

# Legal Protections for Female Journalists in Nigeria:

## A Resource Guide



*Media  
Rights  
Agenda*

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# Table of Contents

<b>Acknowledgments</b>	<b>v</b>
<b>Preface</b>	<b>vi</b>
<b>Introduction</b>	<b>ix</b>
<b>CHAPTER ONE:</b>	<b>1</b>
<b>Instruments that Safeguard Female Journalists</b>	<b>1</b>
1. National Policies	1
2. National Laws	5
3. Regional Judicial Body	6
4. Regional Instruments	7
5. International Instruments	11
<b>CHAPTER TWO:</b>	<b>27</b>
<b>Instruments that Safeguard Journalists</b>	<b>27</b>
1. Resolutions	27
2. National Laws	33
3. Policy Declaration	34
4. Conventions or Treaties	35
<b>CHAPTER THREE:</b>	<b>38</b>
<b>Instruments That Safeguard Society Females</b>	<b>38</b>
1. National Policies	38
2. National Laws	44
3. Regional Judicial Body	49
4. Regional Development Framework or Strategic Action Plan	52
5. Regional Instruments	54
6. International Instruments	60
7. Global Policies	73
8. Global Goals	75

9. Committees Concluding Observations/Recommendations	77
10. Global Advocacy Campaign	78
11. Global Strategic Policy Framework	80
12. Labour Act (1990)	83
 <b>CHAPTER FOUR:</b>	 <b>85</b>
 <b>Instruments that Safeguard Female Vulnerable In Society</b>	 <b>85</b>
1. National Policies	85
2. National Laws	86
3. Regional Judicial Body	91
4. Regional Instruments	92
5. Global Policies	93
6. Conventions or Treaties	94
7. Strategic Policy Framework	98
 <b>Recommendations</b>	 <b>99</b>

## **ACKNOWLEDGEMENTS**

This Resource Guide is produced and published by Media Rights Agenda (MRA) with support from IFEX - the International Freedom of Expression Exchange through its Safety and Justice Grant.

The research, analysis and writing for the Guide was carried out by Mr. Monday Arunsi, Acting Head of the Legal Department, and Ms. Ayomide Eweje, Programme Officer, and coordinated by Mr. Ayode Longe, Deputy Executive Director. The layout of the publication was done by Ms. Bunmi Bamiselu.

Media Rights Agenda hereby acknowledges these contributions and is grateful to them.

## PREFACE

The role of female journalists in shaping narratives, holding those in power accountable, and amplifying marginalised voices in the media is indispensable in a democratic society. Yet, despite their vital contributions to democracy, development, and human rights, women in the media often face risks, threats and attacks, which negatively impact their ability to perform their professional duties and practice their profession freely.

Although journalism has proven in general to be a dangerous profession for its practitioners, female journalists often face unique and disproportionately higher risks in the course of their work, which are quite distinct from the other dangers which they also experience along with their male counterparts.

Female journalists are frequently targeted with gender-specific threats, including sexual harassment, gender-based violence, especially when they are engaged in fieldwork or covering conflict situations, and discrimination in their places of work. They are extremely likely to face online abuse that is often sexualised and characterised by a distinct hatred and contempt for women or other prejudice against them. They also experience harassment and victimisation in many other ways, including through people finding and publishing their private information on the Internet without their permission with the objective of embarrassing, intimidating or silencing them or even in ways that put them in danger.

These threats and attacks are not only more frequent than those faced by their male counterparts but are also more likely to be personal and degrading in nature.

In Nigeria, as in many parts of the world, these challenges persist in both subtle and overt forms, threatening not only the safety and well-being of individual female journalists but also undermining media freedom and the right to freedom of expression more broadly.

When female journalists are systematically harassed, intimidated or attacked, it can create a chilling effect, discouraging those directly affected, as well as others from pursuing important stories, including on issues such as gender rights, corruption, and human rights violations, among others. This not only affects their individual careers but undermines media freedom and the need

for diversity of perspectives in journalism.

Many media organisations have historically failed or neglected to take threats against female journalists seriously, and to provide appropriate and adequate safety measures, or offer mental health support designed to respond to the trauma that female journalists often endure. This institutional gap makes the need for specific protection even more critical.

In addition, female journalists who are also part of other marginalised groups, such as persons with disabilities and ethnic or religious minorities, among others, face compounded risks. This makes it even more essential to develop targeted protections for them or identify multiple protections that address their various vulnerabilities.

Ensuring that women can participate safely and equally in journalism is vital to creating a healthy, representative, and inclusive media landscape; holding those in power accountable from all perspectives; as well as encouraging and empowering future generations of female journalists.

Against this background, legal protections, both existing and emerging, are critical tools for defending the rights of women in journalism and protecting them against those who seek to prevent them from carrying out their professional duties or punish them for their reporting or commentary.

This publication presents a comprehensive compilation of national laws, regional frameworks, and international instruments that address the protection of female journalists in Nigeria. It serves as a resource for journalists, media organisations, legal practitioners, policymakers, civil society advocates, and other stakeholders who are committed to ensuring a safer, more equitable media environment.

Our aim is to enhance awareness of the legal standards available for the protection of female journalists and to strengthen the capacity of stakeholders to invoke these instruments in advocacy, litigation, policy reform, and institutional practices. By bringing together these normative frameworks, we hope to support ongoing efforts to safeguard the right of every woman journalist in Nigeria to report freely, safely, and without fear.

This work is a testament to the power of legal tools in confronting structural

inequality and advancing justice. More importantly, it reaffirms our collective obligation to ensure that the voices of female journalists are not only heard, but also protected.

**Edetaen Ojo**

Executive Director

Media Rights Agenda

March 2025

# INTRODUCTION

This publication identifies and brings together a variety of legal and policy frameworks as well as other documents, which establish rules, principles, or obligations that can be leveraged to protect female journalists through civil litigation, criminal prosecution, advocacy or use of regional and international mechanisms.

The documents are in various **forms**, including relevant provisions of the 1999 Nigerian Constitution, as amended; **national laws, regulations and policies; regional frameworks, and international instruments. While some of them are of a binding nature** and therefore legally enforceable, others are non-binding and merely provide guidance or are aspirational.

The Guide includes frameworks that are specific to female journalists; those that apply to journalists in general, including female journalists; and those that seek to protect women and girls or promote their interests and would therefore also benefit female journalists.

The 1999 Constitution, as amended, which is currently in force, protects various fundamental rights, including freedom of expression, the right to life, the dignity of human persons, personal liberty, privacy, freedom of thought, conscience and religion, and freedom from discrimination, among others. Although the Constitution seeks to protect the rights of everyone, its provisions can obviously also be used to safeguard the rights of female journalists.

The constitutional guarantees are reinforced by a range of national laws as well as regional and international instruments which outline key protections that can be activated to safeguard female journalists.

Internationally, frameworks such as the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Sustainable Development Goals (SDGs), and numerous resolutions by various United Nations bodies such as the Security Council, Human Rights Council, the General Assembly and the United Nations Educational, Scientific and

Cultural Organization are available to protecting media freedom and ensuring the safety of female journalists.

Also available are emerging standards and soft law mechanisms, including guidelines, declarations, resolutions, statements, etc. developed by multilateral bodies to address the complex realities faced by women journalists in both traditional and digital media spaces.

The publication compiles relevant provisions in these frameworks, legal instruments and other documents at the national, regional, and international levels that address the safety and rights of female journalists in one volume in an effort to make them more visible and accessible.

It seeks to empower journalists, media managers, legal professionals, and advocates with the knowledge needed to demand accountability, shape policy, and engage in strategic litigation. It should also enable policy makers, government institutions, regulatory agencies, and media organizations to fulfil their obligations to protect all journalists, especially those most vulnerable due to their gender.

By deepening their familiarity with and understanding of these legal protections and their application, various stakeholders can create a media landscape in Nigeria where all journalists, regardless of gender, can carry out their professional and constitutional duties safely, confidently, and without fear.

# Chapter One

## **Instruments that Safeguard Female Journalists**

### **1. National Policies:**

#### **i. The National Action Plan on United Nations Security Council Resolution (UNSCR) 1325 and Related Resolutions on Women, Peace, and Security in Nigeria (2017/2020)**

##### **Expanded Scope of Protection Against Sexual Violence**

The United Nations Security Council Resolution 1325, on women, peace, and security, was adopted unanimously by the UN Security Council on October 31, 2000. The resolution acknowledged the disproportionate and unique impact of armed conflict on women and girls.

Nigeria's National Action Plan (NAP) on UNSCR 1325 was developed by the Federal Ministry of Women Affairs and Social Development with the support of the Nigerian Stability Reconciliation Programme (NSRP). The NAP explicitly integrates international norms such as the Rome Statute and UNSCR resolutions, ensuring robust protection frameworks against sexual violence in conflicts. It includes mechanisms for investigating and prosecuting sexual and gender-based crimes. Women survivors of sexual violence gain access to justice and legal remedies. The alignment with international frameworks strengthens accountability and ensures that perpetrators face justice.

#### **ii. The National Gender Policy (2006)**

##### **Gender-Based Violence (GBV)**

A strong emphasis is placed on preventing and addressing GBV through legal reforms, capacity-building for law enforcement, and the establishment of support structures for survivors. Women and girls experiencing violence are

provided with legal protection, counselling, and avenues for redress, fostering safer environments.

### **Access to Justice**

The policy emphasizes creating a gender-responsive justice system, ensuring that women can access legal remedies without fear of discrimination or stigma. Women's rights are better protected through legal mechanisms, encouraging them to seek justice and challenge discriminatory practices.

### **Addressing Gender-Based Violence**

The policy outlines frameworks for preventing, mitigating, and addressing gender-based violence, including legislative reforms, public awareness, and support systems for survivors. Women and girls subjected to violence gain access to justice, protection, and psychosocial support, fostering safer environments.

### **Strengthening Legal Protections**

The policy calls for reviewing discriminatory laws and promoting gender-equitable legal reforms, including domestication of international treaties like CEDAW. Women gain strengthened legal rights and protections, particularly in areas such as inheritance, property rights, and workplace equality.

## **iii. Revised Draft National Social Protection Policy (NSPP) 2021**

### **Promoting Safe and Decent Work for Women (Section 2.3.3.2):**

The policy calls for fair labour practices and the enforcement of labour laws that protect women in both formal and informal sectors. It also promotes workplace safety, maternity benefits, and equal pay for equal work, addressing systemic barriers to women's economic participation.

#### **iv. National Economic Empowerment and Development Strategy (NEEDS)**

##### **Targeting Gender Disparities in Labour Markets and Combating Gender-Based Violence (Pillar 1 - Reforming Governance):**

The framework focuses on addressing gender disparities in labour markets by advocating for equal pay for equal work and encouraging women's participation in traditionally male-dominated industries, aiming to dismantle structural barriers limiting women's economic involvement. In parallel, the policy emphasizes the importance of protecting women from violence and abuse, promoting stronger enforcement of laws against domestic violence, trafficking, and workplace harassment. These combined measures strive to create a safer and more equitable society for women, where they can fully participate in the economy and live free from violence.

##### **National Human Rights Commission (NHRC) Amendment Act, 2010**

##### **Protection Against Human Rights Violations and Assistance to Victims (Section 5(c)):**

This section directs the NHRC to assist victims of human rights violations and seek appropriate redress and remedies on their behalf. Women who are victims of rights violations, such as domestic violence, discrimination, or harassment, are entitled to NHRC's support. The commission's role in assisting victims strengthens avenues for redress, offering women additional protection and recourse.

##### **Administration of Criminal Justice Act (ACJA), 2015**

##### **Protection of Female Detainees' Rights to Legal Representation and Family Notification (Section 6(2)(c)):**

This section requires that detained suspects are informed of their right to legal representation and allows for family notification. This is significant for women, who may face societal or familial pressures, by ensuring that they are

provided legal aid and that their families are notified, supporting transparency and fairness.

### **Protection of Dignity and Humane Treatment (Section 8):**

This section provides that a suspect must be treated with dignity and must not be subjected to torture, inhuman, or degrading treatment. This ensures that women, who may face risks of abuse or sexual harassment during arrest or detention, are protected and treated with respect.

### **Searches by Same-Gender Officers (Section 9(3)):**

Section 9(3) stipulates that when it is necessary to search a suspect, the search must be conducted by someone of the same gender, except in urgent situations. This requirement helps protect female suspects from harassment and ensures a level of comfort and privacy during searches.

### **Safeguards for Women During Execution of Search Warrants (Section 143):**

This section stipulates that search warrants are to be executed with regard to the rights and privacy of suspects. This provision is critical in protecting women's privacy, as searches of their personal spaces must be conducted respectfully and according to strict guidelines, reducing the potential for abuses during the execution of warrants.

### **Bail Provisions (Section 158):**

Section 158 establishes that bail is generally allowed for defendants. It ensures that individuals accused of offences are given an opportunity for temporary release while awaiting trial, subject to the court's discretion. This provision benefits women, particularly those in vulnerable circumstances, by providing access to bail. It helps minimize the disruption caused by detention, especially for single mothers or caregivers responsible for family welfare.

## **2. National Laws:**

### **i. Constitution of the Federal Republic of Nigeria, 1999 (As Amended)**

#### **Right to Life (Section 33):**

Section 33 guarantees the right to life and ensures that no individual shall be deprived of life except in cases permitted by law. For women, this provision is critical in addressing maternal healthcare concerns, gender-based violence, and harmful traditional practices that may endanger their lives. It provides a legal foundation for advocacy on improved healthcare services, especially in relation to maternal mortality.

#### **Right to Dignity of the Human Person (Section 34):**

This section provides that every individual is entitled to respect for their dignity and prohibits torture, inhuman, or degrading treatment. For women, this is crucial in protecting them from gender-based violence, sexual harassment, and other forms of abuse. It ensures that women, particularly those in vulnerable situations, are treated with dignity and respect, both in society and during interactions with state institutions.

#### **Right to Dignity and Protection from Degrading Treatment (Section 34):**

The Constitution upholds the right of every citizen to dignity and prohibits inhuman or degrading treatment. This is significant for women who may face domestic violence, sexual harassment, or harmful traditional practices such as female genital mutilation. This provision reinforces legal protections against gender-based violence and promotes women's right to bodily autonomy.

#### **Right to Fair Hearing and Justice (Section 36):**

This section guarantees fair hearing and justice for all individuals, including women, in both civil and criminal cases. It ensures that women can access legal representation, have their cases heard without bias, and receive equitable treatment in judicial processes. This provision is especially

important in addressing gender-based violence, inheritance disputes, and other legal challenges unique to women.

### **Right to Freedom of Movement (Section 41):**

Women are constitutionally guaranteed the right to move freely and reside in any part of Nigeria without restrictions. This provision is critical in promoting their independence, enabling them to pursue education, employment, and other opportunities, and protecting them from cultural or traditional practices that seek to confine them to domestic spaces or limit their mobility. It also serves as a safeguard for women seeking to escape harmful practices such as early marriage or gender-based violence.

### **Right to Freedom from Discrimination (Section 42):**

Section 42 explicitly prohibits discrimination against any individual on the grounds of sex, ethnicity, or religion. For women, this provision ensures equal access to opportunities and resources, including education, healthcare, and political participation. It also provides a basis for challenging discriminatory practices or laws that disproportionately affect women.

### **Legal Recourse and Access to Justice (Section 46):**

Women who experience discrimination, violence, or rights violations have the constitutional right to seek redress in court. This provision enables them to challenge gender-based injustices and enforce their fundamental rights through legal mechanisms.

## **3. Regional Judicial Body:**

### **i. African Court on Human and Peoples' Rights (AfCHPR)**

#### **Access to Justice for Women (Jurisdiction and Standing):**

The Court allows individuals and non-governmental organizations (NGOs) from States that have made special declarations to bring cases directly before it. This mechanism is vital for women who face systemic barriers in domestic

courts, offering them an avenue for redress in cases of human rights violations, such as sexual violence, discrimination, and denial of reproductive health services.

### **Issuance of Provisional Measures to Protect Women at Risk:**

The AfCHPR has the authority to issue provisional measures to prevent imminent and irreparable harm to individuals or groups. For women facing threats like gender-based violence, arbitrary detention, or state-sponsored abuses, this mechanism provides urgent protection while their cases are under consideration.

### **Accountability for Sexual Exploitation and Abuse by State Actors:**

In cases where state security forces or peacekeepers are involved in sexual exploitation or abuse, the Court has held States accountable for failing to prevent, investigate, and punish such crimes. This sets a precedent for ending impunity and ensuring justice for women harmed by those in positions of power.

### **Freedom from Torture and Degrading Treatment:**

The Court interprets torture broadly to include sexual violence, female genital mutilation (FGM), and other harmful practices inflicted on women. Its rulings require States to enact strict laws against such practices, provide support for survivors, and educate communities on human rights protections.

## **4. Regional Instruments**

### **i. Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol)**

#### **Article 2 Elimination of Discrimination Against Women**

This article obligates state parties to integrate gender equality into their constitutions and legislation, abolishing discriminatory practices and ensuring equality in all spheres. For women, this provision serves as a legal

mandate to challenge systemic discrimination in areas like employment, inheritance, and political participation. It ensures the protection of women's rights through legislative reforms and empowers them to seek legal redress when faced with inequality.

### **Article 3 Right to Dignity**

This article guarantees women's rights to dignity, freedom from exploitation, and protection from abuse. Women, especially those in vulnerable professions like journalism, benefit from protections against workplace harassment and societal exploitation. It enshrines respect for women's autonomy and safeguards against degrading treatment, addressing key issues such as sexual harassment and psychological abuse.

### **Article 11 Protection of Women in Armed Conflicts**

This article ensures women's protection in armed conflict and guarantees access to justice for violations committed against them. Women in conflict zones are protected from gender-based violence, including sexual assault, and are assured of legal avenues for redress. It reinforces the need for gender-sensitive conflict resolution and post-conflict recovery initiatives.

### **Article 13 Economic and Social Welfare Rights**

This article guarantees equal opportunities in employment, equal pay, and the right to social security for women. Women are legally supported to challenge workplace discrimination, such as unequal pay and unfair dismissal. It provides a foundation for advocating better maternity protections and equitable employment policies.

### **Article 24 Special Protection for Women in Distress**

This article calls for special protection for women in distress, including those in custody, refugee camps, or living in extreme poverty. Vulnerable women are assured of legal and institutional support, such as access to healthcare, shelter, and legal aid. This provision is crucial for addressing the needs of displaced women, female detainees, and victims of abuse.

## **ii. Addis Ababa Declaration on Population and Development in Africa Beyond 2014**

### **Gender Equality and Women's Empowerment**

The commitment is to develop and implement strategies aimed at eliminating discrimination against women and girls across all sectors, including education, employment, and health. These initiatives are designed to address systemic barriers to equality, empowering women to fully participate in economic, social, and political life, thereby ensuring their active involvement and benefitting from the opportunities and advancements created through these efforts.

### **Access to Justice**

The commitment is to ensure legal reforms that eliminate discriminatory laws and practices while strengthening justice systems. This approach provides women with enhanced legal protections and greater access to recourse for rights violations, helping to safeguard their dignity and promote equality.

## **iii. Solemn Declaration on Gender Equality in Africa on Women**

### **Preservation of Privacy and Dignity**

The Declaration highlights the importance of protecting women's privacy and dignity in all aspects of societal and institutional interactions. It underscores the need for measures that respect women's unique needs, particularly in contexts involving personal security, searches, and other sensitive procedures.

### **Enhanced Access to Justice and Legal Aid**

The Declaration promotes improved access to justice for women, highlighting the need for mechanisms that remove barriers such as financial constraints and societal pressures. It stresses the importance of providing

legal aid and other support systems to enable women to seek redress and protect their rights effectively.

## **Mental Health and Holistic Wellbeing**

The Declaration recognizes the critical importance of mental health and overall wellbeing for women. It calls for tailored support systems to address challenges such as emotional trauma, stress, and other psychological difficulties. These provisions ensure that women receive the care they need to recover and rebuild their lives.

### **iv. African Charter on Human and Peoples' Rights (Banjul Charter)**

#### **Equality and Non-Discrimination (Articles 2 and 3):**

Article 2 guarantees every individual the right to enjoy the rights and freedoms in the Charter without discrimination, including based on sex, while Article 3 ensures equality before the law and equal protection of the law. These provisions are crucial for advancing gender equality by mandating states to eliminate systemic barriers and discriminatory practices against women. They promote women's equal access to justice, opportunities, and resources, fostering a more inclusive society.

#### **Freedom of Movement and Residence (Article 12):**

Article 12 protects the right to freedom of movement, residence, and asylum. For women, particularly those fleeing conflict, violence, or persecution, this provision guarantees their right to seek safety and stability, either within their country or in another state. It also addresses restrictions that might be imposed on women's mobility due to cultural or legal barriers.

#### **Right to Work and Equal Pay (Article 15):**

This article guarantees the right to work under equitable and satisfactory conditions and ensures equal pay for equal work. For women, it promotes economic inclusion, combats workplace discrimination, and addresses pay gaps. It empowers women to participate in the workforce with dignity and

fairness, contributing to their financial independence and societal progress.

### **Judicial Independence and Access to Justice (Article 26):**

This article emphasizes the independence of courts and the establishment of national institutions to promote and protect rights. For women, it ensures access to impartial justice systems, protection against gender-based discrimination in legal proceedings, and effective remedies for violations of their rights.

### **v. ECOWAS Protocol on Democracy and Good Governance, 2001**

#### **Protection Against Violence by Security Forces (Article 22):**

The Protocol prohibits the use of excessive force and inhumane treatment during security operations. For women, this provision is significant in addressing gender-specific violence by security forces, ensuring accountability, and protecting women during demonstrations, conflicts, or custodial situations.

#### **Freedom of the Press and Information (Article 32):**

By ensuring press freedom, the Protocol creates space for women's issues to be highlighted in media and public discourse. It promotes the use of media to amplify women's voices, raise awareness of their rights, and challenge stereotypes that perpetuate gender inequality.

## **5. International Instruments:**

### **a. Global Goals**

#### **i. The Sustainable Development Goals (SDGs) on Women**

##### **Ensuring Economic Inclusion and Decent Work (Goal 8):**

The SDGs promote inclusive economic growth and productive employment

for all. Target 8.5 calls for equal pay for work of equal value, addressing gender wage gaps and workplace discrimination. Specific attention is given to protecting labour rights, ensuring safe working conditions, and expanding economic opportunities for women in vulnerable employment or informal sectors (Target 8.8). These provisions ensure that women have access to dignified work and fair treatment within the labour market.

### **Reducing Inequalities (Goal 10):**

The SDGs aim to empower women and other marginalized groups by promoting social, economic, and political inclusion (Target 10.2). Efforts to eliminate discriminatory laws and practices (Target 10.3) directly impact women's ability to access equal opportunities in education, work, and governance. These measures help reduce inequalities within and among countries, fostering environments where women can thrive.

## **b. Committees Concluding Observations / Recommendation:**

### **I. Global Gender Gap Report 2024**

#### **Closing Gender Gaps in Economic Participation and Opportunity**

##### **Economic Inclusion:**

The report identifies significant disparities in economic participation and opportunity between men and women. It emphasizes the need for targeted interventions to enhance women's workforce inclusion, including increasing access to leadership roles and promoting equal pay. These findings are pivotal for addressing systemic barriers that hinder women's economic independence, particularly in male-dominated industries.

##### **Mental Health Considerations:**

While the report primarily focuses on physical health, it indirectly emphasizes the need for mental health interventions for women, who are disproportionately affected by stressors like caregiving and gender-based violence. Strengthening mental health support systems would significantly

enhance women's overall well-being and productivity.

## **Legal and Policy Reforms**

### **Strengthening Anti-Discrimination Laws**

The report advocates for stronger anti-discrimination laws to address gender biases in hiring, promotions, and workplace practices. For women, these reforms are essential to creating equitable work environments where they can thrive without facing systemic barriers.

### **Ii. Report of the Special Rapporteur on Violence against Women, Its Causes and Consequences on Online Violence against Women And Girls From A Human Rights Perspective**

#### **Resolution Adopted By the Human Rights Council on 6 October 2020**

Resolution (o): To take measures to prevent sexual harassment and other forms of sexual and gender-based violence, including threats, threats of rape, intimidation and harassment against women journalists, to encourage the reporting of harassment or violence by providing gender-sensitive investigative procedures, to provide adequate support, remedy, reparations and compensation for victims, including psychological support as part of broader efforts to promote and protect the human rights of women, to eliminate gender inequality and to tackle gender-based stereotypes in society, and to prohibit incitement to hatred against women journalists, online and offline, and other forms of abuse and harassment through relevant policy and legal measures that comply with international human rights law;

### **c. Global Advocacy Campaign**

#### **i. The UN Women "Step It Up for Gender Equality" Campaign**

#### **Promoting Economic Empowerment:**

"Step It Up" recognizes the barriers women face in accessing economic

opportunities, including wage gaps, unpaid care work, and limited access to financial resources. The campaign calls for targeted interventions to address these challenges, such as equal pay legislation, access to credit facilities, and support for women entrepreneurs. By promoting economic inclusion, the policy enhances women's financial independence and contributes to poverty reduction.

### **Promoting Gender Equality in the Workplace:**

The campaign advocates for creating equitable workplaces through measures such as combating sexual harassment, ensuring parental leave, and fostering diversity in leadership positions. These actions help to dismantle systemic barriers that prevent women from advancing in their careers, thereby promoting gender parity in professional environments.

## **d. Conventions or Treaties**

### **i. Universal Declaration of Human Rights (UDHR)**

#### **Right to Equality and Non-Discrimination (Articles 1 and 2)**

The Universal Declaration of Human Rights (UDHR) guarantees that all individuals are born free and equal in dignity and rights, explicitly prohibiting discrimination on the basis of sex. This foundational provision promotes gender equality and ensures that women are not subject to systemic discrimination in legal, social, and economic contexts. It forms the basis for advancing women's rights in areas such as employment, education, and political participation.

#### **Protection Against Violence and Torture (Article 5)**

The prohibition of torture or cruel, inhuman, or degrading treatment is vital for addressing gender-based violence, including domestic abuse, sexual violence, and harmful traditional practices. This article ensures women's right to safety and dignity in all spheres of life.

## **Right to Equal Protection Before the Law (Article 7)**

The Declaration guarantees that all individuals are equal before the law and entitled to its protection without discrimination. For women, this ensures access to justice and the opportunity to seek legal remedies against violations such as domestic violence, workplace harassment, and gender-based discrimination.

## **Right to Work and Fair Conditions (Article 23)**

The UDHR recognizes the right to work, equal pay for equal work, and just and favorable working conditions. This provision addresses gender wage gaps, workplace discrimination, and economic disparities, ensuring that women can access dignified employment opportunities and equitable remuneration.

## **Right to Health and Well-Being (Article 25)**

This article establishes the right to an adequate standard of living, including health and medical care. It has significant implications for women's reproductive health, maternal care, and access to essential services, ensuring that women can live healthy and dignified lives.

## **ii. International Covenant on Civil and Political Rights (ICCPR) on Women:**

### **Right to Life and Protection from Violence (Article 6):**

The ICCPR affirms the inherent right to life, with protections against arbitrary deprivation. For women, this underscores the need for legal frameworks to address gender-based violence, such as femicide and domestic violence, ensuring perpetrators are held accountable and survivors are protected.

### **Freedom from Torture and Inhumane Treatment (Article 7):**

This article prohibits torture, cruel, inhuman, or degrading treatment. It holds particular significance for women, who face risks of sexual violence, trafficking, and abuse. It obliges states to take preventive measures and provide redress for survivors.

### **Right to Liberty and Security (Article 9):**

This article guarantees protection from arbitrary arrest and detention, ensuring that women have the right to challenge unlawful restrictions on their freedom. It is critical in contexts where women are disproportionately subjected to arbitrary detention due to discriminatory laws or practices.

### **Humane Treatment of Persons Deprived of Liberty (Article 10):**

This article requires that all persons deprived of liberty be treated with humanity and respect for their dignity. For women, it mandates gender-specific considerations in detention, including protection against sexual violence and access to adequate health and hygiene facilities.

### **Right to a Fair Trial (Article 14):**

The ICCPR ensures the right to a fair and public hearing by a competent, independent, and impartial tribunal. For women, this guarantees due process and equal treatment in legal proceedings, addressing systemic biases that may affect their access to justice.

### **Equality Before the Law (Article 26):**

Article 26 guarantees all individuals, including women, equality before the law and protection from discrimination. This provision strengthens women's access to legal remedies and ensures gender-sensitive interpretations of laws, fostering fairness in justice systems.

## **iii. International Covenant on Economic, Social and Cultural Rights (ICESCR)**

### **Right to Work and Just Conditions of Employment (Articles 6 and 7):**

Article 6 recognizes the right of everyone to work, including the opportunity to gain a livelihood under conditions of their choosing. Article 7 guarantees just and favorable working conditions, such as equal remuneration for work of equal value and safe, healthy working environments. These provisions are particularly significant for women, ensuring protection from workplace

discrimination, guaranteeing equal pay, and promoting gender-sensitive work policies that enhance women's participation in the workforce.

### **Fair Promotion Opportunities in Employment (Article 7(c)):**

This subsection guarantees equal opportunities for advancement in employment, based solely on seniority and competence. For women, this is a critical safeguard against workplace discrimination, ensuring that they have equal chances for promotion and professional growth.

## **iv. The ILO Convention No. 100 on Equal Remuneration (1951)**

### **Principle of Equal Pay for Work of Equal Value**

The ILO Convention No. 100 enshrines the principle that men and women should receive equal remuneration for work of equal value, addressing disparities caused by gender-based discrimination. Women in male-dominated industries and undervalued female-dominated jobs benefit from this provision, which emphasizes fair compensation based on job value rather than gender. This principle promotes financial independence for women and supports the reduction of income inequality.

### **Scope of Remuneration (Article 1)**

This article defines remuneration broadly to include wages, bonuses, allowances, and other benefits arising from employment. Women, especially those in informal or part-time roles, are protected from discrimination in all components of their earnings. By recognizing indirect remuneration such as healthcare and housing allowances, this ensures women are not sidelined in accessing workplace benefits.

### **Job Evaluation and Comparison**

The Convention emphasizes the use of objective job evaluation methods to determine the value of work. Women in traditionally undervalued sectors, such as care giving or education, benefit from gender-neutral job evaluations. This ensures their work is assessed fairly and compensated equally,

addressing systemic biases that perpetuate pay gaps.

## **UN Global Compact Principle 6 Elimination of Discrimination in Employment**

The policy integrates this principle, advocating for the elimination of workplace discrimination and ensuring equal opportunities for advancement. Women gain access to leadership roles and decision-making positions, challenging stereotypes that restrict them to lower-paying, non-leadership roles.

### **Implementation Through Gender-Neutral Pay Structures**

The policy recommends creating gender-neutral pay scales based on the evaluation of qualifications, effort, responsibilities, and working conditions. Women benefit from pay structures that eliminate biases. This enhances their morale, productivity, and participation in the workforce, leading to improved retention and representation.

### **Challenges Addressed by the Policy**

The policy addresses occupational segregation by revaluing women's roles in lower-paying jobs to reflect their true contributions and tackles weak bargaining power by ensuring female workers are not disadvantaged due to limited negotiation capacity. By confronting these systemic barriers, the policy enhances women's access to equitable pay and fosters greater dignity in the workplace.

## **v. International Convention for the Protection of All Persons from Enforced Disappearance**

### **Protection Against Gender-Based Enforced Disappearance (Article 1 & 2):**

#### **Article 1 Prohibition of Enforced Disappearance:**

The absolute prohibition of enforced disappearance under any circumstance is particularly significant for women, both as direct victims and as family members

of the disappeared. Women often face gender-specific risks such as sexual violence, exploitation, and trafficking during periods of political instability when enforced disappearances are more common. This article reinforces protections against such abuses, ensuring that no legal or political justification can be used to legitimize gender-based violations linked to disappearances.

## **Article 2 Definition of Enforced Disappearance:**

This article's definition captures the dual harm of enforced disappearance: deprivation of liberty and denial of legal protection. For women, this means vulnerability not only to the physical act of disappearance but also to secondary victimization through the prolonged psychological trauma of not knowing the fate of a missing loved one. Women, particularly mothers, wives, and daughters, often become the face of advocacy movements, demanding truth and justice, which exposes them to further risks, including harassment and intimidation.

## **Article 4 Criminalization of Enforced Disappearance:**

By obligating states to criminalize enforced disappearance, this article strengthens legal frameworks that protect women from being targeted due to their activism, political roles, or gender identity. In many societies, women human rights defenders are disproportionately threatened, and formal criminalization acts as a deterrent while enabling legal recourse when violations occur.

## **Article 5 Enforced Disappearance as a Crime Against Humanity:**

When enforced disappearance is part of a systematic or widespread attack, it qualifies as a crime against humanity. This classification is critical for addressing gender-based crimes, such as rape and sexual slavery, which often accompany disappearances in conflict settings. Recognizing these crimes within the broader context of crimes against humanity ensures that gender-specific abuses receive the attention and prosecution they warrant at international tribunals.

## **Combating Impunity for Gender-Specific Crimes (Article 6(1)):**

The Convention emphasizes holding all individuals, including state actors

and superiors, accountable for enforced disappearances. This accountability extends to gender-specific violations, ensuring that crimes like sexual violence during detention are not overlooked in legal proceedings.

## **Access to Justice and Remedies for Women (Articles 8 & 9)**

### **Article 8 Statute of Limitations:**

Given the long-lasting impact of enforced disappearances, particularly on women, this article ensures that the passage of time does not bar prosecution. Women often face legal, social, and psychological barriers that delay their ability to seek justice, especially in cases involving sexual violence or when they've been economically disempowered due to the disappearance of a spouse or family member. This provision ensures they have ample time to pursue legal remedies.

### **Article 9 Jurisdiction:**

This article expands the jurisdictional scope to prosecute enforced disappearance, even beyond national borders. For women, this provision is vital because perpetrators of gender-based crimes often flee to avoid accountability. It ensures that states can pursue justice for crimes committed against women, including sexual exploitation and human trafficking, which frequently intersect with enforced disappearance in conflict zones and migration contexts

### **Protection for Women Reporting Enforced Disappearances (Article 12):**

Women who report cases of enforced disappearance, especially in patriarchal or oppressive societies, face risks of retaliation. The Convention mandates protective measures for complainants, witnesses, and their families, ensuring that women can seek justice without fear of intimidation or harm.

### **Gender-Sensitive Investigative Procedures (Article 12(3)):**

The Convention requires prompt, impartial investigations into allegations of enforced disappearance. For women, this includes ensuring gender-sensitive investigative procedures, such as having female officers handle cases

involving female victims, and incorporating protocols that respect survivors' dignity and confidentiality, particularly in cases involving sexual violence.

#### **Article 17 Prohibition of Secret Detention:**

The ban on secret detention is particularly critical for women, who face heightened risks of sexual abuse, exploitation, and torture in unregulated detention settings. This article's focus on transparent detention practices protects women from gender-specific violations, ensuring that detention facilities are subject to legal oversight and that female detainees have access to legal counsel and medical care.

#### **vi. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment**

##### **Non-Discrimination Principle in the Application of Anti-Torture Measures (General Provisions):**

The Convention upholds the principle of non-discrimination in preventing and punishing torture. This ensures that anti-torture measures apply equally to women, addressing the intersectional discrimination they may face based on gender, race, ethnicity, or socio-economic status. It promotes gender-sensitive approaches in legal, administrative, and judicial practices, reinforcing women's equal protection under the law.

##### **Protection of Women from Torture and Inhuman Treatment (Article 1 & 2):**

Article 1 defines torture, emphasizing the prohibition of severe physical or mental pain inflicted intentionally for purposes such as punishment, coercion, or discrimination. Article 2 mandates that States take effective measures to prevent torture without exceptions. This is critical for women, who are often subjected to gender-specific forms of torture, including sexual violence and psychological abuse, particularly in detention settings. The provisions ensure that women's unique vulnerabilities are recognized and that protective measures are implemented universally, even during states of emergency.

### **Protection Against Refoulement for Women at Risk (Article 3):**

Article 3 prohibits the expulsion, return, or extradition of individuals to countries where they may face torture. This is crucial for women fleeing gender-based violence, conflict, or persecution, ensuring that they are not forcibly returned to environments where they risk further abuse. The provision provides a legal safeguard for asylum-seeking women, reinforcing the obligation of States to consider gender-specific risks in asylum and deportation decisions.

### **Criminalization of Gender-Based Torture (Article 4):**

Article 4 requires that all acts of torture be criminalized under national law, including attempts, complicity, and participation. This broad scope is essential for addressing gender-based forms of torture, such as forced sterilization, rape, and domestic violence perpetrated by or with the acquiescence of state actors. It strengthens legal frameworks to prosecute gender-specific crimes, ensuring accountability and justice for female victims.

### **Accountability for State and Non-State Actors in Gender-Based Torture (Articles 5, 6, & 7):**

Articles 5, 6, and 7 establish jurisdiction, detention, and prosecution requirements for torture cases. They ensure that perpetrators, including state and non-state actors, are held accountable, regardless of where the crime occurred. This is particularly relevant for addressing cross-border human trafficking, sexual exploitation, and other gender-based crimes, reinforcing the global obligation to prosecute those responsible for torturing women.

### **Safeguards Against Gender-Based Violence in Detention (Articles 10 & 11):**

Article 10 mandates the inclusion of torture prevention in the training of law enforcement and medical personnel, while Article 11 requires systematic reviews of interrogation methods and detention conditions. These safeguards are vital for preventing gender-based violence against women in custody, promoting awareness among officials of the risks women face, such as sexual

harassment, abuse, and exploitation, and fostering accountability within detention facilities.

### **Prompt and Impartial Investigations into Gender-Based Torture (Article 12):**

Article 12 mandates prompt and impartial investigations whenever there are reasonable grounds to believe that torture has occurred. This provision is key to addressing gender-based torture, as it compels authorities to act swiftly in cases involving women, who may otherwise face delays, neglect, or dismissal of their claims due to systemic biases or discrimination.

### **Right to Complaint and Protection from Retaliation (Article 13):**

Article 13 ensures that individuals subjected to torture have the right to file complaints, with prompt and impartial investigations guaranteed. This provision is particularly significant for women, who may face additional barriers in reporting abuse due to stigma, fear of retaliation, or cultural pressures. It obliges States to protect female complainants and witnesses from further harm, thereby encouraging reporting and enhancing access to justice for women survivors of torture.

### **Access to Redress and Rehabilitation for Female Survivors (Article 14):**

Article 14 obliges States to ensure that victims of torture have the right to redress, including fair compensation and rehabilitation. For women, this provision extends beyond monetary compensation to encompass psychological support, medical care, and social reintegration programs. It acknowledges the complex, long-term impacts of torture on women's physical and mental health, ensuring comprehensive support for their recovery.

### **State Responsibility and Systemic Gender-Based Torture (Article 16):**

Article 16 obligates States to prevent acts of cruel, inhuman, or degrading treatment or punishment that do not meet the strict definition of torture. This is particularly important for addressing systemic gender-based violence, such as practices rooted in cultural norms or discriminatory laws that disproportionately affect women. The provision ensures that States are held

accountable for failing to protect women from harmful practices, including forced genital mutilation, honour-based violence, and other forms of institutionalized abuse.

**vi. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)**

**Economic and Employment Rights (Article 11):**

Article 11 protects women's right to work and ensures equal treatment in employment opportunities, remuneration, and conditions. It also mandates maternity leave, job security, and workplace protections to balance family responsibilities with professional aspirations. These provisions aim to combat workplace discrimination and promote women's economic independence and empowerment.

**vii. International Covenant on Civil and Political Rights (UN) 1967**

**Article 9**

Article 9 of the International Covenant on Civil and Political Rights (UN) 1967 safeguards an individual's right to liberty and security, prohibiting arbitrary arrest or detention. It requires that deprivation of liberty be based on lawful grounds and procedures. This article states that individuals must be informed at the time of arrest of the reasons for their arrest and any charges against them. It also provides that an individual detained on a criminal charge must be promptly brought before the court and tried within a reasonable time or be released, with pre-trial detention as an exception. It also provides that persons awaiting trial may be released on the condition that they appear for trial or other judicial proceedings. Article 9 also entitles anybody deprived of their freedom, either by arrest or detention, the right to challenge the legality of their detention in court, and is entitled to enforceable compensation if found justified by the court.

**viii. Universal Declaration of Human Rights**

6. The Universal Declaration of Human Rights affirms, in Article 3, the right

of every individual to life, liberty, and personal security. Article 5 prohibits all forms of torture and cruel, inhuman, or degrading treatment or punishment. Article 9 protects against arbitrary arrest, detention, or exile. Article 10 guarantees the right to a fair and public hearing by an independent and impartial tribunal in the determination of one's rights, obligations, or any criminal charge.

## **E. Global Policies:**

### **i. The Beijing Declaration and Platform for Action on Women**

#### **Economic Empowerment and Employment Rights (Section F):**

Economic empowerment is a cornerstone of the Beijing Declaration, which calls for equal pay, protection against workplace discrimination, and opportunities for entrepreneurship. The Platform seeks to ensure that women have access to credit facilities and training programs that equip them with the skills needed for sustainable livelihoods. By promoting workplace equality and legal frameworks supporting women's rights at work, this section lays the groundwork for reducing gender disparities in economic participation.

#### **Eliminating Violence Against Women and Protecting Human Rights (Section I):**

The Platform emphasizes the elimination of all forms of violence against women, such as domestic violence, trafficking, and sexual exploitation. It advocates for legal and institutional reforms to protect women, alongside education and awareness campaigns to shift societal attitudes that perpetuate gender-based violence. This is aligned with the principle that women's rights are human rights, as reinforced by the Beijing Platform. It calls for the implementation of international human rights instruments like CEDAW and urges States to address all forms of gender-based discrimination. By integrating women's rights into broader human rights frameworks, the Platform provides a strong foundation for necessary legal and institutional changes.

#### **Women and the Media (Section J):**

This section emphasizes the need to eliminate stereotypes and biases in media

portrayals of women and to promote balanced representation. It encourages the use of media as a tool for empowerment by highlighting women's achievements, providing platforms for their voices, and using technology to improve their access to information. The focus on women's representation in the media aims to reshape societal narratives and combat harmful stereotypes.

## **Resolutions:**

### **i. Resolution on the Safety of Journalists and Media Practitioners in Africa.**

**The African Commission on Human and Peoples' Rights (the African Commission), meeting at its 67th Ordinary Session held virtually, from 13 November to 03 December 2020;**

Article 9 of the ACHPR resolutions urges member states to investigate, prosecute, and punish perpetrators of attacks against journalists and media practitioners. It also calls for access to effective remedies for victims and mandates specific measures to protect female journalists and media practitioners by addressing gender-specific safety concerns.

### **ii. Resolution Adopted by the Human Rights Council on 27 September 2018**

#### **39/6. The Safety of Journalists**

Article 8 (g) of the HRC Resolution of 2018 urges member states to implement gender-sensitive measures that encourage female journalists to report offline and online attacks while also ensuring the provision of adequate support, including psychosocial support to victims and survivors. Article 15 of the resolution further calls on States to address all forms of gender-based discrimination and violence such as threats, harassment, and incitement to hatred against female journalists both online and offline, as part of broader efforts to promote and protect women's rights, eliminate gender inequality, and challenge societal gender stereotypes.

## Chapter Two

### Instruments that Safeguard Journalists

#### 1. Resolutions:

##### i. Resolution Adopted by the Human Rights Council on 6 October 2020

##### 45/18. The safety of journalists

**Resolution 10** of the HRC (2020) sets forth a comprehensive and actionable framework for safeguarding the rights and safety of journalists and media workers globally. It calls on States to bring their laws, policies, and practices into full compliance with international human rights standards, including by reviewing and amending any legal provisions that unduly restrict journalistic activity or infringe on media freedom. The resolution emphasises the establishment of effective prevention and protection mechanisms, such as early warning systems and rapid response units, to ensure that journalists facing threats can access immediate and adequate support from competent authorities.

Recognising the persistent issue of impunity for crimes against journalists, the resolution urges States to adopt robust accountability measures, including the creation of specialised investigative bodies, the appointment of dedicated prosecutors, and the implementation of effective investigative and prosecutorial protocols. It underscores the need for prompt, impartial, and independent investigations into all forms of violence, threats, and attacks against journalists and mandates that perpetrators including those who aid, abet, or cover up such acts are brought to justice. Victims and their families must also have access to appropriate remedies, compensation, and support.

The resolution further demands that counter-terrorism and national security measures comply strictly with international legal obligations and do not serve as tools for arbitrary detention, censorship, or harassment of journalists. It advocates for training and capacity-building across the

judiciary, law enforcement, military, and civil society to reinforce understanding of obligations under international human rights and humanitarian law.

Special attention is given to the safety and inclusion of women journalists, with calls for gender-sensitive procedures to address sexual and gender-based violence, harassment, and threats both online and offline against them. States are encouraged to support the psychological and legal needs of affected women journalists and to combat gender-based stereotypes and incitement to hatred.

The resolution also promotes the protection of journalistic sources and whistleblowers, affirms the right to access public information, and calls for an end to the misuse of defamation laws and unlawful surveillance practices. It highlights the importance of pluralism and media diversity, urging States to reduce the economic vulnerability of journalists, particularly in the context of the COVID-19 pandemic, without compromising editorial independence.

Finally, it calls for enhanced coordination among government bodies, improved data collection and monitoring of attacks against the media, cooperation with civil society, and integration of journalist safety and media freedom into national development agendas. States are urged to ratify and implement relevant international and regional instruments and to follow up on recommendations by UN bodies and mechanisms, all to create a safe, enabling environment for the press to operate freely and independently.

**ii. Resolution adopted by the General Assembly on 17 December 2015 [on the report of the Third Committee (A/70/489/Add.2)]**

**70/162. The safety of journalists and the issue of impunity**

The resolution outlines a comprehensive framework aimed at enhancing the safety of journalists and ending impunity for crimes committed against them. Paragraph 3 urges States to effectively enforce applicable legal frameworks for the protection of journalists and media workers. It emphasises the need to combat the widespread culture of pervasive impunity through robust

enforcement mechanisms that prioritise the safety of media professionals, and protect journalists and media workers. Paragraph 4 calls for the immediate and unconditional release of journalists and media workers who have been abducted or subjected to enforced disappearances, underscoring their right to liberty and protection under international human rights standards. In paragraph 5, States are urged to protect journalists covering public demonstrations and events where people exercise their rights to peaceful assembly and freedom of expression. The provision acknowledges journalists' critical role in such contexts and their heightened vulnerability to threats or violence.

In paragraph 8, member States are called upon to prevent violence, threats, and attacks against journalists and media workers and to ensure justice through impartial, swift, thorough, independent, and effective investigations. States are expected to prosecute all responsible actors including those who aid, abet, or conceal such crimes and to provide remedies for victims and their families. The resolution further calls for the creation of a safe and enabling environment for journalists through legislative measures, capacity-building for the judiciary and law enforcement, consistent monitoring and public condemnation of attacks, and the allocation of necessary resources to combat impunity. States are also reminded that counter-terrorism and national security efforts must align with international legal obligations and not serve as grounds to restrict journalistic work.

### **iii. Resolution on the Safety of Journalists and Media Practitioners in Africa.**

The African Commission's *Resolution on the Safety of Journalists and Media Practitioners in Africa* highlights the urgent need for States Parties to uphold and protect the right to freedom of expression and access to information in line with regional and international standards. It calls on States to ensure a safe and enabling environment for journalists and media professionals, particularly during demonstrations and mass gatherings, and to train security personnel accordingly.

The resolution urges the repeal of criminal defamation and insult laws that restrict freedom of expression and advocates for a review of existing legal

frameworks to align with accepted norms. It emphasises that the right to express oneself through the media must not be unduly restricted and discourages the arbitrary closure of media houses. Furthermore, it highlights the importance of allowing journalists to freely access and report on government responses to the COVID-19 pandemic. The resolution also calls for effective investigation, prosecution, and punishment of those who attack journalists and stresses the need for gender-sensitive safety measures to protect female media practitioners and ensure access to remedies for victims.

#### **iv. Resolution Adopted by the Human Rights Council (27/5) 2014**

##### **The Safety of Journalists**

**Resolution 3, 5 of the HRC (2014)** reaffirms the obligation of States to foster a safe and enabling environment in which journalists and media workers can carry out their duties independently and without undue interference. It urges States to take proactive steps to prevent violence and attacks against journalists and to ensure full accountability by conducting impartial, prompt, thorough, and effective investigations into such incidents. The resolution further calls for the prosecution of all perpetrators, including those who plan, assist, or conceal these crimes, and mandates access to remedies for victims and their families. Recognising the challenge of impunity, the resolution encourages States to develop and implement targeted strategies drawing from good practices identified by the Office of the United Nations High Commissioner for Human Rights and during the June 2014 panel discussions such as establishing specialised investigative units, appointing dedicated prosecutors, adopting tailored investigative protocols, training justice sector actors, setting up reliable data-gathering mechanisms, and creating early warning and rapid response systems to protect at-risk journalists.

#### **v. Resolution Adopted by the Human Rights Council On 29 September 2016**

##### **33/2. The Safety of Journalists**

The 2016 Human Rights Council Resolution on the Safety of Journalists

underscores the obligation of States to take concrete and sustained measures to prevent all forms of violence, threats, and attacks against journalists and media workers. It mandates States to ensure accountability through prompt, impartial, thorough, independent, and effective investigations and to prosecute not only direct perpetrators but also those who command, conspire, aid, or cover up such crimes. The resolution calls for creating and maintaining a safe and enabling environment for journalists to operate freely and without undue interference, including through comprehensive legislative reforms, the training of law enforcement, judicial officers, and journalists, as well as regular monitoring and public condemnation of attacks.

To effectively combat impunity, States are encouraged to implement practical strategies such as establishing specialised investigative units, appointing dedicated prosecutors, adopting investigative protocols, maintaining threat databases, and instituting early warning and rapid response systems. States are also enjoined to ensure that their laws, policies, and practices comply with international human rights norms, particularly those guaranteeing freedom of expression and media freedom. This includes the protection of journalistic sources as a fundamental tenet of press freedom and refraining from the misuse of technology or imposition of measures that infringe on the privacy or independence of media professionals. Furthermore, States must secure the immediate and unconditional release of journalists subjected to arbitrary arrest, detention, enforced disappearance, or hostage-taking and ensure heightened protection for those reporting on elections, protests, and other high-risk events.

## **vi. Resolution Adopted by the Human Rights Council On 27 September 2018**

### **39/6. The Safety of Journalists**

The 2018 Resolution adopted by the HRC urges member States to thoroughly investigate all alleged violence, threats, and attacks on journalists and media workers and prosecute perpetrators; to immediately and unconditionally release journalists and media workers who have been arbitrarily arrested or arbitrarily detained, taken hostage or who have become victims of enforced

disappearance; political leaders, public officials and/or authorities to refrain from denigrating, intimidating or threatening the media; States should effectively prevent violence, intimidation, threats and attacks against journalists and media workers; States must ensure that their laws, policies, and practices are fully aligned with international human rights standards, guaranteeing the protection and promotion of fundamental rights. States must take concrete steps to ensure that defamation and libel laws are not weaponised to arbitrarily censor journalists or unduly hinder their vital role in informing the public. Legal and institutional safeguards should be put in place to protect the confidentiality of journalistic sources, recognising this as a fundamental element of press freedom. Additionally, States are obligated to address gender-based discrimination, harassment, and incitement to hatred targeting women journalists, by adopting and enforcing specific legal, policy, and institutional measures that ensure their safety, dignity, and equal participation in the media space.

## **Vii. Resolution 2222 (2015)**

**Adopted by the UN Security Council at its 7450th meeting, on 27 May 2015**

The UN Security Council Resolution 2222 adopted in May 2015 affirms that journalists and media workers working in armed conflict areas are to be considered civilians and afforded the protections under international humanitarian law, as long as they do not engage in actions that compromise their civilian status. The resolution stresses the obligation of States to align with relevant international laws to end impunity against journalists and media workers through independent, impartial, and effective investigations and prosecutions of those in violations of these laws. Urges States to end impunity for violations committed against journalists by ensuring accountability. The resolution affirms that perpetrators of crimes committed against journalists and media workers in armed conflict be fully investigated and brought to justice; The resolution calls for the immediate release of journalists, media personnel, and associated staff who are kidnapped or taken hostage in conflict situations. Additionally, it highlights the importance of safeguarding the professional independence of journalists and protecting media equipment and installations as civilian objects, unless used for military purposes.

## **2. National Laws:**

### **i. Constitution of the Federal Republic of Nigeria, 1999 (As Amended) (CFRN)**

Section 33 (1) of CFRN guarantees every individual the right to life, stipulating that no one shall be intentionally deprived of their lives except following a court's judgment in respect of a criminal offence for which the individual has been duly convicted. Section 34 ensures that every individual's dignity shall be upheld, prohibiting torture, inhuman or degrading treatment, slavery, servitude, and compulsory labour. Section 35 guarantees every person's right to personal liberty. When an individual is arrested, they are entitled to remain silent or refrain from answering questions until they have consulted a legal practitioner or a person of their choice. The individual must be informed in writing, in a language they understand, of the reasons for their arrest or detention within 24 hours. Any person arrested or detained must be brought before a court within a reasonable time specifically, within two months if in custody without bail, or three months if released on bail or be released either unconditionally or on reasonable conditions. Furthermore, any person unlawfully arrested or detained is entitled to compensation and a public apology from the authority or person prescribed by law. Section 36 affirms that every person is entitled to a fair hearing within a reasonable time by an independent and impartial court or tribunal in the determination of their civil rights and obligations. A person charged with a criminal offence is entitled to a public hearing within a reasonable time, is presumed innocent until proven guilty, and must be promptly informed in a language they understand of the details of the offence. Such a person must be given adequate time and facilities to prepare a defence, may defend themselves in person or through legal practitioners of their choice, and has the right to examine prosecution witnesses and call witnesses in their defence under the same conditions. If the language used at trial is not understood, the accused is entitled to the assistance of a free interpreter. Section 37 guarantees and protects the privacy of citizens, their homes, correspondence, telephone conversations and telegraphic communications, while Section 41 (1) ensures every Nigerian citizen's right to move freely throughout the country, reside in any part thereof, and enter or exit Nigeria without restriction.

### **3. Policy Declaration:**

#### **i. Declaration of Principles on Freedom of Expression and Access to Information in Africa**

**Adopted by the African Commission on Human and Peoples' Rights at its 65th Ordinary Session held from 21 October to 10 November 2019 in Banjul, The Gambia**

**Principle 19** of the ACHPR (2019) Declaration affirms the protection of journalists and other media practitioners. It stipulates that the practice of journalism is an exercise of the right to freedom of expression and shall not be subject to undue legal restrictions. It further recognises the right of journalists and media professionals to unionise and establish associations.

**Principle 20** addresses the safety of journalists and media practitioners, placing a binding obligation on States to guarantee their protection. It requires States to adopt preventive measures against attacks by State and non-State actors, conduct public awareness campaigns on legal protections available to journalists, and ensure thorough investigation, prosecution, and punishment of perpetrators of attacks. States are also held accountable for the actions of their law enforcement or other agents that compromise journalist safety. In addition, specific safeguards are to be implemented to address the gender-related safety concerns of female journalists. In situations of armed conflict, journalists and media practitioners are to be regarded and protected as civilians.

**Principle 25** affirms the protection of journalistic sources and materials, stipulating that journalists and media professionals shall not be compelled to disclose confidential sources or information except by an order of court. Such an order must satisfy strict conditions, including necessity for the investigation or prosecution of a serious crime or for the defence of an accused person, unavailability of the information from any other source, and the overriding public interest in disclosure. States are further prohibited from intruding into journalistic sources or materials through surveillance technologies except by judicial authorisation.

**Principle 40** guarantees the right to privacy and the protection of personal information. It recognises every individual's right to the confidentiality of their communications and data, including the right to remain anonymous or to use pseudonyms online. It prohibits States from adopting measures that undermine encryption technologies, except where such actions are justified under international human rights law and standards.

**Principle 41** regulates the use of communication surveillance tools by States, prohibiting indiscriminate or arbitrary surveillance of personal communications. Targeted surveillance is only permissible where authorised by law, justified by specific and reasonable suspicion, and in compliance with international human rights norms. Any law permitting such surveillance must incorporate adequate safeguards to protect privacy rights.

**Principle 42** sets the legal standards for the protection of personal data, requiring States to enact data protection laws consistent with international human rights obligations. It mandates that personal data be processed lawfully, with the informed consent of the individual, solely for legitimate purposes, and in a secure and confidential manner. Individuals have the right to be informed of, access, or object to the processing of their data and retain full legal control over their personal information. Where there is unauthorised access to personal data, affected individuals must be notified promptly and informed of the identity of the intruder, unless unknown. Legal remedies must be available for violations of data protection rights.

## **4. Conventions or Treaties**

### **i. International Covenant on Civil and Political Rights (UN) 1967**

**Article 6** of the International Covenant on Civil and Political Rights (UN-1967) affirms the inherent right of every human being to life, which shall be protected by law. No individual shall be arbitrarily deprived of this right under any circumstances.

**Article 7** prohibits the subjection of any person to torture or to cruel, inhuman or degrading treatment or punishment. This protection is absolute and non-negotiable.

**Article 9** guarantees the right to liberty and security of the person. It provides that no one shall be subjected to arbitrary arrest or detention, and that deprivation of liberty must conform to procedures established by law. Any person who is arrested must be promptly informed of the reasons for the arrest and any charges against them. Such a person shall be entitled either to trial within a reasonable time or to release, which may be conditional upon assurances to appear for trial. Detainees also have the right to challenge the legality of their detention before a court. Where arrest or detention is found to be unlawful, the individual is entitled to seek compensation.

**Article 10** provides that all persons deprived of their liberty shall be treated with humanity and respect for the inherent to the dignity of the human person. Furthermore, accused persons shall be separate from convicted persons and treated in accordance with their status as unconvicted individuals

**Article 12** guarantees the right of individuals lawfully within the territory of a State to move freely and choose their place of residence. It also affirms the right of individuals to leave any country, including their own, and to enter their own country. Any restrictions on these rights must be lawful, necessary, and consistent with the other rights recognised under the Covenant.

**Article 17** upholds the right to privacy, stipulating that no one shall be subjected to arbitrary or unlawful interference with their privacy, family, home, or correspondence, nor to unlawful attacks upon their honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

## **Ii. Universal Declaration of Human Rights**

**Article 3** of the Universal Declaration of Human Rights affirms the right of every individual to life, liberty, and personal security. These rights are inherent and must be protected by law.

**Article 5** prohibits the subjection of any person to torture, or to cruel, inhuman, or degrading treatment or punishment. This guarantee is absolute and non-negotiable.

**Article 8** provides that every person has the right to an effective remedy by

competent national tribunals for acts violating their fundamental rights as recognised by the constitution or law.

**Article 9** stipulates that no one shall be subjected to arbitrary arrest, detention or exile. The deprivation of liberty must be justified, lawful, and procedurally fair.

**Article 10** guarantees the right of every person to a fair and public hearing by an independent and impartial tribunal in the determination of their rights and obligations and in the event of any criminal charge against them.

**Article 12** protects individuals from arbitrary interference with their privacy, family, home, or correspondence, and from unlawful attacks on their honour and reputation. The law must provide effective protection against such interferences or attacks.

**Article 13** upholds the right of every person to freedom of movement and residence within the borders of a State. It also affirms the right of everyone to leave any country, including their own, and to return to their country. These rights may only be restricted in accordance with the law and for legitimate purposes.

## Chapter Three

### **Instruments that Safeguard Society Females**

#### **1. National Policies:**

##### **i. The Nigeria's National Policy on Population for Sustainable Development (2004) on Women**

##### **Promotion of Reproductive Health Rights (Section 2.2.2):**

The policy emphasizes universal access to quality reproductive health services, including family planning and maternal healthcare. This focus is critical for reducing maternal mortality, enhancing safe delivery practices, and empowering women to make informed decisions about their reproductive health. By prioritizing access to modern contraceptive methods, the policy supports women in managing their fertility and achieving their desired family size, directly contributing to their autonomy and well-being.

##### **Addressing Gender-Based Violence and Discrimination (Section 2.5):**

The policy acknowledges the adverse effects of gender-based violence and discrimination on women's health and well-being. It calls for community sensitization programs, legislative reforms, and enforcement mechanisms to protect women from abuse and harmful practices. These provisions help create safer environments for women, allowing them to thrive without fear of violence or societal constraints.

##### **ii. The National Action Plan on UNSCR 1325 and Related Resolutions on Women, Peace, and Security in Nigeria (20172020)**

#### **Pillar 3: Protection and Prosecution**

The NAP prioritizes safeguarding women's rights and prosecuting violators

of these rights during conflict and post-conflict situations. Women and girls receive legal protection and support, including mechanisms to prosecute gender-based violence (GBV) perpetrators. This ensures accountability and promotes justice for victims.

### **Expanded Scope of Protection Against Sexual Violence**

The NAP explicitly integrates international norms such as the Rome Statute and UNSCR resolutions, ensuring robust protection frameworks against sexual violence in conflicts. It includes mechanisms for investigating and prosecuting sexual and gender-based crimes. Women survivors of sexual violence gain access to justice and legal remedies. The alignment with international frameworks strengthens accountability and ensures that perpetrators face justice.

### **iii. The National Gender Policy (2006)**

#### **Gender-Based Violence (GBV)**

A strong emphasis is placed on preventing and addressing GBV through legal reforms, capacity-building for law enforcement, and the establishment of support structures for survivors. Women and girls experiencing violence are provided with legal protection, counseling, and avenues for redress, fostering safer environments.

#### **Access to Justice**

The policy emphasizes creating a gender-responsive justice system, ensuring that women can access legal remedies without fear of discrimination or stigma. Women's rights are better protected through legal mechanisms, encouraging them to seek justice and challenge discriminatory practices.

#### **Addressing Gender-Based Violence**

The policy outlines frameworks for preventing, mitigating, and addressing gender-based violence, including legislative reforms, public awareness, and support systems for survivors. Women and girls subjected to violence gain access to justice, protection, and psychosocial support, fostering safer environments.

## **Strengthening Legal Protections**

The policy calls for reviewing discriminatory laws and promoting gender-equitable legal reforms, including the domestication of international treaties like CEDAW. Women gain strengthened legal rights and protections, particularly in areas such as inheritance, property rights, and workplace equality.

### **iv. The National Health Policy (2016)**

#### **Gender Equity in Health Access**

The policy emphasizes equity in access to health services, ensuring that disadvantaged groups, including women, have access to quality care regardless of socio-economic status or location. Women in rural and marginalized communities gain improved access to essential health services, narrowing health disparities.

#### **Gender-Responsive Healthcare Services**

The policy mandates gender-sensitive health services across all healthcare programs, emphasizing equitable access irrespective of sexual orientation or socio-economic status. Women experience reduced barriers to accessing healthcare, fostering inclusivity and addressing unique gendered health concerns.

#### **Promotion of Family Planning**

The policy supports the scale-up of contraceptive use and reproductive health education to harness Nigeria's demographic dividend. Women are empowered with greater autonomy over reproductive choices, contributing to better health and economic participation.

#### **Health Infrastructure and Human Resources**

The policy prioritizes equitable distribution and quality improvement of health infrastructure and training for healthcare workers, with a focus on maternal and child health. Women benefit from improved health facilities

and skilled health professionals, ensuring safer delivery and better maternal care

## **v. Revised Draft National Social Protection Policy (NSPP) 2021**

### **Protection of Women's Rights and Access to Social Services (Section 1.3.5):**

The policy highlights the unique vulnerabilities of women and girls, emphasizing the need for tailored interventions to address issues such as poverty, crises, and crime. By explicitly recognizing women as a vulnerable group, the policy ensures their inclusion in social protection frameworks, addressing inequities in access to basic services such as education and healthcare.

### **Support for Survivors of Gender-Based Violence (Section xi):**

The NSPP prioritizes psychosocial support and healthcare services for survivors of violence, child abuse, and human trafficking. This ensures that women affected by such issues receive the care and assistance necessary to rebuild their lives, fostering a sense of dignity and resilience.

### **Tailored Support for Vulnerable Groups (Section 2.3.2.4):**

The NSPP recognizes the specific needs of women living with disabilities and older women, emphasizing inclusive policy measures that cater to their unique challenges. This approach fosters equality and ensures no one is left behind.

### **Promoting Safe and Decent Work for Women (Section 2.3.3.2):**

The policy calls for fair labour practices and the enforcement of labour laws that protect women in both formal and informal sectors. It also promotes workplace safety, maternity benefits, and equal pay for equal work, addressing systemic barriers to women's economic participation.

## **Health and Nutrition for Women and Children (Policy Measures 4 and 5):**

The policy guarantees free healthcare services for women and children under five, addressing health disparities and improving overall well-being. Nutritional support programs further enhance health outcomes for women, particularly during pregnancy and lactation.

## **vi. National Economic Empowerment and Development Strategy (NEEDS)**

### **Gender-Sensitive Governance and Social Protection**

NEEDS incorporates gender-sensitive policies in governance and service delivery. It emphasizes social safety nets for vulnerable groups, including women, through improved access to healthcare, housing, and financial aid. These provisions aim to protect women from economic and social vulnerabilities, fostering resilience and equitable development.

### **Legal and Institutional Reforms**

By promoting rule of law, transparency, and accountability, NEEDS creates an enabling environment for women to access justice and equal opportunities. Efforts to combat corruption and inefficiencies in public services enhance the delivery of programs that directly benefit women, including those addressing gender-based violence and discrimination.

### **Targeting Gender Disparities in Labour Markets and Combating Gender-Based Violence (Pillar 1 - Reforming Governance):**

The framework focuses on addressing gender disparities in labour markets by advocating for equal pay for equal work and encouraging women's participation in traditionally male-dominated industries, aiming to dismantle structural barriers limiting women's economic involvement. In parallel, the policy emphasizes the importance of protecting women from violence and abuse, promoting stronger enforcement of laws against domestic violence, trafficking, and workplace harassment. These combined measures strive to create a safer and more equitable society for women, where they can fully

participate in the economy and live free from violence.

### **Addressing Maternal and Child Health (Social Charter):**

NEEDS prioritizes the expansion of healthcare facilities, particularly in underserved areas, and highlights maternal health as a key focus. Initiatives such as free prenatal and postnatal care services aim to reduce maternal mortality rates and improve overall health outcomes for women and children.

## **Vii. National Social Protection Policy**

### **Access to Health Care for Women and Girls**

The Policy Measure ensures that pregnant women, lactating mothers, and children under the age of five have access to free health care services. This provision addresses critical health needs unique to women and their children, improving maternal health outcomes and reducing child mortality. The guarantee of accessible health services promotes equity and empowers women, especially in underserved communities.

### **Protection from Gender-Based Violence**

The *Policy Measure* provides health services, psychosocial support, and counselling for survivors of violence against women, including child abuse and human trafficking. This initiative not only supports the recovery of victims but also establishes a framework for addressing the systemic causes of violence against women, promoting their safety and well-being.

### **Childcare Services for Working Mothers**

The policy mandates the provision of affordable childcare services for children under five years old. This measure directly supports working mothers by reducing the burden of childcare, enabling their active participation in the workforce. It also ensures that children receive early childhood education and care, contributing to long-term developmental benefits.

## **Viii. The National Action Plan on UNSCR 1325 and Related Resolutions on Women, Peace, and Security in Nigeria (2017/2020)**

The **National Action Plan (NAP)** aims to ensure the protection and active involvement of women in peace and security processes. It addresses the disproportionate impact of conflict on women and promotes their roles as peace builders and agents of change.

### **Pillar 3: Protection and Prosecution**

The NAP prioritizes safeguarding women's rights and prosecuting violators of these rights during conflict and post-conflict situations. Women and girls receive legal protection and support, including mechanisms to prosecute gender-based violence (GBV) perpetrators. This ensures accountability and promotes justice for victims.

## **2. National Laws:**

### **i. Constitution of the Federal Republic of Nigeria, 1999 (As Amended)**

#### **Health and Social Welfare Rights (Section 17):**

This section mandates the government to ensure that all citizens have access to healthcare services. For women, this means greater protection regarding reproductive health, maternal care, and family planning services. The provision is instrumental in advocating for gender-responsive healthcare policies.

#### **Equality Before the Law and Non-Discrimination (Section 17(2)(a)):**

The Constitution guarantees equality before the law and the right to equal protection under the law. This provision is significant for women as it prohibits discrimination on the grounds of gender, ensuring that women enjoy the same legal rights as men in all aspects of life, including employment, education, and access to justice. It promotes fairness and equal

opportunities for women in both public and private spheres.

### **Right to Life (Section 33):**

Section 33 guarantees the right to life and ensures that no individual shall be deprived of life except in cases permitted by law. For women, this provision is critical in addressing maternal healthcare concerns, gender-based violence, and harmful traditional practices that may endanger their lives. It provides a legal foundation for advocacy on improved healthcare services, especially in relation to maternal mortality.

### **Right to Dignity of the Human Person (Section 34):**

This section provides that every individual is entitled to respect for their dignity and prohibits torture, inhuman, or degrading treatment. For women, this is crucial in protecting them from gender-based violence, sexual harassment, and other forms of abuse. It ensures that women, particularly those in vulnerable situations, are treated with dignity and respect, both in society and during interactions with state institutions.

### **Right to Dignity and Protection from Degrading Treatment (Section 34):**

The Constitution upholds the right of every citizen to dignity and prohibits inhuman or degrading treatment. This is significant for women who may face domestic violence, sexual harassment, or harmful traditional practices such as female genital mutilation. This provision reinforces legal protections against gender-based violence and promotes women's right to bodily autonomy.

### **Right to Fair Hearing and Justice (Section 36):**

This section guarantees fair hearing and justice for all individuals, including women, in both civil and criminal cases. It ensures that women can access legal representation, have their cases heard without bias, and receive equitable treatment in judicial processes. This provision is especially important in addressing gender-based violence, inheritance disputes, and other legal challenges unique to women.

### **Right to Freedom of Movement (Section 41):**

Women are constitutionally guaranteed the right to move freely and reside in any part of Nigeria without restrictions. This provision is critical in promoting their independence, enabling them to pursue education, employment, and other opportunities, and protecting them from cultural or traditional practices that seek to confine them to domestic spaces or limit their mobility. It also serves as a safeguard for women seeking to escape harmful practices such as early marriage or gender-based violence.

### **Right to Freedom from Discrimination (Section 42):**

Section 42 explicitly prohibits discrimination against any individual on the grounds of sex, ethnicity, or religion. For women, this provision ensures equal access to opportunities and resources, including education, healthcare, and political participation. It also provides a basis for challenging discriminatory practices or laws that disproportionately affect women.

### **Legal Recourse and Access to Justice (Section 46):**

Women who experience discrimination, violence, or rights violations have the constitutional right to seek redress in court. This provision enables them to challenge gender-based injustices and enforce their fundamental rights through legal mechanisms.

## **Administration of Criminal Justice Act (ACJA), 2015**

### **Protection of Female Detainees' Rights to Legal Representation and Family Notification (Section 6(2)(c)):**

This section requires that detained suspects are informed of their right to legal representation and allows for family notification. This is significant for women, who may face societal or familial pressures, by ensuring that they are provided legal aid and that their families are notified, supporting transparency and fairness.

### **Protection of Dignity and Humane Treatment (Section 8):**

This section provides that a suspect must be treated with dignity and must not be subjected to torture, inhuman, or degrading treatment. This ensures that women, who may face risks of abuse or sexual harassment during arrest or detention, are protected and treated with respect.

### **Searches by Same-Gender Officers (Section 9(3)):**

Section 9(3) stipulates that when it is necessary to search a suspect, the search must be conducted by someone of the same gender, except in urgent situations. This requirement helps protect female suspects from harassment and ensures a level of comfort and privacy during searches.

### **Pregnancy and Sentencing (Section 404):**

This section provides that if a woman convicted of a capital offence is pregnant, her sentence of death will be delayed until after delivery. This provision prevents the execution of pregnant women, showing sensitivity to the welfare of both the mother and child.

### **Special Treatment for Female Defendants and Children in Sentencing (Section 405):**

The Act includes specific procedures for sentencing children and female defendants, especially if they are primary caregivers. This provision acknowledges the societal roles women may play as primary caregivers and allows for consideration of non-custodial sentencing options, particularly in cases involving minor offences.

### **Special Provisions for Pregnant Women Convicted of Capital Offences (Section 415):**

This section provides that detailed procedures are outlined for cases in which a woman convicted of a capital offence is discovered to be pregnant after sentencing. This protects the rights of pregnant women, ensuring their pregnancy status is considered and handled with care.

## **Criminal Code Act, 2004**

### **Special Protections Against the Death Penalty for Pregnant Women (Section 39(2)):**

This section stipulates that a women convicted of certain offences, such as treason, may receive a delay in sentencing if they are pregnant. This provision protects the unborn child by deferring the sentence until after childbirth, demonstrating consideration for pregnant women's specific needs.

### **Protection Against Domestic Assault (Section 351)**

Section 351 of the Criminal Code outlines the penalties for common assault, which refers to causing harm to another person without their consent. It defines the actions that qualify as assault and sets out the corresponding punishments, including imprisonment or fines, depending on the severity of the offence. This provision offers a legal framework for women to seek protection against physical harm in the form of common assault. It ensures that women subjected to physical violence have legal recourse to hold perpetrators accountable. However, the practical implementation of this protection, including timely enforcement and support mechanisms, is crucial in safeguarding women from ongoing abuse.

### **Provisions on Rape and Sexual Assault (Section 357-358):**

Section 357 defines rape as the unlawful carnal knowledge of a woman or girl without her consent, achieved through force, threat, or deceit. This section establishes a clear legal framework for prosecuting rape, underscoring the gravity of the offence and the importance of protecting victims' rights.

**Section 358** prescribes life imprisonment as the maximum penalty for offenders convicted of rape, emphasizing the severity of sexual violence. These sections aim to ensure that victims of rape receive justice, and that offenders are held accountable for their actions. However, the focus on female victims reinforces the need for gender-sensitive legal frameworks that offer equal protection to all, regardless of gender.

## **Defamation and Protection of Women's Reputation (Section 373):**

Under this section, the Act addresses defamatory publications that could harm a woman's reputation, especially in cases of false accusations of immoral behaviour. This section safeguards women from reputational damage caused by false statements, which can be particularly damaging in societies with strong views on female morality.

## **National Health Act, 2014 (NHA)**

### **Section 21: Provision of Emergency Medical Treatment**

This section mandates the provision of emergency medical treatment to all individuals. For women, this includes critical maternal emergencies such as complications during childbirth, miscarriages, or ectopic pregnancies. It safeguards their lives by ensuring they are not denied urgent care due to bureaucratic or financial barriers, which is critical for reducing maternal mortality.

## **3. Regional Judicial Body:**

### **i. African Court on Human and Peoples' Rights (AfCHPR)**

#### **Protection of Women's Rights through Jurisprudence:**

The AfCHPR plays a critical role in safeguarding women's rights by interpreting and enforcing the African Charter on Human and Peoples' Rights, particularly the Maputo Protocol, which focuses on the rights of women in Africa. The Court's decisions on cases related to gender-based violence, discrimination, and reproductive rights have set important legal precedents that enhance protections for women across the continent.

#### **Access to Justice for Women (Jurisdiction and Standing):**

The Court allows individuals and non-governmental organizations (NGOs) from States that have made special declarations to bring cases directly before it. This mechanism is vital for women who face systemic barriers in domestic

courts, offering them an avenue for redress in cases of human rights violations, such as sexual violence, discrimination, and denial of reproductive health services.

### **Issuance of Provisional Measures to Protect Women at Risk:**

The AfCHPR has the authority to issue provisional measures to prevent imminent and irreparable harm to individuals or groups. For women facing threats like gender-based violence, arbitrary detention, or state-sponsored abuses, this mechanism provides urgent protection while their cases are under consideration.

### **Addressing Gender-Based Violence (GBV):**

Through its judgments, the Court has reinforced the obligation of States to prevent, investigate, and punish acts of GBV, including domestic violence, sexual harassment, and harmful traditional practices such as female genital mutilation (FGM) and child marriage. These rulings compel governments to adopt laws and policies that protect women and provide support services for survivors.

### **Enforcement of Economic and Social Rights:**

The Court addresses cases related to women's economic, social, and cultural rights, including the right to education, health, property, and employment. It has emphasized the need for States to eliminate legal and cultural barriers that restrict women's economic empowerment and access to resources.

### **Combating Discrimination Against Women:**

The AfCHPR has consistently interpreted the Charter to prohibit all forms of gender-based discrimination, including laws and customs that perpetuate inequality. Its decisions require States to repeal discriminatory legislation and implement affirmative measures to promote gender equality in all spheres of life.

### **Advisory Opinions on Gender Equality:**

The Court issues advisory opinions on legal matters concerning the

interpretation of human rights instruments. These opinions influence national and regional policies related to women's rights, guiding States in the implementation of gender-sensitive laws and practices.

### **Accountability for Sexual and Reproductive Health Violations:**

Through its rulings, the Court has advanced the recognition of sexual and reproductive health rights as fundamental human rights. It has held States accountable for failing to provide access to safe maternal healthcare, family planning services, and legal protections against forced sterilization and other reproductive rights violations.

### **Protection of Women's Rights in Armed Conflicts:**

The Court addresses violations of women's rights during armed conflicts, including cases of sexual violence, rape, and exploitation. Its rulings compel States to prevent such abuses, prosecute perpetrators, and provide reparations to survivors. This strengthens the legal framework for protecting women in conflict zones and holding violators accountable under international law.

### **Reparations for Victims of Gender-Based Violations:**

The AfCHPR has the power to order reparations for victims of human rights violations. For women, this can include monetary compensation, psychosocial support, rehabilitation, and guarantees of non-repetition. This ensures not only acknowledgement of the harm suffered but also tangible support for recovery and reintegration into society.

### **Advancing Women's Health Rights:**

The Court has emphasized that violations of reproductive health rights such as lack of access to safe abortion, forced sterilization, or inadequate maternal healthcare constitute human rights abuses. Its decisions urge States to provide comprehensive sexual and reproductive health services, reducing preventable maternal deaths and safeguarding women's bodily autonomy.

## **Accountability for Sexual Exploitation and Abuse by State Actors:**

In cases where state security forces or peacekeepers are involved in sexual exploitation or abuse, the Court has held States accountable for failing to prevent, investigate, and punish such crimes. This sets a precedent for ending impunity and ensuring justice for women harmed by those in positions of power.

## **Freedom from Torture and Degrading Treatment:**

The Court interprets torture broadly to include sexual violence, female genital mutilation (FGM), and other harmful practices inflicted on women. Its rulings require States to enact strict laws against such practices, provide support for survivors, and educate communities on human rights protections.

## **Legal Reforms Mandated by the Court:**

Beyond individual cases, the AfCHPR's decisions often lead to national legal reforms. States are required to amend or repeal discriminatory laws, enact gender-sensitive legislation, and implement policies that protect women's rights, creating long-term systemic change.

# **4. Regional Development Framework or Strategic Action Plan.**

## **i. Agenda 2063: The Africa We Want**

### **Access to Affordable Housing, Livelihoods, and Gender-Sensitive Urban Development (Aspiration 1, Goal 6)**

Agenda 2063 emphasizes the need for affordable housing and sustainable livelihoods for marginalized groups, particularly women, including single mothers and displaced populations. Housing initiatives that offer security, stability, and access to essential services are key to improving their lives. Additionally, urban planning within the framework incorporates gender-sensitive policies, ensuring women have safe and equitable access to public spaces, transportation, and services. These measures aim to reduce the risks

of gender-based violence and enhance women's mobility, enabling greater participation in urban economies.

### **Combating Gender-Based Violence, Protecting Women's Rights, and Advancing Legislative Reforms (Aspiration 6, Goal 17)**

Agenda 2063 is committed to eliminating all forms of violence and discrimination against women and girls. It emphasizes creating strong legal frameworks, awareness campaigns, and survivor support services to ensure safer environments for women in both public and private spheres. The policy also advocates for legal systems that uphold women's rights, eliminate discriminatory laws, and ensure access to justice. Special provisions focus on the unique vulnerabilities of women in conflict zones, offering tailored support for displaced and affected populations. Furthermore, the framework calls for harmonizing national laws with international human rights instruments like CEDAW, strengthening protections against discrimination and ensuring women's rights are upheld across all sectors of society.

#### **ii. African Union Strategy for Gender Equality and Women's Empowerment (GEWE) 20182028**

##### **Dignity, Security, and Resilience (Pillar 2):**

This pillar addresses issues of health, sexual and reproductive health rights (SRHR), and the elimination of harmful traditional practices (HTPs). By promoting initiatives such as the Accelerated Reduction of Maternal Mortality in Africa (CARMMMA) and campaigns to end child marriage and female genital mutilation (FGM), the strategy prioritizes women's health, safety, and bodily autonomy. Women and girls gain improved access to life-saving healthcare, protections against gender-based violence, and pathways to overcome social norms that perpetuate inequality.

##### **Effective Laws, Policies, and Institutions (Pillar 3):**

The strategy underscores the importance of gender-responsive governance and legislative reform. It calls for the ratification and implementation of the Maputo Protocol and alignment of national policies with Agenda 2063. For women, this ensures protection of inheritance rights, wage equality, and

access to justice. Institutional gender governance systems and Gender Responsive Budgeting (GRB) further enable the effective translation of commitments into tangible improvements in women's lives.

### **Focus on Vulnerable Groups:**

Special provisions for rural women, women with disabilities, and migrant women ensure that the strategy addresses intersectional challenges. For example, rural women gain access to productive resources and climate-resilient farming technologies, while women with disabilities receive protection against exploitation. This holistic approach ensures inclusivity and equitable development.

### **Promoting Women's Sexual and Reproductive Rights:**

The strategy explicitly focuses on advancing women's sexual and reproductive health rights (SRHR), emphasizing access to contraception, safe maternity services, and comprehensive sexuality education. It also addresses stigma and cultural barriers that restrict women's autonomy over their reproductive choices. These measures ensure that women can make informed decisions about their bodies and lives, improving overall health outcomes.

## **5. Regional Instruments:**

### **i. ECOWAS Protocol on Democracy and Good Governance, 2001**

#### **Protection Against Violence by Security Forces (Article 22):**

The Protocol prohibits the use of excessive force and inhumane treatment during security operations. For women, this provision is significant in addressing gender-specific violence by security forces, ensuring accountability, and protecting women during demonstrations, conflicts, or custodial situations.

#### **Freedom of the Press and Information (Article 32):**

By ensuring press freedom, the Protocol creates space for women's issues to

be highlighted in media and public discourse. It promotes the use of media to amplify women's voices, raise awareness of their rights, and challenge stereotypes that perpetuate gender inequality.

### **Combatting Discrimination and Harmful Practices (Article 40):**

Member States are required to eliminate all forms of discrimination and harmful practices against women, such as forced marriages, female genital mutilation (FGM), and gender-based violence. This provision safeguards women's dignity and rights, ensuring their physical and psychological well-being, and promotes equality across societal and cultural contexts

### **Gender-Sensitive Legislation and Social Inclusion (Article 43):**

The Protocol obliges Member States to adopt gender-sensitive laws and policies that promote the welfare and inclusion of women. By addressing systemic challenges and fostering equitable opportunities, this provision ensures women's integration into social, economic, and political development programs.

## **ii. Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol)**

### **Article 2 Elimination of Discrimination Against Women**

This article obligates state parties to integrate gender equality into their constitutions and legislation, abolishing discriminatory practices and ensuring equality in all spheres. For women, this provision serves as a legal mandate to challenge systemic discrimination in areas like employment, inheritance, and political participation. It ensures the protection of women's rights through legislative reforms and empowers them to seek legal redress when faced with inequality.

### **Article 3 Right to Dignity**

This article guarantees women's rights to dignity, freedom from exploitation, and protection from abuse. Women, especially those in vulnerable professions like journalism, benefit from protections against workplace

harassment and societal exploitation. It enshrines respect for women's autonomy and safeguards against degrading treatment, addressing key issues such as sexual harassment and psychological abuse.

### **iii. Addis Ababa Declaration on Population and Development in Africa Beyond 2014**

#### **Gender Equality and Women's Empowerment**

The commitment is to develop and implement strategies aimed at eliminating discrimination against women and girls across all sectors, including education, employment, and health. These initiatives are designed to address systemic barriers to equality, empowering women to fully participate in economic, social, and political life, thereby ensuring their active involvement and benefitting from the opportunities and advancements created through these efforts.

#### **Reproductive and Sexual Health Rights**

The aim is to ensure universal access to comprehensive reproductive and sexual health services, including family planning and education. This initiative enhances women's autonomy by enabling them to make informed health decisions, which in turn helps reduce maternal mortality and improves overall health outcomes, fostering better well-being for women and communities at large.

#### **Addressing Violence Against Women**

The objective is to prevent, respond to, and eliminate gender-based violence in all settings, including conflict and post-conflict situations. This approach ensures that women and girls affected by violence gain access to essential legal protections, healthcare, and psychosocial support, helping to restore their dignity and promote their recovery.

#### **Access to Justice**

The commitment is to ensure legal reforms that eliminate discriminatory laws and practices while strengthening justice systems. This approach provides

women with enhanced legal protections and greater access to recourse for rights violations, helping to safeguard their dignity and promote equality.

### **Addressing Gender Gaps in Health**

The commitment is to integrate gender perspectives into health policies to ensure that women's specific health needs, including those related to HIV/AIDS, cervical cancer, and mental health, are effectively addressed. This approach provides women with tailored healthcare interventions, improving their quality of life and reducing health disparities.

## **Iv. Solemn Declaration on Gender Equality in Africa on Women**

### **Recognition and Protection of Women's Rights**

The Solemn Declaration on Gender Equality in Africa underscores the fundamental importance of recognizing and safeguarding women's rights. It emphasizes equitable access to justice, transparency in governance, and the inclusion of women in decision-making processes. This commitment fosters an environment where women are empowered to assert their rights and participate actively in shaping societal progress.

### **Commitment to Ending Violence and Discrimination**

The Declaration pledges to combat all forms of violence and discrimination against women. It advocates for robust legal and institutional frameworks to prevent abuse and ensure the humane treatment of women. This dedication addresses the unique risks women face, providing safeguards that promote dignity and security in both public and private spheres.

### **Support for Women with Disabilities and Other Vulnerable Groups**

Recognizing the diverse challenges faced by women, the Declaration calls for targeted interventions to support vulnerable groups, including women with disabilities. By prioritizing inclusivity and equitable treatment, it ensures that all women, irrespective of their circumstances, are treated with dignity and receive the necessary accommodations to thrive.

## **Preservation of Privacy and Dignity**

The Declaration highlights the importance of protecting women's privacy and dignity in all aspects of societal and institutional interactions. It underscores the need for measures that respect women's unique needs, particularly in contexts involving personal security, searches, and other sensitive procedures.

## **Enhanced Access to Justice and Legal Aid**

The Declaration promotes improved access to justice for women, highlighting the need for mechanisms that remove barriers such as financial constraints and societal pressures. It stresses the importance of providing legal aid and other support systems to enable women to seek redress and protect their rights effectively.

## **Mental Health and Holistic Wellbeing**

The Declaration recognizes the critical importance of mental health and overall wellbeing for women. It calls for tailored support systems to address challenges such as emotional trauma, stress, and other psychological difficulties. These provisions ensure that women receive the care they need to recover and rebuild their lives

## **v. African Charter on Human and Peoples' Rights (Banjul Charter)**

### **Equality and Non-Discrimination (Articles 2 and 3):**

Article 2 guarantees every individual the right to enjoy the rights and freedoms in the Charter without discrimination, including based on sex, while Article 3 ensures equality before the law and equal protection of the law. These provisions are crucial for advancing gender equality by mandating states to eliminate systemic barriers and discriminatory practices against women. They promote women's equal access to justice, opportunities, and resources, fostering a more inclusive society.

### **Freedom of Movement and Residence (Article 12):**

Article 12 protects the right to freedom of movement, residence, and asylum.

For women, particularly those fleeing conflict, violence, or persecution, this provision guarantees their right to seek safety and stability, either within their country or in another state. It also addresses restrictions that might be imposed on women's mobility due to cultural or legal barriers.

### **Right to Work and Equal Pay (Article 15):**

This article guarantees the right to work under equitable and satisfactory conditions and ensures equal pay for equal work. For women, it promotes economic inclusion, combats workplace discrimination, and addresses pay gaps. It empowers women to participate in the workforce with dignity and fairness, contributing to their financial independence and societal progress.

### **Right to Health (Article 16):**

Article 16 guarantees the right to enjoy the best attainable state of physical and mental health and obligates states to take measures to protect this right. For women, this provision underpins access to essential health services, including maternal and reproductive healthcare. It addresses disparities in healthcare access and outcomes, improving women's overall well-being and autonomy over their bodies.

### **Elimination of Discrimination Against Women (Article 18(3)):**

This provision explicitly mandates states to eliminate all forms of discrimination against women and to ensure the protection of their rights as stipulated in international declarations and conventions. It affirms the Charter's commitment to gender equality by urging states to enact laws, policies, and practices that dismantle discriminatory norms, promote women's empowerment, and safeguard their rights in all spheres of life.

### **Protection of Vulnerable Groups (Article 18(4)):**

This article mandates special measures to protect vulnerable groups, including women, the aged, and the disabled. For women, particularly those facing intersecting vulnerabilities, this provision ensures targeted support and protection against exploitation, neglect, and abuse.

## **Duty of States to Promote and Disseminate Human Rights (Article 25):**

Article 25 mandates states to promote and ensure respect for the rights and freedoms contained in the Charter through education and awareness programs. For women, this includes raising awareness about their rights, combating harmful cultural practices, and ensuring their inclusion in human rights initiatives.

## **Judicial Independence and Access to Justice (Article 26):**

This article emphasizes the independence of courts and the establishment of national institutions to promote and protect rights. For women, it ensures access to impartial justice systems, protection against gender-based discrimination in legal proceedings, and effective remedies for violations of their rights.

## **6. International Instruments:**

### **a. Conventions or Treaties**

#### **i. The ILO Convention No. 100 on Equal Remuneration (1951)**

### **Principle of Equal Pay for Work of Equal Value**

The ILO Convention No. 100 enshrines the principle that men and women should receive equal remuneration for work of equal value, addressing disparities caused by gender-based discrimination. Women in male-dominated industries and undervalued female-dominated jobs benefit from this provision, which emphasizes fair compensation based on job value rather than gender. This principle promotes financial independence for women and supports the reduction of income inequality.

### **Scope of Remuneration (Article 1)**

This article defines remuneration broadly to include wages, bonuses, allowances, and other benefits arising from employment. Women, especially

those in informal or part-time roles, are protected from discrimination in all components of their earnings. By recognizing indirect remuneration such as healthcare and housing allowances, this ensures women are not sidelined in accessing workplace benefits.

### **Job Evaluation and Comparison**

The Convention emphasizes the use of objective job evaluation methods to determine the value of work. Women in traditionally undervalued sectors, such as caregiving or education, benefit from gender-neutral job evaluations. This ensures their work is assessed fairly and compensated equally, addressing systemic biases that perpetuate pay gaps.

### **UN Global Compact Principle 6 Elimination of Discrimination in Employment**

The policy integrates this principle, advocating for the elimination of workplace discrimination and ensuring equal opportunities for advancement. Women gain access to leadership roles and decision-making positions, challenging stereotypes that restrict them to lower-paying, non-leadership roles.

### **Implementation Through Gender-Neutral Pay Structures**

The policy recommends creating gender-neutral pay scales based on the evaluation of qualifications, effort, responsibilities, and working conditions. Women benefit from pay structures that eliminate biases. This enhances their morale, productivity, and participation in the workforce, leading to improved retention and representation.

### **Challenges Addressed by the Policy**

The policy addresses occupational segregation by revaluing women's roles in lower-paying jobs to reflect their true contributions and tackles weak bargaining power by ensuring female workers are not disadvantaged due to limited negotiation capacity. By confronting these systemic barriers, the policy enhances women's access to equitable pay and fosters greater dignity in the workplace.

## **ii. International Convention for the Protection of All Persons from Enforced Disappearance**

### **Protection Against Gender-Based Enforced Disappearance (Articles 1 & 2):**

#### **Article 1 Prohibition of Enforced Disappearance:**

The absolute prohibition of enforced disappearance under any circumstance is particularly significant for women, both as direct victims and as family members of the disappeared. Women often face gender-specific risks such as sexual violence, exploitation, and trafficking during periods of political instability when enforced disappearances are more common. This article reinforces protections against such abuses, ensuring that no legal or political justification can be used to legitimize gender-based violations linked to disappearances.

#### **Article 2 Definition of Enforced Disappearance:**

This article's definition captures the dual harm of enforced disappearance: deprivation of liberty and denial of legal protection. For women, this means vulnerability not only to the physical act of disappearance but also to secondary victimization through the prolonged psychological trauma of not knowing the fate of a missing loved one. Women, particularly mothers, wives, and daughters, often become the face of advocacy movements, demanding truth and justice, which exposes them to further risks, including harassment and intimidation.

#### **Article 4 Criminalization of Enforced Disappearance:**

By obligating states to criminalize enforced disappearance, this article strengthens legal frameworks that protect women from being targeted due to their activism, political roles, or gender identity. In many societies, women human rights defenders are disproportionately threatened, and formal criminalization acts as a deterrent while enabling legal recourse when violations occur.

## **Article 5 Enforced Disappearance as a Crime Against Humanity:**

When enforced disappearance is part of a systematic or widespread attack, it qualifies as a crime against humanity. This classification is critical for addressing gender-based crimes, such as rape and sexual slavery, which often accompany disappearances in conflict settings. Recognizing these crimes within the broader context of crimes against humanity ensures that gender-specific abuses receive the attention and prosecution they warrant at international tribunals.

## **Combating Impunity for Gender-Specific Crimes (Article 6(1)):**

The Convention emphasizes holding all individuals, including state actors and superiors, accountable for enforced disappearances. This accountability extends to gender-specific violations, ensuring that crimes like sexual violence during detention are not overlooked in legal proceedings.

## **Access to Justice and Remedies for Women (Articles 8 & 9)**

### **Article 8 Statute of Limitations:**

Given the long-lasting impact of enforced disappearances, particularly on women, this article ensures that the passage of time does not bar prosecution. Women often face legal, social, and psychological barriers that delay their ability to seek justice, especially in cases involving sexual violence or when they've been economically disempowered due to the disappearance of a spouse or family member. This provision ensures they have ample time to pursue legal remedies.

### **Article 9 Jurisdiction:**

This article expands the jurisdictional scope to prosecute enforced disappearance, even beyond national borders. For women, this provision is vital because perpetrators of gender-based crimes often flee to avoid accountability. It ensures that states can pursue justice for crimes committed against women, including sexual exploitation and human trafficking, which frequently intersect with enforced disappearance in conflict zones and migration contexts.

## **Protection for Women Reporting Enforced Disappearances (Article 12):**

Women who report cases of enforced disappearance, especially in patriarchal or oppressive societies, face risks of retaliation. The Convention mandates protective measures for complainants, witnesses, and their families, ensuring that women can seek justice without fear of intimidation or harm.

## **Gender-Sensitive Investigative Procedures (Article 12(3)):**

The Convention requires prompt, impartial investigations into allegations of enforced disappearance. For women, this includes ensuring gender-sensitive investigative procedures, such as having female officers handle cases involving female victims, and incorporating protocols that respect survivors' dignity and confidentiality, particularly in cases involving sexual violence.

## **Preventing Enforced Disappearance of Women in Migration, Human Trafficking, and Cross-Border Contexts (Article 16):**

The Convention offers critical protection for women migrants, refugees, and asylum seekers, who are especially vulnerable to enforced disappearance, often due to human trafficking or abuses during deportation. It prohibits the transfer, expulsion, or extradition of individuals to countries where they may face disappearance, ensuring the safety and protection of displaced and stateless women from cross-border enforced disappearances.

## **Article 17 Prohibition of Secret Detention:**

The ban on secret detention is particularly critical for women, who face heightened risks of sexual abuse, exploitation, and torture in unregulated detention settings. This article's focus on transparent detention practices protects women from gender-specific violations, ensuring that detention facilities are subject to legal oversight and that female detainees have access to legal counsel and medical care.

## **Gender-Sensitive Training and Prevention Mechanisms for Law Enforcement (Article 23):**

The Convention mandates States to implement training programs for law

enforcement and judicial personnel focused on preventing enforced disappearance, with an emphasis on gender-specific vulnerabilities. This includes promoting awareness of human rights and gender-based violence, fostering responsive and sensitive approaches to women's experiences during investigations and prosecutions, and strengthening mechanisms to identify risk factors, prevent abuses, and support women disproportionately affected by state-sponsored violence.

### **Recognition of Women as Victims Beyond Direct Disappearance (Article 24(1)):**

The definition of victims extends beyond the disappeared individual to include family members often women who suffer emotional, social, and economic harm. This comprehensive recognition ensures that women affected by the disappearance of spouses, children, or relatives receive legal standing, support, and reparations.

### **Psychosocial Support for Women Survivors and Relatives (Article 24(4)):**

Recognizing the psychological harm experienced by relatives of the disappeared often women the Convention mandates comprehensive reparations, including psychosocial rehabilitation. This ensures women receive mental health support to address trauma, grief, and the emotional toll of prolonged uncertainty.

## **iii. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment**

### **Non-Discrimination Principle in the Application of Anti-Torture Measures (General Provisions):**

The Convention upholds the principle of non-discrimination in preventing and punishing torture. This ensures that anti-torture measures apply equally to women, addressing the intersectional discrimination they may face based on gender, race, ethnicity, or socio-economic status. It promotes gender-sensitive approaches in legal, administrative, and judicial practices, reinforcing women's equal protection under the law.

## **Protection of Women from Torture and Inhuman Treatment (Articles 1 & 2):**

Article 1 defines torture, emphasizing the prohibition of severe physical or mental pain inflicted intentionally for purposes such as punishment, coercion, or discrimination. Article 2 mandates that States take effective measures to prevent torture without exceptions. This is critical for women, who are often subjected to gender-specific forms of torture, including sexual violence and psychological abuse, particularly in detention settings. The provisions ensure that women's unique vulnerabilities are recognized and that protective measures are implemented universally, even during states of emergency.

## **Protection Against Refoulement for Women at Risk (Article 3):**

Article 3 prohibits the expulsion, return, or extradition of individuals to countries where they may face torture. This is crucial for women fleeing gender-based violence, conflict, or persecution, ensuring that they are not forcibly returned to environments where they risk further abuse. The provision provides a legal safeguard for asylum-seeking women, reinforcing the obligation of States to consider gender-specific risks in asylum and deportation decisions.

## **Criminalization of Gender-Based Torture (Article 4):**

Article 4 requires that all acts of torture be criminalized under national law, including attempts, complicity, and participation. This broad scope is essential for addressing gender-based forms of torture, such as forced sterilization, rape, and domestic violence perpetrated by or with the acquiescence of state actors. It strengthens legal frameworks to prosecute gender-specific crimes, ensuring accountability and justice for female victims.

## **Accountability for State and Non-State Actors in Gender-Based Torture (Articles 5, 6, & 7):**

Articles 5, 6, and 7 establish jurisdiction, detention, and prosecution requirements for torture cases. They ensure that perpetrators, including state

and non-state actors, are held accountable, regardless of where the crime occurred. This is particularly relevant for addressing cross-border human trafficking, sexual exploitation, and other gender-based crimes, reinforcing the global obligation to prosecute those responsible for torturing women.

### **Safeguards Against Gender-Based Violence in Detention (Articles 10 & 11):**

Article 10 mandates the inclusion of torture prevention in the training of law enforcement and medical personnel, while Article 11 requires systematic reviews of interrogation methods and detention conditions. These safeguards are vital for preventing gender-based violence against women in custody, promoting awareness among officials of the risks women face, such as sexual harassment, abuse, and exploitation, and fostering accountability within detention facilities.

### **Prompt and Impartial Investigations into Gender-Based Torture (Article 12):**

Article 12 mandates prompt and impartial investigations whenever there are reasonable grounds to believe that torture has occurred. This provision is key to addressing gender-based torture, as it compels authorities to act swiftly in cases involving women, who may otherwise face delays, neglect, or dismissal of their claims due to systemic biases or discrimination.

### **Right to Complaint and Protection from Retaliation (Article 13):**

Article 13 ensures that individuals subjected to torture have the right to file complaints, with prompt and impartial investigations guaranteed. This provision is particularly significant for women, who may face additional barriers in reporting abuse due to stigma, fear of retaliation, or cultural pressures. It obliges States to protect female complainants and witnesses from further harm, thereby encouraging reporting and enhancing access to justice for women survivors of torture.

### **Access to Redress and Rehabilitation for Female Survivors (Article 14):**

Article 14 obliges States to ensure that victims of torture have the right to

redress, including fair compensation and rehabilitation. For women, this provision extends beyond monetary compensation to encompass psychological support, medical care, and social reintegration programs. It acknowledges the complex, long-term impacts of torture on women's physical and mental health, ensuring comprehensive support for their recovery.

### **Protection of Female Witnesses and Victims from Intimidation (Article 15):**

Article 15 prohibits the use of statements obtained through torture as evidence, except against the alleged perpetrator. This safeguard is significant for women, who may be coerced into confessions or testimonies under duress, particularly in cases of sexual violence or trafficking. It protects the integrity of judicial processes and the rights of women subjected to torture during investigations.

### **State Responsibility and Systemic Gender-Based Torture (Article 16):**

Article 16 obligates States to prevent acts of cruel, inhuman, or degrading treatment or punishment that do not meet the strict definition of torture. This is particularly important for addressing systemic gender-based violence, such as practices rooted in cultural norms or discriminatory laws that disproportionately affect women. The provision ensures that States are held accountable for failing to protect women from harmful practices, including forced genital mutilation, honour-based violence, and other forms of institutionalized abuse.

### **iv. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)**

Although not domesticated as part of Nigerian law, the principles of this international treaty, which has been ratified by Nigeria, continue to guide policies aimed at eliminating discrimination against women.

### **Recognition of Equal Rights and Protection from Discrimination (Article 1):**

CEDAW defines "discrimination against women" as any distinction, exclusion, or restriction based on sex that nullifies or impairs women's equal

enjoyment of human rights and fundamental freedoms. This provision underscores the commitment to eliminating systemic and institutional barriers that perpetuate inequality. By mandating States Parties to incorporate gender equality into their constitutions and legislation, CEDAW provides a legal foundation to challenge discriminatory practices and advance women's rights across all sectors.

### **Elimination of Gender-Based Discrimination (Article 2):**

Article 2 requires States Parties to adopt appropriate legislative measures to eliminate all forms of discrimination against women. This includes repealing discriminatory laws, prohibiting discriminatory practices, and ensuring effective protection of women through tribunals and public institutions. The emphasis on legal reform and enforcement mechanisms ensures accountability and provides women with avenues for redress.

### **Economic and Employment Rights (Article 11):**

Article 11 protects women's right to work and ensures equal treatment in employment opportunities, remuneration, and conditions. It also mandates maternity leave, job security, and workplace protections to balance family responsibilities with professional aspirations. These provisions aim to combat workplace discrimination and promote women's economic independence and empowerment.

### **Healthcare and Reproductive Rights (Article 12):**

CEDAW recognizes women's right to access healthcare services on an equal basis with men, including family planning, pregnancy care, and nutrition during maternity. By focusing on women's unique healthcare needs, Article 12 ensures that they receive adequate support for their well-being and that of their families.

### **Equality Before the Law (Article 15):**

CEDAW guarantees women equality with men before the law and equal legal capacity in civil matters, such as property ownership, contract negotiation, and participation in court proceedings. This article ensures that women can

exercise their rights without legal or systemic restrictions, promoting fairness and justice.

## **v. Universal Declaration of Human Rights (UDHR)**

### **Right to Equality and Non-Discrimination (Articles 1 and 2)**

The Universal Declaration of Human Rights (UDHR) guarantees that all individuals are born free and equal in dignity and rights, explicitly prohibiting discrimination on the basis of sex. This foundational provision promotes gender equality and ensures that women are not subject to systemic discrimination in legal, social, and economic contexts. It forms the basis for advancing women's rights in areas such as employment, education, and political participation.

### **Protection Against Violence and Torture (Article 5)**

The prohibition of torture or cruel, inhuman, or degrading treatment is vital for addressing gender-based violence, including domestic abuse, sexual violence, and harmful traditional practices. This article ensures women's right to safety and dignity in all spheres of life.

### **Right to Equal Protection Before the Law (Article 7)**

The Declaration guarantees that all individuals are equal before the law and entitled to its protection without discrimination. For women, this ensures access to justice and the opportunity to seek legal remedies against violations such as domestic violence, workplace harassment, and gender-based discrimination.

### **Right to Work and Fair Conditions (Article 23)**

The UDHR recognizes the right to work, equal pay for equal work, and just and favourable working conditions. This provision addresses gender wage gaps, workplace discrimination, and economic disparities, ensuring that women can access dignified employment opportunities and equitable remuneration.

## **Right to Health and Well-Being (Article 25)**

This article establishes the right to an adequate standard of living, including health and medical care. It has significant implications for women's reproductive health, maternal care, and access to essential services, ensuring that women can live healthy and dignified lives.

## **vi. International Covenant on Civil and Political Rights (ICCPR) on Women:**

### **Right to Life and Protection from Violence (Article 6):**

The ICCPR affirms the inherent right to life, with protections against arbitrary deprivation. For women, this underscores the need for legal frameworks to address gender-based violence, such as femicide and domestic violence, ensuring perpetrators are held accountable and survivors are protected.

### **Freedom from Torture and Inhumane Treatment (Article 7):**

This article prohibits torture, cruel, inhuman, or degrading treatment. It holds particular significance for women, who face risks of sexual violence, trafficking, and abuse. It obliges states to take preventive measures and provide redress for survivors.

### **Right to Liberty and Security (Article 9):**

This article guarantees protection from arbitrary arrest and detention, ensuring that women have the right to challenge unlawful restrictions on their freedom. It is critical in contexts where women are disproportionately subjected to arbitrary detention due to discriminatory laws or practices.

### **Humane Treatment of Persons Deprived of Liberty (Article 10):**

This article requires that all persons deprived of liberty be treated with humanity and respect for their dignity. For women, it mandates gender-specific considerations in detention, including protection against sexual violence and access to adequate health and hygiene facilities.

### **Right to a Fair Trial (Article 14):**

The ICCPR ensures the right to a fair and public hearing by a competent, independent, and impartial tribunal. For women, this guarantees due process and equal treatment in legal proceedings, addressing systemic biases that may affect their access to justice.

### **Equality Before the Law (Article 26):**

Article 26 guarantees all individuals, including women, equality before the law and protection from discrimination. This provision strengthens women's access to legal remedies and ensures gender-sensitive interpretations of laws, fostering fairness in justice systems.

## **Vii. International Covenant on Economic, Social and Cultural Rights (ICESCR)**

### **Right to Work and Just Conditions of Employment (Articles 6 and 7):**

Article 6 recognizes the right of everyone to work, including the opportunity to gain a livelihood under conditions of their choosing. Article 7 guarantees just and favorable working conditions, such as equal remuneration for work of equal value and safe, healthy working environments. These provisions are particularly significant for women, ensuring protection from workplace discrimination, guaranteeing equal pay, and promoting gender-sensitive work policies that enhance women's participation in the workforce.

### **Fair Promotion Opportunities in Employment (Article 7(c)):**

This subsection guarantees equal opportunities for advancement in employment, based solely on seniority and competence. For women, this is a critical safeguard against workplace discrimination, ensuring that they have equal chances for promotion and professional growth.

### **Right to the Highest Attainable Standard of Health (Article 12):**

Article 12 ensures the right to physical and mental health. For women, this includes access to sexual and reproductive health services, maternal healthcare, and protection against harmful practices that undermine their

wellbeing. It obligates states to reduce maternal and infant mortality and address health disparities.

### **Access to Benefits of Scientific Progress (Article 15(1)(b)):**

This article ensures that everyone, including women, can access the benefits of scientific progress and its applications. It has particular relevance to women's health, where advancements in medicine, reproductive healthcare, and technology can directly improve their well-being and life opportunities.

## **7. Global Policies**

### **i. The Beijing Declaration and Platform for Action on Women**

#### **Promotion of Women's Health and Well-Being (Section C):**

The Platform calls for comprehensive healthcare systems that address women's unique needs, including reproductive health, access to contraception, and services for preventing and treating sexually transmitted infections. By advocating for maternal health services and nutrition, the Beijing Platform strengthens the framework for reducing mortality rates among women and enhancing their overall well-being. These measures ensure that women are healthy and better positioned to contribute to society and the economy.

#### **Economic Empowerment and Employment Rights (Section F):**

Economic empowerment is a cornerstone of the Beijing Declaration, which calls for equal pay, protection against workplace discrimination, and opportunities for entrepreneurship. The Platform seeks to ensure that women have access to credit facilities and training programs that equip them with the skills needed for sustainable livelihoods. By promoting workplace equality and legal frameworks supporting women's rights at work, this section lays the groundwork for reducing gender disparities in economic participation.

## **Eliminating Violence Against Women and Protecting Human Rights (Section I):**

The Platform emphasizes the elimination of all forms of violence against women, such as domestic violence, trafficking, and sexual exploitation. It advocates for legal and institutional reforms to protect women, alongside education and awareness campaigns to shift societal attitudes that perpetuate gender-based violence. This is aligned with the principle that women's rights are human rights, as reinforced by the Beijing Platform. It calls for the implementation of international human rights instruments like CEDAW and urges States to address all forms of gender-based discrimination. By integrating women's rights into broader human rights frameworks, the Platform provides a strong foundation for necessary legal and institutional changes.

## **Women and the Media (Section J):**

This section emphasizes the need to eliminate stereotypes and biases in media portrayals of women and to promote balanced representation. It encourages the use of media as a tool for empowerment by highlighting women's achievements, providing platforms for their voices, and using technology to improve their access to information. The focus on women's representation in the media aims to reshape societal narratives and combat harmful stereotypes.

### **ii. Mapping of Policies on GBV and HIV**

#### **Provision of Comprehensive Services for GBV Survivors:**

The policy underscores the need for accessible one-stop centers that provide integrated care for survivors, including medical, psychosocial, and legal support. Women benefit from such holistic services, which ensure timely interventions and reduce the long-term impacts of violence and trauma.

#### **Legislative and Policy Advocacy**

#### **Strengthening Laws on GBV and HIV:**

While the policy calls for the passage of the Violence Against Persons

Prohibition (VAPP) Bill and anti-stigma laws, it also underscores the need for harmonizing and updating existing laws to address emerging challenges. This includes expanding definitions of rape, criminalizing harmful traditional practices, and enhancing penalties for offenders.

## **8. Global Goals:**

### **i. The Sustainable Development Goals (SDGs) on Women**

#### **Ensuring Economic Inclusion and Decent Work (Goal 8):**

The SDGs promote inclusive economic growth and productive employment for all. Target 8.5 calls for equal pay for work of equal value, addressing gender wage gaps and workplace discrimination. Specific attention is given to protecting labour rights, ensuring safe working conditions, and expanding economic opportunities for women in vulnerable employment or informal sectors (Target 8.8). These provisions ensure that women have access to dignified work and fair treatment within the labour market.

#### **Reducing Inequalities (Goal 10):**

The SDGs aim to empower women and other marginalized groups by promoting social, economic, and political inclusion (Target 10.2). Efforts to eliminate discriminatory laws and practices (Target 10.3) directly impact women's ability to access equal opportunities in education, work, and governance. These measures help reduce inequalities within and among countries, fostering environments where women can thrive.

#### **Creating Safe, Sustainable Cities (Goal 11):**

Urbanization poses unique challenges for women, including safety concerns and inadequate infrastructure. Target 11.2 emphasizes safe and accessible transport systems, which are critical for women's mobility and economic participation. Target 11.7 calls for inclusive public spaces, reducing risks of harassment and violence while enhancing women's participation in urban life.

## **Sustainable Development Goals (SDGs) on Women**

### **Goal 3 Ensure Healthy Lives and Promote Well-Being for All**

#### **Maternal Health and Reproductive Rights:**

The SDGs emphasize reducing maternal mortality and ensuring universal access to reproductive health services. For women, particularly in rural areas, this provides critical access to prenatal care, family planning, and health education, improving overall health outcomes and reducing gender-based health disparities.

### **Goal 10 Reduce Inequality Within and Among Countries**

#### **Addressing Structural Inequalities:**

This goal targets systemic inequities, ensuring that policies prioritize marginalized groups, including women, who often face compounded discrimination due to intersectional factors such as race, disability, or socioeconomic status.

### **Goal 11 Make Cities Inclusive, Safe, Resilient, and Sustainable**

#### **Urban Safety for Women:**

The emphasis on safe and inclusive urban spaces highlights the importance of addressing issues like gender-based violence, inadequate housing, and limited access to public transportation. For women, this ensures safer living conditions and equitable participation in urban planning and development.

### **Goal 16 Promote Peaceful and Inclusive Societies**

#### **Justice for Women and Girls:**

This goal focuses on building inclusive institutions and ensuring access to justice for all. Women benefit through strengthened legal frameworks that address gender-based violence and ensure fair representation in judicial processes.

## **9. Committees Concluding Observations / Recommendations:**

### **i. Global Gender Gap Report 2024**

#### **Closing Gender Gaps in Economic Participation and Opportunity**

##### **Economic Inclusion:**

The report identifies significant disparities in economic participation and opportunity between men and women. It emphasizes the need for targeted interventions to enhance women's workforce inclusion, including increasing access to leadership roles and promoting equal pay. These findings are pivotal for addressing systemic barriers that hinder women's economic independence, particularly in male-dominated industries.

##### **Addressing Health and Survival Inequalities**

##### **Access to Healthcare:**

The report highlights persistent gaps in healthcare access and outcomes for women, particularly in reproductive health services. Addressing these inequalities is essential for improving maternal health outcomes, reducing gender-based health vulnerabilities, and ensuring that women can fully participate in economic and social activities.

##### **Mental Health Considerations:**

While the report primarily focuses on physical health, it indirectly emphasizes the need for mental health interventions for women, who are disproportionately affected by stressors like caregiving and gender-based violence. Strengthening mental health support systems would significantly enhance women's overall well-being and productivity.

##### **Legal and Policy Reforms**

##### **Strengthening Anti-Discrimination Laws**

The report advocates for stronger anti-discrimination laws to address gender

biases in hiring, promotions, and workplace practices. For women, these reforms are essential to creating equitable work environments where they can thrive without facing systemic barriers.

## **Addressing Gender-Based Violence**

The report emphasizes the need for robust legal frameworks to combat gender-based violence, including workplace harassment and domestic abuse. Strengthening enforcement mechanisms and providing support services for survivors are critical steps toward ensuring women's safety and dignity.

### **ii. Report of the Special Rapporteur on Violence against Women, Its Causes and Consequences on Online Violence against Women And Girls From A Human Rights Perspective**

#### **States' Human Rights Obligations to Prevent and Combat Online Violence against Women and Girls**

Article 62: States have a human rights obligation to ensure that both State and non-State agents refrain from engaging in any act of discrimination or violence against women. States have a direct responsibility concerning violence perpetrated by agents of the State itself. They also have due diligence obligations to prevent, investigate and punish acts of violence against women committed by private companies, such as Internet intermediaries, in accordance with article 2 (e) of the Convention on the Elimination of All Forms of Discrimination against Women. According to article 4 (c) of the Declaration on the Elimination of Violence against Women, States should exercise due diligence to prevent, investigate and punish acts of violence against women.

## **10. Global Advocacy Campaign**

### **i. The UN Women "Step It Up for Gender Equality" Campaign**

#### **Addressing Gender-Based Violence:**

The policy highlights the prevalence of violence against women and calls for

robust legal frameworks to protect victims and hold perpetrators accountable. It encourages countries to implement comprehensive action plans that include prevention measures, support services, and access to justice for survivors. These measures aim to create safer environments for women and reduce the societal and economic costs of gender-based violence.

### **Promoting Economic Empowerment:**

"Step It Up" recognizes the barriers women face in accessing economic opportunities, including wage gaps, unpaid care work, and limited access to financial resources. The campaign calls for targeted interventions to address these challenges, such as equal pay legislation, access to credit facilities, and support for women entrepreneurs. By promoting economic inclusion, the policy enhances women's financial independence and contributes to poverty reduction.

### **Ensuring Access to Health Services:**

The campaign advocates for universal access to healthcare, with a focus on reproductive health and rights. It calls for investments in maternal healthcare, family planning services, and education on sexual and reproductive health. These efforts are vital in reducing maternal mortality rates, improving overall health outcomes for women, and empowering them to make informed decisions about their bodies and families.

### **Challenging Harmful Social Norms:**

The campaign recognizes that achieving gender equality requires transforming societal attitudes and behaviours. It promotes public awareness campaigns, community engagement, and education programs to challenge stereotypes and reduce discrimination. By fostering cultural shifts, the policy aims to create supportive environments where women can thrive.

### **Strengthening Legal and Policy Frameworks:**

The campaign emphasizes the importance of enacting and enforcing gender-sensitive legislation and policies. This includes addressing discriminatory laws, ensuring equal rights in marriage, property ownership, and inheritance,

and implementing gender budgeting practices. By strengthening legal protections, the initiative ensures a supportive framework for women's rights across all sectors.

### **Promoting Gender Equality in the Workplace:**

The campaign advocates for creating equitable workplaces through measures such as combating sexual harassment, ensuring parental leave, and fostering diversity in leadership positions. These actions help to dismantle systemic barriers that prevent women from advancing in their careers, thereby promoting gender parity in professional environments.

## **11. Global Strategic Policy Framework:**

### **i. United Nations Population Fund (The UNFPA strategic plan, 2022-2025)**

#### **Combatting Gender-Based Violence and Harmful Practices:**

The plan seeks to eliminate gender-based violence and harmful practices such as child marriage and female genital mutilation. This includes the implementation of legal reforms, community engagement, and support systems for survivors, ensuring safety, dignity, and justice for women and girls globally.

#### **Capacity Building and Gender-Sensitive Policies:**

Strengthening health systems, training healthcare providers, and promoting gender-sensitive policies address inequalities in service delivery. Women benefit from inclusive policies that prioritize their unique health and socio-economic needs, fostering gender equality and better representation in decision-making processes.

#### **Humanitarian Interventions:**

In crisis settings, the plan emphasizes life-saving interventions, including sexual and reproductive health services, protection from gender-based

violence, and psychosocial support. These measures are critical for women who are disproportionately affected in humanitarian emergencies.

### **Advancing Gender and Social Norms:**

Through mechanisms to address discriminatory social norms and power imbalances, the plan fosters environments where women can thrive. Engaging men, boys, and communities in transformative gender equality efforts ensures sustainable progress.

### **Focus on Women in Conflict and Post-Conflict Situations:**

The plan highlights support for women and girls affected by conflicts, including providing access to sexual and reproductive health services, preventing sexual violence, and offering reintegration programs for survivors. This ensures that women in fragile settings receive targeted interventions to rebuild their lives and communities.

## **ii. United Nations Population Fund (UNFPA)**

### **Unified Budget Results and Accountability Framework (UBRAF) 2016-2021**

#### **Access to Sexual and Reproductive Health (SRH) Services:**

UNFPA prioritizes access to SRH services, with significant attention to reducing unmet family planning needs, expanding contraceptive availability, and ensuring maternal health. For women, these initiatives support autonomy over reproductive decisions, reduce maternal mortality, and improve health outcomes, especially in underserved regions.

#### **Gender-Based Violence Prevention and Response:**

The report highlights efforts to prevent and respond to gender-based violence (GBV) through multisectoral interventions, including counselling, HIV/STI testing, and legal support. This directly addresses the needs of women, providing safety, support systems, and empowerment to survivors, especially in humanitarian and conflict settings.

## **Elimination of Harmful Practices:**

UNFPA implements strategies to eradicate harmful practices such as child marriage and female genital mutilation (FGM). These efforts protect women and girls from practices that compromise their health, rights, and opportunities, fostering a culture of equality and dignity.

## **Crisis Response and Humanitarian Interventions:**

In humanitarian settings, UNFPA provides essential services to women, such as mobile health clinics, safe spaces, and GBV prevention programs. These interventions protect women from exploitation and ensure access to critical health services during emergencies.

## **Focus on Maternal and Neonatal Health:**

The report underscores UNFPA's efforts to integrate maternal health services, ensuring safer pregnancies and childbirth. This includes emergency obstetric care, neonatal health, and community-based interventions. For women, these measures reduce maternal mortality, enhance access to skilled care, and improve overall health outcomes for mothers and their newborns.

## **Improving Access to Contraceptives:**

The report highlights the procurement and distribution of contraceptives globally, with a focus on affordability and availability. This empowers women to plan their families, achieve greater economic stability, and enhance their quality of life.

## **Community Mobilization Against GBV:**

The report showcases initiatives like the SASA! approach, which engages communities in preventing GBV. Women benefit from increased safety, awareness, and access to resources in societies where harmful practices are challenged and addressed collectively.

## **Engagement in Humanitarian Crises:**

UNFPA has a strong focus on women in crisis situations, such as conflict and

displacement. Mobile clinics, safe spaces, and psychosocial support services address the unique vulnerabilities women face in emergencies, including heightened risks of GBV and limited access to healthcare.

### **Focus on Marginalized Groups:**

Special attention is given to women in vulnerable situations, including those with disabilities, indigenous women, and migrants. Tailored programs ensure these groups have access to SRH services, protection from exploitation, and pathways to inclusion in development initiatives.

### **Global Advocacy for Gender Equality:**

UNFPA collaborates with governments and international organizations to promote policies that support women's health and rights. This advocacy leads to systemic changes, such as increased funding for SRH and stronger legal protections for women.

## **12. Labour Act (1990)**

### **Maternity Protection (Section 54):**

- **Positive:** A woman has the right to leave work up to six weeks before her expected delivery date if a medical certificate is provided and is prohibited from working for six weeks after childbirth. Additionally, if she has been with the employer for at least six months, she is entitled to at least 50% of her wages during this period. Nursing mothers are also given two half-hour breaks per day for breastfeeding.
- **Limitation:** Employers are not required to cover any medical expenses related to pregnancy or childbirth (Labour Act, 1990).

### **Night Work Restriction (Section 55):**

- **Positive:** Women generally cannot be employed in night work (between 10 pm and 5 am in industrial settings, or 9 pm and 4 am in

agricultural settings), which provides a level of protection, particularly for safety and welfare.

- **Limitation:** This section excludes women in management positions, nurses, and certain cases where the work requires immediate attention, thereby restricting women in many industries from engaging in night shifts, potentially limiting their employment options and career flexibility (Labour Act, 1990).

### **Underground Work Prohibition (Section 56):**

- **Restrictive:** Women are generally not allowed to work in underground mines, except for those in management, health, or welfare roles, or for specific training purposes. This restriction aims to protect women from potentially hazardous environments but can limit opportunities in mining and related fields (Labour Act, 1990).

## **Chapter Four**

### **Instruments that Safeguard Female Vulnerable In Society**

#### **1. National Policies**

##### **i. The Nigeria's National Policy on Population for Sustainable Development (2004) on Women**

###### **Improved Access to Healthcare for Rural Women (Section 2.3):**

Rural women often face significant barriers in accessing healthcare services. The policy prioritizes the establishment of healthcare facilities in underserved areas and the training of community health workers. By addressing these inequities, the policy ensures that rural women receive the care they need, reducing disparities in health outcomes and improving overall quality of life.

##### **ii. The National Gender Policy (2006)**

###### **Social Inclusion and Vulnerable Groups**

Special attention is given to addressing the needs of marginalized groups, such as women with disabilities, widows, and displaced persons, ensuring their inclusion in national development efforts. Vulnerable women receive tailored interventions to overcome systemic barriers and achieve equity.

###### **Social Inclusion of Marginalized Women**

It emphasizes addressing the needs of vulnerable groups, including women with disabilities, widows, and displaced individuals, through targeted interventions and social protection measures. Marginalized women receive enhanced access to essential services, reducing their vulnerabilities and improving their quality of life.

### **iii. Revised Draft National Social Protection Policy (NSPP) 2021**

#### **Tailored Support for Vulnerable Groups (Section 2.3.2.4):**

The NSPP recognizes the specific needs of women living with disabilities and older women, emphasizing inclusive policy measures that cater to their unique challenges. This approach fosters equality and ensures no one is left behind.

### **iv. National Social Protection Policy**

#### **Support for Women with Disabilities**

The Policy Measure mandates free access to health care, education, and assistive devices for persons living with disabilities, including women. This provision is significant in reducing barriers faced by disabled women, ensuring their dignity and inclusion in society. By addressing gender-specific challenges, such as access to reproductive health care and education, the policy contributes to their empowerment.

#### **Social Housing for Vulnerable Women**

The Policy Measure emphasizes access to affordable housing for homeless families, the monetary poor, and those living in overcrowded conditions. This provision is crucial for single mothers and women-led households, providing them with a safe and secure environment, reducing the risk of homelessness and exploitation.

## **2. National Laws:**

### **i. Constitution of the Federal Republic of Nigeria, 1999 (As Amended)**

#### **Affirmation of Human Rights for Women with Disabilities (Section 17(3)(h)):**

The Constitution emphasizes the protection of individuals with disabilities,

ensuring equal rights and opportunities. For women with disabilities, this provision advocates for inclusive policies that address their specific needs, from accessibility to education and healthcare, to protection from exploitation.

## **Administration of Criminal Justice Act (ACJA), 2015**

### **Considerations for Women with Disabilities (Section 8(1)(a)):**

By the provisions of this section, the Act mandates humane treatment of suspects, with special care for individuals with vulnerabilities. This includes protections for women with disabilities, ensuring that accommodations are made to respect their dignity and rights throughout arrest and detention processes.

## **National Health Act, 2014 (NHA)**

### **Section 47: Free Health Services for Vulnerable Groups**

This section provides free health services to vulnerable groups, including pregnant women. For women, this eliminates financial barriers to accessing essential health services during pregnancy and childbirth, ensuring that they receive adequate care regardless of their socioeconomic status. It significantly contributes to reducing maternal and neonatal mortality rates.

## **Discrimination against Persons with Disabilities (Prohibition) Act, 2018**

### **Right to Access Public Premises (Section 3)**

This section guarantees that persons with disabilities, including women, have the right to access public buildings and premises on an equal basis with others. For women, this provision removes barriers to accessing essential services such as healthcare facilities, schools, workplaces, and government offices, ensuring inclusivity and equal opportunities in public life.

### **Accessibility Aids in Public Buildings (Section 4)**

Public buildings are required to include accessibility aids, such as ramps and lifts, to facilitate use by persons with disabilities. Women with disabilities, especially those who are pregnant or caregivers, benefit greatly as these aids enhance their mobility and independence in navigating public infrastructure.

### **Accessibility to Roads, Sidewalks, and Facilities (Section 5)**

This section mandates that roadways, sidewalks, and pedestrian facilities be accessible to persons with disabilities. For women, particularly those with children or carrying heavy loads, such adaptations ensure safety and ease in their daily commutes.

### **Reserved Spaces in Parking Lots (Section 12)**

Public parking facilities must designate reserved spaces for persons with disabilities. This provision ensures that women with disabilities have convenient and prioritized access to essential services and can participate fully in societal activities without the added stress of inaccessible parking.

### **Section 13: Accessibility of Seaport Facilities and Vessels to Persons with Disabilities**

This section mandates that seaport facilities and vessels be made accessible to persons with disabilities, including ensuring that railway stations, trains, and facilities in trains are also accessible. The provision highlights the importance of inclusive transportation infrastructure, ensuring that women with disabilities can travel freely and comfortably. By promoting accessibility, it eliminates barriers that could otherwise restrict women's mobility and participation in economic, social, and educational activities, contributing to greater independence and opportunities for women with disabilities.

### **Section 14: Accessibility of Airlines and Airports to Persons with Disabilities**

This section requires airlines operating in Nigeria to make their aircraft accessible to persons with disabilities, provide functional wheelchairs for conveyance, assist passengers with disabilities during boarding and disembarking, and prioritize them during these processes. For women with

disabilities, this provision ensures their safe, comfortable, and dignified travel experience. It recognizes the importance of providing practical support, reducing travel-related stress, and ensuring that women with disabilities can travel independently or with necessary assistance, enhancing their access to various opportunities.

### **Section 15: Accessibility of General Information to Persons with Disabilities**

This section mandates that general information be made available in accessible formats for persons with disabilities. This provision impacts women by ensuring that they have equal access to critical information, whether for healthcare, safety, legal, or educational purposes. It guarantees that women with disabilities are not excluded from receiving important information in formats that are suitable to their needs, such as braille, sign language, or audio, promoting their full participation in society.

### **Right to Education Without Discrimination (Section 17)**

This section guarantees persons with disabilities an unfettered right to education at all levels without discrimination or segregation. For women, this ensures equal access to learning opportunities, enabling them to acquire the skills and qualifications necessary for personal and professional development.

### **Inclusiveness of Education (Section 18)**

Public schools are mandated to adopt inclusive practices, such as employing trained personnel and providing special facilities like Braille and sign language support. These measures directly benefit women with disabilities by accommodating their specific educational needs and fostering a supportive learning environment.

### **Subsidized Education for Special Education Personnel (Section 19)**

This section requires the government to subsidize the training of special education personnel. While not directly targeting women, this provision indirectly benefits them by ensuring that educators are equipped to address

the diverse needs of female students with disabilities.

### **Access to Free Healthcare (Section 21)**

The government must guarantee persons with disabilities access to adequate healthcare without discrimination. For women, particularly those requiring maternal or reproductive health services, this provision ensures equitable access to medical care and reduces the financial burden of treatment.

### **Protection During Emergencies (Section 25)**

The Act obligates the government to prioritize the safety and protection of persons with disabilities during emergencies, violence, or natural disasters. Women, who are often more vulnerable in such situations, are safeguarded through targeted interventions that address their specific needs.

### **Priority in Queues (Section 26)**

Persons with disabilities are entitled to first consideration in queues or, where possible, service outside the queue. For women, especially those who are pregnant or elderly, this provision alleviates physical strain and ensures timely access to services.

### **First Consideration in Accommodation (Section 27)**

This section stipulates that accommodations provided by schools, employers, or organizations must prioritize persons with disabilities. Women benefit by receiving the support necessary to participate fully in educational, professional, and social environments.

### **Opportunity for Employment (Section 28)**

The Act ensures that persons with disabilities have the right to work on an equal basis with others, including access to employment opportunities in an inclusive environment. For women, this provision challenges workplace discrimination and promotes financial independence and career growth.

## **Participation in Politics and Public Life (Section 30)**

The Act encourages the inclusion of persons with disabilities in politics and public life. Women with disabilities, who are often marginalized in decision-making processes, are empowered to engage actively in governance and advocacy efforts.

## **Establishment of the National Commission for Persons with Disabilities (Sections 31-38)**

The Act establishes the National Commission for Persons with Disabilities, which oversees the implementation of its provisions. Representation from the Federal Ministry of Women Affairs ensures that gender-specific concerns, particularly those affecting women with disabilities, are incorporated into policy development and implementation.

## **The Electoral Act 2022**

### **Participation of Women with Disabilities (Section 54)**

This section ensures that voters with visual impairments or other disabilities can be accompanied by a person of their choice to assist them in marking their ballot. Additionally, it mandates the Independent National Electoral Commission (INEC) to provide suitable means of communication, such as Braille and sign language interpreters. This provision significantly benefits women with disabilities by addressing accessibility challenges and empowering them to participate equally in elections.

## **3. Regional Judicial Body:**

### **i. African Court on Human and Peoples' Rights (AfCHPR)**

#### **Focus on Vulnerable Groups of Women:**

The Court pays special attention to the rights of marginalized groups of women, including refugees, indigenous women, women with disabilities, and those affected by armed conflicts. It ensures that States uphold their

obligations under international human rights law to protect these vulnerable populations from exploitation, abuse, and neglect.

#### **4. Regional Instruments:**

##### **i. Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol)**

###### **Article 23 Special Protection of Women with Disabilities**

This article mandates states to protect the rights of women with disabilities, ensuring their full participation in society. Women with disabilities receive specific protections to ensure access to education, employment, and healthcare. It obligates states to eliminate barriers hindering their social inclusion and economic empowerment.

###### **Article 24 Special Protection for Women in Distress**

This article calls for special protection for women in distress, including those in custody, refugee camps, or living in extreme poverty. Vulnerable women are assured of legal and institutional support, such as access to healthcare, shelter, and legal aid. This provision is crucial for addressing the needs of displaced women, female detainees, and victims of abuse.

##### **ii. Addis Ababa Declaration on Population and Development in Africa Beyond 2014**

###### **Social Protection for Vulnerable Women**

The commitment is to strengthen social protection systems to address the needs of widows, single mothers, women with disabilities, and internally displaced persons (IDPs). This ensures that vulnerable women gain access to financial assistance, healthcare, and housing, effectively reducing their economic and social vulnerabilities.

### **iii. Solemn Declaration on Gender Equality in Africa on Women**

#### **Support for Women with Disabilities and Other Vulnerable Groups**

Recognizing the diverse challenges faced by women, the Declaration calls for targeted interventions to support vulnerable groups, including women with disabilities. By prioritizing inclusivity and equitable treatment, it ensures that all women, irrespective of their circumstances, are treated with dignity and receive the necessary accommodations to thrive.

### **iv. African Charter on Human and Peoples' Rights (Banjul Charter)**

#### **Protection of Vulnerable Groups (Article 18(4)):**

This article mandates special measures to protect vulnerable groups, including women, the aged, and the disabled. For women, particularly those facing intersecting vulnerabilities, this provision ensures targeted support and protection against exploitation, neglect, and abuse.

## **5. Global Policies:**

### **i. The Beijing Declaration and Platform for Action on Women**

#### **Addressing the Needs of Rural and Marginalized Women and Strengthening Institutional Mechanisms (Section H):**

The Platform highlights the need for targeted interventions to address the specific challenges faced by rural and marginalized women. These interventions focus on improving access to resources such as land, credit, and technology, as well as creating social safety nets to alleviate poverty. Additionally, it emphasizes the importance of establishing and strengthening institutional mechanisms, such as women's ministries, commissions, and gender units within government structures, to promote gender equality. These institutions are tasked with monitoring progress, implementing policies, and

ensuring accountability in achieving the Platform's objectives, ensuring that vulnerable groups of women are not excluded from development processes.

## **ii. Mapping of Policies on GBV and HIV**

### **Legal and Policy Frameworks for Vulnerable Populations:**

Special attention is given to women with disabilities and those in rural areas who face compounded challenges. The policy advocates for inclusive frameworks that address their unique needs, such as access to specialised healthcare, reproductive health services, and legal aid. These provisions are crucial in mitigating the dual vulnerabilities of disability and HIV or GBV, ensuring their dignity and rights are upheld.

## **6. Conventions or Treaties**

### **i. Convention on the Rights of Persons with Disabilities (CRPD)**

#### **Protection of Women with Disabilities from Discrimination (Article 6):**

This article acknowledges that women and girls with disabilities face multiple forms of discrimination and mandates that States take appropriate measures to ensure their full and equal enjoyment of all human rights. This is significant as it explicitly recognizes the compounded challenges faced by women with disabilities and provides a framework for affirmative action to eliminate barriers, ensuring their equal participation in society.

#### **Awareness-Raising (Article 8):**

This article mandates that States promote awareness regarding persons with disabilities, combat stereotypes, and foster respect for their rights. Women with disabilities face compounded stigmatization due to gender and disability biases. This provision ensures efforts to dismantle harmful perceptions and promote their visibility in all spheres of life.

#### **Situations of Risk and Humanitarian Emergencies (Article 11):**

This article obligates States to protect persons with disabilities during armed

conflicts, natural disasters, and other emergencies. Women with disabilities are particularly vulnerable in crisis situations, facing heightened risks of violence, neglect, and lack of access to relief services. This provision ensures inclusive disaster response strategies that consider their specific needs.

### **Equal Recognition Before the Law (Article 12):**

Article 12 reaffirms that persons with disabilities, including women, have the right to legal capacity on an equal basis with others in all aspects of life. This provision is crucial for women with disabilities who may be denied legal autonomy due to societal and institutional biases. It ensures that they can make decisions regarding personal, financial, and family matters without undue interference.

### **Access to Justice (Article 13):**

This article guarantees effective access to justice for persons with disabilities, including procedural accommodations. For women with disabilities, who often face barriers in reporting crimes or participating in legal proceedings, this provision ensures that court systems are accessible and that they can exercise their legal rights without discrimination or procedural hindrances.

### **Right to Liberty and Security (Article 14):**

Article 14 states that persons with disabilities should not be deprived of their liberty unlawfully or arbitrarily. This is particularly important for women with disabilities, who are at a higher risk of institutionalization or unlawful detention due to perceptions of incapacity. It ensures that they are afforded equal protection under the law and safeguards against arbitrary deprivation of liberty.

### **Freedom from Torture, Inhuman, or Degrading Treatment (Article 15):**

This article prohibits all forms of torture and inhuman or degrading treatment, with an explicit commitment to preventing forced medical treatment or institutionalization. Women with disabilities, who are more likely to be subjected to forced sterilization or other forms of medical

coercion, benefit from this safeguard, ensuring their bodily autonomy and dignity.

### **Protection Against Exploitation, Violence, and Abuse (Article 16):**

This article requires States to take measures to protect persons with disabilities, particularly women, from all forms of exploitation, violence, and abuse, both within and outside the home. Women with disabilities are disproportionately vulnerable to gender-based violence and abuse, and this provision ensures that specific safeguards, including gender-sensitive protective services and legal frameworks, are put in place to address these risks.

### **Personal Mobility (Article 20):**

Ensuring independent mobility is essential for women with disabilities, who may experience additional mobility restrictions due to societal expectations or caregiving responsibilities. This article mandates that States facilitate access to mobility aids, assistance services, and training, promoting women's independence and participation in society.

### **Freedom of Expression and Access to Information (Article 21):**

This article guarantees that persons with disabilities can communicate through accessible means, including sign language, Braille, and alternative communication methods. Women with disabilities, particularly those who are deaf or blind, benefit significantly from this provision, ensuring they can access information, education, and participate fully in public discourse.

### **Respect for Privacy (Article 22):**

Women with disabilities are often subjected to violations of privacy, particularly in healthcare settings or institutions. This article ensures their right to personal and medical privacy, protecting them from non-consensual medical examinations, disclosure of private information, and other breaches of confidentiality.

### **Right to Health (Article 25):**

Article 25 recognizes the right of persons with disabilities to the highest attainable standard of health. For women, this is particularly crucial in ensuring access to sexual and reproductive health services without discrimination. It mandates that healthcare providers offer services that are gender-sensitive and accessible, ensuring that women with disabilities receive equitable healthcare.

### **Work and Employment (Article 27):**

This article guarantees the right of persons with disabilities to work on an equal basis with others. Women with disabilities often face double discrimination in employment both as women and as persons with disabilities. This provision ensures that they receive equal opportunities, workplace accommodations, and protections against discrimination.

### **Adequate Standard of Living and Social Protection (Article 28):**

This article establishes the right of persons with disabilities to an adequate standard of living. Women with disabilities are more likely to experience poverty due to systemic barriers in education, employment, and social services. This provision ensures that they have access to necessary support services, financial assistance, and housing.

## **ii. International Convention for the Protection of All Persons from Enforced Disappearance**

### **Special Protection for Pregnant Women and Vulnerable Groups (Article 7(2)(b)):**

The Convention explicitly considers the enforced disappearance of pregnant women as an aggravating circumstance. This reflects the dual vulnerability of pregnant women and the unborn child, emphasizing the need for heightened protection and stricter penalties for such violations.

## **7. Strategic Policy Framework:**

### **i. United Nations Population Fund (UNFPA)**

#### **Unified Budget Results and Accountability Framework (UBRAF) 2016-2021**

##### **Focus on Marginalized Groups:**

Special attention is given to women in vulnerable situations, including those with disabilities, indigenous women, and migrants. Tailored programs ensure these groups have access to SRH services, protection from exploitation, and pathways to inclusion in development initiatives.

### **ii. African Union Strategy for Gender Equality and Women's Empowerment (GEWE) 2018-2028**

##### **Focus on Vulnerable Groups:**

Special provisions for rural women, women with disabilities, and migrant women ensure that the strategy addresses intersectional challenges. For example, rural women gain access to productive resources and climate-resilient farming technologies, while women with disabilities receive protections against exploitation. This holistic approach ensures inclusivity and equitable development.

# Recommendations

## To Governments

- Strengthen legal frameworks to criminalise gender-based violence, online harassment, and sexual assault, specifically targeting the unique threats faced by female journalists.
- Implement and enforce existing laws and policies that protect journalists, particularly female journalists, while carrying out their professional duties, in order to give effect to the provisions and spirit of Sections 22 and 39 of the 1999 Constitution, as amended.
- Ratify and implement relevant regional and international instruments
- Establish dedicated protection mechanisms in the form of a national mechanism for the protection of journalists, ensuring that they are gender-responsive and can offer rapid protection, legal aid, and relocation, where necessary.
- Support research and data collection by working with media professional bodies and civil society organisations, as well as investing in the collection of data that is disaggregated by gender, type of threat, location, perpetrators, etc. to guide effective policymaking and action on the safety of journalists.

## To Media Regulatory Bodies

- Mandate gender-inclusive safety protocols by requiring all media outlets, subject to their regulatory authority, to have sexual harassment policies, gender-sensitive safety protocols, and channels for confidential complaints.
- Monitor and sanction violations by enforcing codes of conduct and other frameworks that penalise abusive behavior towards female journalists both from within media institutions and from external actors.

- Include gender equity and workplace safety in the evaluation for licensing and accreditation of media organisations, subject to their regulatory authority.

## **To Media Professional Bodies and Unions**

- Develop and offer gender-focused safety training, including online security, trauma support, and self-defense tailored to the realities that female journalists face.
- Establish or strengthen legal assistance funds and mechanisms, solidarity networks, and public advocacy campaigns in defense of members facing gender-based threats or intimidation.
- Ensure female representation in leadership roles to amplify women's voices in decision-making and shape safer media environments.
- Offer specialised workshops, including on journalist rights, media law, and gender-sensitive reporting.

## **To Civil Society Organisations (CSOs)**

- Partner with journalists, professional bodies, associations and unions, women's rights groups, and tech platforms to campaign for online and offline safety for female journalists.
- Create reporting mechanisms and publish regular updates or case studies on attacks against female journalists to drive accountability and reform.
- Provide mental health support, legal assistance, shelters, and digital security training for female journalists under threat or facing attacks
- Support the development of reporting and response mechanisms for cyber harassment, through victim-centred channels in which female journalists can safely report cases of cyber harassment, threats, and

digital abuse.

## **To Media Houses and Newsrooms**

- Establish safe working environments by adopting and enforcing clear anti-harassment policies, promoting gender-sensitive leadership, and offering anonymous reporting channels.
- Provide mental health services, counseling, and debriefing for staff, especially after covering traumatic or dangerous assignments.
- Encourage coverage that reflects gender balance, highlights women's voices, and does not stereotype or trivialise women in the news.
- Implement flexible work arrangements, paid maternity leave, and family support policies to retain and support women in journalism.

## **To International and Other Media Stakeholders**

- Fund gender-focused media programmes through support grants, fellowships, and training programmes aimed at empowering female journalists and enhancing their safety and visibility.
- Promote the UN Plan of Action on the Safety of Journalists and integrate its gender dimensions in donor funding, diplomacy, and capacity-building.
- Create emergency support mechanisms and relocation assistance for journalists fleeing violence, especially those at the intersection of gender and other vulnerabilities.

## **General and Cross-Cutting Recommendations**

- All stakeholders should adopt a gender lens in all journalist protection measures by ensuring that protection mechanisms respond to the intersectional nature of threats faced by female journalists,

including race, ethnicity, sexuality, and disability.

- Promote a culture of zero tolerance for harassment by institutionalising a zero-tolerance approach and policy to harassment and intimidation, both in-person and online.
- Involve female journalists in policy development, safety planning, and media reform discussions, as well as decision-making.

## **Profile of Media Rights Agenda**

Media Rights Agenda was established in 1993 as an independent, non-partisan, not-for-profit, non-governmental organization for the purpose of promoting and defending the right to freedom of expression, media freedom, and access to information. However, it was formally registered in 1997 with the Corporate Affairs Commission. It also has Observer Status with the African Commission on Human and Peoples' Rights in Banjul, The Gambia.

### **Activities**

MRA's activities are varied and include, but not limited to public awareness and enlightenment, research and publication, litigation and legal services, advocacy and campaigns as well as training and capacity building. It implements activities in the following areas:

### **Research and Publication**

Under this programme, Media Rights Agenda has produced a number of publications on various issues which affect media freedom, freedom of expression, access to information and digital rights.

### **Litigation/Legal Services**

Under its Litigation Programme, Media Rights Agenda offers legal assistance to journalists who are arrested and detained, subjected to oppressive criminal charges in the course of their professional duties, assaulted, or harassed and intimidated in any other manner.

MRA also conducts strategic litigation aimed at improving the legal, regulatory and institutional environment for media practice in Nigeria as well as advancing the frontiers of the right to freedom of expression.

It has pursued both approaches at Nigerian domestic courts as well as before international judicial forums, including the ECOWAS Community Court of Justice and the African Commission on Human and Peoples' Rights where it has litigated a significant number of cases on freedom of expression and media freedom.

It also offers free legal services and representations for individuals and civil society organisations denied of access to information by relevant institutions through its nationwide network of FOI lawyers.

## **Advocacy/Campaigns**

MRA runs an Advocacy and Campaigns Programme under which it has campaigned for the reform of media laws in Nigeria and championed the campaign for the enactment of a Freedom of Information Act in Nigeria.

The Freedom of Information Bill was proposed by Media Rights Agenda to the National Assembly in July 1999 and finally became Law on May 28, 2011, although it had previously been passed by the National Assembly in 2007 but did not become law at that time as then President Olusegun Obasanjo refused to assent to it. The Act guarantees any person a right to access information in the custody of government, its agencies and institutions as well as private bodies carrying out public functions, providing public services or utilizing public funds.

In addition to carrying out local campaigns on issues of media freedom and freedom of expression generally, MRA also conducts international campaigns using international human rights procedures and mechanisms. Such campaigns are used mainly in cases of the arrest and detention of journalists, other acts of harassment and intimidation of journalists, closure of media facilities, proscription of media establishments and publications in challenging repressive press laws.

As part of this effort, MRA has filed complaints and communications to the African Commission of Human and Peoples Rights, the Special Rapporteur on Freedom of Expression and Access to Information in Africa; the United Nations Human Rights Council's Working Group on Arbitrary Detention; the United Nations Special Rapporteur on the Rights to Freedom of Opinion and Expression, the (now defunct) United Nations Country Special Rapporteur on Nigeria; and the United Nations Special Rapporteur on the Independence of Lawyers and Judges.

MRA is also involved in campaigns for the adoption of Access to Information laws in different countries in Africa, including Liberia, Sierra Leone, The Gambia, Ghana, Zambia, Namibia, among others. MRA has also been involved in regional campaigns to advance digital rights and Internet freedoms.

## **Training/Capacity Building**

MRA organises training workshops, seminars and conference on a variety of issues affecting the media, journalism practice, freedom of expression, the right of access to information, and digital rights and freedoms. It also exposes practicing journalists to training opportunities available outside Nigeria and, in some cases, assists journalists with securing admission to such training programmes.

