

# Women, Peace and Security in Nigeria

Joint Shadow Report  
CEDAW Committee, 67th Session (July 2017)

Submitted for the Committee's review of Nigeria's combined  
7th and 8th periodic reports on the implementation of the Convention on  
the Elimination of All Forms of Discrimination Against Women

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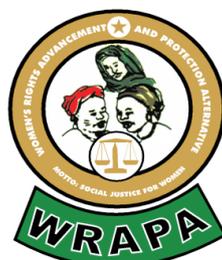
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IN PARTNERSHIP WITH CHANNEL FOUNDATION



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## Introduction

1. The CEDAW Coalition on Women, Peace and Security was formed on 2 March 2017 as a network of six registered Nigerian NGOs. It was created with the aim to provide the CEDAW Committee with information relating to gaps in the implementation of the Convention on the Elimination of All Forms of Discrimination Against Women with a specific reference to the Committee's General Recommendation 30 and the Women, Peace and Security agenda more broadly.
2. This report has been developed drawing from the experiences of women, and statistics, legal cases, testimonies of individuals, news clips, and provisions of national and local laws. The Coalition consulted a wide range of experts and women's grassroots organizations, including through a series of workshops hosted by WILPF Nigeria.

## Context

3. In addition to CEDAW, Nigeria has ratified, among others, the Optional Protocol to CEDAW as well as the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (the Maputo Protocol). The Federal Government of Nigeria adopted a National Gender Policy in 2006. Nigeria launched its second National Action Plan for the Implementation of UNSCR 1325 and related resolutions (NAP) on 9 May 2017; the NAP covers the period 2017-2020.<sup>1</sup> The updated NAP was developed to incorporate emerging issues in Nigeria (i.e. violent extremism and other post-conflict and reintegration issues), as well as address the gaps identified in the first NAP (i.e. absence of crisis management and recovery strategies, ambiguous language and inadequate monitoring and evaluation architecture).<sup>2</sup> **However, domestication (incorporation into domestic laws) and implementation remain a big challenge.**<sup>3</sup>
4. Women in Nigeria have paid a heavy price in the conflicts that have been ravaging the country, especially in the past two decades. They have endured unprecedented levels of sexual violence, along with related HIV infection, involuntary pregnancies and health complications, increased food insecurity and internal displacement. Ongoing conflicts in Nigeria include those linked to violent extremism in the North East, resurgence of militancy over economic grievances and kidnapping in the Niger Delta and grievances over land use due to competition over natural resources between farming and herders

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<sup>1</sup> A scanned version of the NAP 2017-2020 is available at this link:

<sup>2</sup> National Action Plans (NAPs) serve as a tool for governments to articulate priorities and coordinate the implementation of UNSCR 1325 and related resolutions at the national level. They outline domestic and/or foreign course of policy of a country to meet the Women, Peace and Security objectives: women's participation, protection from gender-based violence, conflict prevention and post-conflict peacebuilding.

<sup>3</sup> For a convention or treaty ratified by Nigeria to become operational, the constitution requires that it be domesticated by the National House. The legal system of the Federal Republic of Nigeria also requires domestication at the state level of legislation adopted at the federal level. This requirement depends on the law in question.

communities (the herdsman crisis) occurring in most parts of Nigeria.

5. The conflict in the **North East** has resulted in massive loss of lives, property and livelihoods. Boko Haram's attacks and increased militarization in the region continue to have a devastating impact on women and girls. In addition to Boko Haram's abduction of girls, their recruitment as suicide bombers, sex slaves and forced laborers, Boko Haram's attacks are leading to an increased rate of women and girls internally displaced, who are forced to seek shelter in various IDP camps across the nation. The number of persons internally displaced as a result of the conflict with Boko Haram is estimated to be more than 2.2 million, with 1.4 million of them in Borno State, according to a recent report by the Special Rapporteur on the human rights of internally displaced persons on his visit to Nigeria.<sup>4</sup>
6. In the **Niger Delta**, there has been a proliferation of militant groups staging attacks on energy infrastructure at the heart of its resources.<sup>5</sup> Such attacks include illegal bunkering, pipeline vandalism and oil theft that have heavily impacted on the capacity of Nigeria's oil and gas assets to function optimally.<sup>6</sup> Women and girls have been particularly affected by the conflict, including because of its devastating impact on economic activities and means of subsistence of inhabitants in the area, which adds to the severe impact due to environmental degradation by oil companies in the region.
7. The increasing competition for natural resources between farming and herders communities **in many areas of the country, especially in North Central and South East**, has led to many violent clashes, including deadly attacks.<sup>7</sup> The resulting crisis has affected the life and security of women and girls, particularly of widows as they are often killed, raped and rendered homeless. In rural areas, where the majority of women are farmers, food production and farmlands have been abandoned out of fear that cattle would graze on them, exacerbating poverty and food shortage in the country. Furthermore, women have no access to security, as there are no strategic locations of security agencies in rural areas.
8. Patriarchal norms, the lack of a solid legal framework, increased militarization and marginalization of women in peace building and conflict resolution processes pose obstacles to implementing the Women, Peace and Security agenda. Low levels of literacy among women have resulted in them not knowing their rights and

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<sup>4</sup> Report by the UN Special Rapporteur on the human rights of internally displaced persons, Chaloka Beyani, on his mission to Nigeria from 23 to 26 August 2016, UN Index: A/HRC/35/27/Add.1, 12 April 2017.

<sup>5</sup><http://www.bloomberg.com/news/articles/2016-08-11/nigeria-oil-output-seen-stuck-at-lows-as-new-militants-emerge> and <https://www.forbes.com/sites/uhenergy/2017/02/13/oil-and-violence-in-the-niger-delta-isnt-talked-about-much-but-it-has-a-global-impact/#776924604dc6>.

<sup>6</sup><http://www.nnpcgroup.com/PublicRelations/NNPCinthenews/tabid/92/articleType/ArticleView/articleid/68/How-Pipeline-Vandals-Cripple-Fuel-Supply--NNPCIncur-over-N174-billion-in-products-losses-pipeline-repairs.aspx>.

<sup>7</sup> See, example, a statement by the UN High Commissioner for Human Rights <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=19905&LangID=E>

opportunities. Some institutions, such as the Nigeria Police Force and the National Human Rights Commission (NHRC), have not lived up to expectations to provide justice and to protect women's rights.

9. Peace and security are areas in which women have particularly been marginalized, especially where key policy decisions are made and resource allocations are decided. Their continued marginalization of women in peace building and conflict resolution processes has affected development and community resilience, particularly at the local level, since tradition does not encourage women leadership.<sup>8</sup>
10. It has also affected the informal sector where the majority of women operate. Discrimination with regard to access to employment and economic resources hampers women's opportunities to participate in decision-making processes. Women will not be able to participate in those processes if they struggle to meet the most basic needs for themselves and their families.

### **Conflict prevention**

11. Disarmament, addressing root causes of conflicts and ensuring women's equal and meaningful participation in peacebuilding and conflict resolution processes and decision-making processes more broadly are fundamental elements of conflict prevention. Structural inequality, power dynamics and militarization influence a continuum of violence.

### **Impact of the proliferation of small arms and light weapons**

12. The proliferation of small arms and light weapons (SALW) fuels armed groups and promotes gender-based violence and insecurity. The resulting insecurity also compromises women's capacity to participate in public life and reveals threats to human security and violations of human rights, as the CEDAW Committee has recognized in numerous occasions including in its General Recommendations 30.
13. The proliferation of SALW in Nigeria is very high; it is estimated that over 70% of illicit SALW in West Africa are located in the country.<sup>9</sup> Nigeria ratified the Arms Trade Treaty (ATT) on 12 August 2013 and was the first African country to do so. Upon ratification, the then Minister of Foreign Affairs stated that "this landmark event represents our deep commitment to a treaty which establishes common international standards for the import, export and transfer of conventional arms." This strong commitment needs to be translated into concrete actions.

### **Challenges to women's participation in decision-making**

14. National Action Plans is a key a tool to promote one of the pillars of the Women, Peace and Security agenda, that is women's increased equal and full participation at all

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<sup>8</sup> Building Women's Capacity for Peace building in Nigeria, at [http://rhpsnet.com/journals/rhps/Vol\\_4\\_No\\_1\\_June\\_2016/3.pdf](http://rhpsnet.com/journals/rhps/Vol_4_No_1_June_2016/3.pdf) .

<sup>9</sup> <http://allafrica.com/stories/201608110295.html> | <http://www.vanguardngr.com/2016/08/nigeria-accounts-70-illicit-weapons-wafrica/> .

levels of decision-making. However, serious challenges hinder the effective implementation of the NAP of Nigeria, including with regard to the goal of participation.

15. According to the 2015 statistical report on Women and Men in Nigeria, the highest representation of women among high-ranking government administrators with decision-making powers was 17.1% in 2011 for the position of Directors-General and 19.1% for Permanent Secretaries.<sup>10</sup> In a survey carried out by the Women’s Situation Room Nigeria<sup>11</sup>, using Abia State as a case study, it was observed the following:

16. Leadership Roles	17. FEMALE	18. MALE	19. TOTAL
20. Local Government Chairman	21.1	22.16	23.17
24. Permanent Secretaries	25.10	26.27	27.37
28. Commissioners	29.2	30.19	31.21
32. House of Assembly	33.1	34.23	35.24
36. Federal House of Representative	37.2	38.4	39.8

***Women’s Situation Room Nigeria (WSRN) Abia State<sup>12</sup>***

40. These data show the extent of marginalization of women in Abia and represent a policy benchmark on women’s access to public leadership and inclusive gender-responsive policy-making across Nigeria.

**Recommendations**

41. Nigeria needs to:
- a. Adopt a strict control of small arms to ensure that they are not used to commit or facilitate a violation of international humanitarian law or human rights, including acts of gender-based violence, as mandated by the ATT.
  - b. Domesticcate all ratified treaties on small arms control, including the ATT and the ECOWAS Convention on small arms. In the implementation of ATT and the UN Program of Action on small arms and light weapons, particular attention should be given to provisions around gender-based violence and armed conflict, for example, Article 7(4) of the ATT. Put in place a National Commission on small arms control.
  - c. Allocate specific budget to the implementation of the NAP on UNSCR 1325.

<sup>10</sup> National Bureau of Statistics (2016), “Statistical report on Women and Men in Nigeria of 2015”

<sup>11</sup><http://www.peacewomen.org/e-news/article/wilpf-nigeria-monitors-nigerian-elections-through-womens-situation-room> .

<sup>12</sup> Source : Women Situation Room Nigeria Archive .

Strategic dissemination and implementation plans should be put in place. State and local action plans on UNSCR 1325 should be developed and implemented in state and the local governments with no such action plans in place.

- d. Prioritize the use of temporary special measures in order to accelerate and strengthen women's full and equal participation in all areas of decision-making and conflict prevention, including in domestic and foreign policies. Significantly increase financial resources of the national machinery for the empowerment of women and allocate a higher percentage of the national budget and the international funding to gender issues; and provide it with the necessary human and technical resources for its effective functioning in all areas of women empowerment. This should, in particular, include capacity for enhanced cooperation with civil society, strengthening the capacity of its staff and promote gender mainstreaming throughout all governmental bodies.
- e. Identify a pool of gender experts (women and men) with knowledge and understanding of women, peace and security and employ them as gender advisers and within government departments.

## Discrimination and gender-based violence

### Initiatives to address discrimination and gender-based violence

- 42. Nigeria has the National Gender Policy of 2006 focusing on women's empowerment and commitments to eliminate discriminatory practices.
- 43. The *Child Rights Act* of 2003 amended the Constitution to set the minimum age of marriage at 18 for both sexes, but only 24 of Nigeria's 36 States have adopted the Act.<sup>13</sup> As a result, State laws on the minimum age for getting married vary: in Southern Nigeria, the minimum legal age of marriage is between 18 and 21 years of age, depending on the region; in the North, it ranges from 12 to 15 years.
- 44. There is no comprehensive national law on violence against women. Various legal instruments are being used to address violence against women and seek justice for victims of gender-based violence; these include the Violence against Persons Prohibition Act (VAPP), 2015, Gender-Based Violence (Prohibition) Law, 2007, the Child's Right Law, 2003, Prevention Against Domestic Violence Law, 2007, National Gender Policy, 2014, Criminal Law of Lagos state, 2011, the NAP on UNSCR 1325 (2017-2020), CEDAW and the Maputo protocol. Poor or no implementation of these instruments and measures continue.
- 45. The VAPP Act came to existence in Nigeria after 14 years of activism by civil society activists who have consistently pushed for national legislation prohibiting violence against women. The content of the VAPP Act reflects the current realities of violence

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<sup>13</sup> <http://www.vanguardngr.com/2017/05/childrens-day-saraki-csos-canvass-domestication-child-rights-law-states/> . See also [http://www.cleen.org/nigeria\\_ngo\\_report\\_OMCT.pdf](http://www.cleen.org/nigeria_ngo_report_OMCT.pdf).

in Nigeria and incorporates provisions based on Nigeria's international human rights obligations.<sup>14</sup> To present, the VAPP Act is only justiciable in the Federal Capital Territory while other states are yet to implement it into their state law. Despite it being justiciable in the Federal Capital Territory, its implementation is poor. Moreover, there is a very low level awareness of VAPP as most institutions and organizations are not aware of it.

46. Only 11 states, including Anambra, Bauchi, Cross Rivers, Ebonyi, Edo, Ekiti, Imo, Lagos, Enugu, Bayelsa and Rivers states, have laws with provisions of legal terms to counter gender-based violence.
47. Government's efforts to combat discrimination include the previous administration's decision to give 38% of its quota in political offices to women and to promote more women into its administration. Women were also empowered by being granted financial assistance. This involved small scale business funding, micro finance bank loans, agricultural empowerment, and long-term loans with little interest.
48. Initiatives taken to combat gender discrimination and gender-based violence have been compromised by the fact that many harmful practices are grounded in widely accepted cultural and religious norms.
49. Earlier this year, ex-Central Bank of Nigeria governor, Emir of Kano, Muhammadu Sanusi 11, announced the proposal for a revised family law covering the matters of marriage, divorce, maintenance of children and inheritance. The proposed law would outlaw forced marriages, make domestic violence illegal, indicate the various responsibilities of the father beyond fathering a child and would require stricter conditions for men to marry a second wife.<sup>15</sup> This proposal builds on a speech from 25 June 2016 in which he stated that violence against women is a violation of human rights and also a form of discrimination against women. "*It is a mental sickness that needs to be rectified and there is a need to act on gender equality against domestic violence.*" He further explained that "*people should be recognized first as people and be treated equally regardless of their gender, sexual orientation, religion, age, race and disability*".<sup>16</sup>
50. A public hearing of a *Gender and Equal Opportunity (GEO) Bill*, presented by senator Biodun Olujimi (Ekiti South Senatorial District) was scheduled to take place on 9 December 2016 at the National Assembly. However, the public hearing committee failed to meet the necessary quorum, as only two senators were present. The senator faced fierce resistance from her male counterparts from the Northern part of the country. The major challenge to the hearing was the misconception of most Islamic

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<sup>14</sup> <http://www.genderhub.org/get-in-the-know/resource-library/violence-against-persons-prohibition-act-2015-nigeria/>.

<sup>15</sup> See, for example, <https://venturesafrica.com/lamido-sanusi-new-law-tackles-practices-nigeria/> and <http://www.vanguardngr.com/2017/05/childrens-day-saraki-csos-canvass-domestication-child-rights-law-states/>.

<sup>16</sup> <https://nostringsng.com/sanusi-lamido-speaks-gender-equality/>.

clerics on some contents of the bill, in particular the inheritance and marriage section, which they saw in contradiction with the laws and beliefs of the Holy Qur'an. In particular, the Sultan of Sokoto Muhammadu Sa'ad Abubakar III indicated that the GEO Bill was not in line with Islamic beliefs<sup>17</sup> and, therefore, not suitable and appropriate for Northern political zones. Due to religious and societal pressure and fear of being labeled or humiliated, many politicians ended up opting out of the hearing. Since then, the GEO Bill has successfully passed its second reading in both houses, and currently awaits the third reading, scheduled for September this year. Subject to a successful third reading and passage, the bill would be made an Act.

51. In May 2015, the New President Muhammadu Buhari was sworn in and pledged to tackle Boko Haram "head-on."<sup>6</sup> The 276 schoolgirls kidnapped from Chibok in 2014 are among thousands of people abducted by Boko Haram over the years and in October 2016, 21 girls were released and recently in May 2017, another 82 of the abducted girls were released after negotiations between the Federal Government and the terrorist group (Boko Haram).<sup>7</sup> In addition to the remaining Chibok girls who are yet to be released, many others abducted by Boko Haram over the years remain in their control.

### Ongoing concerns

52. Child, early and forced marriage,<sup>18</sup> son preference, discriminatory succession laws, widowhood rites, public harassment and stereotyping are among the practices prevalent in Nigeria. Many of these practices are linked to other forms of violence against women; for instance, the denial of property rights is often linked to the maltreatment of widows, sexual violence to forced marriages, and the receipt of monetary payments for daughters to trafficking.

53. Cases of trafficking, abduction, and forced marriages of women and girls are so common that they are no longer newsworthy. Women are consistently being objectified and this is linked to cultural and religious practices that demand the subjugation and submission of women to men.

54. According to a recent UNFPA Nigeria report, the increase of gender-based violence is growing astronomically with the activities of the insurgency in the North-East. Forms of gender-based violence encompass forced and early marriage, and physical, mental or sexual assault on women, and FGM.<sup>19</sup>

55. Widespread occurrence of gender-based violence can be explained by, *inter alia*, traditional beliefs, high rates of illiteracy and lack of comprehensive legislation countering gender-based violence in all states. Government law enforcement agencies fail to enforce existing laws, leaving private organizations and NGOs alone to defend the rights of citizens. Relevant stakeholders have no or little knowledge of relevant existent legislation, and policies are not implemented and minor penalties are applied,

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<sup>17</sup> <http://www.vanguardngr.com/2016/03/senate-throws-out-bill-on-gender-equality/>.

<sup>18</sup> See, for example, <http://www.girlsnotbrides.org/child-marriage/nigeria/>.

<sup>19</sup> <http://nigeria.unfpa.org/node/6123?page=1> .

leading to the denial of justice and stigmatization of gender-based violence survivors. Moreover, the proliferation of small arms facilitates the commission of acts of gender-based violence.

56. In addition to being a serious human rights violation, gender-based violence has become a major public health concern with negative consequences that impact women's lives. It has hindered the fight against the spread of HIV and improvements in sexual and reproductive health and child health.

### **Some specific examples**

#### **Inheritance laws**

57. A large proportion of women in Nigeria are barred from owning land by customary laws of inheritance. This is in spite of the fact that Section 43 of the 1999 Constitution permits male and female Nigerians to own and acquire movable and immovable property. For example, women in the South-East are denied the right to inherit from their husband's/late father's estates. A decision by Supreme Court on the case *MOJEKWU V MOJEKWU* (2004), involving five children who were disinherited from their late father's estate because they were all female children, criticized a Court of Appeal's decision condemning a custom that prohibits females from inheriting property.<sup>20</sup>

#### **Access to employment**

58. In the land of Ogugu, in Kogi state, women are only allowed to work and earn money with their husband's permission, and revert such generated income back to their husbands.<sup>21</sup> This practice is also present in other communities in Nigeria.
59. At the workplace, men are employed over equally qualified women. This is justified by implicit assumptions that female workers cannot dedicate sufficient time to their job, as they are distracted with family and maternity issues. Moreover, men prefer to work under the leadership of a man rather than a woman, with the belief that a woman does not have the power or right to preside over a man or his affairs.

#### **Domestic violence**

60. A recent public opinion poll conducted by NOI Polls Limited in partnership with Project Alert on domestic violence (August 2016) revealed an increasing prevalence of domestic violence across Nigeria in recent times, as reported by about 78% of respondents. This prevalence was indicated to be at the highest increase in the South-West geo-political zone (86%) and lowest in the South-South zone (70%). Furthermore, this poll revealed that 54 % of Nigerians have suffered a form of domestic violence or know someone who has experienced domestic violence in their homes with the majority of the victims being women, as stated by 75% of

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<http://www.nigerianlawguru.com/articles/family%20law/COMMENTS%20ON%20MOJEKWU%20V%20MOJEKWU.pdf>.

<sup>21</sup> <http://kogireports.com/the-culture-and-traditions-of-ogugu-people/> .

respondents.<sup>22</sup> A CLEEN Foundation's 2012 National Crime and Safety Survey found that a nationwide increase in domestic violence from 21% in 2011 to 30% in 2013. Among the forms of violence are rape, abuse, acid attacks, corporal punishment and, in severe cases, even death. Domestic violence remains largely underreported for several reasons. These include the fact that there is a culture of silence, resulting in cases of violence (sexual and physical abuse) not being reported to the police for fear of being victimized and stigmatized. In most rural communities, it is considered a taboo to involve the police in family matters and in the urban settlements there is the fear of stigmatization and family honor.

61. Moreover, survivors of domestic violence are usually turned back at police stations on grounds that it was a family affair, thereby denying any further opportunities for prosecution. Rape cases are mostly charged to court as "gross indecent act" to an Upper Area Court, which does not have the jurisdiction to hear a rape case.
62. The provision of the penal code applicable in the Northern part of Nigeria specifically encourages violence against women. Section 55(1) (d) of the Penal Code allows for the beating of a wife for the purpose of disciplining.

### Persons with disabilities

63. Furthermore, there is a high increase of various forms of gender-based violence and stigmatization experienced by persons with disabilities. Psychosocial support is not available to them, especially in the rural communities. A Disability Rights Bill was passed by the 6<sup>th</sup> and 7<sup>th</sup> National Assembly but did not get signed into law by the former President. Currently, the bill is yet to be signed by the present President.

### Access to justice

64. Some survivors of gender-based violence have turned to other avenues to seek justice and redress. For example, *Dorothy Chioma Njemanze* and three other women filed a case against the Federal Government at the ECOWAS Community Court of Justice for abduction, detention and sexual, verbal and physical assault by government agents from the Abuja Environmental Protection Board (AEPB), the Nigerian Police, and the Nigerian Military. The case, filed on 16 September 2014, awaits judgment hearing. The date for a judgment hearing has been set to 12 October 2017.<sup>23</sup>

### Recommendations

65. Nigeria needs to:
  - a. Take effective measures to eradicate harmful traditional practices, such as child and forced marriage, discriminatory inheritance laws, widowhood practices, and those customs and traditions that justify and perpetuate them;
  - b. Domesticated and apply in all states relevant regional and international instruments, including the VAPP Act;

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<sup>22</sup> NOIPolls; <http://www.noi-polls.com/root/index.php?pid=396&parentid=14&ptid=1>.

<sup>23</sup> <http://www.ihrda.org/2015/12/updates-on-the-case-of-dorothy-chioma-nzemanze-3-others-v-the-federal-republic-of-nigeria/> <http://placng.org/wp/2016/07/senate-passes-discrimination-against-persons-with-disabilities-bill-2016/>.

- c. Ensure domestication of the Child Rights Act in all states;
- d. End patriarchal inheritance systems by reviewing laws on women's property rights and inheritance laws;
- e. Ensure adoption of Gender and Equal Opportunity (GEO) Bill;
- f. Prioritize effective education for women and girls;
- g. Ensure that violence against women and girls, including domestic violence, marital rape, and all forms of sexual abuse, constitutes a criminal offence, whether committed inside or outside the home;
- h. Ensure that perpetrators are prosecuted, punished and rehabilitated, including by removing legislative provisions for the exculpation of perpetrators or provision of lesser penalties, such as in cases involving honor crimes, sex workers, non-virgins or a perpetrator who marries the rape survivor;
- i. Mainstream an inter and intra agency protocol for sexual violence;
- j. Implement measures to ensure that survivors of violence have immediate access to means of redress, protection, safe shelters and legal, medical and psychological support, and provide financial and other support to policies for women and children escaping abusive environments;
- k. Strengthen anti-trafficking laws to include trafficking into domestic servitude and forced labor. Adopt a comprehensive national action plan to address forced labor, domestic servitude and sexual exploitation and ensure the allocation of sufficient human and financial resources for the effective implementation of the plan;
- l. Raise awareness about human trafficking for sexual or labor exploitation, including by dissemination of information and training of judiciary and law enforcement officials to ensure strict application of the relevant criminal provisions;
- m. Address the root causes of trafficking and exploitation of women and other forms of violence against women, including by increasing efforts to improve the economic situation of women and girls;
- n. Increase community outreach and advocacy to give women greater opportunity for paid employment;
- o. Design a comprehensive strategy to eliminate violence against women and practices that discriminate against women. The strategy should include awareness raising campaigns, in collaboration with the National Orientation Agency, educational institutions and civil society, addressed to women and men at all levels of society, including traditional leaders;
- p. Ensure that the National Orientation Agency increases its scope to include development of strategies to raise awareness at the grassroots level on the various legislations available to address gender-based violence and their implementation procedures;
- q. Take effective measures to address cyber violence against women and girls.<sup>24</sup>

## **Women in political and public life**

66. Women persistently experience discrimination in the public and political spheres despite recent initiatives to address this.

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<sup>24</sup> For examples of measures, see: Cyber violence against women and girls. A wake up call. UNESCO, <http://www.unesco.org/fileadmin/MULTIMEDIA/HQ/CI/CI/images/wsis/GenderReport2015FINAL.pdf>.

67. In theory, the Nigerian constitution does not discriminate women in politics. The Nigerian constitution (1999) Section 40 states that: *“Every person shall be entitled to assemble freely and associate with other persons, and in particular he may form or belong to any political party, trade union or any other association for the protection of his interests”*. Section 42(1) also states that: *“A citizen of Nigeria of a particular community, ethnic group, place of origin, sex, religion or political opinion shall not, by reason only that he is such a person be subjected to any form of discrimination”*<sup>25</sup>.
68. Furthermore, the National Gender Policy (2006), Objective 5, target b, stipulates that the State is committed to: *“Adopt special measures, quotas and mechanisms for achieving minimum critical threshold of women in political offices, party organs and public life by pursuing 35% affirmative action in favour of women to bridge gender gaps in political representation in both elective and appointive post at all levels by 2015”*<sup>26</sup>.
69. In its 7<sup>th</sup> and 8<sup>th</sup> periodic report, the government stated that: *“Nigeria has put women in the fore-front of its foreign policy negotiations, diplomacy and economic development, especially in recognition of the Nation’s role in Africa as a driver of peace, stability and centre of commerce and growth”*.<sup>27</sup>
70. Several efforts have indeed been made to address the low representation of women in elective and appointive positions in Nigeria. Such efforts include: the establishment of the Women Political Empowerment Office and Nigerian Women Trust Funds; creation of the Women Situation Room Nigeria and the 100 Women Lobby Group ; the adoption of a gender policy by the Independent National Electoral Commission (INEC);<sup>28</sup> the creation of the national multi-stakeholder dialogue; the initiation of several interventions to actualize affirmative action; and the convening of the Nigeria Women Strategy Conference. Nonetheless, in practice, only an extremely low number of women hold elective and appointive roles in the country.

### Ongoing concerns

71. As the laws for gender equality in political participation have not been followed by any effort or plan for implementation, their relevance is only symbolic.
72. For example, the 35% affirmative action for women has not been achieved; women's representation remains far below that target. Women's representation during the past administration had risen from 10% in 2011 to over 33% in 2013. These numbers have declined with the present administration. Furthermore, the constitutions and manifestos of political parties in Nigeria rarely mention affirmative action for women.

<sup>25</sup> [http://www.aacoalition.org/national\\_policy\\_women.htm](http://www.aacoalition.org/national_policy_women.htm).

<sup>26</sup> [http://www.aacoalition.org/national\\_policy\\_women.htm](http://www.aacoalition.org/national_policy_women.htm).

<sup>27</sup> UN Index CEDAW/C/NGA/7-8 paragraph 7.3.

<sup>28</sup> <http://www.ng.undp.org/content/nigeria/en/home/presscenter/articles/2014/11/25/as-inec-launches-its-gender-policy-inec-chair-calls-on-political-parties-to-increase-female-participation-in-elective-positions.html> .

73. As noted earlier, when senator Biodun Olujimi presented the *Gender and Equal Opportunity (GEO) Bill* at the National Assembly, she faced fierce resistance from her male counterparts from the Northern areas. The GEO Bill, in their opinion, would afford an unrestricted liberty to women and would make them “ungovernable and wild” for their husbands. This perception by a cross section of the country is a strong impediment to the participation of women in the Nigerian politics. The idea that “women are to be seen and not be heard” is a major setback faced by Nigerian women with a political ambition.
74. According to the 2015 statistical report on women and men in Nigeria compiled by the National Bureau of Statistics, 94.3% of the seats in the National Parliament were occupied by men. Moreover, there were only 8.3% of women at the upper house of assembly; 7.2% at the lower house of assembly, 26.2% represented as judges; there were 5.6% at the local government; 9.8% women councilors. At the state level, only 5 women are deputy governors and Nigeria is yet to have a female governor in any of the 36 states.<sup>29</sup> Among high-ranking government administrators with decision-making powers, women were equally under-represented. Out of the 36 recently confirmed ministerial appointments by the present government, only six are women, representing 16.7%.
75. The national average of women’s political participation in Nigeria has remained at 6.7% in elective and appointive positions, which is far below the global average<sup>30</sup> of 22.5%, the African regional average of 23.4% and West African sub regional average of 15%<sup>31</sup>.
76. Most of the statistical analysis presented in Nigeria’s 7<sup>th</sup> and 8<sup>th</sup> periodic report does not convey the current realities experienced by women. Facts and figures stated in the current situational analysis of women’s representation in Nigeria clearly indicate that the expected progress has not been achieved from the year of 2015 to date.
77. Issues such as patriarchy, traditional and cultural practices, stigmatization, lack of funding, nepotism in politics, heavy monetization of the political process, low value placed on women’s substantive participation, have resulted in the marginalization of women. In addition, some regulations in the electoral system are strong impediments towards women’s political empowerment. For example, it is impossible to make provisions for independent candidatures and in some instances, married women cannot contest in the states where their husbands hold any elective position.

## Recommendations

78. Nigeria needs to:
- a. Promptly adopt temporary special measures, such as a law establishing the implementation of statutory quotas especially within political parties and the national parliament with the goal of reforming the electoral system to include

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<sup>29</sup> National Bureau of Statistics (2016), “Statistical report on Women and Men in Nigeria of 2015”.

<sup>30</sup> The standard average percentage globally for women’s political participation in respect to elective and appointive positions.

<sup>31</sup> [https://unstats.un.org/unsd/gender/Finland\\_Oct2016/Documents/Nigeria\\_abstract.pdf](https://unstats.un.org/unsd/gender/Finland_Oct2016/Documents/Nigeria_abstract.pdf) .

- proportional representation of women;
- b. Support networks of women in government and non-government groups and experts who can analyze the situation of women in politics in Nigeria and offer solutions;
- c. Build the capacity of female politicians and other women interested in getting involved in politics through targeted training and mentoring on leadership and negotiation skills;
- d. Include provisions for independent candidature in the constitution and ensure adoption of the electoral act by the Electoral Reform Committee;
- e. Provide the national machinery for the advancement of women with the necessary human and technical resources for its effective functioning in all areas of women's empowerment;
- f. Take affirmative actions that include, in particular, a plan to strengthen the Women's Political Trust Fund as well as technical capacity-building activities and provisions for enhanced cooperation with civil society;
- g. Conduct awareness-raising campaigns for the general public throughout the country in collaboration with media and private initiatives, in particular targeting rural women, on the importance of women's participation at all levels of decision-making, including the importance of the political participation of women;
- h. Collaborate with the media, the Nigerian film industry, and other organizations and institutions to promote a positive and non-stereotypical portrayal of women and to promote women's participation at all levels.

## Rural women

79. The prevalence of conflicts has taken a heavy toll on rural women and girls. A precondition for achieving lasting peace and security is to build the potential of rural women and girls through active involvement within policy processes and political decision-making; an essential requirement to do so is improving their human security.<sup>32</sup>
80. It is estimated that 70% of Nigerians live below the poverty line, with women constituting 80% of them. About 54 million of Nigeria's estimated 78 million women live in rural areas, predominate in the agricultural sector<sup>33</sup> and carry out most of the physical labor in agriculture and food-production related activities.
81. The lack of consistent funding and sustainability of programs has continued to prevent any significant improvement for rural women in Nigeria, with state interventions being at best a one-off event. Public sector investments in agriculture have remained low at less than 4%.<sup>34</sup> The Nigerian government has made a commitment to invest a minimum of 10 % of the budget in the agricultural sector in line with the Maputo Declaration. This is far from current reality.<sup>35</sup>

<sup>32</sup> <http://article.sciencepublishinggroup.com/html/10.11648.j.ss.20150405.11.html> .

<sup>33</sup> <http://africa.unwomen.org/en/news-and-events/stories/2017/03/un-women-and-development-partners-in-nigeria-make-case-for-women-in-the-work-place>.

<sup>34</sup> <http://www.agrobusinessngr.com/oxfam-seeks-favourable-policy-boost-womens-capacity/> .

<sup>35</sup> <https://www.dailytrust.com.ng/news/agriculture/maputo-declaration-on-agriculture-is-nigeria->

82. For undisclosed and unknown reasons, the current government is yet to take a decisive action to curb the menace of the herdsmen. This has led to a crisis that has affected the life and security of women, particularly of widows as they have increased risk of being killed, raped and rendered homeless. In rural areas, where the majority of women are farmers, food production and farmlands have been abandoned out of fear that cattle would graze on them, exacerbating poverty and food shortage in the country. Furthermore, women have no access to security, as there are no strategic locations of security agencies in rural areas.

## Ongoing concerns

### Herdsmen crisis

83. The increasing competition for natural resources between farming and herders communities has led to many violent clashes, including deadly attacks. Farmers have accused the herdsmen of trespassing on their farmland to graze their cattle, destroying their crops. In April 2017, the leadership of the Catholic Diocese of Kafanchan provided figures of 808 people having been killed in 53 villages, and 1,422 houses and 16 churches burnt during the attacks across the four local governments areas in Kaduna state.<sup>9</sup> On 29 February 2016, over 500 people were killed and 7000 displaced in an attack in Agatu LGA in Benue State, while 48 were killed and 60 injured in Ukpabi Nimbo community in Enugu State on 25 April 2016. Many other communities report that families, particularly women and children, have been displaced and killed by the herdsmen.<sup>10</sup> No arrests or prosecutions have taken place so far. In April 2017, the Office of the High Commissioner for Human Rights reported a deadly attack against several communities in the southern State of Enugu by armed Fulani herdsmen and associated militia, adding that the attack appears to be among the most serious in recent years. OHCHR welcomed the announcement by the Nigerian authorities of an investigation and dispatch of additional security forces to the area, but stated that they are “very concerned by reports that advance warning of a potential attack in the area had been received by the authorities, and was not effectively acted on.”<sup>36</sup> OHCHR also stated that they are “worried by the complete impunity enjoyed so far by perpetrators of previous attacks, including ones in Benue State in February, which reportedly led to the destruction of entire villages in 13 different Local Government Areas, killed more than 300 people and displaced over 20,000 others.”<sup>37</sup>

### Land ownership, adequate health care, family planning and education

84. Women bear the brunt of agriculture and domestic duties; they work from dawn to dusk using rudimentary tools to provide food for subsistence. Yet, they are less likely to own land than men, also because of discriminatory inheritance laws. An Oxfam Nigeria research has revealed that although women represent between 60 and 79% of

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[measuring-up/27960.html](#).

<sup>36</sup><http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=19905&LangID=E#sthash.T3bkZLUE.1QHaoAmQ.dpuf> .

<sup>37</sup><http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=19905&LangID=E#sthash.T3bkZLUE.1QHaoAmQ.dpuf> .

Nigeria's rural labor force, men are five times more likely than women to own land. Some 55% of female - headed households are landless and a further 29% own less than one hectare.<sup>38</sup> The policies of the Bank of Industry with regard to loans are extremely strict. Rural women are fewer beneficiaries due to high collaterals.

85. Rural women lack access to adequate healthcare, family planning services, counseling and education. There are few existing family/health care centers; they are located far from villages and are poorly maintained, supplied with bad road networks. Women's lack of access to adequate healthcare is partly because of its high cost but also because in most cases they would have to trek for long distances to neighboring villages due to the absence of healthcare facilities in their own communities.
86. The lack of access to adequate social infrastructures has been worsened by the prevalence of the conflicts (Herdsman attacks, Boko Haram, Militancy), which has ravished most rural areas, weakening women's capacity to actively participate in community activities. They are forced to leave behind orphans and children, who are left to the charge of family members, who often lack resources. The situation is further worsened by the fact that most rural areas lack markets for the sale of produces because of their enclave nature.
87. In addition to this, no attention has been given to the education of girls in remote parts of the country, leaving the increasingly high rates of illiteracy among rural women unattended. Furthermore, traditional and religious bodies, based closest to rural women, often have the main influence in religious and cultural practices in many rural areas, thereby detrimentally impacting the advancement of rural women's rights.
88. As no serious action has been taken by the government to improve the situation of rural women, the task has been largely taken up by NGOs. However, due to major lack of consistent funding their action has had only limited impact.

## **Recommendations**

89. Nigeria needs to:
  - a. Pay special attention to the needs of rural women and ensure their effective participation in decision-making processes, including in community decision-making, development planning and conflict prevention around peace and security;
  - b. Revise its agricultural system in consultation with herdsman and farmers with the goal of achieving peaceful co-existence and a lasting solution to the current crisis; this could include a system whereby grasses are harvested by local farmers and sold to herdsman. Such a system should be devised with full involvement of rural women;
  - c. Implement rural development programs that identify the constraints to the full participation of women in economic and public life at all levels, such as in decision-making in rural development programs and develop specific initiatives in

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<sup>38</sup> <https://www.dailytrust.com.ng/news/general/55-percent-women-households-head-landless-oxfam/188504.html>.

- their favor;
- d. Adopt concrete measures to guarantee equal access to land-ownership and inheritance by women, through land reforms and improvement of inheritance laws to provide equal access to rural women;
  - e. Take concrete measures to guarantee women's equal access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes. Micro-credit facilities and skill acquisition centers should be strengthened to include support for medium scale enterprise and small scale farming for rural women;
  - f. Devise specific programs for alternative sources of income for marginalized women living under the poverty line;
  - g. Regulate and monitor the working conditions of girls and women in the agricultural sector in order to protect them from exploitative labor and to address the labor disparities between men and women;
  - h. Ensure equal access to basic services and infrastructure, as well as economic opportunities for women, including income-generating projects and credit facilities for self-employment, on an equal and equitable basis with men and also with their urban counterparts;
  - i. Implement measures to ensure equal access for rural girls and women to all levels of education, including incentives for parents to send girls to school.
  - j. Implement comprehensive programs of formal and non-formal education, adult education and training to benefit rural women in extension services, and increase their technical proficiency;
  - k. Include traditional leaders in plans for the advancement of rural women and provide them with gender sensitive training that stresses the importance of girls education;
  - l. Urge the private sector, including multinationals and other business enterprises, to support the NGO efforts of in creating awareness on the rights of women in rural areas;
  - m. Ensure adequate funding of government and international bodies for NGOs that focus on empowering rural women in areas such as easy access to quality health and water and good sanitation;
  - n. Put in place a comprehensive strategy and action plan to ensure access to health-care facilities and prevent and eliminate all forms of violence against women in IDP camps, as well as an effective institutional mechanism to coordinate, monitor and assess the effectiveness of measures taken.

## Education

90. Peace-building and conflict prevention are intimately linked and interdependent with the protection and promotion of women and girls' rights to education and access to information. Education is a prominent issue of concern because large numbers of young girls are completely shut out of school in Nigeria due to a number of factors.
91. The Nigerian education system consists of primary education, secondary education (divided into junior and senior) and tertiary education. These three stages are managed, funded and controlled either by the governments (Federal and State) or by private

institutions. The National Child Welfare Policy (1989) defines the girls as a female below 14 years of age.

92. Educational policies in Nigeria are made pursuant to Section 18(1) of the Constitution of the Federal Republic of Nigeria 1999 (as amended), stating that the government shall “ *direct its policy towards ensuring that there are equal and adequate educational opportunities at all levels and that the government shall: (2) promote science and technology. (3) strive to eradicate illiteracy; and to this end shall as and when practicable provide: (a) free, compulsory and universal primary education.* ”<sup>39</sup> The phrase ‘as and when practicable’ in Section 18(3) above has no time frame. Also, the word ‘free’ in Section 18(3)(a) does not make any clarification as to whether it includes provision of free uniform, exercise books, text books, free meals, free transportation, etc. which in many occasions is extremely high. The word “compulsory” is constructively argued as not being justiciable. The relevant chapter(s) on education do not specifically address girls’ education.
93. In *SERAP v. Federal Republic of Nigeria and Universal Basic Education Commission (2009)*, the ECOWAS Community Court of Justice ruled that children have a right to education in Nigeria and that the right to education is justiciable and dismissed the government’s objections that education is “a mere directive policy of the government and not a legal entitlement of the citizens” .<sup>40</sup> The Nigerian government has refused to implement the Court’s ruling.<sup>41</sup>
94. Furthermore, despite the provision of right to freedom from discrimination in its Section 42, the Constitution does not take cognizance of disparity between the number of boys and girls accessing education.
95. Moreover, Section 17(3)(a) provides that all citizens, without discrimination on any group whatsoever, have the opportunity for securing adequate means of livelihood as well as adequate opportunity to secure suitable employment. However, in practice, women experience much difficulty accessing to positions in teaching and education.
96. The government launched the Universal Basic Education (UBE) Program, which is a nine year basic educational program aimed to eradicate illiteracy, ignorance and poverty as well as stimulate and accelerate national development, political consciousness and national integration. However, the program has been far from effective, since parents still struggle to pay for uniforms, school books, and their development levies are sometimes higher than the amount that would have been charged as school fees.

### Ongoing concerns

97. Conflict and poverty are among the main factors that prevent girls from accessing education. For example, the Special Rapporteur on the human rights of internally

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<sup>39</sup> Constitution of the Federal Republic of Nigeria 1999

<http://www.nigeria-law.org/ConstitutionOfTheFederalRepublicOfNigeria.htm> .

<sup>40</sup> <http://r2e.gn.apc.org/node/717> .

<sup>41</sup> [http://www.worldcourts.com/ecowasccj/eng/decisions/2010.11.30\\_SERAP\\_v\\_Nigeria.htm](http://www.worldcourts.com/ecowasccj/eng/decisions/2010.11.30_SERAP_v_Nigeria.htm) .

displaced persons has recently reported that “an estimated 3 million children affected by the Boko Haram insurgency have been out of formal education for months or even years as schools were destroyed and teachers fled or were killed.”<sup>42</sup> He also stated that “while the region already lagged behind in terms of school enrolment and attendance, particularly for girls, hundreds of thousands of children have been denied access to safe learning spaces after 1,200 schools were destroyed by Boko Haram”,<sup>43</sup> adding that “internal displacement has led to overcrowding in schools in host communities. Schools are also frequently used as shelters for internally displaced persons, which also has an impact on the access to education of those in host communities.”<sup>44</sup>

98. In most areas of the country, girls of less-privileged parents are mostly encouraged to focus on home activities, house help or street hawking. In addition to the excessive cost of books, uniforms and other charges discourage many parents from sending their daughter to school. Apart from poverty, socio-cultural practices and religious misconception also explain the difficulties met in accessing education. For example, the use of high knee dresses as uniform exposing female bodies is considered by some parents to go against the Islam.

99. The education system is also severely underfunded, resulting in lack of proper infrastructure, inadequate classrooms and teaching aids (projectors, computers, libraries, etc.). The system is bedeviled by examination malpractices, cultism, sexual abuse, bribery, corruption and hooliganism.

100. This crisis in the educational system is also amplified by the “brain-drain”. As academics drift away from the education to other sectors of the Nigerian economy or outside the country, the quality of teachers in the country has become insufficient.

101. Last but not least, the total absence of female vocational training centers remains a major issue. Most, if not all, vocational training schools are overwhelmingly attended by boys and have no quota set aside for girls.

## Recommendations

102. Nigeria needs to:

- a. Allocate more funding towards school infrastructures and training of teaching staff;
- b. Increase the budget for the educational sector and improve the availability, accessibility and quality of general education, especially in rural areas and IDP host communities;
- c. Pursue a gender balance employment policy;
- d. Raise the standard of education among Government schools and strengthen

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<sup>42</sup> Special Rapporteur’s report on his mission to Nigeria, UN Index: A/HRC/35/27/Add.1, 12 April 2017, paragraph 40.

<sup>43</sup> *Ibid.*

<sup>44</sup> *Ibid.*, paragraph 41.

- the implementation of the Universal Basic Education (UBE) program;
- e. Ensure de facto equal access of girls and young women to all levels of education retention of girls in schools, and strengthening of implementation of re-entry policies;
  - f. Make education compulsory and affordable to all citizens;
  - g. Develop a plan to ensure the security of students and the prevention of sexual violence and harassment in public schools, such as mandatory sexual harassment policy, widely disseminate guidelines and ensure the enforcement of the provisions recommended to curtail these practices;
  - h. Include aspects of education for a culture of peace, human rights and gender equality in school curriculums;
  - i. Promote large-scale awareness-raising, education and information campaigns about dialogue, conflict prevention and resolution, including in schools, workplace and the political environment;
  - j. Enact legal provisions to address adequately the needs of girls and girls with disabilities;
  - k. Ensure women's and girls' access to vocational training, access to studies in the primary, secondary, technical and tertiary education, access to scholarships and other study grants and access to programs of continuing education, as well as provide statistics on student dropout rates;
  - l. Adopt policies to encourage women and girls to choose non-traditional fields of education, including technical and vocational training and take affirmative action such as introducing quotas for female students.





The CEDAW Coalition on Women Peace and Security was formed on 2 March 2017 as a network of six registered Nigerian NGOs. It was created with the aim to provide the CEDAW Committee with information relating to gaps in the implementation of the Convention on the Elimination of All Forms of Discrimination Against Women with a specific reference to the Committee's General Recommendation 30 and the Women Peace and Security agenda more broadly. The Committee will review the combined seventh and eighth reports of Nigeria on 14 July 2017.

This report has been developed drawing from the experiences of women, and statistics, legal cases, testimonies of individuals, news clips, and provisions of national and local laws. The Coalition consulted a wide range of experts and women's grassroots organizations, including through a series of workshops hosted by WILPF Nigeria. All expenses and logistics incurred for the preparation of this report, such as consultations, editing and formatting, were funded and supported by WILPF International.