

QUICK GUIDE TO ADDRESS WOMEN'S ISSUES

DURING THE UNIVERSAL PERIODIC REVIEW ON NIGERIA[1]

These Guides include:

- A list of issues mentioned in the National Report, the Compilation of official UN Documents and the Summary of Other Stakeholders Submissions, with references to the particular paragraphs in which they can be found.
- The full text of those paragraphs
- A reference to "gaps", that is, issues on which the National Report should/could have applied a gender perspective but failed to do so.
- In those cases in which the Sexual Rights Initiative has submitted reports, we have included an Annex with our recommendations.
- In all cases we have included suggested questions and recommendations

References in the two working languages of the Council (English and French) have been kept in their original language.

Issues are highlighted, while **recommendations** are in bold and underlined. References from the National Report are *in Italics*.

All women's rights issues (included sexual rights' issues related specifically to women) are referred to in this Guide. Other sexual rights issues are referred to in the Sexual Rights Guides for each state under review

CEDAW ratified. OP-CEDAW ratified. Rome Statute ratified. Palermo Protocol ratified. (All without reservations).

Gaps: The National Report should/could have applied a gender perspective –that is, make reference to how the issue affects women and men in particular ways- but failed to do so in the following sections: National Action Plan on promotion and protection of human rights (21), Human rights jurisprudence (35), Children's rights (52-54), Prison reform/decongestion (57), Citizens and human rights initiative (59), Electoral process (60-63), Freedom of the press (64), National Human Rights Commission action plan (67), Death penalty (75), Detention centres and prison conditions (78), Economic, social and cultural rights for human rights programmes (82).

Issue	National Report	Compilation	Summary
Domestication / Harmonization with international instruments	CEDAW under consideration by National Assembly (30), difficultis (79)	Rejection of Draft Bill on Full Domestication (4). Adoption of measures after CEDAW 2004 recommendations (8) CRC concerns about legal	No domestication of CEDAW or implementation of Beijing Platform for Action 5 (2)

		systems being inconsistent with the Convention (3)	
Early marriages	Child Rights Act (12)	Large number of vesico-vaginal fistulas, need to prohibit it by law and sensitize (38)	
Economic rights/ Right to development		Widespread poverty as cause of discrimination (47)	
Equality and Non discrimination		Bill on Abolition of All Forms of Discrimination not passed (15).	Slowness in enacting women's rights laws, poor enforcement mechanisms (16)
Ethnic minority women		Muslim ethnic women subjected to harsher sentences (17)	
Female Genital Mutilation	Child Rights Act (12)	Prevalence; urgent need to enact legislation prohibiting it (27)	
Girl children	Strategy for the Acceleration of Girls' Education (20), Gender Parity (50)	Serious and widespread discrimination (19); Strategy for Acceleration of Girls' Education, educational problems remain (52); sexual violence in the North (31); sexual exploitation in IDP camps (55)	
Harmful traditional practices leading to abuses		Serious concerns (14), land ownership, property, inheritance, credit and loan (47)	Widowhood (24)
HIV/AIDS		Largest HIV epidemic in West Africa, affecting esp. women (61).	
Internally displaced		Need for special attention (56); sexual exploitation in	

women		camps (55)	
Laws that discriminate against women		Sharia enforcement bodies (hisbah) committing HR violations against non-Muslim women (41) Tripartite legal system leads to contradictions; discriminatory provisions (12).	Institutional application of Sharia law applies discriminatory standards based-on sex, corporal punishments (6), particularly in adultery cases (35). Tripartite legal system leads to contradictions (36)
Patriarchal Stereotypes		Persistence (14)	
Public and political participation	Affirmative action as a best practice (58)	Efforts made by low representation, beneath than stipulated in National Gender Policy (44)	Low representation (45).
Religious freedom			Abductions and forced conversions to Islam (39)
Reproductive health/rights	Key policy frameworks (51); Nurses and midwives, reduction of MM as a target (51)	Second highest maternal mortality rate in the world. Need to improve access and quality of reproductive services. Need to amend abortion laws (48).	Factors contributing to high MM rates: division of responsibilities among government layers, user fees, lack of information and counseling on family planning (49). MM risk rates higher than overall African ones; vulnerable groups of women, preventable deaths (50). Low accessibility and quality of emergency obstetrics care services (51). Unsafe abortions, very restrictive laws (52).
Right to health		Need to improve health infrastructure and women's access, esp. in rural areas (49)	
Right to work		Inequalities in wages, unemployment rates, discriminatory legislation and practices (46)	

Sexual Violence		Sexual harassment (46)	As a challenge for the justice system (24)
Trafficking of Women	Amendments to Anti-Trafficking Act (12); National Agency (70)	Measures taken, remains as a serious problem (29)	As a challenge for the justice system (24)
Violence against Women	No need for special law (79), National Gender Data Bank (71)	Continued prevalence, high level of acceptance (26), Request to repeal Section 55 of Penal Code allowing wife battery (15).	Bias in the justice system (36). Poor response of the aw has lead to low levels of reporting (24)
Women Human Rights Defenders		Difficulties encountered, impunity (42)	
Women in prison			Inadequate conditions of (30)

Domestication of/Harmonization with International Instruments

Receiving the **consideration of the National Assembly** for domestication are the following officially gazetted treaties: *Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)* and *Rome Statute of the International Criminal Court* (Para 30, NR). On the **difficulties** associated with the domestication of CEDAW – also dogged by **cultural and religious divisions** – the Forum expressed the hope that the personal efforts being made by the President to ensure the early passage of the bill would yield the desired result as soon as possible (Para 79, NR)

CEDAW welcomed the **adoption of the National Gender Policy and of a number of strategies, policies, and programmes** on areas such as education, health, reproductive health and nutrition since the consideration of Nigeria’s fourth and fifth periodic report in 2004 (Para 8, Compilation). CEDAW noted the **rejection by the National Assembly of a 2005 Draft Bill on Full Domestication** of the Convention. It underlined that principal responsibility for implementation lies with the federal government (Para 4, Compilation). Nigeria’s CSO Coalition on the Universal Periodic Review joint submission (JS1) indicated that Nigeria has neither “domesticated” CEDAW nor implemented the Beijing Platform for Action 5 (Para 2, Summary).

The Committee on the Right of the Child (**CRC**) was also concerned that many of the existing legislation at federal, State and local level, in particular the religious and customary laws, did not fully comply with the principles and provisions of the Convention (Para 3, Compilation)

Early Marriages

The **Child Rights Act**, 2003, domesticates the *United Nations Convention on the Rights of the Child*

and that of the African Union Charter on the Rights and Welfare of the Child. It gives muscle to legislation by States in the country in aspects relating to child protection such as the prohibition of harmful traditional practices affecting children (such as child marriage and betrothal) and withdrawal of children from schools for marriage (Para 12, NR)

CRC was particularly concerned at the reports of a **large number of young women suffering cases of vesico-vaginal fistula**. CRC **recommended that the State amend existing legislation to prevent early marriage and develop sensitization programmes to curb the practice of early marriages**. (Para 38, Compilation).

Economic Rights /Right to development

While noting comprehensive development and poverty reduction strategies, CEDAW was concerned that **widespread poverty** among women, as well as **poor socio-economic conditions were among the causes of the violation of women's human rights** and discrimination against women. (Para 47, Compilation).

Equality and Non Discrimination

CEDAW welcomed efforts undertaken in the area of legal reform but noted that a **draft bill on "Abolition of All Forms of Discrimination** against Women in Nigeria and Other Related Matters" was **not approved** by the National Assembly (Para 15, Compilation).

National Human Rights Commission (NHRC) reported that in Nigeria women experience discrimination due to the **slow pace at which laws relating to women's rights are passed** by the legislature at different levels and the **poor enforcement mechanisms** of existing legislation (Para 16, Summary).

Ethnic minority women

The Committee on the Elimination of Racial Discrimination (CERD) remained concerned that members of ethnic communities of the Muslim faith, in particular, **Muslim women**, could be **subjected to harsher sentences** than other Nigerians (Para 17, Compilation)

Female Genital Mutilation

*The **Child Rights Act**, 2003, domesticates the United Nations Convention on the Rights of the Child and that of the African Union Charter on the Rights and Welfare of the Child. It gives muscle to legislation by States in the country in aspects relating to child protection such as the prohibition of **female genital mutilation**.* (Para 12, NR)

A 2001 Common Country Assessment (CCA) report noted the prevalence of harmful traditional practices including female genital mutilation (FGM). In 2005, CRC reiterated its concern at the **widespread** and continuing existence of FGM. In 2008, CEDAW also noted the continued **high incidence** of FGM in some areas of the country. CEDAW **urged Nigeria to enact national legislation to prohibit FGM**. (Para 27, Compilation).

Girl children

*The Strategy for the Acceleration of **Girls' Education** in Nigeria seeks to achieve **gender parity** in*

access to, retention, completion and achievement in basic education by 2015. Significant progress has been recorded all over the country (Para 20, NR). The Universal Basic Education (UBE) programme has not only increased access to school but also gender parity. (Para 50, NR). In 2005, CRC noted with appreciation the development of the Strategy for Acceleration of Girls' Education. However, CRC remained concerned about the various numbers of problems in the education system. CRC recommended inter alia that Nigeria take appropriate measures, in order to ensure that primary education is compulsory; and take additional steps to address the high illiteracy rates. (Para 52, Compilation)

In 2005, CRC reiterated its previous concern that children belonging to vulnerable groups, including girls, continue to face serious and widespread discrimination. (Para 19, Compilation). CRC noted with concern the increase of reports of sexual assaults and rape of young girls, especially in the North (Para 31, Compilation). CRC was concerned about the situation of refugee and internally displaced children living in refugee camps. It was particularly concerned about reports of sexual exploitation of refugee girls within and outside of the camps. (Para 55, Compilation).

Harmful traditional practices

In 2008, expressed serious concern about the persistence of entrenched harmful traditional and cultural norms and practices leading to discrimination against women (Para 14, Compilation). While noting comprehensive development and poverty reduction strategies, CEDAW noted with concern discriminatory practices with regard to land ownership, administration of property and inheritance, limited women's access to economic resources, as well as credit and loan facilities (Para 47, Compilation).

NHRC reports that cultural practices (including harmful widowhood practices) are challenges for the justice system area (Para 24, Summary).

HIV / AIDS

A 2008 UNAIDS report noted that Nigeria has the largest HIV epidemic in West Africa with 2.6 million people living with HIV. HIV is disproportionately affecting women (Para 61, Compilation)

Internally displaced women

CEDAW requested the State to pay particular attention to the needs of internally-displaced women. Following the 2002 ruling of the International Court of Justice transferring the Bakassi peninsula from Nigeria to Cameroon, a 2008 OCHA report noted that up to 100,000 Nigerians displaced from Bakassi in southern Nigeria are sheltering in makeshift camps (Para 56, Compilation). CRC was particularly concerned about reports of sexual exploitation of women within and outside of the camps. (Para 55, Compilation).

Laws that discriminate against women

The Special Rapporteur on freedom of religion or belief noted that a particularly alarming development in the implementation of Shariah has been the institutionalization of enforcement bodies known as Hisbah. Their activities have resulted in a number of violent, arbitrary and other illegal acts, especially against non-Muslim women, which in many cases amounted to human rights violations (Para 41, Compilation). The Commonwealth Human Rights Initiative (CHRI) stated that unconstitutional implementation of the sharia law has reportedly seen sharia courts prescribe

corporal punishments, such as limb amputation, and applied discriminatory standards against women in relation to rules of evidence in adultery cases (Para 6, Summary). Human Rights Watch (HRW) reported that the manner in which Sharia is applied discriminates against women, particularly in adultery cases where standards of evidence differ based on the sex of the accused (Para 35, Summary)

CEDAW expressed concern at contradictions and inconsistencies created by the application of statutory, customary and Shariah laws in Nigeria's tripartite legal system. It also noted with concern the existence of discriminatory provisions within these sources of law with regard to marriage, divorce, custody of children and inheritance. CEDAW made recommendations in this regard (Para 12, Compilation). JS2 -Civil Liberties Organization with the support of the International Federation for Human Rights (FIDH)- reported that the country's tripartite legal system (statutory, customary and sharia laws) contributes to contradictions and inconsistencies, particularly in the areas of marriage and family law (Para 36, Summary)

Patriarchal Stereotypes

In 2008, CEDAW was concerned about the persistence of patriarchal attitudes and deep-rooted stereotypes concerning women's roles and responsibilities that discriminate against women. (Para 14, Compilation)

Public and Political Participation

While noting the efforts made to increase the number of women in both elective and appointed positions in public office, in the diplomatic service and in international organizations, CEDAW was concerned that women continue to be seriously underrepresented in political and public life. It noted that women's representation in the National Assembly currently stands at 6.9 per cent in the House of Representatives and 8.3 per cent in the Senate, far below the 35 per cent minimum representation stipulated in the National Gender Policy. It made recommendations in this regard (Para 44, Compilation). JS2 indicated that in the Federal cabinet as well as in those of the 36 states, there are only very few women, while out of 774 local government Chairpersons, less than 20 per cent are women. Similar concerns were raised by the NHRC (Para 45, Summary).

Religious freedom

Christian Solidarity Worldwide (CSW) said there are increasing reports of Christian women being abducted and forcibly converted (to Islam), some State Sharia Commissions being implicated in such abductions, with intimidation and threatened violence by the abductors to families (Para 39, Summary).

Reproductive health/rights

The provisions of the National Gender Policy 2007, National Reproductive Health Policy and Strategy 2001, National Policy on HIV-AIDS 2003, National Policy on Health 1998 and 2004, the National Policy on the Elimination of FGM 1998 and 2002, National Adolescent Health Policy 1995, National Policy on Maternal and Child Health 1994, constitute the key policy frameworks that seek to promote the survival, development, protection and participation rights of women and children to achieve quality reproductive and sexual health in Nigeria (Para 14, NR). With regard to the health sector, where Nigeria has the biggest challenge in meeting the Millennium Development Goals targets, Government has recruited about 3,000 Midwives and Nurses to provide antenatal and obstetric care in the rural areas. Government's target is to reduce both the maternal and infant

mortality rates in Nigeria in the shortest time possible (Para 51, NR)

In 2008, CEDAW was especially concerned at the **very high maternal mortality rate**, the **second highest in the world**, and regretted that there has been no progress in reducing the maternal mortality rate. CEDAW **called upon Nigeria inter alia to improve the availability and affordability of sexual and reproductive health services and to assess the impact of its abortion law on the maternal mortality rate, and to give consideration to its reform or modification** (Para 48, Compilation). The Center for Reproductive Rights (CRR) reported that the **division of health-care responsibilities among the three tiers of government** - federal, state, and local - is a key structural issue that **contributes to the high maternal mortality rates**. CRR also believed that **user fees** constitute serious barriers to obtaining quality maternal health care, and that the **lack of adequate information and counselling on family planning** is another major factor that contributes to the high rate of maternal mortality in Nigeria (Para 49, Summary). CRR reported that although Nigeria makes up 2 per cent of the world's population, it accounts for 10 per cent of its maternal deaths, with higher risk rates than the overall risk rates for women throughout sub-Saharan Africa. It also indicated that the risks of maternal death are even greater for Nigerian women in the northern region of the country, for rural women, low income women and women without formal education; the majority of these deaths being preventable. NHRC expressed similar concerns (Para 50, Summary). CRR reported that a national study on the **availability and quality of emergency obstetrics facilities** had found that only 4.2 per cent of public facilities and 32.8 per cent of private facilities met the internationally agreed-upon standards for emergency obstetrics care. CRR indicated that the study also found that less than one third of the public secondary and tertiary health centres met the international standards for comprehensive emergency obstetric care (Para 51, Summary). CRR reported that Nigeria's **abortion law remains very restrictive**, despite unsafe abortions remaining frequent occurrences and resulting in the death of over 34,000 Nigerian women annually (Para 52, Summary).

Right to health

A 2002-2007 United Nations Development Assistance Framework noted that available data has shown that the **availability and accessibility to quality health care services** in Nigeria is poor. CEDAW **urged Nigeria to continue its efforts to improve health infrastructure. It also urged the State to improve women's access to quality and affordable health-care and health related services, particularly at the primary level and in rural areas** (Para 49, Compilation).

Right to work

While noting a draft Labour Standards Bill, CEDAW was concerned at the persisting **wage gap** between men and women, women's **higher unemployment rate** and at the **persistence of discriminatory legislation**. It also noted with concern **discriminatory practices** in the private sector, with respect to maternity and marital status (Para 46, Compilation).

Sexual violence

NHRC reports that rape and other sexual offences are **challenges** in the justice system area (Para 24, Summary).

CEDAW noted the prevalence of **sexual harassment** in the workplace and the absence of legislation and measures to address this (Para 46, Compilation)

Trafficking of women

The **Anti-Trafficking Act 2003**, as amended in 2005 (NAPTIP Act), seeks to protect women, especially as victims of trafficking and other forms of exploitation (Para 12, NR). The **National Agency for the Prohibition of Trafficking in Persons (NAPTIP)** was established by an Act in 2003, (amended in 2005), partly in fulfillment of Nigeria's international obligations under the Trafficking in Persons Protocol Supplementing the United Nations Transnational Organized Crime Convention, to address the scourge of trafficking in persons and its attendant human rights abuses. The functions of NAPTIP include (a) the coordination of all laws on trafficking in persons, (b) the adoption of measures to increase the effectiveness of eradication of trafficking in persons, (c) the enhancement of the effectiveness of law enforcement agents to suppress trafficking, (d) the strengthening and enhancement of effective legal means for international cooperation in criminal matters for suppressing the international activities of traffic in persons, and (e) counselling and rehabilitation of victims of trafficking, etc. (Para 39, NR). In line with international standards, careful plans have been developed for reception, sheltering, and counselling of each trafficked person, including a tracing mechanism for reuniting victims with their families, skills acquisition programmes and start up grants/loans. The National Agency for Prohibition of Traffic in Persons has established shelters in many parts of the country, in some cases with the support of the International Organization for Migration and UNICEF (Para 70, NR)

While CEDAW, CERD and CRC acknowledged the **measures taken** to combat trafficking in women, CEDAW and CERD were concerned that trafficking **remains a serious problem** (Para 29, Compilation). NHRC reports that trafficking in women is a **challenge** in the justice system area (Para 24, Summary).

Violence against women

Nigerian law has copious provisions to safeguard the rights of women against abuse and all forms of maltreatment. Assault and battery have been made subject of both civil and criminal laws, with the criminal aspects attracting very stiff and severe penalties. **There is, therefore, no need for a special law on violence against women** (Para 79, NR)

Other initiatives include the establishment of a **National Gender Data Bank** for the purpose of generating and analysing data on the prevalence and pattern of violence against women and discriminatory practices (Para 71, NR)

In 2005, CRC was deeply concerned about traditional and discriminatory attitudes and behaviour towards women contributing inter alia to violence, abuse, including sexual abuse, killing, torture and extortion; and the generally **high level of acceptance** of domestic violence among law enforcement officials and court personnel. In 2008, CEDAW was concerned about the **continuing prevalence** of violence against women and by the absence of a comprehensive national law on this issue (Para 26, Compilation). The Special Rapporteur on torture issued recommendations related to **violence against women** (Para 65, Compilation). CEDAW recommended inter alia the **repeal of Section 55 of the Penal Code of Northern Nigeria that allows wife battery as chastisement as long as grievous harm is not inflicted** (Para 15, Compilation)

A 2001 Common Country Assessment (CCA) report noted that bringing charges of wife-battering and similar crimes to court is difficult since the entire **system of justice** reflects the **gender bias** that tolerates domestic violence (Para 36, Compilation). NHRC also indicated that **gender-based** violence is a problem, especially domestic violence, and that the **poor response** of law enforcement agents and the administration of justice system are resulting in **low levels of reporting** (Para 24, Summary)

Women human rights defenders

In 2005, the Special Representative of the Secretary-General on Human Rights Defenders noted the **difficulties encountered** by women rights activists. She observed that there is a lack of response from the authorities to the issues raised by human rights defenders and that the **level of impunity remains high** which greatly increases their vulnerability (Para 42, Compilation)

Women in prison

Commonwealth Human Rights Initiative (CHRI) reports that **special needs and considerations for women in the prisons and detention centres are grossly inadequate**, the special needs of women such as sanitary items hardly provided; some nursing mothers delivering their babies in prison instead of the hospital (Para 30, Summary)

Suggested Questions and Recommendations

- While congratulating Nigeria for its success in ensuring universal access to primary education, ask for a gender-disaggregated rendering of the figures in Para 50 of the National Report regarding school attendance, enrolment ratio in primary education, literacy rates and school retention rates.
 - Recommend that Nigeria implements CEDAW recommendation to assess the impact of its abortion law on its maternal mortality rates, the second highest in the world, as well as urgently taking other measures to deal with this problem, including a review of the division of health-care responsibilities across government levels; eliminating user fees for health services; increasing the quality and availability of emergency obstetric care services, and providing adequate information and counseling on family planning.
 - Recommend that Nigeria takes all necessary measures, including the promulgation of specific laws, to address discrimination against women in the workplace as well as implementing programmes to reduce women's unemployment rates.
 - Recalling Nigeria's statement about the lack of need for an specific law on violence against women (Para 79, National Report) ask what legal and policy instrument exist to address to key elements in eradicating violence against women: assistance to victims and sensitivity-awareness raising for law enforcement personnel. / Recommend that Nigeria takes all necessary legal and policy measures to provide assistance to women victims of violence and sensitivity-awareness raising on the issue for law enforcement personnel.
 - Recommend that Nigeria implements a programme to address the situation of women deprived of their liberty, with adequate monitoring systems in place.
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[1] These Guides were produced by the Sexual Rights Initiative, a coalition of organizations based in Africa, Asia, Eastern Europe, Latin America and North America whose mandate is to advance women's issues broadly and sexual rights issues in the Human Rights Council. For questions, comments, suggestions please contact Alejandra Sardá-Chandiramani at alejandra@mulabi.org.