

IMPACT OF PANDEMICS ON THE RIGHTS OF WOMEN AND GIRLS: COVID-19 AS A SAMPLER

BY

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Abstract

The fatality rate of Covid-19 affects men than women while gender power dynamics, patriarchal norms and poverty increased the vulnerability of women and girls to violence during the pandemic. Several reports reveal that stay-at-home, order and restrictions on movements that aimed at curtailing the spread of the virus exposed women and girls to violence against them particularly by close relations, neighbors, partners and close associates, who live around them. By implication, the COVID-19 pandemic has continued to threaten the rights of women and girls. Furthermore, the Covid-19 containment measures heightened women's poverty level especially among the informal sector workers and small-scale business owners. The marginalization of women in political decision making further amplified inaction by state actors' responses to the pandemic. The lack of effective protection mechanism, legislation and coordinated institutions contributed to women's vulnerability during and after lock down. This chapter therefore assesses generally the impact of the pandemic on women and girls' rights in Nigeria, proposes the need for increased political commitment towards human rights protection of women and girls, the implementation of legislation, such as Violence Against Persons Prohibition Law, need for the institutionalization of gender responsive budgeting to support effective institutions and responses to Violence Against Women and Girls and contribute to increase realization of socio-economic empowerment of women, women's inclusion in recovery plan during pandemic and implementation of gender quotas to increase women's participation at decision making on matters that affect their lives and the country as a whole..

1.0 Introduction

On February 27, 2020, Nigeria recorded its first Corona Virus Disease (COVID-19) case. Since then, the infection rate has continued to rise in the country. The Nigeria Centre for Disease Control has made it a duty to furnish the information about data on corona virus as a way of providing quick information on the reality of the virus and the need for more coordinated response. Like other countries, the Nigerian government declared the COVID-19 pandemic a national emergency and introduced preventive and containment measures in all the states across the country.

As the pandemic raged and lockdown was introduced by the Federal Government of Nigeria a monthly increase of 149% in gender-based violence was experienced almost immediately.¹

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Before the pandemic, statistics on prevalence of GBV presented a worrisome picture. 30 per cent of girls and women aged between 15 and 49 reported to have experienced sexual abuse². A number of factors had driven the prevalence of the incidence of SGBV, some of which are the deeply rooted cultural beliefs, perceptions and norms, social status which make victims more vulnerable, community acquiescence and stigmatisation. The violent conflicts in different locations have also played significant roles in the occurrence of the incidence of SGBV in certain locations in the country. The conflict has a dire impact on women and girls, for example, reports show that 90% of criminal court cases in courts in Borno State are rape cases.³ The Insecurity in some states have increased the vulnerability of women and girls to rape, exploitation and abuse, sexual harassment, forced and child marriage as well as domestic violence.

In Nigeria, all the 36 states including FCT have passed at least one legislation on ending sexual gender-based violence, either Violence Against Persons Prohibition, Child Rights Acts, Laws Prohibiting Female Genital Mutilation, Administration of Criminal Justice, Widows Protection Laws among others.⁴ These legislations indicate progress in the struggle against pervasive violence which has its roots in social and gender exclusion and power imbalance, horizontal inequalities and poverty. The laws are also expected to stem the tide of the incidence of GBV, especially SGBV, which limits women and girls' access to safety and justice, but the challenges remain in enforcing these laws. The efficacy of the laws is bedeviled by poor implementation mechanism, lack of coordination, poor enforcement mechanism, weak referral system and lack of political will. Furthermore, with the absence of accountability in the law utilization, levels of vulnerability of women and girls has continued to rise

1.1 The Pandemic and the existing human rights protection frameworks applicable in Nigeria;

The United Nations Charter represents the founding document of the UN, adopted in 1945, the Charter provides for state parties all over the world to ensure the protection of '*human rights, in the dignity and worth of the human person, in the equal rights of men and women.*'⁵ This commitments for protection and non- discrimination were also reaffirmed in

¹ IGC. 2021. *Blog - IGC*. [online] <https://www.theigc.org/blog/the-shadow-pandemic-gender-based-violence-and-covid-19> [Accessed 1 November 2021]

² National Population Commission - NPC/Nigeria and ICF. 2019. *Nigeria Demographic and Health Survey 2018*. Abuja, Nigeria, and Rockville, Maryland, USA: NPC and ICF

³ Leadership News Paper "Rape Cases Constitute 90% of Criminal Cases In Borno State" <https://leadership.ng/rape-cases-constitute-90-of-criminal-cases-in-borno-courts-ndume/#:~:text=Justice%20Aisha%20Ndume%20has%20revealed,in%20the%20last%20two%20years.> [Accessed 1 November 2021]

⁴ Nigeria CSOs Coalition on Shadow report for the 7th and 8th Periodic report to CEDAW https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/NGA/INT_CEDAW_NGO_NGA_27702_E.pdf [Accessed 1 November 2021]

⁵ Articles 1(3) and 55 (c), United Nations, *Charter of the United Nations*, 24 October 1945, 1 UNTS XVI, available at: <https://www.refworld.org/docid/3ae6b3930.html> [accessed 13 November 2021]

the Universal Declaration of Human Rights (UDHR), 1948⁶ today most countries constitutions including Nigeria have absorbed this provisions in their national laws with clear provisions on the equal and dignity of persons “without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”⁷

The bill of rights; the International Covenant on Civil and Political Rights, 1966 (ICCPR) and the International Covenant on Economic Social and Cultural Rights, 1966 (ICESCR), was the outcome of the overwhelming support for the UDHR, to further restate the commitments to the guarantees of equal protection.⁸ The UN did not stop at the bill of rights further provided other commitments through several other Instruments targeting the protection from discrimination, the chief of these norms is the adoption of the declaration on the Elimination of All Forms of Discrimination against Women,⁹ which predated to the Women’s Convention otherwise known as Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).¹⁰ Other international instruments including, the Convention on the Rights of the Child, 1989,¹¹ the Migrant Workers Convention, 1990¹² and the Convention on the Rights of Persons with Disabilities, 2006 (Disabilities Rights Convention)¹³ provide for non-discrimination and equality before the law. The latter goes further making special provision for the rights of disabled women.¹⁴

Nigeria ratified the Convention on Elimination of All Forms of Discrimination Against Women CEDAW in 1985, affirming her commitment to ensuring that the obligations in the norms otherwise known as the Women’s Convention is achieved. By implication, the country is expected to take all steps that can facilitate the enjoyment of the rights. Furthermore, the Nigerian government is expected to amongst other things report progress made in this regard to the Committee on CEDAW charged with supervision and monitoring of the implementation of the convention standards. The extent of the protection of women’s human rights despite all these norms are in doubt, these concerns have been raised in the report to the CEDAW committee on the protection of women and girls’ rights in accordance to the provisions of CEDAW.¹⁵ The assessment of the committee report on Nigeria shows that the country is yet to meet up with much of the expected obligation. As evidenced in most countries, the principle of non-discrimination is often not respected, especially in the area of

⁶ UN General Assembly, *Universal Declaration of Human Rights*, 10 December 1948, 217 A (III), available at: <https://www.refworld.org/docid/3ae6b3712c.html> [accessed 13 November 2021]

⁷ *Ibid.* Article 2

⁸ Articles 2, 3, and 26 of the UN General Assembly, *International Covenant on Civil and Political Rights*, 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171, available at: <https://www.refworld.org/docid/3ae6b3aa0.html> [accessed 13 November 2021] Articles 2 and 3, UN General Assembly, *International Covenant on Economic, Social and Cultural Rights, International Covenant on Civil and Political Rights and Optional Protocol to the International Covenant on Civil and Political Rights*, 16 December 1966, A/RES/2200, available at: <https://www.refworld.org/docid/3b00f47924.html> [accessed 13 November 2021]

⁹ UN Declaration on the Elimination of all Forms of Discrimination against Women, GA Res. 22263(XX11) of 7 November 1967.

¹⁰ Convention on the Elimination of all Forms of Discrimination against Women, 1979, 34 UN GAORSupp. No. 46, 193, UN Doc. A34/46.

¹¹ Convention on the Rights of the Child, adopted by GA Resolution 44/25 of 20 November 1989.

¹² International Convention on the Protection of all Migrant Workers and Members of their Families, A/RES/45/158, art. 7.

¹³ Convention on the Rights of Persons with Disabilities, A/61/611, preamble paras. a, h and p and art.2, 3 (b) and (g) and 5

¹⁴ Convention on the Rights of Persons with Disabilities, art. 6.

¹⁵ See n6 pg. 8

women's rights.¹⁶ Furthermore there is abundant evidence of discriminatory laws and practices that continue to impede on women and girls right. Yet CEDAW enjoins states to take positive steps in righting the wrong¹⁷

Nigeria has a long political history, with several incursions of military rule which affected the foundational obligation for the protection of human rights with women's human rights issues completely neglected during these period, women's participation was also at the lowest ebb with very few women in the legislative position to contribute to making decision that can affect women's lives. Poverty became rife and women bore the brunt of the depression that affected the economy and the corruption that defines the government space. According to the British Council report 2012, Nigerian women have worse life chances than other women and girls in comparable position in other African countries.¹⁸ This assessment as revealed in the report, has implication for how women are treated in conflict and in pandemic situation.

The impact of the Corona Virus pandemic has been devastating while available data suggest that men experience higher rates of COVID-19-related deaths, women and girls are bearing the disproportionate burden of the larger impacts of the pandemic and states' emergency responses¹⁹. The pandemic exposed deep-rooted gender inequalities, unequal gender power relations mixed with persisting abuse of rights of women and girls. The global crisis exposed the fact that economies thrive on the undervalued and unpaid labour of women and girls not only because of the existing structure of the workforce but for the prevailing social norms. UNESCO claimed that 1.52 billion students (87 per cent) and over 60 million teachers were not in school during the Covid-19 total lockdown and school closures. The lockdowns intensified women's care roles for children, the elderly and ill family members. In the health sector, the rate of women working as front liners during the pandemic was almost 70%, thereby exposing them to a greater risk of infection, while they are under-represented in leadership and decision-making processes in the health care sector.²⁰ Due to the entrenched gender inequality, women's jobs, businesses and incomes were threatened by the economic downturn of the pandemic.

Globally, it was estimated that about 243 million women and girls aged 15–49 years were subjected to sexual and/or physical violence perpetrated by an intimate partner in the first 12 months of the pandemic.²¹ There was a high incidence of sexual and gender-based violence (S/GBV) during the lockdown, due to the strains on mental health, security, low income and

¹⁶D. Otto "Gender Comment: Why Does the UN Committee on Economic, Social and Cultural Rights Need a General Comment on Women?" 14 (2002) *Canadian Journal of Women's Law* 1.

¹⁷ CEDAW, art. 2

¹⁸ British Council, *Gender in Nigeria Report 2012: Improving the Lives of Girls and Women in Nigeria* <https://www.britishcouncil.org/sites/default/files/british-council-gender-nigeria2012.pdf> [Accessed November 1 2021]

¹⁹Jin, Jian-Min et al. "Gender Differences in Patients With COVID-19: Focus on Severity and Mortality." *Frontiers in public health* vol. 8 152. 29 Apr. 2020, doi:10.3389/fpubh.2020.00152

²⁰ *OECD Policy Responses to Coronavirus (COVID-19) Women at the core of the fight against COVID-19 crisis*

Version 1st April 2020 <https://www.oecd.org/coronavirus/en/policy-responses>

²¹UN Women; 2020, COVID-19 and ending violence against women and girls.

<https://reliefweb.int/sites/reliefweb.int/files/resources/issue-brief-covid-19-and-ending-violence-against-women-and-girls-en.pdf> [Accessed 10 November 2021.]

poor living conditions of families. There was also the exclusion of women from national decision making on responses to COVID-19. Emergency responses were not inclusive in the containment measures for the pandemic, in some instances, they were very vague and not evidence-based. These contributed to the unequal experiences of women and girls and the failure to promote their human rights.

1.2 The Potency of the Laws to Protect Nigerian women and girls during the Lockdown

Overtime, Nigeria has progressively passed laws and policies addressing women and girl's rights, though not entirely adequate to address the numerous violations that exist due to inactions and impunity that go with the abuse. The existence of these laws and policies however provides a buffer for the protection and prevention of discrimination and abuse against women and girls.

In 2003, the National Assembly passed the Child Rights Act, which became a strong instrument for the protection of the rights of children and in particular the girl child.²² The Child Rights Act has been domesticated in about 26 states across Nigeria, showing overwhelming commitment to ensure the protection of girls from female genital mutilation, abuse, forced child marriage and other forms of violation that can affect the enjoyment of their rights. In reality, the implementation of these act has not been fully implemented in Nigeria, girls are still neglected and marginalized, for example Nigerian girls represent a large number of the out of school girls in Sub-Saharan Africa. During the lockdown order during Covid 19, reports showed that girls were largely abused by those who were meant to protect them, several cases of incest were reported and sexual violence was on the rise during this period, with girl child life in more danger than what it was before the COVID 19 containment.²³

The Violence Against Persons Prohibition law, Gender and Equal Opportunities Law, Domestic Violence Law and National Gender Policy are the laws and policies put in place by the Nigerian Government at the National and State level to protect the rights of women. The laws are in line with the 1999 Nigerian Constitution which provides for the general right of men, and also inclusive are the rights of women. In specific terms, section 42 (1) (a) prohibits the subjection of an individual to discrimination on account of his place of origin, sex, religion, etc. Section 42 (1) (b) prohibits the privileges or disadvantages to any citizen based on place of origin, sex, religion.²⁴ The Federal Government had adopted the National Gender Policy, which provides affirmative action to increase to 35 per cent the representation of women in the legislative and executive arms of the Government.

The Violence Against Persons (Prohibition) Act (VAPP), amongst other things proposes to protect women and girls from any forms of violence against them in public and private

²² *Nigeria: Act No. 26 of 2003, Child's Rights Act, 2003* [Nigeria], 31 July 2003, available at: <https://www.refworld.org/docid/5568201f4.html> [accessed 13 November 2021]

²³ WARDG/GAPS REPORT 2020 'Now and the future gender equality –Peace and Security in a COVID-19 World' <https://gaps-uk.org/now-and-the-future-gender-equality-peace-and-security-in-a-covid-19-world-nigeria/> [Accessed 1 November 2021]

²⁴ *Constitution of the Federal Republic of Nigeria* [Nigeria], Act No. 24, 5 May 1999, available at: <https://www.refworld.org/docid/44e344fa4.html> [accessed 13 November 2021]

lives²⁵. The law also seeks to provide maximum protection and effective remedies for victims and punishment of offenders of other related matters that affect the rights of women and girls. Under the VAPP Act, rape, spousal battery, forceful ejection from home, forced financial dependence or economic abuse, harmful widowhood practices, female circumcision or genital mutilation, abandonment of children, harmful traditional practices, harmful substance attacks such as acid baths, political violence, forced isolation and separation from family and friends, depriving persons of their liberty, incest, indecent exposure and violence by state actors (especially government security forces) among others are punishable offences.²⁶

One of the important areas that the VAPP Act provided for is the protection and support for the rights of victims of violence²⁷. These rights include the right to receive necessary materials, comprehensive medical, psychological, social and legal assistance through governmental Agencies or non-governmental agencies providing such assistance. Furthermore, as a way of ensuring maximum protection Section 45 of the Act makes consequential amendments to the Criminal Code, Penal Code and Criminal Procedure Code to the effect that any provision of the Act shall supersede any other provision on similar offences in the Criminal Code, Penal Code and Criminal Procedure Code. The National Agency for the Prohibition of Trafficking in Persons (NAPTIP) is mandated to administer the provisions of the Act, under Section 44 of the Act.

The VAPP Act is creative in many regards; it amongst others provides for the award of compensation for victim of violence, as it may deem fit in the circumstance; comprehensive medical, psychological, social and legal assistance by accredited service providers and government agencies or non-governmental agencies providing such assistance; information on the availability of legal, health and social services and other relevant assistance and be readily afforded access to them; rehabilitation and re-integration programme²⁸ [S.27]. The Act provides for the number and categories of persons that may be in court during trial [S.29], it empowers the Court to hear proceedings in camera or to exclude any person from attending such proceedings [S.30] and prohibits the publication of certain information concerning the trial [S.31]. This is to ensure that the dignity of the victim (and other parties to the trial) is protected. The Act also provides for sex offender register and innovation that has brought a new dimension into the prosecution of sexual offences. About 29 states have since passed the VAPP Law with some of the states awaiting assent by their governors, a great improvement since the declaration of state of emergency by the Governors Forum in Nigeria in June 2020.²⁹

²⁵ *Nigeria: Violence Against Persons (Prohibition) Act, 2015 (VAPP)* [Nigeria], 25 May 2015, available at: <https://www.refworld.org/docid/556d5eb14.html> [accessed 13 November 2021]

²⁶ *Ibid*

²⁷ *Ibid.* see safeguarded under Section 38 of the Act in addition to the rights guaranteed under Chapter IV of the 1999 Constitution as amended

²⁸ VAPP Act s27

²⁹ Adeyemi Ojekunle June 2020 'It's Not Freedom For Women in Nigeria as 23 States Hold Back Signing on the Violence Against Persons (Prohibition) Act. <https://www.dataphyte.com/latest-reports/gender/its-not-freedom-for-women-in-nigeria-as-23-states-hold-back-signing-on-the-violence-against-persons-prohibition-act/>

Accessed ON Nov 2, 2020.

The efficacy of these laws is bedeviled by poor implementation mechanism, lack of coordination, poor enforcement mechanism, weak referral system and lack of political will. Furthermore, with the absence of accountability in the law utilization, levels of vulnerability of women and girls have continued to rise during the pandemic lockdown across the nation. More so, cultural attitudes toward women still prevail, especially concerning their human rights and participation in leadership. Moreover, the growing number of policies that give women their rights are not implemented in reality, women are still underrepresented in the political sector. The emergence of COVID- 19 further exposed the weakness of policies put in place to protect the rights of women.³⁰

2.0 Existing Laws on VAWG and their Potency for Prosecution of Cases during the Lockdown in Nigeria

The enactment in 2015 of the VAPP Act can be said to be a measure in line with Nigeria's international obligations under CEDAW and the Protocol to the African Charter. The VAPP Act came into existence to address gaps that existed in the protections and remedies available to women who had suffered various harms as a result of violence meted out to them on account of their gender. The Violence Against Persons (Prohibition) Act is a federal law, the Violence Against Persons Prohibition (VAPP) Act, was enacted in 2015, it prohibits all forms of violence against persons in private and public life. The law provides the legal framework needed to both punish the perpetrators of sexual and gender-based violence and to provide survivors with comprehensive sexual and reproductive services and care if needed. The law provides protections and remedies for victims and the punishment of offenders. It further provides general protections against offences including the infliction of physical injury, improper conduct and deprivation.

Before the enactment of the VAPP Act, the offence of rape was principally governed by the Criminal Code, Penal Code and Criminal Procedure Code. Section 357 of the Criminal Code defined rape as “unlawful carnal knowledge of a woman or girl, without her consent, or with her consent, if the consent is obtained by force or by means of threats or intimidation of any kind, or by fear of harm, or by means of false and fraudulent representation as to the nature of the act, or, in the case of a married woman, by personating her husband, is guilty of an offence which is called rape.”³¹ Rape committed within a marriage was not contemplated as an offence, this implies that marital rape is not an offence and does not violate the provisions of the Criminal Code. The Penal Code is another law for prosecuting sexual gender-based violence, however, it provided that “Sexual intercourse by a man with his own wife is not rape, if she has attained to puberty.”³² It implies that the right to protection from non-consensual sex is restricted, which also means that young girls can be married. Another important loophole of the legislation can be seen in Section 6 of the Criminal Code where it is stated that the offence of rape is complete upon penetration. Penetration, as envisaged here, is that between a man and a woman, and does not include that of a husband and wife or anal

³⁰ WARDG/GAPS Report (n24p6)

³¹ Criminal Code Act (2004) Cap. (30), § 357 (Nigeria)

³² Penal Code Act Cap. (18), § 282(2) (Nigeria)

penetration of boys. This narrow definition of the offence of rape means that only vaginal penetration by the penis suffices to constitute the offence. It is on this basis, the VAPP Act 2015 was passed to address these problems, and it supersedes all previous legislation on sexual gender-based violence.

2.1 Prevalence of Violence against Women and Girls (VAWG) During COVID-19 Lockdown

One of the lessons of COVID 19 Pandemic is that women and girls are affected differently since they are not a homogeneous group, and they face multiple forms of violence and gender-based discrimination in pandemics. Information gathered in the literature revealed a heightened increase in the incidence of VAWG in 23 out of 36 states of Nigeria between March and April 2020.³³

As the pandemic raged and the lockdown was introduced by the Nigerian Federal Government, a monthly increase of 149% in gender-based violence was reported almost immediately.³⁴ According to a survey by WARDC, 58.8% of female respondents in FCT had experienced sexual abuse, 46.5% in Lagos and 47.2% in Kaduna State.³⁵ The Inspector-General of Police claimed that 717 rape cases were reported across Nigeria between January – May 2020, about 799 suspects were arrested during the period and 631 cases were conclusively investigated and charged to court.³⁶ For some of the reported cases, the victims were pressured to drop the charges after reporting or not to report at all. The situation worsened during the COVID -19 lockdown as the restriction secluded them with their abusers, while access to support networks and services was completely eroded.

Research on the effects of the lockdown on different categories of women and girls showed that those living with disabilities were particularly more at greater risk of sexual exploitation and violence, and face challenges escaping violence.³⁷ They particularly had reduced access to social services, healthcare and social networks; increased dependence on others to meet basic needs and financial obligations; inaccessibility of information about both COVID19; and lack of support to escape violence.³⁸ They further experienced increased coercive power and control from family members and caregivers.³⁹

Regarding police brutality and perpetration of VAWG during the lockdown, existing literature affirms the fact that male police officers and members of other security outfits, such

³³ IGC. 2021. *Blog* see (n2pg)

³⁴ *ibid.* IGC. 2021. *Blog*

³⁵ WARDC REPORT 2020, 'Rapid Gender Analysis of COVID 19'
[https://nigeria.actionaid.org/sites/nigeria/files/publications/WARDC%20Repo](https://nigeria.actionaid.org/sites/nigeria/files/publications/WARDC%20Report.pdf)

³⁶ *Cable news, June 15, 2020 '717 rape cases were recorded from Jan to May, says IGP* <https://www.thecable.ng/717-rape-cases-were-recorded-from-jan-to-may-says-igp> JUNE 15 2020
[Accessed November 2, 2021]

³⁷ Samaila, D., Mailafia, I. A., Ayanjoke, K. M., & Emeka, C. (2020). 'Impact of Covid-19 pandemic on people with disabilities and its implications on special education practice in Nigeria. *Int. J. Innov. Sci. Res. Technol.*, pg5(6).

³⁸ Thompson, S., Chuba-Uzo, S., Rohwerder, B., Shaw, J., & Wickenden, M. (2021). "This Pandemic Brought a Lot of Sadness": People with Disabilities' Experiences of the COVID-19 Pandemic in Nigeria 22.

³⁹ Rafaeli, T., & Hutchinson, G. (2020). The secondary impacts of COVID-19 on Women and Girls in Sub-Saharan Africa.

as the vigilantes molested women and girls in 2020.⁴⁰ The literature further showed that more people were killed due to security force and law enforcement action to ensure observance with government restrictions than by the COVID-19 itself with extra-judicial killings documented in Kaduna, Abia, Delta, Niger, Ebonyi and Katsina states.⁴¹ The literature also affirms the fact that police officers extorted money from the general public especially women and girls during the lockdown.⁴² However, the extortion was targeted at women by virtue of their involvement in the informal sector.

2.2 Covid-19 and Women's and Girls' Human Rights and Social Protection:

With limited access to social protection during the lockdown, most Nigerian women and girl's rights to safety and livelihood were denied. These difficulties resulted in greater poverty for women as many of them had to spend their meagre savings on household feeding and maintenance during the pandemic. Male headed households were taken over by women because their husbands lost their jobs.⁴³ Women had to share their income with families leaving strain on their already small income.

According to a World Bank report, Nigerian women constitute 60% of the poorest people among the over 87 million people living in extreme poverty across the nation.⁴⁴ Women are usually overrepresented in low paying jobs and the informal sector of the economy and rely on daily income.⁴⁵ The government's-imposed movement restrictions for the containment of the spread of Covid-19 across the nation truncated women's access to daily income and monthly earnings for those in low paying jobs. For example, domestic workers who are mostly female workers were left stranded and unemployed during the periods of quarantine restrictions.⁴⁶

As the burden of domesticity fell on the women during the total lockdown, their jobs were also disproportionately affected by cuts and lay-offs. Such impact risks rolling back the already fragile gains made in female labor force participation, limiting women's ability to support themselves and their families, especially for female-headed households (UN, 2020). As quipped, the COVID-19 virus is a disaster for feminism and has taken women back to the 1950s eras (see Lewis, 2020). Women in businesses have also not adjusted in the same way as their male counterparts. The national survey on MSMEs conducted by the Ministry of Women Affairs also brought to the fore the digital divide between men and women, finding

⁴⁰ Onuoha, F. C., Ezirim, G. E., & Onuh, P. A. (2021). Extortionate policing and the futility of COVID-19 pandemic nationwide lockdown in Nigeria: Insights from the South East Zone. *African Security Review*, 1-22.

⁴¹ Big-Alabo, S. (2021). Human Right Violations and Coronavirus Disease (Covid-19) Pandemic in Nigeria: A Philosophical Disquisition. *Int. J. Sci. Res. in Multidisciplinary Studies* Vol, 7(3).

⁴² Onuoha, F. C., Ezirim, G. E., & Onuh, P. A. (2021). Extortionate policing and the futility of COVID-19 pandemic nationwide lockdown in Nigeria: Insights from the South East Zone. *African Security Review*, 1-22.

⁴³ Aoyagi, C. (2021). Effects of COVID-19 on Regional and Gender Equality in Sub-Saharan Africa: Evidence from Nigeria and Ethiopia, IMF Working Papers, 2021(169), A001. Retrieved Nov 12, 2021, from <https://www.elibrary.imf.org/view/journals/001/2021/169/article-A001-en.xml>

⁴⁴ ONWUKA, I. O., Nwadiubu, A., & Isiwu, P. (2019). Poverty among Women in Nigeria—Psychological and Economic Perspective: A Study Based on South West, Nigeria. *International Journal of Business and Management*, 4(11), 90-100.

⁴⁵ Bonnet, F., Vanek, J., & Chen, M. (2019). Women and men in the informal economy: A statistical brief. International Labour Office, Geneva. [http://www.wiego.org/sites/default/files/publications/files/Women% 20and% 20Men% 20in% 20the% 20informal, 20.](http://www.wiego.org/sites/default/files/publications/files/Women%20and%20Men%20in%20the%20informal%20economy.pdf)

⁴⁶ The effects of the COVID-19 pandemic on trafficking in persons and the responses to the challenges. https://www.unodc.org/documents/human-trafficking/2021/The_effects_of_the_COVID-19_pandemic_on_trafficking_in_persons.pdf

over 90% of the female business owners not making use of the internet for their businesses during the lockdown periods.

2.3 Women's Participation in COVID-19 Responses and Household/Community Decision Making

The underrepresentation of women and girls in decision making is not necessarily because they are indisposed but because they lack networks that mediate their entry into spaces of decision making at the family, societal and national levels. This is compounded by prevailing societal norms perpetuating male domination of leadership and decision-making, gender discrimination and stereotypes, female subservient to men. A 2020 WARDC survey for instance showed an obvious gap in women inclusion in the COVID 19 responses committee membership at the National, State and Local level. Although issues around security and economy were prioritized during the pandemic, women's perspectives on these issues were not taken into considerations despite their connection and central role to them.

This was worsened by the fact that Nigeria has low rates of female representation in politics by global and regional standards. Thereby, limiting their opportunities to participate in leadership and decision-making for advancing gender justice and gender equality, furthering economic, social, and political progress for all. Although the proportions of women in elected positions increased slightly between 1999 and 2007, from an average of 2.3% across both houses of the legislature to 7.8%, these small gains had stopped by 2011. As of the 2015 election, Nigeria had 20 women out of 359 in its lower house (5.6%) and 7 out of 109 in its upper house (6.4%) This put it 180th in the world ("Women in Parliaments: World Classification," 2019). Following the 2019 elections, women make up 7.3% of the Nigerian Senate and 3.1% of the House of Representatives. The nation has never had a female state governor (NWTF, 2019).⁴⁷ A Nigerian Women Trust (NWTF) Fund report shows that in the years 1999-2015, 6% of councilors (local government) were women, 24% of judges in the federal court were women, and an average of 7% of each type of high-level government officials and senior administrators were women.⁴⁸ Currently, women are underrepresented in the Presidential Task Force on COVID-19, the structures are dominated by men at the level of decision making with women represented at more operational levels.⁴⁹ Initially, the Minister of Women's Affairs and Social Development was not a member of the National Presidential Taskforce despite the clamor. Gender analysis is largely not integrated into planning, implementation, review, and policy-making on COVID-19.⁵⁰

Regarding Women in leadership, Nigeria signed and ratified several international declarations, conventions, protocols and treaties that protect the rights of women and promote their representation political leadership, and progress is made at different levels of

⁴⁷ NWTF. (2019). Women Representation in the Nigerian Elective Positions (1999 – 2019). Retrieved from <http://nigerianwomentrustfund.org/wp-content/uploads/Women-Representation-in-theNigerian-Elective-Positions.pdf> Assessed 11 October 2021

⁴⁸ Ibid.

⁴⁹ Van Daalen, K. R., Bajnoczki, C., Chowdhury, M., Dada, S., Khorsand, P., Socha, A., ... & Rajan, D. (2020). Symptoms of a broken system: the gender gaps in COVID-19 decision-making. *BMJ Global Health*, 5(10), e003549.

⁵⁰ Ibid

government to establish laws and policies in line with the provisions of the conventions. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) enjoin all state parties to take all appropriate measures including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against and to eliminate discrimination against women by any person or institution and to enact appropriate legal protection of the rights of women. The African Charter on Human and people's Rights. Section 18 (3) of the Charter provides: The state shall ensure elimination of every discrimination against women and also to ensure the protection of the rights of the women and the child as stipulated in international declarations and conventions.⁵¹

3.0 Conclusion

As the analysis has highlighted, women and girls and persons living with disabilities have in some cases experienced significant hardship because of the COVID-19 pandemic, and their lived experiences have been invisible to many of the people responding to this crisis. As the pandemic continues, it is important that approaches to COVID recovery must be inclusive. States and non-state actors, and other stakeholders involved in crisis response should also incorporate the knowledge of these lived experiences of women, girls and persons with disabilities into preparations for and response to emergencies. By doing so, they will be helping ensure that women and girls with disabilities become visible in the face of crisis and that their human rights and dignity are assured.

3.1 Recommendations

In order to ensure gender-sensitive COVID 19 recovery, political commitment for implementing legislation such as VAPP law will meaningfully guarantee the protection of the rights of women and girls. Closely related to political will is the financial impetus, gender budgeting can help ensure that a gender perspective is applied to measures included in the fiscal stimulus package, responses to gender-based violence and women's reproductive health.

Governments and NGOs can provide social safety nets and new or extended partnerships with groups to manufacture protective equipment, which may increase income opportunities for group members. Women's groups are agencies and an important voice in guiding responses to COVID 19. Providing social safety nets and other services through women's groups could also create opportunities for women to build leadership skills.

The need for the organised disaggregated data collection on the gendered impact of COVID-19 by the Federal and State Ministries of Women Affairs or statutory government agencies

⁵¹ Under section 12 of the 1999 Constitution of Nigeria, no treaty between the federation and any other country shall have the force of law except to the extent to which any such treaty has been enacted into law by the National Assembly. The African Charter is part of the law in Nigeria, its part of the Laws of federation 1990.

whose responsibility it is to collect the data cannot be overemphasized. The half-hearted measure in which it is currently being carried out by individual women's groups is not enough to ensure better planning for the future and ensure accountability by the government.

Reserving seats for women, setting a minimum share of women on political candidate lists or writing measures into statutes of political parties have increased female leadership. Globally, it is estimated that women won more than 30% of political seats across 21 countries with transitional quotas compared to 15.4% of seats in 19 countries without transitional quotas in 2017.⁵² Quotas do not discriminate but compensate women's actual barriers that prevent women from pursuing a political career. Relevant stakeholders, such as Independent National Electoral Commission and political parties should be engaged in introducing quota. Related to the above is the necessary legal framework that guarantees the rights of women especially in achieving the provision of international and domestic instruments for more participation in leadership should be established.

In order to curb gender-based violence, the operational capacity and institutional preparedness of security agencies to respond to gender-based violence particularly in emergencies should be supported. Government are expected to ensure at least 50% women's representation in the national emergency response team and other task forces at the national, state and community levels.

⁵² Inter-Parliamentary Union (IPU). "Women in National Parliament in 2017: The year in review." 2018. Web. <https://www.ipu.org/resources/publications/reports/2018-03/women-in-parliament-in-2017-year-in-review>