

Sexual and Gender Based Violence and the Budget (A Review of Federal Capital Territory: 2016-2019)



**Spotlight
Initiative**

*To eliminate violence
against women and girls*



Centre for Social Justice

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(Mainstreaming Social Justice in Public Life)

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LIST OF ACRONYMS

Acronym	Meaning
ANC	Antenatal Care
CCAs	Community Change Agents
CEDAW	Convention on the Elimination of all Forms of Discrimination Against Women
CSJ	Centre for Social Justice
DEVAW	Declaration on the Elimination of Violence Against Women
ERGP	Economic Recovery and Growth Plan
FBOs	Faith-Based Organisations
FCT	Federal Capital Territory
FGM	Female Genital Mutilation
FGN	Federal Government of Nigeria
GOST	Guided Open Space Technology
HP	Harmful Practice
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICT	Information and Communication Technology
LGA	Local Government Area
MDGs	Millennium Development Goals
MICS	Multi Indicator Cluster Survey
MNTE	Maternal Neonatal Tetanus Elimination
MTT	Multi-Technical Team
NAPTIP	National Agency for Prohibition of Traffic in Persons and Other Related Matters
NASS	National Assembly
NCWD	National Centre for Women Development
NDHS	Nigerian Demographic and Health Survey
NGDB	National Gender Data Bank
NPF	Nigeria Police Force
SDGEA	The Solemn Declaration on Gender Equality in Africa
SDGs	Sustainable Development Goals
SGBV	Sexual and Gender-Based Violence
SRHR	Sexual and Reproductive Health and Rights
STI	Sexually Transmitted Infection
UBE	Universal Basic Education
UN-DAW	United Nations Division for the Advancement of Women
UNDP	United Nations Development Programme
UNICEF	United Nations Children Fund
UNSCR	UN Security Council Resolution
VAPP	Violence Against Persons Prohibition Act
VAWG	Violence Against Women and Girls
VIP	Ventilated Improved Pit
WHO	World Health Organization
WPV	Wild Poliovirus

EXECUTIVE SUMMARY

Section One of the study is the introduction and it is divided into two parts - the focus and methodology and context. The focus is stated to be on sexual and gender-based violence (SGBV), violence against women and girls (VAWG), harmful practices (HP) and the sexual and reproductive health and rights (SRHR) of women and girls. The study is part of the Spotlight Initiative which has an overall vision of *a Nigeria where women and girls, particularly the most vulnerable, live a life free from violence and harmful practices*. The study objectives include the following:

1. To review the available legal and policy framework at the Federal Capital Territory (FCT) for respecting, protecting and fulfilling the human rights of women, girls and the vulnerable to freedom from violence in line with fit and good practices given the Nigerian context;
2. To review available FCT data on the subsets of VAWG/SGBV/HP and SRHR;
3. To appraise and analyse financial (budget) provisions for the period 2016 - 2019 as provided in the FCT Statutory Appropriation related to freedom from violence for the target groups, with a view to identifying the baseline, gaps and challenges in the funding of the agencies involved in the campaign against VAWG, SGBV, HP and the struggle for improved SRHR for women and girls; and
4. To review value for money issues, variance between appropriated and actual releases, compliance with extant laws and policies as well as identify the optimum resources needed for the respect, protection and fulfilment of the rights of women and girls to freedom from violence.

Section Two reviewed the international and national legal and policy contexts. At the international level, the standards reviewed include the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), the United Nations (UN) Declaration on the Elimination of Violence against Women (DEVAW) and the Protocol to the African Charter on Human and Peoples Rights on the Rights of Women in Africa. Others are the Beijing Declaration and Platform for Action, Sustainable Development Goals and the jurisprudence of the obligations of state parties under human rights law, specifically, the obligations to respect, protect and fulfil the dignity of women and girls through freedom from violence.

National standards reviewed include the Constitution of the Federal Republic of Nigeria 1999 as amended; Compulsory, Free, Universal Basic Education Act; Violence Against Persons

Prohibition Act (VAPP Act); the Child Rights Act (CRA), the National Health Act (NHA); the National Gender Policy; the National Gender Policy Strategic Framework (Implementation Plan) 2008 – 2013; the Gender Policy for the Nigeria Police Force; Community Level Advocacy and Social Mobilization on all Forms of Violence against Women; Vision 20:2020; Rehabilitation of Perpetrators of Violence Against Women; and Trafficking in Persons (Prohibition) Enforcement and Administration Act.

Section Three is on situation analysis. Using relevant gender disaggregated statistics and data, the research did a situation analysis of the FCT in terms of the different aspects of SGBV, VAWG, HP and SRHR. For the purpose of standardization, statistics were mainly drawn from the most recent Multiple Indicator Cluster Survey (MICS), Nigeria Demographic and Health Survey (NDHS), Nigeria Education Indicators 2016, etc. The key issues arising from the study include:

- a. That the FCT have more women who have experienced physical violence than the national average. A proportion of men and women still justify domestic violence.
- b. Although the FCT had less percentage of women circumcised than the national average, it is noteworthy that among those circumcised in the FCT, more proportion of women have their flesh cut and removed than the national average.
- c. The rate of teenage pregnancy in the FCT is higher than the national average.
- d. More women in FCT have unmet need for family planning in terms of limiting the number of children they give birth to when compared to the national average.
- e. The FCT still has over 35 percent of women who give birth at home which reduces the chance of being attended by a skilled health worker and such increases the risk of child and maternal mortality.
- f. Girl child education attainment in the FCT is in dire need of improvement.

The study in Section Four reviewed the appropriations and releases to key sectors that impact on SGBV, VAWG, etc., including education, health and women affairs. The study found that the FCT has not dedicated sufficient resources nor prioritised freedom from violence for women and girls in its budgeting system. Key and targeted steps and measures need to be taken to reform the budgeting system to reposition it for effective response to SGBV, VAWG, HP and the improvement of the SRHR of women and girls. The major budgeting issues bedevilling the FCT towards the elimination of VAWG, SGBV, HP and improving SRHR for women and girls are as detailed below.

- I. There were no clear items for issues around prenatal and postnatal care of women, including access to emergency obstetric care for mothers in the FCT Statutory Appropriations reviewed.
- II. The FCT has no clear budget plan(s) that set out gender issues as well as sectoral objectives and policies. The absence or unclear nature of FCT plans and policies made it difficult to link the availability of resources to targets or sectoral objectives.
- III. The FCT budget preparation process does not link policies, the achievement of objectives and meeting of targets with the funds appropriated.
- IV. There is greater emphasis on control of inputs and less on improving sector performance through meeting its objectives and targets hence budget items for the elimination of VAWG, SGBV, HP and improving SRHR for women and girls were either lumped or made unclear.
- V. Both the FCT recurrent and capital budgets reviewed were prepared on an incremental basis (adding a percentage to the previous year's estimates) without reviewing whether the activities that were funded are in line with policy and whether it should be discontinued.
- VI. Activities continued from year to year while resources were somehow declining; therefore, some activities were clearly underfunded.
- VII. The investment (capital) budget which is where most of activities towards the elimination of VAWG, SGBV, HP and improving SRHR for women and girls were found were made up of a large number of projects, making it more difficult to link the activities funded through the investment budget to the relevant priorities.
- VIII. Budget performance reports for the period 2016-2019 did not meet fit and good practices and standards. Reporting must be in line with the approved budget, hence, the need for the FCT to adopt International Public Sector Accounting Standards (IPSAS).
- IX. The FCT budget performance reporting is not comprehensive as it does not reflect the full nature and extent of sources and applications of funds. It fails to indicate resource flow by programmes and sub-programmes. The nature of budget performance reporting made it difficult to do a value for money review as well as a review of the variance between appropriated and actual releases, compliance with extant laws and policies as well as identifying the optimum resources needed for the respect, protection and fulfilment of the rights of women and girls to freedom from violence.
- X. Medium Term Planning is still non-existent in the FCT while reporting of revenues on net basis serves to undermine comprehensiveness and transparency.

- XI. Departments in the FCT Administration including the departments implementing programmes on SGBV, VAWG, HP are still unable to predict resource availability for capital investments thereby undermining their abilities to successfully execute their budgets.

The study in Section Five found the need for the FCT administration to improve on the following:

(a) Improved funding for the eradication of SGBV, VAWG, HP and the improvement of the SRHR of women and girls by focussing on issues such as adequate funding of:

- Prenatal and postnatal care for women including access to emergency obstetric care for mothers in the FCT;
- Family planning goods and services;
- The FCT Sexual and Gender Based Violence Response Team including support for legal aid and counselling. Specific appropriation of votes to support security agencies especially their Gender Units to ensure proper investigation and prosecution of SGBV, VAWG and HP offences;
- Construction and maintenance of shelters for survivors of SGBV and VAWG. Provide referral services to survivors of SGBV, VAWG, HP and to provide and monitor the provision of quality forensic, medical, legal and psycho-social support to the survivors;
- Education of girls through universal basic education (including second chance opportunities) and higher education and to this end, ensure the draw down and utilisation of funds meant for FCT in the UBEC Fund. Parents and guardians who refuse to enroll their female children into basic education should be prosecuted;
- Public sensitisation and awareness raising on SGBV, VAWG, HP and the SRHR of women and girls;
- Collection, collation and preparation of gender disaggregated data on key indicators associated with SGBV, VAWG, HP and improvement of SRHR. This will improve planning and targeted response to the associated challenges.

(b) A clear costed plan that sets out SGBV, VAWG, HP and gender issues as well as sectoral objectives and policies which is linked to available resources in a sound fiscal framework.

(c) Ensure that budget preparation process links policies, the achievement of objectives and meeting of targets with the requisite funds.

(d) Have a greater emphasis on improving sector performance through meeting objectives and targets instead of the current focus on control of inputs.

(e) Both the FCT recurrent and capital budgets need to be prepared using Zero-Based Budgeting (ZBB) approach, looking at the available evidence from data and statistics and reviewing whether the activities funded are in line with policy priorities of the government.

(f) Stop the current practice of activities continuing from year to year while resources are declining leading to some critical activities being underfunded while others that might not be relevant are over funded.

(g) The investment (capital) budget should be targeted and made smart instead of being thinly spread. The current practice of having large number of projects makes it more difficult to link the activities funded through the investment budget to the FCT's policy priorities.

(h) Budget performance reports should be International Public Sector Accounting Standards (IPSAS) compliant. It should rather show the full nature and extent of sources and application of funds.

(i) Medium Term Planning in the FCT should be adopted to help smart planning while reporting of revenues should equally be specific and not presented on net basis.

(j) Capacity building for planning and budget officers across the departments in the FCT Administration is needed for them to imbibe the tenets of gender aware and realistic budgeting and to be able to better forecast resource availability for capital investment.

(k) Capacity building and training for practitioners in the field, including investigators, prosecutors, law enforcement agents, judges, health and social workers, media practitioners, etc. to fully understand the dynamics and engagement strategies on SGBV, VAWG, HP and SRHR.

For Civil Society:

- Engage the executive and legislature for the implementation of the above recommendations;
- Organize sensitization and capacity building programmes to improve knowledge and skills on the subject matter.

SECTION ONE INTRODUCTION

1.1 Focus and Methodology

The presence of robust legal and policy frameworks, supported by strong institutional mechanisms developed through empirical evidence and backed by qualitative, disaggregated and globally comparable data plays a fundamental role in the implementation of the state's obligation to respect, protect and fulfil the human rights of women and girls, particularly the most vulnerable, to live a life free from violence and harmful practices. However, it appears that the rights of women, the girl child and the vulnerable to freedom from violence is more observed in the breach in Nigeria. Nigeria as a federation; its component units - states and local governments are under national and international obligation to respect the rights of women, girls and the vulnerable through refraining from taking steps that directly violate their freedom from violence¹. This includes ensuring that laws and policies do not promote Violence Against Women and Girls (VAWG), Sexual and Gender-Based Violence (SGBV), Harmful Practice (HP) or derogations of the Sexual and Reproductive Health and Rights (SRHR) of women and girls. The obligation to protect relates to the state preventing third parties including non-state actors from interfering with the enjoyment of freedom from violence. It demands robust institutions for prevention, investigation, and prosecution of offences related to VAWG/SGBV/HP.

Another basic obligation expected of the state requires the state to take administrative, judicial, budgetary, etc. steps towards fulfilling the rights of women, girls and the vulnerable to freedom from violence. This introduces the plan, policy, and budget continuum where laws and policies supportive of the campaign against SGBV/HP/VAWG are implemented through adequate outlay of state resources through the budget. The state is under obligation to take steps through inter alia, the dedication of the maximum of available resources for the progressive realisation of freedom from violence of all members of society². A properly funded and implemented women, girls and vulnerable persons freedom from violence regime, will guarantee access to inclusive, timely and quality services for victims and survivors of violence. Also, the state is duty bound to

¹ See the gamut of the rights in the Fundamental Rights Chapter of the Constitution of the Federal Republic of Nigeria 1999 (as amended), especially the rights to life, human dignity, freedom from discrimination, etc.; the National Gender Policy, National Policy on Elimination of FGM and Strategy to end Child Marriage. Nigeria is a state party to the Convention on the Elimination of all Forms of Discrimination against Women and bound to implement Goal 5 of the Sustainable Development Goals.

² Article 2 (1) of the International Covenant on Economic, Social and Cultural Rights (ICESCR) - Nigeria is a state party to the ICESCR.

stop funding or in any way supporting activities that violate the rights of women and girls to freedom from violence.

This study is part of the Spotlight Initiative which has the overall vision of *a Nigeria where women and girls, particularly the most vulnerable, live a life free from violence and harmful practices*. The study objectives are as follows:

1. To review the available legal and policy framework at the FCT for respecting, protecting and fulfilling the human rights of women, girls and the vulnerable to freedom from violence in line with fit and good practices given the Nigerian context;
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4. To review value for money issues, variance between appropriated and actual releases, compliance with extant laws and policies as well as identify the optimum resources needed for the respect, protection and fulfilment of the rights of women and girls to freedom from violence.

Using relevant gender disaggregated statistics and data, the research did a situation analysis of the FCT in terms of the different aspects of SGBV, VAWG, HP and SRHR. For the purpose of standardization, statistics were mainly drawn from the most recent Multiple Indicator Cluster Survey (MICS), Nigeria Demographic and Health Survey (NDHS) and Nigeria Education Indicators 2016, etc. It also reviewed the appropriations and releases to key sectors that impact on SGBV, VAWG, etc. including education, health and women affairs.

The draft report was presented to a validation meeting which was organized to ensure that the results and findings of the research are evidence based, factual and in conformity with specifications issued at the beginning of the exercise. It was an opportunity for quality control and validation. Participation at the validation meeting was drawn from representatives of MDAs which include the Nigeria Police Force, National Security and Civil Defence Corps, National Agency for the Prohibition of Trafficking in Persons (NAPTIP). The stakeholders also included representatives of civil society organizations working on gender and prevention of violence against women, the media and human rights organizations.

1.2 Context

The reviews and analysis were done against the background of the minimum core obligation of the state established in national policies and international standards to guarantee freedom from violence for women, girls and other vulnerable groups in Nigeria. It is noted that the FCT has no legislative arm of government hence the National Assembly (NASS) makes laws for the territory. This means that all federal laws and policies are equally applicable in the FCT. The implication is that the study reviewed and analysed laws and policies of the Federal Government of Nigeria (FGN) since there are no FCT specific laws and policies on the subject matter.

The FCT had a population of 500,000 people at the time of the enactment of Decree No. 6 of 1976 or the Federal Capital Territory Act which established it as the new Capital of Nigeria. It has a total land area of 8,000 square kilometres, which is more than twice the land area of Lagos State. The population has grown to 3.564million as at 2016 according to data from the National Bureau of Statistics.³

³ <https://fcda.gov.ng/index.php/about-fcda/the-abuja-story-historical>

SECTION TWO

LEGAL AND POLICY FRAMEWORK ON SGBV, VAWG, HP AND SRHR

2.1 Introduction

This section reviewed international and national legal and policy frameworks on women and gender, violence against persons, child rights, maternal and child health, reproductive health and rights, female genital mutilation, rape, child marriage, intimate partner violence, prevention of trafficking in women. The section equally reviewed laws, policies and programmes for access to family planning services, harmful practices, HIV prevention and treatment, second chance opportunity for girls, one stop centres for victims of sexual assault, domestic violence; medical, psychosocial, forensic and counselling services for female survivors of SGBV and other violations. The section further reviewed laws, policies and programmes related to law enforcement with special interest on gender desks in police and other law enforcement agencies; judicial interventions including special courts and procedures to guarantee justice to victims of SGBV and VAWG.

2.2 International Standards

The rights of women, girls and indeed all members of the human family, to freedom from any form of violence imposes peremptory and continuing state obligations under international standards ratified by and applicable in Nigeria⁴. Some aspects of the proscription of VAWG, especially SGBV, could be stated to have attained the status of *jus cogens*, being peremptory norms of customary international law recognized and binding on all civilised nations and from which no derogations are permissible. In articulating violence against women, the definition in article 2 of the United Nations Declaration on the Elimination of Violence against Women⁵ (“DEVAW”) is adopted vis;

Article 1

“For the purpose of this Declaration, the term “violence against women” means any act of gender-based violence that results in, or is likely to result in physical, sexual and psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty whether occurring in public or in private life”

Article 2

⁴ See article 5 of the standard setting Universal Declaration of Human Rights - *No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment* and article 7 of the International Covenant on Civil and Political Rights.

⁵ General Assembly Resolution 48/104 of 20 December 1993.

“Violence against women shall be understood to encompass, but not limited to the following:

(a) Physical, sexual and psychological violence occurring in the family including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation.

(b) Physical, sexual and psychological violence occurring within the general community including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution;

(c) Physical, sexual and psychological violence perpetrated or condoned by the state, wherever it occurs.

Manifestations of VAWG/SGBV/HP do not stand on their own but are products of discrimination outlawed in international standards, including the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) - being products of patriarchy and unequal power relations. In article 1, CEDAW defines discrimination:

“For the purposes of the present Convention, the term “discrimination against women” shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field”.

Nigeria is a State party to the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa. The Protocol provides for the elimination of discrimination against women, harmful practices, violence against women while emphasizing the right to dignity, integrity, education, health, etc. of women and the girl child. The prevalent patriarchal practices in different Nigerian cultures continue to predispose women and girls to violence, resulting in poor reproductive and sexual health outcomes, poor access to and control over resources, higher vulnerability to poverty at certain ages in life, poor access to education, lack of inheritance rights, lack of voice and minimal participation in decision making processes at different levels, etc⁶. It has been stated that the definition of discrimination includes gender-based violence, that is, violence that is directed against a woman because she is a woman or

⁶ Banke Akinrimisi - *Discussions on SGBV and the Nigerian Federal Budget 2020.*

that affects women disproportionately⁷. SGBV/VAWG/HP has serious negative effects on the right to health and the right to life, because the easiest way of depriving a woman or girl of her right to life is to accentuate violence to her person to the point of abrogation.

The Beijing Declaration and Platform for Action states that⁸:

“Violence against women is an obstacle to the achievement of the objectives of equality, development and peace. Violence against women both violates and impairs or nullifies the enjoyment by women of their human rights and fundamental freedoms”.

Therefore, a proper understanding of VAWG/SGBV/HP will include an analysis of its causes and consequences; how intersectionality impacts vulnerability to violence and an elaboration of the role of the State in combatting violence in the public and private domains⁹. This is however beyond the remit of this rights, duties, and resources study.

Furthermore, the Sustainable Development Goals in Goal 5 mandates States to achieve gender equality and empower all women and girls through inter alia:

“End all forms of discrimination against all women and girls everywhere. Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation. Eliminate all harmful practices such as child, early and forced marriage and female genital mutilation. Ensure universal access to sexual and reproductive health and reproductive rights as agreed in accordance with the Programme of Action of the International Conference on Population and Development and the Beijing Platform for Action and the outcome documents of their review conferences”.

There is a multi-layered duty of State in human rights and in SGBV/VAWG/HP/SRHR; they are the obligations to respect, protect and fulfil. There are also obligations of conduct and obligations of result. Running in the middle of all these obligations is the duty to ensure that freedoms are enjoyed on a non-discriminatory basis.

⁷ General Recommendation No.19 (11th Session, 1992), Paragraph 6 - Committee on the Elimination of Discrimination against Women.

⁸ See Paragraph 112. See also the product of the 1993 World Conference on Human Rights - Vienna Declaration and Programme of Action which highlights the need to eliminate all forms of violence against women in public and private life. The Declaration equally enjoins member states to use all available instruments to ensure the elimination of all forms of sexual harassment, exploitation and trafficking in women.

⁹ See page 7 of “15 Years of the UN Special Rapporteur on Violence against Women its Causes and Consequences”- initiated and guided by Yakin Erturk.

The *obligation to respect* demands that Federal, State and Local Governments refrain from directly or indirectly taking action, that promotes violation of freedom from VAWG/SGBV/HP or obstructing action taken by women and girls in pursuit of their freedom. However, the deliberate withholding of information by the state - information necessary to protect women and girls from violence is a violation of the obligation to respect¹⁰. Criminalising access to goods, facilities and services that facilitate the enjoyment of the right to decide freely and responsibly on the number and spacing of children will also be a violation of the obligation to respect.¹¹

The *obligation to protect* demands that agents and officials of government take action to prevent violations of freedom from VAWG by third parties - whether private individuals or organisations and to impose adequate sanctions for violations. This is aptly captured in article 4 (c) of DEVAW. The State should:

“Exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons”¹²

The exercise of due diligence will include special rules and orders for law enforcement agencies to mainstream issues of VAWG/SGBV/HP/SRHR in their day to day work by advancing an effective response system. It may also include educational measures on radio, television and social media to remind citizens that VAWG/SGBV/HP is an offence and unacceptable - advertising special hotlines, emails, WhatsApp contacts to help survivors get justice, etc.

The *obligation to fulfil* requires governments to take appropriate legislative, judicial, administrative, budgetary, economic and other measures, to the maximum of available resources, to ensure freedom from violence to women and girls. This is a positive obligation that involves the appropriation of government’s expenditure towards its priorities and these priorities should and must include freedom from VAWG/SGBV/HP. The act of appropriation must also be seen to be done in way and manner devoid of discrimination on any of the prohibited grounds. The provision of state resources must be seen to be concrete and targeted and not just tokenistic, as a step towards the realization of freedom from violence. Even in

¹⁰ Article 16 (1) (e) of CEDAW.

¹¹ Article 16 (1) (e) of CEDAW.

¹² This is also the position of prevalent international jurisprudence in the decision of the Inter-American Court of Human Rights in the *Velasquez Rodriguez e v Honduras* of July 29 1988, Series C, Decisions and Judgement, No.04.

periods of resource constraints, like a fiscal crisis, vulnerable members of society must be protected by the adoption of relatively low-cost but targeted measures and programmes which satisfies the minimum core obligation to freedom from violence.¹³

Essentially, such provisions must satisfy the minimum core obligation of the State to ensure that women and girls are free from violence through the implementation of the minimum core content of the bundle of rights encapsulated in freedom from SGBV/VAWG/HP. In any State where women and girls are constantly battered, trafficked, deprived of access to SRHR, etc., and the State fails to respond, such a State will, *prima facie*, be failing to discharge its obligations under national and international standards¹⁴. Thus, the minimum core obligation of the State is to ensure that the intersections between freedom from violence and the rights to life, health, human dignity, freedom from torture, inhuman and degrading treatment, etc. are not breached and the personhood and dignity of women and girls is held sacrosanct. Further, no deliberately retrogressive measures that reduces the extent of enjoyment of this right is permitted unless it can be justified by reference to more pressing and relevant higher norms provided by law¹⁵. Such retrogression must be accompanied by compensatory mechanisms.

State legislative obligations include the enactment of laws that prescribe a minimum age of marriage - not less than 18; marriage to be with the free, full and informed consent of the spouses; prohibition of forced marriages and guaranteeing equal rights and responsibilities during marriage and its dissolution¹⁶. CEDAW enjoins States Parties to enact legislation that modify the existing prejudices and customary practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women, boys and girls.¹⁷

The obligation to respect, protect and fulfil contains elements of the obligation of conduct and obligation of result. The obligation of conduct may require action reasonably calculated for the realisation of the enjoyment of freedom from violence. This would include the adoption of legal and policy standards. Obligation of result requires government to achieve specific targets to

¹³ Women and girls are not born with vulnerability or inherently vulnerable by their nature but have been made vulnerable by patriarchy and unequal power relations.

¹⁴ See General Comment No. 3 of the UN Committee on Economic, Social and Cultural Rights on the nature of States Parties obligations under the ICESCR.

¹⁵ This would be almost impossible to justify considering that freedom from violence is emerging as a non derogable right.

¹⁶ Article 16 of CEDAW.

¹⁷ Article 5 (1) of CEDAW.

satisfy detailed substantive standards for instance, the complete elimination of female genital mutilation or a drastic reduction in the incidence of domestic violence.¹⁸

2.3 National and Subnational Standards

In S.42 of the Constitution, it is provided:

“(1) A citizen of Nigeria of a particular community, ethnic group, place of origin, sex, religion or political opinion shall not, by reason only that he is such a person: -

(a) be subjected either expressly by, or in the practical application of any law in force in Nigeria or any executive or administrative action of the government, to disabilities or restrictions to which citizens of Nigeria of other communities, ethnic groups, places of origin, sex, religions or political opinions are not made subject; or

(b) be accorded either expressly by, or in the practical application of, any law in force in Nigeria or any such executive or administrative action, any privilege or advantage that is not accorded to citizens of Nigeria of other communities, ethnic groups, places of origin, sex, religions or political opinions.”

Discrimination has been earlier articulated as a component of VAWG and any law, policy or administrative action that discriminates against women and girls on any of the prohibited grounds will be facilitating VAWG.

Also, S.34 (1) (a) of the Constitution is on the right to the dignity of the human person and provides inter alia that *“no person shall be subjected to torture or to inhuman or degrading treatment”*. Practices such as female genital mutilation (FGM) amounts to torture; wife battering amounts to inhuman and degrading treatment¹⁹. The Constitution is the supreme law of the land and any legal or policy provision, customary, traditional or religious norms inconsistent with it is void to the extent of its inconsistency.²⁰

To degrade is to make another to be less moral and less deserving of respect whilst inhuman treatment refers to lacking moral, human qualities of kindness, pity, etc., to be extremely cruel or brutal. Degrading is defined to mean reviling, holding one up to public obloquy and odium,

¹⁸ Adapted from paragraph 7 of the Maastricht Guidelines on Violations of Economic, Social and Cultural Rights adopted on the occasion of the 10th anniversary of the Limburg Principles on the Implementation of the International Covenant on Economic, Social and Cultural Rights.

¹⁹ See *Ncube v State* (2 Afr. J. Int’l & Comp. L. 131 [1990]) where judicial corporal punishment was declared unconstitutional by the Supreme Court of Zimbabwe. See also the statement by Juan E. Méndez; UN Special Rapporteur on Torture and other Cruel, Inhuman or Degrading Treatment or Punishment on Female *Genital Mutilation: Progress-Realities-Challenges* at the event sponsored by Women’s UN Report Network, Inter-African Committee, Worldwide Organization for Women and NGO Committee on the Status of Women-Geneva 1 June 2011.

²⁰ S.1 (1) (3) of the Constitution.

lowering a person in the estimation of the public, exposing to disgrace, dishonour and contempt²¹. Human dignity is the foundation of all human rights and the pursuit of life in larger freedom is essentially the pursuit of a dignified existence. Human rights derive from the inherent dignity of the human person. Without dignity, the human being loses his personhood and stays on the same level as animals with low mental development. It is about the integrity of the human person.

The *Compulsory, Free Universal Basic Education Act of 2004* makes basic education compulsory and free for all Nigerian children including girls and a special fund is set aside by the Federal Government which is shared by the thirty-six states of the Federation and the FCT to augment their investments in basic education. The Act seeks inter alia to take care of, through appropriate forms of complementary approaches to the promotion of basic education, for the learning needs of young persons who for one reason or another, have had to interrupt their schooling. Furthermore, there is a National Policy on Gender in Basic Education with objectives to promote equal access and participation in the basic enrolment of girls and boys; achieve high level of retention, completion and performance rate; advocate for the support of key stakeholders; and enabling environment for planning, implementation and achievement of the goals. To support this policy, the Federal Ministry of Education further designed the National Framework on Girls and Women in Education which was aimed at increasing the quality of education accessible to girls through amongst other techniques, a rights-based approach.²²

The *Violence Against Persons (Prohibition) Act (2015)* is a legislation targeted at eliminating violence in private and public life, prohibit all forms of violence against persons and to provide maximum protection and effective remedies for victims and punishments of offenders, and for related matters. The Act inter alia prohibits and penalises rape,²³ female genital mutilation,²⁴ forceful ejection from home,²⁵ inflicting physical injury on a person,²⁶ coercion,²⁷ wilfully placing a person in fear of physical injury,²⁸ depriving a person of his liberty,²⁹ damage to property with intent to cause distress,³⁰ forced financial dependence or economic abuse.³¹ Other offences include forced isolation and separation from family and friends,³² harmful widowhood

²¹ *Isenalumhe v Amadin* (2001); Cases on Human Rights, 458.

²² Adamawa State has no laws and policies on this theme and as part of the Nigerian Federation, the policy applies in the State.

²³ S.1 of the Act.

²⁴ S.6 of the Act.

²⁵ S.9 of the Act.

²⁶ S.2 of the Act.

²⁷ S.3 of the Act.

²⁸ S.4 of the Act.

²⁹ S.10 of the Act.

³⁰ S.11 of the Act.

³¹ S.12 of the Act.

³² S.13 of the Act.

practices,³³ abandonment of spouse, children and other dependants without sustenance,³⁴ spousal battery, etc.³⁵

The Child Rights Acts (2003) which is the domesticated version of the UN Convention on the Rights of the Child provides for the rights of a child to health and health services including immunisation;³⁶ free, compulsory and universal primary education;³⁷ prohibits child marriage and child betrothal³⁸ as well as tattoos and skin marks on children.³⁹ It places the minimum legal age for marriage at 18 years.⁴⁰ It also prohibits exploitative labour,⁴¹ sexual intercourse and other forms of sexual abuse of children,⁴² etc.

The National Health Act establishes a Basic Health Care Provision Fund with a government annual grant of not less than one percent of the Consolidated Revenue Fund which is to be used *inter alia*; 50% of the fund to be used for the provision of minimum package of healthcare services to citizens, in eligible primary or secondary health care facilities through the National Health Insurance Scheme; 20 per cent for essential drugs, vaccines, and consumables for eligible primary health care facilities; 15 per cent for the provision and maintenance of facilities, equipment and transport for eligible primary health care facilities whilst 10 per cent is to be used for the development of human resources for primary health care.⁴³ It also makes provisions for grants to states and local government who will be required to provide counterpart funding of not less than 25 per cent of the total cost of the project. It strengthens the authority of the National Primary Health Care Development Agency over Local Government Health Authority and it can withhold funds due to the later, if it is not satisfied that the money earlier disbursed was applied in accordance with the provisions of the Act.⁴⁴ The primary health care bias of the Basic Health Care Provision Fund makes it a matter of interest to women and girls who to a great extent use these facilities more. At the federal level, these one per cent dedications have been met in 2018, 2019 and 2020 approved budgets of the Federal Government of Nigeria (FGN).

³³ S.15 of the Act.

³⁴ S.16 of the Act.

³⁵ S.19 of the Act.

³⁶ S.13 of the CRA.

³⁷ S.15 CRA. It also states in subsection (5) that a female child who becomes pregnant before completing her education shall be given the opportunity after delivery to continue with her education on the basis of her individual capacity.

³⁸ Sections 21-23 of the CRA.

³⁹ S.24 CRA.

⁴⁰ S.21 CRA

⁴¹ S.28 of the CRA.

⁴² Sections 31 and 32 of the CRA.

⁴³ S.11 of the National Health Act.

⁴⁴ S.11(5) and (6) of the NHA.

The National Gender Policy seeks inter alia to combat all forms of violence against women and girls. The main goal of the National Gender Policy is to; *“build a just society devoid of discrimination, harness the full potentials of all social groups regardless of sex or circumstance, promote the enjoyment of fundamental human rights and protect the health, social, economic and political wellbeing of all citizens in order to achieve equitable rapid economic growth; evolve an evidence based planning and governance system where human, social, financial and technological resources are efficiently and effectively deployed for sustainable development.”* Some of the key principles upon which the policy is premised are:

- Commitment to gender mainstreaming as a development approach and tool for achieving the economic reform agenda, evidence-based planning, value re-orientation and social transformation.
- Recognition of gender issues as central to and critical to the achievement of national development goals and objectives and a requirement for all policies to be reviewed to reflect gender implications and strategies as contained in the gender policy and implementation modalities specified in the National Gender Strategic Framework;
- Realisation that effective and results focused policy implementation demands a cooperative interaction of all stakeholders; and
- Promotion and protection of human rights, social justice and equity.

The National Gender Policy has inter alia as its core strategies: Policy, partnership and programme reforms through mainstreaming of gender concerns at all levels; Gender education and capacity building to enhance necessary technical expertise and positive gender culture; Legislative reforms to guarantee gender justice and respect for human rights; Economic reforms for enhanced productivity and sustainable development, especially that which addresses the needs of women and children, and other vulnerable groups; Information and Communication, Research and data; as well as Monitoring and Evaluation as supportive strategies for achieving the policy goal.

The National Gender Policy was followed by an implementation plan called the National Gender Policy Strategic Framework (2008-2013). The Strategic Framework was developed from the priorities within the National Gender Policy based on the challenges that could be addressed within the period 2008-2013. There are 16 key thematic areas. These key policy areas are focused around 5 critical core areas including: Culture re-orientation and sensitisation to change gender perceptions and stereotypes; Promotion of women’s human rights and in particular focusing on sexual and gender-based violence (SGBV) and in supporting new legislations and legal rights of women. Others are promoting the empowerment of women and integrating gender within key sectors as highlighted within the NGP – (Agriculture/Rural Development; Environment/Natural Resource; Gender and HIV/AIDS; Health and Reproductive Health/Rights; Education/Training; Labour/Employment); Women’s political participation and engendered governance including gender and conflict management; as well as Supporting institutional development including the use of Information and Communication Technology (ICT) and building strategic partnerships, including identifying new partnerships with men’s

organisations, Faith-Based Organisations (FBOs) and traditional institutions by the implementation plan.

The Gender Policy for the Nigeria Police Force is formulated within the framework of the Nigeria Constitution which guarantees equality and right to freedom from discrimination; and the various global, regional, and national policy commitments to gender equality and women empowerment (including CEDAW; the Beijing Platform of Action; the Millennium Development Goals and Sustainable Development Goals); The Solemn Declaration on Gender Equality in Africa (SDGEA); The African Charter and Its Protocol on the Rights of Women in Africa for Gender Equality; and the Nigerian National Gender Policy amongst others. The policy declaration presents the Nigeria Police Force (NPF) as recognizing the negative impacts of gender discrimination, sexual harassment, and other forms of gender-based violence in the society, especially the institution of the Police Force. Accordingly, the Gender Policy for the NPF sets to correct gender imbalances in the Nigerian Police Force (especially those relating to recruitment; welfare; training; transfers and placement; promotion; heading commands/other decision-making positions etc). Also, the policy is guided by the philosophy and general principles of human rights, gender equality, and women empowerment entrenched in international, regional, and national laws and instruments.

The overall goal of this policy is to eliminate all gender-based discriminatory regulations and practices within the Nigeria Police Force, and ensure that the Police Force, as a major security organ of government is able to effectively deal with gender-based violence within the larger Nigeria society. Through this policy, the Nigerian Police Force strives to achieve social, cultural, and ideological transformation in gender relations within the NPF as well as in the larger Nigerian society, through gender sensitive regulations and orders, and improved technical skills in gender mainstreaming and in the handling of gender-based violence. To achieve the overall goal of this policy, the following policy objectives were drawn:

- Institutionalize gender mainstreaming framework as a core value in the Nigeria Police Force.
- Infuse into the Police Act/Regulations the principle of CEDAW and other global, regional, and national frameworks that support gender equality and women empowerment.
- Reduce the current gender gap in the Nigeria Police Force, and make the Nigeria Police Force an equal opportunity employer; and
- Build the capacity of the Nigerian Police Force to effectively handle cases of gender-based violence/violence against women.

The Federal Ministry of Women Affairs and Social Development embarked on a Community Level Advocacy and Social Mobilization on all forms of violence against Women in September 2009 for each of the six (6) Geo-Political Zones in the country. The social mobilization and advocacy campaigns were mainly carried out through Guided Open Space Technology (GOST)

methods whereby participants were given permission to moderate and drive group discussions to encourage ownership and interaction. In addition to the use of IEC materials, media activities were also employed through the Television and Radio. Overall, the impact and feedback received from each of the zones was positive. Local Government Areas (LGA) were expected to set up Community Change Agents (CGAs) who will work to implement agreed action steps and carry out additional advocacy visits to stakeholders such as Local Government Councillors, Chairmen and Traditional Rulers to raise more awareness and support. The focus is to ensure that these efforts and post programme activities are sustained by ensuring continuous support and follow up with the Community Change Agents (CCAs).

There is a Rehabilitation of Perpetrators of Violence against Women (2011-date) programme targeted at reducing violence against women and girls. The correction system in Nigeria including the FCT is currently undergoing positive reforms especially in rehabilitation of offenders to ensure that they do not return to their previous way of life after serving their term. Currently, this process encourages that once released from correctional facility, offenders are counselled, empowered by way of capacity building, and assisted to acquire the right skills that will facilitate their reintegration into the society.

There is a Trafficking in Persons (Prohibition) Enforcement and Administration Act (2015). It seeks to provide an effective and comprehensive legal and institutional framework on trafficking and establishes the National Agency for Prohibition of Traffic in Persons and Other Related Matters (NAPTIP) for the prohibition, prevention, detection, prosecution and punishment of human trafficking in Nigeria. NAPTIP also has functions related to awareness raising, information dissemination, training and capacity building and research.⁴⁵ It has departments that focus on investigation and monitoring, legal issues, public enlightenment, counselling and rehabilitation, research and programme development, training and human resource development, etc.⁴⁶ The Act creates several offences including importation and exportation of persons,⁴⁷ procurement of a person for sexual exploitation,⁴⁸ procurement and recruitment of a person under the age of 18 years for pornography and prostitution,⁴⁹ forced labour,⁵⁰ employment of a child as a domestic worker and inflicting grievous harm,⁵¹ trafficking in slaves and slave dealing,⁵² etc.

⁴⁵ S.5 of the Act.

⁴⁶ S.11 of the Act.

⁴⁷ S.14 of the Act.

⁴⁸ S.15 of the Act.

⁴⁹ S. 16 and 17 of the Act respectively.

⁵⁰ S.22 of the Act.

⁵¹ S.23 of the Act.

⁵² S.24 and 25 of the Act respectively.

SECTION THREE

SITUATION ANALYSIS: STATISTICS AND DATA

3.1 Introduction

This section uses relevant FCT statistics and data to establish the state of the different aspects of SGBV, VAWG, HP and SRHR in the FCT. The major data and statistics used include:

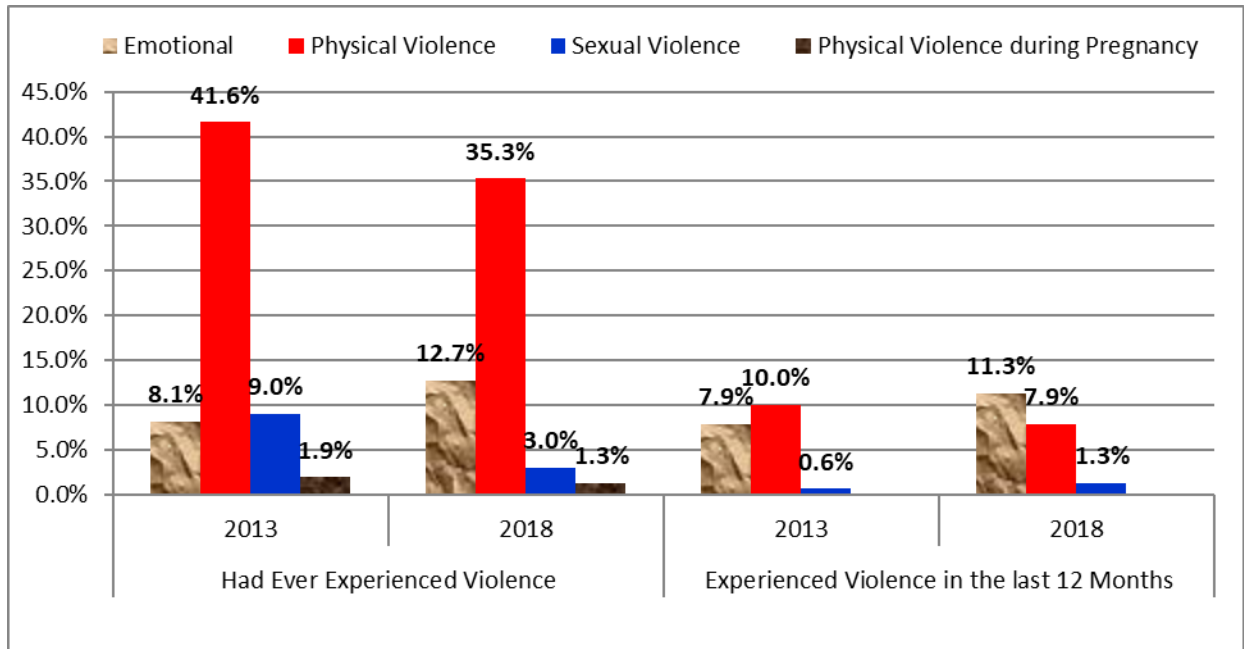
- a. The Nigerian Demographic and Health Survey (NDHS) for the years 2003, 2008, 2013 and 2018: The data set has violence against women module in the survey. The NDHS series is a national sample survey that provides up-to-date information on background characteristics of the respondents. Specifically, information is collected on fertility levels, marriage, fertility preferences, awareness and the use of family planning methods, child feeding practices, nutritional status of women and children, adult and childhood mortality, awareness and attitudes regarding HIV/AIDS, female genital mutilation, and domestic violence. The target groups were women and men aged 15-49 in randomly selected households across Nigeria. Information was also collected on the height and weight of women and children age 0-5. In addition to presenting national estimates, the report provides estimates of key indicators for both rural and urban areas in Nigeria, the six geo-political zones, the 36 states, and the FCT.
- b. Multiple Indicator Cluster Survey (MICS): MICS is an international household survey programme developed by the United Nations Children’s Fund (UNICEF). The Nigeria version is conducted as part of the global round of MICS surveys. MICS provides up-to-date information about children and women and measures key indicators that allow countries to monitor progress towards the Sustainable Development Goals (SDGs) and other internationally agreed upon commitments. Nigeria has conducted four rounds of MICS with the last two in 2011 and 2016/2017.
- c. Nigeria Education Indicators (2016): Published by the Federal Ministry Education, it measures the level of effectiveness or weakness of the process of teaching and learning. The output of this survey is crucial for policy dialogue and decision-making processes. The publication covers the 36 states of the federation and the FCT on the following: Gender Parity Index (GPI); Gender Gap (Gross); Percentage of Female Pupils; Pupil/Student-Teacher Ratio (PTR); Pupil Qualified Teacher Ratio (PQTR); Gross Enrolment Rate (GER); Completion Rate; Net Enrolment Rate (NER); Survival Rate; Transition Rate; Out-of-School etc.

There are other reports that have few indicators on SGBV, VAWG, HP, SRHR for the whole country and FCT but the above data and statistics sets were used because they have sub-national components and have been consistent in the last decade. Data and statistics from the above reports are presented hereunder.

3.2 Violence Against Women and Girls (VAWG)/Sexual and Gender-Based Violence (SGBV)

Available indicators include information and data on domestic violence which could be physical abuse, sexual abuse and emotional abuse. Figure 1 below presents the percentage of women between the age of 15-49 who have ever experienced physical violence since age 15 and in the last 12 months preceding the survey in the FCT.

Figure 1: Percentage of Women aged 15-49 who have Experienced Domestic Violence since age 15 and Percentage who Experienced any within 12 months prior to the Survey in FCT

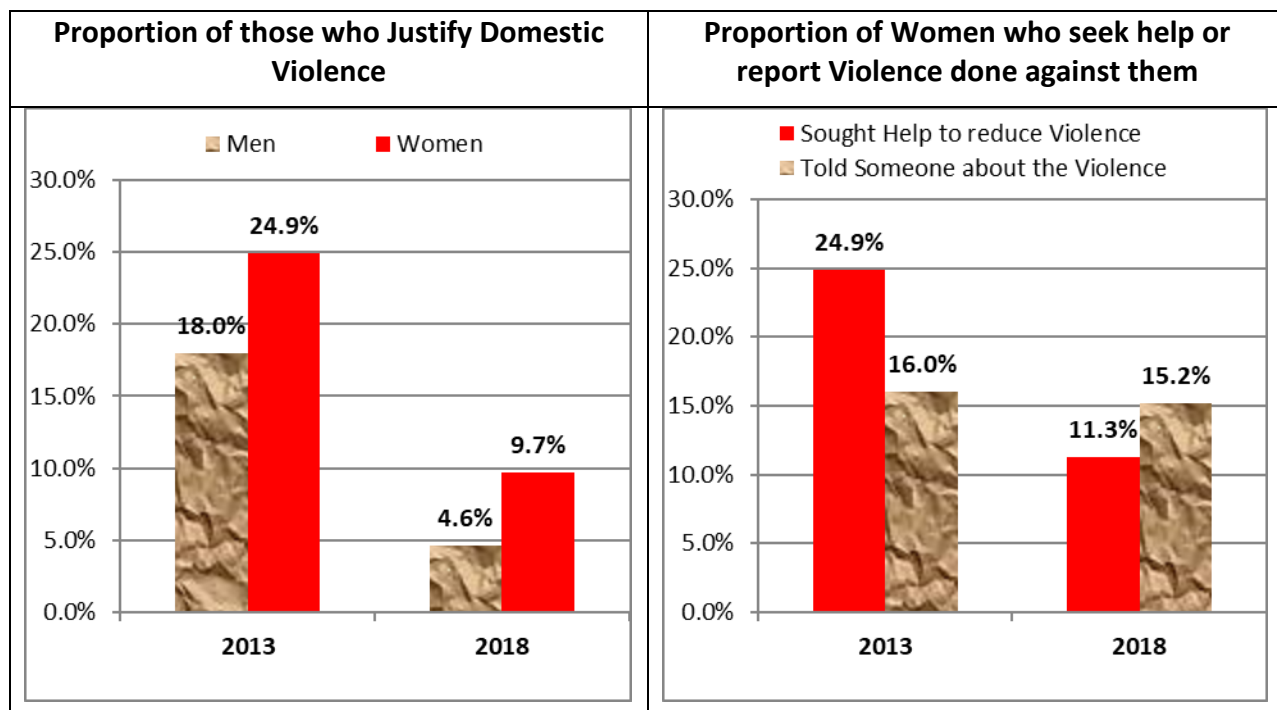


Source: NDHS (2013 & 2018)

The above Figure shows a marginal reduction in the proportion of women and girls who experienced physical violence between 2013 and 2018 - a reduction from 41.5% to 35.3%. In like manner, there has been improvement in the proportions of women who had ever experienced sexual violence and physical violence during pregnancy in FCT, since there have been reductions in the proportions from what they were in 2013 to what they were as at 2018. However, when it comes to emotional violence, more proportion of women in FCT have experienced it in 2018 than they did in 2013. In all, physical violence remains the most prevalent type of violence ever experienced by women in FCT during both recent streams of the surveys – 2013 and 2018. The Figure also suggests that while physical violence was the most prevalent type of violence experienced by women in FCT within 12 months prior to the 2013 survey, emotional violence overtook physical violence during the 2018 stream of the survey. In both streams of the survey, sexual violence was only experienced by a very small proportion of the women. The proportion (sexual violence) reduced generally in terms of women experiencing it between 2013 and 2018 while it marginally increased within the twelve months prior to the survey.

Human action is a product of mental attitudes and mindsets. Attitudes that accept and normalise violence by a husband against his wife or any man against a woman undermine gender equality and women’s empowerment. Therefore, to gain insight into the extent to which spousal violence is accepted, the 2018 NDHS collected information on women’s and men’s attitudes toward wife beating in five separate circumstances. Figure 2 below presents the findings as it pertains to FCT.

Figure 2: Attitudes of Women and Men towards Domestic Violence in FCT



Source: NDHS (2013 & 2018)

From Figure 2 above, about 24.9% of FCT women believe that a husband is justified in beating his wife in at least one of the five specified circumstances, as compared with 18% of men as at 2013. This proportion improved during the 2018 round of the survey as only about 9.7% of FCT women believe that a husband is justified in beating his wife in at least one of the five specified circumstances, as compared with only 4.6% of men. In both streams of the survey, more women who are at the receiving end of domestic violence justified the violence than the men who engage in the violence against women. This is a surprising result.

The Figure also shows that as at 2013, more proportion of FCT women who experienced any form of domestic violence sought help to reduce the violence than those that merely told someone about the violence. However, as at 2018, greater proportion of FCT women who experienced any form of domestic violence merely told someone about the violence than those that sought help to reduce the violence. In fact, the proportion of those who really sought help in 2018 reduced by more than half of what it was in 2013, while the proportion of those who told someone about the violence marginally declined in 2018 from what it was in 2013. The 2018 survey suggests that women who have experienced both physical and sexual violence are more likely to have sought help than women who have experienced only sexual violence as well

as those who have experienced only physical violence. In the circumstances, the violence against women and its justification engages the state's responsibility to educate and raise awareness; to prosecute offenders and mete appropriate punishment as well as to take preventive action.

3.3 Harmful Practice (HP)

Discussions on harmful practices here considers issues around Female Genital Mutilation (FGM), early marriages, teenage pregnancy, and maltreatment of widows. FGM, also known as female genital cutting or female circumcision has been defined by the World Health Organization (WHO) as any procedure that involves partial or total removal of the external genitalia and or injury to the female genital organs whether for cultural or any other non-therapeutic reasons (WHO, UNICEF, and UNFPA 1997). FGM is widely recognized as a violation of human rights.⁵³ Such practices are deeply rooted in beliefs and perceptions over decades and generations. In May 2015, the Federal Government of Nigeria passed the VAPP Act, a law banning FGM and other harmful traditional practices. However, this legislation applies only to the FCT as it requires domestication in all the other states of the federation. By any canon of interpretation, FGM would qualify as a prohibited activity under the constitutional prohibition of torture, inhuman and degrading treatment.⁵⁴

WHO classifies FGM into four main categories:-⁵⁵

- Type I: Excision of the prepuce with or without excision of part or part of the clitoris.
- Type II: Excision of the clitoris with partial or total excision of the labia minora.
- Type III: Excision of part or every other external genitalia and stitching or narrowing of the vaginal opening (infibulation).
- Type IV: Other forms, including pricking, piercing, or incising of the clitoris and or labia; stretching of the clitoris and or labia; cauterization by burning of the clitoris and surrounding tissue; scraping of tissue surrounding the opening of the vagina (angurya cuts) or cutting of the vagina (gishiri cuts); and introduction of corrosive substances or herbs into the vagina to cause bleeding or to tighten or narrow the vagina.

The Figure below presents the details of percentage of women age 15-49 who have been cut, and percentage distribution of women by type of circumcision at the national level and for the FCT. Figure 3 below presents the situation of FGM as obtainable in FCT based on the evidence provided in 2013 and 2018 streams of NDHS.

⁵³ <https://www.who.int/news-room/fact-sheets/detail/female-genital-mutilation>

⁵⁴ See S.34 of the 1999 Constitution.

⁵⁵ Supra.

Figure 3: Prevalence of Female Genital Mutilation and Perceptions towards its Eradication in FCT



Source: NDHS (2013 & 2018)

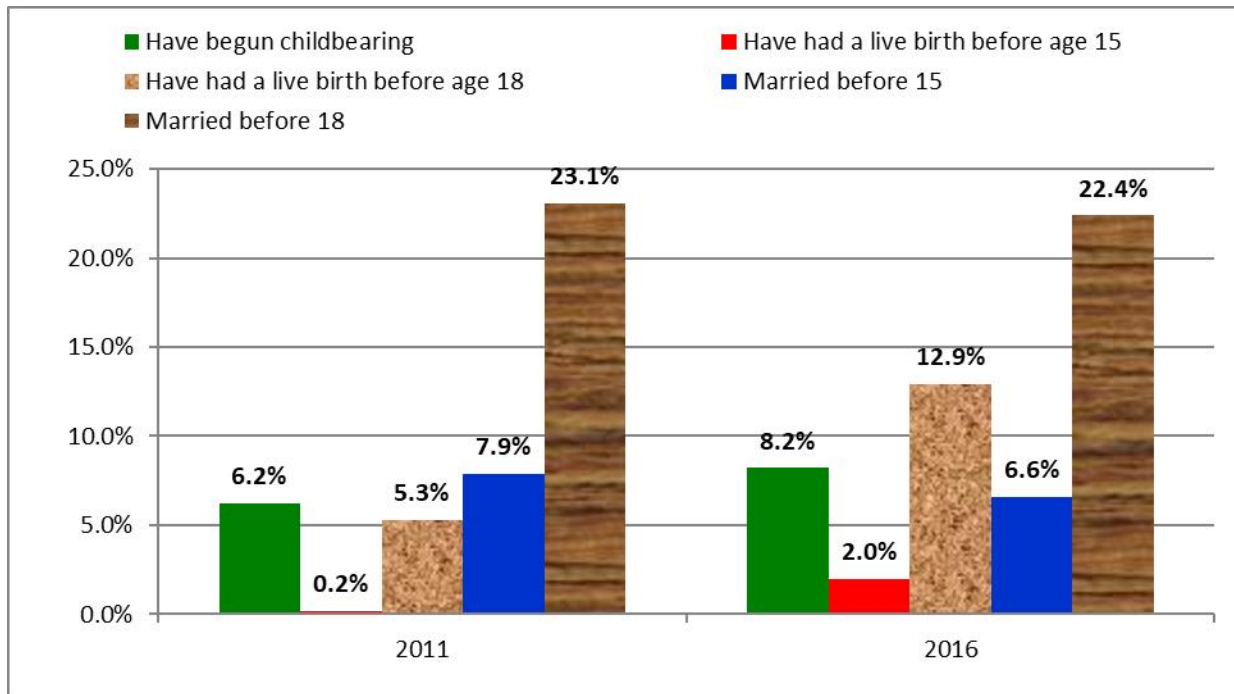
Figure 3 above from NDHS (2013 & 2018) show that irrespective of VAPP Act, FGM still persists in Nigeria as a whole and the FCT. The percentage of women circumcised in FCT as at 2013 stood at about 6.1%, but reduced to 5.1% in 2018. Rather than record similar reduction in the proportion of girls who were circumcised, the Figure also shows that the proportion of FCT girls who had one form of FGM or the other increased from 0.7 % in 2013 to 2.6% in 2018. This is a retrogressive movement on the issue in FCT within the study period. A similar retrogression occurred when the women were asked their views about the continuation of FGM as a tradition in Nigeria. About 3.6% of FCT women think that FGM should continue as at 2013, whereas in 2018, the proportion increased to 6.2% of FCT women.

Teenage pregnancy is another issue under harmful practices that degrade women and girls by going into early and unprepared motherhood. Teenage pregnancy is a major health concern because of its association with higher morbidity and mortality for both the mother and the child. Childbearing during adolescence is known to have adverse social consequences, particularly regarding educational attainment, as women who become mothers in their teens are more likely to drop out of school. Similar consequences are associated with early marriages. The Nigerian Constitution regards 18 years as the beginning of adulthood. Therefore, any marriage that is contracted before a girl turns 18 is considered early marriage. Figure 4 present the status of early marriage, teenage pregnancy, and motherhood in the FCT.

Figure 4 below presents the percentage of FCT girls and women who have had a live birth before ages 15 and 18 as well as those who were married early. The Figure also presents the percentage who have begun childbearing in FCT. About 6.2% of women and girls aged 15-19 in the FCT have given birth to their first child or were pregnant as at the time of the survey in 2011. The proportion increased from 6.2% in 2011 to 8.2% in 2016 when the survey was carried

out again. Similarly, the proportion of FCT teenage girls who have had a live birth before they turned 15 stood at 0.2% in 2011, while the proportion of those who have had a live birth before they turned 18 stood at 5.3% in the same 2011. However, the proportion of FCT teenage girls who have had a live birth before they turned 15 increased from 0.2% in 2011 to 2.0% in 2016, while the proportion of those who have had a live birth before they turned 18 increased from 5.3% in 2011 to 12.9% in 2016.

Figure 4: Early Marriage and Teenage Motherhood in FCT



Source: MICS (2011 & 2016)

There seem to be little improvements in the proportions of girls and women who get married before they turned 15 years and 18 years respectively. As at 2011, the proportion of FCT girls who were married before the age of 15 stood at 7.9%, while those that married before the age of 18 stood at 23.1%. However, the proportions marginally declined from 7.9% in 2011 to 6.6% in 2016 and from 23.1% in 2011 to 22.4% in 2016 for those married before age 15 and those married before age 18 respectively.

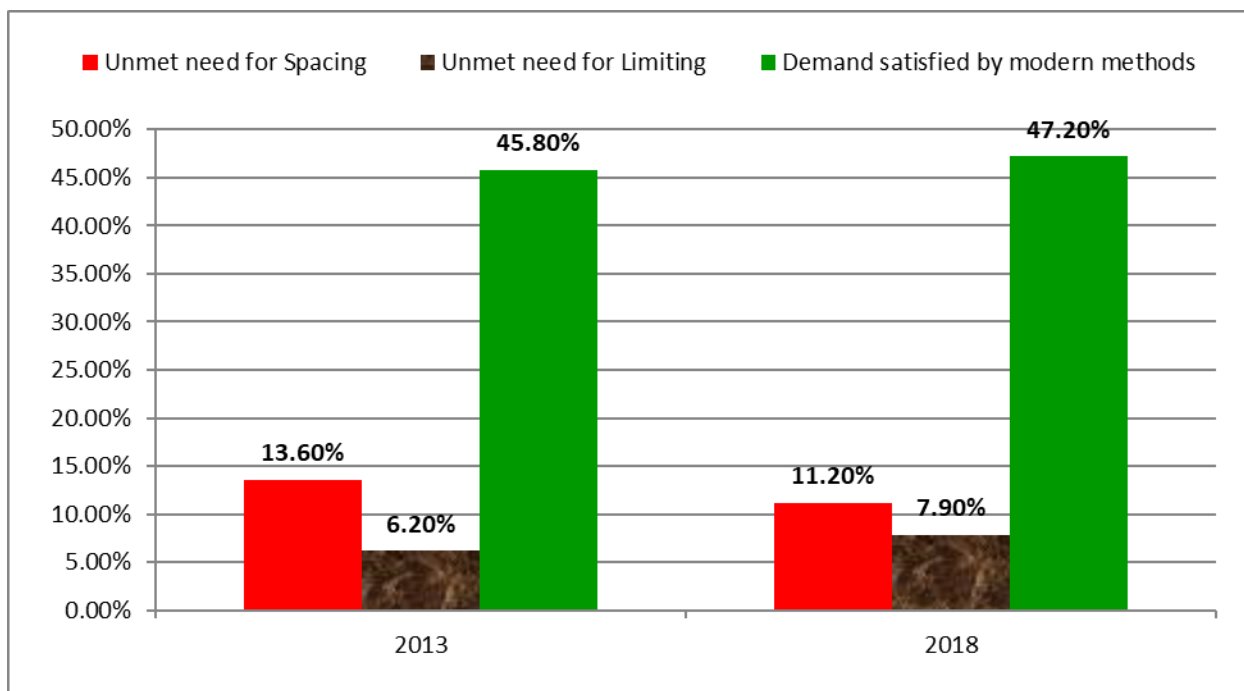
Teenage childbearing decreases with increasing education. The percentage of teenagers who have begun childbearing rises from 1% among those with more than a secondary education to 23% among those with a primary education and 44% among those with no education. From all the evidence above, the issues of FGM, teenage pregnancy and early marriage still persist in FCT. This engages the responsibility of the state to sensitise and raise awareness on the issues. There is also a duty to prevent, investigate, prosecute and punish offenders.

3.4 Participation in Decision Making, Sexual and Reproductive Health and Rights (SRHR)

Participation in household decision making is an essential aspect of women’s empowerment and reflects women’s level of agency within their own household and environment. In the 2018 NDHS, currently married women were asked about their participation in decisions about their own health and sexual lives. NDHS (2018) report shows that women participation in major decisions increases with age, from 13% among women aged 15-19 to 43% among women aged 45-49. Employed women, whether they earn cash or not, are more likely to participate in all decisions (42%) than women who are not employed (11%). Urban women (47%) are twice as likely to participate in all decisions as rural women (24%). Women’s participation in decision making increases with increasing education and wealth. 14% of women with no education participate in all decisions, as compared with 59% of women with more than a secondary education. Similarly, 13% of women in the lowest wealth quintile participate in all decisions, compared with 58% of women in the highest wealth quintile.

Women’s SRHR includes the right to control fertility, to decide whether to have children and the timing and spacing of the children as well as the right to have access to the information, services and goods that will facilitate the overall enjoyment of SRHR. Figure 5 below presents the percentage of currently married women aged 15-49 with unmet need for family planning, percentage with met need for family planning, total demand for family planning, and percentage of the demand for family planning that is satisfied.

Figure 5: Percentage of Currently Married Women age 15-49 with Unmet Need for Family Planning in FCT



Source: NDHS (2013 & 2018)

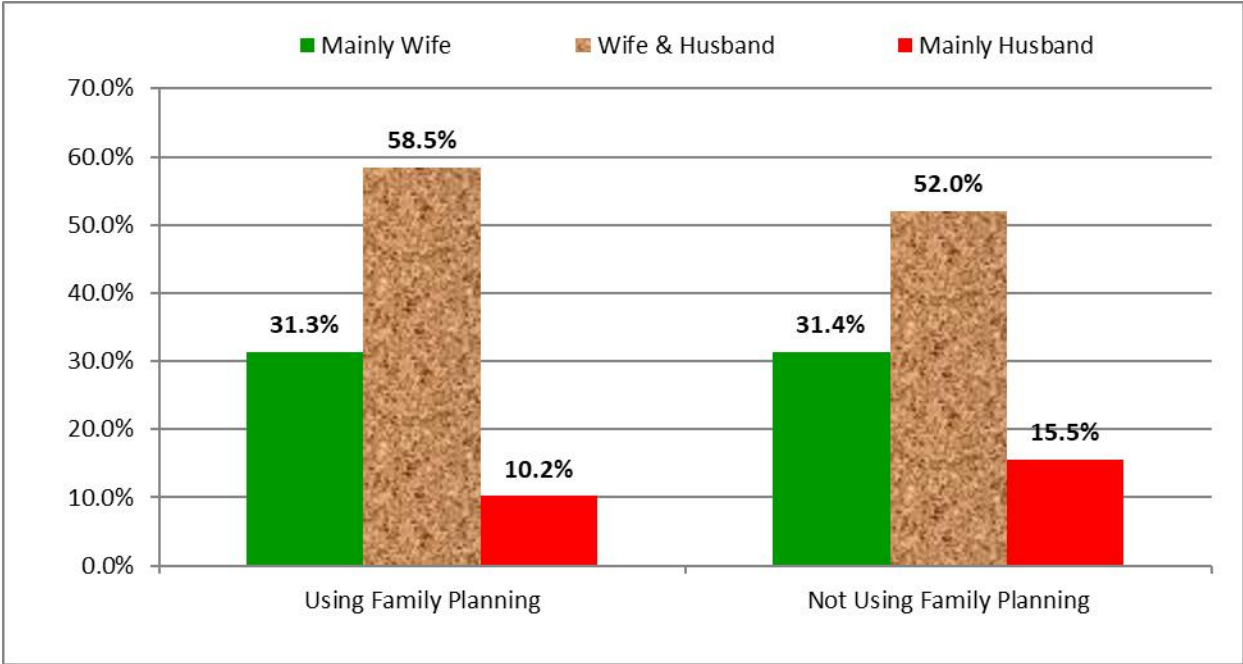
Figure 5 above shows that 45.8% of currently married women in FCT believed that their demands for family planning were satisfied with modern methods in 2013 as against 47.2% of

FCT women in 2018. Also, about 6.2% had unmet need for limiting in 2013 as against 7.9% of FCT women in 2018. Similarly, about 13.6% of FCT women had unmet need for spacing in 2013 as against 11.2% of the FCT women in in 2018.

The NDHS (2018) report suggests that modern contraceptive use is higher among sexually active unmarried women (28%) than among currently married women (12%) at the national level. The contraceptive prevalence rate for any method is 17% among currently married women. Also, two of every five times (41%) that women began using a contraceptive method in the 5 years preceding the survey, they discontinued the method within 12 months. The most common reason for discontinuation was the desire to become pregnant (35%).

Whether or not a contraceptive method is discontinued after being adopted is not the major issue here, but the decision to either start, continue or discontinue the use is the main issue of discussion at this point. The decision on the type of family planning, when to start and when to end a method all pertain to the decision on the number of children to bear. It is therefore the right of every woman to be part of the discussion that will determine the number of children she would bear, since she is the one to carry the pregnancy. However, NDHS (2018) report shows who takes the decision on whether to take any contraceptive method in the FCT and this is presented in Figure 6 below.

Figure 6: Decision-making about Family Planning in FCT as at 2018



Source: NDHS (2018)

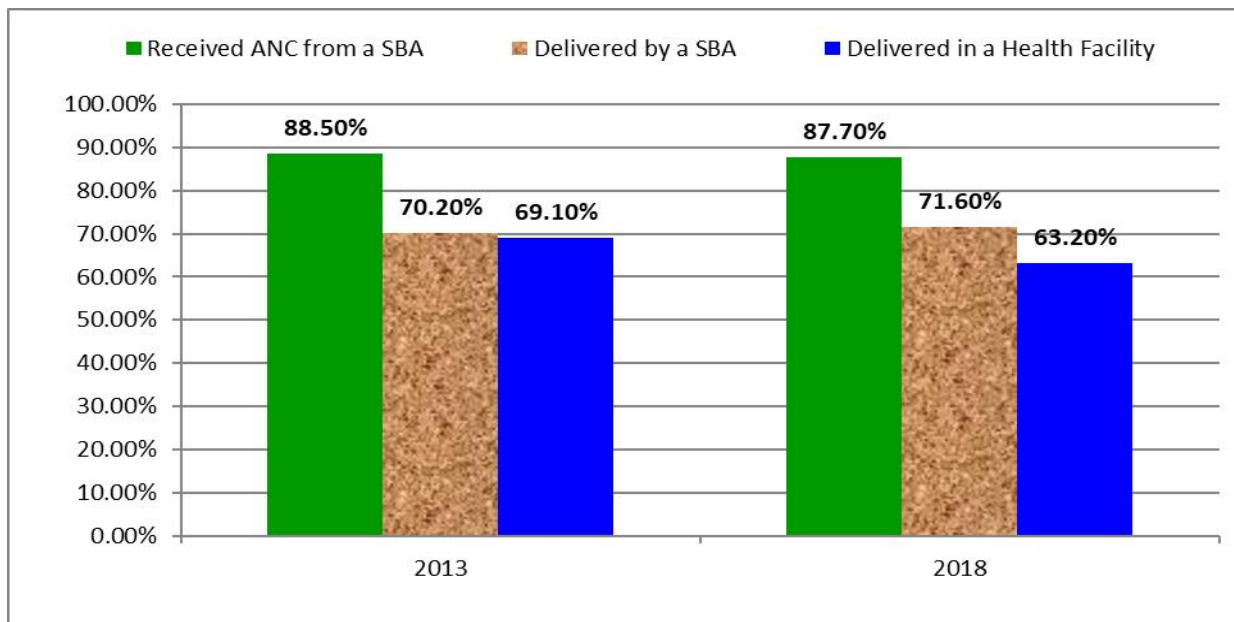
The Figure above shows that when it comes to who makes the decision on the use of family planning (including type and timing), about 31.3% of such decisions in the FCT are taken by the women only while 10.2% of such decisions are taken by the husbands only. Better still, about 58.5% of such decisions in the FCT are jointly made by woman and her husband.

On the other hand, there are married women who are not using any form of family planning methods at all. Among this category, about 31.4% of the decisions not to use any form of family planning methods in the FCT are taken by the women alone, while about 15.5% of the decisions not to use any form of family planning methods in the FCT are taken by the husbands alone. Finally, about 52% percent of the decisions of married women not to use any form of family planning methods in the FCT are jointly taken by the women and their husbands.

Although not reported at state level, the NDHS (2018) in assessing attitudes toward a wife’s right to negotiate safer sexual relations with her husband, women and men were asked whether they thought that a wife is justified in refusing to have sexual intercourse with her husband if she knows he has sex with other women and asking him to use a condom if she knows he has a Sexually Transmitted Infection (STI). Most of the Nigerian women and men agree that a wife is justified in negotiating sexual relations with her husband. Approximately two-thirds of women (69%) and men (65%) agree that a wife is justified in refusing sex if her husband has other partners; 77% of women and 74% of men agree that she is justified in asking her husband to use a condom if he has an STI.

Antenatal care during pregnancy is a right of every woman. Access to quality ANC services during pregnancy can help prevent maternal deaths. ANC visits allow providers to identify and manage infections as well as obstetric complications and to provide preventive medications and supplements to women. During ANC visits, women receive education about health behaviours during pregnancy, counselling on pregnancy danger signs, and information on family planning. Figure 7 below presents the percentage of FCT women accessing antenatal care and being assisted during delivery by skilled birth attendants.

Figure 7: Antenatal Care Provision and Assistance during Delivery by Skilled Service Providers



Source: NDHS (2013 & 2018)

As can be seen from Figure 7 above, the proportion of FCT women receiving ANC from a skilled provider slightly decreased from 88.5% in 2013 to 87.7% in 2018. It is true that the proportion of FCT women receiving antenatal care from skilled provider, which stands at 87.7% in 2018 is better than the 67% at the national level in the same year, yet the fact that it represents a decline from the proportion in 2013 does not speak well of the efforts towards improving maternal healthcare in the FCT.

Figure 7 above also shows that the percentage of FCT women who delivered their babies in health facilities also decreased from 69.1% in 2013 to 63.2% in 2018. On the other hand, the percentage of FCT women who were assisted during delivery by skilled birth attendants slightly increased from 70.2% in 2013 to 71.6% in 2018. Considering that even in the face of decline in the proportion of deliveries at healthcare facilities, the proportion of women who were assisted by skilled attendants still increased, one may want to know how it could be possible. The situation only validates the recent efforts towards training traditional birth attendants to become skilled birth attendants and even ensuring they practice in the best of ethics during assistance for deliveries. The implication is that the recent efforts are beginning to yield tangible fruits in the FCT.

The above Figures and analyses show the need for more efforts and resources to improve SRHR in the FCT. More resources are needed in the areas of family planning and improving maternal health and safe delivery.

3.5 Equipping Women and Girls against SGBV, VAWG and HP

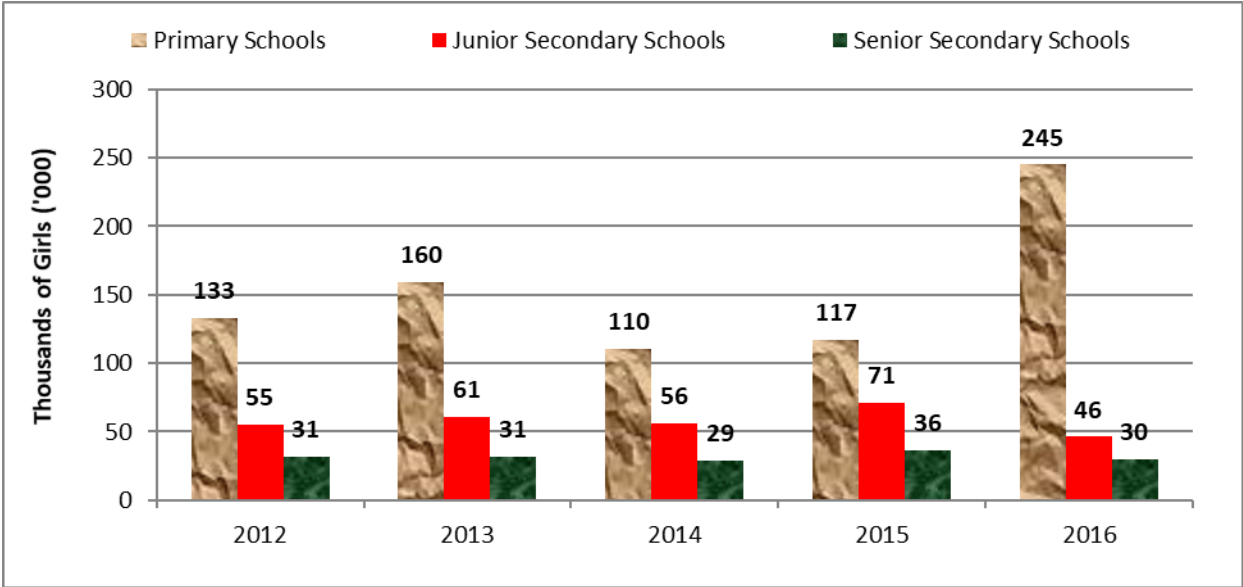
Indicators of women and girls' empowerment from the NDHS (2018) show the following national averages:

- 74% of currently married women age 15-49 were employed in the 12 months before the survey, as compared with 99% of currently married men.
- 15% of employed women and 8% of employed men do not receive payment for their work.
- 72% of currently married women with cash earnings report that they make decisions about how their earnings are used, a slight increase from the percentage in 2013 (70%).
- 34% of currently married women participate in three specified household decisions (regarding their own health care, household purchases, and visits to their family or relatives), while 37% are not involved in any of these decisions.
- 28% of women and 21% of men agree that a husband is justified in beating his wife under one or more specified circumstances. Approval of wife beating has declined substantially over time.
- 22% of women have a bank account that they use, and 55% own a mobile phone. Among women with a mobile phone, 28% use their phone for financial transactions.
- Contraceptive use and antenatal care, delivery assistance, postnatal care, and child survival indicators are all positively associated with women's empowerment.

It is equally interesting to learn from the NDHS (2018), that acceptance of wife beating decreases with increasing education and wealth. 43% of women with no education agree that wife beating is justified in at least one of the five specified circumstances, as compared with 9% of women with more than a secondary education. Similarly, 46% of women in the lowest wealth quintile agree that wife beating is justified in at least one of the specified circumstances, compared with 10% of women in the highest wealth quintile.

It is therefore clear that education is the best form of equipping that girls and women can receive in order not to be discriminated against. On one hand, education equips the girls and women with requisite capacities to be economically active at a later part of their lives. On the other hand, education equips the girls and women with the requisite knowledge of their rights and how to protect those rights. As a result, this study considers the extent to which women and girls in FCT are educated as a measure of the extent to which they are equipped against SFBV, VAWG and HP. Figures 8 and 9 below present education statistics of the FCT in recent years.

Figure 8: Female School Enrolment in the FCT (2012-2016)



Source: Nigeria Education Indicators (2016)

Figure 8 above shows that as at 2013, primary schools in the FCT enrolled a total of 159,540 girls, which is an increase of 20% from the total of 132,950 girls enrolled in primary schools within the FCT as at 2012. However, girls’ enrolment into primary schools in the FCT declined by 31% from the 2013 figures to stand at 110,467 girls in 2014, before marginally increasing by 6% to 116,771 girls in 2015. Incidentally, girl child enrolment into primary schools in the FCT sporadically increased by 110% from the 2015 figure to stand at 245,084 girls as at 2016.

Figure 8 above also shows that as at 2013, junior secondary schools in the FCT enrolled a total of 60,678 girls, which is an increase of 10% from the total of 55,362 girls enrolled in junior secondary schools within the FCT as at 2012. Just like the case of primary school enrolment,

girls' enrolment into junior secondary schools in the FCT also declined by 8% from the 2013 figures to stand at 55,855 girls in 2014, before increasing by 27% to 71,190 girls in 2015. Rather than sustain the tempo of increase in the number of girl child enrolment into junior secondary schools in the FCT, there was a decline of 35% from the 71,190 girls of 2015 to only 46,122 girls in 2016 – a number that is even less than the figure of 2012.

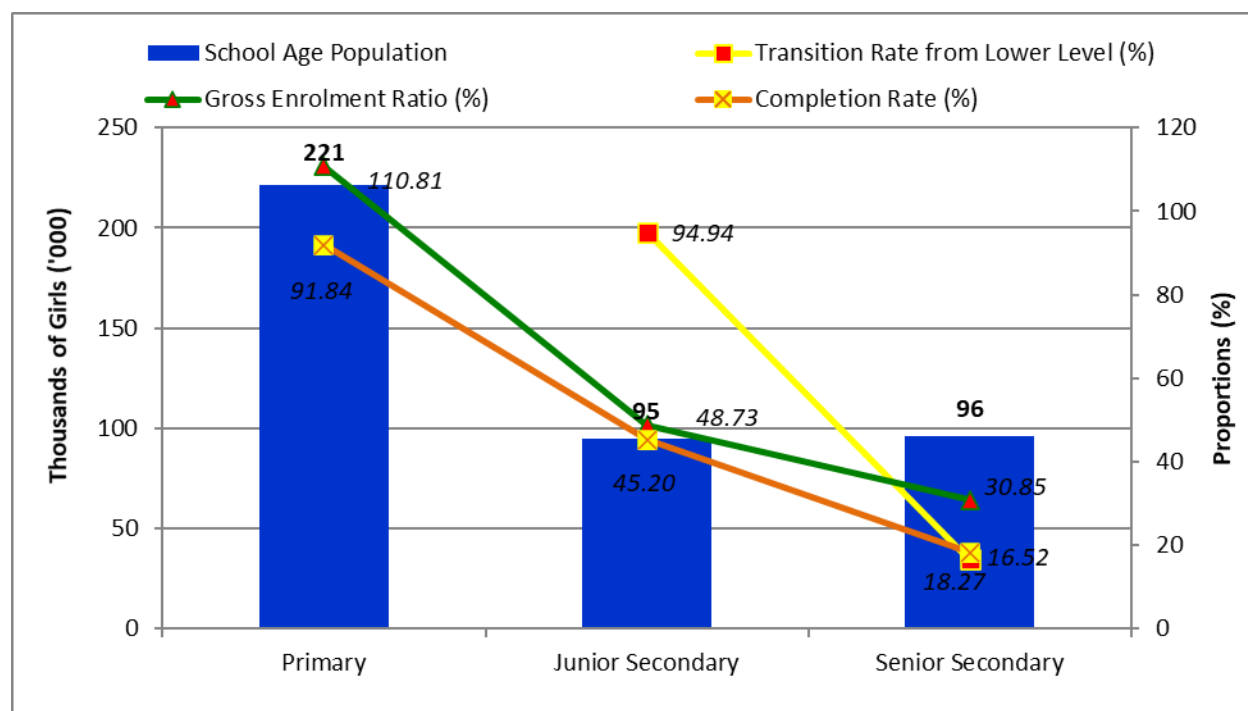
Figure 8 above also shows that girl child enrolment into senior secondary schools maintained almost the same trend as girl child enrolment into junior secondary schools within the FCT as discussed above. The only exception was observed in 2013 academic session. Senior secondary schools in the FCT enrolled exactly the same number of girls in both 2012 and 2013 academic sessions – a total of 31,369 girls in each year. Girls' enrolment into senior secondary schools in the FCT declined by 7% from the 2012 and 2013 figures to stand at 29,118 girls in 2014, before increasing by 24% to 36,105 girls in 2015. Rather than sustain the tempo of increase in the number of girl child enrolment into senior secondary schools within the FCT, there was another decline of 18% from the 36,105 girls of 2015 to only 29,672 girls in 2016 – a number that is even less than the figure of 2012.

Given the observed irregular trends of movement of enrolment figures of girls in schools within the FCT, this study considers it necessary to discuss the enrolment figures in terms of rates and ratios. Figure 9 below is a presentation of FCT girl child school enrolment figures in rates and ratios.

Figure 9 below shows that the girl child primary school enrolment data presented in Figure 8 above which stands at 245,084 girls as at 2016 in the FCT represents about 111% of total number of girls in the FCT who were within primary school age.⁵⁶ This is an indication that the number of girls who were reported to have been enrolled in primary schools within the FCT exceeded the number of girls within the primary school age who were living in the FCT as at 2016. This could also mean that some of the girls enrolled in primary schools within the FCT could have come from outside the FCT and were therefore not considered part of the FCT girl child population. Incidentally, only about 92 percent of those enrolled were able to complete their primary school education. This means that out of the 245,084 girls enrolled in primary schools within the FCT, about 225,085 of them completed their education. Since we assume that there were girls who were not resident within the FCT but still enrolled in primary schools within the FCT, we can as well assume that most of those who were not resident in the FCT must have completed their primary education. By this assumption, the 20,000 girls who enrolled, but could not complete their primary education may as well be from among the FCT girls.

⁵⁶ See data as presented in the Figures 8 and 9; also see page 23 of "Nigeria Education Indicators (2016)".

Figure 9: Female School Populations and Rates of Educational Attainments in FCT as at 2016



Source: Nigeria Education Indicators (2016)

Figure 9 above equally shows that the girl child junior secondary school enrolment data presented in Figure 8 above which stood at 46,122 girls in the FCT as at 2016 represent only about 49% of the total of 94,640 girls in the FCT who were within junior secondary school age in that particular year. That means about 51% of FCT girls who were within junior secondary school age had dropped from schooling. Incidentally, available records as presented in Figure 9 above reveal that those who moved up to junior secondary schools in the FCT represent about 95% of those who completed their primary education in the FCT. However, as bad as 49% enrolment rate of FCT girls into junior secondary schools may be, a worse record is that of poor completion rate, which stands at 45% of girls enrolled into junior secondary schools in the FCT as at 2016. Multiplying this poor junior secondary school completion rate of girls in the FCT by the gross enrolment rate, we observe that only 22% of FCT girls within the age of junior secondary schools completed junior secondary schools. Nigeria’s education policy recognizes completion of junior secondary education as the real completion of basic education. It therefore implies that only about 22% of FCT girls within junior secondary school ages were able to complete basic education as at 2016.

In a related manner, Figure 9 above also shows that the girl child senior secondary school enrolment data presented in Figure 8 above which stood at 29,672 girls in the FCT as at 2016 represents only about 31% of the total of 96,185 girls in the FCT who were within senior secondary school age in that particular year. That means that about 69% of FCT girls who were within senior secondary school age did not enroll into any senior secondary school at all.

Incidentally, available data as presented in Figure 9 above also reveals that those who moved up to senior secondary schools in the FCT represent only about 17% of those who completed their junior secondary education in the FCT. But that is not the crux of the matter. The main issue is the percentage of FCT girls who eventually completed senior secondary education, which as presented in Figure 9 above represents only 18% of the girls who enrolled into senior secondary schools in the FCT as at 2016. Multiplying the senior secondary school completion rate of girls in the FCT by the gross enrolment rate, we observe that only about 6% of FCT girls within the ages of senior secondary schools completed senior secondary education as at 2016.

Given the poor records of girl child education in the FCT, it is no longer surprising that teenage pregnancy and teenage motherhood will be the order of the day in a society that sees nothing wrong in depriving girls of their right to basic education. Basic education is considered the minimum standard for being regarded as educated in Nigeria. Nevertheless, it is not enough to be thoroughly equipped against SGBV, VAWG and HP. But even at that, most of the girls (up to 78% of FCT girls) could not complete basic education. It is even worse when senior secondary education is being used as a yardstick for measuring minimum equipping of girls against SGBV and VAWG. At that point, more than 90% of the girls who will soon become women would have been ill-prepared against such violence and discrimination.

SECTION FOUR

FCT BUDGET FUNDING 2016-2019

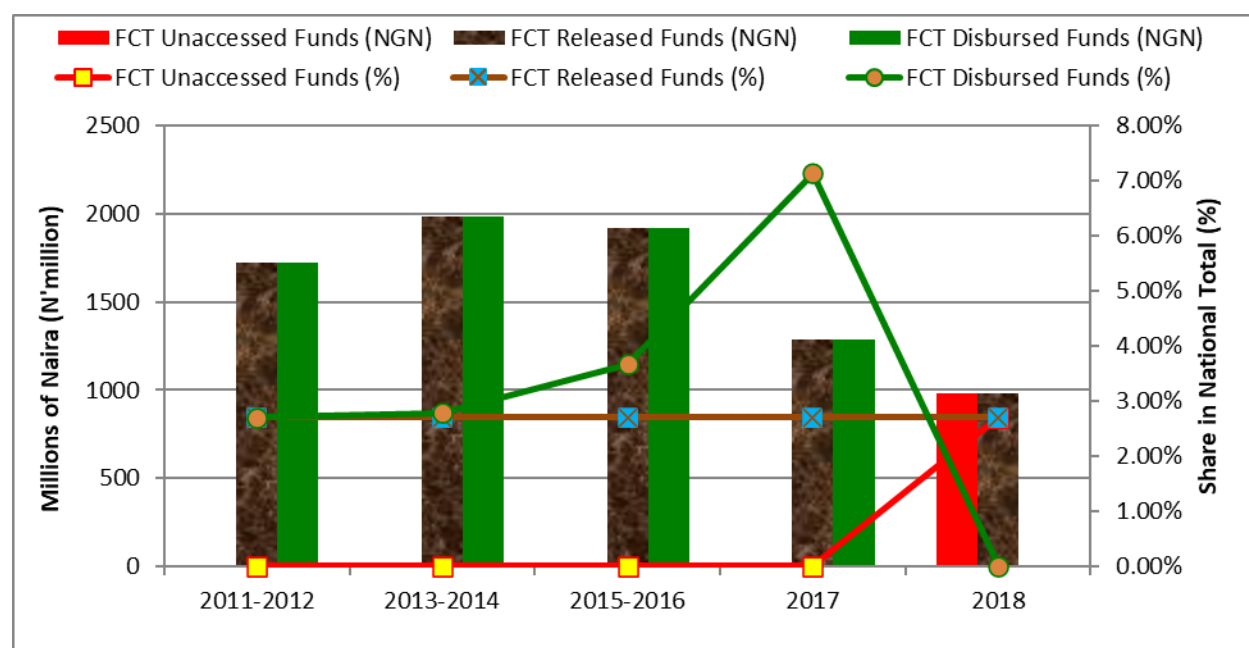
4.1 Funding for SGBV, VAWG, etc.

This section reviews the provisions in the FCT budget and finances for the period 2016 -2018. The review is based on the state obligation, to take steps, to the maximum of available resources for the realisation of freedom from violence. FCT Budget for Financial Year 2019 is not publicly available, hence the concentration on the three years of 2016 – 2018. The review concentrates on budget line items that are geared towards eliminating SGBV, VAWG and HP while improving the SRHR of women and girls. The sectors covered are education, health, social services, women affairs, etc. Also, issues flagged in the law and policy section provided the guide for the budget review. Before delving into the matter of FCT budgets, this study first looks into Federal Government’s provisions for universal basic education in the FCT. These are statutory provisions that are released directly from the Consolidated Revenue Fund of the Federal Government of Nigeria to the federating units for the actualisation of universal basic education in Nigeria.

4.2 Universal Basic Education Funds in the FCT

The Federal Government has been making significant contributions towards the actualisation of universal basic education across the country. These contributions are managed by the Universal Basic Education Commission (UBEC) and are usually tied to certain terms and conditions. Figure 10 below presents the extent to which the FCT has accessed UBEC funds meant for it in recent years.

Figure 10: Released, Disbursed and un-accessed UBEC Funds in the FCT (2011 – 2018)



Source: Universal Basic Education Commission website (2020)

As can be seen from Figure 10 above, the FCT accessed all the released funds by the Federal Government of Nigeria through the Universal Basic Education Commission for the periods of 2011-2014. In each of the years, released funds are equal to disbursed funds, thus leading to zero un-accessed amounts. Except for the very insignificant un-accessed amount (N0.26bn)⁵⁷ in 2015-2016, UBEC releases to the FCT were also fully accessed within the period of 2015 – 2017. In fact, FCT got only about 2.7% of the total releases by UBEC in 2017, but being able to access all the releases, disbursed funds to the FCT represents about 7.14% of the total UBEC disbursed funds for that particular year. However, in 2018, the FCT was unable to access any of the funds provided for it to cater for universal basic education through the UBEC Funds. As a result, un-accessed amount in the FCT as at 2018 was exactly the same as the total releases. In all, out of the total sum of ₦7.896 billion provided for universal basic education in the FCT by UBEC within the period of 2011-2018, FCT could only access the sum of ₦6.914 billion, leaving out ₦985.555 million as un-accessed funds.

4.3 FCT Budgetary Provisions for the Elimination of SGBV, VAWG & HP and for the Promotion of SRHR

Budgeting is crucial towards assessing the appropriate role of government which also requires the recognition of the need for and the limitations of government action. Economic theory provides valuable guidance on the appropriate role of the state. Market failure and distributional equity are the two frequent reasons for government intervention. Eliminating SGBV, VAWG and HP while improving the SRHR of women and girls falls within the distributional equity role. The justification of government provision of pure "public" goods is clear. The non-rival and non-excludable (and the consequent inability to charge for) characteristics of these goods imply that the private sector will lack the incentive to supply them. Issues around eliminating SGBV, VAWG and HP while improving the SRHR of women and girls have this feature. As noted earlier, a few sectors cater for issues relating to the elimination of SGBV, VAWG and HP, while promoting SRHR. These sectors include health, education, social services, poverty reduction, justice sector, women affairs, etc. It is therefore the budgets of these few sectors that will form the basis of the subsequent analysis.

The FCT total budget allocation in 2016 stood at ₦241.455 billion, out of which the sum of ₦87.37 billion, which is equivalent of 36.2% of the total budget, was allocated to recurrent expenditure while the remaining ₦154.084 billion or 63.8% of the total budget was for capital expenditure component of the budget. This appropriation was approved by the National Assembly for the spending departments of the FCT.

The FCT total budget allocation in 2017 stood at ₦222.360 billion, out of which the sum of ₦93.869 billion, which is equivalent of 42.21% of the total budget was allocated to recurrent expenditure, while the remaining ₦128.491 billion or 57.79% of the total budget was for capital expenditure component of the budget. This appropriation was also approved by the National Assembly for the spending departments of the FCT.

⁵⁷ See Un-accessed Matching Grant from (2005-2019) as at 22nd July 2019; <https://www.ubec.gov.ng/grant/unaccessed/>

The FCT total budget allocation in FY 2018 stood at ₦271.532 billion, out of which the sum of ₦113.711 billion which is equivalent of 41.87% of the total budget was allocated to recurrent expenditure, while the remaining ₦157.821 billion or 58.12% of the total budget was for capital expenditure component of the budget. This appropriation was also approved by the National Assembly for the spending departments of the FCT.

Although detailed breakdown on the 2019 FCT Statutory Appropriation is not publicly available, the FCT Statutory Appropriation for 2019 fiscal year can be summarised thus. The 2019 FCT Statutory Appropriation is for a total of N243.374 billion out of which N130.7 billion or 53.7% is for capital expenditure while N112.642 billion or 46.29% is for recurrent expenditure. This amount is from the Statutory Revenue Allocation due to the Federal Capital Territory and it is in addition to the budgetary provision of N23.023 billion for Capital expenditures within the FCT made in the 2019 Budget of the Federal Government of Nigeria that was assented to by Mr. President on May 27, 2019.

The line items that make up the capital expenditure budgets of the FCT, just like the line items that make up the capital expenditures budget of any state can be grouped into various sectors. There are line items that though proposed by a ministry, department or agency of the government may be able to directly affect other sectors of the society. That is why this study does not focus strictly on the budget of Women Affairs Department of the FCT. Analyses of the above budgetary allocations of the FCT for the fiscal years of 2016-2018 show that few line items in the budgets amounting to ₦856.82 million or approximately 0.35% of total approved budget in 2016 or 0.56% of approved capital expenditures budget in 2016 can be classified as targeting the elimination of SGBV, VAWG and HP while improving the SRHR of women and girls. Similarly, only few line items in the budget amounting to N597.364 million or approximately 0.27% of total approved budget in 2017 or 0.46% of approved capital budget in 2017 can be classified as targeting the elimination of SGBV, VAWG and HP while improving the SRHR of women and girls. Again, in 2018, only a few line items in the budget amounting to N978.734 million or approximately 0.36% of total approved budget or 0.62% of approved capital budget can be classified as targeting the eliminating of SGBV, VAWG and HP while improving the SRHR of women and girls. Table 1 below presents the facts for the various years as well the details of the budgetary provisions of line items that are targeted at eliminating SGBV, VAWG, and HP and at the same time promoting SRHR in the FCT.

According to the details presented in Table 1 below, some of the line items are specifically targeted at eliminating violence against women and girls or at least correcting or alleviating the pains incurred by women who are victims of SGBV. Some other line items are purely votes targeted at improving SRHR of women in the FCT over the period, while some others are targeted at improving and promoting child rights in the FCT. As expected, some of the line items are focused on women empowerment programmes, whereas there is no single line item targeted at eliminating or combating harmful practices in the FCT.

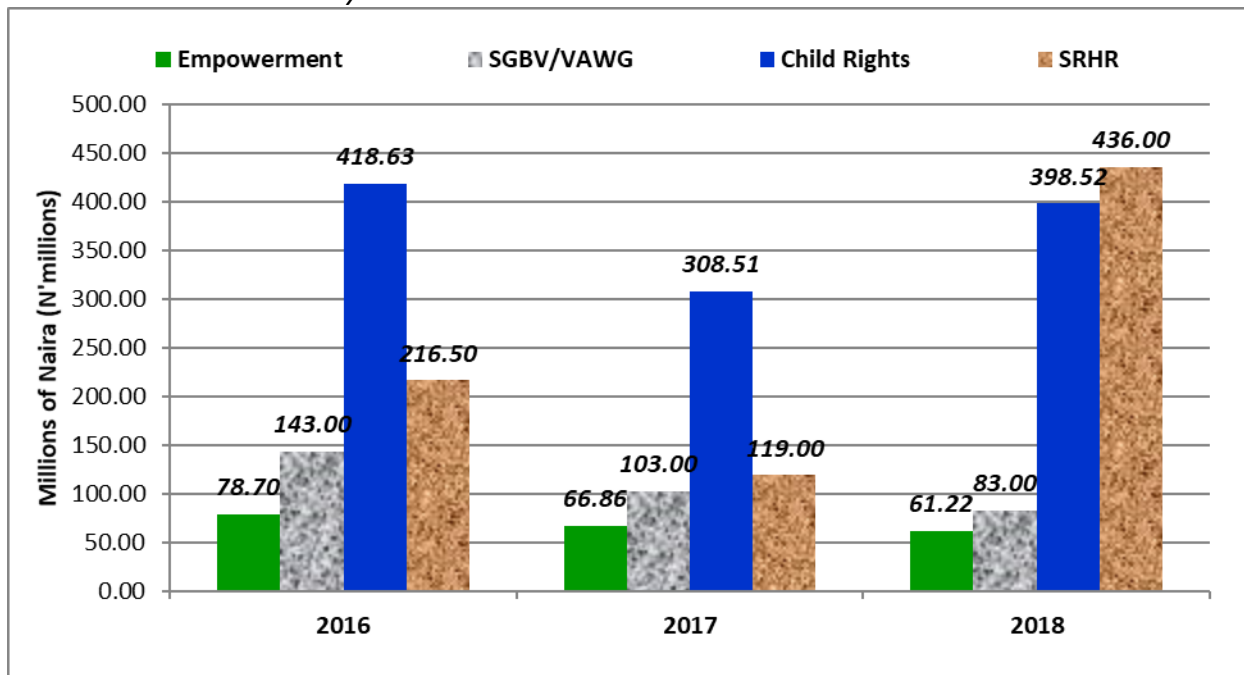
Table 1: FCT Budget Line Items towards eliminating SGBV, VAWG and HP and improving the SRHR of Women and Girls (2016 – 2018)

Project Title	Budget Values (N'million)			Specific Target
	2016	2017	2018	
Education				
Counterpart funding for empowerment of girls and women through the use of ICT in literacy and skill development	58.70	58.86	29.12	Empowerment
Furnishing of children library, Gudu	10.60	0.00	0.00	Child Rights
National days celebration (children democracy & independence.)	0.00	2.50	2.50	Child Rights
Health				
Free Antenatal healthcare programme	200.00	100.00	400.00	SRHR
Free under-five healthcare programme	50.00	0.00	100.00	Child Rights
Maternal peri-natal death surveillance and response	5.00	3.00	5.00	SRHR
Routine immunization programme	40.00	40.05	40.06	Child Rights
Presidential polio eradication initiative activities	40.00	40.96	40.96	Child Rights
Prevention of infant and maternal mortality	3.00	3.00	3.00	SRHR
Reproductive health service	5.00	5.00	5.00	SRHR
Social Services				
Empower 100 rural indigent PLHIV women with seed funds for petty trading	3.50	3.00	3.00	SRHR
Procurement of empowerment materials for 100 rural indigent HIV women	0.00	5.00	20.00	SRHR
Procurement of nutritional, medical and scholastic support to 400 HIV orphans and vulnerable children	3.53	5.00	10.00	Child Rights
Evacuation training and settlement for commercial sex workers	140.00	100.00	80.00	SGBV/VAWG
Women Affairs (Gender Dev. Dept.)				
Child's right implementation activities	8.00	5.00	10.00	Child Rights
Gender development department	3.00	3.00	3.00	SGBV/VAWG
Gender mainstreaming activities	5.00	2.00	2.10	Empowerment
Capacity development for marginalized women	4.00	5.00	25.00	Empowerment
Subvention to women organizations	1.00	1.00	5.00	Empowerment
Subvention to orphanages	49.13	55.00	25.00	Child Rights
Renovation of child welfare institutions (orphanages)	10.00	10.00	10.00	Child Rights
FCT women empowerment agenda	10.00	0.00	0.00	Empowerment
Procurement of empowerment materials for women in FCT	0.00	100.00	100.00	Empowerment
Remodification of child correctional centre	40.00	50.00	50.00	Child Rights
Reconstruction of orphanage home at Gwako	100.00	0.00	0.00	Child Rights
Subvention to child correctional centre Gwako	47.37	0.00	0.00	Child Rights
Renovation and equipping of Garki Area 3 creche	20.00	0.00	10.00	Child Rights
TOTAL	856.82	597.36	978.73	

Source: A Pull-out from the FCT Statutory Allocation Act (2016, 2017 & 2018).

A quick glance at Table 1 above reveals that the various line items could be grouped into four main categories namely; women empowerment; sexual and gender-based violence and violence against women and girls; sexual and reproductive health and rights; and child rights. The line items are unequally distributed into these four categories. Each of the four categories exhibited varying degrees of importance in the annual budgets of the FCT in each of the three years. Figure 11 below presents the categorisation of the line items into the four broad targets of the budget line items for the available three years.

Figure 11: Specific Allocation to SGBV/VAWG, HP and Improving the SRHR of Women and Girls in 2016-2018 FCT Statutory Allocation



Source: A Pull-out from the FCT Statutory Allocation Act 2016.

A further categorisation of line items in Table 1 above as presented in Figure 11 above reveals that as at 2016, line items on the promotion of Child Rights got the largest share of allocations, accounting for a total of ₦418.63 million, which make up about 48.86% of the entire allocation of ₦856.82 million. This is followed by issues around improvement of SRHR which account for ₦216.50 million to make up about 25.27% of the entire allocation of ₦856.82 million. The third in their order of importance are line items targeted at eliminating and discouraging SGBV and VAWG, which account for the sum of ₦143.00 million to constitute about 16.69% of the entire allocation of ₦856.82 million. Finally, line items on Women Empowerment had the least share of the allocations with a total sum of ₦78.70 million, which represents only about 9.19% of the entire allocation of ₦856.82 million in 2016 fiscal year.

Allocation of financial resources to the four categories of issues in the FCT budget for 2017 fiscal year has a semblance of the pattern of allocation to the same four categories of issues in

the 2016 fiscal year budget of the FCT. As can be seen in Figure 11 above, in 2017 fiscal year, line items on the promotion of Child Rights got the largest share of allocations, accounting for a total of ₦308.51 million, which make up about 51.64% of the entire allocation of ₦597.37 million. Though the allocation is much lower than that of 2016 to the same category of line items, yet in terms of proportion, the 2017 allocation to Child Rights is greater than the 2016 allocations. This is also followed by line items targeted at the improvement of SRHR which account for ₦119.00 million to make up about 19.92% of the entire allocation of ₦597.37 million. The third in their order of importance are line items targeted at eliminating and discouraging SGBV/VAWG, which account for the sum of ₦103.00 million to constitute about 17.24% of the entire allocation of ₦597.37 million. Finally, line items on Women Empowerment had the least share of the allocations with a total sum of ₦66.86 million, which represents only about 11.19% of the entire allocation of ₦597.37 million in 2017 fiscal year.

As presented in Figure 11 above, the pattern of allocation of financial resources to the four categories of issues in the 2018 fiscal year budget of the FCT is quite different from the two previous fiscal years of 2016 and 2017. In 2018 fiscal year, line items on the improvement of SRHR got the largest share of allocations, accounting for a total sum of ₦436.00 million, which make up about 44.55% of the entire allocation of ₦978.74 million. This is closely followed by line items targeted at the promotion of Child Rights which account for ₦398.52 million to make up about 40.72% of the entire allocation of ₦978.74 million. The third in their order of importance remained line items targeted at eliminating and discouraging SGBV/VAWG, which accounts for the sum of ₦83.00 million to constitute about 8.48% of the entire allocation of ₦978.74 million. Finally, line items on Women Empowerment had the least share of the allocations with a total sum of ₦61.22 million, which represents only about 6.25% of the entire allocation of ₦978.74 million in 2018 fiscal year.

4.4 FCT Budget on SGBV, VAWG, HP and SRHR and Actual Expenditures and Performances

Details of actual budget implementation in the FCT are not available at the time of this report. However, there are scanty pieces of information highlighting the extent of budget implementation for each of the years covered in this study. As a result, this study uses those pieces of information as a yardstick for discussing actual implementation of the budgetary allocations of the FCT towards the elimination of SGBV, VAWG, HP and improvement of SRHR within the study period.

It is interesting to note that in the FY2016, only **0.4 percent** of the entire FCT approved budget were targeted at eliminating SGBV, VAWG and HP while improving the SRHR of women and girls. It is even more interesting to note that actual spending for the fiscal year is only **47% or ₦112.784 billion**. Actual spending from the fiscal year was neither disaggregated into departments nor in line items which made it difficult to understand what items were implemented. It is also noteworthy that only **36% of the capital budget** was released and utilized, and all the items listed above fell into the capital component of the budget.

Furthermore, it is interesting to note that in the FY2017, only **0.27%** of the entire FCT approved budget were targeted at eliminating SGBV, VAWG and HP while improving the SRHR of women and girls. It is more interesting to note that actual spending for the fiscal year is only **61.57% or N136.920 billion**. Actual spending from the fiscal year was neither disaggregated into departments nor in line items which made it difficult to understand what items were implemented. It is also noteworthy that only **48.80% of the capital budget** was released and utilized, and all the items listed above fell into the capital component of the budget.

In FY2018, only **0.36%** of the entire FCT approved budget were targeted at eliminating SGBV, VAWG and HP while improving the SRHR of women and girls. It is more interesting to note that actual spending for the fiscal year is only **56% or N152.058 billion**. Actual spending from the fiscal year was not disaggregated which made it difficult to understand what items were implemented. It is also noteworthy that only **39% of the capital budget** was released and utilized, and all the items listed above fell into the capital component of the budget.

4.5 Issues Arising from the FCT Statutory Appropriations

Budgeting and budget implementation are key instruments of public service delivery as well as instruments of development. Efficiency and effectiveness in public finance may simply refer to the analysis of relationships between inputs, outputs and final outcomes. This means that if the final outcomes cannot be reached, inputs, activities and outputs mean little or nothing. The FCT budget for the period 2016 -2019 shows little or nothing about gender and social development budgeting. Gender budgeting is a major tool for the elimination of VAWG, SGBV, HP and improving SRHR for women and girls. Unfortunately, the four years budget failed to earmark funds for such provisions due to poor understanding of gender budgeting and what should guide budgeting towards the elimination of VAWG, SGBV, HP and improving SRHR for women and girls.

From the foregoing analysis, there is so much room for improvement especially in transparency and public availability of budget documentation. It is possible other financial provisions were made for the target issues in the years under review, but this is no evident on the face of the budget provisions. The foregoing analysis shows that FCT has not dedicated sufficient resources nor prioritised freedom from violence for women and girls in its budgeting system. Key and targeted steps and measures need to be taken to reform the budgeting system to reposition it for effective response to SGBV, VAWG, HP and the improvement of the SRHR of women and girls.

SECTION FIVE

FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

5.1 Findings and Conclusions

The findings of the study are categorised into three viz: findings from the analyses of existing legal and policy frameworks and findings from situation analysis. The third is the findings from the FCT budget analysis for the period 2016-2019.

In terms of legal and policy framework, the FCT is better positioned than many states of the federation to tackle issues on the elimination of VAWG, SGBV, HP and improving SRHR for women and girls. This is because the FCT has no separate legislative arm of government, hence the National Assembly (NASS) enacts the laws for the territory and once any law is passed at the federal level, the FCT becomes an automatic beneficiary of such law. This implies that all federal laws and policies towards elimination of VAWG, SGBV, HP and improving SRHR for women and girls do not need any domestication in FCT for it to be effective. Thus, the Child Rights Act, VAPP Act and all relevant national policies are applicable in the FCT.

It is recalled that data and statistics from NDHS (2018) and other sources in section 3 of the report revealed the following:

- a. That the FCT have more women who have experienced physical violence than the national average. A proportion of men and women still justify domestic violence.
- b. Although the FCT had less percentage of women circumcised than the national average, it is noteworthy that among those circumcised in the FCT, more proportion of women have their flesh cut and removed than the national average.
- c. The rate of teenage pregnancy in the FCT is higher than the national average.
- d. More women in FCT have unmet need for family planning in terms of limiting the number of children they give birth to when compared to the national average.
- e. The FCT still has over 35 percent of women who give birth at home which reduces the chance of being attended by a skilled health worker and such increases the risk of child and maternal mortality.
- f. Girl child education attainment in the FCT is in dire need of improvement.

The above challenges can be tackled through the implementation of the existing legal and policy frameworks in the policy, plan and budget continuum using smart and targeted strategies to reduce SGBV, VAWG, HP and to improve the SRHR of women and girls.

The study found that major budgeting issues bedevilling the FCT towards the elimination of VAWG, SGBV, HP and improving SRHR for women and girls include.

- i. There were no clear items for issues around prenatal and postnatal care of women, including access to emergency obstetric care for mothers in the FCT Statutory Appropriations reviewed.
- ii. The FCT has no clear budget plan(s) that set out gender issues as well as sectoral objectives and policies. The absence or unclear nature of FCT plans and policies made it difficult to link the availability of resources to targets or sectoral objectives.
- iii. The FCT budget preparation process does not link policies, the achievement of objectives and meeting of targets with the funds appropriated.
- iv. There is greater emphasis on control of inputs and less on improving sector performance through meeting its objectives and targets hence budget items for the elimination of VAWG, SGBV, HP and improving SRHR for women and girls were either lumped or made unclear.
- v. Both the FCT recurrent and capital budgets reviewed were prepared on an incremental basis (adding a percentage to the previous year's estimates) without reviewing whether the activities that were funded are in line with policy and whether it should be discontinued.
- vi. Activities continued from year to year while resources were somehow declining; therefore, some activities were clearly underfunded.
- vii. The investment (capital) budget which is where most of activities towards the elimination of VAWG, SGBV, HP and improving SRHR for women and girls were found were made up of a large number of projects, making it more difficult to link the activities funded through the investment budget to the relevant priorities.
- viii. Budget performance reports for the period 2016-2019 did not meet fit and good practices and standards. Reporting must be in line with the approved budget, hence, the need for the FCT to adopt International Public Sector Accounting Standards (IPSAS).
- ix. The FCT budget performance reporting is not comprehensive as it does not reflect the full nature and extent of sources and applications of funds. It fails to indicate resource flow by programmes and sub-programmes. The nature of budget performance reporting made it difficult to do a value for money review as well as a review of the variance between

appropriated and actual releases, compliance with extant laws and policies as well as identifying the optimum resources needed for the respect, protection and fulfilment of the rights of women and girls to freedom from violence.

x. Medium Term Planning is still non-existent in the FCT while reporting of revenues on net basis serves to undermine comprehensiveness and transparency.

xi. Departments in the FCT Administration including the departments implementing programmes on SGBV, VAWG, HP are still unable to predict resource availability for capital investments thereby undermining their abilities to successfully execute their budgets.

Budgets and budgeting towards eliminating SGBV, VAWG and HP while improving the SRHR of women and girls must first understand how to mainstream several factors into the budget and they include:

- *Women and poverty:* When women are poor, their rights are not protected and they face double discrimination, on account of their gender and economic situation. Women, their families, communities, and economies suffer as a result.
- *Education and training of women:* Education is essential for women to reach gender equality and become leaders of change. While women and girls today are far more educated than ever before, gaps remain. Educated women benefit the entire society, contributing to flourishing economies and the improved health, nutrition, and education of their families. Education and training are also tools to help change harmful gender practices and stereotypes.
- *Women and health:* Women need to be healthy to realize their full potential. This includes proper nutrition, sexual and reproductive rights, and mental health, as well as freedom from violence.
- *Violence against women:* Violence hurts women and girls and hampers their ability to thrive in multiple ways. Nigeria has enacted laws to stop domestic violence. Yet there exist gaps in laws, implementation of legal protection and lack of access to essential services remain for women.
- *Women and the economy:* Whether in businesses, on farms, as entrepreneurs or employees, or through unpaid domestic or care work at home, women make enormous contributions to economies. Gender discrimination means women often end up in insecure, low-wage jobs, and constitute a small minority of those in senior positions.
- *Women in power and decision-making:* Once in leadership roles, women make a difference. But they are under-represented as in top positions, whether in elected office, the civil service, corporate boardrooms or academia.

- *Institutional mechanisms:* Specialized institutions have played an important part in informing laws, policies and programmes and advancing gender equality. Robust laws and policies coupled with stronger institutional mechanisms to coordinate various actors and ensure the effective enforcement and implementation of laws and policies is imperative for the success of the change agenda.
- *Human rights of women:* Women and girls are entitled to the full and equal enjoyment of all their human rights.
- *Women and the media:* The media play a significant role in perpetuating and challenging social norms that condone discrimination or violence against women. It can objectify women but also showcase strong women leaders and protagonists who can become role models for their audience.
- *The Girl child:* Specific forms of violence and harmful practices, including female genital mutilation (FGM) and cutting, breast ironing and child marriage, affect girls, including child sexual abuse.

5.2 Recommendations

Against the background of the foregoing, the study makes the following recommendations:

(a) Improved funding for the eradication of SGBV, VAWG, HP and the improvement of the SRHR of women and girls by focussing on issues such as adequate funding of:

- Prenatal and postnatal care for women including access to emergency obstetric care for mothers in the FCT;
- Family planning goods and services;
- The FCT Sexual and Gender Based Violence Response Team including support for legal aid and counselling. Specific appropriation of votes to support security agencies especially their Gender Units to ensure proper investigation and prosecution of SGBV, VAWG and HP offences;
- Construction and maintenance of shelters for survivors of SGBV and VAWG. Provide referral services to survivors of SGBV, VAWG, HP and to provide and monitor the provision of quality forensic, medical, legal and psycho-social support to the survivors;
- Education of girls through universal basic education (including second chance opportunities) and higher education and to this end, ensure the draw down and utilisation of funds meant for FCT in the UBEC Fund. Parents and guardians who refuse to enroll their female children into basic education should be prosecuted;

- Public sensitisation and awareness raising on SGBV, VAWG, HP and the SRHR of women and girls;
- Collection, collation and preparation of gender disaggregated data on key indicators associated with SGBV, VAWG, HP and improvement of SRHR. This will improve planning and targeted response to the associated challenges.

(b) A clear costed plan that sets out SGBV, VAWG, HP and gender issues as well as sectoral objectives and policies which is linked to available resources in a sound fiscal framework.

(c) Ensure that budget preparation process links policies, the achievement of objectives and meeting of targets with the requisite funds.

(d) Have a greater emphasis on improving sector performance through meeting objectives and targets instead of the current focus on control of inputs.

(e) Both the FCT recurrent and capital budgets need to be prepared using Zero-Based Budgeting (ZBB) approach, looking at the available evidence from data and statistics and reviewing whether the activities funded are in line with policy priorities of the government.

(f) Stop the current practice of activities continuing from year to year while resources are declining leading to some critical activities being underfunded while others that might not be relevant are over funded.

(g) The investment (capital) budget should be targeted and made smart instead of being thinly spread. The current practice of having large number of projects makes it more difficult to link the activities funded through the investment budget to the FCT's policy priorities.

(h) Budget performance reports should be International Public Sector Accounting Standards (IPSAS) compliant. It should rather show the full nature and extent of sources and application of funds.

(i) Medium Term Planning in the FCT should be adopted to help smart planning while reporting of revenues should equally be specific and not presented on net basis.

(j) Capacity building for planning and budget officers across the departments in the FCT Administration is needed for them to imbibe the tenets of gender aware and realistic budgeting and to be able to better forecast resource availability for capital investment.

(k) Capacity building and training for practitioners in the field, including investigators, prosecutors, law enforcement agents, judges, health and social workers, media practitioners,

etc. to fully understand the dynamics and engagement strategies on SGBV, VAWG, HP and SRHR.

(I) For Civil Society:

- Engage the executive and legislature for the implementation of the above recommendations;
- Organize sensitization and capacity building programmes to improve knowledge and skills on the subject matter.