfully major concern regarding the situation in many developing countries, where there is often an unfortunate widespread societal acceptance of gender-based violence, especially Nigeria. Reports of domestic violence in Nigeria are following a similar trend to elsewhere in the world. Since various versions of lockdown were put in place across the country from the 30th of March, 2020, reported cases of gender-based violence have substantially risen.

¹³ Constitution of the Federal Republic of Nigeria, 1999 (As amended), s. 12

Looking at the States placed under full lockdown by the Federal Government, the increase in reports of domestic violence cases in April was even more profound. In those three States, the number of cases rose from 60 in March to 238 in April, an increase of 297%.¹⁴

Domestic violence is now rampant and a form of abuse which Nigerian women are facing during this period of lockdown imposed by the Presidential Directive. The offence is of various forms¹⁵. The most common form of it being, beating of women at the slightest provocation, with the confidence that nothing will happen even if it is reported to the authority the lockdown period. Domestic violence includes, but is not limited to husband beating; or a husband subjecting his wife to any form of human degradation and molestation; an act which is a direct violation of the provision of section 31 of the 1999 Constitution of the Federal Republic of Nigeria (as amended), and because this form of abuse is given tacit approval by some cultures in Nigeria, it has persisted and worsened during this period. Additionally, even where it is reported to the Police, nothing serious often happens afterwards. The Police would rather prefer that it is treated privately as family matter amongst family members as they would be busy dealing with other effects of the pandemic.

1.6 Right to the Dignity of Persons

In Nigeria, reports of rape and sexual violence have increased over the past few months¹⁶. In Lagos, according to the Domestic and Sexual Violence Response Team (DSVRT), the number of domestic violence cases being reported daily has increased by as much as 50% since the Coronavirus lockdown started. According to the Lagos State DSVRT, before the lockdown they received 8 domestic violence cases daily but now that number has increased by 50% as the lockdown has made it difficult for victims at home to avoid their abusers.

Most horrific is the rape and murder of Vera Omozuwa, a 22-year-old Micro-Biology student of the University of Benin who died on Saturday, 30th May, 2020. These numbers are also likely to reflect only the worst cases. Without access to private spaces, many women will struggle to speak up, reach out or even seek help online.

Alongside the increase COVID cases, violence against women is taking on new complexity. Exposure to COVID-19 is being used as a threat by abusers. Abusers now exploit the inability of women to call for help or escape. Furthermore, women risk being thrown out on the street with nowhere to go. Some domestic violence shelters are full,

¹⁴ Jessica C. Young and Camron Aref-Adib, "The Shadow pandemic: Gender-based violence and COVID-19," International Growth Centre (Africa, 19th May, 2020) <<http://www.theigc.org/blog/the-shadow-pandemic-gender-based--violence-and-covid19>> Accessed 27th May, 2020

¹⁵ Violence Against Persons (Prohibition) Act, 2015, PART I

¹⁶ Op cit

others have had to close or have been repurposed as health centers. Service providers are increasingly facing difficulties in providing support for victims of abuse, having not been granted exemption in the application of the lockdown order.

1.7 Right to a Decent Marriage, Separation, Divorce and Women's Property Rights

Article 7 of the African Charter on Human and Peoples' Rights on the Rights of Women in Nigeria provides for both parties of a marriage to enjoy equal rights within and after the marriage, in issues of custody and access to an equitable share of the joint property deriving from the marriage. Unfortunately, this is not the case during this period of pandemic in Nigeria. As a result of the Pandemic, many married women are now widowed due to the death of their husbands. Although death is inevitable, it will come when it comes. However, the way most cultures treat widows is inhumane, thereby compounding their problems. At such time, they are wrongfully accused of causing the death of their husbands as opposed to the virus being the cause of death. They are denied their right to inherit the properties of their deceased husbands. Rather, male relations of their deceased husbands are preferred. In addition, when it comes to custody, they are denied this important right of companionship of their loved children under the marriage.

1.8 Increased Risk of Child Marriage

Prolonged school closures put young and adolescent girls at increased risk of child marriage and teenage pregnancy. In Nigeria, 18 million female learners have been affected by school closures. Early marriage is already widespread in Nigeria, with 44% of girls married before the age of 18¹⁷. In a context where girls' education is already undervalued, and families are forced to make sacrifices due to economic constraints, the option of marrying girls off to wealthy men is likely to seem more appealing. The United Nations Population Fund predicts that an additional 13 million child marriages will take place globally in the next 10 years that would have otherwise been prevented due to the disruption caused by the COVID-19 pandemic¹⁸. With the third highest absolute number of child brides in the world, Nigeria is at risk of bearing many of these additional child marriages.

1.9 Right to Food, Water and Other Basic Needs

As the pandemic keeps unfolding harsh realities, a large number of women are likely to face hunger and malnutrition. Decreased availability of food, closure of markets and price spikes have had serious impact on women who often do not have enough to eat. Female-

¹⁷ Action Aid Nigeria, Conference on the social protection of the Girl Child, 2016
<<http://www.girlsnotbride.org/child-marriage/nigeria>> Accessed 27th May, 2020

¹⁸ UNFPA, New UNFPA projections predict calamitous impact on women's health as COVID-19 pandemic continues, Press release (World, 28th April, 2020) <<http://www.unfpa.org/press/new-unfpa-projections-predict-calmitous-impact-womens-health-covid-19-pandemic-continues>> Accessed 27th May, 2020

headed households and farmers often have lower access to credit, and therefore lower access to fertilizers which impacts the crops and food security. In Nigeria, the COVID-19 pandemic is highlighting the significant human rights risks stemming from a lack of access to water and sanitation, including the links between the right to water and other human rights, such as the right to health and the right to life.

The Maputo Protocol, Article 15 requires States to ensure that women have the right to nutritious and adequate food and access to clean drinking water. In 2010, the United Nations General Assembly recognized the right to water as a universal human right, with the right to sanitation being recognized as a distinct human right in 2015. Existing human rights instruments include the Universal Declaration on Human Rights; the International Covenant on Economic and Social and Cultural Rights; the Conventions of the International Labour Organisation; the United Nations' Declaration on the Rights of Peasants and Other People Working in Rural Areas; all provide for the right to food. These rights are reinforced in Sustainable Development Goals 2 and 6, 2030 of Nigeria.

1.10 Health and Reproductive Rights of Women

While early reports reveal more men are dying as a result of COVID-19, the health of women generally is adversely impacted through the reallocation of resources and priorities, including sexual and reproductive health services. As State efforts continue to focus on preventing the spread of the virus from overwhelming health systems, already weak health infrastructures are prioritizing COVID-19 patients resulting in limitations on other critical services including those that only women need including antenatal care for pregnant women which may result in riskier home births and an increase in maternal mortality. In general, there is no guarantee of basic care or attention for chronic diseases that women may suffer. These disruptions are having serious implications for women in Nigeria.

The African Charter on Human and Peoples' Rights, the Maputo Protocol and the International Covenant on Economic, Social and Cultural Rights (ICESCR) provide for the right to health as a right of everyone, irrespective of citizenship or immigration status. Whilst the realization of the right to health is subject to the technical and economic capabilities of each State, this is not an excuse for non-compliance. Article 2(1) ICESCR requires States to take deliberate, concrete and targeted steps towards the full realization of the right to health at all times including during a pandemic of this nature.

1.11 Right to Liberty and Safety of IDPs and Prisoners

Internally displaced persons and prisoners are highly vulnerable to the pandemic due to their living conditions, limited or no livelihood alternatives and reliance on humanitarian assistance for survival. Displaced women are less likely to have access to health, access to information and are more vulnerable to sexual violence.

Nigeria must urgently adopt a strategy for the protection of the rights of women deprived of their liberty, including through addressing overcrowding in prisons through the immediate and unconditional release of prisoners of conscience, reviewing decisions to retain people in pre-trial detention and adopting alternatives to detention, and considering the early or conditional release of people at risk such as older people and those with underlying medical conditions as they record high number of deaths during this period of the virus.

International and regional standards, policies and laws clearly spell out the measures States are required to take to ensure the protection of forcibly displaced women. The 1969 Organization of African Unity Convention governing the specific aspects of refugee problems in Africa (OAU Refugee Convention); the AU Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention); the Maputo Protocol (Article 11); the Convention Relating to the Status of Refugees (1951); the Protocol relating to the Status of Refugees (1967); and the Convention on the Elimination of all forms of Discrimination Against Women all require State Parties to address the unique vulnerabilities of displaced women through specific provisions dealing with women.

1.12 Right to Freedom of Movement

Chapter 4, particularly Section 33 of the 1999 Constitution of the Federal Republic of Nigeria as amended presents a full bouquet of the rights of every Nigerian that must be respected no matter the occasion. Although the right to freedom of movement is guaranteed, the suspension of this in a pandemic situation is for the interest of the public excluding those who can move around on essential duties.

What the President of the Federal Republic of Nigeria has done in this case is to invoke his executive powers as enshrined under the Control of Infectious Diseases Act, 2020, to suspend some of these rights to further curtail the spread of the virus. These include the power to declare a place as an infectious area and to take necessary measures to prevent the further spread of the disease. These measures include but not limited to restriction of movements.

While the restrictions on movement are a necessary preventative measure, certain considerations should be given to the ripple effects it will have on the lives and rights of affected Nigerians, especially vulnerable populations such as women.

1.13 Economic Rights of Women

Evidence is mounting that the economic impacts of COVID-19 is hitting women harder. The impacts which are already been felt by most households is likely to be deeper and long-lasting among the poor especially the urban poor. These factors will have long term

consequences for women's economic and social empowerment and could contribute to increase women's vulnerability. Article 13 of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) recognizes women's economic, social and cultural rights noting the denial of these rights often leave women vulnerable to further abuse. Similarly, the Convention on Elimination of All Forms of Discrimination Against Women (CEDAW) calls on States to take appropriate measures to ensure women's social and economic empowerment and to address the intersecting disadvantages and discriminatory practices and policies that inhibits women's access to social and economic rights. These rights have been violated as a result of this pandemic.

Remedies/Legal Implications of these Violated Rights

It is undisputable that the provisions of the 1999 Constitution of the Federal Republic of Nigeria as amended are binding on the government, authorities and persons. It also follows that provisions containing our fundamental rights are binding on government. Following the executive order by federal government and some other State and local governments, it is however pertinent to note that almost all rights of women under the 1999 Constitution of the Federal Republic of Nigeria as amended have been infringed upon because of COVID-19. So, generally, the legal implication of COVID-19 on Women's Rights in Nigeria will be a massive floodgate of human rights cases and proceedings to be brought before the courts of law (both international and domestic) by women to seek redress and further clamour for policies that will answer their violated rights questions.

The Fundamental Rights Enforcement Procedure Rules 2008 forms part of the Nigerian Constitution and provides guidelines for the enforcement of rights under the Constitution and remedies for human rights violation in general. This is one of the legal implications of the violated rights of women during this period of COVID-19 as victims may seek redress during or after this pandemic in court through this procedure.

Victims of women's rights violation in Nigeria can also invoke the relevant provisions of the Nigerian Constitution and other relevant instruments in seeking redress in the municipal or sub-regional courts as the case may be. Nigeria is a signatory to almost all the major international human rights instruments and as such is obligated to guarantee rights covered in the said instruments to individuals and groups and give effect to their provisions within its jurisdiction. The nation's foreign policy objectives in Section 19 of the Constitution¹⁹ are very elaborate.

¹⁹ This section is under the Fundamental Objectives and Directive Principles of State Policy and is non-justiciable and cannot be enforced or adjudicated in court for enforcement when violated and or threatened to be violated

Consequently, the government also created institutions like the National Commission on Human Rights (NHRC) established by the National Human Rights Act 1995²⁰ (as amended by the NHRC Act, 2010) based on a resolution of the General Assembly of the United Nations.²¹ The Commission recognises, promotes, protects and enforces the human rights of the citizens while exploring extra judicial mechanisms. The Commission carries out investigations on human right issues by setting up a panel and then the report of the panel are registered for enforcement with the Federal High Court.²² These and more are rights exercisable by a woman whose right(s) has been violated as a result of COVID19 in Nigeria.

In order to improve discussions and dialogues as regards the legal implication of Women's Right in Nigeria during COVID-19, the need to have a dedicated Task Force like the presidential Task Force in charge of this matter. Now more than ever, the need for such a configuration is apparent in order to unburden the courts of Human Rights Proceedings.

1.14 Conclusion and Recommendation

Women's rights, uneasily gained by decades of political struggles in Nigeria, must not be questioned in this period. Crisis have a significant impact on women's rights. There is need to ensure and protect these rights and their concrete implementation. This will require raising public awareness, ensuring protection services for women in danger, sharing of data, knowledge and best practices.

The justice sector must prioritise the prosecution of perpetrators of gender-based violence whilst the Nigerian Police Force enforcing lockdown orders should be equipped with appropriate training on response and referral of incidences of gender-based violence. Government cash transfer schemes cushioning the COVID-19 pandemic's impact on livelihoods should target vulnerable women. Meanwhile, the government and its partners in the education sector can prioritise the safe and continued learning of women and girls through widening the reach of lessons broadcast via radio, television, and simple mobile phones.

In addition, the global spotlight on the rise of gender-based violence during the COVID-19 crisis provides an opportunity to strengthen legislation protecting women and girls from violence. The Violence Against Persons (Prohibition) Act of 2015 is a monumental instrument revolutionising the legal space as it relates to gender-based violence in Nigeria. However, it has only been domesticated in 10 out of the 36 states and the Federal Capital

²⁰ Cap N46 LFN 2004

²¹ National Human Rights Commission (NHRC) <<http://www.nigeriarights.gov.ng/the-commission>> Accessed 27th May, 2020.

²² Panel Report on public enquiry by the NHRC on the alleged killings of squatters at Apo/Gudu District, complaint no C/2013/7908/HQ in RE: Global Rights & 3 Ors v FRN & 3 Ors.unrep

Territory (FCT). Civil society organisations, legislators, and development partners should scale-up advocacy for the immediate domestication of the Violence Against Persons Act nationwide.

Nigeria must ensure that its recovery from the pandemic promotes a more gender inclusive society, where women's rights are protected. There is need to promote and protect the rights of women so that the progress made in the last 25 years would not be in vain.

It is further suggested that:

- As stay-at-home orders expanded to contain the spread of the virus, women with violent partners increasingly found themselves isolated from the people and resources that can help them. Government must include essential services to address violence in COVID-19 response plans, ensuring that violence survivors have access to protection services in the context of social distancing. The Police Force should also continue to prioritize reports of domestic violence.
- Civil Society Organizations especially those that focus on the safety and security of women should continue to create awareness on available mechanisms for reporting of cases of women's right violations, as well making reporting mechanisms more accessible.
- It is trite that sexual and gender-based violence cases are mostly perpetrated by individuals that survivors are closest to. Now that the lockdown has been eased, it is recommended that families should be vigilant and observant of their environments to prevent likely occurrences of sexual and gender-based violence. Families should be watchful of the behaviors and movements of their children and importantly report any case of sexual or gender-based violence to the security agencies, human rights organizations or NGOs across the country.
- The Chief Justice of Nigeria on the 23rd of March 2020 had directed all heads of courts to suspend sittings for a period of two weeks, which was to expire on the 7th of April. Court sittings was however further extended with the exemption of matters that are 'urgent, essential or time bound' till further notice. This will affect the prosecution of sexual and gender-based violence related offences. Consequently, this will reduce the likelihood of survivors getting justice during this period. Prosecution of sexual and gender -based violence related offences should be deemed as essential and time bound. Thus, concession should be made by the courts to hear such matters.
- There is a need for a gender sensitive approach to all palliative measures instituted. This will mitigate women's economic dependence on men which sometimes exacerbates domestic violence. Government should target individuals rather than households when implementing direct cash transfers.
- Policies should also address vulnerabilities of the extreme poor living in settings with inadequate water, sanitation and hygiene facilities.