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**Committee on the Elimination of Discrimination
against Women**

Pre-session working group for the thirtieth session
12-30 January 2004

**List of issues and questions with regard to the consideration
of periodic reports**

Nigeria

Introduction

1. The pre-session working group examined the combined fourth and fifth periodic report of Nigeria (CEDAW/C/NGA/4-5).

**Constitution, legislation and national machinery for the
advancement of women**

2. Please provide specific information about the non-discrimination and equality provisions of the 1999 Constitution. Describe mechanisms in place to ensure consistency in national laws and customary practices with the constitutional principle of non-discrimination and equality. What steps are contemplated to remedy discriminatory deficiencies that remain in the Constitution?

3. What is the status of the Convention in the Nigerian legal system? If a domestic law conflicts with the provisions of the Convention, would the provisions of the Convention prevail? While noting the reference in the report (on page 16) to the pioneering role of a Supreme Court judge in recognizing and citing the Convention, kindly elaborate whether the law provides that the Convention can be directly invoked by the Courts.

4. Does national legislation provide for a clear definition of discrimination as there is no such definition in the Constitution? Does the Constitution protect women against discriminatory acts and practices outside the governmental or public sector?

5. On page 16, the report refers to a spate of legislation aimed at eliminating discrimination against women. Please provide a list of bills that have been adopted,

and very briefly describe their content. Also describe the content of the “empowerment bills” referred to on page 16.

6. How does the Government plan to harmonize civil, religious and customary law with the Convention, both at the federal and the State levels?

7. Please provide information as to how the hierarchy and authority of federal jurisdiction and legislation is guaranteed vis -à-vis the States.

8. Please provide information about the results of the implementation of the national policy for women since its adoption in June 2000, including about follow-up and evaluation mechanisms.

9. The report, on pages 15, 16 and 17, describes the establishment of various entities and offices (such as the National Consultative and Coordinating Committee, the National Action Committee on Women in Politics, the Legal Aid Council), as well as the Federal Ministry of Women Affairs and Youth Development. How do potential beneficiaries learn about the services offered by these bodies? What mechanisms are in place to ensure coordination among them, and with the Federal Ministry?

Education and stereotypes

10. Page 36 of the report indicates that “it is evident that total school enrolments are always higher for males when compared with females in the reporting years”. Please provide updated data, if available. Have legislative or other measures been taken to ensure equal access to education for women and men? What policies and other measures are in place to increase girls’ and women’s educational enrolment and achievement? Provide examples of initiatives and measures taken by the Government to enhance primary and secondary education of girls.

11. Describe the reasons for lack of implementation of the Government’s new social and educational policy of free education of women and girls at all levels, and of free and compulsory basic education for girls.

12. What specific measures has the Government taken to abolish such discriminatory practices as early or forced marriages, female genital mutilation, spouse chastisement, widowhood rites, wife inheritance, etc?

13. Has the Government organized training on women’s human rights for law enforcement officials?

Political participation in decision-making

14. The percentage of women in decision-making positions in public and political life remains low. Apparently, the National Policy on Women provides for affirmative action to increase to 30 per cent women’s share in the legislative and executive branches and in political parties. If this is not achieved, what sanctions are in place? What corrective measures is the Government contemplating? For example, is the Government contemplating the adoption of legislation to achieve a better balance of women and men at all decision-making levels in public life? How far have the special measures taken by political parties to facilitate women’s participation been implemented and what is the success of these measures?

15. Are there any programmes to encourage women to enter and remain in the Foreign Service and to ensure that they reach high levels in the service? Are there any obstacles preventing women from entering the Foreign Service?

Employment and rural women

16. The report indicates on page 39 that “the Nigerian Constitution itself contains the seed for both negative and positive discrimination in relation to the employment of women”. The report also indicates on page 40 that Nigerian women are far from enjoying equal rights in the labour market due to their heavy burden of domestic work, lower levels of educational attainment, biases against women’s employment in certain sectors of the economy or stereotypes at the workplace and discriminatory welfare packages. What legislative or other measures have been taken to promote equal employment opportunities for women and men, in both the public and private sectors? What measures is the Government planning to take to address the inadequacies of childcare facilities, which “greatly affect women’s participation in the labour force” as stated on page 41 of the report? Describe the means available to challenge discrimination at the workplace, whether such discrimination has been challenged in the past, and the outcome of any such challenge.

17. Is there a law on equal pay for equal work and work of equal value, and is the law being enforced? What administrative measures are taken to reduce the salary gap between women and men in the public and private sectors?

18. Provide an update on the review of labour laws, mentioned on page 42. What are the legal provisions concerning sexual harassment in the workplace, protection of pregnant women workers, and with regard to child labour? Are women entitled to maternity leave, and of what duration?

19. Has the amendment to the law on minimum salaries of June 2000 addressed the exclusion of certain categories of workers from its implementation, especially as there are many women in the excluded categories, such as part-time workers, agricultural workers, workers in small enterprises.

20. The report indicates on page 41 that women account for 18 per cent of the formal sector workforce and only 3 per cent of administrative and managerial positions in the country. The gender disparity is even greater in professions such as medicine, engineering and architecture, which remain overwhelmingly dominated by men. What measures have been taken to rectify this situation, especially in those areas? Has the Government made efforts to increase the awareness of women and girls in order to take the above-mentioned subjects in colleges and universities?

21. The report, on page 52, indicates that, despite their important contributions in the agricultural sector, women in rural areas are still mainly involved in arduous manual tasks in farming and food processing, which are largely undocumented and excluded from the national accounting system. They lack title to land and have limited access to agricultural inputs. What measures are in place to enable rural women to participate effectively in governmental and other bodies and commissions responsible for development planning? What measures are taken to increase rural women’s economic empowerment, and their right to equal access to land and property?

22. What measures are being taken to reduce rural women's and girls' extreme poverty, and to address high illiteracy rates, low school attendance rates of girls, and lack of access to health services and to family planning, in particular.

23. What steps is the Government taking to address the particular situation of rural women in the oil-producing regions to combat the environmental degradation of their communities, and the impact of such degradation on these women's health and quality of life?

24. As the tax system seems to be discriminatory vis-à-vis women, what measures are being contemplated to remedy this situation?

Health

25. Is the provision of basic health care a federal or a State responsibility? Please describe the relationship between the two levels of government and any coordination mechanisms that are in place to ensure adequate delivery of services. Please describe the steps taken or planned to increase the number of primary health-care facilities, their accessibility and maintenance, especially in rural areas.

26. What measures have been taken to reduce the high maternal mortality and morbidity rates, and to address the regional differences in these rates, especially in rural areas? What is being done to address the gender disparities in the mortality rates of under-five-year-olds? What measures is the Government taking to reduce women's mortality caused by complications resulting from abortions?

27. Please describe the impact and results of the emergency action plan issued by the President in 2001 to prevent the spread of HIV/AIDS and to empower women to effectively protect themselves against this epidemic. Are any sex-disaggregated statistical data available on HIV/AIDS prevalence and infection rates? If so, please provide such data.

28. Please provide information about progress in reducing harmful traditional practices that affect the health of women, for example, nutritional taboos during pregnancy. What is the impact of measures taken by the Government, and what corrective measures are envisaged in such policies to enhance their impact?

Family law and relations

29. The report indicates on page 49 that Nigeria has various laws governing marriage, divorce and inheritance based on statutory, religious and customary laws, operating side by side, and with discrimination against women persisting. How does the Government intend to ensure that the international legal obligations it has entered into are adhered to in the entire territory of the State party? Does the Government have any plans to enact uniform legislation on marriage and family in conformity with article 16 of the Convention?

30. What steps is the Government taking to combat discriminatory treatment of women based on their status (married, unmarried, widow, divorced, etc), and to ensure their legal rights in conformity with the Convention?

31. The report indicates on page 55 that in Northern Nigeria, the marriage age of girls is as low as nine years, depending on the age of attaining puberty. Has the

proposed bill at the national level to harmonize women's marriageable age at 18 entered into force? If not, when will it enter into force?

32. Do women, including women heads of household, enjoy the same rights as men to exercise parental authority vis-à-vis children, custody and guardianship? Do fathers have to provide child support?

33. What is the legal situation with regard to widow's and girls' right to inheritance under statutory law and under customary law, and what is the Government doing to ensure adherence to the provisions of the Convention in this respect?

Nationality

34. The report indicates on page 34 that the Nigerian Constitution is in itself discriminatory on the issue of nationality acquisition by registration as contained in section 26 (2) (a), subsection 29 (4) (b) and section 25 (1) (a) and (c). Please provide updated information on this matter, whether the proposed amendment of sections 26 (2) (a), 29 (4) (b) and section 42 (1) (b) are already in force, concerning the acquisition of nationality by non-Nigerian husbands of Nigerian wives.

Prostitution, trafficking and violence against women

35. The report indicates on page 21 that sexual exploitation on a commercial basis has become a very serious problem in Nigeria due to its links with international commercial trafficking in women and girls as well as its role in the spread of sexually transmitted diseases and the HIV/AIDS epidemic in Nigeria. Please clarify whether the bill against trafficking in women and children, referred to on page 22 of the report, has been adopted and entered into force? What is its content, and what effects can already be seen? Does it provide for the prosecution of traffickers? Is there a comprehensive domestic strategy in place to fight trafficking? Describe the impact of Nigeria's cooperation with countries of destination. What awareness-raising measures are in place to protect women from becoming victims of trafficking? What is the State party doing to improve the professionalism of law enforcement and immigration officers who seem to be colluding with the traffickers (see page 22)?

36. According to UNAIDS data, up to 70 per cent of sex workers tested positive for HIV by 1995-1996. What is the Government doing to address this issue?

37. The report provides very little information on violence against women. What is the legislative situation with regard to violence against women, including domestic violence, especially in the Penal Code? What are the evidentiary rules that govern sexual violence and adultery? Does the Government provide funding for support services for women victims of violence? What is the Government doing to raise the awareness of law enforcement officials with respect to the issue of violence against women, particularly within the home?

38. Are there any statistical data available on the prevalence of harmful traditional practices? Is the law against female genital mutilation being enforced?

**Optional Protocol, amendment to article 20, paragraph 1, of
the Convention**

39. Nigeria signed the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women in September 2000. Please indicate any progress made with respect to ratification or accession to the Optional Protocol.

40. Please provide information about the State party's intention to accept the amendment to article 20, paragraph 1 of the Convention concerning the Committee's meeting time.
