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Equipping Women for Inclusive and Effective Public Hearing in the Legislative Process

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Abstract

Women constitute an integral part of every society, making up more than half of the global population. However, their involvement in decision-making processes, particularly in legislative houses, remains appalling. This lack of representation negatively impacts the female gender, hindering their ability to influence policies that affect them directly. This study critically examines the process of equipping women for inclusive and effective participation in public hearings within the legislative process. In the legislative sphere, "Public Hearing" refers to special meetings organized by House Committees to gather and analyze relevant information, expert opinions, and public advice on proposed legislation, regulations, or policy issues related to governance. The research adopts a doctrinal research methodology, using an expository and analytical research design. Data was primarily collected from various legal literatures available in both physical and electronic libraries. The study observes that Nigerian women face several challenges when participating in public hearings. One of the major obstacles is the negative perception and misinterpretation of the intent and purpose of these hearings by Ministries, Departments, Agencies (MDAs), stakeholders, and other respondents. The political sphere has long been regarded as a male-dominated domain, but there is a growing demand for increased female participation. Despite the global call for gender inclusivity, such as the Beijing Conference's recommendation for countries to allocate 35% of political positions to women, Nigeria has yet to achieve this benchmark. The marginalization of women in politics is largely attributed to social, cultural, and religious factors. The study highlights the bold commitments of the House of Representatives to enhancing women's legislative effectiveness and efficiency, ultimately contributing to transparent and purposeful governance in Nigeria. To address these challenges, it is recommended that Nigerian women be actively involved in all political matters. Additionally, civil society organizations should intensify their efforts in sensitizing and empowering women to participate more effectively in the legislative process.

Keywords: Affirmative Action, Discrimination, Legislative, Politics, Rights, Women.

1. Introduction

Public participation is a critical pillar of the democratic system. One of the major functions of the Legislature in modern democracy is therefore to facilitate and increase its engagement with the public, particularly in terms of law and decision-making processes, as well as governance scrutiny in order to promote legislative transparency and accountability. This is primarily designed for the legislators in the House of Representatives of the Federal Republic of Nigeria, more specifically for Committee Chairmen and members, staff and other parliamentary officers, who are engaged in public hearing and other committee work concerned with the development of legislation, regulation and policy. This is not with exclusion of women in the entire process.

This paper outlines a succinct description of women, their functions and applications of public hearing in the legislative process in Nigeria. It covers the key components and procedures of public hearings as can be involved by women. This is done by providing step by step guidelines for organizing and conducting public hearings, including the key elements of the preliminary and post hearing processes. This paper represents in part, evidence of the bold commitments of the leadership of the House of Representatives to enhance legislative effectiveness and efficiency of women, and above all value addition to the national aspiration for transparent and purposeful governance in Nigeria.[1]

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2. Meaning of Public Hearing

In the legislative sphere, "Public Hearing" mainly refers to special meetings organized and conducted by "House Committees" to obtain and analyse relevant information, expert and other public advice on proposed legislation, regulations or policy issues concerned with governance. Public Hearings are also vital mechanisms through which the House of Representatives scrutinizes and investigates the exercise of Executive powers, including the functions of government Ministries, Departments and Agencies (MDAs). Public Hearings are convened by a House Committee to which proposed legislation or governance issue is referred for further research and deliberation in accordance with the Rules of Procedures of the House of Representatives. Public Hearings are convened when the relevant House Committee has insufficient information to make an informed decision on an issue or legislation; when a topic may affect a wide range of stakeholders, etc.[2]

2.1. Principles of Public Hearing

Public Hearings are underpinned by the doctrine of "natural justice". This doctrine encapsulates the two fundamental principles of right to fair hearing and the rule against bias. Both principles emphasize the critical importance of maintaining procedural fairness and fair decision-making in the Legislative process. In applying these principles, three fundamental rules are referred.[3]

i) **Fair Hearing Rule:** This requires that invited persons must be allowed adequate opportunity to prepare and present their submissions. In the case of Investigative Hearings, the person complained about should be informed of the allegations in as much details as possible.
(ii) **Bias Rule:** This requires that no one should be a judge in his own cause. If any member of the Committee is involved in the subject-matter to be considered or is an interested party, he should be excused from participating in the hearing.
(iii) **Evidence Rule:** This requires that decisions must be based on evidence presented before the Committee and not on conjecture or mere speculation.

2.2. Benefits of Public Hearing

Public hearings in a democratic process offer numerous benefits, including increasing information exchange and knowledge, which leads to evidence-based and credible legislative processes; they also increase awareness and sensitivity of the legislative process to public opinions, resulting in increased legislative accountability and transparency, and enhancing the legitimacy of the process; furthermore, these hearings lead to better-informed legislation and policies, which results in better responsive governance; additionally, they increase public satisfaction, trust, confidence in, and pro-active constituency support for democratic governance; Moreover, they foster better conflict resolution and democratic harmony through greater consensus building.

3. Types of Hearings

3.1 Legislative Hearing

Legislative hearing is conducted mainly by legislative Committees. Such Committees conduct public hearings on issues and problems related to draft laws, budgets, or to determine the necessity for a new law. Usually, the purpose of a legislative hearing is to prepare the groundwork, i.e. identify what needs to be done so that a draft can become a proposal and eventually a law.[4]

3.2 Investigative Hearing

This type of hearing is conducted to unravel certain facts. Investigative hearings take place where there is an indication, evidence or public concern that an offence/wrongdoing has been committed by a public

[1] C P Iloka, 'Gender Mainstreaming in Digital Legal Education' (2023) 4 *International Journal of Law and Clinical Legal Education, IJOLACLE*, 21; also available at *Google Scholar* <https://scholar.google.com/scholar?oi=bibs&cluster=10130888051588080947&btnI=1&hl=en> accessed 20 December 2024.
[2] K Bobo, J Kendall, S Max, *Organizing for Social Change: A Manual for Activists in the 1990s* (Minneapolis, MN. Midwest Academy 1996).
[3] A Momoh, 'Legislative Oversight: Conceptual Issues", *Report on the Conference on Legislative Oversight: The Role of the National Assembly* (Policy Analysis and Research Project, National Assembly 2016).
[4] *Ibid.*

official and/or government department; or where a private or public company has acted inappropriately or against the public interest. It is subject to the provisions of Section 88 of the 1999 Constitution of the Federal Republic of Nigeria:

> *(1) Subject to the provisions of this Constitution, each House of the National Assembly shall have power by resolution published in its journal or in the Official Gazette of the Government of the Federation, to direct or cause to be directed investigation into -*
>
> *(a) Any matter or thing with respect to which it has power to make laws, and*
>
> *(b) The conduct of affairs of any person, authority, ministry or government department charged, or intended to be charged, with the duty of or responsibility for - Executing or administering laws enacted by National Assembly, and Disbursing or administering moneys appropriated or to be appropriated by the National Assembly.*
>
> *(2) The powers conferred on the National Assembly under the provisions of this section are exercisable only for enabling it to -*
>
> *(a) Make laws with respect to any matter within its legislative competence and correct any defects in existing laws; and*
>
> *(b) Expose corruption, inefficiency or waste in the execution or administration of laws within its legislative competence and in the disbursement or administration of funds appropriated by it.*

3.3 Oversight Hearing

This type of public hearing is also known as supervisory hearing. It is concerned with the activities of government. Where necessary and appropriate, it looks at draft legislation and proposed Acts of Parliament. Oversight hearings focus on the quality of government programmes and the level of performance of government officials. It can also examine the extent to which the implementation of a law by the executive, is in accordance with the wishes of the legislative body and reflects the public interest.[5]

3.4 Quasi-Judicial Hearing

Quasi-Judicial hearing is more formal than legislative hearings. During a quasi-judicial hearing, the Hearing Body (House of Representatives for this purpose) must hold an evidentiary hearing and make its decision based on the written and oral evidence presented. Unlike legislative decisions, a quasi-judicial decision must be based solely on the evidence presented and cannot be based on opinions of members of the Hearing Body. Put differently, a quasi-judicial decision is one that requires the Hearing Body to find facts and exercise discretion when applying statutory standards to a specific situation. However, a Quasi-Judicial hearing is not as formal as judicial court proceedings. An impeachment proceeding of the House of Representatives is an example of a Quasi-Judicial hearing. The House of Representatives also conducts Quasi-Judicial hearing on Public Petitions. It must be noted that proper procedures must be followed in the entire process, otherwise such decisions, no matter their correctness, may be overturned by a court of law. Such procedures include observation of rules of law and natural justice.

4. Procedure and Processes of Public Hearing

A representative is entitled to request that an inquiry be held through a motion. If the motion is successful, the House refers the resolution to a Committee to conduct the investigation. The investigation is conducted in its entirety by a Special or Ad-hoc Committee based on its terms of reference as reflected in the Votes and Proceedings. For the purpose of any investigation, under Section 88 of the Constitution and subject to the provisions thereof, the House of Representatives or a Committee appointed in accordance with Section 62 of this Constitution shall have power pursuant to section 89(1) to procure all such evidence, written or oral, direct or circumstantial, as it may think necessary or desirable, and to examine all persons as witnesses whose evidence may be material or relevant to the subject matter.

[5] Lees J and D John, "Legislatures and Oversight: A Review Article on a Neglected Area of Research" (1997) *Legislative Studies Quarterly,* vol. 2, no. 2, 193-208,

The Committee has the authority to require such evidence to be given on oath, summon any person in Nigeria to give evidence at any place or to produce any document or other thing in his possession or under his control, subject to all just exceptions. Furthermore, the Committee may issue a warrant to compel the attendance of any person who, after having been summoned to attend, fails, refuses or neglects to do so and does not excuse such failure, refusal or neglect to the satisfaction of the House or the committee in question, and may order him to pay all costs which may have been occasioned in compelling his attendance or by reason of his failure, refusal or neglect to obey the summons, and also to impose such fine as may be prescribed for any failure, refusal or neglect; and any fine so imposed shall be recoverable in the same manner as a fine imposed by a court of law.[6] Upon conclusion of the investigation, the Committee reports to the plenary for further legislative action.[7]

4.1. Planning for Public Hearings

Planning for a public hearing requires careful consideration of several factors to ensure its proper conduct and effectiveness. The importance of the subject under consideration plays a critical role, as does the level of interest different groups may have in that subject. Additionally, the significance of the hearing and its outcome for the legislature itself must be evaluated. It is also essential to determine whether conducting a hearing would be a good use of time, funds, and personnel.[8]

Perhaps, before organizing a public hearing, several key aspects must be taken into account. Ensuring the security and safety of the venue is paramount, followed by a clear definition of the hearing's purpose. Participants must be provided with the necessary background information, and the procedure and management of the hearing should be well-structured. Setting clear goals, tasks, and expectations is vital, along with structuring discussions around relevant topics and addressing matters arising from previous interactions. Specific information required in the submissions by respondents and stakeholders should be outlined, while time management must be efficiently planned. Selecting appropriate speakers and experts for each topic ensures that discussions remain informed and productive. The engagement and management of official reporters and rapporteurs should also be considered, alongside determining the most effective participation approach.

Moreover, a structured list of specific questions should be developed to guide the discussion, and a comprehensive summary of the hearing should be prepared to highlight key discussions and vital information. Post-hearing follow-up activities must be planned, with clear assignments of responsibility for each task, a defined feedback timeline, and proper closing remarks. Acknowledgment of participants' contributions is also a crucial part of the process, ensuring that their input is valued and recognized.

4.2 Groups/Entities Involved in Public Hearings

A wide range of groups and entities are typically involved in public hearings, and committees are encouraged to invite a diverse cross-section of the Nigerian public. Key participants include Ministries, Departments, and Agencies of Government, along with academic specialists and experts who can provide valuable insights. Civil Society Organizations (CSOs) and trade unions play a significant role, as do business groups and private sector organizations. Student unions and associations are often engaged, along with social workers, medical professionals, and specialists in specific fields. Women's organizations, including NGOs and CSOs such as FIDA, AAFD, WCN, KIND, WAAW, LEAP Africa, We-Fi, WOCON, WIN, and BRAVE Women Nigeria, are also important stakeholders. Additionally, minority groups, including children affected by legislative proposals, the physically challenged, and displaced persons, should be represented. Representatives from interested international organizations and individual citizens may also participate, ensuring a well-rounded and inclusive discussion.

[6] The Constitution of the Federal Republic of Nigeria, 1999, section 89(1)(a-d).
[7] These procedures are generally covered by Order XVII, rule 9 of the House of Representatives Standing Orders, 2016 as amended.
[8] J K Johnson, *The Role of Parliament in Government* (World Bank Institute Publication 2005).

5. Challenges of Public Hearing by Women

Women face several challenges when participating in public hearings. One of the major issues is the negative perception and misinterpretation of the intent and purpose of the hearing by Ministries, Departments, and Agencies (MDAs), stakeholders, and other respondents. Additionally, there is often a lack of political will to pursue the investigation to a logical conclusion, which hinders meaningful outcomes. Another significant challenge is the lack of capacity and requisite skills by the Committee and its secretariat, which affects the effectiveness and efficiency of the hearing process.[9]

6. The Way Forward for Women

In the political perspective for good governance through legislative process, Iloka[10] posits that the gap between men in politics and women in politics is still very wide. However, it was observed that despite the discrimination and many social ills against women, they still participate in political activities in various forms. The National Assembly should amend the Constitution of Federal Republic of Nigeria 1999 to explicitly define the distinct roles of women in Nigerian politics. The executive arm of government should do better to promote affirmative action against the minority rule phenomenon.[11]

In other words, the world of politics has for a long time been regarded as a place reserved for men. However today, there is a growing agitation for doors to open for women in politics. The Beijing conference requires every country that participated in the conference to reserve 35 percent of positions and offices to women but in Nigeria we are yet to attain it. Women are marginalized in politics because of social, cultural and religious factors. Despite these, women are still under represented in both elective and appointive positions.[12]

As observed by Iloka,[13] the world we live in is characterized with violence against women. This is universally present in many forms like wife battering, sexual assault and abuse, female genital mutilation and rape. The overbearing influence of cultural tradition tends to treat women as appendages of men and also fails to recognize the individuality of children thereby creating disparity between boys and girls. Gender based violence is a crime against humanity and it leaves the victims with psychological, mental and physical effects and most of the problems are unreported due to victim's fear of social stigmatization.[14]

However, women and minority in macro, small and micro scale enterprises ($MSME_s$) are among the hardest hit from climate change impacts and this impact their growth.[15] Climate change has direct effects

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[9] S G Egwu, 'The Legislature in Nigeria's Fourth Republic", In: A T Gana, P Yakubu and B C Omelle (eds.), Democratic Rebirth in Nigeria: 1999-2003, Vol. 1, Abuja: The African Centre for Democratic Governance, Abuja.

[10] C P Iloka, 'Advancing the Rights of Women beyond their Challenges in the Nigerian Political Scene: A Focus on the Affirmative Action' (2022) 6 (1) *Chukwuemeka Odumegwu Ojukwu University Law Journal*, 23; also available at *Google Scholar* <https://scholar.google.com/scholar?oi=bibs&cluster=17742611863979042170&btnI=1&hl=en> accessed 11 January 2025.

[11] C P Iloka, 'Hurdles to Women Political Participation and Advancement in Nigeria: The Legal Leeway' (2021) (2) *LASJURE*, available at *Google Scholar* <https://scholar.google.com/scholar?oi=bibs&cluster=10722832475668997951&btnI=1&hl=en> accessed 10 December 2024.

[12] C P Iloka, 'Affirmative Action and the Role of the Legislature in Promoting Women Participation in Election Processes in Nigeria' (2022) 4 *International Journal of Comparative Law and Legal Philosophy, IJOCLLEP*, 8; also available at *Google Scholar* <https://scholar.google.com/scholar?oi=bibs&cluster=9692119633994661529&btnI=1&hl=en> accessed 11 January 2025.

[13] C P Iloka, 'Factors That Escalate Gender-Based Violence in Nigeria: A Critical Analysis' (2022) 4 *International Review of Law and Jurisprudence, IRLJ*, 68; also available at *Google Scholar* <https://scholar.google.com/scholar?oi=bibs&cluster=4752988172140500143&btnI=1&hl=en> accessed 11 January 2025.

[14] C P Iloka, 'Advancing the Rights of Women beyond their Challenges in the Nigerian Political Scene: A Focus on the Affirmative Action' (2022) (6) 1 *Chukwuemeka Odumegwu Ojukwu University Law Journal*, 23; also available at *Google Scholar* <https://scholar.google.com/scholar?oi=bibs&cluster=17742611863979042170&btnI=1&hl=en> accessed 20 December 2024.

[15] C P Iloka, 'Effects of Climate Change on Medium, Small and Micro Enterprises' Financing in Nigeria: The Consequential Burden of Protecting the Right of the Less Privileged' (2022) 6 *African Journal of Law and Human Rights, AJLHR*, 61; also available at *Google Scholar* <https://scholar.google.com/scholar?oi=bibs&cluster=7877127057915598 13&btnI=1&hl=en> accessed 11 January 2025.

that results from changes in weather patterns and extreme weather events which include temperature rise, storms, floods, droughts and sea level rise. Civil society organization should intensify publicity on the dangers of climate change, the modalities to sustain MSME's financing and the resilience to foster the rights of the less-privilege.[16] Better still, affirmative action is needed. According to Iloka,[17] affirmative action refers to a set of policies and practices within a government or organization seeking to increase the representation of particular groups based on their gender in areas in which they are underrepresented such as politics, education and employment. This will also check workplace discrimation against women and minority. In fact, the nature of workplace discrimination is not limited to the sex of the employee being female it includes the women's age, disability issues, gender reassignment, marriage or civil partnership, pregnancy or maternity, race or tribe of the woman as well as her religion or belief. Though they affect all sexes in one way or the other, female sex bear the most brunt of this social bane.[18]

7. Conclusion

Public hearings are an important mechanism for strengthening the legislative process and a particularly vital tool for women in legislative committee work. Whether they be to determine the need, benefits and consequences of proposed legislation; or to monitor, scrutinize and investigate the implementation of legislation and the exercise of Executive powers, they are critical for ensuring transparency, democratic participation and credibility in the legislative process engaged by women. While the practices differ widely depending on the context, the basic elements and principles remain largely unchanged across different countries.

[16] *Ibid*.

[17] C P Iloka, 'Affirmative Action and the Role of Lawyers in Fostering Women's Participation in Election Processes in Nigeria: A Critical Analysis' (2023) (4) 11 *African Customary and Religious Law Review, ACARELAR*, 15; also available at *Google Scholar* <https://scholar.google.com/scholar?oi=bibs&cluster=14738547023638795274&btnI=1&hl=en> accessed 11 January 2025.

[18] C P Iloka, 'Employment Rights of Women and the Disabled: Curbing Workplace Discrimination' (2023) (3) (1) *De Juriscope Law Journal*, available at *Google Scholar* <https://scholar.google.com/scholar?oi=bibs&cluster=10526685945492522 64&btnI=1&hl=en> accessed 3 January 2025.