

NIGERIA

CEDAW A/43/38 (1988)

610. The Committee considered the initial report of Nigeria (CEDAW/C/5/Add.49 and Amend.1) at its 123rd and 126th meetings, held on 29 February and 2 March 1988 (CEDAW/C/SR.123 and 126). In introducing the initial report of the Federal Government of the Federal Republic of Nigeria, the representative stated that the Convention had entered into force on 13 July 1985 following ratification. She requested the Committee to refer only to Nigeria's report contained in document CEDAW/C/5/Add.49/Amend.1. The report submitted earlier did not conform to the guidelines issued by the Committee.

611. Nigeria's report served to indicate the progress achieved and the measures taken towards implementation of the Convention within the two years during which the Convention had been in force in Nigeria. A new Constitution had been adopted by the country in 1979 which further enhanced the role and position of women in society. The Constitution, as well as existing legislation contained provisions that sought to ensure juridical equality of men and women in all spheres of human endeavour.

612. Certain bureaucratic directives and decisions, coupled with ingrained attitudes and prejudices, behaviour patterns and tradition, had worked to create obstacles in the way of full participation of women in all spheres of national life. Women themselves, with the assistance of the federal military Government and the state governments and organs, were poised to ensure that the obstacles were broken down in the not distant future.

613. As machineries for the implementation of the objectives of the Convention and the Nairobi Forward-looking Strategies for the Advancement of Women, 7/ the federal Government had established the National Committee of Women at the federal level and the State Committee of Women at the state level. There was also the Women's Department in the Federal Ministry of Social Development, which served as a liaison between the National Committee on Women and the Government. Other sub-committees charged with the implementation of the sub-themes covered by the Convention included the Committee on Women's Education.

614. The main concern of Nigerian women was currently to match the legislative provisions with factual equality. The Constitution, namely, its section 39, afforded to women the same treatment as afforded to men, in all spheres of life. In addition, sections 14 to 22 of the Constitution established fundamental principles of State policy intended to provide a set of standards and objectives. These provided legal backing to the Government's resolve to give women, in the shortest possible time, the same rights, obligations and duties as men, both in law and in fact, as envisaged by the special

7/ Report of the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace, Nairobi, 15-26 July 1985 (United Nations publication, Sales No. E. 85. IV. 10), chap. I, sect. A.

areas covered by the Convention.

615. She recognized that the task ahead was enormous but that the Federal Government and various state governments would not tire of efforts aimed at improving on a continuous basis the general condition of women in Nigeria, with a view to integrating them more fully in all areas of the national economy.

616. The Committee thanked the representative for the introduction of Nigeria's initial report and commended the Government in its frankness and self-critical approach. It was clear that the Government had made a sincere effort in complying with the Convention's articles as well as beginning the process of change in spite of the many obstacles encountered. Experts recognized the complexity of the Nigerian situation, a country with vast human and natural resources, the largest in Africa, and with cultural and traditional diversities which made the setting of new social and economic standards very delicate and difficult.

617. Much was accomplished in the legislative process and experts noted that attitudes would only change with education campaigns and educational programmes, as was in fact recognized in the report. One could not just wait and expect change to happen, the Committee expressed. It was suggested that discriminatory legislation still existed.

618. The fact that Nigeria had ratified the Convention without any reservation meant that women's full integration in society remained a priority for the Government. This was proved by the Constitution which guaranteed equality before the law. But it was asked whether laws specifically drafted to protect women against discrimination were under elaboration.

619. Questions were raised on how the Convention was used at the national level, whether it could be invoked in court, and how national legislation interwove with stipulations of the Convention.

620. It was asked what action had been taken to identify those practices and customs mentioned in the report that were detrimental to women, including circumcision, early pregnancies and polygamy. Experts recognized that different kinds of customs, traditions and practices made the changes envisaged by the Government very difficult.

621. Regarding the introduction of temporary special measures to benefit women, the Government had taken steps in the field of education and employment and the Committee wished to know whether these measures would not be maintained, whether quotas had been established, for instance to accelerate women's integration into male-dominated areas.

622. Other questions related to special laws punishing rape and violence against women, laws establishing equality in marriage and divorce, steps taken to modify gender roles and stereotyping; astonishment was expressed over the statement that the issue of paternity leave would not arise in Nigeria. Experts requested that more information be provided in the second report regarding action taken with reference to article 5, since this was an area that required special attention in Nigeria.

623. The Committee also requested additional information on the incidence of prostitution and on measures to rehabilitate women who engaged in this practice. It was noted that prostitution was not

illegal and that therefore it was not considered a crime under the law.

624. It was remarked that in order for women to exercise their full political rights, an awareness campaign had to be launched, which involved not only the individual's education on rights, but also her perception of herself. In this regard, it was asked what the Government had thought about this area of self-perception, what women's organizations had proposed, and whether there were any plans or pilot projects being considered. It was also asked whether the concern of women to match legislative provisions with de facto equality was of the same concern to the Federal Government.

625. It was noted that few Nigerian women were active in politics and government but that more women were entering legal careers. Half the members of the federal Government were from the military, which indicated that in practice there was a quota in favour of men, and it was asked whether there were any plans to ensure that half of the government would consist of women. Additional statistics were requested on the composition by sex of federal and state government employees.

626. The Committee requested additional information on nationality laws since it was stated that alien women who so wished could assume their husband's nationality, which reflected that women had a lower status than men, and it was asked whether any steps were being taken to eliminate such discrimination.

627. The report established that article 18 of the Constitution guaranteed free education at the primary level of school only and it was asked what changes had occurred since then, what was the present percentage of illiterate population by sex, and what changes at the graduate and undergraduate levels had occurred since 1977. The Committee requested that the second report to be submitted should have more detailed information and statistics regarding education.

628. Regarding employment, it was asked whether there existed any protective legislation measures related to women, such as prohibition of night-work, and whether there were any plans to revise them. The report had mentioned that employment of women by the private sector was low because women represented a heavy burden to them, and clarification was requested on whether this heavy burden referred to maternity leave provisions or other factors.

629. Labour segregation between women's and men's jobs seemed to be a problem, even in the public sector, and additional statistics were requested. In addition, it was asked how the principle of equal pay for equal work contained in the Constitution was enforced in practice, and whether the equal pay for work of equal value had also been adopted.

630. The report was commended for being candid about many aspects of discriminatory practices of employment and also about sexual harassment. More information was requested on retirement age for both sexes, unemployment rates and social security provisions.

631. No information had been provided on self-employed women and it was asked what were the laws protecting pensions in the informal sector, which in Africa consisted mostly of women entrepreneurs.

632. General questions were raised regarding provisions for health care of women, specifically prenatal and postnatal care. It was also asked whether there was any specific official population policy in Nigeria and whether abortion was legal.

633. It was asked whether the Government had established family planning programmes and whether it had established such a policy nationally.

634. A number of questions were raised regarding the assertion that women were imposed heavier taxation on their earnings than men, and clarification was sought on this provision and it was further asked what revisions were envisaged of the taxation law in order that it would not be discriminatory to women.

635. More information was requested on women's participation in the cultural life of the country. Members of the Committee were aware that there were Nigerian women artists and intellectuals but no mention of them had been found in the report.

636. Rights of women to own property, and access to credit facilities had not been clearly spelled out in the report and therefore the Committee requested additional information.

637. Generally it was also surprising that more information had not been provided on the situation of rural women, their role in traditional farms, their participation in co-operative and irrigation schemes, and government assistance to small farmers. It was asked what provisions were there to protect the women-farmers upon retirement, did they have access to pension and social security or were there other provisions that might have been overlooked by the report.

638. More information was requested on the number of women who lived under customary law and the number of marriages concluded under customary law; information in this respect was especially important, the Committee remarked, in regard to the multiplicity of marriage patterns and the relationship between Nigerian courts and the practice of customary laws.

639. Shock was expressed at the notion mentioned in the report that unmarried adults were considered immature, incomplete and not responsible and it was asked whether that was still a preponderant notion. Several discrepancies were found in the laws governing divorce where adultery by the wife was sufficient for separation, whereas adultery by the husband was not.

640. The pilot legal project on family law which had been set up by the Nigerian Institute of Advanced Legal Studies was commended. This exercise, the Committee agreed, was fruitful and needed, and it was hoped that many of the existing discrepancies affected both men and women in the present family law would be revised in order to comply with the Convention. It was also asked whether the Government had plans to create a family court.

641. Other questions were asked regarding the term "pure polygamy", and whether the planned reduction in bride price meant that bride price would not be abolished in customary law marriages. It was also asked how many girls there were under 16 years and how many of them were mothers. It seemed that women were discriminated against with regard to adultery as a ground for divorce in customary law and it was asked how women themselves reacted to marriages other than statutory

marriages.

642. The Committee thanked the representative once more for the courageous steps taken in ratifying the Convention and for presenting the first report with honesty and openness. The report was very lucid in its exposition of the obstacles encountered and this was a first step in eliminating them.

643. Before replying to the questions raised, the representative of the Government expressed thanks for the kind comments made by the members of the Committee and said that the second period report would provide replies to the questions that could not be answered immediately and would also contain further statistical data. As regards the repetitions in the report, which she regretted, she stated that the time frame for giving additional information was too short and did not allow for presenting an elaborate document.

644. She stated that any law or directive that was inconsistent with the Constitution was null and void, and if a directive was contradictory to the Convention, the person that was discriminated against could institute court action. Administrative directives had no legal force. Campaigns were being launched by government agencies to make women aware of their rights in many fields in order to incite them to take legal action, if necessary.

645. The National Committee on Women and Development was allocated adequate financial resources in the 1988 budget, and its members received annual remuneration like members of other government bodies. While the representative did not have any information on intentions of the Government to set up a Ministry of Women's Affairs, she said that plans existed to create a Directorate or perhaps a National Commission on Women Affairs. Presently, the Permanent Secretary was a woman.

646. The representative stated that the report to the Committee under article 18 of the Convention had been circulated to the various States and non-governmental organizations and the additional information, contained in CEDAW/C/5/Add.49/Amend.1, was presently being printed and would equally be disseminated across the country.

647. Concerning the issue of unequal taxes for women and men, she explained that the reason for the heavier tax burden on women was to be seen in the heavier financial loads carried by men as heads of household; but, she said, that such a view was rapidly changing. Women had launched strong campaigns against the system and a seminar was being organized to draw attention to the disparity. It was already possible for single or married women who could produce evidence of being heads of households to obtain tax relief. But the goal for women to obtain the same tax relief as men.

648. The representative said that there was at least one woman commissioner in each of the 21 States and in some States there were more than one. In the country, women's groups discussed women's issues through the media and men have started to realize that women were a necessary factor in national development.

649. It was stated that no temporary special measures existed to give women equal opportunity.

650. The Government had started enlightenment campaigns on the negative effects of some of the traditional practices. But the breaking of deep-rooted traditions constituted a slow process. The representative said that female circumcision was widespread in the south, but the practice was, however, slowly dying because people presently realized the health risks involved.

651. She said that violence in the family was condemned under the provisions of the Constitution; it was both frowned upon and also sometimes accepted as necessary. Cruelty was a ground for divorce, and rape was considered as an offence.

652. The incidence of sexual harassment was difficult to report on as women did not readily report on its occurrence. School education incorporated also moral education, but no educational programmes had been set up for prostitutes.

653. The representative said that women had fully participated in political activity since 1970. Women currently participated actively in the local government elections as voters and as candidates. She said that enlightenment programmes were currently being conducted to inform women of their political rights and one of the members of the national electoral committee was a woman. Women were also represented at the government level. The 1988 International Women's Day celebration was being organized by the Ministry of Social Development and women's non-governmental organizations. Women were currently also joining the military service. There was a cordial and co-operative relationship between the National Council of Women's Societies, non-governmental organizations and the Bureau, and non-governmental organizations formed pressure groups to influence the policy of the Government.

654. It was said that dual citizenship was not admitted and discrimination in the transfer of citizenship still continued.

655. Girls and boys had equal access to school education, and in some States girls in primary and secondary schools outnumbered boys. The reason for the big number of girls enrolled in law studies was not known. She said that the national education programmes were trying to arouse interest in female education in technical fields. No statistics on the illiteracy rate were available.

656. No charges in the protective legislation concerning the ban on women's night work were foreseen yet. She said that self-employed women were not protected by labour laws and young women working in the private sector were not so welcome because of possible absenteeism related to health problems and child care. However, women could be found in any type of profession. The principle of equal pay for equal work was accepted, but no statistics to show the wage differentials between women and men in the private sector were available.

657. The retirement age for women and men was 55 years and leave entitlements were equal for persons of either sex. However, no paternity leave existed as yet, but sufficient domestic help was available. Women were also members of trade unions and there was a women's wing in the Nigerian Labour Congress.

658. Abortion was not generally permitted, but it was allowed if the life of the mother was in danger or following the recommendation given by a doctor. Attempts to legalize abortion were resisted by

the churches and by women themselves. The average female life expectancy was between 54 and 60 years, and more women lived in rural areas and more men in urban areas.

659. The representative said that rural women did not have pension rights, but they were protected by the strong extended family system. Family planning services were available to them. Traditions and customs were an obstacle to women's access to credit facilities, but women formed co-operatives to have more easily access to credit. Land ownership was possible for women in some parts of the country. It was also said that special training courses existed for rural women, and by trying to raise the consciousness of women in rural areas the authorities in the country were trying to raise the consciousness of the Nigerian society.

660. It was said that women excelled in the cultural field, where they gained international fame. Women were also widely represented in trade and commerce.

661. The representative showed understanding for the difficulties some members had in trying to understand the three-fold Nigerian marriage pattern. She emphasized that only a mixture of the three patterns was illegal. No statistics on the different categories of marriage were available. She said that adultery committed by woman constituted a ground for divorce, whereas an adultery committed by a man had no legal consequences, as it was claimed that men were polygamous by nature. The official age for marriage was 16 years for girls and 16-17 years for boys. No statistics were available on the number of marriages below the age of 16 and on the number of teenage pregnancies. It was said that a high-level committee had been set up by the responsible Ministry in order to deal with the problems related to early marriages and teenage pregnancies. It was explained that early marriages were a safe guaranty against pregnancies out of wedlock and that unmarried women were frowned upon because it was thought that they were either immoral or not good enough to be married. She also said that polygamy was mostly accessible only to rich men as the husband had the legal obligation to provide equal economic conditions to all wives.

662. The representative explained that the dowry had originally to be paid by the man to indicate his capability to support the wife financially; later it had to be paid to reimburse the parents of the wife for the education provided to the girl. As a result of a strong protest by women's groups, the amount of the dowry was being reduced to becoming a mere token.

663. She indicated the reasons for divorce and said that legal aid centres were accessible to men and women. No plans existed as yet to set up family courts.

664. Appreciation was expressed by the experts for the replies given. Further comments referred to the issues of female circumcision, and it was said that it was most important for the Government to take the necessary steps to eliminate those practices and foresee severe punishments. It was also asked in what way women's organizations had shown protest.

665. Questions were raised as to whether it was planned to eliminate the existing discrimination as regards acquisition and transfer of citizenship.

666. More information was sought on the food self-sufficiency programme of 1985 and on land ownership questions related to the new irrigation scheme.

667. It was also asked whether the Government was planning to unify the various marriage patterns, whether it was legally prohibited for a girl who had barely reached puberty to get married and whether women's organizations protested against polygamy.

668. The Government representative explained that vigorous campaigns were being mounted against female circumcision and efforts were being made to enlighten women on the health risks involved for their daughters.

669. Protests were also being launched by women's groups against polygamy. However, the opinion of women themselves was mixed. Some fought against it; some thought it was better to be one of several wives than not to be married at all.

670. As regards the question of land ownership, the representative said that in Nigeria the paternal system prevailed; in some parts of the country women did not own the land they were working, but they were allowed to sell the crops.

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138. The Committee considered the combined second and third periodic reports of Nigeria (CEDAW/C/NGA/2-3) at its 396th and 397th meetings, on 2 July 1998 (see CEDAW/C/SR/396 and 397).

Introduction by the State party

139. In introducing the reports, which covered the period from 1987 to 1994, the representative noted that they demonstrated the progress made since the 1986 initial report and identified the remaining areas of difficulty in the promotion of equality between women and men in Nigeria. She noted that the reports addressed the impact of external factors on national efforts to promote equality between women and men.

140. The representative indicated that there had been an awareness-raising campaign concerning the need to have more women legislators and senators and that women had been elected into local government councils and the state and federal legislatures. However, the Government remained unsatisfied with the small number of women in elective positions.

141. The representative noted that, although education and training promoted equality between men and women, certain cultural and traditional practices and beliefs remained obstacles to women's full enjoyment of rights, including in the context of marriage, inheritance and land ownership.

142. The representative informed the Committee that a National Committee of Women and Children reviewed all laws relating to women and children, in order to bring them into conformity with the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child. The National Commission for Women Decree had established a National Commission for Women in 1989 to coordinate the implementation of programmes to facilitate and enhance the advancement of women in Nigeria. The Commission had been upgraded to the Federal Ministry of Women's Affairs and Social Development. In addition, the state Ministries of Women Affairs and Social Development had been established in the 36 states of the Federation.

143. The representative informed the Committee that the Ministry of Women's Affairs sought to raise awareness among women and men of the need to empower women and to forge a new partnership based on mutual respect for the family. The Ministry of Women's Affairs had emphasized the importance of education and the acquisition of skills for women and girls.

144. The representative described several temporary special measures which had been adopted by the Government, including education committees relating to women, the appointment of women to decision-making positions and poverty alleviation measures to improve the economic status of women. She noted that the Convention on the Elimination of All Forms of Discrimination against Women had been published in a simplified version by the Ministry of Women's Affairs and Social Development.

145. The representative noted that traditional practices had affected rural women more than urban

educated women. The 1979 constitution, particularly article 31, addressed certain of these practices, and seminars for women had been organized to discourage these traditional practices. Domestic violence was seldom reported because of fear of reprisal and lack of response from law enforcement officials. Statistics relating to this problem would not be available until women were motivated to report domestic and other forms of violence.

146. The representative described measures to inform Nigerian women of the Beijing Declaration and the Platform for Action, including the production of instruction manuals and workbooks on the 12 critical areas of concern.

147. The representative noted that commercial banks frequently denied women credit because of lack of creditworthiness, and the Government had implemented several credit schemes, including the Family Economic Advancement Programme, which operated credit facilities for women and family units for the promotion of family enterprises.

148. The representative informed the Committee that rural women played an essential role in the agricultural sector, but had only been recognized in development plans within the last decade. She described several Government measures to address that situation.

149. The representative concluded by noting that, although significant progress had been achieved, much work still needed to be done in order to eliminate some of the customary, traditional and religious practices which impeded the advancement of women.

Concluding comments of the Committee

Introduction

150. The Committee commends the Federal Republic of Nigeria for having ratified the Convention in June 1985 without reservations. The Committee also commends the Government on the level of the delegation, led by the Minister for Women's Affairs and Social Development.

Positive aspects

151. The Committee notes with satisfaction that progress had been made in some areas since the previous report. Such progress includes the establishment of a Ministry of Women's Affairs and the Advancement of Women, and an increase in school attendance rates for girls and literacy rates for women. The number of women in decision-making posts had also increased.

152. The Committee commends the Government of Nigeria for improving rural women's access to drinking water and electricity.

Factors and difficulties affecting implementation of the Convention

153. The Committee notes the predominance of cultural stereotypes that are prejudicial to women. The Committee is also disturbed to learn about the continued existence of such practices as polygamy, inhumane rites undergone by widows, female circumcision and similar customs, which

present serious dangers to the physical and emotional health of women and violate their fundamental human rights.

154. The coexistence of three legal systems, civil, religious and customary, make it difficult to adopt and enforce laws which genuinely protect women's rights.

Principal subjects of concern and the Committee's recommendations

155. The Committee regrets that the Government did not reply to all the questions raised in connection with the second and third periodic reports. The Committee recommends that Nigeria include answers to these questions in its next periodic report.

156. The Committee is very concerned about religious and customary laws and practices in the family context that violate women's human rights.

157. The Committee recommends that effective measures be taken to change laws and cultural norms which allow such practices as polygamy, one-sided repudiation, unequal subsistence rights and shares, as well as preventing women to travel without the permission of a male relative.

158. Notwithstanding ratification of the Convention without reservations, the Committee is concerned that the Convention is not being implemented within an adequate legal and constitutional framework.

159. The Committee recommends that the Government should fully respect the commitments and obligations arising under the Convention and that it should adopt all necessary measures in this regard.

160. The Committee is concerned by the lack of statistical data in the reports. While there are financial constraints in this context, the use of statistics allows a clearer understanding of progress since the previous report, including in the areas of domestic violence, prostitution, women's labour, including in the informal sector, and women's and children's health.

161. The Committee recommends that the Government should collect statistical information disaggregated by sex in all areas of importance in the lives of women and that such data should be used in future reports.

162. The Committee is concerned about the inadequate representation of women in the judiciary.

163. The Committee recommends that temporary special measures in accordance with article 4, paragraph 1, of the Convention be adopted to increase the participation of women in the judiciary.

164. The Committee is seriously concerned at the various forms of violence against women that exist in Nigeria and the absence of laws, programmes and policies to address this serious problem.

165. The Committee recommends that the Government collect information on this issue and introduce and enforce appropriate laws, programmes and policies to confront all forms of violence

against women. It further recommends the establishment of shelters for victims and the introduction of measures to ensure that women are protected from reprisal where they report their victimization. The Committee also recommends the introduction, at all levels of education, of courses on women's and children's rights, as well as public awareness campaigns with regard to these issues.

166. Notwithstanding the Government's efforts in the field of education, the Committee is concerned at the low literacy rate among women and the low attendance rate by girls at secondary institutions.

167. The Committee encourages the Government to increase its efforts through implementation of a specific programme to reduce illiteracy among women, particularly in rural areas, and promote access by girls to secondary education. The government should ensure that primary education is free.

168. The Committee is concerned that there are no statistics and information on AIDS and sexually transmitted diseases. The Committee also noted that polygamy and prostitution were serious risk factors in the spread of sexually transmitted diseases.

169. The Committee recommends that statistical data and information be compiled on the incidence of HIV/AIDS and other sexually transmitted diseases.

170. The Committee is alarmed by the rates of maternal and infant mortality and the lack of medical facilities for women and children.

171. The Committee encourages the Government to increase its efforts to guarantee access to medical services and hospital medical facilities, particularly in the context of women's health needs. The Committee notes that family planning programmes must be available to all, including young women and men, and stresses women's right to receive informed and reliable medical care. The Committee recommends that free access to health services should be a priority for Government. In this regard, it recommends that the Government take account of the recommendations of the United Nations Development Programme with respect to sustainable human development.

172. The Committee notes with concern that rural women had little access to education and to credit facilities.

173. The Committee recommends that the Government strengthen its socio-economic programmes so as to reduce discrimination suffered by rural women.

174. The Committee requested the wide dissemination in Nigeria of the present concluding comments in order to make the people of Nigeria, and particularly Government administrators and politicians aware of the steps that have been taken to ensure de facto equality for women and further steps that are required in that regard. It also requests the Government to continue to disseminate widely, and in particular to women's and human rights organizations, the Convention, the Committee's general recommendations and the Beijing Declaration and the Platform for Action.