

Nigeria

CEDAW, A/59/38 part I (2004)

274. The Committee considered the combined fourth and fifth periodic report of Nigeria (CEDAW/C/NGA/4-5) at its 638th and 639th meetings, on 20 and 21 January 2004 (see CEDAW/C/SR.638 and 639).

Introduction by the State party

275. In introducing the report, the representative of Nigeria noted that the country's complexity was reflected in the varying nature of statistics and in the differing levels of national development and progress made towards realization of the Convention. In spite of these complexities, concrete progress was made at different levels of the three tiers of government and reflected, for example, in the adoption in 2003 of the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act and the Child Rights Act. A national bill on violence against women was before the National Assembly. The 1999 Nigerian Constitution provided for the promotion and protection of women's rights in Nigeria. The Federal Government had adopted the National Policy on Women in July 2000. That policy provided, inter alia, for affirmative action to increase to 30 per cent the representation of women in the legislative and executive arms of the Government.

276. The report discussed the sociocultural, economic, political, legal and religious challenges to the promotion and protection of women's rights. Measures to eliminate discrimination against women included the enactment of laws relating to widowhood practices and female genital mutilation, the prohibition of early marriage, retention of girls in school, and trafficking in women and children. Legal aid was available to women. The National Action Committee on Women in Politics had been established, which was developing strategies for effective mobilization of women in all electoral processes. Efforts were under way to modify or abolish existing discriminatory laws, including provisions of the Penal Code.

277. Other measures to address discrimination against women included the translation of the Convention into the three major Nigerian languages; the production of information, education and communication materials for creating awareness and educating the public about women's rights; and empowerment programmes targeting women, institutions, students and the general public as well as professional groups and traditional and religious institutions. The pioneering role of a Supreme Court case that recognized and cited the Convention as a standard to be followed was also emphasized.

278. The representative highlighted a number of national policies that contained measures to protect maternal health, including the National Policy on Women and the national policies on reproductive health, nutrition, HIV/AIDS and education. Over 90 per cent of States had expanded their primary health-care services for the benefit of women and girls.

279. There had been significant changes in the status and quality of women's employment since the previous report. Measures to ensure women's economic and social empowerment included the provision of microcredit, the establishment of women's cooperative societies, skills acquisition centres and a number of pilot projects. The national economic policy had also been engendered and targets had been set for women's economic advancement.

280. While the Federal Ministry of Women's Affairs and Youth Development had responsibility for pursuing policies and programmes aimed at women's enjoyment of their rights, other institutions and bodies also supported the achievement of that goal, including the recently appointed Special Assistant on Human Trafficking and Child Labour, the National Consultative and Coordinating Committee, the National Technical Team of Experts comprising gender desk officers from sectoral ministries, the National Human Rights Commission, especially its special rapporteur on women and child rights, and the Legal Aid Council. Non-governmental organizations also supported the promotion of women's rights and those of the girl child, and non-discrimination.

281. In closing, the representative reiterated her Government's commitment to implementing measures to eliminate all forms of discrimination against women and to using the media and information and communications technology as an instrument for the advancement and empowerment of women.

Concluding comments of the Committee

Introduction

282. The Committee commends the State party for its combined fourth and fifth periodic report, which was prepared in accordance with the Committee's guidelines for the preparation of periodic reports. It also commends the State party for the written replies to the issues and questions raised by the Committee's pre-session working group, and expresses appreciation for the comprehensive oral presentation.

283. The Committee congratulates the State party for its high-level delegation, headed by the Federal Minister of Women Affairs and Youth Development, and which also included officials from various branches of government as

well as representatives of non-governmental organizations, which enabled the members of the Committee to engage in a frank and constructive dialogue with the delegation.

284. The Committee notes the declared political will of the State party to promote women's human rights in the new system of democratic governance and to overcome the obstacles to women's full participation in all aspects of public and private life after years of military rule.

285. The Committee warmly welcomes the State party's collaboration with women's non-governmental organizations and other interested stakeholders in the implementation of the Convention and the creation of a democratic society.

286. The Committee notes that Nigeria signed the Optional Protocol to the Convention in September 2000.

Positive aspects

287. The Committee commends the State party for including the right to freedom from discrimination on grounds of sex in its 1999 Constitution. It also welcomes the attention given in the ongoing constitutional review process to the elimination of remaining provisions that are discriminatory to women, including those regarding nationality.

288. The Committee welcomes the adoption of new federal laws in support of the goal of gender equality and the implementation of the provisions of the Convention, including the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, 2003, and the Child Rights Act, 2003. It also welcomes the adoption of a number of State laws prohibiting discrimination against women in critical areas such as female genital mutilation, widowhood practices and early marriage. It appreciates the State party's efforts, in collaboration with civil society organizations, to collate all remaining discriminatory aspects of legal provisions and practices, with a view to eliminating them, and to harmonize statutory, customary and religious laws.

289. The Committee notes that, despite the fact that the Convention has not yet been domesticated as part of Nigerian law, some courts in Nigeria have explicitly referred to the Convention in arriving at decisions in favour of women's equality and non-discrimination.

290. The Committee welcomes the adoption of the National Policy on Women in 2000 as a framework for monitoring the implementation of the Beijing Platform for Action and the Convention. The Committee also welcomes the adoption of other national policies on education, reproductive health, nutrition and HIV/AIDS, which support women's empowerment, as well as the

establishment of institutional mechanisms to support their implementation.

Principal areas of concern and recommendations

291. The Committee is concerned that, although Nigeria ratified the Convention in 1985, the Convention still has not been domesticated as part of Nigerian law. It notes with concern that, short of such full domestication, the primacy of the Convention over domestic law is not clarified nor is the Convention justiciable and enforceable in Nigerian courts.

292. The Committee urges the State party to place high priority on completing the process of full domestication of the Convention. It calls on the State party to ensure that the Convention and related domestic legislation are made an integral part of legal education and the training of judicial officers, including judges, lawyers and prosecutors, so as to firmly establish in the country a legal culture supportive of women's equality and non-discrimination.

293. The Committee is concerned that the State party's Constitution continues to contain provisions that discriminate against women, in particular in the area of nationality and employment, a fact that is explicitly recognized by the State party. It is further concerned at the slow pace of legislative reform to bring discriminatory legislation into conformity with the provisions of the Convention and to eliminate customary practices that discriminate against women.

294. The Committee calls on the State party to set priorities, as well as a concrete timetable, for amending provisions in the Constitution and in Federal and State legislation that discriminate against women. It urges the Government of the State party to intensify its collaboration with parliamentarians and civil society in order to enhance understanding by all stakeholders of the State party's obligations under the Convention and to ensure speedy progress towards achieving de jure equality as an essential prerequisite for realizing de facto equality of women and compliance with the provisions of the Convention.

295. The Committee notes with concern the existence of a three-pronged legal system, namely, statutory, customary and religious law, which results in a lack of compliance by the State party with its obligations under the Convention and leads to continuing discrimination against women.

296. The Committee urges the State party to take proactive and innovative measures, including full domestication of the Convention, to remove contradictions among the three legal systems and to ensure that any conflict of law with regard to women's rights to equality and non-discrimination are resolved in full compliance with the provisions of the Convention and general recommendation 21 on equality in marriage and family relations. It also urges the State party to step up its efforts at awareness-raising with regard to the Convention in order to create an enabling environment for legal reform and legal literacy.

297. The Committee is concerned about the continuing prevalence of violence against women and girls, including domestic violence and sexual harassment in the workplace. The Committee notes with concern that a bill on violence against women proposed in 2002 has yet to be acted on by the National Assembly.

298. The Committee urges the State party to place high priority on putting in place comprehensive measures to address all forms of violence against women in the family and in society and to recognize that such violence constitutes a violation of the human rights of women under the Convention, and in the light of general recommendation 19 on violence against women. The Committee calls upon the State party to speed up its efforts at adoption of legislation on violence against women, including domestic violence and sexual harassment, and to ensure that all forms of violence against women are prosecuted and punished with the required seriousness and speed. The Committee stresses that all women victims of violence should have access to protection and effective means of redress. The Committee recommends gender-sensitive training for public officials, in particular for law enforcement personnel, the judiciary and health service providers, and the establishment of shelters and other services for victims of violence and sexual harassment. The Committee invites the State party to take awareness-raising measures through the media and public education programmes to make such violence socially and morally unacceptable.

299. The Committee expresses concern about the persistence and social acceptability of harmful traditional practices, including widowhood practices, female genital

mutilation, and child and forced marriage, despite prohibitions in State or Federal legislation.

300. The Committee urges the State party to place the elimination of such practices high on the agenda of the federal and state governments and to bring to an immediate end the apathy of law enforcement agencies with regard to the implementation of existing legislation. It calls on the State party to intensify its efforts to develop and implement a national plan of action, including public awareness-raising campaigns targeted at women and men, in order to eliminate the practice of female genital mutilation and widowhood practices. It urges the State party to ensure full compliance with the Child Rights Act, 2003, which set the statutory minimum age of marriage at 18 years in all parts of the country. The Committee encourages the State party to undertake such efforts in collaboration with civil society organizations, women's non-governmental organizations, and traditional and religious leaders, so as to build alliances and create an enabling environment for the accelerated elimination of such practices, and to achieve compliance with the Convention.

301. The Committee, while recognizing the efforts of the State party to combat trafficking in women and the exploitation of the prostitution of women, such as adoption of the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, 2003, and the appointment of a high-level official on human trafficking and child labour, expresses its concern about the prevalence and extent of this problem in Nigeria, which has become a country of origin and transit of trafficked women and girls. The Committee notes with concern that the transmission of sexually transmitted diseases and HIV/AIDS is further exacerbated by sexual exploitation in Nigeria.

302. The Committee urges the State party to ensure full implementation of the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, 2003, and to develop a comprehensive strategy to combat trafficking in women and girls, including the prosecution and punishment of offenders, counselling and rehabilitation of victims, and awareness-raising and training activities for those involved in combating trafficking. It calls on the State party to intensify international, regional and bilateral cooperation with other countries of origin, transit and destination for trafficked women and girls. It also recommends the introduction of measures aimed at improving the economic situation of women so as to eliminate their vulnerability to traffickers.

303. The Committee expresses concern at the low enrolment rates and educational achievement of girls and women, the continuing high rates of illiteracy of women and girls, in particular in rural areas, and the decline in the quality of education.

304. The Committee urges the State party to ensure full implementation of its Universal Basic Education Policy, launched in 1999, and the educational objectives contained in the National Policy on Women, including with the support of the international community. It calls on the State party to further prioritize action in the field of girls' and women's education and to raise awareness about the importance of education as a fundamental human right and the basis for the empowerment of women. It urges that targeted measures with a concrete time frame be taken, in accordance with general recommendation 25, to increase the literacy level of girls and women, in particular in rural areas, to ensure equal access of girls and young women to all levels of education, to prevent girls from dropping out of school, in particular because of early pregnancy, and to overcome traditional attitudes that constitute obstacles to girls' education. It also encourages the State party to ensure the accessibility of schools to all children, particularly girls, to create further incentives for parents to send girls to school and to step up the recruitment of qualified women teachers at all levels of education.

305. The Committee expresses concern about the persistence of discriminatory legislation, administrative provisions and practices in the labour market. It is also concerned about women's higher unemployment rates, the persistent wage gap in the private and public sector and the lack of adequate social protection for women in the private sector.

306. The Committee urges the State party to ensure equal opportunities for women and men in the labour market, including through the use of temporary special measures in accordance with article 4, paragraph 1, of the Convention and general recommendation 25.

307. The Committee expresses concern at the precarious situation of women's health, the insufficient and inadequate health-care facilities and family planning services and the lack of access to such facilities and services. The Committee is concerned about the high rates of maternal mortality as a result of unsafe abortions. It is also concerned about the persistence of traditional practices that are harmful to the physical and mental health of women and girls.

308. The Committee urges the State party to allocate adequate resources to improving the status of women's

health, in particular with regard to maternal and infant mortality. It urges the State party to increase women's and adolescent girls' access to affordable health-care services, including reproductive health care, and to increase access to affordable means of family planning for women and men. It urges the State party to take measures to assess the impact of its abortion laws on women's health. The Committee urges the State party to introduce a holistic and life cycle approach to women's health, taking into account general recommendation 24 on women and health.

309. The Committee, while recognizing the efforts made to achieve 30 per cent representation of women in public office, notes with concern the low number of women in political and public life, especially in leadership and decision-making positions. It also notes with concern that the persistence of stereotypical and patriarchal attitudes, which view men as natural leaders, may preclude women from seeking positions of leadership.

310. The Committee recommends that the State party take measures to increase the number of women in decision-making positions at all levels and in all areas, in the light of general recommendation 23 on women in political and public life. It also recommends that the State party introduce temporary special measures, in accordance with article 4, paragraph 1, of the Convention and general recommendation 25, to strengthen its efforts to promote women to positions of leadership, including in the diplomatic service. To that end, the Committee urges the State party to increase the availability of training programmes and to enhance its awareness-raising campaigns aimed at underlining the importance of women's participation in decision-making at all levels.

311. The Committee, while noting the existence of laws and policies in many areas, including the National Policy on Women and related sectoral policies, strategies and programmes, is concerned at the lack of evaluation of the impact of such policies and of effective monitoring mechanisms, as well as a dearth of data and information disaggregated by sex on the results achieved.

312. The Committee calls on the State party to include, in its next report, statistical data and analysis disaggregated by sex on the impact of its policies for the achievement of gender equality and the implementation of the provisions of the Convention.

313. The Committee encourages the State party to ratify the Optional Protocol to the Convention and to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention, concerning the meeting time of the Committee.

314. The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report, due in 2006, under article 18 of the Convention.

315. Taking account of the gender dimensions of declarations, programmes and platforms for action adopted by relevant United Nations conferences, summits and special sessions, such as the special session of the General Assembly to review and appraise the implementation of the Programme of Action of the International Conference on Population and Development (the twenty-first special session), the special session of the General Assembly on children (the twenty-seventh special session), the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and the Second World Assembly on Ageing, the Committee requests the State party to include information on the implementation of aspects of those documents relating to relevant articles of the Convention in its next periodic report.

316. The Committee requests the wide dissemination of the present concluding comments in Nigeria in order to make the people of Nigeria, in particular government administrators and politicians, aware of the steps that have been taken to ensure de jure and de facto equality for women, and the future steps required in that regard. It also requests the Government to continue to disseminate widely, in particular to women's and human rights organizations, the Convention and its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the results of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace in the twenty-first century".