
Committee on the Elimination of
Discrimination against Women
Seventh session
16 February - 4 March 1988
Excerpted from: Supplement No. 38 (A/43/38)

Concluding comments of the Committee on the Elimination of
Discrimination against Women: Nigeria

Initial report

610. The Committee considered the initial report of Nigeria (CEDAW/C/5/Add.49 and Amend.1) at its 123rd and 126th meetings, held on 29 February and 2 March 1988 (CEDAW/C/SR.123 and 126). In introducing the initial report of the Federal Government of the Federal Republic of Nigeria, the representative stated that the Convention had entered into force on 13 July 1985 following ratification. She requested the Committee to refer only to Nigeria's report contained in document CEDAW/C/5/Add.49/Amend.1. The report submitted earlier did not conform to the guidelines issued by the Committee.

611. Nigeria's report served to indicate the progress achieved and the measures taken towards implementation of the Convention within the two years during which the Convention had been in force in Nigeria. A new Constitution had been adopted by the country in 1979 which further enhanced the role and position of women in society. The Constitution, as well as existing legislation contained provisions that sought to ensure juridical equality of men and women in all spheres of human endeavour.

612. Certain bureaucratic directives and decisions, coupled with ingrained attitudes and prejudices, behaviour patterns and tradition, had worked to create obstacles in the way of full participation of women in all spheres of national life. Women themselves, with the assistance of the federal military Government and the state governments and organs, were poised to ensure that the obstacles were broken down in the not distant future.

613. As machineries for the implementation of the objectives of the Convention and the Nairobi Forward-looking Strategies for the Advancement of Women, 7/ the federal Government had established the National Committee on Women at the federal level and the State Committee on Women at the state level. There was also the Women's Department in the Federal Ministry of Social Development, which served as a liaison between the National Committee on Women and the Government. Other sub-committees charged with the implementation of the sub-themes covered by the Convention included the Committee on Women's Education.

614. The main concern of Nigerian women was currently to match the legislative provisions with factual equality. The Constitution, namely, its section 39, afforded to women the same treatment as afforded to men, in all spheres of life. In addition, sections 14 to 22 of the Constitution established fundamental principles of State policy intended to provide a set of standards and objectives. These provided legal backing to the Government's resolve to give women, in the shortest possible time, the same rights, obligations and duties as men, both in law and in fact, as envisaged by the special areas covered by the Convention.

615. She recognized that the task ahead was enormous but that the Federal Government and various state governments would not tire of efforts aimed at improving on a continuous basis the general condition of women in Nigeria, with a view to integrating them more fully in all areas of the national economy.

616. The Committee thanked the representative for the introduction of Nigeria's initial report and commended the Government in its frankness and self-critical approach. It was clear that the Government had made a sincere effort in complying with the Convention's articles as well as beginning the process of change in spite of the many obstacles encountered. Experts recognized the complexity of the Nigerian situation, a country with vast human and natural resources, the largest in Africa, and with cultural and traditional diversities which made the setting of new social and economic standards very delicate and difficult.

617. Much was accomplished in the legislative process and experts noted that attitudes would only change with education campaigns and educational programmes, as was in fact recognized in the report. One could not just wait and expect change to happen, the Committee expressed. It was suggested that discriminatory legislation still existed.

618. The fact that Nigeria had ratified the Convention without any reservation meant that women's full integration in society remained a priority for the Government. This was proved by the Constitution which guaranteed equality before the law. But it was asked whether laws specifically drafted to protect women against discrimination were under elaboration.

619. Questions were raised on how the Convention was used at the national level, whether it could be invoked in court, and how national legislation interwove with stipulations of the Convention.

620. It was asked what action had been taken to identify those practices and customs mentioned in the report that were detrimental to women, including circumcision, early pregnancies and polygamy. Experts recognized that different kinds of customs, traditions and practices made the changes envisaged by the Government very difficult.

621. Regarding the introduction of temporary special measures to benefit women, the Government had taken steps in the field of education and employment and the Committee wished to know whether these measures would not be maintained, whether quotas had been established, for instance to accelerate women's integration into male-dominated areas.

622. Other questions related to special laws punishing rape and violence against women, laws establishing equality in marriage and divorce, steps taken to modify gender roles and stereotyping; astonishment was expressed over the statement that

the issue of paternity leave would not arise in Nigeria. Experts requested that more information be provided in the second report regarding action taken with reference to article 5, since this was an area that required special attention in Nigeria.

623. The Committee also requested additional information on the incidence of prostitution and on measures to rehabilitate women who engaged in this practice. It was noted that prostitution was not illegal and that therefore it was not considered a crime under the law.

624. It was remarked that in order for women to exercise their full political rights, an awareness campaign had to be launched, which involved not only the individual's education on rights, but also her perception of herself. In this regard, it was asked what the Government had thought about this area of self-perception, what women's organizations had proposed, and whether there were any plans or pilot projects being considered. It was also asked whether the concern of women to match legislative provisions with de facto equality was of the same concern to the Federal Government.

625. It was noted that few Nigerian women were active in politics and government but that more women were entering legal careers. Half the members of the federal Government were from the military, which indicated that in practice there was a quota in favour of men, and it was asked whether there were any plans to ensure that half of the government would consist of women. Additional statistics were requested on the composition by sex of federal and state government employees.

626. The Committee requested additional information on nationality laws since it was stated that alien women who so wished could assume their husband's nationality, which reflected that women had a lower status than men, and it was asked whether any steps were being taken to eliminate such discrimination.

627. The report established that article 18 of the Constitution guaranteed free education at the primary level of school only and it was asked what changes had occurred since then, what was the present percentage of illiterate population by sex, and what changes at the graduate and undergraduate levels had occurred since 1977. The Committee requested that the second report to be submitted should have more detailed information and statistics regarding education.

628. Regarding employment, it was asked whether there existed any protective legislation measures related to women, such as prohibition of night-work, and whether there were any plans to revise them. The report had mentioned that employment of women by the private sector was low because women represented a heavy burden to them, and clarification was requested on whether this heavy burden referred to maternity leave provisions or other factors.

629. Labour segregation between women's and men's jobs seemed to be a problem, even in the public sector, and additional statistics were requested. In addition, it was asked how the principle of equal pay for equal work contained in the Constitution was enforced in practice, and whether the equal pay for work of equal value had also been adopted.

630. The report was commended for being candid about many aspects of discriminatory practices of employment and also about sexual harassment. More information was

requested on retirement age for both sexes, unemployment rates and social security provisions.

631. No information had been provided on self-employed women and it was asked what were the laws protecting pensions in the informal sector, which in Africa consisted mostly of women entrepreneurs.

632. General questions were raised regarding provisions for health care of women, specifically prenatal and postnatal care. It was also asked whether there was any specific official population policy in Nigeria and whether abortion was legal.

633. It was asked whether the Government had established family planning programmes and whether it had established such a policy nationally.

634. A number of questions were raised regarding the assertion that women were imposed heavier taxation on their earnings than men, and clarification was sought on this provision and it was further asked what revisions were envisaged of the taxation law in order that it would not be discriminatory to women.

635. More information was requested on women's participation in the cultural life of the country. Members of the Committee were aware that there were Nigerian women artists and intellectuals but no mention of them had been found in the report.

636. Rights of women to own property, and access to credit facilities had not been clearly spelled out in the report and therefore the Committee requested additional information.

637. Generally it was also surprising that more information had not been provided on the situation of rural women, their role in traditional farms, their participation in co-operative and irrigation schemes, and government assistance to small farmers. It was asked what provisions were there to protect the women-farmers upon retirement, did they have access to pension and social security or were there other provisions that might have been overlooked by the report.

638. More information was requested on the number of women who lived under customary law and the number of marriages concluded under customary law; information in this respect was especially important, the Committee remarked, in regard to the multiplicity of marriage patterns and the relationship between Nigerian courts and the practice of customary laws.

639. Shock was expressed at the notion mentioned in the report that unmarried adults were considered immature, incomplete and not responsible and it was asked whether that was still a preponderant notion. Several discrepancies were found in the laws governing divorce where adultery by the wife was sufficient for separation, whereas adultery by the husband was not.

640. The pilot legal project on family law which had been set up by the Nigerian Institute of Advanced Legal Studies was commended. This exercise, the Committee agreed, was fruitful and needed, and it was hoped that many of the existing discrepancies affecting both men and women in the present family law would be revised in order to comply with the Convention. It was also asked whether the Government had plans to create a family court.

641. Other questions were asked regarding the term "pure polygamy", and whether the planned reduction in bride price meant that bride price would not be abolished in customary law marriages. It was also asked how many girls there were under 16 years and how many of them were mothers. It seemed that women were discriminated against with regard to adultery as a ground for divorce in customary law and it was asked how women themselves reacted to marriages other than statutory marriages.
642. The Committee thanked the representative once more for the courageous steps taken in ratifying the Convention and for presenting the first report with honesty and openness. The report was very lucid in its exposition of the obstacles encountered and this was a first step in eliminating them.
643. Before replying to the questions raised, the representative of the Government expressed thanks for the kind comments made by the members of the Committee and said that the second period report would provide replies to the questions that could not be answered immediately and would also contain further statistical data. As regards the repetitions in the report, which she regretted, she stated that the time frame for giving additional information was too short and did not allow for presenting an elaborate document.
644. She stated that any law or directive that was inconsistent with the Constitution was null and void, and if a directive was contradictory to the Convention, the person that was discriminated against could institute court action. Administrative directives had no legal force. Campaigns were being launched by government agencies to make women aware of their rights in many fields in order to incite them to take legal action, if necessary.
645. The National Committee on Women and Development was allocated adequate financial resources in the 1988 budget, and its members received annual remuneration like members of other government bodies. While the representative did not have any information on intentions of the Government to set up a Ministry of Women's Affairs, she said that plans existed to create a Directorate or perhaps a National Commission on Women Affairs. Presently, the Permanent Secretary was a woman.
646. The representative stated that the report to the Committee under article 18 of the Convention had been circulated to the various States and non-governmental organizations and the additional information, contained in CEDAW/C/5/Add.49/Amend.1, was presently being printed and would equally be disseminated across the country.
647. Concerning the issue of unequal taxes for women and men, she explained that the reason for the heavier tax burden on women was to be seen in the heavier financial loads carried by men as heads of household; but, she said, that such a view was rapidly changing. Women had launched strong campaigns against the system and a seminar was being organized to draw attention to the disparity. It was already possible for single or married women who could produce evidence of being heads of households to obtain tax relief. But the goal was for women to obtain the same tax relief as men.
648. The representative said that there was at least one woman commissioner in each of the 21 States and in some States there were more than one. In the country,

women's groups discussed women's issues through the media and men have started to realize that women were a necessary factor in national development.

649. It was stated that no temporary special measures existed to give women equal opportunity.

650. The Government had started enlightenment campaigns on the negative effects of some of the traditional practices. But the breaking of deep-rooted traditions constituted a slow process. The representative said that female circumcision was widespread in the south, but the practice was, however, slowly dying because people presently realized the health risks involved.

651. She said that violence in the family was condemned under the provisions of the Constitution; it was both frowned upon and also sometimes accepted as necessary. Cruelty was a ground for divorce, and rape was considered as an offence.

652. The incidence of sexual harassment was difficult to report on as women did not readily report on its occurrence. School education incorporated also moral education, but no educational programmes had been set up for prostitutes.

653. The representative said that women had fully participated in political activity since 1970. Women currently participated actively in the local government elections as voters and as candidates. She said that enlightenment programmes were currently being conducted to inform women of their political rights and one of the members of the national electoral committee was a woman. Women were also represented at the government level. The 1988 International Women's Day celebration was being organized by the Ministry of Social Development and women's non-governmental organizations. Women were currently also joining the military service. There was a cordial and co-operative relationship between the National Council of Women's Societies, non-governmental organizations and the Bureau, and non-governmental organizations formed pressure groups to influence the policy of the Government.

654. It was said that dual citizenship was not admitted and discrimination in the transfer of citizenship still continued.

655. Girls and boys had equal access to school education, and in some States girls in primary and secondary schools outnumbered boys. The reason for the big number of girls enrolled in law studies was not known. She said that the national education programmes were trying to arouse interest in female education in technical fields. No statistics on the illiteracy rate were available.

656. No changes in the protective legislation concerning the ban on women's night work were foreseen yet. She said that self-employed women were not protected by labour laws and young women working in the private sector were not so welcome because of possible absenteeism related to health problems and child care. However, women could be found in any type of profession. The principle of equal pay for equal work was accepted, but no statistics to show wage differentials between women and men in the private sector were available.

657. The retirement age for women and men was 55 years and leave entitlements were equal for persons of either sex. However, no paternity leave existed as yet, but sufficient domestic help was available. Women were also members of trade unions and there was a women's wing in the Nigerian Labour Congress.

658. Abortion was not generally permitted, but it was allowed if the life of the mother was in danger or following the recommendation given by a doctor. Attempts to legalize abortion were resisted by the churches and by women themselves. The average female life expectancy was between 54 and 60 years, and more women lived in rural areas and more men in urban areas.

659. The representative said that rural women did not have pension rights, but they were protected by the strong extended family system. Family planning services were available to them. Traditions and customs were an obstacle to women's access to credit facilities, but women formed co-operatives to have more easily access to credit. Land ownership was possible for women in some parts of the country. It was also said that special training courses existed for rural women, and by trying to raise the consciousness of women in rural areas the authorities in the country were trying to raise the consciousness of the Nigerian society.

660. It was said that women excelled in the cultural field, where they gained international fame. Women were also widely represented in trade and commerce.

661. The representative showed understanding for the difficulties some members had in trying to understand the three-fold Nigerian marriage pattern. She emphasized that only a mixture of the three patterns was illegal. No statistics on the different categories of marriage were available. She said that adultery committed by a woman constituted a ground for divorce, whereas an adultery committed by a man had no legal consequences, as it was claimed that men were polygamous by nature. The official age for marriage was 16 years for girls and 16-17 years for boys. No statistics were available on the number of marriages below the age of 16 and on the number of teenage pregnancies. It was said that a high-level committee had been set up by the responsible Ministry in order to deal with the problems related to early marriages and teenage pregnancies. It was explained that early marriages were a safe guaranty against pregnancies out of wedlock and that unmarried women were frowned upon because it was thought that they were either immoral or not good enough to be married. She also said that polygamy was mostly accessible only to rich men as the husband had the legal obligation to provide equal economic conditions to all wives.

662. The representative explained that the dowry had originally to be paid by the man to indicate his capability to support the wife financially; later it had to be paid to reimburse the parents of the wife for the education provided to the girl. As a result of a strong protest by women's groups, the amount of the dowry was being reduced to becoming a mere token.

663. She indicated the reasons for divorce and said that legal aid centres were accessible to men and women. No plans existed as yet to set up family courts.

664. Appreciation was expressed by the experts for the replies given. Further comments referred to the issues of female circumcision, and it was said that it was most important for the Government to take the necessary steps to eliminate those practices and foresee severe punishments. It was also asked in what way women's organizations had shown protest.

665. Questions were raised as to whether it was planned to eliminate the existing discrimination as regards acquisition and transfer of citizenship.

666. More information was sought on the food self-sufficiency programme of 1985 and on land ownership questions related to the new irrigation scheme.

667. It was also asked whether the Government was planning to unify the various marriage patterns, whether it was legally prohibited for a girl who had barely reached puberty to get married and whether women's organizations protested against polygamy.

668. The Government representative explained that vigorous campaigns were being mounted against female circumcision and efforts were being made to enlighten women on the health risks involved for their daughters.

669. Protests were also being launched by women's groups against polygamy. However, the opinion of women themselves was mixed. Some fought against it; some thought it was better to be one of several wives than not to be married at all.

670. As regards the question of land ownership, the representative said that in Nigeria the paternal system prevailed; in some parts of the country women did not own the land they were working, but they were allowed to sell the crops.