

# Gender Assessment for USAID/Nigeria

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## The Women in Development (WID) IQC

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## ACRONYMS

ADP	Agricultural Development Project
ADS	USAID Automated Directives System
AED	Academy for Educational Development
AGOA	African Growth and Opportunity Act
ANC	Antenatal Clinic
BCC	Behavior change communication
CBO	Community-based organization
CEDPA	Center for Development and Population Activities
CIDA	Canadian International Development Agency
CPCS	Cassava Processors' Cooperative Society
CPH	Community Partners of Health
CPR	Couples Prevalence Rate
CS	Child survival
CSO	Civil society organization
CSP	Country Strategic Plan
DFID	Department for International Development (UK)
DG	Democracy and Governance
DOTS	Directly Observed Treatment Short course
EGAT	Bureau for Economic Growth, Agriculture and Trade (USAID)
FGM	Female Genital Mutilation
FHI	Family Health International
FMOH	Federal Ministry of Health (Nigeria)
FOS	Federal Office of Statistics (Nigeria)
FP	Family planning
FSW	Female Sex Workers
GDP	Gross Domestic Product
GON	Government of Nigeria
HEAP	HIV/AIDS Emergency Action Plan
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
IEC	Information, education and communication
IFDC	International Fertilizer Development Centre
IITA	International Institute of Tropical Agriculture
INEC	Independent National Electoral Commission (Nigeria)
INGO	International NGO
IP	Implementing Partners
IPRSP	Interim Poverty Reduction Strategy Papers
IR	Intermediate Result
IRI	Interactive Radio Instruction
IT	Information Technology
JHU/CCP	Johns Hopkins University/Center for Communications Programs
LDC	Least Developed Country
LGA	Local government authorities
MCH	Maternal and child health
MSM	Men who have sex with men

NDHS	National Demographic Health Survey
NGO	Non-governmental organization
OVC	Orphans and vulnerable children
PABHA	People affected By HIV/AIDS
PLWHA	People living with HIV/AIDS
PR	Public relations
PRSP	Poverty Reduction Strategy Papers
PSI	Population Services International
PTB	Pulmonary tuberculosis
PVO	Private voluntary organization
RFP	Request for proposal
RH	Reproductive health
SFH	Society for Family Health
SIA	Social Impact Assessments
SME	Small and medium enterprise
SO	Strategic objective
STI	Sexually transmitted infection
TB	Tuberculosis
TS	Transition strategy
UBE	Universal Basic Education
UNCTAD	United Nations Conference on Trade and Development
UNHDR	United Nations Human Development Report
UNIFEM	United Nations Development Fund for Women
USAID	United States Agency for International Development
VCT	Voluntary counseling and testing
WID IQC	Women in Development Indefinite Quantity Contract

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We are especially appreciative of Anne Fleuret's establishment of the parameters in the Scope of Work, and her help in making adjustments and refinements as the work progressed. We would also like to express our thanks to Director Dawn Liberi for supporting an engendered program and portfolio, and the present assessment. Further, we are pleased that the SO3 team and Ms. Liberi supported the idea of adding a fifth member to the team, one who could more adequately represent the situation of women and men in the North and Far North of the country.

Thanks are also due to Shelagh O'Rourke for help, networking and advice within and beyond the boundaries of the new HIV/AIDS and TB Strategic Objective.

The many representatives of Implementing Partners whom we met were very accessible, as were their counterparts and others in Government, the private sector, and among the Nigerian NGO/CSO community. Given the brevity of our visit to Nigeria, and the many demands we placed on them, they are especially deserving of our thanks.

This was only the second Task Order under the new WID IQC and little was known among the Contractors about the logistical challenges of working quickly in Nigeria. We are particularly indebted to EGAT/WID for providing additional logistical support. Given delays in preparation and presentation of the Draft Assessment Report that were beyond our control, the Team Leader would also like to thank everyone at the Mission—and the other team members and the Contractor—for their respective patience and support.

Finally, but not least, we would like to express our appreciation to the Nigerian women and men who welcomed us to their villages and towns, and answered our questions about their needs and problems; about local, state and federal gender realities and policies; USAID/Nigeria and other donor funded activities, and their understanding of, and attitudes toward them.

This Report presents the thinking and writing of a team, and contains some recommendations which are the result of interviews conducted jointly, and others based on individual interpretations and solo interviews and field visits carried out by a Team Member alongside a member(s) of an SO team. The Team Leader believes that the majority presented here are those about which most of the Team agree. There has not been time for us to synthesize the recommendations made for each SO, and concerning the cross-cutting themes and possible areas of synergy and collaboration with development partners—including the GON at all three levels of government.

## EXECUTIVE SUMMARY

The USAID program in Nigeria since 1999, under the Transitional Strategy, has included explicit attention to women and gender issues under each of the four strategic objectives. In addition to the inroads these programs have made in defining and confronting the gender gaps across sectors, the programs and partner organizations have established a base for gender mainstreaming in the 2004-2009 Country Strategic Plan. With the attention in the new strategy to civil society organizations as key to strengthening democratic governance and as partners in program implementation in local communities, the activities initiated during the transition period with women's organizations and leadership training have particular significance.

The assessment notes the overriding importance of the diversity in the country – ethnic, religious, geographic, class – as a factor in defining gender issues. Although some generalizations are possible, particularly in reference to formal government and legal institutions, the impact of gender relations on activities and on the status of women and vice versa is constructed by a web of diverse economic, social, religious, and cultural factors. The highly publicized events in the northern states and the impact of Shari'a Law are a case in point (see Annex 5). The focus on implementation at the community level and the recommendation in the assessment for activity-specific "social assessments" are in response to this diversity.

A second overriding factor identified in the gender assessment is the continuing increase in levels of poverty, especially in rural areas. Approximately 40 percent of the population is classified as living in extreme poverty, and estimates show women as 70 percent of those in this category. The disproportionate impact of poverty on women and their children underlines the importance of explicit attention to gender-based constraints and barriers women face in accessing economic opportunities and social services. Women's access to power and participation in decision-making are essential to getting key human rights issues on the national agenda, such as those that negatively affect women's capacity to access opportunities and protect their personal well-being. Increasing women's access to public arenas was a focus of the USAID Transitional Strategy and will continue to be emphasized and monitored in the future.

Nigeria has a policy environment with the potential to support gender equity. It is a signatory to international conventions pertaining to the status of women, has a Ministry of Women's Affairs and Youth Development with desk officers for each sector, and recently adopted a National Policy on Women. At the same time, these institutions have been largely ineffective through lack of funding and political support. The assessment suggests several potential areas for USAID collaboration, including support through training and information-sharing with the gender officers for each sector and assistance in generation of sex-disaggregated data and indicators in government databases, for use in policy reform and monitoring the status of women.

The assessment also examines key gender constraints under each Strategic Objective of the new Strategic Plan, and provides broad brush recommendations that may guide

specific applications as the process of gender mainstreaming moves forward in program implementation.

- **SO 11. Good Governance through Transparency, Participation and Conflict Management.** The achievement of gender equality in democratic participation in Nigeria involves two essential processes, equity in participation and voice within civil society and the community, and equity in participation in the formal structures of the democratic state. The assessment recommends pursuit of initiatives on both levels, through support for women’s civil society organizations and advocacy training, NGO networks, and media access, and through efforts to increase women’s representation in legislature, election, and government positions of authority.
- **SO 12. Sustainable Agriculture and Diversified Agricultural Growth.** Building on the successes under the Transition Strategy, the assessment urges attention to products and processes that will provide income to rural women. Key to these efforts is assuring women’s access to productive resources, especially security of land tenure. Increased emphasis on trade and export production, access to market information, and recognition of the role of women traders and inclusion of their organizations in policy discussions are essential for women to benefit equally from these programs.
- **SO 13. Improved Social Sector Service Delivery.** The principal problem posed by the assessment is how to achieve equity between men and women in access to services. In all three sectors included in this SO, family planning and reproductive health, child survival, and basic education, indicators show that on average, females benefit less than males, although there is substantial variation across regions. The assessment confirms the steps outlined by the Mission to affirmatively counter the gender gaps in access to services.
- **SO 14. Expanded Response to HIV/AIDS and Tuberculosis.** The spread of the HIV/AIDS epidemic in Nigeria and of the number of people affected prompted USAID to create a new SO for the next strategy period focused directly on HIV/AIDS and tuberculosis (one of the most frequent opportunistic infections among AIDS patients). The gender assessment focuses on factors that make women particularly vulnerable to infection, and also on the impact of HIV/AIDS on women as the principal care providers in the population. Recommendations discuss ways to counter this vulnerability, giving particular attention to empowerment of women and the importance of building linkages across the SOs to reinforce SO 14. The assessment also points to youth programs and negotiation skills between boys and girls as a key focus. Gender issues also increase the vulnerability of men who have sex with men (MSM).

The Mission has identified gender as one of six crosscutting themes that affect and are affected by all aspects of the strategy. USAID directives (ADS) cite two criteria with which to assess the importance of gender in USAID programming: the effect of gender

relations on program results; and, the effect of the program on the status of women. Guided by these two criteria, gender analysis serves as the basis for building gender considerations into all aspects of the program, starting with the assessment, as a part of the strategy development process, and proceeding through the design and implementation of activities, selection of indicators in the performance monitoring plan, and ongoing monitoring and evaluation. The assessment states that in the Country Strategic Plan for Nigeria, gender relations are not only a vital consideration in each program area but also a key factor in building linkages across program areas. Increasing women's access to power and decision making is identified as the central underlying theme across all programs, with a particular emphasis on strengthening civil society organizations and participation in the community. A second key recommendation that cuts across all aspects of the program is the necessity of building on the broad gender assessment with narrower social/gender assessments that are region and activity specific.

## I. INTRODUCTION

USAID's policy is to integrate gender into all its programs and activities. This is usually called "gender mainstreaming." It means that relationships between women and men, and the impact that those programs and activities will have on increasing equity in such relationships in all sectors, must be a fundamental part of program and activity design, implementation and evaluation.<sup>1</sup> As put by one Team Member, "**Gender** is socially constructed for the purpose of allocating power, duties, responsibilities, statuses and roles in any given social milieu or context. It is important to add that gender is neither male specific nor female specific. However, there is the often mistaken notion that gender refers to women and women's affairs only. Gender entails the analysis of male and female issues and if properly conceived, refers to male and female concerns and needs. It stands for values of equality and equity." (Pogoson)

Nigeria is a particularly challenging opportunity for gender mainstreaming across a substantial USAID portfolio, with both cross-sectoral and sectoral dimensions. A federated polity and a multi-ethnic society, Nigeria is extremely complex and diverse, with a very large, fast growing, young population; a variety of often-competing major ethnic groups generally geographically and geo-politically concentrated; extremes of wealth and poverty; and an economy with a growth rate inadequate to the demands of the expanding population. Governance has been characterized by a series of predatory military regimes, each of which has simultaneously mismanaged the economy and attempted to alter the formal structures of the polity to suit its particular ends.

Today, on the eve of a hoped-for peaceful transition from one democratically-elected civilian administration to another, Nigeria is still in political and economic transformation. Following on 14 years of military regimes, the country's formal political, judicial and economic institutions are still in great need either of renewal or further strengthening. In May 1999, the then newly-elected Obasanjo administration was faced with the very high expectations of 124 million Nigerians for better services, greater economic opportunities, and more responsive government, combined with significantly lower levels of public and private-sector corruption. Some of these expectations have been met to a certain degree despite the strong and varied vested interests and other limitations confronted by the administration as it sought to respond to them.<sup>2</sup>

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<sup>1</sup> This is distinct from the former "women in development" orientation, in which there were special projects or project elements that were specifically designed to impact positively on women alone, or women and children, while the rest of the program was thought to be "gender neutral."

<sup>2</sup> The UN Human Development Report for 2002, which is about Good Governance, discusses the case of Nigeria as follows, "The Nigerian army first overthrew the democratically elected leadership (1993) before restoring others to power (1999), which shows the central place occupied by the army in the country's affairs. The winner of the 1999 elections, President Ousegun Obasajo is a former general. Certain offices, particularly those now in retirement, continue to exert their political influence by giving generous financial contributions to political parties. Many of them are still members of the General Assembly, or maintain significant interests in important economic sectors, particularly agriculture, banking, petroleum and air transport" (Box 2, p 88).

The elected administration inherited a country with negative per capita growth (since, hovering around 3.5% per year); an external debt of over \$30 billion; a long history of economic mismanagement, extensive corruption, counter-productive policies in the once thriving agricultural sector; and a population growth rate estimated at 2.9%, which means that the population may be expected to double within 24 years.

Despite its \$50 billion economy, Africa's second largest, Nigeria is now ranked 148 out of 173 countries on the UN Human Development Index of Social Indicators (UNDP Human Development Report, 2002). GDP per capita (\$920) per year is lower than the level at Independence 42 years ago. Average income is approximately \$260 per capita. Today, the majority of Nigeria's population is poor. 90% of the population lives on less than \$2.00 a day, and 6.6% lives below a \$1.00 a day poverty line. Approximately 40% of the population lives in extreme poverty, 70% of whom are estimated to be women.

Thus, Nigeria appears to be a country characterized by the "feminization" of poverty. Only 22 other countries out of 146 for which a new "sex-specific" indicator of human development, first published in the UN Human Development Report (HDR) for 2002, rank lower than Nigeria. Interestingly, however, the World Bank's World Development Report, *Voices of the Poor* for 2000/2001, indicates that continuous impoverishment tends to blur the distinctions between women and men in terms of economic opportunity and influence.

*"The most striking finding however, is that gender relations in Nigeria are changing - and changing in the face of poverty and as a result of poverty. In particular, women across the zones indicated that they have greater economic independence and decision-making opportunities within the household. This, in turn, indicates greater vulnerability of men in terms of status in the household, of greater difficulty in fulfilling their traditional family roles, of increased vulnerability and lack of self esteem. They are coping less well than women in terms of identity and self esteem, while women still bear the brunt of material deprivation for households, and to some extent, communities.*

*"An implication of this change is that the differences in experience and response between men and women do not follow assumed gender divisions - although men still retain their status at community level where women still continue to be largely excluded from decisions. Women are however moving into non-traditional areas of work, such as yam production, keeping the profits from oil palm production, and taking up paid work in a range of sectors. Men's work has increased in intensity for a steadily depreciating level of income" (pp 3-5).*

It is difficult to obtain data on the relative proportions of poor and extremely poor by urban and rural residence. Given that an estimated 65% of the population is still engaged in the agriculture sector, it is likely that the majority of poor and very poor households are located in rural areas. On the other hand, the rate of urban growth is quite high, and already in 2002, approximately 45% of the total population was urban.

Agriculture, though its outputs have been declining, still contributes about 40% of GDP, while oil exports only provide about 13%, and services, 36%. Approximately 65% of the nation's population is still involved in agricultural production. Despite a new Government initiative for Universal Basic Education (UBE) which has led to the enrollment of 87% of seven year olds in primary schools, average scores on the standard 5<sup>th</sup> grade literacy test are 15% below the minimum level for passing. Less than half of adults—and 40% of women—are literate. Generally poor health indicators are complicated by the increasing HIV/AIDS prevalence rate. Though Nigeria's 5.8% prevalence rate is low compared to those of many other African countries, due to the sheer number of HIV sero-positive persons—3.5 million—Nigeria was already ranked as the fourth worst-affected country in the world in 2001.

Almost all of the literature reviewed before and after the team visited Nigeria, and virtually all informants interviewed, indicated that one of the country's major problems is that there is little that binds the regions together into the Federation. Most people are articulate about the differences among ethnic groups, social classes, Northerners and Southerners, the traditional and the modern spheres. Yet, one element that appears to traverse all the regions, and to cross-cut all economic, social and political sectors, is the ascendancy of men in power relations.

The visibility of questions of gender, power and rights has increased significantly recently in Nigeria as issues concerning the legal, civil, religious, economic and reproductive rights of women have come to the fore. This, in turn, results in part from the efforts those in power in 12 of the 19 states of the North and Far North have made to further demarcate the relative status and rights of women and men in terms of the tenets of Islam as these are locally understood.

Though particular legislative and socio-political efforts in the “Shari’a Law States” may have brought these issues more dramatically before the Nigerian public and the world, relations between women and men are also inequitable in almost all other states, and among almost all other religious, socio-economic and ethnic groups. The ways in which these inequities express themselves differ in terms of location, age, ethnicity, class, socio-economic status and religious affiliation. But in some ways at least, they are remarkably consistent, as will be seen in the sections that follow. In almost all instances, they have a significant impact on access to resources of all kinds by women and by men at the individual and household level, and subsequently at higher levels of social organization, finally reaching the level of economy, polity and society of the Federation as a whole.

## II. CONCEPTUAL FRAMEWORK AND APPROACH

The content and recommendations of this Report are intended to inform the strategic and results framework of the 2004-2009 USAID Country Strategic Plan. The overall objectives, “given the Agency requirements and the Mission’s own interest” are described in the Scope of Work (SOW—see Annex 1) and include a request for a comprehensive literature review, and interviews with key informants among the current Implementing Partners, other civil society organizations, key GON officials, other officials at the State level and below, and representatives of other donor agencies active in USAID’s areas of concentration. Each member was assigned a particular SO as well as being asked to address the over-arching objectives of the Assessment. The work plan developed in-country also included a considerable amount of time for field visits. While the Team hoped at first to visit all six geopolitical zones, a planned visit to the South-East was cancelled due to the fact that the Agriculture Portfolio Review team would be traveling there, accompanied by the Mission’s Strategy and Planning Officer, who is also a very experienced gender specialist. A visit to the South-South was cancelled due to civil unrest. The team presented an oral debriefing before leaving Abuja. Due to power outages in Nigeria and other communication difficulties, there were delays in submission of the first and final Assessment Reports, the latter based on comments from the Mission. A list of persons encountered and their respective organizational affiliations is presented as Annex 3.

The next section of the report (Section III) addresses the best practices in terms of gender impact from implementation of the three-year Transition Strategy. In Section IV, the focus is on the gender and women’s affairs institutions and policies of the Government of Nigeria, and potential areas of collaboration between USAID and the government. Section V presents gender issues and constraints particular to each of the four SOs of the new Country Strategic Plan, with recommendations for addressing them. Section VI is a brief discussion of the importance of gender as a cross-cutting theme, and general assessment conclusions. The report’s supporting annexes follow Section VI.

### III. BEST PRACTICES FROM THE MISSION'S TRANSITION STRATEGY

Following the inauguration of President Olusegun Obasanjo in 1999, USAID/Nigeria began implementing a 27-month Transition Strategy (extended through December 2003) in support of the new government, which greatly expanded the USAID presence in the country. The four Strategic Objectives and fifth Special Objective<sup>3</sup> of the Transition Strategy have set the framework for the new program.

The transition program is noteworthy for the extent to which the Mission and its Implementing Partners (IPs) have been successful in reaching anticipated beneficiaries through grassroots level approaches, while also positively influencing federal and state-level reform in those sectors on which it has focused its efforts. With regard to gender equity, each of the SOs under the Transitional Strategy has stressed providing women as well as men with access to influence and assets to improve their own socio-economic, health, and political status, as well as those of others.

Under **SO 1, Sustain Transition to Democratic Civilian Governance**, for example, an early activity worked through a media campaign with women's civil society organizations (CSOs) to increase women's access to formal political processes, and along with men and youth, to be better able to manage conflict. Similarly, in working with the National Assembly, a key indicator under IR 1.1 was women legislators as active participants in the National Assembly. In strengthening the rule of law, successful efforts were made to support legislation favorable—or at least not unfavorable—to women, and remove legislation inimical to women. Again, at the state and local government level, the strategic framework stressed the representation of citizens' input in party political processes. An indicator, IR 2.3, was that “more women move into leadership positions, with an eye to increasing the number of women...nominated by the party as candidates for elections.” Confirming the Annual Report's observations, the team's fieldwork suggests that most of these intermediate results have been met, and the support to women's CSOs has produced positive results.

Under **SO 2, Strengthen Nigeria's Institutional Capacity for Economic Reform and Enhance Its Capacity to Revive Agricultural Growth**, advances for gender equity also have been sought and achieved. These are perhaps less immediately obvious in terms of the activities funded for macroeconomic reform than for activities to enhance and revive agricultural growth. The strategy choice made with other donors under the Transition period was to focus on improved economic governance through improved economic management. Significant achievements were made in key studies and establishment of data sets leading to possibilities for increased accountability and transparency, and involvement of the private sector as stakeholders in macroeconomic reform. The program also had a major emphasis on privatization of state-owned enterprises and re-structuring the Office of the Debt.

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<sup>3</sup> The Gender Assessment did not include the Special Objective, “Improve management of the infrastructure and energy sectors.” Because of budgetary constraints, the Mission will not continue programs in this area under the new strategy.

At this level of intervention and analysis, it may be argued that all citizens are likely to benefit. However, the way in which surpluses, resulting from better management of the debt and privatization, are allocated may be either equitable or inequitable in gender terms. There is an increasing understanding, growing from work on pro-poor macroeconomic policies, that “gender budgeting” approaches are useful tools in determining whether such choices will be beneficial to men, women, or both. During the transition period, none of the donors seems to have given this kind of attention to differential impact on women and on men.

In other areas of the SO 2 program, significant attention was given to the views and orientations of stakeholders. In 2001, continuing its effort to understand and monitor changes in the attitudes of Nigerians toward democratic governance and macroeconomic reform, USAID/Nigeria funded a survey on attitudes of a nationally representative sample of 2,900 Nigerians—50% women and 50% men. The survey showed that while a majority of those surveyed are willing to give democracy a chance, despite their lowered expectations, this same majority are not as convinced about the value of market-oriented economic reforms. “...[D]emocratic preferences are more widespread among Nigerians than market values, and it is evident that many people who support the regime of democracy consider a mixed or state-run economy to be an appropriate choice.” (2001, p. 66). It appears that there was little significant difference between the responses of men and women surveyed. Where there were significant differences, these were reported.<sup>4</sup>

The second major theme of SO 2 in the transition period is to revitalize the rural, agricultural sector in order to reduce poverty and to increase food security, while at the same time diversifying the economy away from a dependence on petroleum exports.

*“During its first year of implementation, the Mission’s rural sector enhancement program, carried out in collaboration with the International Institute of Tropical Agriculture (IITA), delivered improved agricultural technologies to nearly 6,000 farmers in 4 states, enabling them to double their production of target staple crops, sell their surplus at premium prices, and earn \$2.4 million in cash income. In addition, tailored technical assistance provided through the Farmer to Farmer program reached over 5,000 direct beneficiaries in FY 2002, assisting them to improve the efficiency of their agribusiness enterprises and increase their incomes.”* (Annual Report)

A significant feature of the IITA program is that it fostered the creation and registration of several women’s groups in Kano State, where women are often secluded. Women participating in the program received the same extension information as men regarding improved practices, especially for cowpeas, and small stock to fatten for sale. Additional income-generating activities are being added, as are literacy programs.

Under the newly-launched improved seed program, women farmers continue to benefit and increase their production by using and producing improved cowpea and millet seed, and selling it to other women in their villages. Women visited during the assessment indicated that they already are realizing profits, which they were using to send girls to

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<sup>4</sup> Dr. Peter Lewis, American University, Personal Communication, March, 2003.

school, keep children of both sexes in school, improve household nutrition, and “help their husbands.” The demonstration effect of these initial groups in Kano is likely to be significant and can be replicated as the project expands to other states in the North.

**Success Story: Improved Cassava Processing Generates Higher Incomes**

Women members of the Cassava Processors’ Cooperative Society (CPCS) used time-consuming and simple procedures to process their cassava into edible products. USAID-supported Farmer to Farmer volunteers working with the group arranged to have a cassava press constructed and donated it to the cooperative. As a result of this new equipment, pressing a batch of cassava now takes less than half of the time and is of higher quality because it does not collect dirt and other foreign matter, allowing the cooperative to charge a higher price for better quality. CPCS members are now paying weekly contributions of 40Naira (about \$0.30 U.S.) compared to 20Naira monthly before the new technology was introduced. With its increased capital, the cooperative has been able to extend loans to its members, and membership has grown from 12 to 30 women. Other women want to join, but rather than expanding too fast, CPCS is encouraging the formation of other cooperatives. All 30 members of CPCS are now able to send their children to school and provide clothing and food from their cassava processing income.

**Success Story: Higher Earnings from Gum Arabic**

Gum arabic, a valuable agricultural commodity, is produced from the sap of the *Acacia senegal* tree and is a key ingredient in soft drinks and candy, as well as pharmaceuticals. The acacia tree also helps protect arid land from desertification, and residents of Jigawa state in Northern Nigeria have planted many acacia trees as a preventive measure. While the trees have helped keep the Sahara at bay, in the past they were never used to produce gum arabic.

In FY 2002, USAID/Nicaragua initiated a gum arabic program in Northern Nigeria. The Jigawa State Government contacted the project for assistance in tapping the acacia trees on public lands. USAID project staff worked with local farmers to train them in harvesting techniques to ensure a high-quality product. The project also assisted with identifying buyers, who have committed to purchasing 504 metric tons of gum valued at \$529,200. Both the state government and individual farmers benefit, and with demand for quality gum arabic exceeding supply, individual farmers are beginning to plant *Acacia senegal* trees in anticipation of future profitable harvests.

**SO 3, Develop the Foundation for Education Reform**, focused on addressing the systemic problems of policy, management and implementation that underlay the deterioration of Nigeria’s educational system, and on beginning implementation of an action plan to improve the efficient functioning of the system. The main area of emphasis was basic education (K-9), but comprehensive assessments were also to be initiated on the education sector as a whole, including stakeholder participation. A special initiative was also implemented for technical education to meet the needs of unemployed youth and to address the “mutually reinforcing” problems of very high levels of unemployed youth and of significant unmet demand for employees with ever-higher skills.

The Transition Strategy notes that the long-term strategic objective of improving access, quality and equity in Nigeria’s basic education system requires that the public and civic

institutions responsible for organizing educational services be reformed. Existing problems result from lack of financing, low school quality, loss of teacher morale and discipline, and marked deterioration in support services, materials and facilities. “This has contributed immensely to the mass corruption, human rights abuses, youth cults, sexual abuse and selling of grades that are prevalent in schools, colleges and universities” (p.25). Most of these problems, though not all, relate particularly to girls and young women in and out of school. In some instances, especially youth cults, but also sexual abuse and human rights abuses, they may also relate to male youth.

**SO 4, Increase Use of Family Planning/Maternal and Child Health/Child Survival/Sexually Transmitted Disease/HIV Services and Preventive Measures within a Supportive Policy Environment.**

Often, when gender mainstreaming is discussed, it is reduced to “women’s issues.” In turn, “women’s issues” are often relegated to the reproductive health sub-sector. As has been seen, this is not the case for USAID/Nigeria’s strategy and portfolio. This integrated SO, which combined three previous separate SOs, has been very successful in meeting its intermediate results.

As the Annual Report notes, USAID:

*“Increased the delivery of critical, quality services for prevention, care and support, advocacy, and policy development. The past year saw consistent increases in sales of condoms, and the numbers of people living with HIV/AIDS (PLWHA) utilizing care and support services. With USAID support, the first two dedicated voluntary counseling and testing (VCT) centers in Nigeria were opened in Lagos and Kano. The immunization of 40 million children under the age of five against polio, a joint effort of USAID, the Federal Ministry of Health, and other donors, provides real hope that the cycle of transmission will be broken by the end of CY 2003, thus eliminating one of the last polio ‘hot spots’ remaining on the earth.”*

Targeted technical assistance and training boosted use of modern methods of family planning to prevent unplanned pregnancies by 27 percent over last year. USAID leadership contributed to the adoption and formal launch of a national policy on food and nutrition, and the implementation of a comprehensive national nutrition survey.

These are very significant successes. Yet, there are some activity areas in which more attention to men as clients—and as gatekeepers through whom to obtain access to women—might lead to increased impact. For example, engaging men in reproductive health behavior change—and not merely those men who are most at risk for sexually transmitted infections (STIs) and HIV in particular—has proven successful elsewhere. In programs funded by USAID and other donors, using men for community based contraceptive distribution, as visiting family planning (FP) nurses, and in forming “father’s clubs” linked to maternal and child health (MCH) clinics and their programs, have worked to increase couples prevalence rate (CPR), and reinforce the impact of behavior change communication (BCC) programs. This would seem a possibility for

Child Survival initiatives as well. In the North, where women's independent access to, and power over, reproductive health and family planning information and decision-making may be more acutely limited than in other regions of the country, this may be a way of opening the minds of men and of giving women greater freedom to demand and receive quality services.

Under the new Country Strategy, this SO and the education SO will be combined, but there will be a new, separate SO 14 for HIV/AIDS and tuberculosis, given the magnitude of the epidemic and its rapid growth. This new SO will be reviewed in gendered terms.

### **Best Practices:**

Overall, there are a number of best practices that emerge from the three-year Transition Strategy both at the conceptual level and in implementation. These include, but are not limited to, the following:

- Including gender equity as a cross-cutting issue under the Transition Strategy;
- Special emphasis on improving access for women to political processes at all levels, including through media campaigns;
- Working with legislators and the judiciary at all levels to ensure a better legal and rights environment for women as well as for men;
- Including women in awareness raising and skills development for conflict mitigation and resolution;
- Drawing a gender-balanced sample for the AFRO Barometer surveys and disaggregating data by sex;
- Beginning to create an enabling environment for the private sector that will include increased micro-finance and banking access for women as well as for men;
- Starting work on agricultural cultigens that are traditionally “women’s crops” and providing women farmers with improved inputs and information;
- Significantly improving access for girls as well as boys to basic education and skills training;
- Addressing educational system reform to redress rights violations of girls, and improve the schooling environment for girls as well as boys;
- Vastly increasing the access and use of men and women to modern methods of contraception and prevention of sexually transmitted diseases (STDs), including HIV;
- Addressing key constraints to child survival on an equitable basis.

#### **IV. GENDER AND IDENTIFICATION OF OPPORTUNITIES FOR COLLABORATION BETWEEN USAID AND THE GOVERNMENT OF NIGERIA**

USAID only recently has begun to work with Government entities. Previously, because of sanctions against the military government, all activities were implemented through NGOs. Although the civilian government, elected in 1999, has not been able to go far in addressing the range of challenges it faces, it has been successful in completing a Rural Development Strategy and a number of key macroeconomic reforms.

To date, the main areas for collaboration with the GON at the federal, state and local levels have been with the legislatures and courts. Now, under SO 12, there will be greater collaboration with the Federal Ministry of Agriculture and the state-level agriculture development projects (ADPs). What is less clear is the extent to which, if any, there will or should also be work with the elected councils at the level of the local government authority (LGA), and with the Ministry of Local Government that “oversees” them. What was observed by the team in the field is that USAID cannot rely on the implementing partners (IP) to lobby for the citizens of those LGAs, because they have no standing vis-à-vis the Government agencies. By going through the traditional system rather than the new, elective system, to some degree the IPs are blocking the ability of their beneficiaries to successfully lobby for funds and support from the LGA councils. These groups have no voice with the Ministry, and even key officials of the ADPs have no entry point other than through personal contacts and influence.

##### ***Constitution***

Primarily, it is the responsibility of the GON to create an enabling environment for gender equality. Creating such an environment requires concrete policies, programs and resources. The 1999 Constitution, in line with the previous constitutions, has not integrated women’s needs, concerns and human rights. There is a need for an inclusive constitution-making process that encourages women to participate, and allows them to shape the future of their country and their status within the future.

Gender equality activists continue to express serious reservations about the character and nature of the State in Nigeria, pointing to indications of systemic and structural exclusion embedded in its present framework. For instance, place of origin is given privilege over residency. With application of the federal character formula, rather than citizenship and capacity, women face marginalization. Federal character negates the protection of gender concerns under section 42 of the 1999 Constitution, which significantly minimizes women’s participation and access to policy and decision-making. Similarly the emphasis in the Constitution on registration of political ascendancy puts further barriers on women, who are denied meaningful participation within the existing political parties.

The ongoing debate on Shari’a Law is another area that has serious implications for women. While it is acknowledged that Nigeria is a multi-faith society and that people have a right to practice religion and culture without fear of discrimination, it is important that women participate in the discussions as equals. Annex 5 describes Shari’a Law in Nigeria in further detail.

From a gender perspective, increased advocacy on Constitutional provisions should include:

- Compulsory implementation of the Beijing Platform of Action on women's representation in executive positions;
- Engendering public policies to reflect gender equality as well as accommodating the specific needs of women in relation to their reproductive rights;
- Demystifying laws/legislation by increasing information and public enlightenment on rights;
- Making the language of the constitution less technical and difficult for people to understand.

### ***Poverty Alleviation Program***

The National Poverty Alleviation Program has many merits, but as the government moves forward with the PRSP, more attention needs to be given to its impact on women if broad-based impact is expected. The gap between policy-making, program development and implementation was clearly demonstrated in the ₦10 billion allocated in the 2000 budget to poverty allocation. 35% of the benefits of the budget are earmarked for women although women constitute a majority of Nigeria's poor. A focused and consistent effort will be needed to develop poverty alleviation measures that will reach women. These efforts must go beyond a mere interventionist approach to one that is sustained and institutionalized. Access to decision-making may be a key factor, since men have been appointed as coordinators of the program.

### ***National Policy on Women***

The National Policy on women adopted by the Obasanjo government is a significant way of redirecting public policies to promote gender equality and enhance complementary roles which women and men should play in development. The policy thrust is equity, social order and social well-being. The overall goals and objectives of the policy include:

- Ensuring the elimination of all forms of discrimination against women;
- Ensuring that the principles and provisions as contained in the Nigerian constitution are effectively enforced;
- Mainstreaming gender perspectives in all policies and programs based on a systematic gender analysis at all levels of government; and,
- Advocacy to ensure that the objectives contained in the National Policy inform social and legislative changes and engender women's organizations to engage with law and policy makers to transform the policy objectives into more binding law.

### ***Other Governmental Policies and Programs Related to Gender Equity***

Governmental policies and programs that are geared towards improving gender equity in education include:

- National Policy on Education (1981, 1985, 1998)
- Achievement of universal primary education which was later extended in 1999 to achievement of universal access to basic education (UBE) up to junior secondary education; Basic Education For All

- The 1992 National Program of Action on Survival, Protection and Development of the Nigerian Child (NPA) aimed to achieve 100% enrolment and completion rate in primary education. Furthermore, it aims to reduce illiteracy rate among adult females from an estimated 61% to 30.5% by year 2000
- The National Policy on Women (2000)

Activities and programs to provide education for disadvantaged females and males include:

- Marketplace workshops for drop-outs
- Meeting of all inter-ministerial sectors on women's issues
- Girls' education movement
- Nomadic education
- Mass literacy programs

In the health sector, policies and activities include:

- National Food and Nutrition Policy (1995)
- National Program of Action on Food and Nutrition
- National Population Policy for Development, Unity, Progress and Self Reliance (1988)
- Breastfeeding Policy (1994)
- National Policy on Women (2000)
- Supporting child rights through the National Council of Child Rights Advocates of Nigeria
- Female Functional Literacy for Health
- National Program on Immunization
- National Adolescent Health Policy (1995)
- Maternal and Child Health Policy (1994)
- National Health Policy and Strategy (1998)
- Draft National Policy on Children (2002)

### ***Ministry of Women's Affairs and Youth Development***

One outstanding issue is whether the Mission should, in pursuing its gender mainstreaming objectives, work with the Federal Ministry of Women's Affairs and Youth Development. As has been noted, this Ministry has personnel representing all sectors, and has gender representatives in all ministries. However, it is under-funded, and has very little capacity to carry out the oversight that is its mandate. Though such ministries are almost everywhere under-funded and often only exist as window-dressing to please donors and/or women's NGOs, in the Nigerian instance, some training for existing or potential staff would certainly appear warranted. This approach would not appear to run counter to the civil society orientation of the Mission Strategy, nor require a significant investment. Certainly, on the basis of the team's encounters with Ministry officials and staff, they "talk the talk" extremely cogently. However, in such a short time, there was no opportunity to find out whether, given the incentives and opportunities, they would also be able to "walk the walk."

### ***Recommendations on General Themes for Collaboration on Gender Equity***

Based on discussions with various stakeholders, greater and more concrete collaboration between the GON and USAID is necessary for more effective programs. Yet as one of the interviewees observed, such a recommendation may be problematic. “Who will drive the process of collaboration between IPs and the government? IPs try to collaborate but it is difficult. The collaboration is just on paper.”

Areas of collaboration between USAID and the GON should include:

- Strengthening of information-sharing and collaboration in service delivery between government and NGOs;
- Strengthening of interagency gender desk officers to mainstream gender into policies and programs, monitor implementation and evaluation;
- Strengthening government accountability by providing technical support for sustained gender disaggregated data collection, management and efficient use for policy reforms and intervention.

### ***Gender Issues That Have the Greatest Impact on Nigeria’s Economic Development***

Interviews conducted during the course of this assessment and literature review emphasize the significance of improved access of women to strategic resources as the gender issue that has the greatest potential for significant economic and human development. Despite some level of success achieved by some NGOs and Community Partners of Health in reaching target groups, there are obstacles to achieving intended results because of constraints in income generation. A CPH group observed, “We are concerned about income generating activities. How do we train our women and youths to empower themselves economically?”

No doubt, an integrated and streamlined approach proposed in the CSP for 2004-2009 has the potential to engender sustainable development if it focuses on increasing access to strategic resources in terms of education, skills (income) and decision-making. This stresses the potential multiplier effects of education and associated economic empowerment for the socio-economic development of Nigeria. There may be other areas in which, progressively, the Mission and its SO teams, IPs and their local beneficiaries, will have to take decisions based on the monitoring of the empirical situation—and funding availabilities—about the direction and extent of their cooperation and collaboration with the public sector at various levels.

The benefits of coordination with the USAID program and across SOs are also apparent, not only to build synergy but to avoid overlap and duplication. There is a risk that IPs under specific SOs—both international and Nigerian—will remain unaware of what the others are doing, particularly under the other SOs. What is more risky and more probable, however, is that media messages and other incentives toward significant behavior change may be mutually contradictory both in regard to their respective substantive or technical content and to their respective gender “dimension”. This was observed by the team during its field visits. Ideally, market research would be carried out together—perhaps in connection with Gendered Social Impact Analysis—by IPs working in the same physical

area, or targeting similar audiences, to foster coordination and to provide tools for monitoring the messages.

There are similar advantages to be gained by working more closely with other donors and other development partners across the board, but also within particular sectoral or technical (and geopolitical) areas. During the Team's in-briefing with the Mission, the Director made the point that while there is relatively good inter-donor collaboration within the sectors, at the overall programmatic or policy levels it is not particularly good.

### ***Observations***

Nigeria, like many other developing countries, has a policy environment that would appear to support gender equity. It is a signatory to most of the international conventions pertaining to the improved status of women. It has a Ministry of Women's Affairs and Youth Development, with desk officers for each sector, and corresponding women's affairs officers in each Ministry. The National Poverty Alleviation Plan is supposed to allocate a quota of 35% of funding to poor women. A National Policy on Women has been developed, and earlier, an excellent Population Policy was adopted.

At the same time, follow through within the national government is weak. Monitoring of the impact of such policies and of adherence to conventions and covenants is limited. The Ministry of Women's Affairs and Youth Development is severely under-funded and its staff under-trained for this kind of responsibility. Further, as in other countries, the Minister is to some degree overshadowed by the First Lady, and the Vice-President's wife, who are both active in women's affairs.

There have always been roles for women as well as for men in the "traditional sector" of juridical and political activities. Today there are women who are traditional chiefs; they can also serve as judges in traditional courts or moots; among Muslims, there have always been women scholars, and other women who, through religious activity and status (including participation in the Hadj), wealth creation or inheritance of aristocratic status, have influence on several social and political levels. In the largely Christian South, and South East, there are also roles for women to excel, to rule, to become wealthy and to control access to resources for other women and for men. Women traders, wherever they may be located, have been famous in Nigeria for many decades. Thus, there are women who have high ascribed status, power and influence, and those who have achieved them. Both are recognized in the traditional sphere, and can, at least in some instances, translate this power and influence into the modern sector, including in business and politics.

What may be at issue is how to help orient these powerful women to accept and advocate a gendered agenda more than a regional or sub-regional, ethnic, or religious one. There must be license for them to do so, but there must also be incentives. Women as stakeholders in economic reform, for example, can be significant given their roles in trade, as well as less traditional economic occupations such as aquaculture. Similarly, women of substance in the private sector will need to have incentives to employ other women rather than men, and to extend their knowledge and experience to other, poorer women. To some degree, this is already happening with the assistance of USAID-funded

interventions, such as those of the IITA seed multiplication program, and the JHU media program targeted toward increasing women's political awareness and participation.

Overall, change will take place largely through increasing the awareness of men at all socio-economic levels that women's economic and political participation is of benefit to them as well as to women. Statistics for Nigeria as well as for other developing countries indicate that the economic contribution of women—especially poor women—is not counted in macroeconomic reviews or in policy decision-making, just as impacts of foreign direct investment, government investment, and donor funds often are not analyzed in terms of their gendered impacts. There are a number of aspects of these questions that may be within the manageable interest of USAID/Nigeria under the new CSP, given its continuing emphasis on macroeconomic reform and on improving financial access and markets and private sector participation.

## V. GENDER ASPECTS OF INDIVIDUAL STRATEGIC OBJECTIVES

This section summarizes key gender constraints faced in the successful achievement of each of the new Strategic Objectives (SOs), elements that would improve collaboration between USAID and the GON and civil society around these issues, and recommendations for effectively addressing the constraints.

### **SO 11: Good Governance through Transparency, Participation and Conflict Management<sup>5</sup>**

For women in Nigeria, the struggle for democracy is a multi-layered task occurring at the state level, democracy at large, and democracy within and among the people. To achieve gender equality two things have to be done simultaneously:

- Convince the broader society why it is important for women to have a voice;
- Work to bring about democratic structures that address the perspective, demands and needs of women.

The processes of engendering democracy are long term, slow and often exacting on adherents.

Various types of barriers to equity in political participation can be identified – some more amenable to program initiatives than others. Girls' lack of access to education and high levels of illiteracy among girls and women prohibit effective participation that is cross-cutting and fundamental to the USAID strategy, as is the burden of poverty. Socio-cultural barriers like low self-esteem, cultural stereotypes, religious barriers, and traditional practices, as well as lack of confidence in other women and lack of understanding of women's issues are communicated through various institutions of society, and are often most effectively dealt with through civil society and the women's movement. Mainstreaming of gender concerns in all aspects of the SO13 program is key to confronting barriers like the general political environment (corruption, intimidation, violence), tokenism in appointments and representation, and openness in communication and dissemination of information. Legal barriers (e.g., constitutional questions) are perhaps the least formidable and the most immediately open to reform.

Under the Transition Strategy, USAID provided significant support in countering some of these barriers. Through work with NGOs focused on human rights of women and on political participation, USAID was instrumental in broadening the political arena for women, in terms of participation in political parties and standing for election, and in developing an advocacy network for legislation and constitutional reform. However, much remains to be done to put in place and strengthen institutions of civil society as well as those of government to assure continued progress. As the Mission Director noted

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<sup>5</sup> A critical assumption for the following discussion is that there will continue to be an elected civilian government in Nigeria over the Strategy period.

in the in-briefing and the de-briefing sessions, there are some successes that are still very fragile and new and that need to be strengthened. Hopefully, if additional resources are not available directly through USAID, the Mission can leverage other resources in the DG area and avoid “dropping” support to NGOs that have demonstrated success as partners, but require more support to become self-sustaining.

### **Civic Awareness and Advocacy**

As the new strategy seeks to build on the successes under the Transitional Program in strengthening the base for democratic participation through civil society organizations, continued affirmative action will be necessary to ensure that issues of women’s rights and participation are represented. This end can be accomplished through continued support to women’s advocacy organizations, building their capacity to articulate issues and effectively represent them in public forums and decision-making bodies. An equally important aspect of this program is mainstreaming of gender-based issues within the broader context of strengthening participation and civil society.

The local and national media may be a useful vehicle in this regard. In particular, attention could be directed to building awareness and gender-consciousness among Nigerian youth, through a “gender-friendly” media to highlight women’s issues and portray and publicize women as role models. As coalitions are constructed among NGOs and CBOs, women’s and youth organizations can be encouraged to act as a part of these broader civil society units, both to increase their reach and to have their issues included in the coalition agenda.

The emergence of women’s community-based organizations, such as the Country Women’s Association of Nigeria, points to new forms of involvement by women in community affairs driven by their specific interests, such as access to micro-credit. This is a promising development which over time could lead to women asserting their rights more at the community level. These types of organizations could potentially develop into a new force at the community level in terms of both community activism and conflict resolution.

### **The Gender Dimension of Elections and Political Participation in Nigeria**

When the team was in Nigeria, the pre-election candidate selection process was in full swing. One issue that was stressed in press conferences and in media interviews with key women leaders was the fact that women “aspirants” were being “systematically eliminated” in party primaries for the 2003 elections. In fact, there were at that point 30 registered parties, and all had at least some women members. Yet, in many instances, there were no women aspirants at all on a party’s slate.

At a press conference organized by WRAPA, the Women’s Rights Advancement and Protection Alternative held January 2, 2003, Mrs. Saudatu Mahdi decried this phenomenon:<sup>6</sup>

*“The experiences of female aspirants vary in form and extent. They range from deliberate and blatant maneuvers to outwit them in the processes of procuring nomination forms, screening, or clear preferences of male aspirants over female aspirants by party machinery and stalwarts. Others’ experiences include insincere negotiations for consensus in favor of male aspirants or sheer pressure from family engineered by external forces to compel potential female aspirants to step down in favor of male aspirants. The worst and most alarming of the experiences is that of violence directly targeted at women aspirants or their supporters.”*

These phenomena occur at all levels—local government authority councils, state assemblies, and the National Assembly. According to unsubstantiated statistics from the Ministry of Women’s Affairs, 68% of the voters are women.

One of the key points made in the WRAPA press release is that “women have been sensitized to vote for women... [women’s] strength in this regard lies in the numerical strength of women in Nigeria as well as their quality of being faithful voters. The statistics from the 1999 elections are a pointer to reckon with.” Though it does not necessarily demonstrate this causal relationship, Figure 1 below shows some increases in women elected representatives, though more at the Federal level than below. Among the hypotheses given as to why women are eliminated in the primary process or if they succeed, later on as candidates, is that they usually cannot compete with male aspirants or candidates in terms of vote buying.

One women’s CSO included in its political participation awareness campaign the recommendation that women aspirants and candidates should not participate in influence-peddling and vote buying as a matter of principle, even if offered funds to do so—presumably by men. These observations are not anecdotal, although they would be difficult to prove in the political environment pertaining in Nigeria (or elsewhere, for that matter). They give some insight into the status of women in the formal political sphere. What they do not reveal, however, is what the influence of women may be in the informal political domain at various levels.

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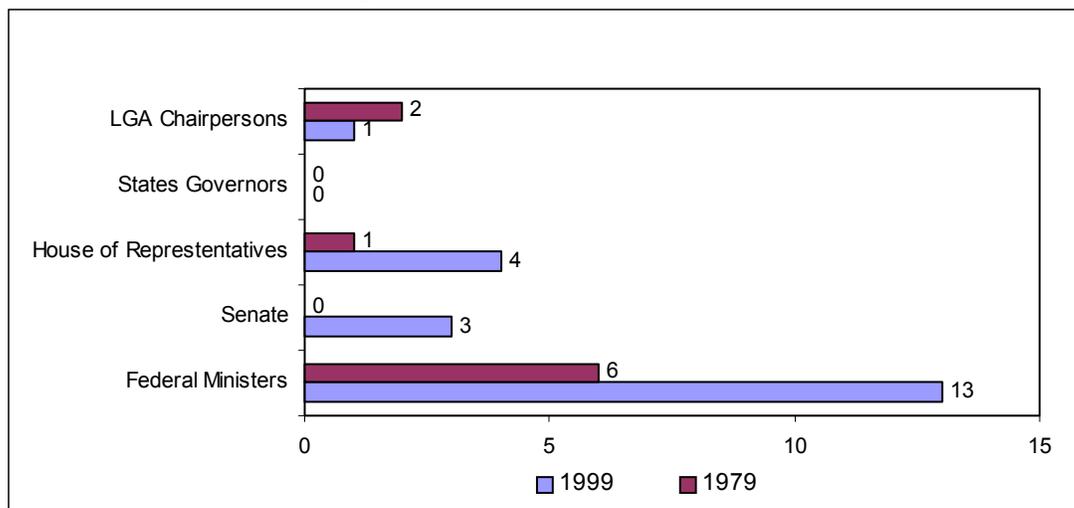
<sup>6</sup> “...the increase in women’s participation in politics is threatened at this critical stage and the consequences are alarming for our democracy, which we must sustain with the input of all Nigerians irrespective of gender. Nigerian women were challenged to come out and seek elective offices, and they took up the challenge. .... The unfolding events negate both the assurances given and the principles of democracy since most women are losing out in the ongoing primaries not because they were not qualified to serve Nigeria and Nigerians but because they are women and obstacles have been placed in their way. There is no truth in the claim of the existence of a level playing field for all eligible citizens to participate in Nigeria’s political arena without... hindrance on any basis.” (Mahdi)

An electoral affirmative action policy has been suggested for Nigeria, as is present in Uganda and South Africa. In Uganda, there is a quota established for the proportion of women elected officials, while additional women and other historical minority group members can also compete for the non-quota seats. Table 1 shows the current, pre-2003 distribution of women in elective and appointive posts.

### Women's Representation in Government

Participation in decision-making is a central component of gender relations. Despite the advances made by women in this sphere, politics and public life remain overwhelmingly a man's world. Since the return to civilian rule in 1979 there has been practically no improvement. Women remain a small minority at all levels of political representation. For example, after the 1999 elections female representation in the Federal House of Representatives increased from four in 1979 to 13 (out of 360 members). In the Senate, there was an increase from none in 1979 to three in 1999 (out of 109). At the local government level, there are nine women among the current 774 LGA chairpersons as compared to five women in 1979 (out of 301 LGA Chairpersons). In the 1999 elections, the 36 state houses of Assembly had twelve female members while the 19 state Houses of Assembly in 1979 had the same number of female candidates. Out of President Olusegun Obasanjo's cabinet in 1999-2000, six of 46 ministers were women whereas in 1979, only three out of 50 ministers were women. In Nigeria, there have only been two elected female deputy governors in 1992 and 1999 respectively. No woman has ever been a state governor.

**Figure 1**  
**Women's Representation in Political Posts 1979-1999**



**Table 1: Proportion of Women Holding Political Posts, 1999**

Office	Male	Female	Total	% Female
Ministers/Special Advisers	35	9	44	20.5
Speakers	35	1	36	2.7
Governors	36	0	36	0.0
Deputy Governors	35	1	36	2.7
LGA Chairpersons	765	9	774	1.2
Councilors	8,667	143	8,810	1.6
State Assembly Members	978	12	990	1.2
Senators	106	3	109	2.8
House of Representative Members	347	13	360	3.6

The foregoing figure and table reflect women's low participation and under-representation in the power structure of Nigeria. Unfortunately, it is evident that the trend of neglect of the gender question in political power structure still persists and the 2003 elections do not hold much promise for women. Despite international interventions and local attempts to increase awareness of women's issues, such attempts have not translated to increased participation of women in political and decision-making structures in Nigeria.

The following summarizes the major recommendations of the Governance and Politics Specialist member of the team.

**Recommendations for SO 11:**

- **Target Media.** Build the capacity of local and national media to play a constructive role in public participation enhancement, conflict reduction and sustainable democracy, especially through youth involvement and “gender-friendly” media.
- **Coalition Building.** There should be continued facilitation of and provision of support to civil society coalitions at all levels of government through horizontal streamlining of women focused NGOs and CBOs, the provision of technical and organizational training aimed at sustaining existing and new coalitions, the provision of technical assistance on advocacy, and mobilization to existing and new coalitions.
- **Increased Political Participation of Women.** Based on the 2003 party primaries, Nigerian women are likely to remain underrepresented at all levels of government in the 2003 administration. USAID should address this by working with women’s CBOs at all levels, particularly at the grass roots level, to participate in decision-making processes that affect their lives and those of their communities. CEDPA's 100 Women’s Groups Strategy should be utilized.
- **Advocacy on Cultural/Religious Practices.** There is a need for continued advocacy on the importance of abolishing certain cultural practices such as widow-inheritance, female genital cutting, and spousal hospitality that degrade

civil liberties of all persons—especially women. This should be accomplished through acts of law, as has been taking place, but also through the judiciary who must know how to interpret the laws correctly and have the political will and governmental and civil society support to do so.

- **Advocacy on INEC.** This should address the removal of all forms of encumbrances to women’s participation in politics through INEC. For example, INEC might be persuaded to encourage financial limits, and to require political parties to include women in their hierarchies as a pre-condition for registering.
- **Advocacy on Affirmative Action.** Women need to seek political channels to overcome their political marginalization. The NCWS as far back as 1986 has demanded a quota of about 30-40% of positions in cabinet and legislatures for women. Women should seek affirmative action to ensure that they form a critical mass that is necessary to influence decision making in governance.
- **Capacity Building for Women in Politics.** Two keys areas are identified as important in increasing women’s effectiveness as politicians: (1) Increasing accessibility to appropriate information in terms of knowledge of the process, civic culture and ethics, democratic norms, awareness, the institutions of governance and politics, and constituency building; (2) Enhancing the personal skills of elected/appointed women to enable them take on the added role of promoting the gender agenda. Often times, gender is not a priority for women in appointive and elective representation.

## **SO 12: Sustainable Agriculture and Diversified Economic Growth**

The Mission’s new Strategy identifies three critical areas that contribute to the poor state of Nigeria’s economy, particularly in the rural sector: 1) poor performance in the agriculture sector; 2) inadequate financial services supporting private-sector expansion, and 3) a poor environment for private sector growth. Thus, the new SO 12, while building on what was done under SO 2, has both a greater rural orientation, and is more clearly focused on overall private sector growth rather than privatization, macroeconomic management, and macroeconomic reform.

Additionally, while environment is not listed as a critical area, it falls under SO 12. Whatever environmental activities the Mission may be able to fund over the next five years will be under the purview of the Mission’s Environmental Officer, who is a member of the SO 12 team. Aside from these considerations, environment (at least the “green” domain) is inextricably related to any form of human (and animal) exploitation, so it is actually embedded in the agriculture aspects of this SO. It is also a cross-cutting theme of the strategy as a whole.

The fact that efforts have already been made to include women farmers under the IITA project, Farmer to Farmer, and Land ‘o Lakes-implemented activities under SO 2 is a

good start, and points to a number of key gender-based constraints to be taken into account in the design of SO 12:

1. It will be very important to help implementing partners target their programs appropriately; women smallholder farmers are often overlooked. The only way to do this effectively is to carry out social impact assessments (SIA) that are gender assessments at the same time, before launching or scaling up particular activities that require extension, beneficiary commitment of additional resources, changes in farming systems (e.g., intercropping, or more or less intensive cultivation practices), and related gendered decisions within the farm household. A good example is the SIA done by IITA on soybean production in Benue State.

One result of such a study might be the extension of support for soy bean production, especially with female-headed households, for both food security and improved soil fertility.

2. A more general caution, which should apply to media and extension campaigns oriented toward women and men, smallholders and commercial farmers, is what might be called “honesty in advertising.” Claims about the likely increases in yields, “green revolutions,” and the like should be substantiated in the local context,<sup>7</sup> particularly in Nigeria, where “get rich quick” and “boom and bust” mentalities abound, and where it is not at all clear that there will be anything “instantaneous” about revenue gains and improvements to soil fertility, regardless of the technology employed.
3. A major element to address in all the agriculture activities is the local situation in terms of security of land tenure, analyzed by gender or sex differences. USAID has expressed the desire to learn more about women’s security of tenure, but there are also questions to be answered about security of tenure for men who are smallholders. Since many subsistence-level farm households are able to produce enough food for only 70 days out of the year (e.g., in Kano State) on one hectare plots, it is likely that there are landless households, including women-headed households, providing farm labor. This labor deficit has significant implications for use of improved inputs, as is well-demonstrated in the farming systems literature (much of which has been produced by IITA). It will also have an impact on a number of the good suggestions for cultivation improvements made in the Environmental Assessment (e.g., improved stoves, which have demonstrated positive impact on women’s health, as well as saving scarce fuel wood resources, and reducing women’s labor burden).

Substantial benefits may be realized by targeting labor-saving processing activities for women, and for men who are PLWHA or PABHA and may not be able to perform field tasks. Alternatively, they can also be targeted for processing activities related to cash crop production. A third option would be to extend, through Farmer to Farmer, Land o’ Lakes, or IITA, known methods for post-

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<sup>7</sup> See particularly IFDC-DAIMINA brochure currently available and distributed inter alia.

harvest storage, improved processing of horticulture and cereal crops, and quality standards for cash-crops for export. For example, the cassava processing activity, a traditional women's crop, could be scaled up and used in other parts of the country where cassava is raised.

4. Security of tenure and gender differences in usufruct and ownership rights are also significant for the kinds of commercial, export-earning cropping systems proposed as a result of the Chemonics-implemented agribusiness project (see the "success story" on gum arabic in section III). The prevailing wisdom among Nigerian agriculture professionals seems to be that only men own trees and tree crops, for example. If this is true, then an emphasis on improved cashews, gum arabic, and other cash-earning tree crops is likely to benefit male farmers only, possibly at the expense of women farmers and their children. One possibility to mitigate such negative effects might be to explore the extent to which women farmers could produce seedlings and suckers, and participate in the value-added from improved post-harvest storage and processing.

The same kinds of issues should be raised about aquaculture, and about export of hides. Women with sufficient assets (retired civil servants and others) are beginning to invest in aquaculture in the North and elsewhere. Preparation of hides for export almost certainly has a gendered set of implications.

5. Gender also is a factor in access to market information, an important element in the rural development aspects of this SO. Plans for market information systems have been developed under SO2, primarily for commercial farmers. Differences between how men and women (especially small holders) access such information should be understood before the systems are put in place. If, for example, the system is to use IT and websites, it will only be accessible to commercial farmers. If it is to include radio broadcasts, it may be accessible to smallholders as well. Then, as in other media-based programs, it will be necessary to determine who has access to radios when the programs are likely to be broadcast.

Programs elsewhere in Africa that disseminate information via radio in agriculture and other sectors (e.g., RH/FP and non-formal education) have recorded their experience with gender-based constraints. Gender is a particularly important factor, for example, among cattle-keeping peoples, where the man takes the radio with him (daily or on transhumance) and the woman remains at home, without the radio. Community radio programs in local languages and dialects may be the best way of reaching both men and women, if the timing of broadcasts is correctly established to address the target audience.

Several observations concerning gender are offered in reference to the non-agricultural aspects of the SO:

6. As we have noted, women traders are many and widespread in Nigeria. Even women in the North who are in seclusion engage in petty trade, usually in

- prepared foodstuffs, caps, and other small artisanal items. Some, however, engage in larger-volume and longer distance trade through a series of intermediaries. Women in the Middle Belt and in the South, who are known as significant traders, have higher volumes and a larger radius of operation. These are significant stakeholders for improved access to markets, and may be crucial intermediaries for women and men farmers. They are also key players in the non-formal, non-institutionalized rural credit sub-sector.
7. When providing planned assistance to Nigeria's formal financial institutions so that they will eventually provide micro-finance intermediation and create and expand the range of financial instruments available to the private sector, differential requirements—whether overt or hidden—for the solicitation, acceptance and processing of applications from women-owned as well as men-owned firms, should be surfaced and addressed. This should also be done for policy reform leading to newly-available long-term financial intermediation and financial products.
  8. Finally, under the IR for improving the environment for private sector growth, differential impacts of macroeconomic policies on women and on men (and on the poor and extremely poor versus those who are better off) should be taken into account as the macroeconomic policy reform process continues. There is a lot more knowledge and literature available on pro-poor policies, engendering budgets, and the like than was the case when the transitional strategy was development (see References). The process for developing the PRSP is underway. It is critical so that the Gender Thematic Group has a voice in this process and that its recommendations are incorporated into the plan.
  9. Support to create an enabling environment for foreign direct and local investment by reducing restrictive policies can also be a gendered process. It may be noted that an additional issue under this IR or sub-IR should be addressing corruption and other unhealthy practices on the part of the private sector as well as those already enumerated that are largely public-sector related. The proposed “third prong” that will “focus on establishing public-private partnerships to leverage productive investment opportunities,” such as in support of the African Growth and Opportunity Act (AGOA) is yet another area where there has been some analysis that purports to show that the benefits to women workers and women-owned firms under AGOA are not necessarily obvious (see UNIFEM-sponsored workshop, Senegal, 2002, Proceedings, inter alia).

#### **Recommendations for SO 12:**

- Most of these recommendations are embodied in the main text of this sub-section as presented above.
- The primary over-arching recommendation is to take gender differences—especially as they affect access to the factors of production, including land, labor,

and credit—into account in the design and implementation of all activities under this SO.

- To do this, as necessary, fund gendered SIAs before new cultigens, farming systems, or processing activities are introduced through extension or demonstration projects.
- Support by the Mission to the PRSP process should help to ensure that the Gender Thematic Group is actually funded and that its recommendations are taken on board.
- Improve or re-think existing PR materials of various implementing partners so that they are not misleading or create false expectations on the part of those who are the anticipated beneficiaries and also GON collaborators and private sector partners.
- Include women traders and their associations in the macroeconomic stakeholder policy discussion process. (This is now actually under SO 11, but is the “other hand” to what was done under the Prospect Project with SO 2 funding).
- Take on board what the Afro Barometer Study “Down to Earth” has to say about the attitudes of the survey sample toward market liberalization and privatization of economic interventions, in planning private-public partnerships.

### **SO 13: Improved Social Sector Service Delivery**

Building on the significant gains made under the current transition strategy is perhaps simplest under this new SO. USAID has worked in the health sector in Nigeria for many years. The Mission has less experience in the education sector, since that program was initiated only a year ago. The new SO 13 will combine elements of the education and health programs of the transition strategy into a single program “to maximize the opportunities for synergistic impact while at the same time retaining their unique sectoral foci.” SO 13 will have three elements, family planning and reproductive health (FP/RH), child survival (CS), and basic education.

In conducting a gender analysis of the proposed activities and programs under the SO 13, the focus is primarily on the impact of gender relations on access to quality education and health services for men and women in Nigeria. The broad goal is to achieve equity in the participation in and access to programs and services, within the context of the overall strategy “for increased use of social services.” By examining gender roles and the institutional structures that reinforce the roles and inequality, gender analysis addresses the potential effects of gender relations on program outcomes and of the program on the relative status of women and men.

### Gender-based constraints to equitable participation

Gender differences are reflected in the impact of health and education sector activities on males and females in Nigeria. Tables 2 and 3 are examples of some indicators which reflect disparity between males and females in the education and health sectors. As literacy rates, enrolment and attendance ratios make abundantly clear females are at a disadvantage in educational access, especially in the north. Furthermore, Table 3 shows that women are disadvantaged in terms of FP services, particularly those who are uneducated, young and live in rural communities in Northern Nigeria.

**Table 2: Indicators on Access to Education**

<b>Selected indicators:</b>	<b>Male (%)</b>	<b>Female (%)</b>
Literacy rates in Nigeria	58	41
Literacy rates in Southwest Nigeria (SW)	74	55
Literacy rates in Southeast Nigeria (SE)	74	60
Literacy rates in Northwest Nigeria (NW)	40	22
Literacy rates in Northeast Nigeria (NE)	42	21
Primary school gross enrolment ratio	84	77
Primary school net attendance ratio	57	53
Primary school net attendance ratio (SW)	82	81
Primary school net attendance ratio (SE)	81	78
Primary school net attendance ratio (NW)	32	24
Primary school net attendance ratio (NE)	41	37
Primary school net attendance (urban)	74	70
Primary school net attendance (rural)	52	47

Source: MICS 1999 (FOS/UNICEF, 2000)

**Table 3: Indicators on Access to Family Planning Services**

<b>Selected indicators:</b>	<b>Male (%)</b>	<b>Female (%)</b>
Knowledge of contraceptive methods	83.4	64.4
Knowledge of contraceptive methods (SW)	93.8	87.2
Knowledge of contraceptive methods (SE)	93.4	81.6
Knowledge of contraceptive methods (NW)	72.0	42.2
Knowledge of contraceptive methods (NE)	61.4	35.4
Median age at first intercourse	20.3	17.8
Current use of contraceptive methods (married people)	31.8	15.3
Current use of contraceptive methods (uneducated)	12.0	6.0
Current use of contraceptive methods (primary school educ.)	38.2	19.9
Current use of contraceptive methods (urban)	39.3	23.4
Current use of contraceptive methods (rural)	28.9	12.0
Contact of female non-users with FP providers		89.9

Source: NDHS 1999 (National Population Council, 2000)

What are the impediments to equitable participation and access to educational and health services? Interviews and the literature review revealed several factors at the household, community and institutional levels that serve as constraints to gender equitable participation (see Table 5). For the education sector, at the household level, the major negative factor relates to attitudes about the relative worth of educating girls as opposed

to boys and attitudes about women generally. These, in turn, cause biases in school enrolment, attendance, retention, early marriage, child labor (mostly with girls hawking), ignorance/misperceptions and illiteracy, which tend to perpetuate the status quo. At the community level, there is low involvement of women as teachers or as community representatives in developing agendas for education, especially in the rural North. The entry points to several communities are male-dominated. There are more male than female teachers in public schools, and, in general, the school/class environment is not sufficiently gender sensitive. Table 4 summarizes some of these pertinent characteristics as reflected in the observation of four schools in Kano, visited during the assessment.

For the health sectors, socio-cultural impediments grounded in negative attitudes towards women serve as key factors. Consequently, early or forced marriage, early initiation to sex, power relations between teenage wife and older spouse, rape, poverty, illiteracy and ignorance place women at a disadvantage. Furthermore, family/societal disapproval, and community gate-keeping by males also serve as constraints.

**Table 4: Schools Characteristics (Kano)**

	Schools Visited			
	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>	4 <sup>th</sup>
Type of school	Public	Public	Public	Qur'anic
Location	Rural	Rural	Rural	Rural
Male/Female number in IRI class	54/13	48/11	9/1	(More females)
Male/Female ratio in IRI class	4:1	4:1	9:1	1:2
# Male/Female teachers in the school	14/1	14/2	3/0	More males
Gender of master teacher	Male	Male	Male	Male
# Girls in primary six	2	3	1	-

At the institutional level (public and private), the interviews showed that although many organizations are aware of the concept of gender mainstreaming, few capture the essence of the process. Consequently, there is little sensitivity to gender constraints to equitable services delivery or efforts to bring about change. This lack of understanding is further complicated by the scarcity of gender-disaggregated data, diffusion of institutional responsibility because of duplication of efforts, and lack of coordination and communication among stakeholders.

In general, the above discussion shows that in order to address the gender-based constraints relevant to the education and health sectors, the following stakeholders should be involved in programming:

- Female teachers;
- Women's organizations, mothers/teacher association (in situations where men and women are encouraged not to hold joint meetings with men);
- Community pressure groups to develop community educational/health agendas;
- Rural women, illiterate women, young (teenage) women, women in northern states (by most indicators, these women have been and continue to be disadvantaged in terms to services);
- Urban, southern males;

- Program implementing organizations.

**Table 5: Summary of Gender Constraints in SO 13**

Gender-based constraints	SO	Areas	Rural Urban	Biased against		Effects
				F	M	
1. Gender bias in school enrolment, attendance and retention	E	N	R, U	X		Fewer females benefit
2. Preference for Qur'anic, Islamiyyah or less formal school arrangement	E	N	R, U	X		Fewer females benefit
3. Child Labor	E	NS	R, U	X	X	Takes children out of school
4. More male teachers in public schools	E	N	R, U	X		Absence of female role models
5. More male master teachers	E	N	R, U	X		Fewer female role models, gender insensitivity in the classroom
6. Insufficient number of qualified female teachers	E	N	R, U	X		Gender insensitive school environment; fewer women to respond to the increasing demand for girls' education
7. Low involvement of women in community initiatives and agenda development	E	N	R, U	X		Inhibit women's support for girls' education
8. Poor physical/environmental conditions of the school	E	NS	R, U	X		Environment perceived to be less safe for girls particularly in the north
9. Disabling Environment—not sufficiently gender sensitive, friendly, or youth friendly	EH	NS	R, U	X		Less motivation for increased enrolment and retention for girls
10. Poverty	EH	NS	R, U	X		Opportunity costs for girls' education or seeking health service is higher
11. Illiteracy	EH	NS	R, U	X	X	Demand for education (particularly for girls) and health services is low; lower CS rates

Gender-based constraints	SO	Areas	Rural Urban	Biased against		Effects
				F	M	
12. Some interventions reinforce the status of women (e.g., vocational skills training)	E	NS	R, U	X		Unequal opportunities and choices for males and females; females are pushed toward lower paying jobs
13. Entry points in many communities are gendered	EH	NS	R, U	X		Participation is higher among men in the north and women in the south
14. Contacting women is often problematic	EH	N	R, U	X		Participation is lower among women
15. Perceived contradictions with religious doctrines and cultural norms	EH	NS	R, U	X		Participation is higher among men in the north and women in the south
16. Misperceptions about gender roles and responsibilities	EH	NS	R, U	X		Participation is higher among men in the north and women in the south
17. Forced sex	H	NS	R, U	X		Inability to use FP methods
18. Family/societal disapproval	H	NS	R, U	X		Demand for services is low
19. Early marriage/ Forced marriage	EH	NS	R, U	X		Blocks access to FP services; ignorance is high, especially about reproductive rights; lower CS rates
20. Ignorance/incorrect information	H	NS	R U	X		Low demand for services
21. Relevant implementing organizations not sufficiently sensitive to the gender implications of activities	EH	NS	R, U	X		Concerns of the most vulnerable groups are not sufficiently addressed
22. Inadequate/unavailability of reliable gender disaggregated reports or data	EH	NS	R, U	X		Concerns of the most vulnerable groups are not sufficiently addressed
23. Alcoholism	H	S	R, U	X		Sexual abuse of women is higher
24. Diffusion of responsibility among the three tiers of government and among different sectors within each tier	EH	NS	R, U	X	X	Functions are fragmented; Lack of shared direction, up to date policies, strategies, and coordination
25. Poor dissemination of existing strategies and plan of action	EH	NS	R, U	X	X	No coordinated efforts to address the concerns of the most vulnerable

(including standards of practice)						groups
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KEY: E=Education, H=Health, N=North, S=South, U=Urban, R=Rural

**Potential impacts of proposed strategic approaches on the relative status of men and women in Nigeria**

1. Available literature has shown that Interactive Radio Instruction (IRI) has the potential to improve educational quality and access for girls because it addresses obstacles to female participation. It is expected that literacy and numeric scores of students in the targeted schools will improve. However, there is a possibility for continuing gender disparity in favor of boys in the rural North because of the absence of female role models.
2. Overall, through training of master teachers and teacher training, competence in literacy and numeric should improve in targeted states. The challenge is to ensure that female teachers in the targeted Northern schools also benefit from the capacity building.
3. Data shows that the percentage of girls who dropout of school is higher than boys. Consequently, equipping candidates, particularly young girls (who constitute a majority in vocational skills training in Kano and Lagos), with life skills to counter HIV/AIDS and conflict resolution education empowers them and reduces their vulnerability.
4. In addition to providing young males and females with a new lease of life after dropping out of school, formal vocational training improves their levels of functional literacy and their numeric skills, thus increasing the basis for development of additional skills in the future.
5. In the skills training program for out-of-school youths, although acquisition of skills in traditional female-oriented trades may seem directly marketable, they reinforce subordinate roles of women and keep them in low paying jobs.
6. The community participation approach to programming has the potential to increase participation, develop a sense of ownership, and build capacity to set education and health agendas consistent with the needs of the community. However, unless deliberate efforts are made to involve women, gender-biased and unrealistic agendas will result from male-dominated community groups, especially in Northern rural areas.
7. Current strategies tend to benefit educated males and females who make use of community-based private and public health facilities, particularly in urban areas. It is expected that with this group, current strategies will increase awareness, demand for and access to services. Low levels of awareness and demand is characteristic of

illiterate, poor rural, teenage women who have little access to media and health facilities. Although women in seclusion, rural or poor women who are not likely to be exposed to clinic-based facility have the potential of being reached by traditional birth attendants, a concerted effort should be made toward vulnerable women.

8. Increasing male involvement, especially in the South, has the potential to increase spousal cooperation in FP/RH, particularly if men and women are targeted as couples.
9. Equipped with knowledge of opportunities and choices available to them, women (particularly literate urban women) are empowered to exercise their rights and make decisions that will have a positive impact on their health and that of their children. The potential impact will be maximized if seemingly difficult groups such as women's religious groups and young women are targeted.

**Recommendations for SO 13 - Strategies/approaches to enhance participation and access:**

• **Education**

1. Activities aimed at increasing access to quality services in schools should include:
  - Training of female primary school teachers to build capacity in effective teaching of numeracy and literacy skills, particularly in the northern sites. This can be achieved through increased involvement of female teachers in master training for IRI and supporting pre-service training in teachers colleges for women.
  - Pre-service and in-service training programs should incorporate training in gender sensitivity in order to encourage female school retention and help schools better achieve their curriculum objective.
  - Periodic review of the curricula and teaching materials (script analysis) to ensure that they are not gender-biased in terms of language, images of work and family life, etc.
2. Activities to spur demand for services should incorporate:
  - Increased involvement of women (as parents, community facilitators and teachers) in community education agenda development and advocacy.
  - Publicity campaigns to increase female enrolment, retention and completion, especially in public schools in Northern Nigeria. Strategies initiated under the Transitional Strategy may be enhanced by actively involving female community facilitators, female teachers, women-based community-based organizations (CBOs) and religious organizations.
  - Activities to enable youths undergoing skills acquisition training to transcend the barriers of low-paying traditional female-dominated jobs.
3. Social sector policy support activities will benefit both men and women if governmental efforts to mainstream gender into education policies are provided with technical support and capacity building of gender specialists in various sectors.

4. Support improved policy and curriculum reforms in pre-service and in-service training and the link between primary and tertiary institutions.

5. Promote national literacy programs/campaigns that devote particular attention to women.

- **Health**

1. Activities should continue to target women through CBOs and health providers. Attempts to increase demand for FP/RH and CS services through improvement in knowledge and skills should also target:

- Women in seclusion, rural, poor and illiterate women particularly in the North;
- Sexually active adolescents in urban centers;
- Religious organizations (through building partnerships and advocacy). Under the current programs, some partners have worked effectively with religious organizations and clinics. Increased involvement of religious-based groups and support of leaders can clear misconceptions about religious mandates and has the potential of enhancing spousal communications.

2. There are several organizations (public and private) with overlapping interests working in the same communities and with the same CBOs. The effect is a tendency to recycle the same community members through several programs to the disadvantage of others. Efforts should be made to strengthen public/private collaboration in drawing up agendas to cover the concerns of different community groups. Through regular and open communication and cooperative planning, USAID could leverage on other donor activities rather than duplicate them.

3. Leverage men's high involvement in reproductive health in the north and low levels of utilization of reproductive health services in the south by increasing male involvement in promoting support for women's reproductive rights and utilization of health services by women.

4. Strengthen the capacity of partners, NGOs, government agencies, and community organizations to provide gender-disaggregated reports. This would enable them to create gender sensitive management systems and effectively mainstream gender into the programs.

#### **SO 14: Expanded Response to HIV/AIDS and Tuberculosis**

Nigeria's health indicators are among the worst in West Africa. Nigeria is also the country with the highest burden of HIV/AIDS in the region. In only 10 years, prevalence rates estimated at 1.8% in 1992 have progressed to about 5.8% and migrated from high risk groups to the general population. Information gathered in various reports and from official statistics indicates a consensus among stakeholders about the severity of the

infection. The POLICY Project, in collaboration with the Federal Ministry of Health (FMOH), estimates that 3.5 million adults are currently living with HIV. In 2001, Nigeria was ranked third by UNAIDS, after South Africa and Ethiopia, of nations in Africa with the largest number of HIV infected people.

The mode of HIV transmission is predominantly heterosexual and mother-to-child, although transmission from blood transfusion is also significant. According to the POLICY Project, a combination of many forces is driving this epidemic, including fear, stigma, multi-partnering, gender inequity, religious and cultural practices, ignorance, and poverty. All these factors create an environment conducive to risky behaviors affecting overall health indicators in all regions and states of Nigeria.

The USAID Mission is sensitive to the enormous challenges of HIV/AIDS issues facing Nigeria. To date, USAID is one of the largest donors in supporting interventions for HIV and Sexually Transmitted Infections (STI) in Nigeria. USAID has spent over US\$100,000 on HIV/AIDS and STI activities with additional input through other programs managed by the Center for Disease Control (CDC) and the Academy for Educational Development (AED).

Since 1999, following the commitment of the new civilian government, USAID/Nigeria created Strategic Objective 4 (SO 4) to assist Nigeria in its transition to economic, social and political stability. SO 4 links reproductive health, maternal and child health, sexually transmitted infections, and HIV/AIDS interventions. In 2002, the decision was made to earmark funds for an expanded HIV/AIDS control program, and a separate strategic objective.

Five main policy directions appear in the Concept paper for the new Strategic Plan for the period 2004-2009:

- Creating a new separate Strategic Objective for HIV/AIDS, linking HIV/AIDS with tuberculosis. (Pulmonary Tuberculosis (PTB) is one the most frequent opportunistic infections among AIDS patients.)
- Targeting high risk prevalence groups (sex workers, transport workers, People Living with HIV/AIDS–PLWHA).
- Focusing on regions/states with the greatest needs and potential impact.
- Building the capacity of NGOs and CBOs with greater capability to develop and implement effective HIV/AIDS programs.
- Increasing knowledge and behavior change vis-à-vis HIV and increasing access to quality services. Improving government support for HIV/AIDS policies remains the cornerstone of activities to achieve the efforts to stabilize the AIDS epidemic.

### **The Challenges Ahead**

As is the case in many other developing countries facing the AIDS epidemic, the true magnitude of the epidemic in Nigeria is unknown. This is due to the weakness of the health surveillance system, a lack of reporting, and hidden cases. Consequently, sentinel survey data and projections are used to project the trend of the epidemic over time.

In 1991, the FMOH conducted the first sentinel sero-prevalence survey in Nigeria. In this survey, and the subsequent ones conducted in 1993, 1999, and 2001, the populations selected to estimate HIV sero-prevalence were pregnant women attending antenatal clinics (ANCs), patients with sexually transmitted infections (STIs), patients with TB, and female sex workers (FSWs). These surveys show an increase in HIV infection from 1.8 percent in 1991 to 3.8 percent in 1995, to 5.4 percent in 1999, and 5.8 percent in 2001.

Prevalence rates vary from one geopolitical region to another. Large variations were observed among the “hot spot” states: Eboni (9.3%), Lagos (6.7%), Kaduna (11.6%), Benue (16.8%), Taraba (5.5%), and Akwa Ibon (12.5%). The HIV survey of 1999 also demonstrated that the greatest impact of HIV was on young age cohorts; the prevalence rates among youth (20-24) from the Southeast to the Southwest were 8.4 percent to 4.3 percent respectively. While in the state of Eboni rates over 10 percent were found. Women appear to be more vulnerable than men.

The spread of HIV/AIDS has been greatly influenced by socio-economic and structural factors including poverty, urban migration, unemployment, gender inequity and factors outside the control of the individual. These factors not only increase the risk of contracting HIV, TB, and STIs by increasing the vulnerability of the individual, but also affect the demand for prevention services and adoption of preventive measures. According to the 1999 National Demographic Health Survey (NDHS), the median age at first marriage was 17.9 years (ranging from 14.6 years in the Northwest to 20.2 years in the Southwest). The NDHS survey reported 8.3% of males 15-19 have had sex by the age of 15 and 16.2% of girls in the same age group also had sex by the age of 15.

From documentation as well as interviews with health providers and health managers, data clearly indicate that women, especially girls, are the ones that suffer the burden of the HIV/AIDS epidemic and its consequences. Women and girls also have the least amount of access to services to prevent them from being infected or from becoming stigmatized. The poor reproductive health status of adolescent Nigerians is due to a lack of awareness and knowledge of relevant issues and limited access to services and credible sources of information. With respect to both reproductive health and HIV/AIDS, cultural and religious practices seem to be the strongest driving force of the HIV/AIDS epidemic among females.

Table 6 is a mapping of gender problems, their impact on males and/or females, and their effect on reproductive health and HIV/AIDS.

**Table 6: Critical Gender-Based Problems, by Region**

Critical gender-based problems identified (Reproductive Health, HIV/AIDS related)	Areas	To whom is it harmful?		Effects
		M	F	
1. Early and forced marriage	N		X	Teenage pregnancy, psycho-organic disorders
2. Widowhood rights and inheritance rights	S		X	Powerlessness of women, making women vulnerable economically and at risk for being infected by HIV
3. Permission required from sexual partner to use contraceptives	N,S		X	Same as above
4. Female genital cutting (FGC)	S		X	Powerlessness of women, violation of human rights
5. Intolerance/denial of men having sex with men (MSM)	N,S	X	X	MSM's do not have access to health services and this increases the vulnerability of women to being infected in bisexual relationships
6. Male circumcision	N	X		Measures protective for men against HIV/AIDS and STIs
7. Decision-making to negotiate safe sex	N,S		X	Women are unable to protect themselves against HIV/AIDS, STIs and unwanted pregnancies.
8. Domestic sexual violence	S		X	Women are stigmatized; increased risk for STIs and HIV
9. Blame-laying in cases of rape or sexual abuse	S		X	Same as above
10. Double standard on having multiple sex partners	N,S		X	Women and their offspring at risk for being infected by STIs and HIV
11. Spousal hospitality	N,S		X	Increases risk of women to being infected by HIV & STIs; damages women's self esteem
12. Woman in Purdah	N		X	Women are deprived of access to services
13. Female prostitution permissible	S		X	Spreading HIV and STI amongst the general population

Source: E. Génécé, Feb.2003

In addition to these issues, sexual exploitation, especially of young girls, is widespread in schools and the workplace. By the age of 16, the majority of young girls lives in dormitories while attending secondary school, away from the supervision of their parents and exposed to solicitation by older men. Tony Barnett and Alan Whiteside, in *AIDS in the Twenty-first Century*, report that, based on a study in Nigeria (EDET 1997), a woman may end up having three sex partners at the same time to make her way through University: her teacher (to ensure good marks); a 'sugar daddy' to pay her fees and living expenses; and her boyfriend.

According to the *National Study of Sexual Exploitation of Children* conducted in 2001 by the Federal Ministry of Women's Affairs and Youth Development, two out of five

secondary school children interviewed admitted to at least one pregnancy. Over 900,000 births to adolescents occur every year. Approximately 150 out of 1,000 women who give birth in Nigeria are 19 years old or younger. The danger is extremely high for the girl child to have an unwanted pregnancy and to be infected by HIV/AIDS and STI. Correcting gender imbalances is a MUST if we want to control the coming wave of the AIDS epidemic in Nigeria; it will depend upon improving women's social and economic status as well as increasing men's responsibility.

#### **Activities of Implementing Partners (IP) Under SO 4**

Under SO 4, USAID/Nigeria's HIV/AIDS program is being implemented by eight different US-based organizations. The programs cover a spectrum of activities from prevention, care and support to capacity building and distribution of commodities.

- **Family Health International (FHI)/IMPACT:** Receiving the largest funding from the Mission for HIV/AIDS, FHI's activities target four states with a comprehensive program for HIV/AIDS prevention, care, support, and surveillance.
- **BASICS II:** The project is working on child survival (CS), including routine immunization, nutrition and malaria, through a community-based approach to strengthen community members' awareness of childhood illnesses and creating demand for services.
- **CEDPA/Nigeria and Africare:** An integrated health program addressing issues of reproductive health, family planning, HIV/AIDS and women's empowerment through a community-based approach and capacity building at the grass roots level. CEDPA has also been engaged in implementing DG projects by building the capacity of civil society, specifically women and the political processes that affect their lives.
- **Johns Hopkins University/Center for Communications Programs (JHU/CCP):** In collaboration with the Nigerian Youth Empowerment Foundation and a network of youth serving organizations in Lagos, the program has developed a communication intervention through a Hotline referral system for youth and young adults to provide information, confidential counseling and testing.

This project is very promising. It could be a perfect channel to target the hard-to-reach groups such as the PLWHAs, MSMs, drug users and women victims of sexual abuse. It provides an avenue to learn and discuss "hot issues," but the coverage of the program is low compared to the population targeted. A similar experience, the "Blue Line" developed by the Foundation Promoters Objective Zero-AIDS in Haiti, receives over 1,000 calls a month. This hotline has been in operation since May 1998. There is room for exchange of experiences between the two organizations.

- **Futures Group International/The POLICY Project:** Works primarily to develop a supportive policy environment for HIV/AIDS programs. This program

has successfully increased awareness and is changing attitudes among stakeholders.

- **AIDSMARK:** Working in collaboration with local partners, PSI/SFH uses a behavior change communication model to create national demand for condoms and other HIV/AIDS and reproductive health services. This intervention is jointly funded by DFID and USAID and is an interesting community-based model aimed at reaching high risk and non-core groups.

### **Major Findings**

1. SO 4's major achievements include a successful social marketing program with 105 million condoms sold in FY 2001; the development of the Catholic Church's national policy; an awareness campaign reaching 3 million people; increasing the capacity of 60 local NGOs; and provision of ongoing care and support for PLWHAs. The HIV/AIDS EMERGENCY Action Plan (HEAP) framework has clearly been a catalyst in that momentum. As a short-term emergency plan, HEAP has limitations, and there is a need for the country to go through a systematic process of designing a national strategic plan. Such a process would provide a good opportunity to check and balance the gender roles affecting the HIV/AIDS epidemic.

2. Data from various Nigerian behavioral surveys and studies have shown an increasing level of awareness of AIDS in almost all groups, but still the level of knowledge and risk perception is quite low and not sufficient to create a supportive critical mass conducive to the adoption of safer behavior. There are also numerous beliefs, inaccuracies and myths that could be counter-productive to the IEC efforts. In addition, denial, stigma and discrimination, which are very strong in parts of the country, pose additional challenges for the IEC strategy.

3. Data collected from various sentinel surveys indicate an increasing HIV prevalence rate among women and youth. This trend of the epidemic, named feminization and "juvenization," calls for more attention from health planners. In Nigeria, gender issues and traditional values place women, especially girls, in a vulnerable situation. Targeted interventions for youth and women need to be gender-sensitive so that they can respond to the range of gender problems faced by girls and women.

4. Targeting high risk prevalence groups, especially sex workers and their clients, is an appropriate and rational intervention. Commercial sex work is commonplace in Nigeria, and the stakeholders in Nigeria believe that it is increasing because of the difficulties women face in finding ways to earn a livelihood. The majority of sex workers practice non-safe sex and risk perception is low.

5. Stigma and discrimination are very strong issues in Nigeria; as strong as religious and/or moral beliefs. People with HIV/AIDS are often thought to be responsible for having contracted HIV/AIDS because of a moral fault and/or sexual promiscuity. Two main advocacy groups are leading the fight for "breaking the silence" and pushing greater participation of PLWHAs: the Nigeria AIDS Alliances, which has 300 registered

members, and the Women and Children for Hope, which is focused on empowering women living with AIDS.

6. Blood supply safety in the context of the AIDS epidemic in many countries is the first line of prevention against transmission of HIV. During the 1990s, the Government of Nigeria put a lot of effort into overcoming this problem but lack of political will from the past rulers as well as lack of resources stopped the momentum. Now, the focus on prevention overshadows the efforts to assist the Ministry of Health to increase its capacity to provide a safe blood supply. Blood screening is barely done and the health system continues to use paid blood donors. Women and children are the two most vulnerable groups who receive blood transfusion. For the sake of protecting them against HIV, there is room for updating information, policy development, and capacity-building. World Bank Assistance could provide funding for this component.

7. PTB is the most frequent opportunistic infection occurring among HIV patients. FMOH reported that one third (35%) of PTB patients seen during a survey at country level were HIV positive. Comparable rates of HIV infection among male and female PTB patients were reported. Also, available data from the same survey indicate a large proportion of STI patients are also infected with HIV. Nationwide, HIV testing is not performed for TB patients. The consultant had no information about the existence of guidelines for HIV TB co-infection care management or the wide application of the Directly Observed Treatment Short course (DOTS) in primary health care facilities system in Nigeria.

#### **Recommendations for SO 14:**

Assuming the political climate remains stable and given the willingness of the Mission to expand their HIV program to target high prevalence groups and increase the use of preventive measures, it will be necessary for the Mission to consider correcting gender imbalances which endanger women and girls.

- **Make women and girls the center of HIV/AIDS interventions and men as supporters.** Increasing men's awareness and responsibility regarding the consequences for both sexes of gender inequities.
- **Strategize the Voluntary Counseling and Testing (VCT) approach to reach both men and women.** VCT strategy could be an open avenue to get both men and women to be part of prevention measures for their offspring and themselves. Create incentives for both female and male partners to access counseling support and prevention information.
- **Increase women's empowerment.** Increase the economic and human rights of women through linkage of DG with reproductive health and micro credit programs. This model, which is being implemented by CEDPA, seems very promising in improving the demand for reproductive health services among women and men.

- **Conduct research studies on gender issues in traditional practices where women have comparatives advantages.** Explore the channels (to whom, where) and best ways to reinforce and build up women’s capacity to promote and change their social status. CIDA has expressed interest in collaborating in such ventures.
- **Extensive training on gender issues at all levels.** Training the network and NGOs/CBOs in gender-based interventions. This type of training also needs to be extended to senior level officials at both public and private institutions.
- **Reaching MSMs as a potential and underground high risk group.** Advocate for wider tolerance of MSM. Reaching MSMs should be considered in the new program. More information needs to be collected and analyzed, and peer training and outreach interventions can be developed with the objective of reaching sexually active men.
- **National services for youth.** National youth services are a good way to reach the youth in a situation where they are vulnerable to acquiring HIV/AIDS and STIs. UNICEF has already begun sensitizing youth on HIV/AIDS and sexuality. The Ministry of Education is also very supportive of national youth services. It is essential that gender training be a part of these services, and important that organizations like Engenderhealth, SMF, CEDPA and ACTION AID that are working along these lines, collaborate with other donors and the government in the design of these activities.
- **Improve sexual communication and negotiation skills for boys and girls.** Continuing to create a supportive environment to improve sexual communications and negotiation skills among girls and boys in school and out of school is an effective way to decrease their vulnerability to contracting HIV. Regional variations between the North and the Southern regions are among the challenges that the new program will face.
- **PTB/HIV Linkages.** Linkages between PTB and HIV have cost implications that need to be considered. In such linkages, one needs to look at all aspects of strengthening for effective HIV/TB and STI interventions, including:
  - Improving existing TB services so that both women and men have better access to these services;
  - Designing TB control activities within HIV services and upgrading laboratories;
  - Establishing HIV services in TB clinics;
  - Developing protocols for treating HIV-related TB. Implications for using best practices (DOTS-HAART) requires anti-retroviral drugs; and,
  - Training for personnel on equipment and protocols at all levels.

## VI. CROSS-CUTTING THEMES AND CONCLUSION

In addition to the four main program areas, the new CSP identifies six themes that are incorporated into the design of each SO and that establish linkages across program areas. Gender is among these cross-cutting themes. (The others are food security, conflict, HIV/AIDS, environment, and transparency.)

Gender relations, including the different but interdependent roles of men and women, and differences in access to resources, avenues of participation and decision-making, and power, permeate all economic and social interaction. Attention to gender brings to the fore the links among, for example, economic well-being and the HIV/AIDS epidemic or access to health care. A particularly strong case has been made for the impact of girls' education and women's literacy on economic growth and democratic participation as well as on reproductive health and family planning. The recognition and enforcement of women's rights, as fundamental human rights, become almost a bellwether for broader human rights and civil society issues. One of the challenges of activity design is to build the projects so that they take account of the linkages across program areas and benefit from these linkages in maximizing program impact.

A question posed for the gender assessment is the appropriate entry or starting point, when everything is linked to everything else. The assessment suggests that the underlying factor, across Nigeria, is the need to increase women's participation and their power as decision-makers. Most directly this assertion points to support for women's organizations and advocacy, to support women in the articulation of their issues and in moving them effectively to the public agenda at the local as well as the national levels. While women have historically held positions of power in traditional societies in some parts of the country, it is also important to support increased representation of women in the state and national governments. In the longer term, ensuring equality in access to education and health services is key to women's effectiveness in political and economic roles.

The assessment also voices a note of caution in the approach to gender mainstreaming and generalizations about the effect of gender on programs. The ethnic, religious, cultural, geographic, and economic diversity across Nigeria, all of which affect gender roles and relations, mean that taking account of gender in specific programs and activities will require additional grounded gender analysis, so that the activities respond to local circumstances. The gender assessment and the strategy point to potential relationships and effects. The design team operationalizes these factors, based on problem-specific analysis.

# *Annexes*

## **SCOPE OF WORK: GENDER ANALYSIS, USAID/NIGERIA CSP**

### **Background**

USAID/Nigeria is currently developing a new Country Strategic Plan (CSP) for 2004-2009. The Mission's Concept Paper for this CSP, recently approved in Washington, proposes a streamlined and integrated sustainable development program that builds on the current Transitional Strategy. The new program will be implemented through four strategic objectives:

- Good Governance Through Transparency, Participation and Conflict Management;
- Sustainable Agriculture and Diversified Economic Growth;
- Improved Social Sector Service Delivery;
- Expanded Response to HIV/AIDS Prevention.

Among the technical analyses and assessments that the Mission is required to conduct during this strategic planning process is a gender analysis. Recognizing that the dynamics of gender relations is both socially and culturally variable, Agency technical guidance states: "Strategic Plans must reflect attention to gender efforts to improve the status of women by taking into account not only the differential roles of men and women, but also the relationship and balance between them and the institutional structures that support them. Specifically, analytical work performed in the planning and development of Results Frameworks should address at least two questions: (1) how will gender relations affect the achievement of results; and (2) how will results affect the relative status of women. "Gender" is not a separate sector to be analyzed and reported in isolation. Instead, gender mainstreaming requires that gender analysis be applied to each set of issues that is considered in the development of the Strategic Plan."

### **Objectives**

Given the Agency requirements and the Mission's own interest, the proposed Gender Analysis will address the following objectives:

- To identify the critical gender-based constraints to equitable participation and access of men and women to programs and services in the sectors in which USAID/Nigeria implements its program, including agriculture, private sector development, natural resource management, basic education, population, maternal health and child survival, infectious diseases, HIV/AIDS, democracy and governance, and conflict response;
- To identify strategies and approaches USAID/Nigeria can use to enhance the accessibility and equitability of its programs, to men and women both;

- To analyze the potential impacts of the Mission’s proposed strategic approaches on the relative status of men and women in Nigeria, taking into consideration ethnicity, class, religion and other key variables;
- To assess key GON policies and programs relating to gender and identify opportunities for collaboration and mutual strengthening of gendered approaches between USAID and GON;
- To identify those gender issues that have the greatest potential impact on Nigeria’s economic development.

### **Approach**

1. Comprehensive literature review of pertinent documents including: (a.) studies and assessments conducted by donors, NGOs, GON, and the academic community, and (b.) USAID documents including but not limited to the existing USAID/Nigeria Transitional Strategy, annual reports, the Concept Paper, strategic implementation plans, situation analyses, sector assessments, evaluations and proposals.
2. Discussions and interviews with key donors, NGOs active in gender, and GON officials. The consultants will be expected to develop a list of key contacts and to provide the list to USAID;
3. Meetings with USAID implementing partners (contractors, grantees, PVOs/NGOs) and each SO team; the SO teams will assist with identifying the most important partner contacts;
4. Site visits to project activities, if feasible and appropriate.

### **Deliverables**

1. Workplan/schedule: Within three working days after the starting date of the consultancy;
2. Draft Gender Analysis: Upon the completion of 21 working days in Nigeria, in hard and electronic versions. An oral debriefing will also be scheduled.
3. Final Gender Analysis, including comprehensive annotated bibliography: Within five working days after receipt of written Mission comments.

### **Level of Effort and Timing**

The gender analysis will require approximately four weeks of effort, based on a six-day work week, and will require a team of four individuals. Each consultant will have two days for collection of materials and preparation before commencement of the field work, 21 working days are available in Nigeria for the production of the draft report. The team leader will have

an additional six working days for completion of the bibliography and revision of the draft report, based on Mission input. (These days may be allocated to other team members by the team leader, if desired.) In addition, each consultant traveling from outside Nigeria will be allocated up to four days for travel. The team will begin work in Abuja on January 15, 2003, and leave Nigeria o/a February 7, 2003.

### **Expertise Required**

The gender analysis will require a team of four experts, to the principal areas of emphasis in the strategy:

1. Social scientist/team leader with PhD in sociology, anthropology, political science, economics or rural development. Minimum of five years post-degree experience analyzing gender issues in West Africa. Previous experience in Nigeria highly desirable. Excellent English-language writing skills mandatory. Must possess computer skills in word processing and spreadsheets. Must be knowledgeable about USAID programming policy and gender analysis requirements.

The team leader will be responsible for the strategy assessment in agriculture, economic growth, and environment. The team leader also will manage the preparation and presentation of the team workplan, and finalize the division of responsibilities among team members.

2. HIV/AIDS specialist with advanced degree in health related field. Minimum of five years post-degree experience in international development. English-language speaking and writing skills required.

The HIV/AIDS specialist will be responsible for the assessment for the Mission HIV/AIDS strategy.

3. Two Nigerian professionals. Both must possess at least a master's degree in a social science or development field. At minimum three years' post-degree experience in gender analysis in Nigeria. Knowledge of PVOs/NGOs in Nigeria that address gender issues. Knowledge of GON and State-level gender policies. Complementary expertise on different geographical areas of the country.

One of these individuals will be responsible for the assessment of strategy in the area of democracy and governance and the other will assess approaches in social services including health and education.

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## **SHARI'A LAW IN NORTHERN NIGERIA** **Based on Documents Provided by Hauwa Ibrahim, Esq.**

### **Introduction**

Shari'a Law is based on Islamic Jurisprudence (Fiqh) and there are four primary schools of Sunni Islamic Jurisprudence that developed since the founding of Islam: Hanafi, Maliki, Shafie and Hanbali. The Hanafi school predominates in the Middle East and South Asia; the Maliki school in northern, central, and western Africa; the Shafie school in eastern Africa, the southern Arabian peninsula, and Southeast Asia; and the Hanbali school in Saudi Arabia. Muslim jurists in all four of these schools of Islamic Law can cite one of the three sources of jurisprudence to support interpretation of the law and their rulings: the Quran, the Hadith (the Prophet's traditions) and the Ijma (consensus). Certain issues mentioned in the Quran are not open to debate or legal interpretations and they include inheritance, women's role in bearing witness, and some women's rights in the context of marriage and divorce – these usually fall under the Personal Status Law/Code of a country's legislative system.

The Maliki school of Shari'a Law has always been an essential element of Northern Nigeria's legal system and a Shari'a court system has always dealt with matters pertaining to Islamic Personal Law (marriage, divorce, inheritance, etc.). With the advent of the colonial era, control over Shari'a law application became progressively the domain of the colonial administrative and judicial authorities. The departure of the colonial powers heralded an era of federal legislative laws applied by secular courts. New restrictions were introduced for application of Shari'a criminal law, although Shari'a Law continued to be the legal framework for the Personal Status Law.

But in 1999-2000, the state of Zamfara in Northern Nigeria enacted the first Shari'a Penal Code which set off a domino effect throughout the mostly Muslim north of the country. Altogether, twelve states in Northern Nigeria have reintroduced a Shari'a Penal Code (including Bauchi, Gombe, Kaduna, Katsina, Kebbi, Jigawa, Yobe and Sokoto) and have established Shari'a courts that have jurisdiction over civil and criminal matters.

### **Shari'a Law and the Nigerian Constitution**

The reintroduction of Shari'a law in Northern Nigeria was a hotly debated and highly politicized event. Although Shari'a laws are essentially amendments to Nigeria's previously effective Penal Codes, they are, in some areas, in conflict with the federal constitution and infringe on federal legislative prerogatives.

Section 1 of the Nigerian Constitution provides "That the Constitution is supreme and its provision shall have binding force on all authorities and persons throughout the Federal Republic of Nigeria," including all its 36 States in Nigeria as well as the Federal Capital Territory (FCT). Section 1(3) further states "If any other law is inconsistent with the provision of this Constitution, this Constitution shall prevail, and that other law shall, to the extent of the inconsistency, be void." In fact, Section 10 of the Constitution prohibits adoption of a state religion by either the Federation or individual states. Nonetheless, the twelve states in northern

Nigeria have adopted Shari'a Law as the dominant legal system of their respective states and they based this action on Section 4(7) of the Nigerian Constitution, which holds that "the House of Assembly of a State shall have power to make laws for the peace, order and good governance of the State or any part thereof with respect to the following matters..." Conflicts between the new Shari'a Penal Code and the Constitution are either litigated or negotiated.<sup>1</sup>

### **The Shari'a Penal Code**

Criminal law, as understood in secular societies, falls under three different headings in Shari'a Law:

- Hudud and Udud (Quranic offences and their punishments)
- The law of homicide and hurt
- Crimes punishable at the discretion of the judge

Shari'a protects certain basic human rights including the right to: life (except through the due process of law); justice; equality of human beings and freedom from discrimination; respect for the chastity of women; freedom from slavery and inhuman treatment; cooperate and not to cooperate (cooperating for virtue and not cooperating for vice and aggression); freedom from want and deprivation; security of life and property; protection of honor (not to defame, insult, backbite or speak ill of others); privacy of life; personal liberty; freedom of expression; freedom of association; freedom of religion; and equality before the law.

Although the Nigerian Penal Code was substantially retained, additions from Shari'a law were made in Section 128, especially the five major offences from the "Hudud and Udud:"

- Theft
- "Zina" - Unlawful sexual intercourse (adultery as well as pre-marital sex)
- Robbery
- Defamation
- Drinking alcohol

Hudud and Udud offences have specific and defined punishments in Shari'a Law. "Zina" was instated as an offence with specific punishments including stoning to death. Through the adoption of Shari'a Law, Section 146 was also introduced into the Penal Code for the offence of theft punishable by the amputation of the hand from the joint of the wrist. Under the original form of the Penal Code, theft was punishable by a fine or 5 years in jail or both while adultery

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<sup>1</sup> The Land Use Act, which was introduced in Nigeria in 1978 and has been amended several times since then, places control and management of land, the power to grant license, exclusive rights to occupancy, rents and other related matters, and revocation of such rights, etc. within the jurisdiction of the High Court of Nigeria. Section 4 of the Land Use Act states that "all the other laws in existence before the coming into use of the Land Use Act will come into conformity with the Land Use Act in its commencement." Although this law is applied throughout the country, local traditions and practices prevail over the actual letter of the law.

was punishable by a fine, 2 years in jail or both. Over the past three years, several women who have been accused of adultery in the north have been sentenced to death by stoning.

Severe punishments are imposed on those who are convicted of these crimes. The punishments range from lashing (up to 100 lashes for un-married women who have sexual intercourse) to amputation (usually applied to theft and robbery) to stoning (in cases of murder or adultery). Alcohol consumption is punishable by lashing (up to 80 lashes). The Constitution of the Federal Republic of Nigeria protects the fundamental human rights of all of Nigeria's citizens; nevertheless, the punishments are in direct violation of the international human rights agreements that Nigeria has adopted in the past and that are reflected in the Constitution.

The task of codifying Shari'a into the Penal Code occurred very rapidly and haphazardly. To rectify the discrepancies and inconsistencies in the resulting Shari'a Penal Code, the Institute of Islamic Legal Studies of Zaria University launched a project in September 2001 to develop a unified Shari'a Penal Code for the States of Northern Nigeria. A uniform Shari'a Penal Code is also meant to facilitate the process of training judges and appropriate legal practitioners.

The previous court system in Northern Nigeria had two sets of courts: Magistrate courts applying common law with the High Court as appellate court; and areas courts applying Shari'a in civil cases and the Penal Code in criminal cases. However, the change in the legal system necessitated a restructuring of the judicial court system as well. The areas courts became the Shari'a courts (including Upper and Higher Shari'a Courts). Under Section 6(4g), the Constitution provides for a Shari'a Court of Appeal and Section 6(4h) provides for the customary Court of Appeal, depending on what a State opts to adopt. The new Shari'a courts have jurisdiction over all civil litigation unless the suit is between two non-Muslims. And the jurisdiction of Shari'a Court of Appeals extends to all civil cases before the lower Shari'a courts. However, as with the sentencing of Amina Lawal to stoning by death for the crime of adultery, the Federal Appeal Court upheld the judgment of the Upper Shari'a Court. The jurisdiction of the Shari'a Court vis-à-vis the Federal Appeals Court remains unclear and is the pivotal question before Nigeria courts at this time. This lack of clarity has particular relevance to Nigeria women in northern states.

### **Women Under Shari'a Law**

Shari'a law principally guarantees women the following rights:

- Right of equity in status, worth and value;
- Right to education;
- Right to own and dispose of property;
- Right to inheritance and dower: granting women the right be maintained financially by their husbands in exchange for their contribution to the emotional and physical wellbeing of the family and the rearing of children;
- Right to maintenance; and,
- Right to obtain divorce.

However, application of the law requires trained judges, established procedures, and streamlined administration for application of the law, elements that are missing from the legal infrastructure. Judges are insufficiently trained in Shari'a law and its application. Most citizens, especially women, are not aware of the full range of their rights under Shari'a law and these rights are not embodied in any subsidiary legislation so that women can demand that it be specifically enforced. Another negative factor is that most laws in Nigeria are written in English while most of the population is Hausa speaking. This disconnect between the language of legislation and the mother tongue of the people it governs can lead to possible abuses of the law and miscarriage of justice. Fundamentally, the people of Northern Nigeria have the right to appeal a Shari'a law judgment to the Federal Appeals Court.

Shari'a Law has been governing the family life of Northern Nigerians for a very long time. Under Shari'a Law, women's inheritance is constrained to half of those of their male siblings. In the absence of male siblings, the male family members of the father are his inheritors. Even before the enactment of Shari'a Law as the legal system of Northern Nigeria, women had limited or no access to property (unless they bought it themselves) and they rarely had independent sources of income. Their access to collateral is also limited, which denies them loans for starting and managing their own businesses. Additionally, with the more conservative precepts of Islamic life being applied in Northern Nigeria, women's movement in the public sphere has become constrained, which can lead to diminished access to jobs, markets, and overall opportunities.