



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

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

Summary record of the 396th meeting

Held at Headquarters, New York, on Thursday, 2 July 1998, at 3 p.m.

Chairperson: Ms. Khan

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The meeting was called to order at 3.20 p.m.

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

Second and third periodic reports of Nigeria (continued) (CEDAW/C/NGA/2-3)

1. At the invitation of the Chairperson, Ms. Sani, Mr. Ayewah, Ms. Muhammad and Ms. Osijo (Nigeria) took places at the Committee table.

2. **Ms. Hartono** said that, according to the reports by the State party, there was no family violence reported in Nigeria. That could mean that people were reluctant to bring such problems to the attention of the authorities. The reports also gave the impression that family planning was a private matter to be dealt with solely by women. That interpretation was contrary to the spirit of the Convention, which stressed the need for partnership between men and women in such matters. The Committee would appreciate further information on how the National Commission on Human Rights dealt with conflicts involving families and women. The reporting State should describe the Commission's powers, in particular, compared to those of other bodies engaged in conflict resolution. The delegation should also indicate whether decisions by the ADR could be appealed in a court of law and should explain the consequences if a husband or father failed to implement a court decision.

3. **Ms. Shalev** said that, according to the reports under consideration, spousal rape did not exist; there was no record of violence against women; there were no shelters for women victims of violence; men and women did not receive an equal education; there were discriminatory practices against women under Islamic and customary law; and women were underrepresented politically. She was most concerned by the fact that the Government appeared to be unaware of the stereotypes affecting women's lives in Nigerian society and did not really understand what the position of women ought to be if the Convention was fully implemented.

4. In order to overcome the negative cultural forces in society, there was a need for political will on the part of the Government to improve the position of women and promote affirmative action and consciousness-raising concerning gender equality. Since the report failed to provide much statistical information, it was

difficult to assess progress made in implementing the Convention.

5. The Committee expected transparency and accountability on the part of reporting States. If Governments did not provide sufficient data, information from independent sources had to be used. According to reports by non-governmental organizations, there were employment practices that discriminated against women in the Nigerian police force and only 0.8 per cent of the national budget was allocated for health expenditures, compared to an average of 2.5 per cent in sub-Saharan Africa. While Nigeria was one of the richer nations in the region, its maternal mortality rates were the worst in Africa owing to limited access to health facilities and the fact that fees were imposed for maternity services. Under article 12 of the Convention, States parties were required to grant free services in that area where necessary. In view of Nigeria's economic resources, she urged the Government to start providing birth services to Nigerian women immediately.

6. According to further information from independent sources, there was a high maternal death rate brought about by unsafe abortions. In Nigeria, abortion was legal only in order to save a woman's life. But even in that area, the Government did not subsidize health care for women. The failure to provide statistics in the reports on infection rates from HIV/AIDS and other sexually transmitted diseases was unacceptable, particularly in a country where the risks were high because of polygamy and prostitution and because women did not have the right to refuse sex to their spouses.

7. Additionally, there did not seem to be any law prohibiting female genital mutilation in a country where that practice affected approximately one half of the female population. She applauded the courage of the Nigerian non-governmental organizations and women's groups that provided the Committee with information in spite of the reporting State's poor record with regard to freedom of speech, expression and association.

8. **Ms. Abaka** stressed the need to provide education to rural women as a means of empowering them in all areas of life. She enquired whether they had access to special programmes of formal and informal education and what measures had been taken to ensure that they were not subject to inhumane traditional

practices. The reporting State should explain how the provisions of section 51 of the 1979 Constitution dealt with such practices and provide information on recommendations put forward in that regard by the National Committee on Sexual Harassment. The Committee would also like to know what forms of contraception were available in addition to vasectomy and what percentage of men made use of them. Were men also targeted in family planning programmes?

9. Since structural adjustment measures often had negative effects in the social sector, the reporting State should indicate whether there were any programmes to mitigate those effects. The Nigerian delegation should also indicate whether women could use contraceptives freely or whether they required their husbands' consent before recourse to family planning services.

10. **Ms. Guvava** said that she shared the concerns expressed by previous speakers, particularly with regard to the very high maternal mortality rate in Nigeria. She enquired whether the Government was aware of the magnitude of that problem and whether there were programmes to deal with it. With the rate of female enrolment in secondary education in Nigeria at 17 per cent, the Committee would like to know what the Government was doing to improve the situation of girls who could not receive a secondary education and whether any special measures were being taken in that regard in compliance with article 4 of the Convention.

11. **Ms. Bustelo** said that the situation of women in Nigeria was of special importance for the Committee because of its size, its large population and its geographic location. The Committee would have appreciated more information on the de facto situation of women in Nigeria and new legislation enacted during the period under review on which to base its assessment of how the Convention was being implemented. In view of its considerable economic resources, it was difficult to understand how a lack of resources had prevented Nigeria from complying more effectively with its obligations. It was hoped that, with the establishment of democracy, Nigeria would become a leader in the region in promoting equal opportunities for men and women and protecting the rights of women.

12. In its next report, the reporting State should provide more information on the contents and application of laws penalizing traffic in women and exploitation of prostitution of women, as required

under article 6 of the Convention. Further information was needed on legislation protecting women affected by those crimes, on the access of prostitutes to medical services and on enforcement of laws on rape when the victims were prostitutes, as well as sociological data on women who practised prostitution. The reporting State should also indicate how it protected women who emigrated to other countries, particularly young women, from becoming the victims of criminal networks engaged in traffic in women and the exploitation of prostitutes.

13. **Ms. Yung-Chung Kim** commended the Government of Nigeria on the steps it had taken to involve more women in political and public life at the decision-making level. However, lobbying through non-governmental organizations was probably not sufficient. She urged the Government to implement systematic programmes to increase women's participation in the transition to democracy, particularly at the local level, but also in the executive and legislative branches of Government and in trade unions. The female literacy rate of 39.5 per cent was still quite low in comparison to that of men. She wondered whether the Government's national education policy included measures to revise the content of textbooks and curricula. She noted that, despite the overall increase in female school enrolment, women accounted for only 27 per cent of university students and were limited to traditionally female areas of study, which meant that they lagged behind in science and technology. She hoped that the next periodic report would reflect a more positive situation.

14. **Ms. Gonzalez** said that the fusion of civil, ordinary and religious law automatically implied certain violations of women's rights. For example, the practice of female genital mutilation was a continuing impediment to the prevention and cure of sexually transmitted diseases (CEDAW/C/NGA/2-3, paras. 55.6 and 55.7) and should be prohibited. Similarly, inhuman traditional practices with regard to widows should be eliminated. In that connection, legislative reform designed to ensure that such practices were applied equally to men and women was unacceptable.

15. **Ms. Ferrer** said that the Committee lacked sufficient statistics, particularly in relation to articles 11 and 14 of the Convention, to evaluate the situation of women in Nigeria. In that connection, she wished to know the main legislative reforms proposed by the National Committee on Women and Children following

its review. When would they be submitted to Parliament for its consideration? She noted the difficulty of applying the law in a federal system where constitutional and Islamic law converged.

16. She wondered whether the Government had formulated an integrated plan to enlighten the population and to educate women, particularly in the rural areas, with a view to eliminating gender stereotypes and prejudices. The delegation of the State party had only touched on the Government's plan to address the situation of impoverished women, without providing any indication of its content or objectives or the number of beneficiaries. Noting the harmful side effects of structural adjustment and debt servicing on women and the poor, she requested more information on specific programmes to increase the access of the poorest women to jobs, health services and drinking water. It would also have been interesting to hear about agricultural development programmes, including cooperatives and centres for the marketing of agricultural products. She agreed with the remarks of Ms. Cartwright and Ms. Shalev concerning the violations of articles 15 and 16, and of article 12, of the Covenant, respectively. She enquired about training in gender issues for government authorities, the judiciary and the police. Lastly, she deplored traditional customs and practices that affected the health and well-being of women, including genital mutilation, the treatment of widows, violence against women and polygamy.

17. **Ms. Lin Shangzen** noted that Nigeria was economically stronger than many developing countries which faced similar problems in the areas of health, education and women's position in the family. She hoped that the necessary resources would be allocated to the national agencies and the Ministry for Women's Affairs and Social Development to resolve those problems. A large-scale information campaign must be launched in order to overcome the adverse impact of traditional practices and stereotyping. Comprehensive programmes should also be developed for the economic empowerment of women and for the conduct of additional surveys and studies.

18. **Ms. Schopp-Schilling** expressed appreciation to the delegation for its presentation but echoed the concerns voiced by other Committee members. Although Nigeria had ratified the Convention without reservations, failure to take action was tantamount to enforcing a reservation. She expressed her solidarity

with the Government and the women of Nigeria in their efforts to improve the situation.

19. **Ms. Sani** (Nigeria), replying to additional questions, stressed that her Government's ratification of the Convention was in itself a clear indication of its commitment to implementing it. Referring to article 15, she said that the custom of seeking a husband's permission to leave the country was rooted in mutual respect for the institution of marriage and the sharing of household responsibilities; a man actually had no legal right to restrict his wife's freedom of movement. She attributed the insufficiency of statistical data to the country's geography and huge population. The data provided by non-governmental organizations had been gathered hurriedly; the collection of accurate data by the government machinery would take longer and the results would be submitted to the Committee as soon as possible.

20. **Mr. Ayewah** (Nigeria) said that it was not realistic for the Committee to expect Nigeria to implement all the provisions of the Convention because it would take a long time to overcome the traditional and cultural practices that discriminated against women and had made it difficult for Nigeria to comply with certain provisions. The fact that Nigeria had signed the Convention without any reservations was an indication of its willingness to implement all its aspects.

21. **Ms. Sani** (Nigeria) said that the issue of widowhood was dealt with in different ways in the various regions of Nigeria. The practice that had been described by the members of the Committee was confined to a limited area of Nigeria and should not be considered the norm.

22. **Ms. Muhammad** (Nigeria) said that the maternal and infant mortality rates to which Ms. Guvava and Ms. Abaka had referred were the result of a survey carried out several years ago. Since that time, the Ministry of Health had made concerted efforts, under its primary health-care system, to reduce those rates. While she did not have exact figures, she wished to confirm that the situation had been gradually improving. In addition to village health-care centres, there were mobile clinics that reached the most remote parts of Nigeria.

23. The Federal Ministry of Women's Affairs and Social Development had been working in conjunction with the Ministry of Education to improve female enrolment in schools, particularly in the northern parts

of the country. In order to increase the enrolment rate of girls, the Government of Nigeria had established secondary schools in every federal state, one exclusively girls' school, and one coeducational school, that had tremendously increased the enrolment rate of girls. In its next periodic report, Nigeria would provide exact figures on male and female enrolment.

24. Spousal rape was considered a very private matter in Nigeria and it was rarely reported. There were no shelters for victims of domestic violence in Nigeria, since the extended family system played a key role in dealing with that problem, and no victim of such violence would be willing to go to a shelter.

25. **Ms. Shalev** had stated that 1987 had been the last year that the Government of Nigeria had allocated budgetary resources for health. That was not true. Each ministry, including the Ministry of Health, had an annual budget. The Ministry of Health had developed a programme for providing health care to all citizens of Nigeria by the year 2000. Moreover, the Government of Nigeria was aware of the special needs of women and children and it was doing its best to comply with the relevant provisions of the Convention with a view to improving the situation of that sector of the population.

26. **Ms. Osijo** (Nigeria) said that, although there were no laws in Nigeria that dealt specifically with violence against women, women who alleged that their husbands had mistreated them could seek redress under existing laws that dealt with assault and battery. However, the Government might consider enacting a law that dealt specifically with violence against women. In addition to monitoring and investigating human rights violations in Nigeria, the recently established National Human Rights Commission assisted victims of violence in seeking redress. Unfortunately, she did not have any specific data on action that the Commission had taken in that regard. Recently, the members of the board of the Commission had met with the head of State to discuss human rights issues.

27. Section 31 of the Constitution of Nigeria, which dealt with the fundamental human rights of all Nigerians, stated: "Every individual is entitled to respect for the dignity of his person and, accordingly, no person shall be subjected to inhuman or degrading treatment. No person shall be held in slavery or servitude, and no person shall be required to perform

forced or compulsory labour". "Compulsory labour" was considered to mean any labour required in consequence of the sentence or order of a court, any labour required of the armed forces of the Federation or the Nigerian police force in pursuance of their duties as such or in the case of individuals who had conscientious objections to service in the armed forces of the Federation; or any labour that was reasonably necessary in the event of an emergency or natural disaster that threatened the life or well-being of the community.

28. The right to own property was subject to the three forms of marriage that existed in Nigeria. If a woman contracted marriage under the Marriage Act, she could avail herself of the provisions of the Law on Property. However, if she was in some other form of marriage, there were other remedies from which she could seek redress. There had recently been a court order that stated that any form of marriage or any customary norm that prevented a woman from owning property that belonged to her father was repugnant to natural justice, equity and good conscience. Nigeria was gradually eliminating norms that were not in keeping with international practice.

29. **Ms. Sani** (Nigeria) thanked the members of the Committee for their constructive comments. Nigeria would do everything possible to be able to include in its next report satisfactory and favourable information on its implementation of the provisions of the Convention.

30. **The Chairperson** thanked the delegation of Nigeria for its presentation of Nigeria's combined second and third periodic reports, which had been prepared in accordance with the Committee's guidelines. It was, however, regrettable that the report did not include statistical data that could enable the Committee to assess the progress achieved since Nigeria's submission of its initial report in 1986. While the Nigerian delegation's introductory remarks had provided a great deal of background information, it was disappointing that the delegation had not specifically addressed the 75 questions that had been prepared by the Committee's pre-session working group.

31. It was commendable that Nigeria, a predominantly Muslim country, had ratified the Convention without any reservations. She welcomed the recent efforts to introduce a constitutional provision that would enable individuals to apply to the court

when their rights were violated, and she wondered what acceptable recourse would be open to Nigerian women if their rights had been violated in their homes. Notwithstanding the provisions of the 1979 Constitution, some legislation in Nigeria remained discriminatory. While she understood the reasons for the persistence of discriminatory practices against women in both the private and public spheres, she wished to point out that Nigeria was not the only country that had had to struggle with traditional attitudes, customs and religion. Many developing countries had found quite effective means of addressing those problems and improving the situation of women.

32. The members of the Committee had drawn attention to such harmful traditional practices as the mistreatment of widows, polygamy, domestic violence and female genital mutilation, all of which could not be justified in the name of custom or religion. The Nigerian delegation's comment that polygamy was preferred because it reduced prostitution had been particularly disturbing. She hoped that the Government of Nigeria would examine its existing legislation with a view to repealing discriminatory laws and eliminating customs and traditions that were incompatible with the provisions of the Convention.

33. While the report stated that there had been tremendous changes and progress in the field of education, it also indicated that the female literacy rate was less than 40 per cent as compared to 62 per cent for males. An oil-rich country like Nigeria should make education compulsory and free and perhaps provide financial support to needy students, especially girls. In its next report, Nigeria should include information on the budget of the Ministry of Education and the percentage of petroleum revenues that were spent on social development.

34. The Government of Nigeria was not devoting sufficient attention to social development. According to independent sources, 70 per cent of all Nigerians lived in rural areas and 52 per cent of Nigerian women lived below the poverty line. Maternal and infant mortality rates and early marriages were matters of serious concern. According to United Nations sources, only 40 per cent of the population had access to health services, and the shortage of health facilities compelled rural women to rely on traditional health practitioners. Nigeria's national health policy should address those issues.

35. Nevertheless, the de facto status of women in Nigeria had improved. In particular, there had been a marked increase in women's participation in senior management positions. The Nigerian Government was implementing the Better Life for Rural Women Project, which had contributed significantly to the development of rural areas. Nigeria should pay close attention to article 4 of the Convention and to the United Nations Development Programme's *Human Development Report*, which recommended that countries should allocate between 4 and 6 per cent of their annual budgets to health and education.

The meeting rose at 5.10 p.m.