



**Convention on the Elimination
of all Forms of Discrimination
Against Women**

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COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Seventh session

SUMMARY RECORD OF THE 123rd MEETING

Held at Headquarters, New York,
on Monday, 29 February 1988, at 3 p.m.

Chairperson: Ms. BERNARD

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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)

Initial report of Nigeria (CEDAW/C/5/Add.49/Amend.1)

1. At the invitation of the Chairperson, Mrs. Okobi (Nigeria) took a place at the Committee table.

2. Mrs. OKOBI (Nigeria) said that the Government of Nigeria had signed and ratified the Convention without any reservations whatsoever in 1985; the initial report under the Convention had been submitted promptly in 1986, demonstrating the seriousness with which the Nigerian Government viewed its obligations under article 18 of the Convention. The original report (CEDAW/C/5/Add.49) had been prepared without due compliance with document CEDAW/C/7; an amended report (CEDAW/C/5/Add.49/Amend.1) had therefore been submitted which was to replace the first report. The report indicated the progress made and the measures taken towards the implementation of the Convention. It described briefly the traditional role of Nigerian women in society and highlighted the changes that had taken place, particularly since International Women's Year in 1975. It referred to the enactment of the Constitution of the Federal Republic of Nigeria of 1979, which had further enhanced the role and position of women in society, and stressed that the Constitution and existing legislation contained adequate provisions to ensure the juridical equality of men and women in all areas.

3. The report candidly recognized that certain bureaucratic directives and decisions, coupled with ingrained attitudes and prejudices, behaviour patterns and traditions, created obstacles in the way of the full participation of women in all spheres of national life. The Federal Government, along with the State Governments, and women themselves were striving to ensure that those barriers were broken down. As machinery to implement the objectives of the Convention and the Nairobi Forward-looking Strategies, the Federal Government had established the National Committee on Women and State Committees on Women to identify and redress certain institutional imbalances. The Women's Department in the Federal Ministry of Social Development, Youth and Sports provided liaison between the National Committee on Women and the Government, and there were various other sub-committees including the National Committee on Women's Education.

4. In general, Nigerian women had passed the stage of agitating for liberation or equal rights with men, and their main concern was to match legislative provisions with de facto equality, and to change ingrained attitudes and attain full acceptance as necessary partners in the development and progress of the nation in all spheres. Under the 1979 Constitution, Nigeria had accepted the obligation to give women the same treatment as men in all spheres of life. The Constitution contained a chapter on fundamental rights and freedoms, and under section 39 it guaranteed freedom from discrimination. There was also a chapter on the fundamental objectives and directive principles of State policy, intended to

(Mrs. Okobi, Nigeria)

provide a set of standards and objectives which the State must strive to attain. Those two chapters of the Constitution gave legal backing to the Government's resolve to grant women the same rights, obligations and duties as men both in law and in practice. The exact status of women in Nigeria in the specific areas covered by the Convention was described in the report.

5. She had been instructed by the President and the entire people of Nigeria to reaffirm the firm resolve of the Federal and State Governments to achieve the objectives of the Convention within the shortest possible time in Nigeria. Much still remained to be done, and efforts would continue to improve the overall condition of women in Nigeria and integrate them more fully in all areas of the national economy.

6. Ms. AKAMATSU said that the Nigerian Government was clearly making great efforts to enhance the status of women, despite difficulties deriving from the economic situation and traditions adverse to the status of women; it also seemed that the consciousness of Nigerian women was changing slowly and steadily. It had been indicated in the first version of the report that there were several administrative measures which conflicted with the 1979 Constitution; in the amended version of the report (p. 12) it was indicated that a discriminatory administrative directive was to be revoked; she asked about the legal status of administrative directives which were contradictory to the Constitution. It was also mentioned on page 5 of the amended report that plans were under way to upgrade the National Committee on Women and Development to the status of a bureau; she asked what had been done in that respect.

7. Ms. CARON commended the Nigerian Government's efforts to eliminate discrimination against women despite the problems of traditions rooted in custom. She appreciated the care taken in the amended report to follow the Committee's guidelines, and the frankness in noting certain obstacles illustrated, for example, by the conclusion of the report (p. 40) and by the opinion on customary law given by a Justice of the Supreme Court (p. 37). She asked whether the Nigerian Government planned to establish a ministry on the status of women.

8. Ms. OESER commended Nigerian women on their successful efforts in recent years in respect of education, employment and health and the detailed assessment of the overall situation of women provided on page 40 of the report. She fully agreed that education seemed to be the main means of making women themselves aware of their rights within the family and enabling them to protect themselves against violations of those rights, as indicated on pages 38 et seq. There were many repetitions in the report, on the subject of the relationship between law and custom (pp. 6 and 15), family planning (pp. 28 and 39) and property rights (pp. 37 and 39), for example.

9. Ms. SINEGIORGIS said that Nigeria was a big country, containing about one third of the population of Africa, and it had enormous potential. The women seemed to be very hardworking and were economically viable; there were women lawyers and judges, and currently there were more women than men in the Nigerian law school.

/...

(Ms. Sinigiorgis)

She commended the Nigerian Government on its prompt submission of the initial report and the frank manner in which it had been prepared. It was also praiseworthy that since ratifying the Convention the Government had adopted many measures in various fields; much remained to be done, however, to ensure that the Convention was fully implemented, as was noted in the report, and in a country with many customs and traditions, the difficulties of implementing the provisions of the Convention could not be minimized. The Government had therefore taken bold action in ratifying the Convention without any reservations. Its commitment to removing the obstacles impeding the participation of women in national development efforts demonstrated political good will.

10. It was apparent from the report that legislative measures were not always matched by administrative and bureaucratic practices. There was a reference on page 10 of the original report to some administrative and bureaucratic practices which were contrary to the Convention, for example, in respect of income tax; she asked what was being done to harmonize taxation of men and women, and in general what steps the Government was taking to eliminate discriminatory bureaucratic practices. She inquired what was being done to upgrade the monitoring machinery of the Ministry of Social Development, Youth and Sports.

11. Ms. PILATAXI DE ARENAS said that the Nigerian Government's ratification of the Convention without any reservations demonstrated its political will regarding the rights and equality of women. The report illustrated the legal and social background in Nigeria, the efforts made by women in their struggle for liberation, and the difficulties which arose in breaking with centuries-old traditions and customs. It was encouraging that the 1979 Constitution established the rights and duties of citizens regardless of sex. She asked for more details about the "mischievous categorisations" referred to in section 15 (2) of the Constitution (p. 3 of the report). Admirable honesty was demonstrated in discussing the political rights of women. She asked whether the report was in contradiction with certain points of the Constitution in respect of such rights. According to the report (p. 6) there were no enforceable laws to assist women who were victims of discrimination; she asked for further explanations on that point.

12. Ms. NOVIKOVA commended the very open and even critical approach taken in the report; it demonstrated the desire of the Nigerian Government to provide information on what had been achieved and determine any obstacles and problems that remained; that approach created possibilities for positive action in overcoming obstacles to the advancement of women. It was indicated on page 3 of the report that the Convention did not automatically become justiciable per se but that its provisions could be pleaded in court; she asked how national legislation was being brought in line with the provisions of the Convention. She asked what the Nigerian Government planned to do to eliminate administrative measures which made women unequal and dependent on men. The inequality was clearest in the case of taxation; it would be interesting to learn what the Government planned to do to eliminate those discrepancies. She would also welcome information on women heads of families and single women.

13. Ms. GUAN Minqian said that the amended report had been submitted in accordance with the Committee's guidelines and provided a picture of the status of women in Nigeria. Nigeria was a large, populous and influential African country. Nigerian women had been greatly discriminated against in the past; the fact that the Nigerian Government had ratified the Convention without any reservations was noteworthy, and it was clear that much had been done since that ratification. The National Committee on Women and Development had been established, as well as women's development units at various levels, and it was encouraging that women were becoming involved in government and political affairs. She fully agreed about the importance in eliminating discrimination of improving women's perception of themselves; the survey on the way women evaluated themselves (pp. 7-8 of the report) was therefore very interesting and enlightening. It was clear that Nigerian women still had a long way to go; although there were no laws discriminating against women, there were no laws to protect them when they were discriminated against because of customs, traditions, etc. It was to be hoped that Nigerian women, with the support of the Government, would achieve even more in the future.

14. Ms. SOUMARE said that the report of Nigeria was very frank. Nigeria was a huge African country with enormous human and material wealth, and it was commendable that it had ratified the Convention without any reservations. She noted that the Constitution guaranteed equal rights for all citizens and that the Nigerian President and Government were making praiseworthy efforts to promote the advancement of women. Nigerian women were very dynamic at the economic level and on the international scene. As was noted in the report, there were still obstacles to the advancement of women, and changes in attitudes were required. It was to be hoped that the commitment of women and of the government authorities would be supported by the private sector and by social, professional and religious groups so as to ensure the implementation of the Convention.

15. Ms. VELIZ DE VILLALVILLA expressed satisfaction at the frankness and objectivity of the initial report of Nigeria. In spite of the difficulties involved, the Government seemed to have the political will to promote awareness in order to eliminate discrimination against women. She requested up-to-date information on school enrolment, particularly with regard to girls. What steps had been taken by the Government to promote the education of women and what progress had been made in that regard? Was maternity leave freely granted? Lastly, what had the Government done to prevent sexual harassment in the work-place?

16. Ms. MONTENEGRO DE FLETCHER noted with satisfaction the candour of the report submitted by Nigeria. She would appreciate statistics indicating the number of women holding posts in the Government. What type of penalties were imposed in cases of discrimination against women? Further information should be provided on the struggle of women to achieve equality and the contribution made in that regard by intellectuals. What was the opinion of the general population concerning the advancement of women and their overall struggle to achieve equality? Had the Government initiated programmes or campaigns directed at the general population, particularly in rural areas, in order to change customs and attitudes which discriminated against women?

17. The CHAIRPERSON drew attention to the administrative measures mentioned on page 10 of document CEDAW/C/5/Add.49. The provision that a woman was not allowed to stand surety or take on bail a person suspected of a crime and the conditions under which a woman was entitled to vacation transport allowances were discriminatory and should be changed. The higher income taxation imposed on women was also discriminatory. In that regard, she inquired what steps had been taken to change the separate assessment of women's incomes for taxation purposes.

18. Ms. LAIOU-ANTONIOU said that the report submitted by Nigeria was very frank and openly referred to the problems confronting women in Nigerian society. She inquired whether the statement on page 14 of document CEDAW/C/5/Add.49/Amend.1 that it was inconceivable that the Nigerian man would ever apply for paternity leave reflected an underlying philosophy or pessimism on the part of those who had drafted the report. Such an attitude had a negative effect on policy-making in that regard.

Article 2

19. Ms. EVATT asked whether the Government had had disseminated information about the Convention and the report of the Committee. What action had been taken to identify discriminatory practices and customs such as female circumcision, polygamy, marriage at an early age and early pregnancy? Such practices could cause serious health problems and perpetuated the inferior role of women by limiting their education and employment opportunities. The reporting State should indicate how widespread those practices and customs were in Nigeria. Were there specific groups of women which were at a particular disadvantage with regard to the implementation of the rights laid down in the Convention?

20. Ms. OESER requested information on the different types of marriage and the number of registered marriages in Nigeria.

21. Ms. WADSTEIN asked whether women were sufficiently aware of their rights to take legal action in case of discrimination based on sex. It seemed that women were blamed for not doing more themselves to overcome discrimination. Had specific measures been taken to increase the awareness of women in that regard?

Article 4

22. Ms. WADSTEIN said that the reporting State should indicate what steps had been taken to ensure equal access to employment opportunities and whether such steps were temporary measures. Were there areas where women had greater opportunities than men? Had the Government considered introducing affirmative action or quotas to integrate women into the economic life of the country? Such preferential treatment was given to men in the Government. Similar treatment for women would be welcome.

Article 5

23. Ms. FORDE asked whether violence against women was frowned upon traditionally or tacitly accepted. Were there laws against such violence? How high was the incidence of rape in Nigeria? Were there adequate legal and social services to help women who were the victims of such violence?

24. Ms. GUAN Minqian asked how, in the purely traditional society, women were subjugated in marriage, divorce and widowhood. What general changes had occurred in social consciousness regarding the status of women? Did parents still prefer to have sons? Did women enjoy the same rights in seeking divorce and remarrying?

25. Ms. WADSTEIN inquired about practical measures taken to implement article 5 of the Convention. What steps had been taken to change the traditional roles of men and women and to ensure that men shared the work traditionally carried out by women? The next report should highlight information on measures to encourage paternity leave. The Government could easily take steps in that regard to promote the de facto equality of women. Lastly, she inquired whether there were instances in which customary law treated women more favourably than statutory law. If so, which took precedence?

Article 6

26. Ms. VELIZ DE VILLALVILLA asked whether there were educational and rehabilitation programmes for prostitutes and, if so, what such programmes consisted of. Was priority given to the need to prevent girls from becoming prostitutes? Was violence against women widespread and what had been done to prevent such violence in the family?

27. Ms. EVATT requested further information on the role of non-governmental women's organizations in developing policies to promote the advancement of women and their relationship in that regard with the Government.

Article 7

28. Ms. GONZALEZ MARTINEZ asked whether women had recourse to courts in cases of discrimination. The report did not indicate whether the Government had the political will to ensure the de facto equality of women in every-day life. There was no information on programmes to enhance the awareness of women concerning their role in society. What had the Government done to encourage greater participation by women in politics? What plans did women's organizations, such as the National Council of Women's Societies, have to promote such participation? Were there educational or civic programmes for that purpose? Did women and women's groups actively participate in the political life of the country?

29. Ms. VELIZ DE VILLALVILLA requested further information on how Nigerian women were tackling the problem of discrimination against them in the public and political life of the country. How did they view their overall role in society and what had been done to promote greater participation by women in that respect?

30. Ms. WADSTEIN requested additional information on how the Government promoted the de facto equality of women in politics and the number of women serving in the Federal Government and local governments. Were there any plans to ensure that one half of the persons employed in government service were women? Was military service open to men only and did such service provide access to government employment?

Article 9

31. Ms. AKAMATSU said that the naturalization provisions of Nigerian law reflected the lower status accorded to women, who usually adopted the husbands' nationality.

32. The CHAIRPERSON said that the naturalization legislation was discriminatory against Nigerian women because an alien man married to a Nigerian woman did not have the right to obtain Nigerian citizenship. She inquired whether steps were being taken to amend that provision.

Article 10

33. Ms. AKAMATSU said that she was impressed with the large number of female law students, as indicated in table 2 on page 13 of document CEDAW/C/5/Add.49. She inquired why that profession was so popular among women.

34. Ms. FORDE said that the figures provided in tables 5 and 6 on page 17 of document CEDAW/C/5/Add.49 showed that females were underrepresented in all categories. The reporting State should provide further information on the results of the National Policy on Education with regard to women's education. Was there increased enrolment of female students in non-traditional areas of study and were there adequate educational facilities for girls in rural areas? If that information, which should include statistics, was not available to the representative of Nigeria, it should be included in that country's next report.

35. Ms. GUAN Mingqian requested information on illiteracy rates in Nigeria.

36. Ms. LAIOU-ANTONIOU inquired about the duration of compulsory education.

37. The CHAIRPERSON asked whether the number of women lecturers at law faculties had risen since April 1977 (CEDAW/C/5/Add.49, table 5). She would appreciate information on what had been done to redress the imbalance, in view of the large number of women who studied law (table 2).

Article 11

38. Ms. AKAMATSU wondered whether consideration had been given to revising legislation banning night work for women (CEDAW/C/5/Add.49, p. 19). She inquired whether paid maternity leave or prohibition of night work had anything to do with the "heavy burden" of employing women in the private sector (CEDAW/C/5/Add.49, p. 21). She wished to know the Government's precise definition of "burden", and whether that "burden" had any bearing on the fact that less than half of women employees worked in the private sector (table 7).

39. Ms. OESER, referring to the table on women's career development in the amended report (p. 8), said that it would be helpful to have more information on the size of the work-force and on how representative the survey group was.

40. Ms. FORDE said that it would be interesting to know how tax legislation affected self-employed women in Nigeria, particularly those involved in market activities. She wondered whether such women enjoyed social security benefits, if only on a contributory basis.

41. Ms. NOVIKOVA noted a discrepancy between the assertions that labour legislation in Nigeria was non-discriminatory (CEDAW/C/5/Add.49/Amend.1, p. 23) and that personnel policies protecting pregnant women and nursing mothers might constitute "discrimination in reverse" (p. 24). She wondered whether the 15-20-week work-free period for women civil servants (p. 25) could also be considered discriminatory. Finally, the Nigerian representative should identify those labour laws which women were being urged to oppose as potentially discriminatory (p. 26).

42. Ms. WADSTEIN said that, for purposes of comparison, it would be interesting to have statistics on the number of men employed in various sectors of the economy. She wondered whether job segregation existed in Nigeria. The huge disparity between women's earnings in industry and the public sector would be better illustrated by statistics. She wondered how Nigeria enforced the principle of "equal pay for equal work", enshrined in its Constitution, and whether it also subscribed to the principle of "equal value". The Committee would appreciate more details on cases of sex-based wage discrimination. She wished to know whether Nigeria had a job evaluation system, and whether women were ineligible for certain public offices. If women earned less because they worked shorter hours, it would be helpful to know what the working hours were and why they were different for men and women. She appreciated the attention given in the report to instances of sexual harassment and wondered how it was being controlled. It would be useful to know the retirement ages and the unemployment rates for both men and women. She would appreciate more information on the role of trade unions in Nigeria and the extent to which women participated in them.

Article 12

43. Ms. AKAMATSU asked the Nigerian representative to provide more information on abortion legislation. It would be particularly interesting to hear about reactions to government plans to extend abortion services.

44. Ms. NOVIKOVA said that life expectancy statistics would lend perspective to the statistics on death in childbirth in the amended report (p. 28, para. (c)). She noted that Nigeria had fewer women than men - a vastly different situation from that of many Western countries.

45. Ms. GUAN Minqian asked whether Nigeria had a population policy and whether abortion was legal.

Article 13

46. Ms. WADSTEIN asked why more men than women benefited from credit facilities (CEDAW/C/5/Add.49/Amend.1, p. 30).

47. Ms. SALEMA requested more information on the participation of women in cultural life, and clarification of the paragraph in the amended report on the exploitation of the "great deal of rhythm" in women (p. 31).

48. Ms. WADSTEIN said that, given the importance of agriculture in the Nigerian economy, the Committee required more information on land ownership by women in Nigeria. Specifically, she wished to know whether women farmed their own land or were hired labour only. She wondered whether, as in other developing countries, aid to rural women was geared more to the family and society than to the women themselves. She would also appreciate information plans to integrate women more fully into the rural economy through, inter alia, increased access to technical assistance and education.

49. Ms. SAYOGYO asked whether the status of rural women had improved as a result of the Government's strategy to achieve food self-sufficiency by 1985 (CEDAW/C/5/Add.49/Amend.1, p. 35). She wondered about the integration of small farmers through the Government's irrigation scheme and other initiatives.

50. Ms. LAIOU-ANTONIOU inquired whether women who worked on farms were eligible for pensions upon retirement. She would appreciate information on medical insurance for rural women.

Article 15

51. Ms. FORDE asked whether women had the same legal capacity as men in business and with respect to land ownership. She wondered whether any laws conflicted with the constitutional guarantees for women, mentioned in the amended report.

52. Ms. EVATT, referring to the amended report, asked whether women's marriage and property rights were different under the Constitution and customary law. She wondered how many women actually submitted to the "degrading treatment of women under customary law", and whether changes in customary law were planned.

Article 16

53. Ms. FORDE said that, given the multiplicity of marriage patterns referred to on page 38 of the amended report, she wished to know about alternatives to marrying under the Marriage Act. She wondered whether the choices showed any regional pattern, and whether studies had been made to determine how women felt about the alternatives. More information was needed on measures to inform women of their rights. She wished to know whether Nigeria had an established family planning policy, whether it was conducted by the Government or by private agencies, and whether services were available to women throughout Nigeria, especially in rural areas.

54. Ms. AKAMATSU, expressing shock at the attitude towards marriage described in both reports, asked whether unmarried adults were still viewed in Nigerian society as "incomplete, immature and ... irresponsible" (p. 38). The Nigerian representative might explain why a woman's adultery constituted grounds for divorce, while a man's did not.

55. Ms. EVATT commended Nigeria's pilot legal project on Family Law, adding that it was sorely needed. She wondered how many women were married under customary law, how many girls under age 16 were already married and how many were mothers by that age?

56. Ms. LAIOU-ANTONIOU requested a definition of "pure polygamy" (p. 38 of the amended report). More information was needed on the various marriage systems, and on State health and retirement benefits for women in polygamous marriages who were not supported by their husbands. She wondered whether the term "drastic reduction" on page 39 (para. (c)) referred only to the bride price.

57. Ms. TALLAWY commended the report's frankness on matters of marriage and family law, making particular reference to the Supreme Court Justice's views on property rights. She asked whether widows were entitled to an inheritance under native law, whether native law on inheritances was deeply rooted, and whether it was observed throughout Nigeria or only in rural areas. She wondered whether the Justice's remarks - an impressive example of a country's self-examination - had had any effect. It would be interesting to know whether non-governmental organizations were working to improve women's property rights and what the Government was doing to bring tradition and customs into line with constitutional provisions protecting women. It was well known that overcoming tradition was one of the most difficult tasks facing developing countries.

58. The CHAIRPERSON inquired about the grounds for divorce under systems other than customary law (p. 38 of the amended report). She wondered whether the establishment of a family court was contemplated in order to help implement much-needed reforms in family law. Nigeria was to be commended for ratifying the Convention and for submitting its initial report on time, even if tradition remained an obstacle to implementing all articles of the Convention.

ORGANIZATIONAL MATTERS (continued)

59. Ms. CREYDT (Secretary of the Committee) confirmed that expenses for the October meeting of persons chairing treaty bodies were to be paid out of the regular budget and therefore no statement of financial implications had been issued. The Committee should give thought to choosing its representative.

60. Ms. GONZALEZ MARTINEZ said that her interpretation of the Secretary's statement and of General Assembly resolution 42/105 was that financing was guaranteed for chairpersons' expenses.

The meeting rose at 5.40 p.m.