

Sixth periodic report

Nigeria

304. The Committee considered the sixth periodic report of Nigeria (CEDAW/C/NGA/6 and annex²) at its 836th and 837th meetings, on 3 July 2008 (see CEDAW/C/SR.836 and 837). The Committee's list of issues and questions is contained in document CEDAW/C/NGA/Q/6 and the responses of the Government of Nigeria are contained in document CEDAW/C/NGA/Q/6/Add.1.

Introduction

305. The Committee expresses its appreciation to the State party for its sixth periodic report, which follows the Committee's guidelines for the preparation of periodic reports and takes into account the Committee's previous concluding observations. The Committee notes with appreciation the participatory process by which the report was prepared, including the holding of public consultations and the involvement of civil society organizations.

306. The Committee also expresses its appreciation to the State party for its written replies to the list of issues and questions raised by the pre-session working group and for the oral presentation and further clarifications offered in response to the questions posed by the Committee.

307. The Committee commends the State party for its large delegation, which was headed by the Minister for Women Affairs and Social Development and included representatives of various Government ministries, departments and agencies and members of the National Assembly, as well as representatives from civil society. The Committee appreciates the open and constructive dialogue that took place between the delegation and members of the Committee.

308. The Committee notes with appreciation that the State party ratified the Optional Protocol to the Convention in November 2004.

Positive aspects

309. The Committee welcomes the adoption of the National Gender Policy in 2007, which constitutes a comprehensive framework for promoting gender equality and the advancement of women. The Committee encourages the State party to take the necessary measures to ensure its full implementation and operationalization. The Committee welcomes the adoption of a number of strategies, policies and programmes on such areas as education, health, reproductive health and nutrition since the consideration of Nigeria's combined fourth and fifth periodic report in 2004.

310. The Committee notes with appreciation the close collaboration of the State party with NGOs and other civil society groups in the promotion of women's human rights and gender equality, including through consultations, membership in task forces or committees, and contribution to legislative processes. The Committee encourages the Government to further develop such collaboration.

311. The Committee commends the State party on its ratification of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa and the Protocol to the African Charter on Human and

Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights.

Principal areas of concern and recommendations

312. While taking cognizance of Nigeria's federal structure, which establishes a three-tiered system of governance at the national, state and local levels, the Committee underlines that principal responsibility for implementation of the Convention lies with the federal Government and calls upon the State party to undertake all necessary measures to ensure the full implementation of the Convention in a consistent and coherent manner across its territory.

313. While recalling the obligation of the State party to implement all the provisions of the Convention systematically and continuously, the Committee views the concerns and recommendations identified in the present concluding observations as requiring the priority attention of the State party. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on action taken and results achieved in its next periodic report. It also calls upon the State party to submit the present concluding observations to all relevant ministries, to the National and State Assemblies and the judiciary in order to ensure their effective implementation.

Legal status of the Convention

314. Noting the rejection by the National Assembly of a 2005 draft bill on full domestication of the Convention, the Committee expresses its concern that the Convention has yet to be fully domesticated as part of national law despite its ratification in 1985 without any reservations. As expressed in its concluding observations of 2004 (A/59/38, Part one, paras. 282-316), the Committee is concerned that without such domestication, the Convention is not a part of the national legal framework and its provisions are not justiciable and enforceable in Nigerian courts.

315. The Committee recalls its previous recommendation and urges the State party to place high priority on completing the process of full domestication of the Convention. It calls upon the State party to intensify its efforts to ensure the passage of the draft bill on the domestication of the Convention, including through the holding of consultations with government officials, political leaders and members of the National Assembly, civil society organizations and other relevant stakeholders, with a view to raising awareness and broadening understanding of the Convention, as well as building support for the draft bill.

Remaining discriminatory provisions and discriminatory laws

316. The Committee welcomes efforts undertaken by the State party in the area of legal reform, such as the publication of a study compiling all national, state and local laws, policies and practices relating to the status of women and children and the establishment of a Committee on Reform of Discriminatory Laws against Women. The Committee expresses serious concern, however, at discriminatory provisions in the Constitution, including section 26, paragraph 2, which does not allow a Nigerian woman to transmit her nationality to her foreign spouse on the same basis as a Nigerian man. The Committee also expresses serious concern at other discriminatory laws at both the federal and state levels, including those that allow wife battery as chastisement as long as grievous harm is not inflicted (section 55 of the Penal Code of Northern Nigeria), prohibit women from working at night in certain sectors of

employment (section 55 of chapter 198 of the 1990 Labour Act of Nigeria), and classify sexual assault against female victims as a misdemeanour (section 360 of the Criminal Code). Further, the Committee notes that a draft bill entitled “Abolition of All Forms of Discrimination against Women in Nigeria and Other Related Matters” was not approved by the National Assembly.

317. In line with its recommendation of 2004, the Committee calls upon the State party to set a concrete timetable for amending all provisions in the Constitution and in federal and state legislation that discriminate against women. The Committee urges the State party to accelerate and expand its efforts at legislative reform, including with respect to the laws identified in the above-mentioned study. It recommends that the State party repeal section 55 of the Penal Code of Northern Nigeria, section 55 of chapter 198 of the 1990 Labour Act of Nigeria and section 360 of the Criminal Code, and ensure that those responsible for the implementation of these laws and policies are made aware of their discriminatory contents. The Committee also recommends that awareness-raising and advocacy campaigns be developed and implemented, involving parliamentarians, civil society and the general public, including religious and traditional leaders, in order to enhance understanding of the provisions of the Convention and support for the principle of gender equality and the prohibition of discrimination. It calls upon 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.

318. While welcoming the adoption by 18 states of the Child Rights Act, which sets the minimum age of marriage at 18 years, the Committee notes with concern section 29, paragraph 4, of the Constitution, which states that a woman is deemed to be of full age upon marriage, thereby lending support to early marriages.

319. The Committee urges the State party to repeal without delay section 29, paragraph 4, of the Constitution. The Committee also urges the State party to ensure that those states that have not yet done so adopt the Child Rights Act without delay and to ensure its effective implementation.

320. The Committee expresses concern at contradictions and inconsistencies created by the application of statutory, customary and sharia laws in the State party’s tripartite legal system, in particular in the areas of marriage and family law. It notes with concern the existence of discriminatory provisions within these sources of law with regard to marriage, divorce, custody of children and inheritance. Recalling its concluding observations of 2004, the Committee reiterates that the tripartite legal system results in a lack of compliance by the State party with its obligations under the Convention and leads to continuing discrimination against women.

321. While noting the ongoing process of review of family laws by the Nigerian Law Reform Commission, the Committee urges the State party to accelerate and expand its efforts towards the harmonization of marriage and family laws in line with articles 2 and 16 of the Convention. The Committee requests the State party to report on the progress as well as outcomes achieved with regard to the above-mentioned process of review in its next periodic report.

Stereotypes and negative cultural practices

322. The Committee is concerned about the persistence of patriarchal attitudes and deep-rooted stereotypes concerning women's roles and responsibilities that discriminate against women and perpetuate their subordination within the family and society. It notes that such discriminatory attitudes and stereotypes constitute serious obstacles to women's enjoyment of their human rights and the fulfilment of the rights enshrined in the Convention. The Committee is thus concerned by the lack of information in the State party's report on the measures taken and programmes or strategies in place to combat and address such discriminatory attitudes and stereotypes. The Committee expresses serious concern about the persistence of entrenched harmful traditional and cultural norms and practices, including widowhood rites and practices.

323. In line with its recommendation of 2004, the Committee urges the State party to continue to take measures, including the enactment of national legislation, to modify or eliminate traditional and cultural practices and stereotypes that discriminate against women in accordance with articles 2 (f) and 5 (a) of the Convention. It also urges the State party to intensify cooperation in this regard with civil society organizations, women's groups and community leaders, traditional and religious leaders, as well as teachers and the media. The Committee invites the State party to increase its efforts to design and implement long-term strategies, as well as education and awareness-raising programmes targeting women and men at all levels of society, with a view to creating an enabling environment for the elimination of stereotypes and practices that are discriminatory to women and allowing women to exercise their fundamental rights. It calls upon the State party to review periodically the measures taken in order to assess their impact, to take appropriate action and to report thereon to the Committee in its next periodic report.

324. The Committee notes the continued high incidence of female genital mutilation in some areas of the country. It notes with concern the absence of national legislation prohibiting this harmful traditional practice.

325. The Committee urges the State party to enact national legislation to prohibit female genital mutilation, including penalties for perpetrators, remedies and support for victims, with a view to eliminating this harmful practice. The Committee invites the State party to increase its efforts to design and implement long-term strategies, as well as education and awareness-raising programmes involving traditional and religious leaders, women's organizations and the general public.

Violence against women

326. The Committee is concerned about the continuing prevalence of violence against women, including domestic violence. The Committee is also concerned by the absence of a comprehensive national law on violence against women and notes that a number of draft bills, such as the 2006 bill on elimination of violence in society and the 2003 bill on violence against women, remain pending before the National Assembly. While acknowledging the efforts made by the State party to address the issue, including awareness-raising measures, training programmes and the provision of support services to victims, the Committee remains concerned about the absence of a comprehensive national strategy and programme to combat all forms of violence against women. The Committee notes with concern that the majority of services for victims, including shelters, are provided by non-governmental organizations with limited support, including financial support, from the State party.

327. The Committee urges the State party to accord priority attention to the adoption of comprehensive measures to address violence against

women and girls in accordance with its general recommendation No. 19 on violence against women. The Committee calls upon the State party to enact comprehensive legislation on all forms of violence against women, including domestic violence, as soon as possible. Such legislation should ensure that all forms of violence against women constitute a criminal offence, that women and girls who are victims of violence have access to immediate means of redress and protection, and that perpetrators are prosecuted and punished. The Committee recommends the expansion of training activities and programmes for parliamentarians, the judiciary and public officials, in particular law enforcement personnel, and for health-service providers, so as to ensure that they are sensitized to all forms of violence against women and can provide adequate support to victims. It also recommends the expansion of public awareness-raising campaigns on all forms of violence against women. The Committee further recommends the establishment of additional counselling and other support services for victims of violence, including shelters, and requests the State party to enhance its cooperation with and support for NGOs working in the area of violence against women. The Committee requests the State party to provide information in its next periodic report on the laws and programmes in place to deal with violence against women and on the impact of such measures, as well as data and trends on the prevalence of various forms of violence.

Trafficking

328. While acknowledging the measures taken by the State party to combat trafficking in women and children, including the adoption of the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act of 2003, as amended in 2005, the establishment of the National Agency for the Prohibition of Trafficking in Persons, and the various cooperation agreements reached with other countries, the Committee is concerned by the continuing prevalence and extent of this problem.

329. The Committee urges the State party to ensure the full implementation of the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, including the prosecution and punishment of offenders. The Committee also urges the State party to give priority attention to the protection, including witness protection, counselling and rehabilitation of victims, especially girl children. The Committee calls upon the State party to enhance measures aimed at the prevention of trafficking, including economic measures to reduce the vulnerability of women and girls, as well as awareness-raising and information campaigns, in particular in communities most at risk. The Committee also calls upon the State party to intensify international, regional and bilateral cooperation with other countries of origin, transit and destination of trafficked women and girls.

Political participation and participation in public life

330. Recalling its concluding observations of 2004, and while noting the efforts made to increase the number of women in both elective and appointed positions in public office, in the diplomatic service and in international organizations, the Committee is concerned that women continue to be seriously underrepresented in political and public life, especially in leadership and decision-making positions. The Committee notes that women's representation in the National Assembly currently stands at 6.9 per cent in the House of Representatives and 8.3 per cent in the Senate, far below the 35 per cent minimum representation stipulated in the National Gender Policy.

331. **In line with its previous recommendation, the Committee calls upon the State party to take measures, with benchmarks and concrete timetables, to increase the number of women in political and public life, at all levels and in all areas, in the light of its general recommendation No. 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 the Committee's general recommendation No. 25, to strengthen its efforts to promote women to positions of leadership. To that end, the Committee urges the State party to increase the availability of training and capacity-building programmes for women wishing to enter or already in public office and to enhance its awareness-raising campaigns on the importance of women's participation in political and public life.**

Employment

332. Recalling its concluding observations of 2004, the Committee notes with concern the persisting wage gap between men and women, women's higher unemployment rate, and women's concentration in certain sectors, namely agriculture, animal husbandry, and service. The Committee also notes that women are predominantly employed in the informal sector, resulting in their exclusion from formal social security programmes. The Committee expresses concern about the persistence of discriminatory legislation, administrative regulations and practices in the labour market. Specific reference is made in this regard to provisions of the Labour Act, which prohibit the employment of women in night work and in work underground, the Factories Act, which does not recognize the specific health and reproductive needs of women, and the Nigerian Police Regulations, which prohibit the enlistment of married women and require women officers to request permission to marry in writing. The Committee notes with concern discriminatory practices in the private sector, in particular in the banking sector, with respect to maternity and marital status. The Committee notes the prevalence of sexual harassment in the workplace and the absence of legislation and measures to address this.

333. **The Committee recommends the adoption of measures to guarantee the implementation of all the provisions of article 11 of the Convention and the implementation of the relevant conventions of the International Labour Organization that have been ratified by Nigeria. 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 the Committee's general recommendation No. 25. It recommends that the State party pay particular attention to the conditions of women workers in the informal sector with a view to ensuring their access to social services. The Committee urges the State party to review, as a matter of priority, discriminatory laws and regulations with a view to their repeal or amendment in accordance with article 11 of the Convention. The Committee also urges the State party to enact legislation prohibiting sexual harassment in the workplace, including sanctions, civil remedies and compensation for victims. The Committee further urges the State party to establish an effective monitoring and regulatory mechanism on employment issues and practices in the private sector. Taking note of the existence of a draft labour standards bill, which, inter alia, prohibits discrimination in employment or occupation and guarantees the right to equal remuneration for work of equal value, the Committee requests the State party to include detailed information on the content, implementation and enforcement of such standards in its next periodic report.**

Health

334. While commending the State party for the measures taken to strengthen the national health system, including the recent approval by the National Assembly of the National Health Bill, as well as the adoption of policies and programmes to address various health challenges, the Committee reiterates its serious concern at the precarious situation of women's health, as well as the insufficient number and inadequate health-care facilities, particularly in rural areas. The Committee notes that responsibility for the provision of health services is currently divided across the three tiers of government, with local governments responsible for the primary health-care system. It notes with concern that primary health-care services and facilities are often inadequate in quality, number and funding. The Committee expresses concern about the high rates of malaria and HIV/AIDS affecting women and girls in the country.

335. The Committee urges the State party to continue its efforts to improve the country's health infrastructure, particularly at the primary level, and to integrate a gender perspective into all health sector reforms. It also urges the State party to improve women's access to quality and affordable health-care and health-related services, in particular at the primary level and in rural areas. It further urges the State party to introduce a holistic and life cycle approach to women's health, taking into account its general recommendation No. 24 on women and health. The Committee calls upon the State party to ensure the full implementation of policies and programmes to prevent and combat malaria and HIV/AIDS. It also calls upon the State party to implement awareness-raising campaigns to enhance women's knowledge of health issues, with special attention paid to the prevention and control of sexually transmitted diseases and HIV/AIDS.

336. The Committee is especially concerned at the very high maternal mortality rate, the second highest in the world, and regrets that there has been no progress in reducing the maternal mortality rate since the consideration of the State party's combined fourth and fifth periodic report in 2004. The Committee notes the various contributing factors, such as unsafe abortions and inadequate post-abortion care, early and child marriages, early pregnancies, high fertility rates and inadequate family planning services, the low rates of contraceptive usage, leading to unwanted and unplanned pregnancies, and the lack of sex education, especially in rural areas. The Committee expresses concern about the lack of access by women and girls to adequate health-care services, including prenatal and post-natal care, obstetric services and family planning information, particularly in rural areas.

337. The Committee urges the State party to address, as a matter of priority, the high maternal mortality rate, including the allocation of adequate resources to increase women's access to affordable health services, in particular prenatal, post-natal and obstetric services, as well as other medical and emergency assistance provided by trained personnel, in particular in rural areas. It calls upon the State party to improve the availability and affordability of sexual and reproductive health services, including family planning information and services. It recommends the adoption of measures to increase knowledge of, and access to, affordable contraceptive methods, so that women and men can make informed choices about the number and spacing of children. It calls upon the State party to assess the impact of its abortion law on the maternal mortality rate and to give consideration to its reform or modification. It also calls upon the State party to implement awareness-raising campaigns to enhance women's knowledge of reproductive health issues and recommends that sex education be widely promoted and targeted at

adolescent girls and boys. The Committee requests that the State party provide detailed information on the measures taken to reduce the maternal mortality rate, as well as their impact, in its next periodic report to the Committee.

Economic empowerment

338. While taking note of the State party's comprehensive development and poverty reduction strategies implemented at the national, state and local levels, as well as initiatives to address women's economic empowerment, such as the Women's Fund for Economic Empowerment and the Business Development Fund for Women, the Committee is concerned that widespread poverty among women, in particular rural women and women head of households, as well as poor socio-economic conditions are among the causes of the violation of women's human rights and discrimination against women. It notes with concern that discriminatory practices with regard to land ownership, administration of property and inheritance, limit women's access to economic resources, as well as credit and loan facilities. The Committee is especially concerned about the situation of rural women, in particular in view of their precarious living conditions and lack of access to justice, health care, education, credit facilities, economic opportunities and community services.

339. The Committee urges the State party to ensure that the promotion of gender equality is an explicit component of its national, state and local development plans and programmes, in particular those aimed at poverty reduction and sustainable development. The Committee also urges the State party to pay special attention to the needs of rural women and women head of households, ensuring that they participate in decision-making processes and have full access to credit facilities. The Committee further urges the State party to ensure that rural women have access to health services, education, clean water, electricity, land, and income-generating projects. It recommends that the State party design and implement gender-sensitive rural development strategies and programmes, ensuring the full participation of rural women in their formulation and implementation.

Vulnerable groups of women

340. The Committee expresses concern about the situation of internally displaced women, including women with disabilities, displaced by violence and conflict, in particular in view of their precarious living conditions in camps where they are at increased risk of sexual and other forms of violence and lack access to health care, education and economic opportunities.

341. The Committee requests the State party to pay particular attention to the needs of internally displaced women, including women with disabilities, through the adoption of a national policy on displacement in line with Security Council resolutions 1325 (2000) and 1820 (2008), and the formulation and implementation of gender-sensitive plans and programmes for social reintegration, capacity-building and training of internally displaced persons. It recommends that the Inter-Ministerial Task Force on Gender and Peacekeeping pay particular attention to the situation of internally displaced women. The Committee requests the State party to ensure the protection of internally displaced women from violence and their access to immediate means of redress.

Article 20, paragraph 1

342. The Committee encourages the State party to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee.

Beijing Declaration and Platform for Action

343. The Committee urges the State party to utilize fully, in the implementation of its obligations under the Convention, the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.

Millennium Development Goals

344. The Committee emphasizes that full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Goals and requests the State party to include information thereon in its next periodic report.

Ratification of other treaties

345. The Committee notes that States' adherence to the nine major international human rights instruments¹ enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of Nigeria to ratify the treaties to which it is not yet a party, namely the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention on the Rights of Persons with Disabilities and the International Convention for the Protection of All Persons from Enforced Disappearance.

Dissemination of concluding observations

346. The Committee requests the wide dissemination in Nigeria of the present concluding observations in order to make the people, including Government officials, politicians, parliamentarians and women's and human rights organizations, aware of the measures that have been taken to ensure de jure and de facto equality of women, as well as the further steps that are required in this regard. It requests the State party to strengthen the dissemination, in particular to women's and human rights organizations, of the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

Parliament

347. While reaffirming that the Government has the primary responsibility and is particularly accountable for the full implementation of the State party's obligations under the Convention, the Committee stresses that the Convention is binding on all branches of Government and it invites the State party to encourage its national parliament in line with its procedures, where appropriate, to take the necessary steps with regard to the implementation of the present concluding observations and the Government's next reporting process under the Convention.

Follow-up to concluding observations

348. The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 315, 317, 319 and 337 above. The Committee also requests the State party to consider seeking technical cooperation and assistance, including advisory services, if necessary and when appropriate for implementation of the above recommendations.

Date of the next report

349. The Committee requests the State party to respond to the concerns expressed in the present concluding observations in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its seventh periodic report, which is due in July 2010, and its eighth periodic report, which is due in July 2014, in a combined report in 2014.