



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of Discrimination
against Women**
Forty-first session

Summary record of the 837th meeting

Held at Headquarters, New York, on Thursday, 3 July 2008, at 3 p.m.

Chairperson: Ms. Šimonović

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (continued)

Sixth periodic report of Nigeria (continued)
(CEDAW/C/NGA/6; CEDAW/C/NGA/Q/6 and Add.1)

1. *At the invitation of the Chairperson, the members of the delegation of Nigeria took places at the Committee table.*

Articles 7 to 9 (continued)

2. **Ms. Ekaette** (Nigeria), referring to special measures to increase women's participation in political and public life, said that the affirmative action quota of 30 per cent would be incorporated into the new Constitution. Since 2004, a number of women had been appointed to key positions in the public and private sectors, including areas that had been traditionally reserved for men, such as finance, foreign affairs and the inland revenue. With respect to public life, women's representation in the Senate had increased from 3 per cent in 2003 to 9 per cent in 2007. In cooperation with non-governmental organizations and civil society organizations, the Federal Ministry of Women's Affairs had established area offices to raise awareness about women's participation in public life and was taking steps to provide women with incentives to encourage them to enter politics.

3. **Ms. Ukeje** (Nigeria) said that women's participation in the diplomatic service had also been promoted. While the number of female ambassadors had not changed significantly, the total number of women working in the diplomatic corps had increased from 20 in 2001 to 36 in 2008. Nigerian women also held key positions in international organizations, including the World Bank, the International Labour Organization and the institutions of the Economic Community of West African States. Her delegation would provide additional information to the Committee in its next report.

4. **Mr. Akindele** (Nigeria) said that the Government was eager to increase the number of women working in the foreign service and in high profile positions. Women's issues were a top priority for the Government, and women had been appointed to key positions hitherto occupied by men.

5. **Mr. Dahiru** (Nigeria) said that the Government had improved women's residency rights, and many women had been able to stand for public office by virtue of their marriage. Furthermore, the National Assembly had completed the second reading of a bill that would allow a man or woman who had resided for a period of five years to be given full residency rights for education and employment.

6. **Ms. Amadi** (Nigeria) said that the Government of Nigeria had made excellent progress in increasing women's involvement in the judiciary, including the Supreme Court and the Court of Appeal.

7. **The Chairperson**, speaking as a member of the Committee, said that the Constitution allowed Nigerian men to pass on their nationality to foreign wives but did not allow Nigerian women to pass on their nationality to foreign husbands. That imbalance was not in line with article 9 of the Convention.

8. **Mr. Dahiru** (Nigeria) said that the National Assembly was reviewing the Constitution and would take action on outstanding grey areas.

Articles 10 to 14

9. **Ms. Zou Xiaojiao** said that the discrimination against women in both the public and private sectors was very serious. She asked whether there were any plans to enact legislation aimed at eliminating discrimination and promoting women's rights. It would also be interesting to know whether women were provided with legal aid in cases of discrimination and whether the State party could provide data on such legal aid. Clarification should be provided of the legal sanctions that could be imposed on companies that discriminated against women and of the government body that monitored such mechanisms.

10. **Ms. Patten** said that despite Government efforts to increase women's participation in the labour market, women still suffered from low status, lack of protection and low wages. The State party should explain what action was being taken to address structural discrimination, to rethink employment policies and address the wage gap in both the public and private sectors, and to abolish discriminatory legal provisions and regulations. In addition, clarification should be provided of the Government's efforts to address widespread discrimination and sexual harassment in banking institutions.

11. **Mr. Ladan** (Nigeria) said that during the previous five years the Government had taken steps to address discrimination in the workplace, and a draft bill on professional labour standards was being finalized to address discrimination in the banking sector. In addition, it should be noted that the Constitution established the principle of equal pay for equal work. Statistical information provided by the National Bureau of Statistics on the 2006 Nigerian Core Welfare Indicator Questionnaire Survey showed a trend of increased participation of women in the public and private sectors.

12. **Ms. Ekaette** (Nigeria) said that the National Assembly had called on the chief executives of banks to issue stern warnings to prevent discrimination until the draft bill on professional labour standards had been finalized.

13. **Mr. Dahiru** (Nigeria) said that the Government was aware of the problem of sexual harassment in the banking sector and was taking action to stop it. The Government's position was that sexual harassment must not be tolerated and that women should be able to take civil action in cases of discrimination.

14. **Ms. Arocha Domínguez** asked what accountability and monitoring mechanisms had been established to ensure adequate use of resources in preventing maternal mortality, given that the rate had not decreased since the fourth periodic report. It would also be useful to know what the effects had been of the declaration of a national emergency by the President in 2005. It was of great concern that about 25 per cent of pregnancies each year in Nigeria were unplanned and that slightly more than half of those ended in abortion. It would therefore be interesting to know whether health centres and personnel, especially in rural areas, had been equipped and trained to use the proposed government-supplied equipment kit for safe motherhood programmes.

15. **Ms. Gaspard** asked whether the Government had managed to reduce maternal mortality since 2000, given that the sixth periodic report provided data up to that year. In view of the probable link between maternal mortality and female genital mutilation, clarification should be provided of the steps taken to discourage that practice. It would be useful to know whether the Government could provide data on maternal mortality that included cause of death.

16. **Ms. Pimentel** asked what efforts the Government was making to unite stakeholders with a view to eliminating discrimination and harmful practices such as female genital mutilation. Additional information should be provided on the specific steps being taken by the Government to reduce the high level of unsafe abortions, especially among poor women, and to ensure that hospitals provided women with adequate maternal health-care services. It should be clarified whether it was possible to provide emergency maternal health-care services during power failures. With respect to family planning, it would be interesting to know whether an adequate supply of affordable contraceptives was available to young women.

17. **Ms. Shin**, noting that the President of Nigeria had declared the alarming rise in maternal mortality a national emergency, asked whether the Government was making the effort and allocating the resources needed to address the situation. She called upon the Government to discontinue the practice of making blood donation from pregnant women's husbands compulsory — whether required for the delivery or not — if it had no legal basis, as it prevented women from receiving care.

18. With regard to contraceptives, she wondered why they remained so costly if the Government was indeed allocating considerable funds to the health sector. She would also welcome more information on how the federal Government handled issues within the primary and secondary health sectors, which were governed by local and state authorities, respectively. Lastly, the high cost of primary health services should be addressed.

19. **Ms. Begum** said that more information would be welcome on programmes intended to address the gender dimension of HIV/AIDS, as well as on efforts to control mother-to-child transmission of the disease. She wondered whether training programmes in the use of modern equipment and practices were envisaged for traditional birth attendants, given their involvement in the high incidence of maternal mortality. The Committee would also like to know whether the Government planned to offer free emergency obstetric, ante- and postnatal care to women, particularly rural women. Lastly, more information was needed on any steps that had been taken to implement the Committee's recommendation, made in its previous concluding observations, to introduce a holistic life-cycle approach to women's health, taking into account general recommendation 24 on women and health.

20. **Ms. Coker-Appiah** said that providing women with access to contraceptives might be a way to address the high rate of unwanted pregnancies and abortions. Noting the low rate of contraceptive use among women, the Committee would appreciate more information on whether contraceptives were free of charge and also on whether women required spousal consent to obtain them. Turning to the issue of the attitudes of health personnel, she wondered whether there were any specific programmes to sensitize health-care providers to the issues faced by pregnant women. Negative attitudes toward pregnant women, fees for unnecessary services and compulsory blood donations were endangering women's lives by deterring them from seeking quality health care. It would be useful to know whether any Government strategies specifically addressed those issues.

21. **Ms. Simms** noted that page 79 of the report listed a number of strategies that addressed the physical effects of female genital mutilation, early childbirth and HIV/AIDS. However, it appeared that no corresponding effort had been made to deal with the traumatic psychological impact of those and other phenomena, such as ritual humiliation of widows, on women. She urged the head of delegation to use her influence to ensure that the mental health aspect was addressed and included in the next periodic report.

22. The nudity bill infringed on women's human right to present themselves aesthetically as they wished. Sexual harassment was a matter of power, not of dress. Furthermore, the bill's focus on women over 14 years of age suggested that girls 14 and under were not potential targets of sexual harassment and could dress as they wished, a distinction that would be welcomed by paedophiles in Nigeria.

23. **Ms. Baruwa** (Nigeria) said that maternal mortality remained an issue of great concern. The federal Government was spending funds from debt relief gains on upgrading health sector infrastructure; hiring and training traditional birth attendants and other community health workers; and organizing nationwide advocacy and awareness campaigns. High-quality, well-equipped primary health-care facilities were particularly important, as they were most accessible for a majority of women.

24. Debt relief money was funding the construction and rehabilitation of such facilities and equipping them to provide medication, free pregnancy kits, ante- and

postnatal care and emergency obstetric care, particularly in rural areas. In addition, a number of Government initiatives aimed at an integrated approach to reduction of maternal and infant mortality. The Government was also considering expansion of a national health insurance scheme initially established to cover public-sector employees, in order to provide coverage for the poor and those employed in the informal economy.

25. **Ms. Bungudu** (Nigeria) added that weekly health talks on self-care, diet and hygiene were given to women receiving ante- or postnatal care at some clinics. She warmly welcomed Ms. Simms' comments, which would be taken into account by her Government.

26. **Ms. Ekaette** (Nigeria) said that the national health-reform bill passed in May of that year stipulated that antiretroviral drugs should be made available to people infected with HIV/AIDS free of charge, as should medical treatment for children under five and adults over 60 years of age. The bill also provided for a national blood bank, health insurance, hospital and ambulance services and brought primary health-care centres within the purview of the federal Government, calling for their renovation, staffing and outfitting with medication and equipment. Lastly, an annex to the bill advised the Government to train health personnel and create incentives for their provision of health services in rural areas.

27. Contraceptives had always been free of charge and dispensed on the basis of the physician's advice. Sex education was compulsory for junior secondary-school students. Women's entitlement to maternity leave in the ante- and postnatal periods was a long-standing policy and was not being challenged on the labour market or elsewhere.

28. **Mr. Dahiru** (Nigeria) said that the national health reform bill would be applicable nationwide once it was approved by the President. A model primary-health-care centre had been built by every local government in the country to ensure that primary health-related issues were addressed at the grass-roots level, and governments were urged to build additional facilities based on the model. The health sector received the third highest allocation of funds from the national budget, indicating the Government's commitment to addressing health issues.

29. **Ms. Amadi** (Nigeria) said that a multi-stakeholder approach to constitutional review had

indeed been adopted after the transition to civilian rule, and it entailed collaboration between Parliament and civil society groups to focus on gender-specific concerns and advocate their inclusion in the revised constitution, once the review process concluded.

30. **Ms. Baruwa** (Nigeria) added that the office of the Special Adviser to the President on the Millennium Development Goals had been funding primary-health-care facilities nationwide and aimed to establish such facilities in all local governments by 2010. That year, debt relief gains would be channelled to finance maternal and child health care and the provision of clean water, which would directly benefit primary-health-care centres and primary schools in rural areas.

31. While the prevalence of female genital mutilation varied from region to region, the practice was in decline overall as a result of various policies and legislative measures put in place. Furthermore, local communities in states that had passed laws banning female genital mutilation had lobbied against it and other harmful practices that targeted women. It was important to raise traditional birth attendants' awareness of the practice as a contributing factor to maternal mortality, as they were often the first point of contact with pregnant women.

32. **The Chairperson**, speaking as a member of the Committee, noted that many experts had expressed concern at the fact that Nigeria had the second highest maternal mortality rate in the world and stressed that most cases of maternal mortality were preventable. She welcomed the steps being taken by the Government to address the situation and hoped to see a significant reduction of maternal mortality rates in the next periodic report, as little progress had been made since the last report had been submitted.

33. **Ms. Dairiam**, turning to article 14 of the Convention, noted that poverty eradication was even more critical in rural areas, where 75 per cent of Nigerian women lived and where 65 per cent of the poor were women. At the morning meeting, the delegation had said that the second phase of the Government's multilayer poverty-eradication strategy featured added elements to lift women out of poverty. More details would be appreciated on how women were to be included in the strategy and on whether it would take into account the structural causes of female poverty that resulted from entrenched discrimination against women, such as disparity in the division of

labour, violence against women and harmful traditional practices.

34. She also wondered which categories of women were defined as vulnerable in the social charter of the poverty-eradication strategy, reiterating her particular concern at the situation of internally displaced women. What strategies would be put in place to prepare them for social integration upon departure from camps for internally displaced persons (IDPs)? Lastly, more information was sought on whether specific attention, such as access to special services, would be given to disabled women in IDP camps, in order to prevent them from being driven into poverty upon leaving the camps.

35. **Ms. Tan**, noting the fundamental role of women in agriculture, pointed out on page 15 of the report, applauded the fact that the various poverty-eradication strategies featured a gender mainstreaming component. The Committee wished to know whether an impact assessment had been made on the local, state and federal levels, in order to determine whether the living conditions of rural women had improved since the last periodic report. For instance, had rural households' access to clean water, electricity and transportation to schools and health centres improved? She also wondered whether the number of health centres in rural areas had increased and whether the dropout rate of girls had decreased.

36. Echoing other Committee members' call for a reduction of maternal and infant mortality rates, she enquired whether there had been such a reduction since the last report and, if not, why that was the case. Lastly, regarding the Women's Fund for Economic Empowerment (WOFEE), the reporting delegation should indicate how many loans had been granted, in what amounts and for what purposes, as well as whether an appraisal of the programme's successes and shortcomings had been made.

37. **Ms. Patten** expressed her admiration for the Government's national Economic Empowerment and Development Strategy (NEEDS) but stressed that poverty eradication could not be accomplished solely through programmes. Democratic participation was required, as was a change in economic structures in order to ensure that women had access to resources, opportunities and public services. Noting the particular plight of rural women, who faced malnutrition, limited access to health care, education and justice, among

other issues, she wondered to what extent the Government strategy addressed the structural causes of poverty and gender inequality.

38. Although the delegation had identified certain problems faced by rural women, such as limited access to and control over land, it had not provided information on whether the Government intended to implement measures that would address such problems. Given the limited availability of credit to women, she wished to know how the Government was supporting innovative lending practices.

39. **Ms. Ajanah** (Nigeria) said that, to date, the Women's Fund for Economic Empowerment (WOFEE) had awarded loans to 818 women's cooperatives. However, since WOFEE loans were limited in scope, the Business and Development Fund for Women (BUDFOW) had been established with a view to providing additional, longer-term support to individual women entrepreneurs who had the potential to graduate from subsistence-level operations to small or medium-sized businesses. BUDFOW was not yet fully operational owing primarily to a lack of resources. However, with a view to overcoming that problem, the Ministry of Women's Affairs and Social Development had concluded a memorandum of understanding with the Bank of Industry, which would be the main lender for the scheme.

40. **Ms. Kadafa** (Nigeria) said that the Bank of Industry, which was currently headed by a woman, was the largest financial institution in Nigeria. It was working in partnership with the Federal Ministry of Women's Affairs and Social Development (FMWAS) to build the country's human capital, thereby contributing, inter alia, to the achievement of the Millennium Development Goals. A number of strategies designed to alleviate poverty among women were currently being implemented, and a dedicated gender desk had been established to address their specific needs. Indeed, 35 per cent of the total resources allocated for small and medium-sized enterprises were earmarked for women's projects. As well as financing solutions, the Bank offered capacity-building and training programmes designed to ensure that women's business ventures became self-sustaining, thereby enhancing their confidence and self-esteem.

41. **Ms. Mahmoud** (Nigeria) said that the second phase of the National Economic Empowerment and Development Strategy (NEEDS II) would soon be

launched. The Strategy would dovetail with the President's seven-point agenda and focus specifically on the gender dimensions of poverty. The Government had already implemented a number of other poverty-eradication measures, including the National Poverty Eradication Programme (NAPEP), under which women heads of household were offered financial incentives to send their female children to school. Furthermore, given the significant contribution of women to agricultural production, efforts were under way to mainstream a gender perspective into national policies on agriculture.

42. **Ms. Bungudu** (Nigeria) stressed that poverty was the root cause of domestic violence in Nigeria. Accordingly, the Ministry of Women's Affairs and Social Development had introduced a number of measures designed to help women to become more self-sufficient and had applied to the Islamic Development Bank for the necessary funding.

Articles 15 and 16

43. **Ms. Halperin-Kaddari** said that neither the report nor the responses provided by the delegation had painted a sufficiently detailed picture of the specific steps taken to amend the family law regime in Nigeria. She would therefore be grateful for further information on the rights of divorced women, particularly in the areas of child custody and the division of marital property, under the three different legal systems (Islamic law, customary law and civil law). It would also be interesting to know how many women were subject to each of those three systems.

44. While welcoming the fact that women were permitted to serve as judges in the customary courts, she enquired whether the same was true of the Islamic courts. She also wished to know whether awareness-raising courses on women's rights were available for judges. Lastly, the State party should indicate whether the provisions of Islamic and customary law had been fully codified and, if so, whether women were aware of their rights under both legal systems.

45. **Ms. Tan** commended the State party on the establishment of the Law Reform Commission but pointed out that a number of discriminatory laws and practices persisted under the three different legal systems. In that connection, she asked whether the anticipated reform of Nigerian family law would be in line with the provisions of article 16 of the Convention.

46. It would be useful to know whether women seeking a divorce or defending themselves in a divorce hearing were entitled to free legal aid. Under article 21 of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, a widow had the right to an equitable share in the inheritance of the property of her husband and to continue to live in the matrimonial house. The State party should describe the remedies available to widows in the event that those provisions were not respected. Referring to polygamous unions, she wondered whether each widow inherited an equitable share of the marital property; she also enquired whether all widows had to endure ritual cleansing.

47. **The Chairperson**, speaking as a member of the Committee, enquired as to the minimum age for marriage in those states that had not adopted the Child Rights Act 2003. Under the Constitution, married women, regardless of their actual age, were regarded as having attained the age of majority. She was concerned that that provision might serve to legitimize child marriage.

48. **Mr. Ladan** (Nigeria), responding to the questions posed by Ms. Halperin-Kaddari, drew attention to section 1.4.2 of the sixth periodic report, which listed five landmark cases illustrating the progress made in the area of women's rights across the three legal systems. The differences between those systems were described in detail in volumes I and II of the report of the Law Reform Commission, which would be made available to members of the Committee. The review of family law currently under way took as its basis a comprehensive study, sponsored by the World Bank and the United Nations Children's Fund (UNICEF), designed to identify all discriminatory provisions in the relevant legislation at all levels. Lastly, he pointed out that, for the past 25 years, the National Judicial Institute had been providing training and awareness-raising courses for Nigerian judges. In 2005 and 2006, those courses had focused in particular on family law in the tripartite system.

49. **Ms. Akinlami** (Nigeria) said that, owing to its limited mandate in the area of civil law, the Legal Aid Council did not provide legal aid to women seeking a divorce. Any lawyer that it hired, other than those prepared to work on a pro bono basis, had to be paid. Following the stakeholders' forum held in 2007, however, the Council had drafted a proposal to extend

its mandate. That proposal was currently before Parliament.

50. **Mr. Dahiru** (Nigeria) said that women were entitled to hire lawyers to represent them in court. If they were unable to obtain the services of a lawyer, they could ask a relative to act for them. Under Islamic law, widows were entitled to a certain share of their deceased husband's assets, regardless of whether the marriage was polygamous or monogamous. In the east of the country, however, widows were not permitted to inherit. A number of legislative measures were envisaged to resolve that situation, including awareness-raising campaigns to encourage more women to seek legal remedies for violations of their rights.

51. **Ms. Mahmoud** (Nigeria) stressed that Islamic law applied only to Muslim women in Nigeria. With regard to early marriage under Islamic law, she recalled that 18 states had adopted the Child Rights Act. Further efforts would be undertaken to promote adoption of the Act by the remaining states.

52. **Mr. Ladan** (Nigeria) stressed that there was not technically a legal vacuum in the area of early marriage, since all states had already adopted legislation designed to protect the rights of children and young people. However, since some of that legislation failed to comply adequately with the relevant international and regional standards, the Child Rights Act had been enacted as an additional safeguard. On the issue of women's right to appear before Islamic courts, he referred to a landmark ruling from 2004, pursuant to which no court could prevent a suitably qualified individual from representing a client who had exercised his or her right to choose a lawyer.

53. **The Chairperson** invited members of the Committee to pose follow-up questions.

54. **Ms. Dairiam** said that the State party should indicate the specific steps taken to ensure the expeditious implementation of the legal reform measures contemplated by the Law Reform Commission.

55. **Ms. Belmihoub-Zerdani** recalled that Nigeria had ratified both the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child without any reservations, and that international law took precedence over domestic law. It was completely

illogical to have three separate legal systems governing family life, and she therefore urged the State party to draft a new civil code applicable to all women, regardless of religious or ethnic group.

56. **Ms. Schöpp-Schilling** pointed out that the Convention provided the legal basis for the achievement of most of the Millennium Development Goals. It was therefore all the more important to incorporate it into the State party's domestic legal order. In that connection, she drew attention to a brochure on the relationship between the Goals and the international human rights instruments published by the Office of the United Nations High Commissioner for Human Rights.

57. **Ms. Ajanah** (Nigeria) said that Nigeria had always taken the issue of human rights very seriously and was more committed than ever to the empowerment and advancement of women. She expressed her gratitude to the Committee for its ongoing collaboration with her Government and pledged to further deepen the cooperative relationship between the two.

58. **The Chairperson** stressed that responsibility for implementing the Convention lay with national governments. She therefore urged the Nigerian Government to incorporate the instrument into its domestic legal order and to persevere in its efforts to eliminate all discriminatory provisions from existing legislation. The measures taken to raise awareness of the rights enshrined in the Convention were commendable and should be pursued.

The meeting rose at 5.15 p.m.