Nigeria has a National Gender Policy that focuses on women empowerment while also making a commitment to eliminate discriminatory practices that are harmful to women. However, significant gender gaps in education, economic empowerment and political participation remain in Nigeria. While progress towards parity in primary school education has been made, there remains a significant wage and labour force participation gender gap. Discriminatory laws and practices, violence against women and gender stereotypes hinder greater progress towards gender equality. Nigeria has a particularly high maternal mortality rate and women access to quality health care is limited, particularly in rural areas.

The 1999 Constitution of Nigeria prohibits discrimination on the grounds of Sex, but customary and religious laws continue to restrict women’s rights. As Nigeria is a federal republic, each State has the authority to draft its own legislation. However, any law that is contradictory to Federal Law or the Constitution can be challenged in a Federal Court. The combination of federation and a tripartite system of civil, customary and religious law makes it very difficult to harmonise legislation and remove discriminatory measures. Moreover, certain States in the north follow Islamic (Sharia) law, although not exclusively and only in instances where Muslims make use of Islamic courts. Adherence to Islamic and customary law reinforces practices that are unfavourable to women, including those relating to freedom of movement, marriage, and inheritance. Although an ‘Abolition of all Forms of Discrimination against Women in Nigeria and other Related Matters Bill’ was considered in the mid-2000s, the National Assembly did not pass this bill nor a related national bill prohibiting violence against women.


1. Discriminatory family code

Across its 36 States, Nigerian law is governed by a combination of federal, state and pre-independence English law. State law can further be divided into statutory legislation, customary law, and Sharia law, resulting in wide variations in applicable law especially in the domain of the family and marriage, where customary law plays a
strong role. More specifically, three forms of marriage are recognised in the country: monogamous marriage registered under the civil marriage law, marriages performed under customary law, and marriages performed under Islamic law. 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. As a result, State laws on the minimum age of marriage 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. Bride price payments are practiced in many parts of Nigeria; there is no uniformity of laws regarding the amount, although some areas have made efforts to harmonise bride prices with mixed results.

In mid-2013, Nigeria received much media coverage when senators gathered to review Section 29 of the Constitution, which stipulates that citizens must be of full age to renounce their citizenship. The section adds, “full age means the age of 18 years and above” and specifies that “any woman who is married shall be deemed to be of full age.” The initial recommendation was to delete the latter from the Constitution. Heated debate and public demonstrations over whether or not the section discriminates against Muslim women (considered “of age” once they are married) ultimately resulted in a vote that left the section unchanged. While the section is limited in scope to the question of renouncing citizenship, the decision to retain the clause has been considered by many as an implicit acceptance of early marriage.

In terms of early marriage data, the 2011 Multiple Indicator Cluster Survey (MICS4) reports that 17.6% of women aged 15-49 were married before the age of 15 while 39.9% were married before the age of 18. The most recent Demographic and Health Survey (DHS) estimated that in 2008, 28.4% of girls between 15 and 19 years of age were married, separated, divorced or widowed.

In civil marriages, the mother and father share parental authority, and married couples jointly share legal responsibility for financial maintaining the family’s expenses. Married and unmarried women can be “head of the household” in the same way as a man. However, at least two-thirds of the Nigerian population are bound by customary and Islamic law that grants solely men the status of head of the household and sole parental authority. Due to fears of ostracism, losing custody of children, or being unable to support themselves, many women may refrain from initiating divorce. Custody laws vary widely: while custody of children is usually granted to the mother under Sharia law, under Yoruba customary law, mothers are granted custody of female children and fathers of male children. In Igbo customary law, custody of weaned children is usually given to the father. Under Civil Law, custody of children is to be decided based on the child’s best interest.

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10 CRIN (2011); UNICEF (2011); Daily Times (2013)
11 Girls not Brides (2013)
12 All Africa (2013); Premium Times (2012)
13 Idem
14 Idem; Huffington Post (2013)
15 Idem
16 MICS4 (2011) p.201
17 DHS (2008) p.91
18 World Bank (2013)
19 Idem
20 Emery (2013) p.888
21 Idem
22 Odewale (2013)
Like marriage and divorce, patterns of inheritance and succession have almost as many variations as there are ethnic groups in Nigeria, a reflection of the country’s plural legal system. In civil marriage where deceased husbands have left a will, widows are guaranteed the right to inherit at least one-third of the couple’s property. However in cases where the husband has left no will, customary law dictates inheritance rights. Daughters’ inheritance rights under customary law vary considerably across the country, but in no region does customary law grant women equal inheritance rights with men. The US State Department reports that in some cases, widows become destitute when their husband’s relatives evict them from the marital home, and seize ownership of other property and assets. In other areas of Nigeria, discriminatory practices concerning widows (particular in northern Muslim communities) include the confinement of the latter to the home, accompanied by strict requirements in dress. The Chronic Poverty Research Centre reports that in Nigeria 27.8% of widows inherited majority of assets in 2007. It should be noted that some states have enacted laws protecting the rights of widows, for example the Prohibition of Infringement of a Widower’s and Widow’s Fundamental Human Rights Law, No.3 was enacted in 2001 in Enugu state. In addition, the Administration of Estates Law of Lagos grants equal inheritance rights to sons and daughters as well as to surviving female and male spouses.

More

While polygamy is prohibited in civil marriages, it is authorised under customary and Islamic law and is relatively common. Men may take up to four wives. The 2008 DHS found that 33% of married women were in polygamous unions. The 2011 MICS4 reported the same percentage.

While under civil law women may initiate divorce, those living in states where Sharia law has been adopted may have decreased rights to divorce. Under Sharia and customary law, husbands may repudiate their wives, citing reasons for divorce ranging from claims that she is a poor cook to dissatisfaction over her attempts to gain an education. While many women turn to Sharia courts for issues of divorce and child custody due to lower costs there is also considerable social stigma attached to divorce.

The adolescent fertility rate, according the 2011 MICS4 is 89 per 1,000 for women age 15 to 19. Preliminary results from the 2013 Demographic and Health Survey (DHS) report a higher age-specific fertility rate for women 15 to 19 of 122 per 1,000.

When it comes to decision-making, wives primarily make decisions over their own earnings (66.4%), but with regard to major household purchases and the purchase of daily household needs, husbands primarily do the

23 Idem
24 Onuoha (2008)
26 US Department of State (2012)
27 US Department of State (2012); WAC (2008) p.46
28 Chronic Poverty Research Centre (2011) p.20
29 JICA (2011)
30 World Bank (2013)
31 Emery (2013) p.888
32 DHS (2012), p.92
33 MICS4 (2011) p.201
34 Idem
35 US State Department (2012); Emery (2013) p.888
36 MICS4 (2011) p.124
37 DHS (2013) p.11
decision-making (61.6% and 49.7% respectively). A significant proportion of households also make these
decisions jointly (31.9% and 32.9% respectively).\footnote{DHS (2008) p.241}

2. Restricted physical integrity

No national laws criminalize domestic violence, although a few Nigerian states have a law in place that
addresses the latter, for example the Domestic Violence Law of Lagos State (2007) and the Gender Based
Violation Law of Ekiti State (2011). The definition of domestic violence in the Lagos State law, for example,
includes physical, sexual, and economic abuse as well as emotional, verbal and psychological abuse. Nigeria’s
Penal Code does, however, grant husbands permission to beat their wives, provided the violence does not result
in serious injury.\footnote{Idem, p.244} In the past, the police were usually reluctant to intervene in domestic violence cases, unless
the woman has sustained serious injury. However, the Nigerian Police recent created a Gender Unit, specialized
UNFPA. \url{http://nigeria.unfpa.org/gender.html} (accessed 23/06/2014)} Women’s rights organisations are active in providing support services to
victims of domestic violence and other forms of violence against women, as well as raising awareness, and
pushing for legislation to address domestic violence to be introduced.\footnote{US State Department (2012)
Idem}

Despite such activities, domestic violence remains widespread and somewhat considered socially acceptable.
For example, the CLEEN Foundation’s 2012 National Crime and Safety Survey reported that 31% of a national
sample declared having experience domestic violence.\footnote{DHS (2008) p.241} According to the 2008 Demographic and Health Survey
(DHS), 18% of women reported experiencing intimate physical or sexual violence in their lifetime and over 30.5%
of ever-married women have experienced some form of physical, sexual, or emotional violence at some point.\footnote{Idem, p.248}
The percentage is higher in urban areas (30.2%) than in rural area (26.3%) and higher in the South region (52.1%)
than in the North West region (13.1%). Further, attitudes condoning domestic violence are entrenched - when
presented with a list of five reasons why a man might be justified in beating his wife, 43% of women agreed with
at least one of the reasons.\footnote{DHS (2008) p.241} The 2011 MICS4 similarly reports that 46% of women agree with at least one of the
proposed reasons.\footnote{MICS4 (2011) p.215}

Rape\footnote{Section 357 and 358 of the Criminal Code; NGO Coalition (2008) p.63; WAC (2008) p.23} is punishable with fines and 10 years to life imprisonment in Nigeria, but there are no sanctions in the
Penal Code against spousal rape.\footnote{Section 357 of the Criminal Code states that: “Any person who has unlawful
carnal knowledge of a woman or girl, without her consent or with her consent, if the consent is obtained by
force or by means of threats or intimidation of any kind, or by fear of harm, or by means of false and fraudulent
representation as to the nature of the act, or in the case of a married woman, by personating her husband is
guilty of an offence which is called rape.” This same Code defines “unlawful carnal knowledge” as “carnal
connection which takes place otherwise than between husband and wife.” In the Northern part of Nigeria the
definition of rape as contained under Section 282(1) of the Penal Code provides that: “A man is said to commit rape who ... has sexual intercourse with a woman in any of the following circumstances:- (a) against her will; (b)}
without her consent; (c) with her consent, when her consent has been obtained by putting her in fear of death or of hurt; (d) with her consent, when the man knows that he is not her husband and that her consent is given because she believes that he is the man to whom she is or believes herself to be lawfully married; (e) with or without her consent when she is under fourteen years of age or of unsound mind.” A conviction of rape under the Criminal Code is punishable with imprisonment for life with or without caning whereas under the Penal Code it is punishable with imprisonment for life or for any less term and shall also be liable to a fine. Societal pressure to keep silent, victim-blaming and stigma surrounding sexual violence mean that few women report sexual assaults. Although accurate figures as to prevalence are unavailable, rape and sexual violence is recognised as a widespread, serious problem in Nigeria. The US Department of State notes accounts of the mass rape of women university students, with limited willingness of the police and university authorities to investigate, as well as the rape and sexual assault of women held in police custody. Recently the House of Representatives passed the Violence against Persons Prohibition Bill, which aims to eliminate cases of gender based violence and include a more comprehensive definition of rape (although again, marital rape is not included in this definition), as well as institutions protection through restraining orders, and a fund to support victims of rape and sexual violence. The Bill has yet to be approved by the Senate and passed into law.

There is no law specifically addressing sexual harassment in Nigeria nor is sexual harassment addressed in other legislation. Sexual harassment is, however, considered to be widespread, and includes the practice of demanding sexual favours in return for employment or grades in university.

While there is not federal law on female genital mutilation (FGM), the practice is prohibited in twelve Nigerian states as of 2012; such laws are, however, difficult to enforce. On a national scale, the 2008 Demographic and Health Survey (DHS) reports that nearly 30% of women aged 15 and 49 years had experienced FGM. The incidence of FGM differs considerably by region, and is twice as common in rural communities as in urban areas. The 2011 MICS4 reports that 27% of women age 15-49 had experience some form of FGM, and while 66% believe the practice should be discontinued, 22% thought it should continue.

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The law does not specifically allow abortion in Nigeria, however in cases where the woman’s life or health was in danger, it has been carried out with no subsequent attempts to prosecute.

Women and men have the right to use, and obtain information about, contraception, but according to the US Department of State, effective information and counselling on reproductive health is not widely available. In addition, the majority of women report that it is their husbands (55.7%) who make decision regarding their

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48 US Department of State (2012)  
49 Idem  
50 Oxfam (2013)  
51 World Bank (2013)  
52 US State Department (2012)  
54 DHS (2008) p.300  
55 Idem  
56 MICS4 (2011) pp.208, 212  
57 United Nations (2011)  
58 US Department of State (2012)
health care (as opposed to 33.8% who decided jointly). The 2008 Demographic and Health Survey (DHS) reports that 10.5% of all women were using a modern method of contraception at the time of the survey; however current use among unmarried sexually active women was 42.4%. The 2013 DHS preliminary report shows that 10% of currently married women use a modern form of contraception. In terms of family planning, 19% of women declared having an unmet need. The average age at first birth according to the 2008 DHS is 20.4 for women age 25-49.

3. Son bias

The male/female sex ratio for the working age population (15-64) in 2013 is 0.99 while the ratio at birth is 1.06.

There is evidence to suggest that Nigeria is a country of low concern in relation to missing women due to elevated child sex ratios.

More

According to data from the 2008 Demographic and Health Survey (DHS), under-five mortality rates were higher for boys than for girls, as were rates of malnutrition. The MICS4 data from 2011 shows very little difference between the sexes in terms of percentages of underweight and stunted children under age 5; results from the 2013 DHS preliminary report similarly show very little difference between boys and girls to this regard.

There was virtually no discrepancy between vaccination rates for girls and boys under two, with just 25.4% of children receiving all their basic vaccinations. This would not indicate any bias towards sons in regard to early childhood care.

Of those interviewed for the 2008 DHS, 30% of women aged 20-24 had received no education, compared to 13.7% of men in the same age bracket. Secondary school completion rates for women in this age bracket were 27.4%, compared to 37.9% of men. This would indicate some preference towards to sons in regard to access to education.

4. Restricted resources and assets

Nigerian women have very limited ownership rights. Civil law entitles women to have access to land, and a few states have enshrined equal inheritance rights into law, but certain customary laws stipulate that only men have the right to inherit and own land. For women without the means to purchase land on their own, in practice,
their ability to obtain land flows solely through marriage or family.\textsuperscript{71} Data from the government indicates a significant gender gap in land ownership. For free use, women make up only 24\% of landowners and for distributed land, women make up only 26\% of owners.\textsuperscript{72} Survey data reported by the British Council Nigeria in 2012 show that the percentage of women owning land decreased from 13\% in 2003 to 7.2\% in 2006 (Core Welfare Indicators Questionnaire).\textsuperscript{73}

As with the family domain, Nigeria is characterized by significant regional differences, as statutory legislation, customary law, and sharia law result in wide variations. In the South, for example, women are more likely to own and access land than in the North. In northern states, Islamic law provides that daughters inherit land in an amount that is half the share given to sons, but many daughters may give their shares to their brothers as a gesture of goodwill and insurance should they need to appeal to the latter for support in the future. The Northeast shows the great disparity between men and women in terms of land ownership: only 4\% of women own land compared to 52\% of men.\textsuperscript{74}

More broadly, under civil and Islamic law, married women have the right to have access to non-land assets.\textsuperscript{75} In addition, for civil marriages, the default marital property regime is that of separation of property.\textsuperscript{76} However, JICA reports that livestock, expensive cows or draught animals are more likely to belong to males rather than females.\textsuperscript{77}

Limited financial resources and lack of collateral restrict women’s access to financial services, including bank loans.\textsuperscript{78} In certain cases, financial institutions demand prior consent of the woman’s husband before granting a loan.\textsuperscript{79} The National Poverty Eradication Programme and other micro-credit schemes offer low-interest, business-oriented loans and other micro-credit and vocational training programs for women, but access is still low; statistics show that less than one-third of loans in Nigeria are awarded to women.\textsuperscript{80} Occasionally, women receiving loans have to turn control of the resources over to their husbands, diluting their effectiveness.\textsuperscript{81} In addition, while married and unmarried women can open a bank account in the same way as a man, very few have accounts but instead rely on informal or other micro-finance institutions for access to capital.\textsuperscript{82} Data from the Nigeria National Bureau of Statistics (2009) show that men are more than twice as likely to secure finance compared to women.\textsuperscript{83}

\textsuperscript{72} JICA (2011)
\textsuperscript{73} British Council (2012) p.20
\textsuperscript{74} Idem
\textsuperscript{75} World Bank (2013); Constitution of Nigeria (Art. 17(2)(a))
\textsuperscript{76} World Bank (2013); Constitution of Nigeria (Art. 43)
\textsuperscript{77} JICA (2011)
\textsuperscript{78} British Council (2012) p.21
\textsuperscript{79} NGO Coalition (2008) p.51
\textsuperscript{80} CEDAW (2008b) pp.50, 72, 77, 90-91
\textsuperscript{81} CEDAW (2008b) p. 93
\textsuperscript{82} British Council (2012) p.21; Halkias \textit{et al.}, 2011
\textsuperscript{83} NBS (2009)
5. Restricted civil liberties

The Constitution and law provide for freedom of movement and access to public space and married and unmarried women may apply for passports and national ID cards in the same way as a man. In addition, under Constitutional law, women have the same right to choose their domicile and confer their citizenship in the same way as men. However, decision-making data from the 2008 Demographic and Health Survey (DHS) shows that husbands primarily make decisions regarding their wives visits to family and relatives (44.4%), although many couples also make this decision jointly (43.6%). Data on the degree of marital control, shows that in 20.1% of cases husbands display 3 or more controlling behaviours, such as not allowing their wives to meet their friends (13.4%), limiting contact with her family (7.5%) or insisting on knowing where she is at all times (33.6%).

Women in purdah (in Muslim communities in northern areas) cannot leave their homes without permission from their husbands and must be accompanied by a man at all times when in public. Purdah also restricts women's freedom of dress in that Muslim women must be veiled in public. Widows in these regions face the greatest degree of discrimination: they are confined to the home and must keep their heads shaved and wear mourning dress. More broadly, security officials have restricted freedom of movement by enforcing curfews in areas where terrorist activity or ethno-religious violence has taken place. Checkpoints and roadblocks are occasionally reported to have used excessive force or extorted money and goods from travellers.

The constitution and law provide for both freedom of assembly and association, although the government has banned gatherings when their political, ethnic, or religious nature was deemed as potentially leading to unrest. In addition, security forces have used violent methods to disperse demonstrations. There is an active and vocal women’s movement in Nigeria, who provide practical support to women (such as shelters for victims of domestic violence, and credit schemes), as well as advocating women’s rights at the national level in regard to reproductive health, marriage, employment, and political participation, and pushing for changes to discriminatory legislation.

Freedom of speech, assembly and association are protected in the Constitution, although journalists can sometimes experience harassment and threats and even arrest from state security forces, particularly if they are reporting on issues such as corruption or on-going conflict. In twelve northern states, Sharia law imposes strict penalties for press offenses. While women’s representation and participation in the media is low, and men dominate media houses and businesses, precise data on the latter is not available.

Women and men have the same rights to vote and stand for election in Nigeria; however, women comprise only a small percentage of elected officials in Nigeria. In the 2011 general election, only 32 women were elected to

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84 World Bank (2013)
85 Idem
86 DHS (2008) p.244
87 Idem, p.270
88 US Department of State (2012); WAC (2008) p.46
89 US Department of State (2012)
90 Idem
91 Freedom House (2012)
92 US Department of State (2012)
93 Idem
94 Ikuomola and Okunola (2011)
95 US Department of State (2012)
the national parliament (composed of 469 members), thus making up 8% of the total representation.\textsuperscript{96} There is often a proclivity, if not deliberate manoeuvring, to place male political aspirants over female ones in electoral campaigns.\textsuperscript{97} While there are no legislated quotas at either the national or sub-national level to promote women’s political participation, the current administration promised to include about 35% of women in ministerial and ambassadorial positions. For this purpose, the Independent National Electoral Commission (INEC) in collaboration with UNDP –DGD –supported by the EU, DFID, CIDA, KOICA have developed a framework for the implementation of at least 35% Affirmative action on women’s advancement and representation in in democratic governance in Nigeria.\textsuperscript{98}

\textbf{More}

Employed women in Nigeria are entitled to \textbf{maternity leave} for twelve weeks at the state level and up to four months at the national level, and during this time are entitled to receive 100% of their wages, financed by the employer.\textsuperscript{99} There are also law preventing the dismissal of pregnant women. However a number of discriminatory practices still exist in Nigeria in the private sector; for example, many employers force young single and married women to sign job contracts stipulating that they will not get pregnant for the first three years of their employment.\textsuperscript{100} There are no laws mandating not-discrimination based on gender in hiring, nor is there a law establishing equal remuneration for men and women for work of equal value.\textsuperscript{101}

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\textsuperscript{96} UNDP (n.d.)
\textsuperscript{97} Kolawole et al. (2012) p.139
\textsuperscript{98} Udodinma Okoronkwo-Chukwu (2013)
\textsuperscript{99} International Labour Organization (ILO) (2010); World Bank (2013)
\textsuperscript{100} CEDAW (2008b) p.76
\textsuperscript{101} World Bank (2013)
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