

The Imperative of Domesticating the Maputo Protocol to Enhance the Special Seats Bill

Introduction

Nigeria's commitment to gender equality and women's empowerment is a constitutional imperative and a moral obligation. While significant strides have been made, women's political participation and enjoyment of their human rights remain constrained by systemic and cultural barriers. The proposed Special Seats Bill, aimed at increasing women's representation in legislative bodies, presents a crucial opportunity for progress. However, its effectiveness will be profoundly amplified by the full domestication of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, widely known as the Maputo Protocol.

Baobab for Women's Human Rights, a non-profit, non-governmental, and non-religious women's human rights organization committed to promoting and protecting the rights of women and girls in Nigeria, advocates for the immediate domestication of the Maputo Protocol as a foundational step towards achieving genuine gender equality and ensuring the success of the Special Seats Bill.

The Maputo Protocol: A Comprehensive Framework for Women's Rights

Nigeria ratified the Maputo Protocol on December 16, 2004, signifying its commitment to the Protocol's extensive provisions. The Maputo Protocol is a progressive legal instrument that guarantees a wide range of substantive human rights for women, encompassing civil, political, economic, social, cultural, and environmental rights. It specifically addresses critical issues such as:

- **Right to participation in the political and decision-making process (Article 9):** This article explicitly calls on States Parties to "take specific positive action to promote participative governance and the equal participation of women in the political life of their countries through affirmative action, enabling national legislation and other measures."

Elimination of discrimination and harmful practices: The Protocol obligates States to adopt legislative, institutional, and other measures to eliminate all forms of discrimination against women and eradicate harmful practices like female genital mutilation, child marriage, and all forms of violence against women.

- **Protection from violence against women:** The Protocol places a clear obligation on States to prevent, condemn, and prosecute perpetrators of violence against women, including domestic abuse and marital rape, and to provide protection for those most at risk.

The Special Seats Bill: A Step in the Right Direction, but Not Enough

The Special Seats Bill, which seeks to create additional seats for women in the National and State Houses of Assembly, is a commendable temporary special measure aimed at addressing the alarming underrepresentation of women in Nigerian politics.

Nigeria currently ranks poorly in global indices for women's parliamentary representation (178 out of 182 countries).

The Bill proposes to add one additional seat in the Senate for each State and the Federal Capital Territory, and three seats for women in each State House of Assembly (one per senatorial district), to be contested and filled by only women.

This initiative recognizes the need for affirmative action to redress historical imbalances and strengthen participatory democracy

However, without the full domestication of the Maputo Protocol, the Special Seats Bill risks bring a superficial solution, failing to address the root causes of gender inequality that impede women's full participation and enjoyment of their rights.

The Indispensable Link: Why Domestication is Crucial for the Special Seats Bill

Domestication of the Maputo Protocol in Nigeria, meaning its transformation into national law, is not merely a formality; it is a critical step for several reasons:

- **Legal Backing for Affirmative Action:** Article 9 of the Maputo Protocol provides explicit legal backing for affirmative action measures, such as the Special Seats Bill. Domesticating the Protocol would embed this international obligation into Nigerian law, strengthening the legal foundation and legitimacy of the Special Seats Bill against any potential challenges.
- **Harmonization of Laws:** Nigeria's legal landscape is complex, with customary, religious, and statutory laws often conflicting and perpetuating discriminatory practices against women. Domestication of the Maputo Protocol would necessitate a comprehensive review

and harmonization of existing laws to ensure consistency with its provisions, thereby creating a more enabling legal environment for women's rights, including their political participation.

- **Comprehensive Approach to Gender Equality:** The Maputo Protocol offers a holistic framework for women's human rights. Domesticating it would ensure that the efforts to increase women's political representation are complemented by protections and advancements in other crucial areas such as education, health, freedom from violence, and economic empowerment. Without addressing these broader issues, women's ability to effectively participate in political life, even with special seats, will remain constrained
- **Accountability and Enforcement:** When the Maputo Protocol is domesticated, its provisions become enforceable under Nigerian law. This provides a clear legal basis for individuals and organizations to seek for violations of women's rights, and for the government to be held accountable for its obligations. This will lead to stronger implementation of gender-responsive policies, including those related to political participation.
- **Shifting Societal Norms:** The challenges to women's political participation in Nigeria are deeply rooted in patriarchal societal norms and harmful traditional practices. Domestication of the Maputo Protocol sends a powerful message that these practices are unacceptable and that the state is committed to challenging and changing them. This legal declaration can serve as a catalyst for broader societal transformation and increased acceptance of women in leadership roles.

- **Addressing Intersectionality:** The Maputo Protocol recognizes the diverse experiences of women and explicitly addresses the needs of vulnerable groups. Domestication would provide a framework to ensure that the Special Seats Bill benefits all women, including those facing multiple forms of discrimination, and that their unique perspectives are brought into the legislative process.

Recommendations:

Baobab for Women's Human Rights urges the Nigerian government, particularly the National Assembly, to:

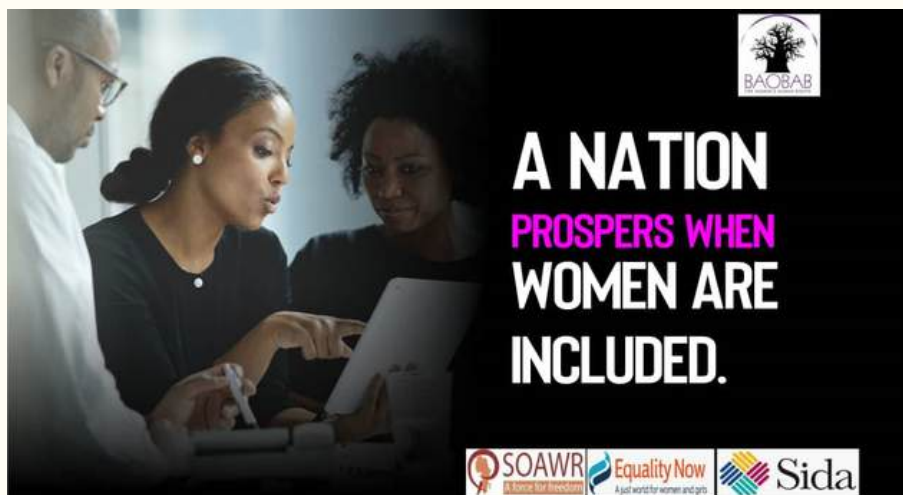
- **Prioritize the immediate domestication of the Maputo Protocol:** This should be seen as a concurrent and urgent leg
- Enact comprehensive legislation that fully incorporates all provisions of the Maputo Protocol into Nigerian domestic law, ensuring that its rights and obligations are directly applicable and enforceable.
- Undertake a thorough review of existing national and sub-national laws to identify and repeal or amend any provisions that contradict the Maputo Protocol, particularly those that perpetuate discrimination or harmful practices against women.

- Allocate adequate budgetary and human resources for the effective implementation and monitoring of the domesticated Maputo Protocol, as well as for the successful operationalization of the Special Seats Bill.
- Launch extensive public awareness campaigns to educate citizens, particularly women, on their rights under the Maputo Protocol and the opportunities presented by the Special Seats Bill.
- Strengthen partnerships with civil society organizations, including women's rights groups, to monitor the implementation of the domesticated Protocol and the Special Seats Bill, and to advocate for continued reforms.

Conclusion

The Special Seats Bill offers a promising avenue for increasing women's representation in Nigerian governance. However, for this initiative to achieve its full potential and truly transform the landscape of women's rights in Nigeria, it must be firmly rooted in the comprehensive legal framework provided by the Maputo Protocol.

BAOBAB
FOR WOMEN'S HUMAN RIGHTS



***Prepared by: Baobab for Women's
Human Rights(BAOBAB)***

