



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

Distr.: General  
11 February 2004

Original: English

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

**Summary record of the 638th meeting**

Held at Headquarters, New York, on Tuesday, 20 January 2004, at 3 p.m.

*Chairperson:* Ms. Açar

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Convention (*continued*)

*Combined fourth and fifth periodic reports of Nigeria (continued)*

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04-21313 (E)

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*The meeting was called to order at 3.05 p.m.*

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

*Combined fourth and fifth periodic reports of Nigeria (continued)* (CEDAW/C/NGA/4-5, CEDAW/PSWG/2004/I/CRP.1/Add.6 and CEDAW/PSWG/2004/I/CRP.2/Add.4)

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

*Articles 10-14*

2. **Mr. Flinterman** noted the reasons given by the State party in its responses to the Committee's list of issues for failing to implement its policy of free and equal education for women and girls and inquired what the Government was doing to remedy that situation, to enlighten the public about the need for women's education and about women's right to education and to abolish cultural practices which hindered progress towards that goal. He wondered what financial resources were allocated to education, in particular for women and girls, in both federal and state budgets.

3. **Ms. Manalo** likewise wondered what was being done to meet the educational needs of girl children and whether adequate resources were allocated for that purpose. She asked whether any other measures were being taken, in addition to legislation or judicial interpretations of the law, in order to combat negative traditional practices, implement programmes to increase awareness of and promote women's right to education and create mechanisms to meet the educational needs of girl children at all levels. Although greater emphasis had been put on encouraging women to train in sciences and technology at the university level, discrimination remained and that situation must be addressed.

4. She asked whether there were any programmes to ensure that girls who dropped out of school because of pregnancy would be able to resume their studies, and requested more information on the unity schools established in some states. The Committee wondered how those schools would contribute to protecting girls' educational rights. Lastly, she was concerned at the small number of women teachers at the primary level and requested information on the number of women teachers in general and on the representation of women

at decision-making levels in both the public and private education sectors.

5. **Ms. Schöpp-Schilling**, while noting the efforts made by the State party with regard to the situation of rural women as indicated in its responses, inquired about the concrete results of those programmes, and wondered if targets had been set, and whether adequate budgetary priority had been given to such measures. Much more data should be provided either orally or in the next report on the situation of rural women in the areas of education, health and income-generating activities.

6. **Ms. Ferrer Gómez** said the State party must show greater determination in ensuring that education authorities at all levels as well as parents were aware of the need to ensure free and equal educational opportunities for girls and to overcome negative attitudes which affected equality of opportunity for girls. She wondered whether the parental perception that education brought little benefit was true of education for both girls and boys or only for girls and also requested more information on poverty reduction programmes undertaken or planned by the Government.

7. **Ms. Kapalata** wondered whether the baseline survey of women and girls suffering from vesical vaginal fistula (VVF) in States where that condition was common would study the impact of education on measures for young girls, given that one of the primary causes of that condition was delivery at a young age. Strategies should therefore also be adopted to eliminate the practice of early marriage for girls. With regard to mother to child transmission of HIV/AIDS, she deplored that fact that no accurate statistics were available and requested information on initiatives to address that situation, in particular the availability of anti-retroviral drugs, and testing and counselling programmes.

8. **Ms. Khan** expressed concern at the high rate of maternal mortality, which seemed to be increasing and the low rate of contraception, whereas the abortion rate was very high. That implied that abortion was in fact being used as a means of family planning. It was alarming that some 20,000 women, mostly adolescents, died as a result of an abortion and that 50 per cent of maternal deaths were the result of unsafe abortions. She therefore inquired whether family planning services were available free of charge to all women, including in rural areas.

9. Although Nigeria was a resource rich country, there were high rates of malnutrition, poverty and lack of access to drinking water. In that regard, she stressed the State party's obligation to allocate adequate budgetary resources to protect the health of its population, including reproductive health and ensure access to family planning services. Abortion should be removed from the Penal Code and national health policies should reaffirm a woman's right to access to legal abortion services to terminate an unwanted pregnancy safely, including in rural areas.

10. The State party must act to protect women's health and solve existing problems, for example those resulting from customary practices, in cooperation with civil society, *inter alia*, through strengthened collaboration with non-governmental organizations to increase awareness of women's health rights in society in general and in rural areas in particular. The Committee was concerned at the incidence of HIV/AIDS and other illnesses, the lack of health insurance and the fact that only medicines for the poor were partially subsidized. She wondered whether the State party would take advantage of international efforts to assist developing countries in obtaining essential medications for common endemic diseases at greatly reduced cost through the use of so-called compulsory licences for generic versions of drugs.

11. **Ms. Patten** wondered whether there were any plans to review the social security system, in particular with regard to the private sector in order to ensure that women workers enjoyed full social security rights. The Committee was concerned that social security coverage in the private sector was often voluntary or arbitrary, for example, the First Bank of Nigeria would not allow both a husband and wife to be employed at the Bank. Steps must also be taken to protect the rights of pregnant women in both the public and private sectors. She asked whether there were any bodies other than the courts with which women who had been victims of discrimination could lodge complaints in order to seek redress.

12. The Committee was also concerned by information, according to which, under previous, military governments, lack of funding and mismanagement had led to a serious decay in health infrastructure, with patients, for example, having to buy drugs and medical supplies and even pay for beds, and with large numbers of health-care professionals choosing to emigrate. She wondered whether the new democratically elected Government had taken steps to

increase the budget for health and social services in order to remedy that situation.

13. **Ms. Morvai** inquired about the status of the State party's efforts to raise the minimum age for marriage to 18 and also to codify customary law and bring it into conformity with the provisions of the Convention. Under article 4 (1) of the Convention, it was not enough to simply ensure that there were no obstacles to equality of opportunity for women; the State party had an obligation to enact legislation including temporary and special measures to actively promote the rights of women. The Committee would soon be publishing a general recommendation on temporary and special measures, explaining its expectations in that regard in great detail.

14. Plans to reform the secondary school curriculum should include efforts to prevent prostitution of girls by increasing awareness of the effects of prostitution on women and by teaching boys about taking responsibility for their sexual behaviour. Although the State party had good intentions when describing prostitutes as commercial sex workers, that unfortunately tended to dignify prostitution, which was not really work but rather abuse and a traumatic situation for women. Prostitution was not just another profession, and attempts to dignify it could be very negative and misleading for society and youth.

15. **Ms. Šimonović** expressed alarm at the high rate of maternal mortality, in many cases due to unsafe abortion, and stressed the State party's obligation, as recommended by the Programme of Action of the International Conference on Population and Development and the Beijing Platform for Action to address the harmful effect of inadequate abortion services on women's health. In addition, although she applauded the State party's efforts to reduce the rate of female genital mutilation, which had affected 50 per cent of women in 1998, she wondered whether the situation had in fact improved in 2004 and what steps were being taken to ban that practice.

16. **Ms. Achmad** welcomed the information provided in the State party's responses concerning efforts to improve the educational situation of women, but stressed the need for current figures on school enrolment levels. A monitoring system should be in place to ensure that the goals of the Universal Basic Education Policy, including with regard to private schools, were met. More information on the private schools was also needed. She was concerned by the parental perception that education did not bring any

great benefits and wondered what the State party was doing to address that situation, for example by making the curriculum more relevant, ensuring that technical and vocational training were more responsive to the needs of the labour market, and eliminating job stereotyping.

17. Although steps had been taken to encourage girls to study science and technology, more must be done to ensure that they truly had equal access to study and employment in those areas. Furthermore, problems such as high maternal mortality rates, often as a result of unsafe abortions, showed that Nigerian women were not truly benefiting from advances in science and technology. In that regard, she underscored the important role that information and communications technologies could play in protecting womens' rights and ensuring access to opportunity and information for women, especially in rural areas. Finally, she requested further information on the so-called unity schools for girls in some states and wondered whether such single-sex schools might run the risk of perpetuating gender stereotypes.

18. **Mr. Ladan** (Nigeria), in response to questions raised with respect to the education of girls and child marriage, said that since the preparation of the periodic reports, the Child Rights Act 2003 had entered into force. Under Section 15 (5) of the Act, girls who became pregnant would be given the opportunity to continue their education after delivery on the basis of their individual ability, and would not be subjected to gender discrimination. Sections 21, 22 and 23 of the Act also contained provisions prohibiting girl-child marriage, child betrothal and stipulated punishment for those practices. He also referred to initiatives and measures taken by the Government to enhance primary and secondary education of girls, as outlined under section 10.4 of the responses to issues raised on the combined fourth and fifth periodic reports (CEDAW/PSWG/2004/1/CRP.2/Add.4).

19. **Ms. Akpan** (Nigeria) said that the Government had adopted a budget of 1.3 trillion naira, 75 per cent of which had been earmarked for issues affecting women in the education, health and agriculture sectors, with particular emphasis on girl-child education and reproductive rights.

20. **Ms. Yakubu** (Nigeria) explained that unity schools were secondary schools to which pupils from various states could be admitted and that federal secondary schools provided additional capacity to increase the overall enrolment of girls. Parents of

school children had lost faith in the system of education because of diminishing employment opportunities for school leavers. However, the Government had hoped to overcome that problem through the introduction of the Universal Basic Education (UBE) Policy. After completion of primary school, pupils would be offered the option to pursue senior secondary schooling or vocational training, either of which would improve their career prospects.

21. **Ms. Sako John** said that the action committee on girl-child education, spearheaded by the Federal Ministry of Women Affairs and Youth Development, had embarked upon an extensive sensitization campaign to inform local government councils and traditional leaders about education issues pertaining to young girls.

22. **Ms. Oladiji** (Nigeria), referring to the protection of pregnant women in the public and private sectors, said that the Labour Act contained provisions to protect pregnant women against discrimination. Section 54 of the Act specifically governed wrongful dismissal, guaranteed remuneration for pregnant workers and provided legal recourse for victims. In addition to such legislation, the Government's legal aid council and various non-government organizations supported victims of discriminatory practices. While Nigeria had nothing comparable to the social security schemes that existed in other countries, apart from the provisions of the Constitution and the National Policy on Women, 2003, the national economic policy and various poverty eradication programmes had been implemented to provide economic and social security for women.

23. **Ms. Sako John** (Nigeria) said that, through an extensive network of state and local government bodies, the National Action Committee on AIDS, had launched a number of activities aimed at sensitization and the provision of referral services through various awareness, screening and drug distribution campaigns.

24. **Mr. Azimazi** (Nigeria) said that, as was the case in many countries, the issue of abortion was contentious. Abortion was not used as a means of family planning in Nigeria. Legal abortions could be performed within the first 12 weeks of pregnancy if it was determined that the life of either the child or mother was endangered. Free family planning counselling was available to urban and rural populations in all states and the federal-capital territory through family planning units at general hospitals and federal medical centres. Similarly, primary-health-care centres, staffed by trained medical personnel, provided

counselling on basic health and family planning issues to local populations, particularly in remote areas. In addition, civil society bodies dealing with planned parenthood operated in all states.

25. **Ms. Shehu** (Nigeria) said that her Government attached great importance to the right to health and had taken steps to boost the delivery of health services. It had embarked on a project to construct 200 primary-health-care centres, and women had been invited to participate in the running of those centres. The National Committee on AIDS was working very hard on providing retroviral drugs to patients, who were generally forced to wait between 6 months and 2 years for treatment. While HIV/AIDS screening and counselling rates were low, those services were provided free of charge at teaching hospitals throughout Nigeria.

26. **Mr. Ladan** (Nigeria) referred the members of the Committee to sections 26.3 and 27.1 of the responses to the list of issues for information on maternal mortality due to complications resulting from abortions, and the impact and results of the emergency action plan.

27. **Ms. Akpan** (Nigeria) took the opportunity to reiterate her Government's firm commitment, at all levels, to the eradication of HIV/AIDS. The President of Nigeria had recently committed a half billion naira for the importation of retroviral drugs.

28. **Ms. Toyo** (Nigeria) said that her delegation had taken note of the need for improving the presentation of statistics and for concerted monitoring of Government policies and programmes, and would endeavour to take into account the budgetary implications of the issues raised, especially with respect to rural women, education and health. Nevertheless, bringing about such improvements would present a huge challenge, given the country's unique situation. Apart from having a diverse population, Nigeria was governed at three levels: through 744 local government councils, and at the state and federal levels, which further complicated the compilation of sex-disaggregated data.

29. **Mr. Ladan** (Nigeria) said that, while the delegation did not have the data requested on trafficking and prostitution, the responses to question No. 35 (CEDAW/PSWG/2004/1/CRP.2/Add.4) provided an update on new legislation on trafficking which had been adopted since the preparation of the combined periodic report.

30. **Mr. Azimazi** (Nigeria) pointed out that the legislation on trafficking and child labour criminalized persons engaged in trafficking in persons rather than the victims themselves.

#### *Articles 15 and 16*

31. **Ms. Gnancadja** said that she understood that women's rights had faced many challenges under the military regime, and that legal reform was a long process. While that reform was in progress, however, she would like to hear some practical examples of how existing laws and laws passed since 2000 were being enforced. If the Convention was made part of domestic law before the new Constitution was adopted, she was interested to know how the Government would proceed when a conflict arose between the Convention and the Constitution.

32. **Ms. Gonzalez Martinez** said that she was discouraged at the lack of action regarding the concerns which the Committee had expressed during the consideration of the previous report, in particular regarding traditional practices that were harmful to women. As was apparent from the discussion of marriage regimes in the report, not much had changed in the area of family relations since then. The response to question No. 30 of the list of issues was of particular concern. She urged the Government to continue working to implement the Convention.

33. **Ms. Gaspard** said that the three types of law applying to marriage — civil, Muslim and customary — gave rise to confusion. Although, as a rule, the states decided matters of personal status, she would like to hear if there were any plans to introduce the provisions of article 16 of the Convention into the Constitution, in order to ensure true equality between the partners in marriage.

34. **Ms. Belmihoub-Zerdani** said that it was unclear to her whether a woman could choose or change her marriage regime. For instance, if a Muslim woman married a man who followed customary practices, she wondered if the woman could choose the regime under which she contracted the marriage, whether Islamic, civil or customary. She would also like to know if it was possible to adopt children under Islamic law, and in divorce cases, if the consent of the woman was required and if she had equal rights to marital property. The delegation should indicate if any exception was possible under Islamic law to the prohibition on abortion, even in cases of rape or incest. Finally, she asked if there was a central registry for marriages and

births, which would be useful in tracking the observance of the minimum age of marriage.

35. **Ms. Morvai** asked for a progress report on the bill to make the Convention part of domestic law, and whether the Government planned to ratify the Optional Protocol. A systematic review of legislation from the viewpoint of the Convention would be needed to eliminate many discriminatory provisions. For example, the Penal Code legitimized the “physical discipline” of wives by their husbands, which conflicted with the new law on violence against women. She would like to know more about the discrimination cases brought to court which had been mentioned in the report, and the follow-up mechanism for enforcing the court decisions. Finally, the delegation should provide figures on the budget of the Ministry of Women’s Affairs.

36. **Ms. Šimonović** asked for clarification of the connection between the Constitution and the Child Rights Act, as they seemed to contradict each other in some areas.

37. **Ms. Shehu** (Nigeria), in reply to questions concerning the domestication of the Convention, said that the President himself had presented the bill to the National Assembly. The Government was working to sort out the remaining points of conflict among the Constitution, legislation and Nigeria’s international obligations. While awaiting completion of that review process, domestic violence was being treated as assault under the Penal Code. The legal status of a married woman depended on the marriage regime that she had chosen, whether Islamic, customary or civil. If she had been married under an Islamic marriage regime, she would be subject to that regime for divorce as well. As for property rights in divorce, Islamic law had no concept of joint property ownership. Changes to the law concerning abortion in cases of incest and rape were under consideration.

38. Adoption of children was possible under Islamic law and was actually a less cumbersome process than under civil law. Polygamy was governed by personal status law, and although its negative effects on women were undeniable, as yet there had been no initiative for change. As for freedom of movement regarding choice of a domicile, a married woman was expected to take her husband’s legal domicile. Although discrimination still existed that might make women feel like second-class citizens, they had gained the right to challenge that discrimination and seek redress in court. The suggestions made by the Committee on ways to

eliminate discrimination in family relations would be taken into account.

39. **Mr. Jipreze** (Nigeria) said that Section 42 of the Constitution guaranteed the right to equal treatment under the law, but the practical aspects of its implementation posed problems. As for property rights in divorce, there were a number of provisions that provided protection to women to ensure that they were not left destitute as a result.

40. **Mr. Ladan** (Nigeria) said that, in his view, there was no conflict between the Constitution and the Child Rights Act, which set the minimum age of marriage at 18. The ongoing debate focused on the issue of whether that Federal legislation was binding on state and local governments.

41. **Ms. Schöpp-Schilling** said that it was still not clear how the Federal Government could achieve uniformity of legal provisions despite the federal nature of the State, and whether guarantees of such uniformity should be included in the Constitution.

42. **Ms. Gnancadja** said that she still felt the need for more detailed information regarding the practical enforcement of Federal laws versus customary and Islamic personal status laws. For instance, in states where Islamic law prevailed, girls between the ages of 9 and 15 were often given in marriage, even though Federal law set the minimum age at 18. She still saw a conflict in need of resolution.

43. **Ms. Coker-Appiah** said that she was glad to know that at least the Ministries were working with non-governmental organizations in the community and felt that the legislative review process should be opened to their input. The national policy on women needed to be given the resources necessary for its implementation and enforcement.

44. **Ms. Manalo** inquired how the Nigerian Government intended to address the problem of the low number of female primary-school teachers. The Committee would also like information on the ratio of male to female school teachers across the whole education system and about the extent to which professional female educators were involved at the decision-making level in public and private educational establishments.

45. **Mr. Ladan** (Nigeria) said that, to the best of his knowledge, no existing Shariah law permitted children under the age of nine to be married, but admitted that the practice might still exist under customary law, particularly in the north-east of the country. However,

he did not see any conflict between state laws and the new Child Rights Act in that area.

46. **Ms. Toyo** (Nigeria) said that the issue of the age of marriage had been brought to the fore by the passing of the Child Rights Act in 2003. However, the question of whether married minors should be treated as adults was a problem of a different nature, relating to the conflict between the constitutional provision on citizenship, which stated that minors were not citizens, and the fact that, for the purposes of marriage, children were treated as adults. With regard to the practical enforcement of laws to eliminate discrimination against women, she said that the absence of statistical information made it impossible to paint an accurate picture of their impact. Similarly, she was unable to answer the questions relating to the education sector posed by Ms. Manalo owing to a lack of specific data. She expressed surprise at the assertion that there were fewer female primary school teachers than male ones, since she had been under the impression that female teachers outnumbered male teachers in Nigeria.

47. **Ms. Akpan** (Nigeria), addressing the issue of alleged conflicts between the new Child Rights Act and the Constitution, said that, prior to its promulgation, the draft act had undergone a detailed examination by both the Federal Ministry of Justice and the National Assembly. If any conflict with the Constitution had existed, it would have been identified and rectified at that stage. Turning to the matter of funding for the Federal Ministry of Women Affairs and Youth Development, she said that she was unable to cite the exact sums involved but admitted that obtaining funds had always been difficult. However, the Ministry, in collaboration with non-governmental organizations, was actively lobbying for more financial resources.

48. **Mr. Ladan** (Nigeria), in response to concerns about the lack of uniform legislation on marriage and divorce in Nigeria, acknowledged that the state and Federal Governments needed to find a way to harmonize existing laws in that area. The process of collating the existing laws with a view to unifying them had begun, but the results would not be known for some time.

49. **Mr. Azimazi** (Nigeria), responding to a question concerning potential conflicts between the provisions of the Convention and the Constitution, said that the Nigerian courts had stated that the provisions of domesticated international instruments prevailed over domestic law. However, since that statement had been made before the promulgation of the 1999

Constitution, he was unsure as to the current state of affairs.

50. **The Chairperson** said that, while the Committee agreed that the religious, cultural and ethnic diversity of the Nigerian people should be celebrated, that diversity must not be allowed to impede the full realization of women's human rights. In that connection, she urged the Federal Government to take practical, effective and creative measures to rectify the situation.

51. She welcomed the willingness of the Nigerian Government to cooperate with women's non-governmental organizations and civil society institutions with a view to stepping up efforts to build a democratic society. Nevertheless, there was an urgent need to accelerate the implementation of the Convention in order to eliminate discrimination against women in both *de jure* and *de facto* terms. In that connection, a timetable for implementation must be drawn up, and the Government must demonstrate the political will to domesticate the Convention in its entirety and to align its domestic legislation with the provisions thereof.

52. Given that the principles enshrined in the Convention could already be referred to in the context of legal proceedings, it was vital to set up a judicial training programme so that a legal culture of respect for women's rights and non-discrimination would take root in Nigerian society. Failure to apply due process must not be tolerated, since it also contributed to the perpetuation of violations of women's rights. She felt that legislation had a pedagogic function, in that it sent messages about proper and improper conduct to the general public, and, in that respect, the persistence of discriminatory provisions in penal and personal law in Nigeria was a worrying trend, since it sent out a potentially destructive message to society.

53. Turning to the difficulties associated with harmonizing customary, religious and state laws and bringing them into line with the provisions of international human rights instruments, she hoped that progress would be made on that front before the submission of Nigeria's next periodic report. She welcomed the ongoing Government report on the persistence of gender-based stereotypes and discriminatory practices and expressed the hope that the next report would contain information on the results of that study and actions taken to reverse negative trends. She also called on the Government of Nigeria to include in its next report gender-

disaggregated data, particularly in the areas of education, health and employment and with respect to the situation of rural women.

54. She called on the Government to step up its efforts to promote the participation of women in political and public life and, in that connection, to take note of the Committee's forthcoming general recommendation on temporary special measures. Lastly, she urged the Government to speed up the process of ratifying the Optional Protocol to the Convention and to disseminate widely the Committee's concluding comments.

55. **Ms. Akpan** (Nigeria) thanked the Committee for its questions, a number of which had been truly eye opening and had brought home the fact that more needed to be done in order to free Nigerian women from the shackles of discrimination. She was sure that the political will of the Government, together with the efforts of non-governmental organizations and civil society institutions, would lead to considerable progress in that regard in the coming years. In conclusion, she wished to place on record her Government's appreciation for the contribution of a number of international organizations, inter alia the United Nations Development Fund for Women (UNIFEM) and the United Nations Children's Fund (UNICEF), to the cause of ending violations of women's rights in Nigeria.

*The meeting rose at 5.20 p.m.*