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GENDER DISCRIMINATORY PRACTICES IN THE NIGERIAN POLICE FORCE

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Introduction <<

In a quest for different security experiences and priorities, the United Nations Security Council in the year 2000 adopted Resolution (UNSCR) 1325 to create a gender-equal, gender-sensitive, and gender-responsive security sector. The efforts at gender mainstreaming in peace and security have been accompanied by state-level attempts to increase the participation of women in the security sector. However, despite all the frameworks, agenda setting, national action plan advocacy, and training, progress made in improving women's participation in security structures, and processes have been chequered. The police force and other law enforcement agencies that were traditionally dominated by the adult male are gradually evolving with the enlistment of female police officers. There are more women employed by law enforcement agencies today than ever before. Their roles and work experiences have changed significantly from police matrons they used to be in the late 1800s-early 1900s.

Generally, the women's roles in the labor force have evolved from the traditional secretary, bookkeeper, sales clerk, cashier, waitress, nurses, teachers, domestic workers, and

typist. Women have begun to move into a broader range and traditionally male-dominated occupations such as policing, medicine, engineering, and other parts of law enforcement. Women in the NPF have recorded a significant numerical increase during the past decades. Despite this increase, women remain a marginalized fraction of the total police strength in the country.¹

Unmarried Policewoman Sacked for Getting Pregnant in Ekiti

The Nigeria Police Force (NPF) has sacked an unmarried female corporal identified as Olajide Omolola for getting pregnant in Ekiti. According to the PUNCH, the NPF announced her dismissal in a wireless message with reference number CJ:4161/EKS/IY/Vol.2/236, DTO:181330/01/2021 that originated from the Department of Finance and Administration in Ado Ekiti. The document was addressed to the Divisional Police Officer (DPO) at Iye Ekiti where Omolola is based. In the message, the Chief Financial Officer in Ekiti was asked to relay the information of her dismissal to the Integrated Personnel and Payroll Information System (IPPIS) to ensure that her salary was stopped. The statement read, "Section 127 of the Police Act and Regulation against women police getting pregnant before marriage W/PC (woman corporal) Olajide Omolola passed out of Police Training School on 24/04/2020 attached to yours contravened above provisions.

"She stands dismissed from the force. Dekit her. Retrieve police documents in her possession with immediate effect.

¹ <https://www.rsisinternational.org/journals/ijriss/Digital-Library/volume-3-issue-8/431-437.pdf>.

O/C CFO Ekiti only. You are to relay signal to IPPIS Abuja for the stoppage of her salary with immediate effect.

“DECOMPOLS (deputy commissioners of police)/ACPOLS (assistant commissioners of police)/HODs/DPOs Ekiti State only. You are to lecture women police. Treat as very urgent.”

Omolola completed police training on April 24, 2020, and was attached to Iye Ekiti.

However, an investigation showed that the aspect of the Police Act which was being relied on to justify the sacking of the policewoman had been repealed in the amended Police Act that was signed into law by President Muhammadu Buhari in September 2020. Part of the old law which has been repealed also made it compulsory for policewomen to seek the permission of their superiors before getting married.²

Gender discrimination in the Nigerian Police

A look at the regulations of the Police Act, which was first enacted in 1968, especially as regards rules for enlistment into the police, indicates where the offending articles are. Regulation 122 of the conditions of service for female police officers provides that "Women police officers recruited to the General Duties Branch of the Force may, in order to relieve male officers from these duties, be employed in any of the following duties namely: Clerical duties, Telephone duties, and office orderly duties.

Regulation 127 provides that an unmarried police officer who becomes pregnant shall be discharged from the Force. the most worrisome provision is regulation 124 which stipulates that "A woman police officer who is desirous of marrying must first apply in writing to the Commissioner of Police for the State Police Command in which she is serving to request permission to marry. Permission will be granted for the marriage if the intended husband is of good character and the woman officer had served the Force for a period of not less than three years".

These provisions are anachronistic, and they probably violate Section 42 of the 1999 constitution as well as Article 2 of the African Charter on Human and Peoples Rights and the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW). Nigeria is a signatory to both. It is worthy of note that there is now a suit filed by the **Attorney General of Ekiti State Fapohunda in the suit (FHC/ AD/ CS/ 8/ 2021)** filed in the Federal High Court, Ado Ekiti asking the court to determine among others, whether the provisions of Section 127 of Police Act and Regulations are not in violation of the combined provisions of Sections 37 and 42 of the Constitution of the Federal Republic of Nigeria 1999 (as

² <https://punchng.com/unmarried-policewoman-sacked-for-getting-pregnant/>. Published January 26, 2021

amended), and Articles 2,3, 5 18(3) and 19 of the African Charter on Human and Peoples Rights and therefore unconstitutional, null and void.

These Police Force regulations were enacted fifty-one years ago when there were very few women in official working places. All the professions and working places were dominated by the menfolk, who wrote the rules to their fancy. Since then, women have made giant strides in all areas, in some cases surpassing the men in numbers. Nigerian women have over the years excelled in the police, with several rising to the position of Deputy Inspector General, DIG. in the Police Force today, many women have attained exalted ranks by dint of hard and meritorious work.³

The improvements within the Police Act on gender

S.135 of the Police Act 2020 states as follows;

“The Police Force or other persons shall not, in the performance of his or its functions under this Act, regulations or standing orders made under this Act, discriminate against any person on the basis of gender as provided under section 42 of the Constitution of the Federal Republic of Nigeria, 1999”.

S. 136 states as follows;

All the provisions of this Act shall extend to all persons who, at the commencement of this Act are serving in the Nigeria Police Force established by the Constitution of the Federal of Nigeria as if such persons had been appointed under this Act”.

S.42(1) states as follows;

(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, religion 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, religion or political opinions.

³ <https://allafrica.com/stories/201912300193.html>. Published December 2019.

These provisions have repealed all provisions in the old Act in relation to gender discrimination. It is clear that the bulk of the Staff of the Nigerian Police are not conversant with this new provision necessitating such gender bias against the officer in Ekiti. How many male officers are queried for getting young girls pregnant etc.

The provision of the Police Act, which prohibits a female officer from marrying a man of her choice without the permission of the Commissioner of Police in the command where she is serving, has been declared illegal and unconstitutional by a Federal High Court in Ikeja, Lagos. Trial judge, Justice Steven Adah, rejected the arguments of the Attorney-General of the Federation and held that Regulation 124 was illegal, null and void due to its inconsistency with Section 42 of the 1999 Constitution.

The court declared the Regulation unconstitutional and proceeded to annul pursuant to Section 1(3) of the Constitution. Women Empowerment and Legal Aid Initiative, WELA, had brought the suit, challenging the constitutional validity of the said Regulation 124.⁴

Way Forward

There is a need to develop an abridged version of the approved Gender Policy of the Nigerian police launched in September 2012, print and circulate to all personnel of the Nigeria Police especially the rank and file.

There is a need to carry out sensitization on the provisions of the Police Act 2020 across various stakeholders. The Police Diary and other similar radio programs could take the lead.

The National Action Plan of UNSCR 1325 and the related resolution on women, peace and security in Nigeria (2017-2020), particularly Pillar 2, which deals with Participation and Representation needs to be coordinated to ensure effective implementation. The national plan is built on 5 P's relating to women in armed conflict: Prevention, Participation, Protection, Prosecution and Promotion.

⁴ <https://www.vanguardngr.com/2012/05/court-declares-police-act-on-female-officers-marriage-illegal/>. Published on May 17, 2012 at 2:33 am.