

DIALECTICS OF RIGHTS:
*Nigeria's Engagement with the Universal
Periodic Review of the Human Rights Council*



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Periodic Review of the Human Rights Council*

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DEDICATION

This book recognizes a non-exhaustive clutch of distinguished legal personalities whose kind hands have helped in shaping the trajectory of my legal career and the dimensions of my professional development. First and foremost, I am eternally thankful to my very cerebral twin brother, Obi Emelonye, who despite a detour from the legal profession to a renowned career in creative arts, has remained one of the strongest pillars of my professional life. I am also indebted to Chief Eze Duruiheoma (SAN) for his guardianship and robust support right from my cradle; to Professor Ernest Ojukwu (SAN) for his erudite tutorship and counsel from my fledgling days as a law student. I am grateful to Mr. Clement Nwankwo, the man who discovered, nurtured and harnessed professional strengths I never knew I possessed. The account of my journey as a legal professional will be incomplete without an honourable mention of Dr. Olisa Agbakoba (SAN) who dared me to 'hitch my wagon to the stars'. Professor Panu Minkkinen is appreciated for helping to distill my entire professional and academic endeavours into a transformational doctoral research that challenged and enriched me. I cannot forget Professor Uchefula U. Chukwumaeze (SAN) for his enduring friendship and camaraderie dating back to our undergraduate studies, sustained through our postgraduate scholarship and hopefully to eternity. Professor Joy Ngozi Ezeilo, Professor Sam Erugo (SAN), Professor Chidi Anselem Odinkalu, Professor Offornze Amucheazi (SAN), Professor Yemi Akinseye George, Prof. Isa Chiroma, (SAN) and Chief Benson Ibezim; all deserve special mentions for their support and visionary fraternity.



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ABBREVIATIONS

ACJA	-	Administration of Criminal Justice Act, 2015
ACRWC	-	African Charter on the Rights and Welfare of the Child
ACSC	-	Anti-Corruption School Clubs
ACTMU	-	Anti-Corruption and Transparency Monitoring Unit
ADR	-	Alternative Dispute Resolution
AFA	-	Alliances for Africa
AI	-	Amnesty International
ATMs	-	Awaiting Trial Inmates
AU	-	African Union
BF	-	Becket Fund
BOI	-	Bank of Industry
BUDFOW	-	Business Development Fund for Women
BVN	-	Bank Verification Numbers
CARMMA	-	Campaign on Accelerated Reduction on Maternal Mortality
CAT	-	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment of Punishment
CBN	-	Central Bank of Nigeria
CCA	-	Common Country Assessment

CEDAW	-	Convention on the Elimination of Discrimination Against Women
CERD	-	Committee on the Elimination of Racial Discrimination
CESCR	-	Committee on Economic, Social and Cultural Rights
CHRI	-	Commonwealth Human Rights Initiative
CIVICUS	-	World Alliance for Citizen Participation
CLO	-	Civil Liberties Organisation
CMW	-	Committee on the Protection of the Rights of All Migrant Workers
CPED	-	International Convention for the Protection of All Persons from Enforced Disappearance
CPPCG	-	Convention on the Prevention and Punishment of the Crime of Genocide
CRA	-	Child Rights Act
CRC	-	Convention on the Rights of the Child
CRIC	-	Child Rights Implementation Committees
CRIN	-	Child Rights International Network
CRP	-	Constitutional Rights Project
CRPD	-	Convention on the Rights of Persons with Disabilities
CRPD-OP	-	Optional Protocol to the Convention on the Rights of Persons with Disabilities
CRR	-	Center for Reproductive Rights
CSOs	-	Civil Society Organisations
CSW	-	Christian Solidarity Worldwide
DCIN	-	Defence for Children International
DD	-	Development Dynamics
DFID	-	Department for International Development

DRC	-	Democratic Republic of Congo
DSS	-	Department of State Security
ECLJ	-	European Centre for Law and Justice
ECOWAS	-	Economic Community of West African States
EFCC	-	Economic and Financial Crimes Commission
ELSS	-	Expanded Life Saving Skills
ERGP	-	Economic Growth and Recovery Plan
ERI	-	Edmund Rice International
FAC	-	Federal Allocation Committee
FBOs	-	Faith Based Organisations
FCC	-	Federal Character Commission
FCT	-	Federal Capital Territory
FGM	-	Female Genital Mutilation
FHC	-	Federal High Court
FJSRCC	-	Federal Justice Sector Reform Coordinating Committee
FLD	-	Fund for Leadership Development
FMSI	-	Marist International Solidarity Foundation
FOI	-	Freedom of Information
GEP	-	Girl's Education Project
GHANRI	-	Global Alliance for National Human Rights Institutions
GIEACPC	-	Global Initiative to End All Corporal Punishment for Children
HGSFP	-	Home Grown School Feeding Programme
HRAN	-	Human Rights Agenda Network
HRC	-	Human Rights Council
HRC	-	Human Rights Committee
HRW	-	Human Rights Watch

ICC	-	International Coordinating Committee of National Institutions
ICCPR	-	International Covenant on Civil and Political Rights
ICCPR	-	OP 1 Optional Protocol to International Covenant on Civil and Political Rights
ICCPR	-	OP 2 Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
ICERD	-	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	-	International Covenant on Economic, Social and Cultural Rights
ICPPED	-	International Convention for the Protection of All Persons from Enforced Disappearance
ICRMW	-	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
ICT	-	Information Communication Technology
ICTRU	-	International Centre for Trade Union Rights
IDMC-NRC	-	Internal Displacement Monitoring Centre of the Norwegian Refugee Council
IDPs	-	Internally Displaced Persons
IHRC	-	Islamic Human Rights Commission
IIPJHR	-	International Institute for Peace, Justice & Human Rights
ILO	-	International Labour Organisation
INEC	-	Independent National Electoral Commission
IOM	-	International Organisation for Migration
ISPs	-	Internet Service Providers
ITF	-	Internal Taskforce
JAMB	-	Joint Admissions and Matriculation Board

JTF	-	Joint Task Force
LACON	-	Legal Aid Council of Nigeria
LEPAD	-	Legal Defense and Assistance Project
LFN	-	Laws of the Federation of Nigeria
LGBT	-	Lesbian, Gay, Bisexual and Transgender
LRC	-	Nigerian Law Reform Commission
LSS	-	Life Saving Skills
MDAs	-	Ministries, Departments and Agencies
MDGs	-	Millennium Development Goals
MEND	-	Movement for the Emancipation of the Niger Delta
MLSS	-	Modified Life Saving Skills
MNCH	-	Maternal Newborn and Child Health
MUTUK	-	Mutual Union of Tiv in the United Kingdom
NABTEB	-	National Business and Technical Examination Board
NACA	-	National Agency for the Control of Aids
NACC	-	National Anti-Corruption Volunteer
NAFDAC	-	The National Agency for Food and Drug Administration and Control
NAP	-	National Action Plan
NAPPPHR	-	National Action Plan for the Promotion and Protection of Human Rights
NAPTIP	-	National Agency for the Prohibition of Trafficking in Persons
NACC	-	National Anti-Corruption Coalition
NBC	-	National Broadcasting Commission
NCC	-	Nigeria Communication Commission
NCF	-	National Consultative Forum
NCFR	-	National Commission for Refugees

NCOT	-	National Committee on Torture
NCSS	-	National Cyber-Security Strategy
NDA	-	Nigeria Defence Academy
NDDC	-	Niger Delta Development Commission
NEEDS	-	National Economic Empowerment and Development Strategy
NEITI	-	Nigerian Extractive Industries Transparency Initiative
NEPAD	-	New Partnership for Africa's Development
NESREA	-	National Environmental Standards and Regulations Enforcement Agency
NFIU	-	Nigerian Financial Intelligence Unit
NGOs	-	Non Governmental Organisations
NPHCDA	-	National Primary Health Care Development Agency
NHRC	-	National Human Rights Commission of Nigeria
NIREC	-	Nigeria Inter-Religious Council
NITDA	-	National Information Technology Development Agency
NOSDRA	-	National Oil Spill Detection and Response Agency
NOUN	-	National Open University of Nigeria
NSCDC	-	National Security Civil Defence Corps
NSHDP	-	National Strategic Health Development Plan
NYSC	-	National Youth Service Corps
OAU	-	Organisation of African Unity
OCHA	-	United Nations Office for the Coordination of Humanitarian Affairs

OHCHR	- Office of the High Commissioner for Human Rights
OP-CAT	- Optional Protocol to CAT
OP-CEDAW	- Optional Protocol to CEDAW
OP-CPD	- Optional Protocol to the Convention on the Rights of Persons with Disabilities
OP-CR-AC	- Optional Protocol to CRC on the Sale of Children, Child Prostitution and Child Pornography
OP-CRC-AC	- Optional Protocol to the CRC on the Involvement of Children in Armed Conflict
OP-CRC-SC	- Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography
OSJI	- Open Society Justice Initiative
PCC	- Public Complaints Commission
PCDSS	- Police and Court Duty Solicitor Scheme
PCNI	- Presidential Committee on the Northeast Initiative
PDSS	- Police Duty Solicitor Scheme
PJ	- Partners for Justice
PPP	- Public Private Partnership
PRAWA	- Prisoners Rehabilitation and Welfare Action
PRESSID	- Presidential Special Scholarships for Innovation and Development
RAYL	- Revitalisation of the Adult and Youth Literacy
REPLACE	- Rights Enforcement and Public Law Centre
RMNCAH	- Reproductive, Maternal, Newborn, Child and Adolescent Health

RSF	- Reporters Without Borders
SAN	- Senior Advocate of Nigeria
SBMC	- School Based Management Committee
SBTD	- School Based Teacher Development
SERVICOM	- Service Compact
SIDs	- Supplementary Immunization Days
SNC	- Sovereign National Conference
SON	- Standards Organisation of Nigeria
SSN	- Stepping Stones Nigeria
STF	- Special Task Force
STUMEC	- Students' Tutoring, Mentoring and Counselling
SURE-P	- Subsidy Reinvestment Programme
TETFund	- Tertiary Education Trust Fund
TSA	- Treasury Single Account
TVE	- Technical and Vocational Education
TVET	- Vocational Education and Training
UBE	- Universal Basic Education
UHC	- Universal Health Coverage
UN	- United Nations
UNAIDS	- Joint United Nations Programme on HIV/ AIDS
UNCT	- United Nations Country Team
UNDAF	- United Nations Development Assistance Framework
UNDG	- United Nations Development Group
UNESCO	- United Nations Educational, Scientific and Cultural Organisation
UNFPA	- United Nations Population Fund

UNGA	-	United Nations General Assembly
UNHCR	-	United Nations High Commission for Refugees
UNICEF	-	United Nations International Children's Emergency Fund
UNODC	-	United Nations Office on Drug and Crime
UNPO	-	Unrepresented Nations and Peoples Organisation
UNSCR	-	United Nations Security Council Resolution
UPR	-	Universal Periodic Review
UTME	-	Unified Tertiary Matriculation Examination
VAPPA	-	Violence Against Persons (Prohibition) Act
VVF	-	Vesico-Vaginal Fistula
WHO	-	World Health Organisation
WOFEE	-	Women Fund for Economic Empowerment
WRAHP	-	Women's Rights and Health Project
You WIN	-	Youth Enterprise with Innovative in Nigeria



FOREWORD

The Universal Periodic Review (UPR) is a human rights promotion and protection mechanism of the United Nations Human Rights Council (HRC) established by the United Nations (UN) General Assembly Resolution 60/251 of 15 March 2006. The HRC in its Resolution 5/1 of 18 June, 2007 set out the detailed guidelines of the review process. The first cycle of the review covers 2008-2011. The UPR process is a review of the fulfilment of all member states of the UN with respect to their human rights obligations and commitments on a regular basis. It is a cooperative mechanism based on objective and reliable information and equal treatment of all states which are fully involved in the review process.

The UPR is intended to address the weaknesses of the UN Human Rights Commission, the predecessor of the Human Rights Council, which include allegations that the Commission's focus on individual countries was selective and based on double standards. It also addresses the challenge of member states not submitting initial or periodic reports to the treaty monitoring bodies as and when due under the treaty reporting mechanism. Most state parties to the UN human rights treaties were in arrears in the submission of periodic reports and this posed serious challenge to the global promotion and protection of human rights at the national level.

Unlike the review processes of treaty bodies, which are conducted by independent experts, the UPR is a peer review, which

is innovative, cooperative and based on an interactive dialogue between the country under review and other UN member states. Among other things, the process is aimed at improving the human rights situation at the national level, sharing of best practices among states and other stakeholders, enhancement of states' capacity and providing technical assistance in consultation with and with the consent of the state concerned.

Some of the principles governing the UPR include the promotion of the universality, interdependence, indivisibility and interrelatedness of human rights; the involvement of the country under review; complementing and not duplicating other human rights mechanisms; being conducted in an objective, transparent, non-selective, non-confrontational and non-politicised manner; integration of gender sensitivity; and ensuring the participation of all relevant stakeholders, including national human rights institutions, civil society organisations in accordance with the General Assembly Resolution 60/251 and ECOSOC Resolution 1996/31, as well as any decisions the HRC may take in this regard.

Nigeria being an important player in global and regional politics and a constitutional democracy committed to the promotion and protection of human rights has fully participated in the UPR process since its inception and has been equally committed to all UN mechanisms in the areas of human rights protection. In fact, Nigeria has been reviewed under the UPR process on three occasions being February 2009, October 2013 and November 2018.

In its preparation for the UPR process, the Federal Government of Nigeria has always set up high-level inter-ministerial committees being co-chaired by the Solicitor-General of the Federation/ Permanent Secretary, Federal Ministry of Justice and the Permanent Secretary, Ministry of Foreign Affairs to not only prepare the draft country report but to also ensure effective implementation of the accepted recommendations at the end of the review process. The preparation for the country report is always painstaking and

elaborate as all stakeholders in the country including the executive, legislature, the judiciary at the federal and state levels, as well as the civil society are part of the process.

The Universal Periodic Review Process has led to Nigeria ratifying some UN human rights instruments such as the International Convention for the Protection of All Persons from Enforced Disappearance, the Convention on the Prevention of the Crime of Genocide, Optional Protocol to the Convention Against Torture (OP-CAT), Optional Protocol on the Sales of Children, Child Prostitution and Child Pornography and Convention on the Rights of Persons with Disabilities.

Nigeria had also enacted the following legislation to incorporate the international human rights instruments to which Nigeria is a party:

- Violence Against Persons (Prohibition) Act, 2015;
- Administration of Criminal Justice Act, 2015;
- Freedom of Information Act, 2010;
- Compulsory Treatment and Care for Victims of Gunshot Act, 2017;
- Anti-Torture Act, 2017;
- HIV/AIDS (Anti-Discrimination) Act, 2014;
- Police (Amendment) Act, 2020;
- Nigeria Correctional Service Act, 2019;
- Discrimination Against Persons with Disabilities (Prohibition), Act, 2019.

Nigeria's commitment to the Human Rights Council as well as the Universal Periodic Review mechanism is well captured in the 2nd, 3rd and 4th paragraphs of its voluntary pledges and commitments to the Council as follows:

The Government of the Federal Republic of Nigeria:

- Commits itself to the purposes and objectives of the Human Rights Council;

- Undertakes to cooperate fully with the Council and through active participation in its work, and in cooperation with members of the Council, non-members as well as regional organisations and civil society to make the Council a credible, strong, fair and effective UN human rights body;
- Expresses its readiness to submit itself to the UPR mechanism.

I have carefully read Dr. Uchenna Emelonye's *Dialectics of Rights: Nigeria's Engagement with the Universal Periodic Review of the Human Rights Council*. He has given a comprehensive and a deep intellectual exposition of Nigeria's engagement with the Universal Periodic Review Mechanism. I do not think any other scholar or human rights practitioner has interrogated Nigeria's involvement in UPR process as he has done. This is a novel and important contribution to our knowledge and understanding of not only Nigeria's engagement with the UPR but an outstanding addition to the objectives and the value added by the UPR to national and global enjoyment of human rights.

I recommend the book to all and sundry, in particular, human rights practitioners, legal scholars, students as well as the general public.

Tony Ojukwu, Esq

Executive Secretary

National Human Rights Commission of Nigeria. March, 2021

INTRODUCTION

The Universal Periodic Review (UPR) is a first of its kind innovation adopted in 2006 by the Human Rights Council (HRC) to complement the works of treaty bodies. Established through the UN General Assembly Resolution 60/251, the UPR involves the review on a periodic basis, of the human rights performances of all Member States of the United Nations on the ground of equal propensity of all States to commit human rights violations. As the first human rights mechanism to ever achieve 100% of participation and unlike the previous mechanism of the Human Rights Commission focusing on reviewing the human rights records of certain Members States considered as traditional violators of human rights, the UPR concerns all States and affords each of them the opportunity to present challenges encountered and steps taken to improve the human rights situations in their respective countries.

As a peer review process, the UPR allows developed and developing States the opportunity to scrutinise one another on equal terms and in a manner that ensures universality of coverage and equal treatment with respect to all States. It also affords Member States the opportunity to call for technical assistance from the international community for support to deal effectively with human rights challenges and to also benefit from best practices in the field of human rights among States and other stakeholders.

The Human Rights Council, as mandated by the General Assembly, undertakes a universal periodic review, based on

objective and reliable information, of the fulfilment by each State of its human rights obligations and commitments, in a manner which ensures universality of coverage and equal treatment with respect to all States. Accordingly, the UPR shall be based on objective and reliable information of the fulfilment by each State of its human rights obligations and commitments. The aim of UPR is the improvement of the human rights situation in every country through regular assessment of positive human rights developments and challenges faced by the country, as well as the enhancement of countries' capacities and responses to fulfil their human rights obligations.

As a cooperative mechanism based on interactive dialogue with the full involvement of the country under review, the UPR is conducted by a Working Group of 47 members of the Human Rights Council and facilitated by groups of three States, known as troikas, who serve as rapporteurs. According to the Human Rights Council Resolution 5/1¹ of 2007, the UPR should ensure the participation of all relevant stakeholders, including non-governmental organisations and national human rights institutions.

The UPR is an encompassing process comprising three distinct stages and involving the participation of relevant governmental and non-governmental stakeholders. The first stage of the process is the preparation for the review by Member States and reporting of human rights information upon which the review is based. It is at this stage that Member States consult and prepare somewhat self-serving national report articulating steps taken within the reporting period to promote and protect human rights and challenges encountered in ensuring the enjoyment of human rights by its citizenry. It is for this reason that States are encouraged to prepare their national reports through a broad-based and multi-stakeholders consultative process at the national level.

The second stage of the UPR process is laborious and involves the actual review of the human rights situation of the Member

1 Resolution 5/1 of 18 June 2007

State under consideration and the adoption of the outcome report with recommendations from participating States. This stage is an interactive dialogue between the State under review and other Member States to evaluate all aspects of human rights, including civil and political rights and economic, social and cultural rights as set out in the United Nations Charter, the Universal Declaration of Human Rights, other human rights treaties ratified by the State concerned, voluntary pledges and commitments made by the State and applicable international humanitarian law. While other relevant stakeholders, including national human rights institutions and civil society organisations may attend the review in the working group, they are not allowed to participate in the process which is exclusively between the Working Group and the country under review.

To conduct the UPR, the Working Group of the Human Rights Council relies on three major sources of information for the review.² The first is the information prepared by the State concerned, usually in the form of national report of the country under review. The national report encapsulates all human rights information considered relevant by the State concerned, which can be presented either orally or in writing. The sequencing of these information is structured to highlight the methodology and the consultation processes followed nationally by Member States for the preparation of its national report, the current normative and institutional framework for the promotion and protection of human rights of the country under review and the implementation efficacy of the normative and institutional frameworks. Others are contributions of the country under review with human rights mechanisms and achievements made by the country under review, etc.

The second source of information is a summary compilation from related United Nations mechanisms on the State under review, including independent human rights experts and groups,

² Human Rights Council Decision 6/102 setting out the General Guideline for the preparation of information under the UPR

otherwise known as Special Procedures, Human Rights Treaty Bodies, and other United Nations entities. The third source of information to be taken into consideration in the review of a Member State is a collation and summary compilation of all related and reliable information on the State emanating from national human rights institutions, non-governmental organisations and other stakeholders in the form of a shadow report. These United Nations' and other reports on the Member State under review are usually compiled by the Office of the High Commissioner for Human Rights which provides secretariat support to the HRC.

Following the review by the Working Group, an outcome report, detailing the actual discussion and consisting of the questions, comments and recommendations made to the country under review, alongside the country's responses is prepared by the troika with the involvement of the State under review. The Human Rights Council further deliberates on and adopts the outcome report with recommendations after giving the State under review the opportunity to make preliminary comments on the recommendations with the option of choosing to either accept or note the recommendation. According to HRC Resolution A/HRC/RES/5/1, States can support or note recommendations but cannot reject them. Responses to each recommendation must be clearly explained in writing in the Addendum, which must be submitted in advance of the adoption of the final report at the Human Rights Council.

The third stage of the UPR process, which is known as the implementation stage is primarily the exclusive responsibility of the State concerned, and provides the veritable window for concrete realisation of the goal of the UPR process which is the improvement of the human rights situation on the ground. It is usually considered as the most important stage of the UPR process because the success of this phase will determine the efficiency of the mechanism and demonstrates States' engagement in the promotion and strengthening of human rights. On the other hand,

this stage is critical to the UPR process because it is the period during which the State under review is supposed to implement the recommendations it received.

The Member State under review has the primary responsibility to implement the recommendations within four years and thereafter, return back to the Human Rights Council during the next UPR cycle to account for what it has done to implement the recommendations it accepted during the first review in addition to any other development in the field of human rights. The subsequent UPR after the initial one is considered the veritable platform for States to account for its stewardship of the progress it has made or challenges it has encountered in the implementation of recommendations from other States emanating from the earlier UPR cycle.

Nigeria has undergone three circles of the UPR and received recommendations from Member States which it either accepted or noted and thereafter gone into the implementation stage, usually a four-year period, during which it is expected to implement accepted recommendations. The first UPR circle of Nigeria was in 2009 and subsequently it returned to the HRC during the second UPR cycle in 2013 and third circle in 2018 respectively to show stewardship for recommendations it accept to implement in previous circles.

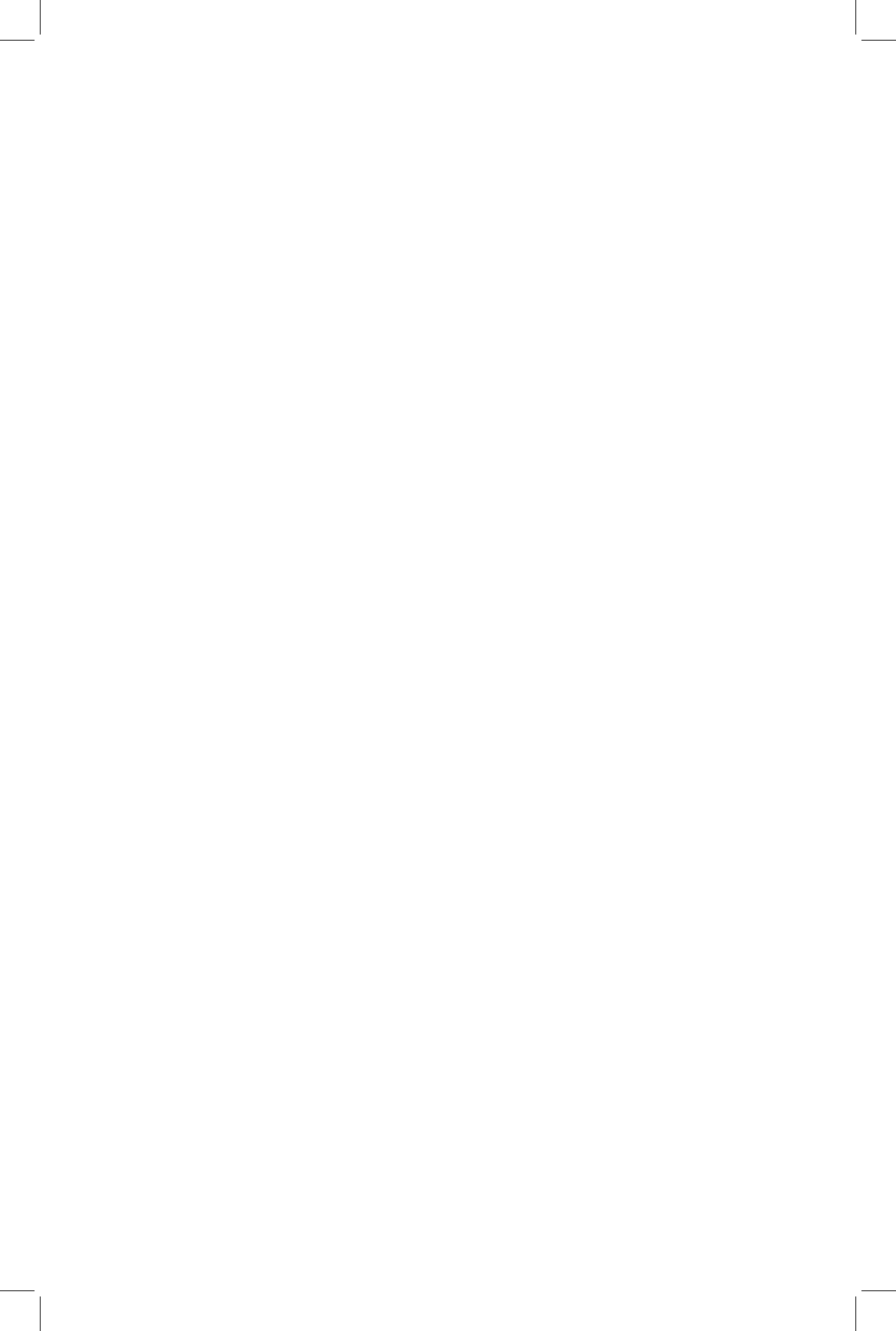
At each review, the human rights record of the Government of Nigeria was appraised and an outcome report detailing recommendations adopted. The reviews relied on three distinct sources of information. The first is the ‘national report’ prepared and presented by the Government of Nigeria articulating steps taken to promote and protect human rights. The second, otherwise known as ‘UN report’ is a summary of information on Nigeria from international and regional human rights mechanisms, including Special Rapporteurs, Treaty Bodies and other United Nations entities. The third source of information usually known as ‘other report’ is a compilation of reliable information on

Nigeria emanating from national human rights institutions and non-governmental stakeholders.

Bearing in mind that the human rights records of Nigeria have been reviewed and recommendations issued in three consecutive UPR circles, this book is an objective but descriptive narrative of the three UPR process, including progress in the promotion and protection of human rights made by the Government of Nigeria and counter claims of human rights gaps by United Nations entities and other stakeholders. Data and facts for this book do not reflect the views of the author but were exclusively drawn from national reports, UN reports and other reports compiled by the HRC Secretariat according to UNGA Resolution 60/251 and officially presented to the Human Rights Council during the review of Nigeria.

PART ONE

**Nigeria's 1st Universal Periodic
Review**



NIGERIA'S 1ST NATIONAL REPORT

Overview

With the creation of the Human Rights Council Universal Period Review, its Working Group established in accordance with Human Rights Council Resolution 5/1 of 18th June, 2007 held its fourth session from 2nd to 13th of February, 2009 to review the human rights record of countries including Nigeria.³

In preparation for the review, the Government of the Federal Republic of Nigeria had constituted a broad-based UPR National Consultative Committee tasked with the responsibility of compiling its first national report on the steps taken as well as the challenges faced in the fulfilment of its treaty obligations. The Committee which comprised representatives from diverse stakeholders working for the promotion and protection of human rights in Nigeria subsequently convened the National Consultative Forum (NCF) and after series of meetings, produced the country's first UPR national report, through a consultative process that climaxed in a national validation conference. During the deliberation of the forum, every human rights issue was openly discussed and participants were able to express their views freely. The outcome of the NCF was faithfully reflected in the National Report.

3 Human Rights Council, Eleventh Session (2009) Agenda Item 6, Universal Periodic Review A/HRC/11/26

Following the timely submission of its first National Report alongside other reports from the United Nations Special Procedures and Treaty Bodies reports, national human rights institution's report and civil society shadow reports, Nigeria underwent its first review before the Human Rights Council in Geneva on 9th February, 2009 with Japan, Djibouti and Switzerland appointed by the Human Rights Council to serve as rapporteurs (troika). A list of questions was prepared in advance by Czech Republic, Denmark, Ireland, Germany, Latvia, Lithuania, Netherlands, Sweden, and United Kingdom of Great Britain and Northern Ireland and was transmitted to Nigeria through the troika. The Nigerian 26 member high level delegation was jointly headed by the Minister of Foreign Affairs and the Minister of Justice. Addressing the Human Rights Council and while presenting its first National Report to the Human Rights Council, the Nigerian delegation adopted its National Report previously submitted and provided a summarised overview of its demography, political, social and economic backgrounds.⁴

In its opening remarks, the delegation thanked the participating countries for their advance questions and noted that since the UPR was a nascent mechanism, it was imperative to ensure that the review achieved its desired objectives. Since the UPR process allows information from non-governmental organisations and national human rights institutions to be considered as elements for the review, the delegation pointed out that such information must be factual, objective and constructive. The delegation was therefore surprised at the reports on Nigeria by stakeholders, not only by their many unsupported statistics and unfounded allegations, but also by the quality of the language used to characterise a free and sovereign State. They noted that preposterous allegations were not only patently false, but also completely unhelpful to the UPR process and wondered if there were no ethical limits to the

4 Human Rights Council, Working Group on the Universal Periodic Review (4th Session) 2009 A/HRC/WG.6/4/NGA/1 National Report submitted in accordance with paragraph 15(a) of the annex to the Human Rights Council Resolution 5/1 NIGERIA

allegations that NGOs could make against sovereign States in the UPR process.

The delegation observed that it would be difficult to fully appreciate the progress Nigeria has made in democratic governance and the promotion and protection of human rights in such a short time, without taking into account the country's historical reality. Furthermore, the delegation disclosed that the Government is strongly committed to steering the country along the path of sustainable democracy, the rule of law and respect for human rights, while being committed to creating opportunities for decent living for its citizens. While being aware of the enormity of the task, the delegation stressed that Nigeria counts on the support and understanding of the international community and its numerous friends and committed to continuous cooperation with the Council in every aspect of its mandate.

The delegation maintained that Nigeria is one of the world's largest democracies and, with its diversity of 250 ethnic groups, equal measure of two great historical religions and a mosaic of disparate cultures, is inspired largely by human rights traditions. In its commitment to human rights, Nigeria, it noted, is distinguished by its compliance with the highest universal standards. According to the delegation, the question is therefore not one of will to promote and protect human rights, but that of challenges that reside primarily in the area of gaps in the capacity of the country to fulfil its human rights obligations. During the presentation, it highlighted that considerable improvements have been made in Nigeria since the return of democracy in 1999 and that the nation takes the UPR exercise very seriously as one which would help to reinforce its capacity not only to do right at home but also to remain a very responsible and responsive member of the international community.

1.1. Normative and Institutional Framework

The Nigerian delegation presented an account of its normative and institutional frameworks for the promotion and protection of human rights and highlighted that Chapter IV of the Constitution of the Federal Republic of Nigeria (1999) provides for the promotion and protection of fundamental rights like the right to life, right to dignity of human person, right to personal liberty, right to fair hearing, right to private and family life, right to freedom of thought, conscience and religion. Others are right to freedom of expression and the press, right to peaceful assembly and association, right to freedom of movement, right to freedom from discrimination, right to acquire and own immovable property anywhere in Nigeria, right to prompt compensation and of access to justice for determination of interest in any movable or immovable property compulsorily acquired by government for public purposes in the best interest of the public, right of access to justice, including legal and financial aid to indigent citizens, etc.

Furthermore, the delegation indicated that Section 45 of the Constitution provides for specific restrictions on, and derogation from, the fundamental rights guaranteed in this chapter, only to the extent that those measures are reasonably justifiable in a democratic society, and in the interest of defence, public safety, public health, public order or public morality; for the purpose of protecting the rights and freedoms of other persons; in periods of state of emergency; and in the execution of the sentence of a competent court.

In addition to the Constitutional guarantees, the delegation enumerated other legislations and policies that provide for specific promotion and protection of the rights of vulnerable groups such as Women, Children, Refugees and Internally Displaced Persons (IDPs), Victims of Trafficking and Forced Labour, Persons Living with HIV-AIDS, the Elderly and Victims of War, etc. They further highlighted that the Child Rights Act, 2003, overtly domesticated

the United Nations Convention on the Rights of the Child and that of the African Union Charter on the Rights and Welfare of the Child, guaranteeing the survival, development and protection of children.

These international and regional frameworks were reported by the delegation to have boosted national legislation in Nigeria in several aspects relating to child protection such as the prohibition of child hawking, child begging, child trafficking, all forms of child labour, sexual and economic exploitation of children, harmful traditional practices affecting children (such as child marriage and betrothal), withdrawal of children from schools for hawking or begging or marriage and female genital mutilation (FGM). In addition, the delegation pointed out that the Anti-Trafficking Act 2003, as amended in 2005 (NAPTIP Act), seeks to protect women and children as victims of trafficking and other forms of exploitation.

In terms of developing appropriate policy frameworks, the delegation also enumerated other national policies aimed at ensuring the effective realisation of the rights of women and children in Nigeria, including National Strategic Framework and Plan of Action for VVF Eradication in Nigeria (2005-2010); National Policy on Food and Nutrition 2001; National Policy on Education 1999 revised 2004; National Policy on Child and Maternal Health 1994, National Child Policy 2007 and Strategic Plan of Action/Implementation Framework 2007/08; National Policy and Guidelines on Gender in Basic Education 2007; National Plan of Action and Guidelines on OVC 2007; etc. Others are National Gender Policy 2007; National Reproductive Health Policy and Strategy 2001; National Policy on HIV-AIDS 2003; National Policy on Health 1998 and 2004; National Policy on the Elimination of FGM 1998 and 2002; National Adolescent Health Policy 1995; and National Policy on Maternal and Child Health 1994.

While noting that Nigeria was in the process of adopting the AU Convention on Internally Displaced Persons, the delegation asserted that these instruments constituted the key policy frameworks that sought to promote the survival, development, protection and participation rights of women and children to achieve quality reproductive and sexual health in Nigeria. According to the delegation, Nigeria also adopted measures for the Protection of the Rights of Refugees, Internally Displaced Persons, Returnees and Asylum Seekers as provided for in the Laws of the Federation of Nigeria 2004, and the National Commission for Refugees (NCFR) Act. The Act incorporated the 1951 United Nations Convention relating to the status of Refugees and its 1967 Protocol, as well as the 1969 Organisation of African Unity Convention on Refugee Problems in Africa. Additionally, the delegation recounted the passage of the Act by the National Assembly in 2007 establishing a National Centre for Elderly Persons, with the aim of catering for the welfare and recreational needs of this group of persons in Nigeria.

According to the National Report as presented by the delegation, the Human Rights of Persons Living with HIV-AIDS are protected in chapter 4 of the Constitution, under the rights to freedom from discrimination, to human dignity, to personal liberty, to life, to private and family life, to freedom of expression, to peaceful assembly and association, and to freedom of movement. The delegation also explained that Cap. 162, Laws of the Federation of Nigeria, 1990 domesticated the Geneva Conventions and provided for the protection of the rights of victims of armed conflict such as the sick, the wounded, the disarmed, the shipwrecked and the non-combatants or civilian population.

Additionally, the delegation stressed in its report that the promotion and protection of consumer rights against counterfeit, fake, expired, substandard and pirated products are provided for under the Food and Drugs Act 1974 (Now Cap F32 LFN 2004), Weight and Measures Act 1974 (Now Cap W3 LFN

2004), Counterfeit, Fake Drugs and Unwholesome Processed Food (Miscellaneous Provisions Act Cap C3 LFN 2004), Trade Practices (Miscellaneous Offences) Act No.67 of 1992 (Now Cap T12 LFN 2004), Criminal Code, Cap.C38 and the Penal Code Cap P3 respectively of the Laws of the Federation of Nigeria (LFN) 2004, The Standards Organisation of Nigeria (SON) Cap.412 of the 1990 Laws of the Federation, The Consumer Protection Council of Nigeria Cap C.25 LFN 2004, The National Agency for Food and Drug Administration and Control (NAFDAC) 2004 Cap N30, LFN 2004, The Nigerian Copyright Act Cap C.28 LFN 2004 and the Customs and Excise Management Act Cap C.45 LFN 2004.

In the area of right to education, the delegation revealed that significant progress has been recorded all over the country. They mentioned the adoption of the National Policy on Education 2004 which provides for early childhood/pre-primary education, primary education, secondary education, mass literacy, adult and non-formal education; science, technical and vocational education, tertiary education, open and distance education, special education, educational services, planning, administration and supervision of education, financing education. In addition, the Strategy for the Acceleration of Girls' Education in Nigeria which seeks to achieve gender parity in access to retention, completion and achievement in basic education by 2015 had been adopted.

In response to the recommendation of the Vienna Declaration and Programme of Action on the desirability of drawing up a national action plan by each State, for identifying steps for improving the promotion and protection of human rights, the delegation reported that the Federal Government of Nigeria, in collaboration with the National Human Rights Commission, civil society organisations and non-governmental organisations developed and adopted a National Action Plan (NAP). The NAP, which is an integrated and systemic strategy for advancing human rights in the country, highlights, among others, an audit of the

human rights situation in the country, concrete measures for the promotion and protection of human rights, and a framework for a coordinated approach to human rights issues. According to the delegation, the NAP has been translated into the major languages in the country in order to facilitate its access to a wider segment of the Nigerian society, with publicity support by the national media.

The delegation also enumerated bills that were receiving due consideration for passage by the National Assembly and necessary assent of the President including the Bill for an Act to provide for Measures to Combat Terrorism and for Related Matters 2006, Bill for an Act to Protect the Rights of Employees and Related Matters, 2006, Freedom of Information Bill 2007, National Agency for the Control of HIV and AIDS (establishment, etc.) Bill 2006, Bill for an Act to Prohibit Chemical Weapons and the Establishment of the National Authority for the Effective Implementation of the Chemical Weapons Convention in Nigeria and for other matters connected therewith 2006 and the Convention on the Elimination of Discrimination Against Women (CEDAW) which was also before the National Assembly for domestication.

For the purpose of ensuring effective promotion and protection of human rights, access to justice, safety and security in Nigeria, it was reported that additional laws with human rights impact were pending before the National Assembly for amendment. Those included the National Human Right Commission Act (Amendment) Bill 2007, Legal Aid Council Act (Amendment) Bill 2007, Legal Practitioners Act (Amendment) Bill 2007, Parole System in Nigeria Bill 2008, Nigeria Police Act (Amendment) Bill, 2007 and Prisons Reform Bill 2007.

1.2. Compliance with International Obligations

The delegation stressed the fact that the Federal Republic of Nigeria has been an active and responsible member of the United Nations, conscious of its international obligations and has, as such,

associated itself with all the relevant international instruments on human rights and humanitarian law including the Universal Declaration of Human Rights. The delegation adduced that Nigeria fulfilled, to a large extent, its commitments to the Human Rights Council, including active participation in the work of the Council, cooperation with the Special Rapporteurs and Mandate Holders, support for the National Human Rights Commission, commitment to human rights instruments, and support for all strategies at regional and international levels aimed at promoting human rights.

It further listed 16 United Nations Human Rights Instruments that Nigeria had signed and ratified such as: the Convention Relating to the Status of Refugees 1951, ratified on 2nd of May, 1968; International Convention on the Elimination of All Forms of Racial Discrimination, New York, 7th March, 1966, ratified on 16th of October, 1967; International Covenant on Economic, Social and Cultural Rights, New York, 16th of December, 1966, ratified on 29th of July, 1993.

Others are International Covenant on Civil and Political Rights, New York, 16th of December, 1966, ratified on 29th of July, 1993; Protocol Relating to the Status of Refugees, ratified on 23rd of October, 1967; Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity New York, 26th of November, 1968, ratified on 1st December, 1970; International Convention on the Suppression and Punishment of the Crime of Apartheid signed on 26th of June, 1974 and ratified on 31st of March, 1977; Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women, New York, 6th of October, 1999, signed on 8th of September, 2000 and ratified on 22nd of February, 2004; and Convention Against Transnational Organised Crimes, Protocol to Prevent, Suppress and Punish Trafficking in Persons especially Women and Children, ratified on 28th of June, 2001.

The delegation further listed that Nigeria had signed and ratified the Convention on the Political Rights of Women, ratified on 17th of November, 1980; Convention on the Elimination of All Forms of Discrimination against Women, New York, 18th of December, 1979, signed on 23rd of April, 1984 and ratified on 13th of June, 1985; Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, New York, 10th of December, 1984, ratified on 5th of October, 1998; International Convention Against Apartheid in Sports New York 10th of December, 1985; signed 16th of May, 1986 and ratified on 20th of May, 1987; Convention on the Rights of the Child, New York, 20th of November, 1989, signed on 26th of January, 1990 and ratified on 19th of April, 1991 and domesticated as the “Child Rights Act”; and Convention on the Prevention and Combating of Terrorism, ratified on 24th of April, 2002.

The delegation further listed 19 African Union/Economic Community of West African States (ECOWAS) human rights treaties that Nigeria had signed or ratified. They include the African Union Charter on the Rights and Welfare of the Child, ratified 23rd of July, 2001; African Charter on Human and People’s Rights, ratified 22nd of June, 1983 and signed on 31st of August 1982; Organisation of African Unity Refugee Convention, ratified 23rd of May, 1986 and signed on the 10th of September, 1969; Protocol to the African Charter on Human and People’s Rights Relating to the Rights of Women in Africa, ratified 16th of December, 2004 and signed on 11th of July, 2003. Others are the Protocol to the African Charter on the Establishment of African Human Rights Court, ratified on 20th of May, 2004; Protocol on the Pan-African Parliament, ratified on 23rd of December, 2003; Constitutive Act of the African Union, ratified on 29th of March, 2001; African Union Convention on Preventing and Combating Corruption, ratified on 2nd of September, 2006; the 1986 OAU Convention on the Conservation of Nature, ratified on 2nd of April, 1974; and Treaty Establishing the African Economic Community, ratified on 31st of December, 1991.

In addition, the delegation enumerated that Nigeria had signed or ratified the ECOWAS Declaration on the Decade of Culture of the Rights of the Child in West Africa, signed on 21st of December, 2001; ECOWAS Declaration on the Fight Against Trafficking in Persons in West Africa, signed on 21st of December, 2001; ECOWAS Treaty of 1975 revised in 1993 and ratified on 1st of July, 1994; Protocol on Non-Aggression, ratified on 17th of May, 1979; Protocol on Free Movement of Persons, Goods and Services, ratified on 12th of September, 1979; Protocol on Mutual Assistance and Defence, ratified on 18th of April, 1988; Protocol on Establishment of the Community Court of Justice, ratified 1st of July, 1994; Convention on Mutual Assistance in Criminal Matters, ratified on 30th of April, 1999; Protocol on Conflict Prevention, Management, Resolution, Peacekeeping and Security, signed on 10th of December, 1999.

The delegation indicated that there are however 9 other international and regional treaties impacting on human rights that have been signed but not yet ratified. These are the Optional Protocol to the Convention on the Rights of the Child on the involvement of Children in Armed Conflict, New York, 25th of May, 2000, signed on 8th of September, 2000; Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, New York, 25th of May, 2000, signed on 8th of September, 2000; Convention on the Rights of Persons with Disabilities, New York, 13th of December, 2006, signed on 30th of March, 2007.

Others are the Optional Protocol to the Convention on the Rights of Persons with Disabilities, New York, 13th of December, 2006, signed on 30th of March, 2007; Second Protocol to The Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict, The Hague, 26th of March, 1999, signed on 17th of May, 1999 and ratified on 21st October, 2005; Final Act of the Diplomatic Conference of Geneva 1974-1977, signed on 10th of June, 1977; Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be

Deemed to be Excessively Injurious or to Have Indiscriminate Effects, Geneva, 10th of October, 1980, signed on 26th of January, 1982; and International Convention Against the Recruitment, Use, Financing and Training of Mercenaries, 4th of December, 1989, signed on 4th of April, 1990.

On the gap in the legal framework relating to the absence of an express guarantee or declaration by the Nigerian Constitution on the justiciability of the economic, social and cultural rights, the delegation opined that the African Charter on Human and Peoples' Rights, which provides for civil, political, economic, social, cultural, environmental, developmental and peoples' rights to self-determination, equality, control of their natural resources and to national and international peace and security had been passed into law in Nigeria as a domestic law to fill that gap. According to the delegation, Nigeria has, in accordance with section 12 of the Nigerian Constitution, domesticated the African Charter on Human and Peoples' Rights, the Geneva Conventions of 1949, the United Nations Convention on the Rights of the Child (CRC) and African Union Charter on the Rights and Welfare of the Child (AUCRWC).

It was disclosed further that Nigeria was considering the domestication of some officially gazetted treaties like the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), and the Rome Statute of the International Criminal Court and the Chemical Weapons Convention. In a bid to discharge its reporting obligations to the relevant Human Rights Treaty Bodies, it was reported that Nigeria had continued to make efforts to submit her periodic reports as and when due and recent reports included the First to Sixth United Nations CEDAW country reports, First to Fourth United Nations CRC country reports, country reports to the African Commission on Human and People's Rights, ECOWAS Peer Review country reports on Child Protection, and African Peer Review Mechanism review reports considered in May, 2008.

With regards to regional and international human rights instruments and protocols that Nigeria was yet to sign, the

delegation disclosed that Government was determined to ensure that they were signed, ratified or domesticated as the case may be without delay. In the case of the Convention on the Prevention and Punishment of the Crime of Genocide; the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families and the International Convention for the Protection of all Persons from Enforced Disappearance, it was reported that Government had already set in motion the necessary processes of their accession. The delegation concluded by noting that the CEDAW bill was with the National Assembly for domestication; however, Articles 12 and 16 of the Convention would become a source of vibrant discussion in the Assembly, prompting the President to engage the legislators to facilitate passage.

1.3. Institutional Mechanism

The delegation highlighted the establishment of several institutional mechanisms for the promotion and protection of human rights in Nigeria, including judicial intervention and other measures to create requisite human rights jurisprudence. It pinpointed that Section 46 of the Nigerian Constitution preserves the original jurisdiction of the courts to hear and determine applications for the enforcement of fundamental human rights and in several cases, the courts had enforced human rights by issuing the writs of Habeas Corpus, Certiorari, Mandamus and Prohibition. As an institutional mechanism for the promotion and protection of human rights, the delegation noted that the National Human Rights Commission was established by the National Human Rights Commission Act 1995, Cap N46 Vol.11 Laws of the Federation of Nigeria, 2004.

The delegation reiterated that the Commission has the mandate to promote and protect all human rights without distinction, investigate and monitor human rights violations and make

appropriate recommendations to the Government as well as to seek redress and remedies for, and assist victims of human rights violations. The Commission, according to them, is also mandated to publish periodic reports on the human rights situation in Nigeria, undertake studies on specific human rights issues, organise and participate in local and international conferences and seminars on human rights. It also liaises and cooperates with local and international NGOs as well as inter-governmental organisations dealing with human rights issues. Furthermore, the delegation hinted that the National Human Rights Commission engages in legislative advocacy on matters concerning human rights and had received over three thousand complaints since its inception, with 60 per cent of these treated so far, while the rest were at various stages of investigation and action.

It was reported that the Commission, in collaboration with other stakeholders, had developed the National Action Plan (NAP) for the promotion and protection of Human Rights in Nigeria and that the Federal Executive Council had adopted the NAP document in November 2008, preparatory to its transmission to the Office of the United Nations High Commission for Human Rights. The delegation also explained that the National Agency for the Prohibition of Trafficking in Persons (NAPTIP) was established by an Act in 2003, (amended in 2005), partly in fulfilment of Nigeria's international obligations under the Trafficking in Persons Protocol Supplementing the United Nations Transnational Organised Crime Convention, to address the scourge of trafficking in persons and its attendant human rights abuses.

The functions of NAPTIP as explained include the coordination of all laws on trafficking in persons, the adoption of measures to increase the effectiveness of eradication of trafficking in persons, the enhancement of the effectiveness of law enforcement agents to suppress trafficking, the strengthening and enhancement of effective legal means for international cooperation in criminal matters for suppressing the international activities of trafficking in persons; and

counselling and rehabilitation of victims in this regard. It was also reported by the delegation that the Public Complaints Commission (PCC) is a constitutionally created autonomous body, established in 1990, with the aim of protecting vulnerable individuals from administrative injustices and provides the opportunity for Nigerians, particularly the less-privileged, to seek and obtain redress for their grievances at no cost and with minimum delay.

Since its establishment, the Commission has according to the delegation been committed to its objectives and has succeeded in addressing thousands of complaints linked to rigid bureaucratic practices, abuse of office, administrative oppression and suppression by individuals in power. It was stated that in situations of administrative lapses, the Commission acts as a watchdog against injustices by ensuring that government functionaries treat matters affecting Nigerians fairly, respectfully and promptly. According to the delegation, in 2006, the PCC successfully resolved 15,485 complaints out of the 22,384 complaints it received across the country and that the Commission has continued to receive more complaints annually because of the increased awareness of its existence and the valuable services it has been rendering, especially at the grassroots level.

The delegation also mentioned that another institutional framework for the promotion and protection of human rights is the Legal Aid Council of Nigeria, established by the Legal Aid Act No. 56 of 1976 to contribute immensely to the promotion of human rights and adherence to the rule of law. This is a parastatal under the Federal Ministry of Justice responsible for the provision of free legal aid services to any needy Nigerian, whose income does not exceed the minimum wage or those who cannot afford the services of private legal practitioners. It narrated that the Council coordinates the activities of lawyers who provide pro bono services, and its staff visit prisons to monitor the conditions of detainees.

Besides its jurisdiction over such cases as murder, manslaughter, malicious or grievous bodily harm, assault occasioning actual

bodily harm, stealing, affray and rape, it undertakes civil claims in respect of accident cases and claims for damages for breach of human rights. The delegation presented that in Nigeria, the Senate and House of Representatives (the two houses of the National Assembly) have committees on human rights, judiciary and legal matters with oversight function on national human rights institutions and other government agencies to ensure effective promotion and protection of human rights.

Accordingly, the National Assembly, as explained by the delegation, also has a specific responsibility for the domestication of all international instruments and that some of the legislations passed, or are in the process of being passed by the Assembly include the National Action Plan on Human Rights, Domestication of the International Convention on the Rights of the Child into the Child Rights Act, the Freedom of Information Bill, Anti-discrimination Bill, Prison Reform Bill, Administration of Justice Reform Bill, and Debate on the Death Penalty.

Furthermore, the delegation disclosed that the relevant Committees of the National Assembly are also engaged in the promotion and protection of human rights through their collaboration with the National Refugees Commission, National Human Rights Commission, as well as meetings with human rights civil societies and non-governmental organisations. Future activities of the Committees, according to the delegation, include public hearing on the status of the refugees and internally displaced persons in Nigeria, public hearing on Nigeria's ratification of international human rights instruments, consultations with National/State Houses of Assembly on legislation for the promotion and protection of the rights of women and children.

On law enforcement agencies and human rights, the delegation reported that the obligation to respect human rights by all law enforcement agencies like the police, prisons, security institutions, etc. is contained in Chapter 4 of the Constitution, the Police Act and other legislations or enabling national laws. In addition, all law

enforcement agents have the obligation to respect the provisions of the various human rights and humanitarian laws to which Nigeria is a signatory. In pursuance of this, it was reported that all law enforcement outfits have established human rights desks for the purpose of human rights training, as well as monitoring activities of the law enforcement agents to ensure that they comply with acceptable human rights standards.

1.4. Other Human Rights Achievements

As regards children's rights, the delegation reported that the United Nations Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child had been domesticated by the National Assembly as the Child Rights Act (2003). Also the number of States that had passed parallel children rights laws had grown from one to twenty-one since the last CRC's mission to Nigeria, while the remaining States were at various stages of passing it. Accordingly, the former President, Umaru Yar'Adua, in his address to Nigerian Children during the 2008 Children's Day Celebration on May 27, 2008, had urged the remaining states to pass the law in the interest of promoting the welfare of the Nigerian child, and meeting Nigeria's international obligations.

Recalling an incident that shocked the nation about the activities of a religious cult in Akwa Ibom State of the country, whose leader not only stigmatised children as "Witches" or "Wizards" but sometimes tortured them, resulting in deaths, the delegation reported that the police had prosecuted the cult leader and his accomplices on account of this and for purposes of speedy trial, the State also created a special family court to determine matters pertaining to children. In response to this barbaric practice and in addition to being amongst the states in Nigeria to have made primary education free and compulsory, the delegation recounted that the Akwa Ibom State Government passed a law against this occultic practice in December 2008, making conviction for this offence punishable with ten years imprisonment,

In a similar note, the delegation also highlighted that the National Primary Health Care Development Agency (NPHCDA), in collaboration with development partners had concluded arrangements for the nation-wide Integrated Measles Campaign covering 25 million children, and the immunization of 30 million children under the age of five against Polio before the end of 2008. Over 150,000 health workers and monitors had been deployed nationwide to ensure the success of the exercise at the time. It was reported that owing to the difficulties encountered a few years ago in some parts of the country, religious and community leaders were involved in the planning, promotion and implementation of the immunization programme.

On service delivery in order to facilitate citizens' access to public service, the delegation reported that government established the Service Compact (SERVICOM) in 2001, principally to provide quality services to the Nigerian public through trained staff, who are sensitive to the needs of their clients. This set out clearly the entitlements of the citizens in their dealings with Ministries, Departments and Agencies of Government. It also listed fees payable (if any) by members of the public for services provided by government functionaries while providing details of agencies and government officials handling complaints from members of the public.

As regards the fight against corruption and its impact on the effective realisation of economic and social rights, the Nigerian delegation highlighted that one of the biggest dividends of democracy is the determination of Government to combat corruption in all its manifestations. Corruption has been identified not only among the vices militating against economic growth in Nigeria, but also government's determination to provide the citizens with the basic economic, cultural and social rights. In its determination to combat corruption, the delegation reported that Government had put in place the necessary institutional and policy framework to check this vice, especially by public office

holders. It was reported that substantially satisfactory progress had been recorded, which led to an improvement, at the time, in Nigeria's rating in the Transparency International Corruption Perception Index.

The Nigerian delegation equally noted that Government's interventions through the establishment of committees to review laws on access to justice over criminal matters, the assignment of case files of Awaiting Trial Persons to private legal practitioners at the expense of Government, the review of the Evidence Act, the establishment of a national working group on the Death Penalty, the establishment of the Presidential Committee on the review of the administration of justice, the enactment of Administration of Justice Commission Act 1991 and the establishment of Human Rights desks for the enlightenment of prison officials all contributed to prison decongestion in Nigeria. It was reported that the total population of prison inmates had reduced significantly due to the Federal Government's Prison Reform Programme and that there were also considerable improvements in the welfare of prison inmates and gradual reduction in the number of prison inmates, especially those awaiting trial.

1.5. Challenges and Remedial Measures

The delegation noted that there had been allegations of extra-judicial killings against members of the Nigerian Security Agencies, especially the Police and indicated that government had promised to look into these allegations in accordance with the law. Confirming that the Government of Nigeria neither sanctioned, nor allowed extra-judicial killings to be carried out with impunity in the country, the delegation reported that the National Assembly had intervened in this matter, with the Senate passing a motion, calling for a thorough investigation of the allegations of extra-judicial killings against members of the security agencies. Also, it was reported that several positive redress developments have

emerged from these violations as exemplified by the conviction and sentencing to death of three policemen for the killing of six persons whom the police had described as armed robbers in Kogi State.

Also, the sentencing to death of three policemen by a Federal High Court in Abuja, for killing some traders in the Apo District of Abuja formed part of the efforts to engender greater respect for the human rights of all Nigerians by law enforcement agents even as the National Human Rights Commission commenced independent investigations in respect of these allegations. On torture, the delegation noted that the incident was neither widespread nor sanctioned as a state policy, however it was indicated that the government had adopted better investigative policies and the acquisition of forensic equipment in police investigations. On death penalty, the delegation revealed that Government had noted the global trends for a moratorium on the death penalty while highlighting that the Constitution of Nigeria guarantees the right to life. It was recounted that although death penalty is in Nigeria's statute book, it is rarely applied and thus tantamount to the adoption of self-imposed moratorium.

On same-sex marriage, gay and lesbian relationship, the delegation noted that sexual minorities are not visible in Nigeria, and there is no officially registered association of gay and lesbians. It further noted that the views of more than 90 per cent of the participants was that gay-lesbian relationship or same-sex marriage was not a human rights issue in Nigeria. The laws of Nigeria recognised marriage as a relationship between a man and a woman. It was stated that like every democracy, those who want a change in the existing laws have to come out and lobby for the change they desire. On the issue of harmful traditional practices, the delegation observed that in spite of government's enlightenment programmes and the efforts of several national and international NGOs, there were still parts of Nigeria that engaged in some harmful traditional practices, like female genital mutilation, early marriage, widowhood rites, etc.

The delegation concluded that Government had renewed its resolve to work closely with all stakeholders in order to achieve this objective with a vigorous enlightenment campaign at the grassroots, preferably led by traditional, religious and other opinion leaders, as a way of eradicating these practices. Responding to the challenge of overcrowded detention centres and poor prison conditions while welcoming the support and cooperation of all stakeholders in this endeavour, the delegation noted that although there had been improvements in the prison conditions since the visit to Nigeria in 2007 by the United Nations Special Rapporteur on Torture, there was still room for improvement. It was their hope that the on-going reforms in the police and prison systems would address those existing concerns. However, in addition to the necessary institutional reforms and attitudinal changes, substantial amount of financial resources, they maintained, is required in order to raise the condition of Nigerian prisons to the desired standards.

On rights of women and children, the delegation identified the Child Rights Act (2003) as a good legal and policy basis for the promotion and protection of the rights of children in spite of the fact that some states of the Federation have issues with some of its provisions on the grounds of culture or religion. On the difficulties associated with the domestication of the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) also dogged by cultural and religious divisions, the delegation expressed the hope that the personal efforts being made by the President to ensure the early passage of the bill would yield the desired result. It noted that the Nigerian law has copious provisions to safeguard the rights of women against abuse and all forms of maltreatment. Claiming that there is no need for a special law on violence against women, the delegation stated that assault and battery have been made subject of both civil and criminal laws, with the criminal aspects attracting very stiff and severe penalties.

The delegation viewed the situation in the Niger Delta more in the context of political and environmental problems, which have implications for the full enjoyment of human rights. It highlighted Government's initiatives, such as the creation of the Presidential Technical Committee on Niger Delta, the Truth and Reconciliation Committee by the Government of Rivers State, and the creation of a Ministry of Niger Delta by the Federal Government as steps in the right direction. Also on the environmental challenges in the Niger Delta, especially arising from oil spillage, flaring of gas, water and land pollution and their economic and health implications, the delegation concluded that addressing the twin problems of politics and environment in the area would have a salutary effect on the full enjoyment of human rights by the inhabitants of Niger Delta.

On the challenge relating to the justiciability of the economic, social and cultural rights, the delegation noted that any change would mean amending the relevant sections of the Nigerian Constitution. However, it observed that some State Governments had made remarkable progress in this area, especially in the provision of health and education. While appreciating the argument put forward by advocating changes in the law to make Government legally responsible for the provision of these rights, the delegation noted that the cost of implementing this programme was far above the means of government.

In spite of government's best efforts to promote human rights in the country, the delegation narrated that Nigeria is still beset with several challenges and constraints compounded by its plural nature and size including the multi-ethnic, multi-cultural and multi-religious nature of Nigeria which has created practical difficulties for the harmonisation of views, strategies and programmes for the promotion and protection of human rights. Another challenge mentioned by the delegation is the tripartite legal system, (federal, state, local) which permits the making of laws at the three tiers

of government, especially in respect of personal law and certain traditional practices, which violate human rights. Similarly, the long period of military rule, with its undemocratic culture especially among the security forces was highlighted by the delegation.

To address these challenges and constraints, the delegation reported that the Government of Nigeria had adopted key national priorities, initiatives and commitments tied to the Seven-Point Agenda of the Government which would ultimately impact positively on the enjoyment of human rights in Nigeria, especially the economic, social and cultural rights. In the same respect, the delegation reported that the government had developed a National Action Plan (NAP) on the Promotion and Protection of Human Rights in the country. As a product of collaboration between the government on one hand, and the National Human Rights Commission and civil society organisations on the other, the delegation noted that the Federal Executive Council had approved the Plan in November 2008. This plan heralded the first time in Nigeria that the government was committing itself in writing, not only to protect and promote human rights in the country, but also to work closely with the civil society organisations and international human rights non-governmental organisations in the achievement of this objective.

As a mitigating measure, the delegation reported that the Police and Court Duty Solicitor Scheme (PCDSS) was established by the Legal Aid Council in collaboration with the Nigeria Police Force, the Open Society Justice Initiative and McArthur Foundation, to tackle the problems of pre-trial detention in Nigeria. The Council, it was reported, also provides Community Legal Aid Clinic to rural communities by way of alternative dispute resolution, community sensitisation and awareness campaign, crime prevention and post-allegation assistance. Also, it recalled that the Government had mandated the Nigerian Law Reform Commission since 2006 to embark on the reform of the Nigerian Family Law in three phases.

As efforts to combat child trafficking, it was reported that Government had adopted collaborative initiatives with various stakeholders on human trafficking which resulted in the design, implementation and monitoring of programmes to rescue, rehabilitate and reintegrate victims of human trafficking. In line with international standards, careful plans were developed for reception, sheltering, and counselling of each trafficked person, including a tracing mechanism for reuniting victims with their families, skills acquisition programmes and start-up grants/loans. According to the delegation, the National Agency for Prohibition of Trafficking in Persons established shelters in many parts of the country, in some cases with the support of the International Organisation for Migration and UNICEF.

Other remedial initiatives include commitment under the National Policy on Education, to carry out a census of all physically or emotionally challenged children with a view to meeting their special needs, the establishment of a National Gender Data Bank for the purpose of generating and analysing data on the prevalence and pattern of violence against women and discriminatory practices; introduction of the National Food and Nutrition Policy 2001 and the National Guidelines on Micronutrients Deficiencies and Control in Nigeria in 2005, the establishment of National Policy and Plan of Action for the Elimination of Female Genital Mutilation in Nigeria 2002, with eleven States of the Federation passing similar legislation to prohibit female genital mutilation, and Government support for the creation of functional youth and youth-friendly centres to meet the needs of young people and adolescents.

The delegation highlighted the expectations of Nigeria in terms of technical assistance for human rights programmes and noted that the Government of Nigeria was expecting international support in the area of training to enhance capacity for legal aid officials, increased funding and capacity building for legal aid institutions, and equipment for modernisation of court systems

and processes. It also reported that the government was also expecting support in the human rights training for police officers, material support for human rights desks at police establishments, training for investigation officers, and training and equipment in forensic technology. On environmental protection, it was reported that the government expected technical assistance in the control of desertification and erosion, as well as in ecological recovery in communities under the effects of oil spillage and gas flaring.

In its concluding remarks, the delegation noted that Nigeria hoped that by this report, it had given a true and better picture of Nigeria's efforts at promoting and protecting human rights in the country and had contributed to the development of regional and international strategies for achieving human rights objectives. Whereas there are still challenges, the delegation noted that Nigeria was confident that she would, in collaboration with others, overcome them sooner than later. The delegation also noted that Nigeria wanted to use the opportunity provided by the review to assure the Council that in spite of obvious difficulties and constraints, she was determined to fulfil all obligations under international human rights instruments to which she is a State-Party.

The delegation restated that the opportunity created by the Universal Periodic Review, broadened national consultations on human rights issues, bringing together for the first time, representatives of government, civil society and various interest groups, which had proved to be a veritable innovation for fostering greater understanding and unity among sectors with divergent views on human rights in Nigeria. Noting the gains of the broad levels of consultations on human rights issues during the preparation of the national report, the delegation maintained that the Government of Nigeria, was committed to making such consultations an annual event.



CHAPTER TWO

UNITED NATIONS TREATY BODIES AND SPECIAL PROCEDURE REPORT

Overview

In accordance with paragraph 15(B) of the Annex to the Human Rights Council Resolution 5/1, information contained in the reports of treaty bodies, special procedures, including observations and comments of relevant official United Nations documents were compiled by the Office of the High Commissioner for Human Rights and relied upon by Member States during Nigeria's first Universal Periodic Review.⁵ In the United Nations report, the delegation was informed that Nigeria was encouraged to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families Convention; ratify the Convention on the Rights of Persons with Disabilities (CRPD) and the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED) and to accept the amendment to article 20, paragraph 1.

Also the Committee on the Elimination of Racial Discrimination (CERD) strongly recommended that Nigeria should consider

⁵ Human Rights Council, Working Group on the Universal Periodic Review (4th Session) 2009 A/HRC/WG.6/4/NGA/2 Compilation prepared by the Office of the High Commissioner for Human Rights, in accordance with paragraph 15(b) of the annex to Human Rights Council Resolution 5/1 NIGERIA

the possibility of making the optional declaration provided for in article 14, and ratify the amendments to article 8, paragraph 6, of the Convention. The delegation was accosted with the recommendation of the Committee on the Rights of the Child (CRC) to the effect that Nigeria should immediately ratify and implement Optional Protocol to the CRC on the sale of children, child prostitution and child pornography (OP-CRC-SC) and Optional Protocol to the CRC on the involvement of children in armed conflict (OP-CRC-AC). The Committee on the Rights of the Child noted that in 2006, the Government of Nigeria undertook to accede, as soon as practicable, to International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW) and to examine the possibility of signing, ratifying or acceding to other human rights instruments.

2.1. Normative and Institutional Framework

On issues relating to constitutional and legislative framework, the United Nations 2001 Common Country Assessment (CCA) report noted that whereas economic, social and cultural rights are enshrined in Chapter II of the Constitution, these rights are non-justiciable as section 6(6)(c) of the Constitution prevents the courts from looking into whether they have been implemented. Also, much of the existing legislation at federal, state and local levels, in particular the religious and customary laws, did not fully comply with the principles and provisions of the CRC. Similarly, the CERD noted with concern that the main principles of ICERD had not been incorporated into domestic law and that while Nigeria reaffirmed in 2006 its commitment to accelerate the process of full domestication of relevant international human rights conventions, the CEDAW noted the rejection by the National Assembly of a 2005 draft bill on full domestication of the Convention.

The United Nations report welcomed the fact that the National Human Rights Commission of Nigeria (NHRC) was accredited

by the International Coordinating Committee of National Institutions (ICC) with “A” status in 2000 and whereas Nigeria reaffirmed in 2006 its commitment to strengthen and actively support the work of the NHRC, a special review of the NHRC was conducted by the ICC Sub-Committee on Accreditation due to the dismissal of the Executive Secretary of the NHRC. In June 2006, the Special Representative of the Secretary-General on Human Rights Defenders sent a joint communication regarding this removal, expressing deep concern that the actions of the Government of Nigeria represented a means to obstruct the work of the NHRC. Subsequently, the NHRC was downgraded to “B” status at the October 2007 meeting of the ICC Sub-Committee.

The Committee on the Rights of the Child welcomed the appointment of a Special Rapporteur on Child Rights within the NHRC but remained concerned that its mandate was not provided with sufficient resources. The Committee was seriously concerned about the apparent lack of coordination among national and state level authorities and by the serious lack of resources allocated to the Department of Child Development in the Ministry of Women’s Affairs and Social Development, and to the National Child Rights Implementation Committee.

While CERD and CRC welcomed the adoption, in 2004, of the National Plan of Action on the promotion and protection of human rights, the Committee on the Rights of the Child remained concerned that it did not cover all areas of the Convention. In a similar vein, while the CEDAW Committee welcomed the adoption of the National Gender Policy and of a number of strategies, policies, and programmes in areas such as education, health, reproductive health and nutrition since the consideration of Nigeria’s fourth and fifth periodic report in 2004, it further encouraged Nigeria to expand and strengthen existing efforts regarding human rights education, including paying particular attention to general recommendation XIII (1993), according to which law enforcement officials should receive specific training.

2.2. Cooperation with Human Rights Mechanisms and Treaty Bodies

The delegation was informed that Nigeria's CERD report was submitted and considered in 2004. However, Nigeria's concluding observations in 2005 and the follow up response had been overdue since 2006 and the nineteenth and twentieth report had been overdue since January 2008. The delegation was also informed that even though the CDESCR report was submitted and considered in 1996 and the concluding observations presented in 1998, the second report had been overdue since 2000. On the other hand, Nigeria's report to the Human Rights Committee was submitted and considered in 1996 and concluding observations in 1996, but second report had been overdue since 1999. Also, its first and second Convention Against Torture (CAT) report had been overdue since 2002 and 2006 respectively.

On cooperation with special procedures, the delegation was informed that Nigeria had issued no standing invitation to the United Nations Special Procedure mandate holders and that the latest visit or mission report of a special procedure mandate holder was the Special Rapporteur on freedom of religion or belief which was in March 2005; Special Representative of the Secretary-General on the situation of human rights defenders in May 2005; Special Rapporteurs on extrajudicial, summary or arbitrary executions in July, 2005. The delegation was informed that the special procedure visits agreed in principle by Nigeria were Special Rapporteurs on independence of judges and lawyers; on violence against women; on trafficking in persons and Representative of the Secretary-General on internally displaced persons. On visits requested and not yet agreed, the delegation was informed that the Special Rapporteur on adequate housing submitted a request to Nigeria in 2005.

On follow-up visits and responses to letters of allegation and urgent appeals, it was noted that about 27 communications were

sent within the four year period to the Government of Nigeria. In addition to communications sent for particular groups, 64 individuals, including 2 women, were the focus of these communications and the government replied to only 1 communication, amounting to 3 per cent performance. While noting that Nigeria made voluntary contributions to support the work of OHCHR in 2004 and 2005, and in 2008 hosted the African regional meeting in preparation for the Durban Review Conference on racism, xenophobia and related intolerance, its responses to questionnaires and thematic issues from Special Procedure mandate holders were dismal. Out of the 12 questionnaires sent by special procedures mandate holders during the period under review, Nigeria responded to none within the deadlines.

2.3. Implementation of International Human Rights Obligations

On the issue of equality and non-discrimination, the delegation was informed that CEDAW expressed concern at contradictions and inconsistencies created by the application of statutory, customary and Sharia laws in Nigeria's tripartite legal system. It also noted with concern the existence of discriminatory provisions within these sources of law with regard to marriage, divorce, custody of children and inheritance. CEDAW was concerned about the persistence of patriarchal attitudes and deep-rooted stereotypes concerning women's roles and responsibilities that discriminate against women. CEDAW also expressed serious concern about the persistence of entrenched harmful traditional and cultural norms and practices.

While welcoming the efforts undertaken in the area of legal reform, CEDAW noted that a draft bill on "Abolition of All Forms of Discrimination against Women in Nigeria and Other Related Matters" was not approved by the National Assembly. It recommended *inter alia* the repeal of section 55 of the

Penal Code of Northern Nigeria, which allows wife battery as “chastisement” as long as grievous harm is not inflicted. On the other hand, CERD was concerned about the absence of a legal definition of racial discrimination in domestic law and noted that the guarantees against racial discrimination contained in section 42 of the Constitution do not extend to non-citizens.

CERD in 2005 and CEDAW in 2008 noted with concern that the provision regarding the acquisition of nationality as laid down in the Constitution did not appear to comply fully with the Convention, since it stipulated that a foreign man was unable to acquire Nigerian nationality in the same manner as a foreign woman. CERD remained concerned that members of ethnic communities of the Muslim faith, in particular, Muslim women, could be subjected to harsher sentences than other Nigerians. While welcoming the initiatives taken to reform the laws relating to children, in particular the adoption of the Child Rights Act in 2003, CRC remained concerned that only 4 out of 36 states had enacted this Act.

CRC reiterated its previous concern that children belonging to vulnerable groups, including girls, children living in poverty, children with disabilities and children belonging to minority groups, continue to face serious and widespread discrimination. It noted the 2004 UNDP report on Nigeria’s work with UNESCO which relies on preventive education to counter ignorance and misconceptions associated with HIV and AIDS and to provide adequate knowledge on all aspects of HIV and AIDS. In order to defeat prejudice and discrimination, the delegation was informed of a 2008 UNICEF report which noted that only 30 per cent of children are registered at birth. CRC urged Nigeria to adopt short and long-term approach in ensuring appropriate registration.

In relation to right to life, liberty and security of the person, the delegation was informed that the Special Rapporteur on extrajudicial, summary or arbitrary executions found in 2005 a number of serious problems in relation to the application of

the death penalty. The CRC was seriously concerned about the applicability of the death penalty to persons below 18 under the Sharia law and the Special Rapporteur noted in 2008 that, although amnesty and the commutation of some sentences for death row inmates were announced, such measures were not fully implemented. According to the Special Rapporteur, despite claims for many years by Nigeria that it has had a moratorium on the death penalty it has become apparent that the death penalty was being carried out in secret.

The Special Rapporteur on extrajudicial, summary or arbitrary executions reported in 2005 that extrajudicial executions by police were widespread, and included the killing of suspected criminals, excessive and arbitrary use of force, and deaths in custody. CERD also expressed deep concern about numerous reports of ill-treatment, use of excessive force and extrajudicial killings as well as arbitrary arrests and detentions by law enforcement officials in attempts to quell incidents of inter-communal, inter-ethnic and interreligious violence. The report further stated that the problem of violence by vigilantes and criminal organisations has significantly worsened and that the CRC was deeply concerned about the impact of communal conflicts on children, alarmed by the reports of indiscriminate extrajudicial killings in communal conflicts, where children and adults were routinely killed, shot to death and burnt.

The UNCT CCA report indicated that the most serious allegations against the police remained the routine use of torture to extract confessions from suspects. In 2007, the Special Rapporteur on the question of torture noted that torture and ill-treatment are widely-deployed in police custody; they are particularly systemic in the Criminal Investigation Departments as torture is an intrinsic part of the functioning of the police in Nigeria with appalling conditions in the detention facilities.

In 2005, the Special Rapporteur on freedom of religion or belief noted that punishments such as stoning and amputation

constituted, cruel, inhuman and degrading treatments, which is prohibited in absolute terms by various international conventions to which Nigeria is a party to. CRC raised similar concerns with regards to the sentencing of persons below 18 years. The CRC was also deeply concerned about traditional and discriminatory attitudes and behaviour towards women and children, contributing inter alia to violence, abuse, including sexual abuse, killing, torture and extortion; and the generally high level of acceptance of domestic violence among law enforcement officials and court personnel. In 2008, CEDAW expressed concern about the continuing prevalence of violence against women and the absence of a comprehensive national law on this issue.

A 2001 CCA report noted the prevalence of harmful traditional practices, including female genital mutilation (FGM). In 2005, CRC reiterated its concern about the widespread and continuing existence of FGM, as well as scarification and ritual killing of children. In 2008, CEDAW also noted the continued high incidence of FGM in some areas of the country and urged Nigeria to enact national legislation to prohibit FGM. In 2005, CRC took note that article 221 of the Child Rights Act prohibits corporal punishment in judicial settings; nevertheless, it remained concerned that corporal punishment was still widely practised in the penal system, as well as in families and schools.

While CEDAW, CERD and CRC acknowledged the measures taken to combat trafficking in women and children, CEDAW and CERD were concerned that trafficking remained a serious problem. On the other hand, CRC expressed concern about the significant number of children working as domestic servants, in plantations, in the mining and quarrying sector, and as beggars on the streets. CRC was also gravely worried by the reports of forced child labour. While acknowledging the efforts made, it regretted that the outcomes of such efforts had been poor. It was also deeply concerned that the number of children who fall victim to sexual exploitation was on the increase and noted with concern

the increase of reports of sexual assaults and rape of young girls, especially in the northern part of Nigeria.

On concerns relating to administration of justice, including impunity and the rule of law, the Special Rapporteur on freedom of religion or belief noted in 2005 that certain provisions as well as the practice of some Sharia courts appeared to be in contravention of the principles of *nulla poena sine lege* and of equality before the law. CRC remained gravely concerned that the juvenile justice system, in particular, the Sharia court system, does not conform to international norms and standards. In 2005, the Special Rapporteur on extrajudicial, summary or arbitrary executions reported that the police enjoyed impunity for extrajudicial executions; the Nigerian criminal justice system was found to be inadequate at nearly every level; and these problems facilitated “vigilante justice” by criminal organisations. He noted that virtually every component part of the system functions badly and the result is a vicious circle in which each group, contributing to the problem, is content to put the blame on others.

The Special Rapporteur further stated in 2008 that police continued to kill with impunity. The Special Representative of the Secretary-General on human rights defenders also expressed concerns about impunity by perpetrators of human rights violations. CERD noted the establishment of numerous bodies to investigate cases of ill-treatment, use of excessive force and extrajudicial killings as well as arbitrary arrests and detentions by law enforcement officials in a bid to quell incidents of inter-communal, inter-ethnic and interreligious violence. Additionally, it expressed worries that most of the investigations failed to produce prosecutions and sentences, commensurate with the gravity of the crimes committed, leading to the entrenchment of impunity.

A 2001 CCA report indicated that corruption is believed to be widespread and endemic in Nigeria; however, only a few cases of bribery and corruption get reported to the police yearly. In 2005, the Special Rapporteur on extrajudicial, summary or arbitrary

executions noted that the fight against corruption at all levels was closely linked to issues of extrajudicial executions. While he noted initiatives that had succeeded in targeting some of the most prominent cases, he stated in 2008 that police corruption was rampant; and in 2007, the Special Rapporteur on torture also noted that corruption was endemic. The report noted that bringing charges of wife-battering and similar crimes to court was difficult because the entire system of justice reflected the gender bias that tolerated domestic violence. It was noted that the Federal Government had, in 1999, set up the Human Rights Violations Investigation Panel to probe the gross violations of human rights committed since 1966.

In 2008, an ILO Committee of Experts noted the government's indication that this Panel had concluded its assignment and forwarded the report to the Federal Government, which was supposed to release a white paper on it, but eventually did not. On right to privacy, marriage and family life, the CRC was particularly concerned about the reports of a large number of young women suffering cases of vesico-vaginal fistula, VVF, and recommended that the State amended existing legislation to prevent early marriage and develop sensitisation programmes to curb the practice of early marriages.

In 2007, the Special Representative of the Secretary-General on human rights defenders, the Special Rapporteur on racism, the Special Rapporteur on violence against women, and the Special Rapporteur on the right to health expressed deep concern about the draft "Bill for an Act to Make Provisions for the Prohibition of Relationships between Persons of the Same Sex, Celebration of Marriage by Them, and for Other Matters Connected Therewith". According to their statement, provisions of the draft Bill discriminated against a section of the society, and constituted an absolutely unjustified intrusion of an individual's right to privacy.

In addition to clear elements of discrimination and persecution on the basis of sexual orientation, the Bill contained provisions

that infringe upon freedoms of assembly and association and implied serious consequences for the exercise of the freedom of expression and opinion. In relation to freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life, the Special Rapporteur on freedom of religion or belief pointed out that increasingly, societal attitudes were translated into religious terms, which exacerbated the differences between religions, creating a climate of religious intolerance.

The possibility, at least in theory, that Muslims could be convicted and sentenced to death because they converted to another religion constituted a clear violation of the right to freedom of religion or belief. On the other hand, the Special Rapporteur also noted that a particularly alarming development in the implementation of Sharia has been the institutionalisation of enforcement bodies known as Hisbah, whose activities often resulted in a number of violent, arbitrary and illegal acts, especially against non-Muslim women, which in many cases amounted to human rights violations.

In the period under review, approximately 27 per cent of communications transmitted by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Representative of the Secretary-General on human rights defenders to the Federal Government dwelled on freedom of expression as regards the work of journalists and human rights defenders. In 2005, the Special Representative expressed concern over the situation of journalists working on corruption and good governance, the situation of trade unions and of labour activists and noted the difficulties encountered by economic, social and environmental rights activists particularly in the Niger Delta region and those encountered by women's rights activists.

The Special Representative observed that there was a lack of response from the authorities to the issues raised by human rights defenders and that the level of impunity remained high which greatly

increased their vulnerability. While noting the Federal Character Commission (FCC), CERD remained concerned about reports of continuing practices of patronage and traditional linkages based on ethnic origin, leading to the marginalisation of certain ethnic groups in government, legislative bodies and the judiciary. On the efforts made to increase the number of women in both elective and appointed positions in public office, in the diplomatic service and in international organisations, CEDAW was concerned that women continued to be seriously underrepresented.

It noted that women's representation in the National Assembly at the period under review, stood at 6.9 per cent in the House of Representatives and 8.3 per cent in the Senate, far below the 35 per cent minimum representation stipulated in the National Gender Policy. Reporting on the right to work and to just and favourable conditions of work, the 2008 ILO Committee of Experts referred to the government's indication that the Labour Standards Bill covers discrimination on the grounds of race, colour, religion and social origin. The Committee noted the concerns expressed by CERD over persistent allegations that members of the Osu and other similar community 'outcasts', were still subjected to discriminatory treatment, even in employment matters.

While noting a draft Labour Standards Bill, CEDAW was concerned about the persistent wage gap between men and women, women's higher unemployment rate and discriminatory legislation. It also noted with concern discriminatory practices in the private sector, with respect to maternity and marital status. CEDAW also noted the prevalence of sexual harassment at the workplace and the absence of legislation and measures to address this.

On right to social security and adequate standard of living, CEDAW, while noting comprehensive development and poverty reduction strategies, was concerned that widespread poverty among women and poor socio-economic conditions were responsible for violation of women's human rights as well as

the and discrimination against them. It also noted with concern that discriminatory practices with regard to land ownership, administration of property and inheritance, limited women's access to economic resources like credit and loan facilities.

CEDAW was especially concerned about the very high maternal mortality rate, the second highest in the world, and regretted that there had been no progress in reducing the maternal mortality rate. CEDAW called upon Nigeria *inter alia* to improve the availability and affordability of sexual and reproductive health services, assess the impact of its abortion law on the maternal mortality rate and possibly consider modifications. Also, the 2002-2007 United Nations Development Assistance Framework report noted that available data showed that the availability and accessibility to quality health care services in Nigeria was poor. As such, CEDAW urged Nigeria to continue its efforts at improving the health infrastructure, while ensuring women's access to quality and affordable health-care, particularly at the primary level in the rural areas.

In view of the high proportion of children living in poverty, CRC noted with concern the lack of reliable information regarding the coverage of the social security plans in place *vis-à-vis* the needs of children and their families. CRC recommended that the States should ensure that street children were provided with adequate nutrition, clothing, housing, health care, and educational opportunities. Likewise, a 2008 WHO/UNAIDS/UNICEF report indicated there was limited knowledge about how HIV was transmitted and could be prevented, particularly amongst young people. CRC was particularly concerned that according to UNAIDS estimates, there were over 1 million AIDS orphans, making Nigeria the country with the highest number of AIDS orphans worldwide. CRC recommended that Nigeria should continue its efforts in preventing the spread of HIV/AIDS and providing treatment, while urgently increasing alternative-care opportunities for children.

In respect of right to education, the CRC welcomed the fact that education was given the highest priority in the annual budget and the development of the Strategy for Acceleration of Girls' Education. However, CRC remained concerned about the various problems in the educational system and recommended *inter alia* that Nigeria should take appropriate measures, in order to ensure that primary education is made compulsory, while addressing the high illiteracy rates. A 2007 UNESCO report noted that, in recent years, Nigeria had taken measures to compensate relatively underdeveloped and under-resourced regions, which generally posted the lowest levels of educational provision and attainment.

On minorities and indigenous peoples, the CCA report noted that the underdevelopment of the oil-rich communities constituted violations of the rights of ethnic groups. It observed that through various laws, ethnic groups were being denied access to appreciable degree of the natural resources within their geographical boundaries. In 2005, the Working Group on Minorities noted from reports received that the Niger Delta was home to several minority ethnic groups that were being marginalised culturally, economically and politically without mechanisms in place to shield them from the intimidation of other dominant ethnic groups. The Working Group on Minorities also noted reports of loss of land, property and resources through confiscation by the dominant groups. CERD also expressed concerns about persistent allegations that people classified as 'osu' were being socially excluded in terms of employment and marriage.

On migrants, refugees and asylum seekers, the CRC noted that Nigeria was host to a large group of refugees from neighbouring countries and according to a 2008 UNHCR report, Nigeria had hosted more than 6,500 refugees so far. Concerned about the situation of refugees and internally displaced children living in refugee camps, the CRC was particularly concerned as regards reports of sexual exploitation of refugee girls and women within and outside the camps. CRC therefore recommended that Nigeria

inter alia should ensure that all displaced and refugee children and their families had access to health and education. CRC noted that communal clashes linked to political, religious and ethnic differences had led to a large population of internally displaced persons and CEDAW requested the State to pay particular attention to the needs of internally-displaced women.

Following the 2002 ruling by the International Court of Justice, ceding the Bakassi peninsula to Cameroon, a 2008 OCHA report noted that up to 100,000 Nigerians displaced from Bakassi in southern Nigeria were being sheltered in makeshift camps. CERD was deeply concerned about the adverse effects on the environment of ethnic communities through large-scale exploitation of natural resources in the Niger Delta region and other riverine states, in particular, the Ogoni areas. It was worried about Nigeria's failure to engage in meaningful consultation with the concerned communities, as well as the deleterious effects of the oil production activities on local infrastructure, economy, health and education. CERD recommended inter alia that Nigeria should repeal the Land Use Act 1978 and the Petroleum Decree, and adopt a legislative framework which clearly sets forth the broad principles governing the exploitation of the land, including the obligation to abide by strict environmental standards as well as fair and equitable revenue distribution. CERD was alarmed at the reports of assaults, use of excessive force, summary executions and other abuses against members of local communities by law enforcement agents and other security personnel engaged by the petroleum corporations.

CERD welcomed the establishment of the National Inter-religious Council and the Institute for Peace and Conflict to promote inter-ethnic, inter-communal and interreligious harmony. The United Nations Development Group (UNDG) report noted important advances in polio eradication, and an 80 per cent reduction recorded in 2007 compared to the beginning of 2006. CRC acknowledged challenges faced by Nigeria, namely

the long-standing ethnic, religious and civil strife, economic constraints including, poverty, unemployment and the heavy debt burden, which may have impeded progress to the full realisation of children's rights as enshrined in the Convention. A UNAIDS report had noted that Nigeria has the largest HIV epidemic in West Africa with 2.6 million people living with HIV, which disproportionately affected women.

CERD requested Nigeria to provide, within one year, information on measures being taken in response to its recommendations relating to inter-ethnic, inter-communal and interreligious violence; numerous reports of ill-treatment, use of excessive force and extrajudicial killings as well as the arbitrary arrests and detentions by law enforcement officials, large-scale exploitation of natural resources in the Delta region and other riverine states. The Special Rapporteur on extrajudicial, summary or arbitrary executions issued recommendations to the government relating to the commission of inquiry; the death penalty; impunity; police reform; vigilantism; development assistance; and accountability of the armed forces.

Since his visit, the Special Rapporteur concluded in 2008 that very little progress had been made regarding the follow-up to the recommendations. He stated that for the majority of the recommendations made, Nigeria failed to make any progress at all. While he noted that the positive initiatives implemented over the preceding two and a half years were encouraging, he urged Nigeria to continue promoting their effective follow-through.

The Special Rapporteur on torture also issued recommendations relating to issues like impunity, safeguards during arrest and detention, conditions of detention, corporal punishment, capital punishment, violence against women, and prevention of torture and ill-treatment. The Special Representative of the Secretary-General on human rights defenders recommended that the government *inter alia* should review the provisions and implementation of the Public Order Act and expedite the process of adopting an

adequate legislative framework for freedom of information. The Special Rapporteur on freedom of religion or belief recommended that the government *inter alia* strengthen education on religious tolerance in schools and ensure that the Sharia penal code was in conformity with international human rights, while monitoring and protecting the rights of religious minorities to make sure justice was done concerning instances of inter-religious conflict.

While the 2002-2007 United Nations Development Assistance Framework (UNDAF) report highlighted priority areas of focus including promoting good governance and human rights, reducing poverty, and reducing the incidence and impact of HIV/AIDS, malaria, tuberculosis, and other infectious diseases, CRC recommended that Nigeria should seek technical assistance from other organisations, especially UNFPA and UNICEF with regard to adolescent health problems; from UNICEF and WHO with regard to violence, abuse, neglect, killing, torture and extortion of women and children as well as drug abuse by children; from UNICEF with regard to prevention and control of HIV/AIDS; and from UNICEF and UNESCO with regard to the right to education. CRC further recommended that Nigeria should continue its cooperation with, *inter alia*, UNICEF and IOM with regard to trafficking in women and children.



OTHER STAKEHOLDERS' REPORT

Overview

Ten stakeholders, including the National Human Rights Commission (NHRC) submitted reports to the Human Rights Council on status of human rights in Nigeria.⁶ On their part, the NHRC recommended to the delegation that the Bills on CEDAW and the Convention on Persons with Disabilities before the National Assembly should be passed without further delay and that efforts should be streamlined to ensure that Nigeria updated its Periodic Reports to all United Nations bodies. It also noted that the Government should ensure the appointment of treaty reporting officers in all Ministries, Departments and Agencies (MDAs), apart from ratifying and domesticating the International Convention on the Protection of all Migrant Workers and their Families, and the Convention on the Rights of Persons with Disabilities. On the other hand, the Nigeria's CSO, Coalition on the Universal Periodic Review Joint Submission (JS1), indicated that Nigeria had neither domesticated CEDAW nor implemented the Beijing Platform for Action. It also recommended that steps should be taken to "domesticate" the 1984 United Nations Convention Against Torture.

6 Human Rights Council, Working Group on the Universal Periodic Review (4th Session) 2009 A/HRC/WG.6/4/NGA/3 Summary prepared by the Office of the High Commissioner for Human Rights, in accordance with paragraph 15(c) of the annex to Human Rights Council Resolution 5/1 NIGERIA

On the subject of cooperation with human rights mechanisms, Commonwealth Human Rights Initiative (CHRI) indicated that Nigeria had not extended an open invitation to the United Nations Human Rights Council's Special Procedures. Unrepresented Nations and Peoples Organisation (UNPO) urged Nigeria to extend an invitation to the Special Representative of the Secretary General on human rights and transnational corporations and other business enterprises to investigate the possible human rights violations resulting from activities in the Niger Delta. CHRI also reported that, as a member of the United Nations Human Rights Council, Nigeria had attempted repeatedly to limit Special Procedures of the Council to a code of conduct. Similarly, the NHRC reported it was partnering with other stakeholders to create a national mechanism that would ensure broad consultation in the preparation of Nigeria's periodic reports to treaty bodies as well as the implementation of concluding observations and recommendations.

Reporting on the implementation of international human rights obligations, including equality and non-discrimination, the NHRC reported that in Nigeria, women experienced discrimination due to the slow pace at which laws relating to women's rights were passed by the legislature at different tiers coupled with the poor enforcement mechanisms of the existing legislation. The Human Rights Watch (HRW) reported that Government policies, discriminating against individuals deemed not to be "indigenes" (descendants of the original inhabitants) of their communities were making issues of local citizenship in Nigeria, increasingly contentious, while the failure of Government to combat worsening poverty had exacerbated many inter-communal conflicts, resulting from stiff competition for scarce economic resources. Also, Christian Solidarity Worldwide (CSW) reported that non-Muslims in the northern and central "Sharia states" were generally denied the same rights, societal advantages and governmental protection

that Muslims enjoyed.

Some states were also reported to be forcibly depriving Christians of their churches and premises and denying them of compensations and reimbursements after religiously-motivated attacks. They also rarely received sufficient protection from state authorities after such violence has occurred. CSW also reported discrimination towards Christians in obtaining state sector jobs, and in progressing in their professions, with such deliberate exclusions extending to representation within local government authorities and the educational system. CSW indicated that Christian students were also being denied the opportunity of attending higher institutions or earning scholarships to pursue same.

On right to life, liberty and security, the Civil Liberties Organisation (CLO) with the support of the International Federation for Human Rights (JS2) indicated that capital punishment was still applicable under Nigeria's laws, especially under the Sharia penal code, which is in force in twelve northern states, and prescribes death by stoning for offences like adultery and armed robbery. HRW reported that since 2000, Sharia courts have had jurisdiction over criminal cases in 12 of Nigeria's 36 states, with provisions for sentences that amounted to cruel, inhuman, and degrading treatments like floggings, amputation and death sentences. While capital sentences get thrown away on appeal, Sharia courts had continued to hand down death sentences. CHRI noted allegations that a number of inmates had been executed secretly while in detention; seven executions by hanging were alleged to have been done in two years.

NHRC reported receiving daily complaints on the use of cruel, inhuman and degrading means to extract "confessions" from suspects, with 40 per cent of complaints received relating to torture and extra-judicial killings done by the police and vigilante groups. JS1 indicated that torture, in the form of dehumanising conditions and corporal torture were selectively applied against

poor, uneducated and powerless citizens. JS2 also reported that law enforcement agents, especially the police, illegally arrested, detained, whipped, tortured, extorted and killed people; and in some instances, innocent citizens unlawfully arrested, were extorted if found with money and other valuable, or shot dead after being deceitfully classified as ‘armed robbers’. Similar concerns over deeply entrenched patterns of extortion, torture, and other forms of ill treatment by the police were expressed by HRW, which also reported that the government had failed to provide adequate resources and training to police officers and had made no significant effort to hold members of the security forces accountable for these misdeeds.

3.1. Normative and Institutional Framework

The NHRC indicated that while the ICCPR has force of law in Nigeria under Chapter IV of the 1999 Constitution, the ICESCR does not, because the provisions of Chapter II relating to economic, social and cultural rights are non-justiciable. It further reported that since the “domestication” of the CRC as the Child Rights Act 2003, 18 states had adopted the law in Nigeria. However, adoption of the law in some states in the Northern part of the country has continued to pose a challenge. According to JS1, a civil society-driven process for reviewing the Police Act of 1943, with a draft Police Bill which embodies modern day techniques of democratic policing and human rights principles, has yet to become law. JS1 also reported that the current Prisons Act, enacted in 1947, was yet to undergo any fundamental reform, even as a draft Prisons Bill had been presented to the National Assembly since 2004.

CHRI reported that the Nigerian Constitution provides that the Sharia law may be applied to criminal offences only if the National Assembly and the State House of Assembly enacted the Sharia offence and punishment, but the unconstitutional implementation of the Sharia law had reportedly seen Sharia courts prescribing

corporal punishments, such as limb amputation, and applied discriminatory standards against women in relation to rules of evidence in adultery cases.

On institutional and human rights infrastructure, the NHRC noted that it was established by the National Human Rights Act of 1995 for the promotion and protection of human rights. Although UNPO welcomed the existence of a NHRC, it reported that its independence is unfortunately not guaranteed. In 2006, Mr. Bello, the head of the NHRC at the time, was removed by the Federal Minister of Justice after he condemned the arrest of two journalists by the state for criticising the spending policy of former President Olusegun Obasanjo. The CHRI also expressed similar concerns. The NHRC reported that Government of Nigeria had submitted an Executive Bill to the National Assembly for the purpose of amending the National Human Rights Act of 1995, which was at an advanced stage, with the aim of ensuring legislative and institutional strengthening of the NHRC. The CSW welcomed recent efforts of bodies such as the Nigeria Inter-Religious Council (NIREC) towards reducing religious hostilities in Nigeria.

According to NHRC, the implementation of the child rights law in the states posed a challenge due to the cost implication of setting up the institutions required to facilitate Child Justice Administration. It indicated that Nigeria in 2001 developed a National Action Plan (NAP) for the promotion and protection of human rights, which was renewed in 2008 and that, in fulfilment of pledges and commitments, the NHRC had been a part of the many legislative and administrative engagements directed towards the “domestication” and dissemination of international human rights instruments to which Nigeria is party.

3.2. Other Human Rights Issues

JS1 reported that extrajudicial executions were also widespread, with internal and external oversight mechanisms for investigating misconduct and ensuring accountability weak and grossly inadequate. CHRI indicated that law enforcement agencies like the police were known for killing persons at check points, in custody and at “escort grounds,” which are hidden places where the police usually shoot suspects extra-judicially and cover up the act from public knowledge. HRW reported that the police had continued to be implicated in numerous extrajudicial killings in the course of their operations, with official sources indicating that some 10,000 Nigerians had been shot and killed by police officers since 2000. JS2 indicated that high profile and targeted killings of politicians and voices of dissent were sponsored by Government and its agencies. Reporters Without Borders (RSF) said credible investigations needed to be carried out concerning the deaths of two journalists, while genuine programmes to fight impunity by security personnel against journalists should be initiated by the federal authorities.

HRW reported that more than 11,000 Nigerians had died in violent inter-communal clashes since 1999, and though inter-communal violence remained common, the government had failed to take measures to effectively address the problems. CSW also indicated that in recent years, a number of religiously-motivated assaults, riots and killings had happened in educational establishments, heralded by unsubstantiated accusations of blasphemy, and that efforts by local authorities to protect Christians had been ineffective under such circumstances in most of the sharia states, while the actions of some state authorities, often suggested some degree of complicity. Recognising gender-based violence as a problem, NHRC indicated that poor response of law enforcement agents and the administration of justice system were engendering low rates of reporting. NHRC also reported that rape

and other sexual offences, human trafficking and cultural practices (child marriage, Female Genital Mutilation, harmful widowhood practices etc.) were special challenges in this area.

JS1 reported that Nigeria's prison system was beset with problems which included high awaiting trial population occasioning congestion, poor sanitary and health facilities and decaying infrastructure. The government had however set up several panels for reforms in the past four years, which consistently recommended far-reaching reforms, but successive governments had shown apathy towards implementing these. NHRC reported that 85 per cent of the existing infrastructure and facilities in the prisons were constructed before independence in 1960 and had undergone little or no effective renovation since then. According to NHRC, in some instances, congestion in the prisons and detention centres located in the cities exceeded 200 per cent, while the suburbs appeared less congested. NHRC also indicated that children were trafficked and exploited daily, regardless of the laws against these practices, with the sale of babies becoming a disturbing phenomenon in some parts of the country.

On issues relating to administration of justice, including impunity, and the rule of law, the HRW reported that the government had failed to take any action to ensure accountability for the past atrocities committed by military personnel, including the military's complete destruction of the town of Odi in Bayelsa State in 1999 as well as the massacre of several hundred civilians in Benue State in 2001. The NHRC indicated that the administration of criminal justice in Nigeria was riddled with outdated legislation, corruption, and poor access to justice, with lapses that occur in the course of criminal justice administration often resulting in multiple violations of human rights, while measures put in place by the Federal Government in relation to efficient justice delivery were yet to yield the desired results.

CHRI reported that overcrowding in prisons had caused young children to be detained in the same cells as adult inmates, while NHRC reported that special needs and considerations for women, children, people with disabilities, the elderly and other vulnerable groups in detention centres were grossly inadequate. According to CHRI, special necessities of women such as sanitary items were hardly provided with some nursing mothers delivering their babies in prison, rather than hospitals, while drugs for HIV/AIDS were not regular and provisions not made for detainees with psychiatric needs.

JS1 indicated that prison officials also assaulted inmates, violating constitutional guarantees against cruel, inhuman and degrading treatment, while often denying them good nutrition and access to medical care, buoyed by the absence of adequate health facilities. NHRC also reported that prisons had no vocational plans for the Awaiting Trial Inmates (ATMs) who leave the detention centres without any form of reformation or rehabilitation. JS1 equally noted that in many states, persons arrested for offences bearing capital punishment were often arraigned before courts that lacked jurisdiction over such cases, leading to their remand in custody for extended periods to conclude investigation. In many cases, these suspects were detained for 3 to 10 years as there were no mechanisms to ensure they were brought before the courts within a reasonable time frame. JS1 believes, therefore, that the patent absence of guidelines regarding sentences for judicial officers whose mandate extended to criminal matters is intricately linked to congestion in prisons; and that this category of judicial officers, almost always resorted to imprisonment as a punishment and correctional option.

JS1 indicated that the police was under-funded although there were reported cases of mismanagement of financial resources by top officers, which coupled with poor conditions of service, had made the police as an institution, vulnerable to corrupt practices.

JS1 also blamed the culture of impunity in the police on weak internal and external disciplinary mechanism. CHRI said abuse by the police was associated with a pattern of impunity, arbitrary detention and enforced disappearances, which is endemic to unreformed and outdated policing. CHRI reported allegations that Nigerian police force and security forces commit rape in many different circumstances, both on and off duty, as well as strategically to coerce and intimidate entire communities.

JS2 further reported that police stations in Nigeria are filled with suspects who committed no offence except that they refused to bribe police or had no money to do so, with some of the detainees summarily executed without recourse to due process of law, which metamorphosed to some being labelled as “robbers”. JS2 also reported that Nigerians were held hostages in their residences. According to HRW, the government often thwarted efforts to hold corrupt politicians accountable by removing and arresting senior officials from the Economic and Financial Crimes Commission (EFCC), the only institution that has actively pursued criminal prosecutions against high-level government officials accused of graft. HRW indicated that, although the EFCC was accused of selectively prosecuting government opponents ahead of the 2007 elections, the anti-corruption commission had scored unprecedented successes including ensuring the convictions of former Inspector General of Police, Tafa Balogun and former Bayelsa State Governor, Diepreye Alamieyeseigha.

According to HRW, many trials in Sharia courts failed to conform to international standards of fairness and did not respect due process even going by Sharia legislation; defendants rarely had access to a lawyer, and the poorly trained judges often failed to inform defendants of their basic rights. The manner in which Sharia was applied also discriminated against women, particularly in adultery cases where standards of evidence differed based on the sex of the accused. Similar concerns were expressed by The

Becket Fund (BF). CSW also noted that despite initial assurances that Sharia would only apply to Muslims, non-Muslims were often subjected to it.

Reporting on right to privacy, marriage and family life, JS2 noted that the country's tripartite legal system (statutory, customary and sharia laws) contributed to contradictions and inconsistencies, particularly in the areas of marriage and family law (divorce, custody of children, inheritance). CHRI highlighted the Same-Sex Marriage (Prohibition) Bill 2006, which got fast-tracked by the National Assembly in February, 2007, and got scheduled for a third reading preparatory to being turned into law. According to CHRI, the Bill proposes five years imprisonment *inter alia* for anyone who undergoes, "performs, witnesses, aids, or abets" a same-sex marriage. On freedom of religion or belief, expression, association and peaceful assembly, and the right to participate in public and political life, CSW indicated that with the introduction of the Sharia penal code by twelve of Nigeria's northern and central states, Islam had in effect become the official religion of those states, contravening a provision within the Constitution that prohibited the adoption of a state religion.

CSW also reported that, in Sharia states, converts from Islam could experience extreme societal pressure and even persecution, because under the genre of Sharia law currently prevalent in those states, conversion is seen as apostasy and could mean death. CSW indicated that there were several reports of converts being attacked, imprisoned and even killed for changing their faith, and that once a male member of a non-Muslim family converted to Islam, considerable pressure, would be exerted on female relatives to convert as well. CSW reported that there were rampant reports of Christian women and children being abducted and forcibly converted, and some state's Sharia Commissions, had been implicated in such abductions, while parents would be threatened with violence for attempting to rescue their children.

CSW indicated that Hisbah (Sharia law enforcement corps)

were also often used to harass non-Muslims and the demolition of local church buildings. CSW also reported that in 2006, the Federal Government however outlawed the Hisbah, following intelligence reports that they were seeking foreign funding to train 100 jihadists, but a Supreme Court ruling on the matter proved indecisive, making the dissolution of these forces, yet to be finalised. RSF noted that although Nigeria's Senate had passed in 2006 a Freedom of Information (FOI) Bill granting the media and the general public the right to request information on the business of Government and her agencies, the bill remained unimplemented as at August 2008. CHRI reported that when the Bill reached the House of Representatives, after much delay, in June 2008, it failed for the seventh time during the third reading. RSF deplored the lack of political will from the government to cooperate on the reform of the press law as proposed by local and international NGOs. It therefore recommended that the Government should scrap the existing press law and adopt a new legislation in consonance with democratic standards by eliminating prison terms for perceived media infractions.

JS2 reported that citizens were still not allowed to freely associate or assemble, except when they work for the government in power, while opposition politicians get hounded on account of peaceful meetings. RSF also reported the federal government, often used the feared internal intelligence, the State Security Service/Department of State Security (DSS), while the governors employed the services of private militias to muscle press workers in order to suppress ugly reportage. RSF, on account of this, dubbed the DSS a "press freedom predator" in 2005. NHRC indicated that elections in Nigeria were characterised by several irregularities. While monitoring the 2007 elections, NHRC had observed that the security arrangements were inadequate and personnel ill-equipped to prevent electoral offences and ensure orderly conduct of elections. JS1 reported that in an apparent response to the

seriously flawed 2007 general elections, the nation's leadership had set up an Electoral Reform Committee, even though there were doubts about such commitment, yielding any meaningful changes.

HRW reported that certain powerful politicians from the ruling party were very credibly implicated in mobilising armed gangs for election-related violence and brazen rigging of the elections, but were never investigated for such. HRW also reported that Nigerian political leaders often manipulated inter-communal tensions by actively sponsoring violence to advance their political positions with no consequences. JS2 and NHRC indicated that women constituted less than 20 per cent of the cabinets at federal, state and local government levels. In relation to right to work and to just, favourable conditions of work, JS2 indicated that in spite of the country's wealth, the monthly minimum wage for Nigerian workers was only ₦5,000 (about US\$34) for states and local government workers, while it was ₦7,500 (about US\$50) for federal workers at the time of the review.

Retirees' gratuities also constituted a huge source of worry as most would not get their entitlements until death. JS2 reported several workers' unions to be in dispute with the Government over their demands for better working conditions. It further reported that social welfare facilities were nonexistent and therefore could not cushion the effects of the poor remunerations and miserable living conditions in the country. JS2 noted that while the National Assembly had approved increments in the salaries of its members and those of the local government chairpersons and councillors, such was not extended to the peasant workers; and that workers, especially those in foreign companies were often kept as 'casual workers' with weak contractual arrangements.

On right to social security and to an adequate standard of living, NHRC indicated that the elderly in Nigeria lacked access to adequate benefits due to the lack of necessary legislation to enforce such as well as lack of a comprehensive data base of that category of citizens. NHRC however reported that although

the Government had developed various programmes over the preceding four years on food security, they failed to benefit many due to lack of access to credit facilities. The Center for Reproductive Rights (CRR) reported that the division of health-care responsibilities among the three tiers of government-federal, state, and local was a key structural issue, contributing to high maternal mortality rates. CRR also noted that user fees constituted serious barriers to obtaining quality maternal health care, and that the lack of adequate information and counselling on family planning was also aiding high rate of maternal mortality.

According to CRR, while Nigeria constituted 2 per cent of the world's population, it accounted for 10 per cent of maternal deaths, with higher risk rates than the overall risk rates for women in sub-Saharan Africa. It also indicated that the risks of maternal death were higher for women in northern Nigeria, with low income and low education. NHRC had also expressed similar concerns. CRR equally reported that a national study on the availability and quality of emergency obstetrics facilities had found that only 4.2 per cent of public facilities and 32.8 per cent of private facilities met the internationally agreed standards for emergency obstetrics care. Aside the dismal number of quality public secondary and tertiary health centres, CRR also noted that Nigeria's abortion law remained very restrictive and accounted for 34,000 deaths among women in Nigeria.

NHRC said efforts by government to provide shelter to citizens through the National Housing Policy and the sale of government houses to civil servants and the general public remained insufficient in attending to the housing needs of citizens; and that the frequent demolition of houses across the country, coupled with forceful evictions amounted to violation of the right to shelter. JS2 reported how the Government had embarked on a campaign of demolition of homes and shops without due prior notices. JS2 also noted the widespread corruption in Nigeria, identified as one of the world's most corrupt countries, hinting that the scourge

was central to the violation of socio-economic rights as emerging facts proved that over 80 per cent of the annual budgets of the three tiers of governments in Nigeria (Federal, State and Local) ended in private pockets. HRW also reported Nigeria had earned over US\$223 billion in oil revenues since the end of military rule in 1999, yet millions of Nigerians still lacked access to basic health and education because of corruption.

On environment, UNPO said activities like leaks from oil pipelines, construction of roads and canals, and deforestation were harshly disrupting the wetlands and adversely affecting the fishing industry, quality of drinking water and agricultural yields, thereby threatening livelihoods in Ogoni. It also reported that burning of oil wells and gas flaring went unabated for months, precipitating atmospheric toxins and acid rain. UNPO therefore recommended that the Nigerian government should ensure appropriate environmental and social impact assessments for any future oil development, while establishing independent oversight bodies to assess the safety operations in the petroleum industry. Furthermore, UNPO urged Nigeria to provide *inter alia* meaningful access to regulatory and decision-making bodies to communities likely to be affected by operations in the oil industry.

On the right to education and to participate in the cultural life of the community, NHRC reported that with the introduction of the Universal Basic Education programme there had been improvement in enrolment of pupils in schools. However the ratio of 67 per cent was still low considering the Millennium Development Goals (MDG) target of 100 per cent enrolment by the year 2015. The factors militating against enrolment of pupils into schools were identified as lack of adequate funding, poverty, ignorance and harmful cultural practices. UNPO welcomed the National Policy on Education which guaranteed that the initial language in primary education must be the mother tongue of the child, although the implementation of this policy had been limited to few major languages, excluding many minority dialects like Ogoni.

On minorities and indigenous peoples, UNPO reported that through extensive exploitation of Niger Delta's oil resources, oil companies and the Nigerian State had deprived the Ogonis of their right to make use of their own resources, with the average life expectancy in the Niger Delta at 43 years old compared to the national life expectancy of 47 years. It also noted that the National Population Census in 2006 did not include ethnicity and religion as variables, thus denying the recognition of the Ogoni People and other minorities. JS2 indicated that Nigerians had been demanding the convening of a Sovereign National Conference (SNC), the essence of which was to afford them the opportunity to sit together and re-discuss the Federation to see how the imbalances, disagreements and distortions could be resolved for the emergence of a just, equitable, peaceful and stronger nation.

JS2 reported a lot of injustices in Nigeria, citing examples such as imbalances in the number of states and local governments in the various zones, right to ownership of land and resources, sharing of the national wealth, treatment of women, children, the minorities and the physically disabled, and allotment of political and administrative offices. For instance at the National Assembly, only three languages (Hausa, Igbo and Yoruba) are recognised, whereas Nigeria has over 250 languages.

On the situation in or in relation to specific regions or territories, HRW reported that Nigeria's oil-rich Niger Delta had become increasingly militarised and insecure, with many being killed by armed gangs and security forces. The region also remained volatile as groups claiming to be fighting for the local control of the resources ended up exacerbating the situation with criminal activities like kidnapping and oil bunkering, while being sponsored by politicians for pecuniary interests. JS1 requested the Government to take immediate steps to promote and protect the economic, social and cultural rights of citizens of the Niger Delta region by curbing corruption and the massive looting of public resources by State government officials in the Niger-Delta area,

accelerating the development of the region, and making sure that all persons involved in criminal activities within the region would be investigated and prosecuted, if culpable; security agencies assigned to the region should also play their role as impartial peace keepers and not perpetrators of criminal activity and violators of the rights of citizens.

JS2 reported that the Federal Government's Internal Taskforce (ITF) in the region "sacked" several villages without legitimate grounds, while trans-national oil corporations continued to loot, pollute and desecrate the environment of the region. Citizens of the region were harassed, detained and prosecuted by the government, while some ethnic rights activists were christened "militants" by government and oil companies. UNPO also indicated that the Niger Delta Development Commission (NDDC), created in 2000 to address the physical development of the Niger Delta, had continually ignored the development needs of the Ogoni People, with the Ogoni grossly underrepresented in the Board of the Commission. UNPO therefore urged that the NDDC should ensure the inclusion of the Ogoni People in NDDC's activities.

UNPO equally reported that the Land Use Act in Nigeria divested the people of their rights of ownership and possession of land and its resources; and that the Petroleum Decree also denied consultation and participation of the local Niger Delta population in the exploitation of the natural resources, placing this right wholly in the hands of foreign corporations and the Nigerian Federal Government; both depriving the Ogoni and Niger Delta Peoples of their right to self-management of their natural resources.

REPORT OF THE WORKING GROUP

Overview

The adoption of the report of the working group was an interactive process. During the interactive dialogue, statements were made by 60 Member States. Additional statements were made by 24 other countries which could not be delivered during the dialogue due to time constraints.⁷ A number of Member States thanked Nigeria for the comprehensive and informative national report and its open and frank presentation as well as the responses provided to some of the advance questions. Statements were made welcoming Nigeria's commitment to the UPR process and to the promotion and protection of human rights, its cooperative participation and the broad-based consultations with stakeholders that took place in preparing the national report. Consequently, a number of Member States also praised Nigeria's improvements and achievements in various fields of human rights.

Algeria saluted the efforts undertaken to overcome obstacles in domesticating the Convention on the Elimination of All forms of Discrimination against Women (CEDAW). In that regard, Algeria recommended that Nigeria should pursue its efforts in order to incorporate the provisions of CEDAW in national law.

⁷ Czech Republic, Japan, Palestine, Syrian Arab Republic, Democratic People's Republic of Korea, Egypt, Burundi, Gabon, Lithuania, Philippines, Chile, South Africa, Latvia, Russian Federation, United Republic of Tanzania, Australia, Uganda, Kenya, Afghanistan, Lebanon, Rwanda, Equatorial Guinea, Bangladesh and Cameroon.

In addition, Algeria encouraged Nigeria to formulate specific technical assistance requests in order to promote the achievement of the Millennium Development Goals (MDGs) as well as to address the relevant United Nations bodies and mechanisms, in particular the Office of the High Commissioner on Human Rights (OHCHR). Algeria also recommended that Nigeria should formulate specific technical assistance requests to OHCHR in the area of access to justice and law enforcement to ensure an optimal awareness on human rights requirements for civil servants working in these fields. Finally, Algeria encouraged Nigeria to envisage the possibility of making the National Consultative Forum a regular event as a tool for promoting dialogue and comprehension in the field of human rights.

Senegal welcomed the National Action Plan for the Promotion and Protection of Human Rights (NAPPPHR), whose implementation will lead to significant progress. Senegal noted that the national report of Nigeria indicated areas where the country required technical assistance in order to make further advances. It called upon Nigeria to formally request such assistance.

Morocco congratulated Nigeria for the establishment of the National Commission on Human Rights and for its commitment to human rights and progress in the democratic transition since 1999. In this regard, Morocco called on Nigeria to consolidate its achievements in the field of human rights and continue to reinforce its efforts to promote good governance, democracy and the rule of law. Morocco also noted the NAPPPHR with interest, showing curiosity about the agenda and priorities for its execution, while commending Nigeria's efforts towards achieving the MDGs.

Ghana noted the NAPPPHR and that various human rights related bills were awaiting approval by the Parliament and also congratulated Nigeria for its agencies' efforts to ensure that all human rights are guaranteed. Ghana recommended that the Federal Government of Nigeria should continue to strengthen its human rights institutions, while developing measures to ensure the

effective implementation of their mandates. It equally suggested that the Federal Government should accelerate the process of passing into law the various rights-based bills before the National Assembly in order to provide a broader scope of protection for vulnerable members of society, especially women, children and the disabled.

Côte d'Ivoire welcomed the establishment of the Economic and Financial Crimes Commission. It invited the international community to respect the principle of the indivisibility of human rights and attach equal importance to civil, political and socio-economic rights. It also recommended that Nigeria should pursue its efforts to ensure efficient work by the EFCC and further suggested that Nigeria, with the assistance and strengthened support of the international community, should continue with its constitutional approach in reconciling its cultural and historical differences after a prolonged military rule.

Brazil noted the policies for effective protection and realisation of the rights of women, children and persons living with HIV/AIDS. Brazil asked about measures undertaken to incorporate the principles of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) into domestic law and about Nigeria's expectations in terms of technical assistance. Brazil recommended that Nigeria should within the context of Human Rights Council resolution 9/12, entitled "Human Rights Goals", ratify the two Optional Protocols to the Convention on the Rights of the Child, establish a moratorium on executions, with a view to abolishing the death penalty and continue efforts to internalise the Convention on the Elimination of Discrimination against Women.

Venezuela recognised the efforts made to give utmost priority to education as shown by the annual budget and through the Universal Basic Educational programme, which increased school enrolment with a better gender balance. Venezuela also highlighted the increase in the number of teachers, their pay level

in rural areas and increase in literacy rate among youths. Venezuela encouraged Nigeria to continue resolutely in consolidating the education system in accordance with the particular characteristics and needs of its population. Venezuela inquired on the range of achievements of the latest educational programmes.

On its part, Sudan welcomed Nigeria's commitment to its regional obligations under the umbrella of the African Union, the Economic Community of West African States (ECOWAS) and its international obligations in the Human Rights Council, and other international mechanisms. Sudan recommended that Nigeria should seek from the international community technical help and assistance as regards civil and political rights, mentioned in its national report, especially in terms of access to justice, law enforcement, and environmental protection.

Portugal welcomed Nigeria's establishment of a democratic government, the fight against corruption and economic growth. Portugal recommended that Nigeria should fully investigate abuses by law enforcement officials indicted for extrajudicial killings, acts of torture, ill-treatment of detainees, arbitrary detentions and human rights violations and ensure that the perpetrators are punished. Also, Nigeria should ensure that all detainees are tried without undue delay or freed if no accusation is presented against them and that government should ensure that the National Human Rights Commission is fully independent of the government. Portugal recommended that the NHRC should be mandated to investigate extrajudicial complaints regarding human rights violations and propose adequate remedies to victims; should as a party to the ICESCR, consider making the legal adaptations required to ensuring that economic, social and cultural rights were considered as individual and enforceable rights, with the same status as all other human rights, and not mere State goals or aspirations.

Saudi Arabia noted that the 1999 Constitution set up the framework for the protection of human rights and the institutional

framework aimed at protecting and promoting human rights, such as a national agency or parastatal to combat trafficking in persons and those mandated to provide assistance to victims. It said the efforts to protect children's rights and combat trafficking deserved support, prompting it to seek additional information, especially as regards the obstacles being encountered in this respect.

Angola welcomed the establishment of the Public Complaints Commission (PCC), and noted that Nigeria had developed a NAPPPHR. Angola recommended that Nigeria should continue to strengthen the role of civil society and its cooperation with relevant United Nations human rights mechanisms. Angola welcomed the collaborative initiatives with various stakeholders in order to combat human trafficking, in particular, the implementation and monitoring of programmes to rescue, rehabilitate and reintegrate victims of human trafficking. It recommended that Nigeria should allocate according to its capacity, adequate human and relevant resources in order to strengthen the combat against human trafficking.

Mozambique commended Nigeria for prioritising the rule of law and noted the initiative of Human Rights' desks in police stations, prison and law enforcement agencies. It also commended Nigeria's coherent policies and adherence to several regional and international instruments on human rights. Mozambique encouraged that Nigeria should continue its endeavours in the field of human rights, in spite of the fact that the country was gradually embracing democracy after prolonged military rule.

Cuba highlighted significant indicators achieved for school enrolment and for literacy of young people and the results of the Universal Basic Education programme. It also commended the strategy to protect the rights of people living with HIV/AIDS, the awareness campaign in this regard and the distribution of antiretroviral drugs. Cuba recommended that Nigeria should continue its efforts to combat corruption, which have been quite successful and continue ensuring its economic growth in order to

guarantee the enjoyment of economic, social and cultural rights by all its citizens.

The Netherlands recommended that Nigeria should establish a moratorium on executions with a view to abolishing the death penalty, and to complete the process of adopting legislative measures to prevent and prosecute acts of torture and other ill treatment, according to international standards; should ensure the political and social-economic rights of minority groups in the Niger Delta, and that consultations in this regard were undertaken with these minority groups. According to Netherlands, Nigeria should while taking into account the recommendations of the United Nations treaty bodies, ensure that existing legislation at federal, state and local levels fully comply with the Convention on the Rights of the Child and thus pursue the full implementation of its expressed commitment to prohibit all forms of violence against women and to prevent illegal trafficking of women and girls.

France commended the nomination of a Special Rapporteur for children's rights, the creation of a National Inter-religious Council, and an institute to promote interethnic, interreligious and inter-communal understanding. France recommended that Nigeria should ensure that freedom of expression was respected so that Nigerian journalists could take up their mission of providing information without being harassed; should improve the conditions of detention within prisons, while guaranteeing access to health and respect of the rights of detainees; should continue efforts in the fight against human trafficking and fully implement the international conventions in this area that Nigeria is a party to.

Ukraine extolled the adoption of the NAPPPHR and the measures to counter harmful traditional practices against women and children. Ukraine recommended that Nigeria should strengthen the efforts aimed at eliminating existing harmful traditional

practices where the rights of women and children are violated and their health severely undermined, while adopting all necessary measures to provide full protection of children, girls, women and widows from wrongdoings, inspired by these traditions. Ukraine recommended that Nigeria should prevent using cruel, inhuman and degrading punishment and should extend an open invitation to the Human Rights Council special procedures.

Vietnam noted the leadership's Seven Point Agenda which identified the development of human rights capital, food security, mass transportation, power and energy, security, functional education and the rule of law as priorities. It asked Nigeria to give more detailed information of the Agenda and the legislative processes that were taking place in Nigeria, especially on the Freedom of Information Bill, the Anti-discrimination Bill and the 'domestication' of the CRC in the Child Rights Act. Vietnam ultimately recommended that Nigeria should continue its efforts with regard to close cooperation with relevant international organisations in combating child trafficking.

Belarus welcomed the Law on Trafficking in Persons and the establishment of a national agency to combat Human Trafficking. Belarus recommended that Nigeria should continue its targeted efforts to combat trafficking in persons; should foster the development of education for girls and the achievement of gender equality and take further measures to bolster the national health system.

Pakistan noted that the Constitution upholds fundamental human rights and that Nigeria had acceded to a number of regional and international human rights instruments, in addition to her efforts at meeting MDGs. It referred to the National Human Rights Commission as well as to the NAPPPHR and recommended that Nigeria should be provided with the requested technical assistance to overcome identified challenges. Pakistan also requested more information on the environmental challenges

in the Niger Delta as well as the debate to bolster economic, social and cultural rights.

Mexico was pleased by the determination of Nigeria to become part to and to 'domesticate' without delay international human rights instruments. Mexico recommended that Nigeria should maintain an open and standing invitation to the United Nations human rights mechanisms, particularly the Special Rapporteur against Torture, and speed up its submissions of pending reports to treaty bodies. It further recommended that Nigeria should declare a moratorium for the abolition of the death penalty; ensure that women who are victims of discrimination and violence have access to protection of their rights and to justice and speed up the introduction of a reform of the justice system including the penitentiary centres and national police.

Islamic Republic of Iran appreciated the establishment of a National Committee and a Consultative Forum in the preparation of the National Report. Iran noted the steps taken to strengthen the rule of law and combat corruption. It also noted the development of the NAPPHR and the role played by the National Human Rights Commission. Iran asked about concrete measures taken to fight against poverty, combat human trafficking and prevent and control HIV/AIDS. It further recommended that Nigeria should seek provision of necessary technical assistance for human rights programmes in the fields of access to justice, law enforcement and environmental protection; seek provision of technical assistance with regard to adolescent health problems, trafficking in persons and prevention and control of HIV/AIDS.

Libya noted efforts taken for the protection of human rights, gender parity and promotion of education. It also noted the religious tolerance and the harmony among religious minorities as well as conflict settlements among the various religious groups. Libya highly appreciated the ratification by Nigeria of ICESCR and a series of international human rights instruments, including those relating to torture.

Chad saluted Nigeria's engagement and leadership in conflict resolution and peace consolidation in Africa. It also welcomed the inclusive methodology utilised in the preparation of the UPR and in this regard, it recommended the implementation of the content of the National Consultative Forum to help Nigeria improve its performance in the area of human rights and called on the international community to increase its support to allow the implementation of noble objectives Nigeria had set up regarding human rights.

Bahrain noted that Nigeria adopted many initiatives and policies especially for children in relation to health care and trafficking in human beings. Bahrain fully appreciated efforts made with international assistance to combat diseases through vaccination campaigns as well as the appointment of many health workers to implement these initiatives. It commended Nigeria for its programmes towards victims of trafficking and the measures to provide shelter and counseling, particularly the establishment of a national committee to combat human trafficking and provide assistance to the victims. Bahrain recommended that Nigeria should continue in its efforts at combating human trafficking.

Germany asked about concrete measures taken to improve the situation of journalists and human rights defenders. It recommended that Nigeria should adopt comprehensive legislation with regard to extrajudicial executions and torture by police, including measures assuring its application. Germany further recommended the creation of a board of independent inspectors examining conditions in detention facilities and the behaviour of police officers. It suggested that Nigeria's efforts to raise awareness of and prevent the spread of HIV/AIDS and provide adequate treatment and alternative care opportunities for children should be increased alongside efforts to address the cultural and economic situation of ethnic minorities.

Germany recommended that Nigeria should take steps to ensure an adequate political participation of ethnic minority groups as

well as measures to effectively prevent the loss of land, property and resources of ethnic minority groups through confiscation.

Sweden expressed concern about how the Nigerian tripartite legal system handled women's rights. It also noted the information provided about the reform of Nigerian family law and hoped it would ensure equal treatment of women before the law and bring legislation in line with international standards. Sweden also noted that the death penalty was rarely applied in Nigeria but, recommended that Nigeria should take the steps necessary to formalise the moratorium, with a view to subsequently abolishing death penalty, and adhere to the resolutions of the General Assembly in this regard.

Turkey welcomed the convening of the National Consultative Forum and the consideration of making it an annual event. Turkey also encouraged Nigerian authorities to continue their efforts with determination for further progress in fighting against corruption and consider formalising the moratorium on death penalty and the abolition of capital punishment. Turkey finally inquired on the role of the established Ministry of Niger Delta in addressing human rights violations.

Canada recommended that Nigeria should take urgent steps to prevent politically motivated, sectarian and religious-based violence, ensure the rights of journalists to report, comment on and criticise government policy, freely and without fear, be respected. It also urged Nigeria's President and National Assembly not to approve the "Same Gender Marriage Bill" and eliminate all existing legislation that discriminates based on gender and sexual orientation.

Austria welcomed Nigeria's cooperation with Special Procedures and urged the nation to consider the recommendations of the Special Procedures systematically for further reforms in the field of human rights and take a broad approach including improved legal representation of prisoners, separate detention facilities for persons under the age of 18 and continuing improvements

to the prison infrastructure. It urged Nigeria to enact legislation to prohibit FGM as well as continue awareness campaigns to eradicate such practices.

Indonesia was pleased that Nigeria had plans to ratify ICRMW and domesticate the CEDAW. It asked for examples of the solutions needed to align the tripartite legal system with CEDAW. Indonesia also praised Nigeria for its effort in education and health sectors and their impact on children's welfare. It recommended that Nigeria should intensify its efforts, through legislation and practical measures, to protect children against all forms of violence, including extra-judicial killings in communal conflicts, torture and trafficking; continue its commitment to the promotion and protection of human rights through its thematic strategies of good governance, combating corruption, eradicating poverty and improving health conditions in the country.

Belgium noted that, in 2006, the Special Rapporteur on extrajudicial summary and arbitrary executions showed that the Nigerian police was gravely lacking in resources and that corruption, arbitrary imprisonment, torture, excessive use of force and arbitrary executions were frequent. Two years later, the Special Rapporteur noted little progress and in fact, worsening situation. Belgium therefore, asked about the follow-up in that regard. It recommended that Nigeria should take specific measures in order to address the dysfunctional judicial system and the lack of internal and external monitoring of the police.

The United Kingdom noted concerns about reports on extrajudicial killings and torture, children stigmatised as witches, and the "same sex marriage bill" which would lead to further discrimination of the LGBT community. It also noted that poverty and unemployment were driving conflicts and expressed concern over increased violence. The United Kingdom recommended that Nigeria should take further steps to address discrimination against minority and vulnerable groups, including reviewing issues surrounding the terms "indigene/indigenous" and taking

action to discourage politicians from using religious, ethnic or settler-indigene division for political ends. It also recommended that Nigeria should tackle the backlog of prisoners who have been detained without trial or beyond the end of their sentence and clarify its position on the death penalty, and reaffirm its commitment to a *de facto* moratorium.

Slovenia commended Nigeria for making the rule of law a cardinal principle in governance and notably encouraged it to update its periodic reports to the United Nations treaty bodies and to answer to all Special Procedures' questionnaires. Slovenia inquired about what Nigeria intended to do to align its tripartite legal system with ratified international conventions. It further sought clarifications on the measures undertaken to curb the maternal mortality rate. Slovenia subsequently recommended that Nigeria should regulate minority and indigenous rights on the constitutional and legislative level, establish a National Minorities Commission and set up a national policy for the promotion and protection of minority languages.

Azerbaijan noted, *inter alia* the establishment of the National Agency for the Prohibition of Trafficking in Persons, the Legal Aid Council of Nigeria and the NAPPPHR. Azerbaijan further recommended Nigeria to consider the measures eventually leading to the abolition of capital punishment in the country and further implement its programmes and policies in the field of human rights, in particular the National Plan of Action on the Promotion and Protection of Human Rights.

China was pleased to note Nigeria's efforts in achieving MDGs, enhancing school enrolment rate, fighting against trafficking in women and children, increasing educational input, adopting measures to resolve domestic religious issues, and improving upon housing rights. China noted that Nigeria had a plethora of challenges and needed to make relentless efforts, which required international tolerance, understanding and support. It asked about experiences and best practices in increasing educational input,

enhancing children school enrolment rate and achieving the MDGs.

Uzbekistan noted the achievements made regarding the electoral system, the human rights institutions, and the fight against trafficking in persons. It called on the international community to provide Nigeria with all necessary assistance to overcome the challenges still faced in the protection of human rights and in particular, the implementation of the NAPPPHR, to harmonise strategies and programmes in the human rights sphere, including to reform the judicial system in accordance with international modern standards.

Democratic Republic of Congo (DRC) noted, *inter alia*, the National Agency for Prohibition of Trafficking in Persons, and the Public Complaint Commission. It also appreciated the efforts of Nigeria in meeting the challenges of the MDGs. DRC referred to the alleged exploitation of young girls as domestic servants and asked for more information. While noting the tripartite legal system, DRC inquired from Nigeria measures being taken to ensure that these three systems would exist harmoniously. DRC recommended Nigeria to pursue its Seven Point development programme formulated by the leadership of Nigeria at the time.

Norway noted Nigeria's high level of ratification of human rights instruments and its financial contributions to OHCHR and recommended that Nigeria should issue a standing invitation to all special procedures. It also expressed concern at the discrimination against women within the legal system and at the deep-rooted stereotypes. It also asked for more information regarding access to justice and remedy for women victims of violence. Norway further urged Nigeria to establish effective mechanisms to prohibit violence against women and girls, including traditional practices, such as FGM; to continue awareness campaigns to eradicate such practices; to repeal all laws that allow violence and discrimination against women to persist and to ensure that the proposed bill on the domestication of CEDAW is passed without any further delay.

Benin expressed gratitude for progress achieved by Nigeria in the promotion and protection of human rights that has had a salutary impact on members of the Economic Community of West African (ECOWAS). Benin therefore recommended that Nigeria should take all practical measures in collaboration with neighbouring countries in order to put an end to the accusations of extrajudicial executions, and more generally, to the abolition in the near future of the death penalty; take all appropriate measures to ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OP-CAT), which was ratified since 5th October, 1998 and establish a national preventive mechanism to align itself with its neighbours' positive practices.

New Zealand remained deeply concerned about the existing impunity of many human rights violators. It recommended that Nigeria should guarantee the independence of the National Human Rights Commission and that it takes necessary steps to enable the NHRC to regain its "A" rating, in compliance with the Paris Principles; ensure that the National Action Plan includes concrete and time-bound steps to accelerate the process of full domestication of all international human rights treaties to which Nigeria is Party, with particular priority on the Convention on Elimination on All Forms of Discrimination Against Women. New Zealand also recommended that Nigeria should ensure an immediate moratorium on the use of death penalty and that all current death sentences be commuted.

Yemen commended Nigeria's efforts to achieve the MDGs whereby it increased the number of children enrolled in schools by more than 40 per cent, including girls in rural areas, while engaging more than 90,000 teachers. Yemen recommended that Nigeria should continue its efforts in supporting education and providing equal opportunities to boys and girls in the rural and urban areas and continue its efforts to avoid school dropout.

Tunisia congratulated Nigeria for its commitment to human rights protection and promotion, in particular with regard to

children's rights. It noted that the CRC and the African Charter on the Rights and Welfare of the Child provisions were integrated into the 2003 Children's Rights Act, which allowed for the reinforcement of the legislation in the states. Tunisia also expressed its satisfaction with the work undertaken by the National Agency for the Development of Primary Health Care, notably regarding the integrated vaccination campaign across the country, which involved religious and community leaders.

Niger noted with satisfaction Nigeria's efforts in consolidating democracy and the rule of law. It noted that Nigeria had ratified almost all regional and international human rights instruments and showed its will to further domesticate them. Niger recommended that Nigeria should continue actions aimed at raising awareness among religious and customary leaders and to intensify its efforts to domesticate the international norms targeted at eliminating gender-based discrimination. Regarding MDGs, it said Nigeria deserved the active support from the international community to implement the Seven Point Agenda.

Italy welcomed the first civilian-to-civilian transfer of power in 2007 and inquired on measures taken to ensure universal birth registration. It expressed concern over the persistence of cultural stereotypes that discriminated women. Italy equally recommended that Nigeria should consider the establishment of a moratorium on the use of death penalty with a view to its abolition; intensify efforts in guaranteeing women's rights, including by implementing CEDAW observations to this end, and strengthen measures to fight against the practice of FGM. It also called on Nigeria to develop a national strategy to guarantee a better access to education for all children and to include in school system at all levels appropriate measures in the field of human rights education, in accordance with the Plan of Action 2005-2009 of the World Programme for Human Rights Education.

Djibouti pointed out the opportunity given to citizens of Nigeria for democratic elections. Djibouti applauded that development

of human capital is among the Seven Point Agenda that the government of Nigeria set for itself. Djibouti also welcomed the steps taken towards the protection, among others, of persons living with HIV/AIDS and of children against all forms of violence and inquired on progress made and challenges faced with regard to the implementation of these elements. Djibouti encouraged the Government of Nigeria to continue on achievements in the field of human rights.

Denmark commended the prohibition of torture and welcomed the accession to OP-CAT but referred to allegations of torture and ill-treatment by the police and in prisons facilities. Denmark also inquired on measures taken for their prompt investigation. It also noted that with the introduction of the Sharia penal code in some states, conversion from Islam was seen as apostasy, and that individuals had been reportedly killed for their faith. Denmark recommended that Nigeria should step up its efforts to halt torture and ill-treatment as well as eradicate impunity for such acts, while alleged perpetrators be brought before justice; establish an independent and effective national investigative mechanism; end discrimination against ethnic minorities to ensure that non-Muslims were not subjected to Sharia law but granted the freedom to practice their own religion.

Malaysia welcomed the successful 2007 elections and Nigeria's national agenda notably focused on development of human capital and rule of law. Malaysia also encouraged Nigeria to continue to focus on policies and programmes that would further strengthen the protection and promotion of human rights of its people, including working closely with the relevant civil society organisations and NGOs. Pleased with initiatives to combat trafficking of women and children, Malaysia recommended that Nigeria should consider strengthening the efforts in this area by cooperating closely with countries in the region; consider taking more strenuous efforts to improve the socio-economic conditions of women, in particular, in the areas of reproductive health care

services, poverty eradication and access to economic resources such as credit and loan facilities.

Burkina Faso was pleased with Nigeria's commitments to the promotion and protection of human rights, notably in the area of economic, social and cultural rights, and measures taken for vulnerable people, such as women, children and persons affected by HIV/AIDS. It also encouraged Nigeria to continue its efforts and undertake steps to consolidate its institutions in respect of democratic principles and human rights, It also expressed its willingness to cooperate in this area either bilaterally or through ECOWAS.

Poland noted with concern recurring incidents of inter-communal and inter-religious violence in the previous years, notably in Plateau State. It asked about actions being taken to fight against religious intolerance, to ensure justice was done in this regard, and to prevent further incidents. Additionally Poland, recommended that Nigeria should expand programmes of education on religious tolerance in schools and to monitor and protect the rights of religious minorities, while ensuring that religious tolerance would become the priority of the federal, state and local governments. Poland was interested in learning more about the actions, being taken or planned, to prevent discrimination of Non-Muslims in the northern states.

Ireland welcomed steps taken to combat FGM. In this regard, Ireland supports the call by Nigeria's National Consultative Forum, encouraging the Nigerian government to undertake an awareness campaign about the practice of FGM. Ireland expressed concern that violence against women remained widespread and recommended that Nigeria should implement specific legislation to protect women against sexual and gender-based violence and to ensure that Nigerian women benefitted from full equality before the law. It also expressed concern about allegations of torture and ill-treatment being routinely practiced and recommended that Nigeria should fully implement the United Nations Convention

against Torture, including introducing national legislation prohibiting torture, and ensure that ill-treatment in custody was not used as a substitute for proper criminal investigation of suspects. Ireland was also very concerned about reported widespread extrajudicial executions by police and recommended actions ensuring that all members of the security forces, including the police, would operate within the law.

Finland inquired about the relationship between the Government and the Human Rights Commission and whether this relationship was due to change due to legislation. Finland recommended that Nigeria should expedite amendments to the Human Rights Commission Act and ensure independence for the Commission, while reapplying for accreditation to the International Coordination Committee. It also recommended that the Nigerian Government should take measures to recognise and protect the rights of sexual and gender minorities, and that the law prohibiting same-sex marriages be abrogated.

Holy See referred to children stigmatised as “witches or “wizards”, and commended Nigeria for the law to end this practice. It recommended that Nigeria should apply this law vigorously and continue to invest in education in order to reduce the illiteracy rate further, especially among girls and young women; increase its efforts in the field of maternal health, educating birth attendants and increasing the number of obstetrics clinics throughout the country. Finally, Holy See referred to the Working Group on Minorities according to which a number of ethnic groups were discriminated against and asked about efforts for improvement.

Argentina asked about measures taken or planned to diminish the risks of extrajudicial executions and guarantee the rights of life, liberty and security. Argentina also expressed concern over the situation of women, who suffered discrimination in marriage, divorce, inheritance, child custody and adoption; the persistence of cultural stereotypes and asked that policies in favour of gender equity should be implemented. Argentina recommended that Nigeria

should consider the possibility of adhering to the Second Optional Protocol of the ICCPR, while abolishing the death penalty.

Nepal commended Nigeria's commitments to democratic principles and empowerment of people. It also pointed out the legislation put in place to implement international and regional instruments and the national human rights infrastructure. Nepal noted Nigeria's role in forging regional cooperation in Africa and shaping African unity and recommended that Nigeria should share its experiences in promoting human rights through its role as promoter of regional cooperation and mediator in conflict resolution and peace building in the West African sub-region.

Botswana noted the legislative reform, particularly during the last decade and the satisfactory efforts in domesticating many important international human rights instruments that Nigeria had ratified. Botswana recommended that Nigeria should continue to pursue its efforts in the fight against HIV/AIDS, particularly in addressing its reported disproportional impact on women, It further recommended that the Government, within the framework of its national Inter-Religious Council and the Institute for Peace and Conflict, should continue its commendable efforts in promoting the inter-ethnic, inter-communal and interreligious harmony. The Republic of Korea highlighted the National Consultative Forum as a major opportunity to boost efforts to promote and protect human rights. It expressed hope that Nigeria would continue to build upon its achievements and recommended the Nigerian Government should pass the bill for the early domestication of the CEDAW. The Republic of Korea also asked about plans and measures to prevent the kidnapping of foreigners in the Niger Delta.

Mauritius noted the leading role of Nigeria in many African political and economic initiatives and its commitments to human rights, good governance, and development, notably by being one of the founders of the New Partnership for Africa's development (NEPAD) and among the first countries to accede to the African Peer Review Mechanism. Mauritius requested Nigeria to fast-track

this process of accession to human rights instruments to which it is not party yet, wherever possible. Mauritius also inquired on the challenges faced in domesticating CEDAW and on initiatives taken under the National Gender Policy 2007.

Slovakia recommended that Nigeria should officially declare a moratorium on executions with a view to abolishing the death penalty in future. Regarding cases of impunity identified also by the Special Rapporteur on extrajudicial, summary or arbitrary executions, Slovakia recommended that Nigeria should ensure that all perpetrators of human rights violations were brought to justice, including the law enforcement officials suspected of committing acts of torture and ill-treatment or extrajudicial executions and take additional measures to improve the criminal justice system.

India welcomed the approach adopted in the preparation of the national report of Nigeria and welcomed its proposal to make it an annual event. It lauded Nigeria's commitment to democratic principles and values and its efforts towards strengthening democratic institutions, freedom of the press and involvement of civil society and also noted with appreciation Nigeria's achievements to meet the MDGs in education, particularly as regards enhancing enrolment rate and achieving gender parity.

Qatar noted many policies adopted by Nigeria in order to promote human rights and achieve MDGs. It highlighted that the national report made reference to the harmful traditional practices and asked whether Nigeria could explain the efforts being made in dealing with and eradicating those practices. Qatar finally recommended that Nigeria should undertake further efforts in order to raise awareness among religious and traditional leaders in combating harmful traditional practices.

4.1. Response of the Nigerian Delegation

The Nigerian delegation stated that it had noted all the comments and criticisms, which were made in good faith and assured that the Government of Nigeria was going to work on them in order to improve the human rights situation in the country, recognising that the task was a never-ending one. It noted that since the return to democracy in 1999, Nigeria has continued to record remarkable achievements in the area of human rights, considering the country's long history of military rule, during which it was considered a pariah state. The strengthening of democratic institutions, the separation of powers, the independence of the courts, freedom of the press, the involvement of civil society in governance which characterise Nigeria's democracy have, according to the delegation helped in the advancement of human rights in the country, bearing in mind that various administrations have made the rule of law a cardinal principle in governance.

The delegation recalled that the President of the Federal Republic of Nigeria has made the rule of law an abiding principle of governance. On the concern expressed about Nigeria's legal system, the delegation stressed, *inter alia*, that within the tripartite legal system, the 1999 Constitution is the supreme law of the land. With regard to the issue of lack of harmonisation, it said that the Nigerian Law Reform Commission has completed the first phase of the reform of the Family Law and the second phase, involving the harmonisation of the Marriage and Divorce Act, would be finalised in March 2009.

In line with this commitment, as well as the pledge made during Nigeria's election to the Human Rights Council in 2006, Nigeria, the delegation highlighted, has signed the instruments of accession to the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (CRMW), the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED), the Convention on the

Prevention and Punishment of the Crime of Genocide (CPPG), and the Optional Protocol to the Convention against Torture (OP-CAT). In addition, Nigeria has now ratified the Optional Protocol to the Convention on the Rights of Persons with Disabilities (CRPD-OP).

On the constitutionality of the Sharia law and the punishments prescribed by Sharia courts, the delegation maintained that the state governments that adopted Sharia as a law governing Muslims in their jurisdiction have done so in line with the Constitution. When some courts in the states concerned tried to apply the Sharia punishment of amputation for stealing and stoning for adultery, these sentences were quashed by the Sharia Court of Appeal. According to the delegation, in over 100 years of the application of Sharia Law in Nigeria, only one person, who had refused to appeal against his sentence, had his hand amputated for stealing.

On concerns expressed about the death penalty, allegations of extra-judicial killings and torture, the delegation referred to Section 33 (1) of the Constitution, which protects the right to life and provides that “no one shall be deprived intentionally of his life, save in execution of the sentence of a court in respect of a criminal offence of which he has been found guilty in Nigeria”. The death sentence is, therefore, a valid part of Nigerian law and there is no reason for Nigeria to carry out alleged “secret executions”. In the spirit of the global trend concerning the death penalty, Nigeria has constituted a national committee on the review of that penalty. Although Nigeria voted against a moratorium on the death penalty in the United Nations General Assembly resolution, it continues to exercise a self-imposed moratorium.

With regard to the allegation of extra-judicial killings by members of the Nigerian security forces, the delegation strongly stressed that Nigeria has never and will never, condone a policy where members of its security forces deprive any human being of his life. In the very rare instances when security personnel have

been found guilty of extra-judicial killings or gross misconduct, they have been punished in accordance with the law. The delegation also explained that torture is against both the provisions of the Constitution and Nigeria's commitment under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment (CAT) and that Nigeria is prepared to cooperate with the Council or any other stakeholder who is interested in finding out the facts regarding torture in the country.

With respect to the strategy of the Nigerian Government for the security, governance and development of the Niger Delta, the delegation noted that it was important to clear any misperception that the situation in the Delta has a religious connotation rather the situation has two dimensions, a political one and a criminal one. The political dimension relates to the legitimate demands of the people of the Niger Delta for greater benefit from the oil resources of their region and for measures to tackle the environmental pollution from years of oil exploration. Government has started to address some of these demands more seriously. The criminal dimension according to the delegation relates to the action of the group calling itself the Movement for the Emancipation of the Niger Delta (MEND). For more than ten years, MEND, according to the delegation, has been abducting both Nigerians and foreign oil workers for ransom, sometimes maiming or killing innocent persons in the process. The group's criminal activities have led to the disruption of oil supplies and destruction of oil facilities.

According to the delegation, to ensure peace and security for everyone living in this area, as well as to protect the oil companies' huge investment there, the Federal Government had had to deploy a Military Joint Task Force to restore law and order. Furthermore, the Government has recently created a Ministry for the Niger Delta to address the economic, social and political demands of those living in the Delta. Unfortunately, the delegation alleged that MEND keeps getting arms from foreign sources, so escalating

the crisis, prompting Nigeria's call for international assistance to counter smuggling of small weapons. To avoid killing innocent people, Government as noted has refrained from full-scale military operations in the Niger-Delta, an approach it hoped would eventually restore law and order in the region.

The delegation noted the concerns of some Member States who expressed concern that child trafficking, child labour, sexual exploitation and harmful traditional practices were still being practiced in Nigeria, despite the domestication of the Convention on the Rights of the Child. In the views of the delegation, that simply showed that it is not every human problem that can be solved overnight through legislation. As for sexual exploitation of children trafficked, the delegation noted that resolving the problem of child trafficking is beyond Nigeria, but requires receiving States to ensure that trafficking is prevented and trafficked children are protected.

Regarding concerns about congestion and lack of facilities in prisons, the delegation stressed that the prison system is not congested per capita, but that the relative overcrowding in the Nigerian prison system is due to the large number of inmates awaiting trial. It noted that Government has embarked on the construction of 47 new prisons and 24 have already been completed. The biggest challenge is in urban areas, where there is some congestion, but to address the problem new cellblocks of 250 bed-spaces are being constructed in 18 urban prisons. With regard to juvenile justice, Nigeria, it noted, has currently three training institution for the treatment of juvenile offenders and efforts to expand the number to six are under way.

The delegation expressed disappointment at the severity of the attack on Nigeria's criminal justice system in the stakeholders' compilation, especially in view of the collaborative efforts by Nigeria and the United Nations Office on Drugs and Crime (UNODC) to enhance both the integrity and the capacity of Nigeria's judiciary and courts. The results were quite commendable. For example,

in its report to the 17th Session of the Commission on Crime Prevention and Criminal Justice in 2008, UNODC concluded that improvements had resulted in reports of improved public trust in the judicial system. The delegation acknowledged that the biggest challenges facing Nigeria are in the areas of improving the wellbeing of millions of its children and tackling the socio-economic, health problems and cultural practices that put women at a disadvantage.

With regards to the prevention, treatment and elimination of stigmatisation for people living with HIV/AIDS, the delegation drew attention to the continuous drop in the HIV prevalence rate, from 5.8 per cent in 2001 to about 3.1 per cent in 2007 and to the legislation that protects the rights of HIV patients from discrimination. Regarding its long-term strategy in respect of inter-religious tensions, which occurred only in six of the country's 36 states, the delegation noted that Government is conscious of the dangers sectarian crisis can cause to the stability of any nation. Accordingly, a series of measures including advocacy, regular consultations with religious, traditional and faith-based organisations are being intensified in order to create a greater sense of tolerance among all Nigerians. The government, it said was also confronting impunity.

Regarding Government's position on lesbian, gay, bisexual and transgender rights, it was noted by the delegation that although all Nigerians have their fundamental rights guaranteed by the Constitution, there is no record of any group of Nigerians having come together under the umbrella of a "Lesbian, Gay and Transgender" group. On the question whether Nigeria is considering extending a standing invitation to all special procedures of the Human Rights Council in the future, the delegation reiterated that Nigeria would continue to cooperate and support the Council in all aspects of its mandate, including facilitating visits to Nigeria by all mandate holders. With regard to the UPR, it was noted that Nigeria is committed to its success, because this mechanism is

central to the aspiration of a common platform for the promotion and protection of truly global human rights.

Other areas of achievements highlighted by the delegation are the discharge by municipal courts of their responsibility in the development of human rights jurisprudence. In addition to providing a lead in the development of the huge body of human rights jurisprudence, it was disclosed that Nigerian municipal courts, have of recent demonstrated unprecedented effort in driving Nigeria along the path of true democracy and respect for the rule of law. The impartial verdicts by many electoral petition tribunals following the 2007 General Elections are according to the delegation ample demonstration of this commitment to democracy, human rights and the rule of law.

On the implementation of Millennium Development Goals, the delegation noted that military rule not only deprived Nigeria of fundamental liberties, but also positive development indices, leaving the civilian administrations with the heavy burden of meeting the Millennium Development Goals targets. In spite of this, the delegation noted that Government had recorded significant achievements in its efforts to meet the Millennium Development Goals targets. Claiming that this success was bolstered by improved policy and better intergovernmental coordination, the delegation stated that educational enrolment in Nigeria is a success story as about 84 per cent of school age children attend school, while an increasing number stay there up to grade 5. Also, net enrolment ratio in primary education was 84.26 per cent in 2005 and rose to 81.1 per cent in 2004. The literacy rate of 15-24 years old also improved from 76.2 per cent in 2004 to 80.20 per cent in 2005.

According to the delegation, the Universal Basic Education (UBE) programme has not only increased access to school but also gender parity. In the last four years prior to the review, the delegation recounted that Nigeria had recruited about 90,000 teachers and deployed them to the rural areas and that Government was also

investing heavily on programmes that would alleviate poverty, especially in the rural areas. With regards to the health sector, where Nigeria has the biggest challenge in meeting the Millennium Development Goals targets, it was recounted that Government's target is to reduce both the maternal and infant mortality rates in the shortest time possible through the recruitment of about 3,000 Midwives and Nurses to provide antenatal and obstetric care in the rural areas.

The delegation reported that following the country's review under the African Peer Review Mechanism of the New Partnership for Africa's Development in June 2008, Nigeria was credited with 12 best practices, which include, her role in Africa as a consistent mediator and promoter of regional economic cooperation and development, her role in conflict resolution and peace building, particularly in the West African sub-region, the Federal Character principle, as a constitutional principle for the equitable allocation of resources and political offices among the constituting units of the Federation; Gender Affirmative Action, and the National Agency for Prohibition of Traffic in Persons' sustained efforts in combating human trafficking.

The other human rights best practice initiative emanating from Nigeria according to the delegation are the creation of the Directorate of Citizens Rights, established in all the States of the Federation, to provide legal representation and assistance to awaiting trial inmates through a government fund to engage private legal practitioners. It was reported that human rights desks were also established in the various commands of the police, prison and other law enforcement agencies and the establishment of these desks is aimed at educating and enlightening law enforcement agents on their responsibility in the area of promotion and protection of human rights. On the issue of rights of persons living with HIV/AIDS, the delegation reported that Government also developed several strategies for protecting the rights of persons living with HIV/AIDS.

These strategies include the National Strategic Framework on HIV/AIDS in Nigeria (2005-2009), setting up of the National Agency for the Control of Aids (NACA) and its equivalent in the States and Local Government Areas, public awareness campaign in the media on the rights of people living with HIV/AIDS, creation of state associations of HIV-positive persons known as Network of People Living with HIV/AIDS in Nigeria (NEPWHA); establishment of National Women Coalition on HIV/AIDS, NAWOCA; expansion of HIV/AIDS clinics and provision of free drugs throughout the country; and the special effort by government to enlist the assistance of religious and traditional leaders in all matters relating to the treatment and welfare of persons living with HIV/AIDS in Nigeria.

As a best practice according to the delegation, the country had ratified the United Nations Convention on the Rights of Persons with Disabilities. Equally, the House and Senate Committees on Human rights and Women Affairs had held a joint public hearing in November 2008 on the Disabilities Bill and promised to work towards the speedy passage of the Bill. Also, some State Assemblies had passed a similar law, while others appointed Special Advisers on the Rights of Persons with Disabilities as a demonstration of their political commitment on human rights. Akin to this, the delegation narrated that Nigeria has one of the freest and vibrant media in Africa. The country has more than 20 daily newspapers and numerous magazines, as well as privately- owned television and radio stations. The editorial policies and political orientation of the media are free from intervention from the government.

It was reported that although Nigeria has laws against libel and defamation of character, Government rarely applies them against members of the media. The delegation also indicated that the Sharia law only applied to Muslims and mattered only in the area of personal law, like succession and family issues. However, it stressed that all Nigerians were under the criminal code which is secular and in many ways, based on the British system. In that respect,

Sharia law does not affect non-Muslims, except a non-Muslim agrees in a business transaction to be bound by it. In addition, the delegation said that there was no discrimination towards non-Muslims. They remarked that Muslims and non-Muslims had lived together amicably, and that although some incidents may have happened due to economic and political motivations, they did not translate to a clearly defined policy of discrimination against any ethnic or religious group.

Regarding the Niger Delta Issue, the delegation highlighted that unrests were due to the neglect of the people, as some oil companies failed to live up to their community responsibilities. This, they explained, engendered agitations that were hijacked by criminal elements, who took to kidnapping of local and foreign citizens, an ugly trend, which Government had been working hard to find solutions to, by tracing the source of their weapons. The delegation highlighted the achievements in attaining the affirmative action, noting that the first National Assembly after the return to democracy in 1999 had 5 women out of 109 senators. The figures doubled over time at both Houses and as at the time of the review, there were 15 female Ministers, while the government has a policy allocating 30 per cent elective positions to women.

On education of girls, the delegation noted that Government had been paying due attention which led to an increase in the budget of health, education and MDGs in relation to females. The delegation promised that bills relating to human rights would be given expeditious treatment, particularly the National Human Rights Commission bill. Efforts were in the offing, according to the delegation to strengthen the independence of the commission, as well as the Police Act and the Prison Act. The delegation pointed out that the judiciary was independent and did not refer to the executive or the legislative but followed the rule of law and the implementation of human rights.

On same sex marriage, the delegation stated that the National Assembly had not passed a law in relation to the issue as at

the time of the review, while reiterating that MDGs had been endorsed at the highest level and were key components of efforts undertaken to promote development and ensure economic and social rights. The Government, according to them, had ploughed back funds from the debt relief by the Paris Club of debtors, in 2005, into concerted efforts for achieving the MDGs, such as maternal mortality, education, child rights. They pointed out that areas with worst indicators got the most funds, with over \$4bn so far invested. Regarding children being stigmatised as witches, the delegation informed that the issue was over as the main offender, a pastor, had been arrested and prosecuted.

On torture, the delegation stated that the Constitution already prohibited it and that Nigeria already had signed the OP-CAT. The delegation said that freedom of expression was also enshrined in the Constitution and that Government supported the Freedom of Information bill, which at the time of review, was before the National Assembly, waiting to be signed into law. On the rule of law, the delegation clarified that the President and Government of Nigeria would always follow the law in that regard. On human rights violations, the delegation said that whoever committed an offence, would benefit from due process, get opportunity to be heard, to choose a lawyer, to express and defend himself or herself; because rule of law was a policy of the Government.

Regarding the Seven Point Agenda, the delegation stressed that Nigeria would drive human capital as the administration was disposed to enacting legislation that would create opportunities for the development of human capital. In that regard, multinational companies operating in Nigeria would be made conscious of their social and corporate responsibilities. According to them, Government wanted to guarantee food security, ensuring that all Nigerians were properly fed while providing security and respect for human rights by getting the police to operate within the law.

On extrajudicial killings, the delegation highlighted that the Citizen Rights Department was established within the Ministry of Justice so that anyone who was detained for more than 24 hours could report it through this internal mechanism, which also avails legal assistance to anyone unable to afford costs of getting a lawyer, thereby reducing the number of detainees in prison. The delegation also indicated that victims of trafficking were not considered as criminals but victims. There was need, according to them, to collaborate on this issue, as it was a global crime which Nigeria had got support from Netherlands and the United Arab Emirates so far.



PART TWO

**Nigeria's 2nd Universal Periodic
Review**



NIGERIA'S 2ND NATIONAL REPORT

5.0 Overview

The Working Group on the Universal Periodic Review, established in accordance with Human Rights Council resolution 5/1 of 18th June, 2007, held its seventeenth session from 21st October to 1st November, 2013.⁸ The review of Nigeria was held at the 4th Meeting, on 22nd October, 2013. At its 10th Meeting, held on 25th October, 2013, the Working Group adopted the report on Nigeria. On 14th January, 2013, the Human Rights Council selected Chile, Côte d'Ivoire and Malaysia to form the group of rapporteurs (troika) to facilitate the review of Nigeria. A list of questions prepared in advance by Belgium, the Czech Republic, Germany, Liechtenstein, the Netherlands, Norway, Slovenia, Spain, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland, and the United States of America was transmitted to Nigeria through the troika.

In the preparation of its second UPR report, the Government of Nigeria constituted an inclusive national committee on Universal Periodic Review, under the chairmanship of the Solicitor-General of the Federation, which adopted a participatory approach in

⁸ Human Rights Council, Working Group on the Universal Periodic Review (25th Session) 2013 Agenda Item 6 A/HRC/25/6 Report of the Working Group on The Universal Periodic Review NIGERIA.

producing the national report. The committee, which is made up of government officials and representatives of the civil society, made extensive consultations with relevant stakeholders from the various tiers of government in Nigeria and used several background documents as well as submissions from Ministries, Departments and Agencies (MDAs). The consultations and validation processes were held from July 2012 through June 2013.

The Nigerian delegation stressed that it viewed the UPR as a mechanism for constructive engagement towards the promotion and protection of human rights and the second UPR report presents an opportunity for Nigeria to exhibit its efforts to fulfill the voluntary commitments and recommendations it accepted during the first Universal Periodic Review in 2009. The delegation outlined significant developments, achievements and challenges on the implementation of Nigeria's voluntary commitments and the recommendations accepted in the first cycle of the review.⁹ According to the delegation, Nigeria had largely fulfilled its commitments to the Human Rights Council through its active participation in the work and activities of the Council, its support for the National Human Rights Commission, its commitment to human rights instruments, and its support for all strategies at regional and international levels to promote and protect human rights.

Recalling that Nigeria accepted 30 clusters of recommendations out of the 32 from the first cycle and made several voluntary commitments to the Human Rights Council which was fulfilled largely through its active participation in the work and activities of the Council, the delegation pointed out that Nigeria supported the National Human Rights Commission, made commitments to human rights instruments and supported all strategies at regional and international levels to promote and protect human rights. In its national report and in relation to strengthening the National

9 Human Rights Council, Working Group on the Universal Periodic Review (7th Session) 2013 A/HRC/WG.6/17/NGA/1 National report submitted in accordance with paragraph 5 of the annex to the Human Rights Council Resolution 16/21 NIGERIA

Human Rights Commission, the Nigerian delegation noted that it has fulfilled the commitments it made by amending the National Human Rights Commission Act in 2010 to grant the Commission operational and financial independence and to enhance its investigative and enforcement powers.

The delegation further noted that between 2009 and 2013, Nigeria acceded to several human rights instruments including the Convention on the Rights of Persons with Disabilities, Convention on the Protection of All Persons from Enforced Disappearance, Convention on the Prevention and Punishment of Crime of Genocide, Optional Protocol on the Rights of Persons with Disabilities, Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, Optional Protocol to the Convention on the Rights of the Child (CRC) on the Sale of Children, Child Prostitution and Child Pornography and the Optional Protocol to CRC on Involvement of Children in Armed Conflict. Nigeria also ratified the African Union Convention for the Protection and Assistance of Internally Displaced Persons and the African Charter on Democracy, Elections and Governance. On those instruments to which it is not a party, the report noted that Nigeria is working assiduously towards signing and ratifying the United Nations human rights instruments and protocols.

The delegation noted that the Constitution was amended to grant financial autonomy to the Independent National Electoral Commission, which contributed significantly to making the 2011 general elections in Nigeria free, fair and credible. In addition, section 254 of the Constitution was amended to provide for the establishment of a National Industrial Court. The Government had maintained a rights-based approach to economic management which was pro-poor and gender-sensitive in line with the economic transformation blueprint tagged: Nigeria Vision 20:2020.

It noted that Government of Nigeria was committed to improving access to affordable housing through legal and policy frameworks, which increased the number of prototype housing units constructed by 151.17 per cent between 2011 and 2012. The Federal Justice Sector Reform Coordinating Committee, according to the delegation, had been mandated to coordinate the development, management and implementation of policies aimed, *inter alia*, at improving the delivery of justice services. Furthermore, an Administration of Criminal Justice Bill came before the National Assembly in line with this vision to institutionalise the broad objective of the proposed national prosecution policy.

On terrorism and violent insurgency, the delegation noted the existential threats therein, and recounted that those threats, which were externally induced, had manifested themselves in activities by militant insurgents and organised crime groups who had committed atrocities, crimes against humanity and violations of human rights. In order to address the problem, constitutional measures, it highlighted, had been adopted that included the declaration of a state of emergency in the States of Adamawa, Borno and Yobe in north-east Nigeria, where the insurgents had their base and carried out their attacks. A joint task force and a special task force was deployed, with the required legislative authorisation to utilise rights-based rules of engagement and operational plans in combating the insurgency. The Government also established a committee on dialogue and reconciliation that aimed to provide incentives to dissuade terrorists and other extremists from violence.

Significant efforts were also made towards implementing the accepted recommendations, and the efforts made in that regard constituted a substantial part of Nigeria's National Report. Responding to the questions prepared in advance, the delegation emphasised that torture, as a means of extracting information from suspects, had no place in law enforcement. The police had

been retrained and were now relying on modern and scientific means of interrogation. It noted that police officers found to have committed extrajudicial executions were usually dismissed from service and prosecuted in accordance with the law.

As regards the demolition of illegal structures in various parts of the country, the delegation explained that it was embarked upon in the interest of the public. The affected structures, according to them, were those that had been erected without the permission of the relevant authorities and were therefore not in conformity with the master plan for those areas. Experts had warned that the continuing existence of those illegal structures posed a danger, not only to the lives of the inhabitants of such areas, but also to the ecosystem. In carrying out the demolition, the authorities had carried out verification exercises to ensure that those who had genuine claims were either compensated, or were relocated to other areas and provided with alternative shelter.

Concerning what was being done to ensure that the fight against terrorism was carried out in accordance with international standards, the delegation stated that despite the difficult circumstances generated by terrorism, the country's law enforcement agencies had been instructed to observe human rights while countering acts of terror. The issue of sexual orientation did not enjoy consensus within the United Nations human rights system, and all attempts to integrate sexual orientation into existing universally recognised human rights had so far failed. On this, the delegation noted that an overwhelming majority of Nigerians objected to same-sex relationships, on the basis of their deeply-held religious, cultural and moral beliefs, against which no government could successfully legislate. It stressed also that there was no policy or practice of witch-hunting of people on the basis of their sexual orientation.

The delegation also stated that Nigeria was mindful of the need to protect the rights of women, as well as of disadvantaged groups such as orphans, widows, the disabled, mentally incapacitated

persons, the elderly and the sick. In that context, Nigeria had signed and ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). In an effort to entrench affirmative action for women, 13 female ministers out of a total of 42 ministers, accounting for 33.3 per cent, as well as 4 female special advisers out of a total 18, accounting for 22 per cent, had been appointed. Furthermore, the Gender and Equal Opportunities Bill had passed its second reading in the National Assembly at the time. The bill aimed to incorporate into Nigeria's domestic law the provisions of CEDAW and of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa.

On the issue of death penalty, the delegation noted that it still existed on the statute books. Laws could only be changed through negotiation and persuasion and not by Government's fiat. Regarding the executions carried out in June 2013, due process had been followed and the executions happened in accordance with the provisions of Nigeria's laws. In addition to the constitutional provisions protecting the rights of minorities, the creation of States had contributed to the efforts to give the different ethnic groups in Nigeria more political control over their affairs. Also, the federal character principle had enabled people from all parts of the country to receive fair and equal allocation of public goods, social services and amenities.

The development of the child, according to the delegation, was at the centre of Nigeria's development priorities. Adequate laws and policies have been put in place to protect children against all forms of violence. The National Agency for the Prohibition of Trafficking in Persons and other Related Matters was established with a mandate to combat human trafficking occurring within and across Nigeria's borders. In addition, a national policy had been adopted as regards the protection and assistance for trafficked persons, in line with internationally accepted standards and best practices. In response to a question on preventing election violence, the delegation stated

that by granting financial autonomy to the Independent National Electoral Commission, it had enabled it to perform optimally, while enhancing electoral processes.

In line with this, the Constitution had been specifically amended in order to set timelines for the determination of election petitions. The amendment mandated an election tribunal to deliver its judgement in writing within 180 days of an election petition being filed. Similarly, an appeal from the decision of an election tribunal or court must be determined within 60 days of the date of judgment. The outcome of that amendment had been the speedy determination of election petitions, and the avoidance of unnecessary distractions to governance often occasioned by delays in determining election petitions. The delegation also noted that when the electorate believes in the credibility and fairness of any election process, possibilities of violence are drastically reduced.

While the Government of Nigeria was yet to extend a standing invitation to special procedures, according to the delegation, Nigeria enjoys longstanding cooperation with the mechanisms of the Human Rights Council. Requests for visits by a number of special procedures mandate holders had been considered, and Nigeria had agreed to receive the Special Rapporteur on the Independence of Judges and Lawyers, the Special Rapporteur on Violence Against Women, its Causes and Consequences, the Representative of the Secretary-General on Internally Displaced Persons, the Special Rapporteur on Trafficking in Persons, especially women and children; and the Special Adviser on the Prevention of Genocide.

The delegation also stated that the requests by the Independent Expert on Minority Issues, and by the Special Rapporteur on Adequate Housing as a Component of the Right to an Adequate Standard of Living, and on the Right to Non-discrimination in this context, were being processed. It also stated that, as a matter of principle, Nigeria has never been averse to visits by special procedures mandate holders to Nigeria, and has not rejected any requests to visit.

In order to enhance treaty reporting obligations, the Inter-Ministerial National Working Group on Human Rights Treaty Reporting was established, in July 2010. The Government, the delegation noted, was committed to building a society with equal access to justice for all, irrespective of means, and where all constitutional rights were respected, protected and defended. Through the services of the Legal Aid Council, the delegation further noted, a number of initiatives had been introduced, including the enactment of the Legal Aid Act 2011, which had broadened the scope of the mandate of the Legal Aid Council, empowering it to utilise paralegals for service delivery at the grass-roots level. The Police Duty-Solicitor Scheme was an example of providing prompt and effective representation to suspects.

The delegation stated that the press was free, and that it was this freedom that often emboldened the press to criticise Government policies without any consequences. The role of the press in national development was recognised, and it noted that in 2012, the Freedom of Information Act was passed in line with this. Given that Nigeria hosted several multinational corporations, and consistent with its obligations as a responsible member of the international community, Nigeria had not only taken measures to protect business enterprises and their personnel, but had also ensured that they respected human rights in carrying out their operations. In addition, Nigeria, in collaboration with other countries, sponsored the initiative on human rights and transnational corporations and other business enterprises, which had culminated in the adoption of the United Nations Guiding Principles on Business and Human Rights.

5.1. Normative and Institutional Framework

The Nigerian delegation gave an account of its efforts to establish appropriate normative and institutional frameworks for the promotion and protection of human rights. It noted that in its

determination to strengthen the democratic process and entrench a culture of respect for human rights, Nigeria amended the 1999 Constitution three times between 2010 and 2011 to grant financial autonomy to the Independent National Electoral Commission (INEC) to enable it perform optimally, as well as enhance the electoral processes. The amendments to the Constitution and INEC's autonomy contributed significantly in making the 2011 General Elections of Nigeria largely free, fair and credible.

Accordingly, section 285 of the Constitution was amended to set timelines for determination of election petitions. The amendment mandates an election tribunal to deliver its judgment in writing within 180 days of filing an election petition, while an appeal to the decision of an election tribunal or court shall be determined within 60 days from the date of the delivery of judgment of the tribunal. The outcome of this amendment, according to the delegation has been the speedy disposal of election petitions and avoidance of unnecessary distractions to governance often occasioned by delay in disposing election petitions.

Furthermore, the delegation noted that the Supreme Court of Nigeria has further affirmed, clarified and reinforced these amendments through various judicial pronouncements and declarations. Noting that Section 254 of the Constitution was amended to provide for the establishment of a National Industrial Court to hear and determine cases affecting the civil rights and obligations of workers, especially on matters arising from the workplace, conditions of service, regarding health, safety, welfare of employees and workers, the delegation observed that courts in Nigeria have been established to promote and protect the rights of employees through its decisions.

On the development and implementation of an economic transformation blueprint, the delegation further pointed out that the Government of Nigeria has continued to sustain a rights-based approach to economic management that is pro-poor and gender sensitive through an economic transformation blueprint tagged

Nigeria's Vision 20:2020. As a long term plan for stimulating Nigeria's economic growth and launching the country onto a path of sustained and rapid socio-economic development, section 2 of the blueprint relates to the promotion and protection of human rights including guaranteeing the well-being and productivity of Nigerians.

The delegation noted in its report that the vision provides in specific terms, among others, a strategic framework for guaranteeing the well-being and productivity of Nigerians regarding eradication of extreme poverty, enhancing access to quality healthcare, provision of sustainable access to portable water and basic sanitation, provision of accessible and affordable housing, building human capacity for sustainable livelihoods and development, improving access to micro credit, promotion of gender equality and empowerment of women while fostering a culture of recreation and entertainment for enhanced productivity.

Noting that there are various gender-related bills currently pending in the National Assembly and recalling that government is deploying resources to expedite their passage into law, the delegation highlighted that Nigeria is committed to ensuring that respect for all persons irrespective of race, class, disability or gender is guaranteed and that gender equality and women empowerment are basic human rights that form part of Nigeria's Vision 20:2020 and the Transformation Agenda of Government. It further noted that the strategy adopted in the blueprint for promoting gender equality and women empowerment is by systematic gender mainstreaming in all policies and programmes of government, through the incorporation of the principles laid out in the newly revised National Gender Policy, national laws and other regional and international human rights instruments that support gender equality and women empowerment.

In respect to justice sector reform, the delegation noted that the Government of Nigeria is pursuing all-inclusive justice sector reforms with the establishment of the Federal Justice Sector Reform

Coordinating Committee (FJSRCC). The Committee is mandated to coordinate the development, management and implementation of policies aimed at improving the delivery of justice services, achieve higher operational standards, maintain synergy between the activities of justice institutions and provide a forum for resolving cross institutional problems and challenges. With a mandate that extends to appointments, promotion and discipline of judicial officers, case flow management, and evidence law, the FJSRCC, in collaboration with other stakeholders in the justice sector, according to the delegation, undertook a comprehensive review of the Nigerian Prisons Standing Orders and developed the Child Rights Act (Enforcement Procedure) Rules. It was noted that the FJSRCC is currently facilitating the development of National Prosecution Policy, enforcement of fundamental human rights, and Alternative Dispute Resolution (ADR) system, among other reform initiatives.

The delegation claimed that the Nigerian judiciary currently features many female Justices and a female Chief Justice of the Federation has been appointed for the first time. Also, the Administration of Criminal Justice Bill is also before the National Assembly with various State Governments making frantic efforts to reform their justice systems. The bill is intended to institutionalise the broad objective of the proposed National Prosecution Policy which is to engender a criminal justice system that is quick, smooth, fair, just, and firm. There is also the Administration of Justice Sector Reform Bill to ensure speedy dispensation of justice.

On housing and urban development and sustainable environment, the delegation informed the Human Rights Council that the Government of Nigeria has shown commitment to improving access to affordable housing through legal and policy frameworks including mortgage financing, and recapitalisation of the Federal Mortgage Bank of Nigeria, and through Public Private Partnership (PPP) housing estate schemes. These frameworks and the PPP initiatives generated a quantum leap in the number of prototype

housing units constructed from 25.49% to 151.17% between 2011 and 2012. It noted that section 20 of the 1999 Constitution, as amended, guarantees the right to a sustainable environment which is also mainstreamed into the socio-economic development of Nigeria within the framework of the National Transformation Agenda.

According to the delegation, the initiatives to support these objectives include promoting sustained afforestation to correct adverse practices such as land clearing, nutrient mining, excessive irrigation, inappropriate use of agrochemicals and fertilizers. The initiative is targeted at increasing the forest cover from 6% in 2008 to 12% in 2015 and 18% in 2020; instituting mechanisms for monitoring national waste management and pollution and establishing pollution monitoring stations across the country; adopting an integrated and multi-sectoral approach to the implementation of national environmental policies, programmes and international conventions; inventorising and remediating past oil pollution-impacted areas in the Niger Delta region.

For effective and prompt response to environmental emergencies, the delegation noted that the capacities of the institutions responsible for the surveillance and control of oil spill and pipeline vandalism, as well as other relevant agencies, such as National Oil Spill Detection and Response Agency (NOSDRA), National Security Civil Defence Corps (NSCDC), National Environmental Standards and Regulations Enforcement Agency (NESREA) and the National Emergency Management Agency (NEMA) are currently being strengthened.

On the critical issues of security, the delegation opined that Nigeria is experiencing the impact of externally-induced internal security challenges manifesting in the activities of militant insurgents and organised crime groups which has led to the violation of the human rights of many Nigerians. To address the problem, it noted that the Government of Nigeria adopted

constitutional measures which include the “declaration of a state of emergency” in the states of Adamawa, Borno and Yobe of the Northeast Nigeria where the insurgents have their base. As a result, a Joint Task Force (JTF) and a Special Task Force (STF) have been deployed with the required legislative authorisation to utilise rights-based “Rules of Engagement” and “Operational Plans” in combating the insurgency.

It observed further that Government also kept open communication channels through the activities of a Presidential Committee on Security Challenges towards working out a peaceful resolution of the crisis. While putting in place an amnesty programme to dissuade terrorists and other extremists from violence, the delegation noted that the Government of Nigeria has already proscribed Boko Haram as well as the *Jamā'atu Ansāril Muslimīna fī Bilādis Sūdān* and stipulated a 20-year jail term for anybody who aids or sponsors them in any manner whatsoever.

Furthermore, the government, according to the delegation, has equally taken other measures to improve security, including the enactment of the Terrorism Prevention Act 2011 and its subsequent amendment in 2013 to broaden the scope of its application, development of a Counterterrorism Strategy and creation of crisis management centre in the Office of the National Security Adviser, coordination of enhanced capacity building for all security and intelligence outfits at both the strategic and tactical levels, and coordination of a security awareness programme for ministers and other functionaries of Government. To ensure the protection of the human rights of all persons in counterterrorism operations, the delegation noted that the National Security Adviser coordinates efforts among the security and intelligence agencies and that human rights standards have been incorporated in the training curricula of all security operatives.

5.2. Update on the Recommendations Accepted in the 1st UPR Circle

i. Fast track the process of accession to human rights instruments to which it is not party yet and accelerate the process of passing into law various human rights bills before the National Assembly

The delegation reported that Nigeria ratified some United Nations human rights instruments in partial fulfillment of this recommendation. These are the International Convention for the Protection of All Persons from Enforced Disappearance, the Convention on the Prevention and Punishment of the Crime of Genocide, Optional Protocol to the Convention against Torture (OP-CAT), the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, and the Optional Protocol on the Involvement of Children in Armed Conflict.

It further noted that Nigeria is also working assiduously to ensure that it signs, ratifies and enacts into law other U.N Human Rights Instruments which it is yet to be party. It reported that the executive arm of Government has been engaging with the Principal Officers of the National Assembly and State Houses of Assembly with a view to accelerating the process of passing into law all human rights-based bills. Similarly, the Government, the delegation reported, is making efforts to ensure the enactment into law of other pending human rights related bills before the National Assembly as a demonstration of its commitment to the promotion and protection of human rights in Nigeria.

ii. Strengthen human rights institutions and the promotion and protection of human rights

On this recommendation, the delegation highlighted that the Government of Nigeria has been making concerted efforts since 2009 to strengthen human rights institutions by amending the National Human Rights Commission Act, the Legal Aid Act, and

the Law Reform Commission Act. It equally noted that the National Human Rights Commission (Amendment) Act, 2010 strengthens the independence of the Commission in the conduct of its affairs and in its funding and that the awards and recommendations of the National Human Rights Commission are now recognised as decisions of a High Court.

The delegation observed that in exercising the functions and powers of the National Human Rights Commission, the Commission, under the Act is not subject to the direction or control of any authority or person. In its bid to also improve accessibility of the general public to its services, and ensure provision of timely and more efficient remedies to victims of human rights violations, the Commission has established more offices. Between 2012 and 2013, it had established 15 offices in addition to the existing 8, bringing the total to 23 offices across the country.

Also, the Nigerian Law Reform Commission, according to the delegation, offered technical assistance to the National Assembly and other governmental institutions in respect of bills aimed at promoting and protecting human rights. The Commission also offered technical assistance in the form of advice to Ministries, Departments and Agencies on the guidelines for implementation of the Freedom of Information Act 2011. Akin to this, Nigeria repealed and re-enacted the Legal Aid Act in 2011 to broaden the scope of the mandate of the Legal Aid Council to utilise paralegals for service delivery at the grassroots level to enhance action on the caseload of the Council and for publicity and awareness.

With this development, the Council has taken access to justice to the grassroots by setting up Legal Aid Centres in the Secretariat of the 768 local government areas in the country and the six area councils of the Federal Capital Territory. The delegation updated that the Government has also developed a scheme called Court and Prison Duty Solicitor Scheme, which enables the Legal Aid Council of Nigeria to immediately intervene on behalf of indigent Nigerians who are arraigned in court but do not have

legal representation. This is to accelerate court proceedings with a view to releasing accused persons on bail, decongest the prisons and provide access to justice for indigent citizens.

On the promotion and protection of human rights, the delegation noted that Nigeria is committed to the protection and promotion of human rights of its people and has always accorded priority to this in the allocation of resources for implementation of its human rights policies and programmes. It noted that the Fundamental Human Rights (Enforcement Procedure) Rules, 2009 empowers the Courts to interpret and apply the human rights provisions of the Constitution and the African Charter on Human and Peoples' Rights expansively and purposely with a view to advancing and realising the rights and freedoms contained in them.

This affords the protection intended by them as well as empowering NGOs to exercise locus standi in instituting matters on behalf of victims of human rights violations. Additionally, it disclosed that Government has organised and will continue to organise human rights education and training for police and military officers to sensitise them on human rights issues. Similarly, human rights curricula have been introduced and made compulsory for all students undertaking law programme as a course of study in Nigerian universities in order to inculcate universal human rights values.

It noted that the Freedom of Information Act 2011 was passed and signed into law. The Act guarantees every person a right to request for access to any record under the control of a government or public institution without demonstrating any specific interest in the information being requested. To this end, the government has established a unit in every MDA. In order to implement the World Programme for Human Rights Education (2010 – 2014) it was noted that Nigeria has set up an inter-ministerial technical committee on human rights education in 2012. The education of

school age children on human rights has been made a top priority by government. In this regard, human rights clubs have been established in many secondary and post-secondary institutions all over the country and efforts are on-going between relevant Federal and State education authorities to integrate human rights education into the curriculum of secondary and post-secondary schools in Nigeria.

The delegation noted that the National Action Plan (NAP) for the Promotion and Protection of Human Rights in Nigeria is currently being reviewed. The reviewed plan will cover the period between 2014 and 2018 and will address the recommendations put to Nigeria in the first cycle of the UPR which include concrete and time bound steps to accelerate the protection of human rights in Nigeria. Also, Federal Ministries, Departments and Agencies as well as state governments were sensitised on the National Action Plan and they have begun to appreciate the need to apply rights-based approach in planning and implementing national policies and developmental programmes.

To underscore the significant roles of the CSOs in ensuring the fulfilment of Government's obligations on human rights, the delegation reported that two representatives of CSOs are members of the UPR Committee because Nigeria recognises civil society organisations (CSOs) as strategic partners for the defence of human rights, rule of law, constitutionalism and the promotion of good governance. Consequently, Nigeria therefore supports and collaborates with human rights-based CSOs in order to actively contribute in promoting and protecting human rights in all spheres of life.

iii. Amend the National Human Rights Commission Act to encourage the Commission to regain its ‘A’ rating; institutionalise the National Consultative Forum and implement policies and programmes on the promotion of good governance, democracy and the rule of law

The delegation responded that Nigeria has fully implemented this recommendation by amending the National Human Rights Commission Act in 2010 which enabled it to regain its ‘A’ rating in 2011 at the International Coordinating Committee of National Human Rights Institutions. Also, the process of institutionalising the National Consultative Forum on Human Rights is on-going and that the Government of Nigeria is committed to using the platform as a vehicle to promote dialogue in the field of human rights. It also informed the Council that Nigeria is determined to promote good governance and in that regard, one of the goals of Nigeria’s Vision 20:2020 is to institute a system of Government that is transparent, accountable, gives voice to the people and guarantees their welfare for equitable and sustainable national development and that the vision and the Transformation Agenda of the Government, encapsulate the key principles and thrusts of the National Economic Empowerment and Development Strategy (NEEDS) and the 7-Point Agenda.

iv. Maintain standing invitation to the UN human rights mechanisms and speed up submission of pending reports to treaty bodies

On this recommendation, the delegation noted that Nigeria has considered requests for visit by a number of Special Procedures Mandate Holders and agreed to receive, the Special Rapporteur on Independence of Judges and Lawyers, Special Rapporteur on Violence against Women, Representative of the Secretary General on Internally Displaced Persons and the Special Rapporteur on Trafficking in Persons. Currently, the requests to visit Nigeria by the Independent Expert on Minorities Issues and the Special

Rapporteur on Adequate Housing are being processed as the Independent Expert on Minority Issues was scheduled to visit Nigeria in September 2013.

On this subject matter, the delegation reported that Government established an Inter-Ministerial National Working Group on Human Rights Treaty Reporting in July 2010 and the Working Group is to assist government in taking proactive steps towards fulfilling national and international human rights obligations including those from U.N Charter-based bodies like the Human Rights Council (HRC). The Working Group would also ensure timely preparation, submission and examination of required reports under respective treaties by both the UN and AU treaty bodies and ensure follow up actions on concluding observations and recommendations of such treaty bodies.

v. Share best practices to promote human rights and continue to sensitise religious and customary leaders

It was reported that Nigeria supports efforts in sharing best practices in the promotion and protection of human rights, especially in the West African sub-region. In this regard, Nigeria signed multipartite agreements on local integration with the Governments of Liberia and Sierra Leone, as well as the ECOWAS and the United Nations High Commissioner for Refugees to locally integrate some Refugees from Liberia and Sierra-Leone in Nigeria. This, according to the delegation is adjudged to be a successful effort in the West African sub-region. It further noted that the Government of Nigeria has also continued to provide the enabling environment for the sustenance of civil society organisations involved in human rights activism while entry visas are routinely issued to their international collaborators involved in the preparation of reports and publications often referenced by the Human Rights Council. Notable of these organisations, according to the report are Amnesty International and Human

Rights Watch. It further noted that Nigeria has continued to take action aimed at raising awareness among religious and customary leaders and supporting the activities of Nigeria Inter-religious Council (NIREC) to promote mutual co-existence, religious harmony and inter-faith dialogue among Muslims and Christians in the country.

vi. Legalisation of same sex marriage and abolition of death penalty

According to the delegation, Nigeria does not accept this recommendation because same-sex marriage is against its national values. Recent polling data suggests that 92% of Nigerians support the Anti-Same-Sex Marriage Bill passed by the Senate. Noting that the Marriage Act defines marriage as a relationship between a man and a woman and bearing in mind that Christianity and Islam, which are the major religions in Nigeria, also recognise marriage as relationship between a man and woman, same-sex marriage is not in the culture of Nigerians.

The report noted furthermore that sexual and gender minorities are not visible in Nigeria and there is no officially registered association of gays and lesbians. The delegation noted that in writing this report, a consultation and validation process was held with various stakeholders where the issue of same-sex marriage was brought up, and the general view of the participants was that same-sex marriage was not a human rights issue in Nigeria.

On the subject of death penalty, the delegation noted that the right of man to life is the most fundamental human right and that the Government uses the death penalty as a deterrent to protect human life. Accordingly, section 33 (1) of Constitution of the Federal Republic of Nigeria 1999 guarantees the right to life. It provides that “Every person has a right to life, and no one shall be deprived intentionally of his life, save in execution of the sentence of a court in respect of a criminal offence of which he has been

found guilty in Nigeria.” Also, the Penal code and Criminal code prescribe death sentence for anybody who commits culpable homicide punishable with death and murder respectively and that death penalty is a valid part of Nigerian law. The delegation enumerated the offences that are punishable by death including murder, treason, directing or presiding at an unlawful trial by ordeal from which death results and armed robbery.

vii. Adopt comprehensive legislation with regard to extrajudicial executions and torture by the police

In its response, the delegation noted that Nigeria is committed to respecting the lives and dignity of its citizens and consequently, has zero tolerance for any form of cruelty such as ill treatment and extrajudicial killings. It reported that security officers that have been found culpable irrespective of their position have been made to face the full weight of the law. This was illustrated by the trial of senior police officers accused of killing Mohammed Yusuf, the leader of the Boko Haram Sect, the Naval officer who killed a commercial bike rider in Lagos State and a soldier who killed an oil tanker driver in Kaduna State are being court-martialed.

Apart from the Constitution and the Police Act, Government introduced a Code of Conduct for Police Personnel in 2012 which provides guidelines on the use of force by Police personnel. In addition to these national laws, the police personnel comply with the United Nations Guidelines on the Use of Force by Law Enforcement Agents and the Guidelines on Treatment of Persons under any form of detention when dealing with suspect. Section 34 (1) of the Constitution protects the right to dignity of the human person by overtly prohibiting torture, inhuman or degrading treatment and specifically provides that “every individual is entitled to respect for the dignity of his person and accordingly, no person shall be subjected to torture or to inhuman or degrading treatment.”

It noted further that Government has set up the National Committee on Torture (NCOT) as a national mechanism to investigate allegations of torture, extrajudicial executions and other unlawful killings. Between February and March, 2013, the Nigeria Police Force, in collaboration with the National Human Rights Commission, trained 20,000 police personnel at police training institutions across the country on “Policing in a Democratic Society.” Also, the government has established a forum known as the Police/National Human Rights/Commission/Civil Society Organization forum which meets quarterly to share ideas and information on human rights issues concerning the Nigeria Police Force.

viii. Repeal all laws that allow violence and discrimination against women, eliminate existing harmful traditional practices and adopt all necessary measures to provide full protection of children, girls, women and widows from the effects of these traditions

It was reported by the delegation that, in Nigeria, it is a state priority to address violence against women through public policies. Since the establishment of the Federal Ministry of Women and Social Development and its equivalents in the States, efforts have been made to consolidate and strengthen policies and programmes which will eliminate violence against women and provide support for victims. A product of these efforts is the Violence Against Persons Bill being considered in the National Assembly. Section 42 of the 1999 Constitution of the Federal Republic of Nigeria guarantees and protects the rights of women and minority to freedom from discrimination under the fundamental rights provisions of the Constitution. Under this provision, a citizen of Nigeria shall not be subjected to discrimination on the basis of sex.

Under section 46 (1) of the Constitution, women who are victims of violence and discrimination may apply to a High Court

for redress by way of fundamental rights enforcement proceedings in the event of the application of any law that allows violence and discrimination against them. As a party to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and its Optional Protocol as well as other international and regional instruments on the rights of women, the delegation noted that Nigerian courts have on several occasions declared null and void all laws and customs that are not in the spirit of the Constitution in this regard.

On the other hand, the Federal Ministry of Women Affairs and Social Development is engaged in continuous advocacy to legislators, policy makers and other stakeholders on the imperative to pass the CEDAW bill currently pending before the National Assembly. Similarly, Government has taken necessary steps also to engage traditional and religious leaders on the importance of eradicating negative cultural practices from their communities. Some States of the federation have passed laws eradicating some of these practices, including Female Genital Mutilation and harmful widowhood rights. Various actions are being taken, including strengthening of laws and policies as well as their implementation, strengthening of human resources and police institutional reforms to eradicate negative cultural practices at the Federal and state levels.

In its efforts to improve the rights of women and ensure that all administrative and policy bottlenecks that hinder women from exercising their rights as guaranteed under the 1999 Constitution of the Federal Republic of Nigeria and other international instruments of human rights, are implemented, the Federal Government of Nigeria adopted a Gender Policy by approving the establishment of Gender Desks in all Ministries, Departments and Agencies of government with a view to mainstreaming gender issues in all their activities. The National Orientation Agency organises sensitisation programmes for the public on the

harmful effects of traditional practices against women, especially widows and that Government will continue to intensify efforts to raise awareness as well as disseminate information on the value of human rights among traditional and religious leaders in order to curb negative traditional practices.

The delegation further noted that the Government of Nigeria has established a National Agency for the Prohibition of Trafficking in Persons (NAPTIP) with a mandate to combat human trafficking, protect, assist and give vocational training to trafficked persons. Government, according to them, has also taken preventive measures against human trafficking through public enlightenment campaigns involving the Police, NAPTIP, some diplomatic missions, State governments, NGOs and other stakeholders.

ix. Protect children against violence

Relating to the protection of children from violence, the delegation reported that the Government has put in place adequate laws and policies to protect children against all forms of violence. Pointing out that the Child Rights Act (CRA) is the fundamental national legal instrument for the protection of children against violence, 22 States of the Federation have enacted Child Rights Laws and that seven States of the Federation and the Federal Capital Territory (FCT) have formulated the Family Court Rules which serve as one of the structural requirements for the implementation of the Child Rights Act. Also, efforts are also on-going to rehabilitate street children.

Equally, the Government has launched the National Policy on Orphans and Vulnerable Children to provide a variety of social service programmes to ensure that the basic needs of children are provided as well as strengthening social welfare institutions for them. Efforts have also been made to ensure that violators of the rights of a child as prescribed in the CRA are prosecuted

in court and the rights of such a child upheld. It recalled that the Akwa Ibom State Government has passed a law abolishing the stigmatisation of any child in the State as a witch. Following this, several people found violating this law have been arrested.

Furthermore, the delegation highlighted an ongoing programme known as Situation Analysis of Child Protection Issues designed to obtain information for the analysis of child protection issues as well as effective coordination of child protection issues in Nigeria. The strategies adopted for the implementation of the programme include, national meetings of State Directors of Child Development to gather information on reported cases of child abuse nationwide and the creation of network/linkage with the 36 States of the Federation and the Federal Capital Territory, Abuja. The CSOs have formed a Child protection network to further protect children and are advocating for child-friendly desks being established in all Police Stations.

It further noted that Government supports the Nigerian Children's Parliament to provide appropriate platform for children to express their concerns on issues affecting their wellbeing. The Government of Nigeria has also commenced a pilot scheme of one warm nutritious meal a day in schools to combat persistent hunger, stunted growth and promote mental and physical development of the Child. Accordingly, some States are already implementing the provisions of the Child Rights Law by setting up Child Rights Implementation Committees (CRIC) and family courts in that regard.

x. Take specific measures to improve the judicial systems, internal and external monitoring of the police, speed up the reform of the penitentiary

The delegation responded that the National Judicial Council is intensifying efforts to reform the Judiciary and judges found to have been involved in corrupt practices were tried and dismissed or

compulsorily retired from service. Also, infrastructure upgrading, including ICT networking for all courts, training and capacity building for judicial officers in emerging areas in the economic and social domain are on-going. Similarly, the National Judicial Institute is playing a key role in this regard and Government has constituted a committee known as the Performance Evaluation Committee of Judicial Officers of Superior Courts of Record with mandate to assess the output of judicial officers, their general conduct and the administration of justice.

Government has also developed frameworks in the form of Practice Directions for judicially supervised mediation in civil cases to reduce adversarial cost and enforce timelines in criminal prosecution and sentencing to fast-track the administration of justice. The Practice Directions enjoin judges to encourage parties to use an ADR mechanism through the Multi-Door Courthouse when appropriate. The First and Second Alterations to the 1999 Constitution set timelines for determination of election petitions in the Election Tribunals.

With this development, election petitions are expeditiously heard and determined. It noted that the Federal Ministry of Justice has in collaboration with Civil Liberties Organisation (CLO) and other CSOs undertaken the monitoring of the police. Zonal and State Committees have also been mandated to undertake “Ombudsman” review of complaints against the police and institutions such as the judiciary are also involved in the review of prison conditions and alternative sentencing to ensure the penitentiary system is also performing rehabilitative functions.

xi. Further fight against corruption

On the endemic issue of corruption and its devastating effects on human rights, especially, economic, social and cultural rights, the delegation noted that Nigeria has comprehensive laws as well as vibrant anti-corruption institutions to fight corruption. The

laws include the 1999 Constitution, the Economic and Financial Crime Commission Act, the Independent Corrupt Practices and Other Related Offences Commission Act, Money Laundering (Prohibition) Act, the Penal Code and the Criminal Code. On the other hand, the relevant institutions include, the Nigeria Police, the Judiciary, the Economic and Financial Crimes Commission (EFCC), the Independent Corrupt Practices Commission, the Code of Conduct Bureau and the Code of Conduct Tribunal.

It noted that between 2012 and March 2013, a total of 140 criminal convictions bordering on money laundering, bank fraud, forgery and criminal breach of trust were secured. A combined total asset worth ₦9,755,924,635.69 (\$60,221,757.0104) was also recovered and forfeited by the perpetrators of crime which included government agencies and departments, private individuals, institutions and organisations. This is besides the recovery of a total of \$170 million between 2010 and 2011 made through settlements from foreign multinationals involved in the Halliburton bribery scandal and custom duty violation. Also, the sum of \$144,214.5 and ₦2,705,000.00 were ordered forfeited to the Federal Government by the court and the Government assisted the Metropolitan Police in the investigation, prosecution, conviction and sentencing of Mr. James Ibori, former Governor of Delta State, by the Crown Court at Southwark, London for money laundering and fraud.

Similarly, Government also assisted in the case involving Mr. Erastus Akingbola, former CEO of Intercontinental Bank, before the Royal Commercial Court in London, in which the Court ordered the forfeiture of a total sum estimated at ₦165billion. On the other hand, the Government, through the Economic and Financial Crimes Commission, played a vital role in the prosecution of these cases by providing the United Kingdom authorities with assistance during the investigation.

Also, the Nigerian Extractive Industries Transparency Initiative (NEITI) emerged in 2013 as the best Extractive Industries

Transparency Initiative in the world out of the 39 countries that are implementing the Extractive Industries Transparency Initiative (EITI). The award was given to Nigeria at the global Extractive Industries Transparency Initiative conference in Sydney, Australia. Akin to this, the Government collaborated with CSOs and has established and institutionalised outreach platforms which include the National Anti-Corruption Coalition (NACC), National Anti-Corruption Volunteer (NACV), Anti-Corruption School Clubs (ACSC) and the Anti-Corruption and Transparency Monitoring Unit (ACTMU) to enhance the fight against corruption. Government has also designed and implemented conferences, workshops, seminars, town hall meetings to educate Nigerians against corruption.

Government has likewise adopted strategic initiatives targeted at eradicating corruption. These initiatives include guaranteeing political and financial independence for anti-corruption agencies; stiffening sanctions on corrupt offenders and promoting transparency and accountability in the management of public finances; enactment of stringent laws on financial reporting, audit, disclosure requirements and timely publication of funds released from the Federal Allocation Committee (FAC) accounts; creation of an Inter-Agency Task Team on anti-corruption to develop national strategy on anti-corruption; full implementation and enforcement of the Fiscal Responsibility Act, Freedom of Information Act and the Public Procurement Act; and strengthening the partnership between Government, civil society, the media and the public in fighting corruption.

xii. Take actions to dispense awaiting trial cases, improve conditions of detention within prisons, improve legal representation of prisoners and separate detention facilities for persons under the age of 18)

The delegation reported that several initiatives have been put in place to ensure that the rights and welfare of prisoners and those awaiting trial are protected. Furthermore, in an effort to separate

detention facilities for inmates under the age of 18, government has established 3 training institutions in Kaduna, Abeokuta and Ilorin for underage detainees. A Roundtable Conference with stakeholders on how persons awaiting trial and poor access to justice would be addressed has been introduced by the Nigerian Prison Service. Also, the Prison Reform Bill 2011 has passed through the second reading in the National Assembly. When the Bill is passed and signed into law, there will be greater improvement in the welfare of prisoners. The Nigeria Prisons Service has also entered into collaboration with national, regional and international bodies to ensure that the activities and treatment of prisoners are in line with international standards. The collaborative initiatives involve Human Rights Education for officers of the Nigeria Prisons Service on the treatment of inmates.

In the Prisons Reform Bill, there is a provision for Prison Comptrollers to reject new inmates where there is no space in the prisons and the curriculum of the Nigeria Prisons Service Training School has been reviewed to include the study of human rights. Different types of reformation and rehabilitation programmes have been introduced for prisoners. For example, the Nigeria Prisons Service runs university programmes for prison inmates in four of the prisons through the National Open University of Nigeria in Enugu and Special Study Centres in Lagos, Port-Harcourt, and Abuja. Prisoners that are serving sentences are also being trained in and outside the prison on vocations such as welding, tailoring services, carpentry, beading and knitting. The establishment of the Ikot Ekpene Prisons in 2011 adjudged by the European Union as the “best reformatory in Nigeria” is a pointer to the ideal prisons Nigeria is developing in line with international best practices.

The delegation pointed out that to accelerate access to justice, Prisoners Case Tracking Processes have been established in Lagos, Sokoto, Kebbi and Enugu States to facilitate speedy trial of cases. Likewise, efforts to address the problem of prison congestion,

efforts are being made towards the extension of Legal Aid scheme to National Youth Service Corps (NYSC) across the country whereby every State Headquarters of the NYSC has a Legal Aid scheme to address the issue of prison congestion. Some State Governments such as Lagos, Jigawa and Rivers have established Citizen Rights Departments, which provide legal assistance to remanded prisoners as well as Legal Clinic for law students to interact with prison inmates to ensure their conditions are on course. Also, the government has also recently constituted an inter-ministerial committee to address the problem of awaiting-trial inmates in Nigerian prisons. The committee is expected to proffer short, medium and long term sustainable solutions to the problem associated with the awaiting trial inmates.

xiii. Ensure the freedom of expression is respected and that journalists take on their mission of providing information without harassment

The delegation posited that Nigeria believes that freedom of expression and the press are major attributes of democracy which promote transparency, accountability, good governance and democratic participation. It noted that the right to freedom of expression and press are guaranteed under the Constitution and the Freedom of Information Act, 2011. According to the delegation, the press in Nigeria is free and section 39 (1) of the Constitution provides that “every person shall be entitled to freedom of expression, including freedom to hold opinions and to receive and impart ideas and information without interference.” Furthermore, the Constitution allows anybody who alleges that his right to freedom of expression has been, is being or likely to be contravened, to apply to a High Court for redress.

xiv. Take more strenuous efforts to improve the socio-economic conditions of women, and give them access to economic resources such as credit and loan facilities

It was presented by the delegation that the Government of Nigeria has undertaken several interventions to improve the socio-economic well-being of Nigerian Women with the establishment of the Women Fund for Economic Empowerment (WOFEE) which is a collaboration between Federal, States and the Bank of Agriculture. The Fund, which has a low interest rate, targets grassroots women cooperatives. The initial takeoff fund was the sum of ₦261,000,000.00 (\$1,616,009) which was contributed by the Federal Government. The Fund has been distributed to 3, 281 beneficiaries in 28 States of the Federation that have contributed their counterpart funds.

Also, the Business Development Fund for Women (BUDFOW) in collaboration between the Federal Government, State Governments and the Bank of Industry targets women entrepreneurs who desire loans to expand their businesses. The purpose is to provide low-interest credit facilities for women entrepreneurs who are not in a position to enjoy such facilities from the mainstream banks. Equally, the Ministry of Women Affairs and Social Development in collaboration with the Office of the Senior Special Assistant to the President on the Millennium Development Goals (MDGs) has also established Women Political Trust Fund to provide support for female political aspirants. It has in effect made approval of gender responsive budgeting in the Ministries of Water Resources, Agriculture, Health, Works and Information Technology with an initial dedicated sum of ₦3,000,000,000.00 (Three Billion Naira) about (\$18,575,851).

It recalled that Government also introduced the Subsidy Reinvestment Programme (SURE-P) targeted at women and youths; the Youth Innovative Enterprise (You WIN Women) solely dedicated to women; the Financial Inclusion Programme by the Central Bank

of Nigeria; the Presidential Directive for inclusion of not less than 35% of women in all governments' committees; the admission of women into the Nigeria Defence Academy (NDA) as well as their commissioning as combatants in the Armed Forces of the Federation.

In a similar vein, the delegation recounted that Government has constructed and fully equipped twenty four (24) Skills Acquisition Centres across the Federation to train women and others in various skills targeted at empowering them to generate jobs, create income and further discourage the high rural-urban drift by improving their quality of life. It also reported the establishment of national framework to execute the U.N Resolution 1325, which is an instrument to mainstream Gender perspective into peace-keeping operations while creating the platform for women's equal participation and full involvement in all efforts towards maintenance and promotion of peace and security as well as in decision-making with regard to conflict prevention and resolution.

xv. Take further measures to bolster the national health system and increase its efforts in the field of maternal health

On this issue, the delegation recalled that the Nigerian Constitution mandates Government to direct its policy towards ensuring that there are adequate medical and health facilities for Nigerians. As such, Government has therefore articulated effective policies, guidelines and interventions which are harmonised within the National Strategic Health Development Plan (NSHDP 2010-2015). Within the NSHDP, a number of specific intervention programmes have been articulated and are being implemented to scale up the attainment of MDGs 4 and 5.

The interventions, according to the delegation are the Campaign on Accelerated Reduction on Maternal Mortality (CARMMA) to create awareness on promoting maternal and child health; institutionalisation of Bi-annual Maternal Newborn and Child

Health Week for improving MNCH services; establishment of the IMNCH-MDG Budget line; Global London Summit July 2012 on Family Planning during which the Government of Nigeria increased its commitments by 300% on funding family planning programme; and Child survival programme under which government has resolved to develop a national roadmap that will guide actions for reducing child mortality to at most 20/1000 live births by the year 2035.

It noted that Government has further made concerted efforts through various health-related projects and programmes such as the National Health Insurance Scheme (NHIS); the Saving of One Million Lives Initiative which was launched in October 2012; the SURE-P MCH, which is a conditional cash transfer programme designed to assist women to receive adequate health care services during pregnancy, child birth and delivery, procurement and distribution of emergency obstetrics drugs like Magnesium Sulphate and Misoprostol, while capacity-building initiatives are ongoing for skilled birth attendants on life-saving skills on MNCH interventions. Equally, Government has revised the following policies and guidelines in line with emerging global maternal newborn and child health issues to bolster the national health system.

The policies and guidelines include the Revised National Reproductive Health Policy, 2010, Reproductive Health Commodity Security Strategic Plan, 2011-2015, Strategic Framework on Obstetric Fistula, 2011-2015, Modified Life Saving Skills (MLSS), Life Saving Skills (LSS), Expanded Life Saving Skills (ELSS), National Family Planning/Reproductive Health Services Protocols and Policy Guidelines and Standards of Practice in line with WHO 2008 MEC, Training Manual on the Use of Magnesium Sulphate in the Management of Eclampsia and the Use of Misoprostol for the Management of Postpartum Hemorrhage, Family Planning Training Manual for Physicians and Nurse Midwives, Child Health Policy Under Review, Integrated Management of Childhood Illness, Community Integrated Management of Childhood Illness,

Guidelines and Training Manual for Community Management of Acute Malnutrition, Infant and Young Child Feeding Policy and Guideline, Integrated Community Case Management, Essential Newborn Care Manual and Programme Management Modules for MNCH programmes.

It noted that in 2009, eight rounds of polio campaigns were conducted and many children under five (5) years were vaccinated with OPV; 2,630 midwives were deployed to the 36 states of the federation under the Midwives Service Scheme, which consists of 249 clusters with 1,000 Primary Health Centres and General Hospitals as referral centres surrounded by 4 Primary Health Centres; Routine Immunization Vaccines and Cold Chain Rehabilitation Systems were procured and distributed; HIV/Cancer Research Centre was established at the National Hospital; Procurement and distribution of ACTs, LLITNs and Integrated Vector Control through IRS and the use of Larvicides; Maternal and Child Health Project was implemented in 11 states of the Federation in which 11,115,725 pregnant women and children under five (5) accessed the services; 48 VVF Surgeons were trained; and 6 Sickle Cell Centres were established in 6 Federal Medical Centres.

The delegation recounted that in 2010, four rounds of maternal and neonatal tetanus campaigns were conducted and about 15,313,604 women of child-bearing age were vaccinated; 40 General Hospitals with 160 Primary Health Centres were connected with ICT, 1,370 midwives were deployed to 36 states of the Federation; 500,000 'mama kits' were procured and distributed under the Emergency Life Saving Scheme (ELSS) and 163 medical officers were trained; Procurement and distribution of routine immunization Vaccines and Cold Chain Rehabilitation; 8,252,000 doses of BCG, 6,566,400 doses of DPT, 14,000,010 doses of TT and 10,500,000 doses of HBV were procured; Procurement and distribution of ACTs, LLITNs and Integrated Vector Control through IRS and the use of Larvicides.

To eradicate polio, it was recalled that Government doubled the funding of polio eradication activities to ₦4.7billion. The Presidential Taskforce on Polio Eradication has been constituted and inaugurated under the Chairmanship of the Minister of State for Health. A new robust Polio Eradication Emergency Plan has been developed with an accountability framework and all State Governors and the Minister of the Federal Capital Territory (FCT) have actively and personally led the quarterly Supplementary Immunization Days (SIDs) in their respective states. Government has also commenced a corrective surgery service in collaboration with Indian authorities in order to restore the functioning of affected limbs for victims of polio.

In continuation of its commitment to improving prevention of cancer and early management, the delegation reported that the government established six additional screening centres across the country for common cancers such as cancer of the breast, cervix and prostate. In the area of HIV/AIDS control, the Federal Government in 2012 signed the implementation plan for the framework partnership with the United States Government and commenced the decentralisation of ART services to the primary health care level. The Ministry of Health is an implementing partner under the Global Funds Round 8. Under this grant, PHC health workers are being trained on voluntary counseling and testing, prescription and administration of anti-retroviral drugs and general care of persons living with HIV/AIDS. The project is a vehicle designed to take HIV/AIDS control to PHCs across the country and health facilities that are not being covered under the Global Fund project are being covered by the PHAID project.

So far, PHC staff members in 18 States of the federation have been trained on various aspects of HIV/AIDS management (data management, laboratory diagnosis, integrated supportive supervision, management of opportunistic infections associated with HIV). The delegation recalled that in July 2013 (15th–16th), the Federal Republic of Nigeria hosted in Abuja special

summits of the African Union on HIV/AIDS, Tuberculosis and Malaria, where former President, Goodluck Jonathan launched the administration's Comprehensive Response Plan (PCRP), increasing domestic funding to accelerate the implementation of key interventions with respect to HIV/AIDS. Government also commenced the establishment of Geriatric Centres in line with international best practices. The purpose for the establishment of these units is to cater for the aged. The Geriatric Centre of the University College Hospital, Ibadan was commissioned in 2012.

Also, the Federal Government in its effort to ensure that Nigerians have access to quality health had planned to host a Presidential Summit on Universal Health Coverage. The NHIS – MDG/MCH project which is currently running in twelve states of the federation ensures the provision of free health services to pregnant women and children under the age of five. The Community Based Social Health Insurance (CBSHI) which is a form of private health insurance designed for rural dwellers and people in the informal sector was launched in 2011 by the former President. Some states in Nigeria have passed laws making it mandatory for all health facilities to report any maternal death when it occurs.

Government, according to the delegation, has also equipped some selected health institutions for kidney transplant. In 2012, kidney transplant was done in Lagos University Teaching Hospital, University of Ilorin Teaching Hospital and St. Nicholas Hospital, Lagos. It can also be performed at Obafemi Awolowo University Teaching Hospital, Ife, Aminu Kano University Teaching Hospital, Kano, University College Hospital Ibadan and University of Maiduguri Teaching Hospital, Maiduguri. Government has continued to pursue the passage of the National Health Bill into law. In consultation with the National Assembly, the bill has been further revised before and after the Senate hearing in February 2013. The Bill seeks a national health system and provides a framework for standards and regulation of health services whilst providing additional funding for health.

It noted that Government, through the National Health Research Ethics Committee of the Federal Ministry of Health has continued to foster the conduct of scientifically sound and ethically compliant health research in Nigeria. In this regard, the 2nd Forum of the Chairman of Health Research Ethics Committees of Nigeria was held in February 2013 to deliberate on how to better improve the protection of human research participation.

xvi. Invest in education in order to reduce the illiteracy rate, especially among girls and young women

The Government has put in place policies and measures to eradicate illiteracy through the provisions of qualitative education for Nigerians at all levels. These measures, according to the delegation, include the institutionalisation of the Early Childhood Care Development and Education programme, completion of 80 Tsangaya schools in order to integrate formal educational programme into the Quranic school system and the launching of the National Campaign on Access to Basic Education to reduce the number of out-of-school children, establishment of 12 new universities to enhance access to a federal university in each state of the federation, construction of special girls' schools in 13 states of the federation to improve Girls' Education Programme, establishment of Special Education Intervention Fund, out of which, the sum of ₦36billion was disbursed to the 36 states and Federal Capital Territory in 2012, establishment of the Tertiary Education Trust Fund (TETFund) in 2011 for the provisions of infrastructure and related facilities, out of which, ₦76.7billion has been disbursed to tertiary institutions, refurbishment of 352 science and technical laboratories in 104 Federal Unity Colleges.

It was reported that Government awarded a total of 101 Presidential Special Scholarships for Innovation and Development (PRESSID) for training in top 25 universities in the world in 2012; purchased and distributed instructional and library materials on

core subjects to all primary 6 students in public schools; supported the Nomadic Education Programme by constructing and equipping Nomadic Education Model Centres in grazing reserves; training of 28,000 public primary head teachers and support for Girls Education Projects; Recruitment and deployment of 36,356 Federal Teachers Scheme to fill the gap in public primary schools in the 36 states of the Federation and the Federal Capital Territory (FCT) Abuja and training of 145,000 teachers on core subjects in the 36 states of the Federation and the Federal Capital Territory.

Government, as highlighted by the delegation, has implemented a programme known as the Girl's Education Project (GEP) designed to enhance girl's enrolment and retention in school, using strategies such as the Students' Tutoring, Mentoring and Counselling (STUMEC); School-Based Management Committee (SBMC); School-Based Teacher Development (SBTD) and the Pedagogy Module and Core Subjects Modules. Through the Girls' Education Project, Government embarked on advocacy, sensitisation and mobilisation programmes, which have led to significant increase in the enrolment of girls into public primary schools and junior secondary schools in the educationally disadvantaged states of the federation.

It noted that Government has continued to increase the budget for education within the period under review and in 2009, the Government budgeted ₦226.60billion (\$1.51billion) in 2010; ₦234.80billion (\$1.56billion) in 2011; ₦356.40billion (\$2.38billion) in 2012; ₦409.50 (\$2.73billion) in 2013; ₦426.50billion (\$2.84billion) in 2014. While there are laws in some states of the federation for retention of girls in school and prohibiting the withdrawal of girls from school for marriage, the above figures show the Government's commitment to a sustainable growth of the education sector.

xvii. Prohibit discrimination against minorities

According to the delegation, there are adequate provisions in the 1999 Constitution to address the issue of discrimination against minorities. Section 14 (3) of the Constitution, states that the composition of the Government of the Federation shall be carried out in a manner to reflect the federal character of the country, thereby ensuring that there is no predominance of persons from a few states, ethnic groups or other sections in the government. Section 14 (4) of the Constitution, similarly protects the rights of minorities in the states by providing that the composition of the Government of a state or local government areas should be in a manner as to recognise the diversity of the people in the state or local government areas in order to promote a sense of belonging and loyalty among all the peoples. The Federal Character Commission has been active in driving this policy.

With regard to the Niger Delta region, it was reported that Government created the Ministry for Niger Delta Affairs and the Niger Delta Development Commission to lead the environmental clean-up and coordinate youth empowerment initiatives. This is in addition to the 13% revenue derivation policy in section 162 (2) of the 1999 Constitution and the amnesty and reintegration programme for repentant Niger Delta militants.

xviii. Take urgent steps to prevent politically-motivated, sectarian and religious-based violence

It was recalled by the delegation that Nigeria is building sustainable peace on the basis of mutual co-existence, realising that peace is an inevitable factor for any meaningful development. It is in the light of this that Government embarked on campaigns to promote peaceful co-existence among the diverse interest groups. The campaigns are aimed at sensitising the public on keeping the peace and reporting signals of potential conflicts.

Also, the National Orientation Agency is undertaking sustained advocacy for peace and security through its Peace and Security Awareness Campaign in Schools, and radio jingles in the major languages of the federation on the need for peaceful co-existence. On the issue of indigene/non-indigene, which has been a source of internal conflict in some locations of the country, Section 42 of the Constitution prohibits any form of discrimination on the basis of place of origin. As such, Government therefore does not condone the application of any policy based on the concept and there are judicial pronouncements declaring invalid any policy based on such discriminatory practices.

In a bid to show urgent steps taken to prevent politically motivated, sectarian and religious-based violence, the delegation noted that Government has also constituted a 26-man Committee on Reconciliation, Healing and Security to develop a framework for dialogue and peaceful resolution of security challenges posed by Boko Haram in the northern part of the country. Also, Government is supporting the activities of the Nigeria Inter-Religious Council (NIREC) to promote mutual co-existence, religious harmony and inter-faith dialogue among the Muslims and Christians as well as traditional religious adherents in the country.

5.3. Challenges in Promoting and Protecting Human Rights

According to the delegation, some of the challenges and constraints in promoting and protecting human rights in Nigeria can be lumped into the plural nature and size of the country. The heterogeneous and diverse nature of Nigeria has continued to create practical difficulties for the harmonisation of views, strategies and programmes for promotion and protection of human rights. The legal system of Nigeria, pluralistic, is composed of Customary Law, Received English Law, Legislation and Sharia Law. It is noteworthy that majority of Nigerians conduct their personal activities in

accordance with and subject to customary law, which has had great impact in the area of personal law especially in matters such as marriage, inheritance and traditional authority.

It was further noted that some of the incidences of violence and insurgency in the country which affect human rights and pose difficulties in breaking through entrenched mindsets stem from traditional practices. Following the enumeration of these challenges and to continue with the promotion and protection of human rights in a sustained manner, the delegation noted that Nigeria requires technical assistance in the development and application of human rights indicators to assess effective implementation of national and international human rights obligations of Nigeria.

Other areas where technical assistance is needed are training of staff of Federal and State Ministries of Justice and National Planning Commission in using the Human Rights Indicators, capacity development of staff of relevant Federal and State institutions in applying rights-based approach to development policies and programmes, training of security and other relevant institutions in mainstreaming human rights standards in counter-terrorism strategy, support to popularise and improve the circulation within the country of all UN human rights instruments that Nigeria is party, particularly in the establishment of "Resource Centres" comprising reference libraries and interactive e-platforms to interface with appropriate UN human right portals for ease of access and enlightenment. The delegation noted that Nigeria will further articulate these requests and submit them to the Office of the High Commissioner for Human Rights for appropriate action.

Noting that the promotion and protection of human rights is a continuous process, the delegation explained that Government remains committed to improving the well-being of the citizens, especially the under-privileged, including women and children. The amendment to the National Human Rights Commission Act in 2010 is a landmark achievement in the enjoyment and realisation of human rights in Nigeria. With the amendment, the Commission

has been granted financial and operational independence to make it more effective. Additional offices of the Commission have been opened across the country in order to create more awareness about human rights protection and promotion.

In conclusion, the delegation highlighted that the enactment of the Freedom of Information Act is another milestone by Government to promote and protect the rights of citizens as well as fostering an efficient, accountable, transparent and participatory government by giving citizens access to records and information in the custody of public officers. Bearing in mind that respect for human rights provides the foundation for sustainable development and lasting peace, it was recounted by the delegation that Government is committed to its obligations under the human rights instruments that it has ratified and is committed to implementing them.

UNITED NATIONS TREATY BODIES AND SPECIAL PROCEDURE REPORT

6.0 Overview

After its first Universal Periodic Review, Nigeria ratified the OP-CAT (2009); ICRMW (2009); CPED (2009); OP-CRC-SC (2010); CRPD (2010); OP-CRC-AC (2012); and lifted reservations to OP-CRC-AC (Declaration, art. 3.2, age of recruitment of 8, 2012) but did not ratify or accept ICCPR-OP 2; ICERD, art. 14; OP-ICESCR; ICCPR, art. 41; ICCPR-OP 1; CAT, arts. 21 and 22; OP-CRC-IC; ICRMW, arts. 76 and 77; CPED, arts. 31 and 32. After the first cycle, Nigeria also ratified the Convention on the Prevention and Punishment of the Crime of Genocide but did not ratify the ILO Conventions Nos. 169 and 189 and Additional Protocol III to the 1949 Geneva Conventions.

As regards cooperation with human rights mechanisms, it was noted that certain recommendations were still unimplemented. And these are the CERD whose nineteenth and twentieth reports were overdue as at 2008; CESCR, whose second report became overdue since 2000; HR Committee's second report overdue since 1999; and CEDAW combined seventh and eight reports due in 2014. In relation to cooperation with special procedure, Nigeria was yet to issue any standing invitation as at the time of the review.

During the period under review, 28 communications were sent. The Government replied to six communications. However, the following visits were undertaken by special procedure mandate holders. They include Freedom of Religion or Belief (1st to 10th of March, 2005), Human Rights Defenders (3rd to 12th of May, 2005), Extrajudicial, Summary or Arbitrary Executions (27th June to 8th of July, 2005) and Torture (4th to 10th of March, 2007).

6.1. Normative and Institutional Framework

In 2010, the Committee on the Rights of the Child (CRC) urged Nigeria to ratify the 1993 Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children. In 2010 also, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment noted with satisfaction Nigeria's ratification of OP-CAT and encouraged the Government to promptly establish an independent and effective national preventive mechanism in full accordance with OP-CAT.

Following the concluding observations of the Committee on the Elimination of Discrimination against Women (CEDAW), Nigeria, in 2012, reported that the Convention was yet to be incorporated into national law, but that there were ongoing consultative efforts to pave the way for such incorporation. In 2013, in a follow-up letter to the aforementioned report, CEDAW recommended to Nigeria to ensure that the Gender and Equal Opportunities Bill covered all areas of the Convention; implementation of the recommendations of the Nigerian Law Reform Commission (NLRC); the repealing of section 55 of the Penal Code of Northern Nigeria, section 55 of Chapter 198 of the 1990 Labour Act of Nigeria and section 360 of the Criminal Code; and also repealing of section 29, paragraph 4, of the Constitution.

In 2010, CRC expressed concern that most northern States

in Nigeria were yet to incorporate the Child Rights Act (CRA). It recommended that Nigeria should include the CRA in the list of legislation within the constitutional review context. Also, CRC recommended that Nigeria should ensure that all laws at federal and state levels, including religious and customary laws, were in full compliance with the Convention. The United Nations High Commission for Refugees (UNHCR) recommended that Nigeria should ensure adequate safeguards in the Constitution specifically for foundlings (children who would otherwise be stateless because they are born in State territory to parents who are stateless or unable to transmit their foreign nationality to the child; granting men and women equal rights to obtain nationality through marriage; and ensuring the incorporation of the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness into the legislative framework.

The Special Rapporteur on torture urged the Government to ensure that torture be criminalised as a matter of priority, in accordance with the CAT with penalties commensurate with the gravity of torture. He also encouraged the State to abolish all forms of corporal punishment, including sharia-based punishments. CRC expressed appreciation for the appointment of a Special Rapporteur on Child Rights in the Nigerian Human Rights Commission (NHRC). It urged the Commission to ensure compliance with the Paris Principles and recommended that Nigeria should adopt the bill to establish a Child Rights Agency with a coordinating mandate on children's rights. CRC welcomed the establishment of family courts for juvenile offenders, but expressed regrets that those courts were only established in eight states. CRC therefore recommended that family courts should be operational in all the states.

CRC also expressed concern that traditional leaders (Sultans, Emirs and Chiefs) were not sufficiently engaged in the coordination and implementation of child rights policies at the local level. Other issues that CRC expressed concerns were the insufficient

budgetary allocations for children and the endemic corruption. For these, it recommended mandating a Government body to monitor the use of resources, while defining budgetary lines for disadvantaged children in critical social sectors. CRC encouraged Nigeria to strengthen its cooperation with the civil society and undertake a review of its involvement in the provision of core social services for children.

On the implementation of international human rights obligations, taking into account applicable international humanitarian law, the CRC welcomed the fact that the Anti-Discrimination Bill was about to be passed by the National Assembly, but remained concerned about *de facto* discrimination of children. In 2012, Nigeria reported in follow-up to the concluding observations of the CEDAW that, despite the socio-cultural practices and discriminatory policies against women, proactive measures had been taken to ensure the progressive access to healthcare and social services. On the right to life, liberty and security of the person, the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, in 2013, strongly condemned the four executions that allegedly took place on 24th of June in Edo State.

He noted that, prior to these executions, the last official execution following a death penalty in Nigeria was in 2006. It also observed that the capital punishment appeared to have been imposed without due process safeguards, in violation of the International Covenant on Civil and Political Rights (ICCPR). The Special Rapporteur stated that the executions undermined previous trends leading towards abolishing the death penalty, both in law and practice. In this regard, he recalled that in 2009, Nigeria had reaffirmed its commitment to a *de facto* moratorium on the death penalty during the Universal Periodic Review. He called on Nigeria to refrain from further executions of the death penalty and to return to the moratorium on the use of death penalty.

In 2012, Special Rapporteur on Freedom of Religion or Belief,

the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance, the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions and the Special Rapporteur on the Promotion and Protection of Human Rights, while countering terrorism, sent a communication on alleged religious and ethnic-based violence by Boko Haram in northern Nigeria. They referred to information received which indicated that Boko Haram had engaged in a series of attacks and bombings, targeting churches and the security forces since Christmas Day of 2011. These attacks had reportedly resulted in the death of more than 200 people. In her response, Nigeria provided, *inter alia*, further information on the attacks, as well as counter-terrorism policies being adopted to ensure the security of the population, while providing remedy for victims.

In 2010, the Committee on the Elimination of Racial Discrimination (CERD) alarmed by recurring violence and killings as a result of tensions between ethno-religious groups near the city of Jos in the Plateau State between January and March of 2010, considered the situation under its early warning and urgent action procedure, and called on all local, regional and national authorities to address all underlying causes of these tensions. In his observations, the Special Rapporteur on Racism welcomed the steps taken by Nigeria to arrest the alleged perpetrators, but remained concerned by Boko Haram's continuing deplorable acts of violence incited by religious hatred and discrimination on ethnic origin. The Special Rapporteur reiterated the need for comprehensive measures towards preventing and eliminating racism, racial discrimination, and religious intolerance and hatred, while promoting tolerance and harmony. In 2012, the Special Rapporteur on Summary Executions also sent a communication with regard to reports that the security forces had since 2009, been tactically performing extrajudicial killings, enforced disappearance, and torture of suspected Boko Haram members and accomplices. Nigeria acknowledged receipt of this

communication.

CERD similarly deplored the recurring attacks and massacres between different ethno-religious groups and urged Nigeria to stop the ethnic violence, protect and provide redress to the victims, and investigate the massacres and bring to justice those responsible. CRC expressed concern over the impact of the political violence, inter-communal and interreligious unrest and the armed conflict in the Niger Delta on children, equally noting that children also constituted bulk of the victims in the massacres in Jos in March 2010. It urged Nigeria to prevent any violation of the right to life, to ensure the survival and development of children, and to develop recovery and reintegration activities for their social reintegration. CRC expressed concern about prisoners reportedly on death row for crimes committed when they were below 18 years of age, as well as the mandatory death penalty for offences in the sharia penal codes, which could be imposed on children in states under sharia jurisdiction. It recommended that Nigeria should ensure that neither the death penalty nor the life sentence would be imposed for offences committed by persons who were below 18 years of age.

CRC also expressed concern over widespread torture and other forms of ill-treatment in police custody. It urged Nigeria to outlaw torture, and establish independent monitoring of detention places and a complaints system, in order to promptly investigate allegations of torture. The Special Rapporteur on Torture noted with concern the continuing allegations of torture against the police. He also expressed concern over the fact that corporal punishment had remained lawful in parts of the country. CRC equally expressed concerns over the high percentage of women who had undergone female genital mutilation (FGM). It urged Nigeria to enact legislation to prohibit FGM, while conducting awareness-raising programmes for parents, women and girls, religious leaders and traditional dignitaries.

CRC also expressed concern over the widespread stigmatisation

of children believed to be associated with witchcraft. These children were often tortured, abused, abandoned or killed. Instances were cited about certain churches and the film industry promoting the belief in child witchcraft. CRC therefore urged Nigeria to combat the belief in witchcraft involving children; criminalise such accusations; prosecute the authors of crimes committed on the basis of this belief; undertake awareness-raising programmes; regulate those religious institutions found to have engaged in such practices. In 2010, the Special Rapporteurs on Torture and Summary Executions sent a communication, regarding allegations of torture and killing of children suspected of witchcraft in Akwa Ibom State, as well as the death threats to the coordinator of a local non-governmental organisation that cared for children accused of witchcraft.

CRC also noted with concern issues of violence against children, especially as regards their gender and recommended that Nigeria should prohibit all forms of violence against children; and ensure an end to such impunity. It also urged Nigeria to put in place a monitoring system to track violence, abuse and neglect of children, while establishing a coordination mechanism between the authorities to receive and investigate child abuse. CRC expressed concerns at the high number of children involved in sexual abuse in schools. It equally noted that young girls, children in street situations and orphans were forced into prostitution; and recommended that Nigeria should address this phenomenon.

On child trafficking, CRC was concerned about its widespread dimension with an overwhelming majority of the victims being girls, trafficked for purposes of sexual exploitation. As regards this, it urged Nigeria to protect children from trafficking and sale; improve the situation of children who were at risk, especially girls; and investigate and prosecute alleged perpetrators. CRC equally urged Nigeria to prohibit corporal punishment in all settings, including under sharia law; ensure that the use of alternative forms of discipline were consistent with human dignity; and

seek the assistance of the traditional and religious leaders in this regard. On the high number of street children engaged in child labour, CRC expressed concern and urged Nigeria to eliminate exploitative child labour. It recommended that Nigeria should develop a national strategy to provide children with nutrition, clothing, housing, healthcare and educational opportunities. It also recommended that Nigeria should abrogate laws criminalising vagrancy, truancy or wandering, amongst other “status offences” for children.

On the matters relating to administration of justice, including impunity, and the rule of law, the Special Rapporteur on Torture expressed concern over the lack of accountability for alleged perpetrators of torture. He emphasized the need for prompt and thorough investigation of all allegations of torture by an independent authority, and noted with concern that the majority of investigations were conducted internally by the Nigerian Police Force, contributing to a persistent culture of impunity in police institutions. He also expressed unease over the prolonged pretrial detention compounded by the inability to challenge the lawfulness of such detentions, especially by financially handicapped detainees. For him, the power to order an arrest should be vested solely on independent courts. The Special Rapporteur however welcomed the reviews of criminal procedure laws in some States to increase the use of non-custodial measures. He called on the Government to ensure that all detainees were granted the ability to challenge the lawfulness of their detention before an independent court, while the period detainees could be kept in police custody did not exceed 48 hours.

On the other hand, CRC expressed concern that there was no minimum age for criminal responsibility, and children below the age of 18 years could be tried and deprived of their liberty. It also noted the ill-treatment of those children in police custody and the absence of penal procedural rules regulating trials before

the family courts. CRC further urged Nigeria to bring the juvenile justice system in line with relevant standards. In relation to right to privacy, marriage and family Life and aside the low rate of birth registration, especially in the rural areas, CRC expressed concern over the non-registration of children born outside hospitals; the tribal markings or other tattoos put on a child's body as a method of identification; and the provision of prescribed fees in the Birth, Death (Compulsory Registration) Act No. 69 (1992), where registration occurred after 60 days and within 12 months of birth. It recommended that Nigeria should ensure free, compulsory and easy birth registration, especially in rural areas, with an amendment on Act No. 69. CRC expressed concern about the extremely high rate of early marriages among girls in the northern states, and urged Nigeria to address such practice.

It also urged Nigeria to incorporate in state legislation the prohibition of early marriages for all children below 18 years of age, while undertaking awareness programmes on the negative implications of early marriage on the rights of girls with regard to health, education and development. To do this, it suggested that traditional and religious leaders, parents and state parliamentarians should be targeted. CRC expressed concern over the alarmingly high number of orphans and other vulnerable children, who were often kept in remand homes alongside adults, a practice in conflict with the law. It urged Nigeria to provide alternative child care options and adopt legislation on the alternative care of orphans and vulnerable children. CRC therefore, expressed concern that inter-country adoption remained unregulated, as well as the unsavoury reports of "baby farms", where children were sold to prospective adoptive persons. It encouraged Nigeria to harmonise national laws on domestic adoption with CRA and ensure the eradication of "baby farms".

On the issues of freedom of religion or belief, expression, association and peaceful assembly, and right to participate in

public and political life, CRC was concerned over tensions between religious communities, which often created a climate of fear. In certain regions, conversion to another religion was considered an offence with severe penalties. Following this, CRC recommended that Nigeria should ensure respect for the right of all children to the freedom of religion and belief. In line with Freedom of Expression, United Nations Educational, Scientific and Cultural Organisation (UNESCO) stated that, while self-regulatory mechanisms for the media existed, as demonstrated by the Nigerian Press Council and the Nigerian Guild of Editors, those mechanisms remained weak. It recommended strengthened development of these mechanisms.

According to UNESCO, between 2008 and 2012, it condemned the killing of five journalists and media workers and called for investigations of their deaths. It noted that Nigeria must ensure that journalists and media workers were able to work in a free and safe environment. In 2011, the Special Rapporteurs on Freedom of Expression, Freedom of Peaceful Assembly and of Association, Health, and Human Rights Defenders sent a communication regarding alleged restrictions on the rights to freedom of association and of peaceful assembly of groups defending lesbian, gay, bisexual and transgender (LGBT) rights. They referred to reports that Nigeria's Senate had passed the "Same-Gender Marriage" Bill on 29th November, 2011. They noted the impact of adopting the Bill, which would put a wide range of people at risk of criminal sanctions. While it could be used to prevent LGBT individuals, those perceived as belonging to any of support groups, could be restrained from associating freely.

In his observations, the Special Rapporteur on Freedom of Peaceful Assembly recommended that Nigeria should revise the "Same-Gender Marriage" Bill to ensure it complied with international human rights law. In 2013, the Special Rapporteur on Human Rights Defenders stressed that the new law would have

profoundly negative consequences for the work of human rights defenders working on issues related to sexual orientation and gender identity, as well as the ones engaged in the promotion and protection of the right to health. CRC remained concerned about the limited participation of children in matters affecting them and urged Nigeria to strengthen the Children's Parliaments and to implement the right of a child to be heard in all proceedings.

Commenting on right to work and to just and favourable conditions of work, the International Labour Organisation Committee of Experts (ILO Committee) noted that Section 11 of the Trade Union Act denied the right to organise to employees in sectors like the Customs and Excise Department, the Immigration Department, the Prison Services, the Nigerian Security Printing and Minting Company Limited, the Central Bank of Nigeria, and Nigeria Telecommunications. The ILO Committee which noted that this section was not amended by the Trade Union (Amendment) Act, therefore urged Nigeria to take necessary measures to amend section 11 of the Trade Union Act, to ensure conformity with the Convention.

The ILO Committee also stated that the definition of "essential services" in the Trade Disputes Act (1990) to restrict participation in a strike was overly broad. It called for an amendment of the definition of "essential services", without prejudice to the possibility of establishing a system of minimum service in services of public utility. The ILO Committee considered that sections 118–128 of the Nigeria Police Regulations, which provided special recruitment requirements and conditions of service applying to women, were discriminatory on the basis of sex.

On the right to social security and to an adequate standard of living, the Special Rapporteur on Adequate Housing sent a communication in 2012, regarding the alleged forced eviction and demolition of an informal settlement in Lagos. According to the information received, on 16th July, 2012, the Lagos State Government had commenced the demolition of the Makoko

Waterfront. Between 16th and 21st of July, the Lagos State demolition squad, backed by heavily armed policemen, reportedly destroyed the homes and properties of the Makoko residents. At the time of the communication, over 30,000 residents, including women, children and the elderly had allegedly lost their homes, with over 120,000 people facing imminent displacement.

On the right to health and while welcoming the National Strategic Health Development Plan (2010), CRC remained concerned about the high infant, child and maternal mortality rates; the high incidences of preventable diseases such as malaria, HIV/AIDS and diarrhoea; and the geographical disparity between the northern and southern regions. It urged Nigeria to strengthen the decentralised healthcare system and the coverage of the National Immunization Programmes, especially in rural areas; consider nutrition as a national priority; combat maternal mortality and empower women in decision-making on health care; adopt the National Health Bill; provide free maternal and child health services; and ensure nationwide implementation of the National Health Insurance Scheme. In the framework of the follow-up to CEDAW concluding observations, in 2012, Nigeria reportedly informed that there remained a need to ensure budgetary allocations for gender-oriented intervention programmes and activities, particularly for combating maternal deaths.

Following this, CRC expressed concern about the deaths of girls resulting from unsafe abortions; the lack of access to reproductive health services for adolescents; the restrictive abortion law; and the prevalence of HIV and sexually transmitted diseases. It recommended that Nigeria should increase access to healthcare services for adolescent girls, especially in reproductive health services, and other measures to prevent unwanted pregnancies; ensure free contraceptives for adolescents; introduce sex education in the school curricula and undertake sensitisation programmes at community level on reproductive health and rights; and amend

the abortion laws. CEDAW equally recommended improving affordability of sexual and reproductive health services, and giving consideration to reforming or modifying the abortion law.

While recognising Nigeria's efforts in addressing the HIV/AIDS epidemic, CRC expressed concern about the high number of children orphaned by HIV/AIDS. It recommended that Nigeria should strengthen its policies to provide care and support for children infected or affected by HIV/AIDS, particularly those orphaned, and strengthen awareness of HIV/AIDS prevention among adolescents. In 2012, the Special Rapporteurs on the Rights to Health and Toxic Waste sent a communication regarding the alleged ongoing lead contamination and poisoning in Zamfara State. According to the information received, artisanal gold mines were found throughout Zamfara State in north-western Nigeria. The high levels of lead found in the earth, coupled with the use of rudimentary mining methods, reportedly resulted in a lead poisoning epidemic among children. Nigeria acknowledged receipt of this communication.

On right to education, UNESCO stated that Nigeria had made limited progress towards achieving Universal Basic Education. With the financial crisis, there was a real risk that the already underfunded education sector would be starved of resources, thus reducing access to education. In this regard, CRC encouraged Nigeria to ensure access to education for girls and prevent early school dropout, and also reinforce the Federal Government of Nigeria Gender Education Project. UNESCO called for measures to combat discrimination in education and to promote gender equality in education. It also called for an elaboration of existing legislation to enhance respect, protection and fulfilment of the right to education.

CRC also remained concerned about the high percentage of the population of primary school age not enrolled in schools; the very low national primary school completion rate and the low net

secondary school enrolment rate; the wide geographical disparities of enrolment rates and educational facilities; and the gender inequalities in enrolment and retention rates in the northern states. It urged Nigeria, on account of this, to ensure free and compulsory primary education, by abolishing school fees and incorporating a right in this regard in the Constitution; address gender and regional disparities regarding the right to education; integrate religious learning institutions, including the *alamajiri* schools, into the formal school system; ensure equal access to secondary education, especially in rural areas and in the north-western and north-eastern regions; and ensure vocational training opportunities for all children, with priority to children from vulnerable groups. On its part, UNESCO stated that the Adult Education Programme had been encouraging from its inception, with many adults seeing this as an opportunity to learn and be literate.

Relating to cultural rights and rights of persons with disabilities, UNESCO stated that culture was yet to be given adequate recognition and consideration in Government's planning. It also noted that the legal framework and policies that governed the safeguarding of intangible cultural heritage could benefit from revision and better coordination among Government agencies and entities responsible for safeguarding Nigeria's intangible cultural heritage. With regard to persons with disabilities, CRC was concerned at the lack of a comprehensive policy on such children and the use of offensive definitions and categories when referring to them. It recommended therefore that Nigeria should adopt a national policy on children with disabilities; establish a coordinating body to help focus on the special needs of children with disabilities; and ensure access to education and health services for all children with disabilities in all states, and particularly address the geographical disparities with regard to social services.

In the framework of the early warning and urgent action procedure on the rights of minorities and indigenous peoples,

CERD recalled its concern about prejudices and hostility among some ethnic groups, including active discrimination by people considering themselves to be the original inhabitants of their region against persons from other states whom they identify as settlers; inter-ethnic, inter-communal and interreligious violence; and disputes over commercial interest and control of resources. CERD recommended that Nigeria should encourage dialogue and improve relations between the different ethnic communities with a view to promoting tolerance.

CRC was concerned by discrimination against ethnic minorities; by the fact that provisions of the National Policy on Education conferring special status on the three major languages (Hausa, Igbo and Yoruba) might be interpreted as discriminatory; and that no strategies had been developed to ensure appropriate curricula for minorities. It therefore urged Nigeria to ensure that children of minority groups have equal access to education, and introduce curricula recognising their right to use and receive education in their own language.

On migrants, refugees and asylum seekers, the United Nations High Commissioner for Refugees (UNHCR) expressed concern at the time-frame for processing asylum claims at the first instance, which ranged from six to nine months. It made recommendations concerning the allocation of sufficient resources to the National Commission for Refugees. UNHCR stated that undocumented aliens were detained and deported in response to the challenging security situation in Nigeria. Asylum-seekers who arrived newly but were yet to be registered with UNHCR and the National Commission for Refugees were at risk of refoulement. UNHCR made recommendations highlighting the need for the non-refoulement of all persons in need of international protection.

UNHCR also expressed concern that refugee children did not benefit from the national child protection scheme and were not represented in forums developed to promote the rights of the child. It made recommendations *inter alia* to include

refugee children in the national child protection system. While acknowledging that Nigeria hosted a number of refugees and asylum-seekers, the majority of which were children and women, CRC was concerned that refugee children did not benefit from the national child protection scheme. It therefore urged Nigeria to include refugee children in the national child protection system; protect refugee children; strengthen the resources allocated to the National Commission for Refugees; and undertake legislative changes to ensure that the recruitment or use in hostilities of children constituted grounds for the granting of refugee status and non-refoulement.

Commenting on internally displaced persons, CRC remained concerned at the absence of a comprehensive legislative and policy framework on internally displaced persons (IDPs) to address the situation of IDP children. It urged Nigeria to guarantee the rights of internally displaced children; adopt a comprehensive national policy on IDPs; and ensure resources to the National Commission for Refugees and the Nigerian Red Cross. UNHCR also stated that the absence of a legal and policy framework for the protection of IDPs was a key challenge in emergency management and the protection of IDPs. UNHCR made recommendations including the adoption of legislation, as well as a national policy for effective coordination.

Reacting on the right to development and environmental issues, CRC was concerned at the environmental degradation and widespread pollution in the Niger Delta resulting from the oil industry. It recommended that Nigeria should reduce pollution and environmental degradation in the Niger Delta, by involving independent oversight bodies to assess the safety operations of the petroleum industry and developing standards on environmental and social responsibility of the business sector.

OTHER STAKEHOLDERS' REPORT

6.0 National Human Rights Institutions' Information

The National Human Rights Commission of Nigeria (NHRC) stated that since its Universal Periodic Review, the Federal Republic of Nigeria has acceded to and/or ratified key human rights instruments. However, most of these treaties were yet to be enacted into domestic legislation. NHRC specified that the bills on the Convention on Elimination of all forms of Discrimination against Women (CEDAW) and the Convention on Persons with Disabilities (CRPD) should be passed without delay.

On the implementation of international human rights obligations, taking into account applicable international humanitarian law, NHRC stated that the police experienced challenges in its work in terms of quality and respect for human rights which was evident from the allegations of torture, extrajudicial killings and shoddy investigations, coupled with obsolete laws and weak oversight. NHRC noted as well that there was overcrowding in city-based prisons, coupled with poor nutrition, inadequate clothing for inmates, poor sanitation, poor record keeping and derelict physical structures. NHRC identified that administration of justice was challenged by the continued use of outdated legislation,

corruption, poor access to justice and long delays in concluding existing litigations. It also noted that the absence of sentencing guidelines resulted in wide disparity or variations in sentences, and delays in trials often resulted in lengthy pre-trial detentions, and the use of outdated court procedures.

NHRC equally noted that there was discrimination of women, much of which emanated from cultural and religious beliefs. Domestic violence was noted to be endemic with sexual violence being on an increase. NHRC also stated that persons with disabilities had limited access to education, health services, housing facilities, political participation, credit facilities, and rehabilitation centres. According to NHRC, persons below the age of 16 years, who constituted about 35 per cent of the population, had poor access to health. Thirty million children were out of school and 20 million children lived on the streets. Trafficking of children and child labour were also noted to be endemic. NHRC stated that the degree of compliance with economic, social and cultural rights particularly shelter, food security and education remained in the realm of “progressive realisation” without benchmarks and indicators to measure compliance.

6.1. CSO Stakeholder’s Information

Reporting on the scope of international obligations, the Joint Submission 9¹⁰ stated that Nigeria acceded to or ratified some of the international human rights instruments in accordance with those recommendations in paragraph 103.1 of the Report.

10 The Niger Delta UPR Coalition comprised of: Kebetkache Women Development and Resource Centre, Reforms Support Group, Save Earth Nigeria (SEN), Living Earth Nigeria Foundation (LENF), Centre for the Protection of Ogbogolo People (CENPOP), Democracy Network (SDN), NIDEREE, Community Environment and Development Network (CEDEN), Lokiaka Community Development Centre (LCDC), Host Communities Network (HOCON), Centre for Environment, Human Rights and Development (CEHRD), Peoples’ Right to Life Foundation (PERLDEF), Media for Good Governance and Accountability, Greenleaf Foundation The Movement for the Survival of the Ogoni People (MOSOP), Council for the Liberation of Ikwerre People (COLIP) and Gender and Development Action (GADA) (Joint Submission 9);

These instruments included the Optional Protocol to the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Prevention and Punishment of the Crime of Genocide; the International Convention for the Protection of All Persons from Enforced Disappearance; the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families; the CRPD, and the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (OP-CRC-SC).

Commonwealth Human Rights Institute (CHRI) recommended that Nigeria should ratify the Optional Protocols to the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). Focusing on the issues of constitutional and legislative framework, the Human Rights Agenda Network (HRAN) stated that a number of human rights bills including the Gender and Equal Opportunities Bill, Violence against Persons Prohibition Bill, Administration of Criminal Justice Bill, Prohibition of Torture and other Cruel Inhuman and Degrading Treatment Bill, Police Act (Amendment) Bill, Prison Act (Amendment) Bill, Witness Protection Bill, Victims Compensation Bill, the Legal Practitioners Act (Amendment) Bill, and the Terrorism Act (Amendment) Bill, were pending before the National Assembly.

Amnesty International (AI) noted that economic, social and cultural rights were not guaranteed as fundamental rights in the Constitution and were therefore unenforceable. JS 10¹¹ stated that Nigeria should use the constitutional review process to ensure that these rights were entrenched in the Constitution as legally enforceable. Joint Submission 7¹² stated that all applicable laws should incorporate a definition of child prostitution in line with

11 World Evangelical Alliance, New York, USA and Socio-Economic Rights and Accountability Project, Lagos, Nigeria (Joint Submission 10);

12 Women Consortium of Nigeria and ECPAT International (Joint Submission 7);

Article 2 of OP-CRC-SC, and should be applicable to all girls and boys under the age of 18 years. Development Dynamics (DD) stated that Nigeria was a party to ICESCR and CEDAW but that those instruments were yet to be incorporated into national law.

Joint Submission 11¹³ stated that there was no legal provisions criminalising torture or providing compensation to victims. It further stated that Nigeria had ratified the ICCPR, CAT and OP-CAT but that those instruments were yet to be incorporated in the national law. AI called for the amendment of Section 12 of the Constitution to allow for easy incorporation of international instruments. JS 7¹⁴ expressed concern over the lack of definition of the prohibition of child pornography in the legal framework and called for a legal reform process to address this issue. Joint Submission 12¹⁵ stated that the religious-based laws passed in some northern states, popularly referred to as Sharia states, were in violation of the Constitution. JS 13¹⁶ stated that Nigeria should ensure that policies and practices of individual states were reflective of obligations under the Constitution and international law.

Responding to the issues of institutional and human rights infrastructure and policy measures, JS 4¹⁷ stated that there was need for full implementation of the National Human Rights Commission Act, which would enable the NHRC to have greater

13 Prisoners' Rehabilitation and Welfare Action and Network on Police Reform in Nigeria (Joint Submission 11);

14 Women Consortium of Nigeria and ECPAT International (Joint Submission 7);

15 Jubilee Campaign; Advocates International, International Institute for Religious Freedom; Institute on Religion and Democracy; Human Rights Law Foundation; Mitchell Firm; Open Doors International; and Union of Councils for Jews in the Former Soviet Union (Joint Submission 12);

16 Christian Solidarity Worldwide (CSW), CSW USA, CSW Nigeria and Stefanus Alliance International (Joint Submission 13);

17 Coalition of Nigeria Human Rights CSOs on UPR, comprising of: Partnership for Justice (South West); LEDAP (South West); Echoes of women (South West/South South); Action Aid Nigeria (South South); FENRAD (South East); Rural Integrated (North); National Human rights Commission; Centre for citizens with disabilities (South West); Development Dynamics (South East); Legal Resource Consortium (South West); and Open Society Justice Initiative (North) (Joint Submission 4);

independence, secured funding and additional investigative and enforcement powers. Partnership for Justice (PJ) stated that the National Action Plan for the Promotion and Protection of Human Rights was yet to be implemented. Human Rights Agenda Network (HRAN) stated that there were insufficient financial resources for the implementation of the plan. Joint Submission 10 (JS 10) stated that Nigeria accepted three recommendations with regard to combating corruption. However, government had consistently failed to demonstrate political will to tackle corruption by high level officials.

JS 4 noted that corruption was on the increase, despite the establishment of anticorruption agencies. These agencies, according to it, were under the influence of the Executive; and there were no laws protecting those persons reporting acts of corruption. Human Rights Watch (HRW) stated that the effectiveness of the Economic and Financial Crimes Commission (EFCC) was undermined by a weak and overburdened judiciary, executive interference and its own failings. JS 9 stated that Nigeria had not been effective in strengthening its engagement with civil society organisations in accordance with recommendations in paragraph 103.9 of the Report. Stepping Stones Nigeria (SSN) stated that non-governmental organisations and civil society organisations were often sidelined by government officials.

International Institute for Peace, Justice & Human Rights (IIPJHR) noted the disregard for human rights and guarantees provided by the law, which remained widespread in the Police. In February 2011, ministers holding key portfolios in the government called for reform of the Police and for the establishment of an improved public complaints mechanism. JS 11 stated that there was a lack of adequate human rights training in the Police and for officers working in detention facilities.

On cooperation with human rights mechanisms, JS 9 stated that reporting to treaty bodies had not been expedited in

accordance with previous recommendations. JS 2¹⁸ expressed concern over Nigeria's failure to implement recommendations made by the CEDAW Committee, the CRC Committee and other treaty monitoring bodies. CHRI stated that Nigeria accepted the recommendation to extend an open invitation to the Special Procedures of the Human Rights Council, however, no invitation was extended.

Addressing the issues of equality and non-discrimination, JS 2 stated that discrimination and stigmatisation of people living with HIV/AIDS was a continuing problem and that workplace stigma and discrimination were persistent. JS 12 stated that discrimination against religious minorities was endemic in at least 16 of the 19 northern states in Nigeria. Religious minorities were denied equal rights, most state jobs and promotions. Christian neighbourhoods were frequently overlooked for development and maintenance. JS 13 stated that non-Muslims in Sharia states often suffered marginalisation, particularly in rural areas. They were rarely permitted to join the military or the public sector. There was discrimination in employment with qualified applicants from minority faiths being disregarded for key positions.

Joint Submission 3¹⁹ stated that Nigeria should amend all laws and policies, and stop practices that discriminated on the basis of sexual orientation and gender identity; and that Nigeria must undertake legislative and policy measures that would promote acceptance to homosexual and diverse gender identity. CHRI noted that in November 2012, the House of Representatives unanimously passed a second reading of the Same-Sex Marriage (Prohibition) Bill. The bill according to it, would further entrench discrimination against persons based on sexual orientation. JS 3 stated that Nigeria must release all persons imprisoned or

18 Centre for Reproductive Rights, New York, USA; and Women Advocates Research and Documentation Centre, Nigeria (Joint Submission 2);

19 International Centre for Advocacy on Rights to Health, Abuja, Nigeria; Women's Health and Equal Rights, Abuja, Nigeria; Improved Youth Health Initiative, Edo State, Nigeria; and The Initiative for Equal Rights, Lagos, Nigeria (Joint submission 3);

detained on the grounds of their sexual orientation or gender identity. Nigeria must also end impunity by prosecuting those who allegedly violated the rights of LGBTI persons. JS 3 called on Nigeria to raise public awareness of the diverse sexual orientations and gender identities and provide education programmes. JS 3 also called for heightened awareness on this through national debate, education and training.

On right to life, liberty and security of the person, JS 9 referred to earlier recommendations and stated that Nigeria had not abolished the death penalty. CRIN called for *inter alia* the abolition of the death penalty. PJ stated that Nigeria had not taken any steps to establish a moratorium on the execution of the death penalty. HRW stated that at the Review, Nigeria accepted to take all practical measures to end extrajudicial executions and to halt torture. Since then, however, Government security forces continued to be implicated in numerous extrajudicial killings, torture and other serious human rights abuses. CHRI stated that although Nigeria accepted recommendations on police accountability and reform, there were alleged cases of disappearances of persons from police custody, extrajudicial killings and torture. Joint Submission 14²⁰ stated that suspects were tortured to obtain confessions.

STP noted that the security forces lacked credibility with residents in northern Nigeria, who feared the deliberate use of violence by the security forces. Four students from Nasarawa State University were allegedly killed by soldiers deployed on 25th February, 2013, to quell the protest over lack of water on their campus. JS 11 raised as issues of concern the systematic torture in police and other centres of detention, inadequate documentation and tracking of all tortured persons upon reception in prison, the

20 UPR Coalition Southeast Nigeria comprising of: Better Community Life Initiative, Owerri; National Human Rights Commission; Legal Redress and Justice Centre; Foundation for Environmental Rights and Development; Ikeoha Foundation; Int'l Federation of Women Lawyers, FIDA Anambra; Int'l Federation of Women Lawyers, FIDA Ebonyi; Human Rights and Conflict Resolution Centre, Abakaliki; and Civil Resource Development and Documentation Centre, Enugu (Joint Submission 14);

lack of an institutionalised mechanism for compulsory autopsy of all deaths in custody, the lack of a comprehensive database of all places of detention, their locations, addresses and the total number of detainees; inadequate monitoring and oversight of all detention facilities; the torture and inhumane treatment of persons who were mentally disabled within the criminal justice delivery system; the lack of provision of adequate rehabilitation services for torture victims; and the lack of reporting and documentation of all cases of torture and extrajudicial killings.

Edmund Rice International (ERI) stated that the recommendation in paragraph 103.20 of the Report had not been implemented and that Government at all three levels, had failed to prevent politically-motivated and religious-based violence. ERI also stated that the recommendations in paragraph 103.31 of the Report concerning religious-based conflict had not been implemented. HRAN stated that the increase in sectarian violence, terrorism and other forms of violent crimes between 2009 and 2013 had resulted in upsurge of unlawful killings. HRW stated that inter-communal violence had left several thousand people dead in Kaduna and Plateau States. According to it, state and local government policies that discriminated against “non-indigenes” who could not trace their ancestry had exacerbated inter-communal tensions and perpetuated ethnic-based divisions.

JS ⁷²¹ stated that little attention was given to the trafficking of children at the domestic level. It equally noted that while the “Trafficking Act” provided legal safeguards for the protection of children from sex tourism, capacity building of law enforcement agencies was required. HRW noted that there was a campaign of violence by Boko Haram. Society for Threatened People (STP) stated that Boko Haram had widened its terror campaign to include attacks on churches, schools, markets, restaurants, police stations, while engaging in suicide bombings as a means of attack. Global Initiative to End All Corporal Punishment for Children

21 Women Consortium of Nigeria and ECPAT International (Joint Submission 7);

(GIEACPC) stated that corporal punishment was lawful in the home, schools and alternative care settings. Law reform had not fully prohibited corporal punishment in the penal system.

On violence against children, SSN stated that it had remained a major problem, with ineffective implementation of the law, where very few incidences of violence against children were reported to the authorities, because such was socially acceptable. There was also a widespread belief that corporal punishment was necessary to discipline children, with little knowledge of a child's right to be free from violence. JS 2 stated that although the "Child Rights Act", sets the minimum age of eighteen years for marriage, the rate of early marriages remained high. Forty per cent of women were married before the age of eighteen years. Among the poorest households, this rate increased to 68 per cent. JS 2 stated that physical and sexual violence against women and girls was a persistent problem. Rape and sexual violence often went unpunished because of the social stigma placed on the victim. Where victims attempted to bring charges against their aggressor, they faced laws that were inadequate and outdated.

Joint Submission 6²² stated that domestic violence was treated as a private affair and largely ignored by the police, leading to impunity and injustice to women. JS 4 stated that violence against women was permissible under national law, such as Section 55 of the Penal Code which condones wife-beating in customary law marriages. JS 4 stated also that the available laws on sexual violence aided impunity with offenders not prosecuted, particularly as the burden of proof weighed heavily on the women. In addition, child victims of sexual violence did not receive legislative protection if they were over the age of fourteen years, pursuant to the Penal Code (Northern Nigeria). Under the Criminal Code (Southern Nigeria) sexual abuse of children between the ages of thirteen and sixteen years was classified as defilement, with punishment

22 Women's International League for Peace and Freedom – Nigeria, Kudirat Initiative for Democracy and Alliances for Africa (Joint Submission 6);

not being as severe as that for rape. In Lagos State, sexual abuse of a female child between the ages of eleven and thirteen years was classified as a misdemeanour or indecent treatment.

JS 2 stated that while there was no legislation at the federal level prohibiting female genital mutilation or cutting (FGM), a number of states had adopted legislation in this regard. However, enforcement of this legislation had remained a challenge. JS 6 called for the enactment of a national law prohibiting FGM. DD stated that Nigeria should consider the establishment of effective mechanisms to prohibit violence against women and girls, and to provide support for survivors and victims of violence. SSN stated that kidnapping of children in order to extort money from their parents was reported to be on an increase. CHRI stated that there were overcrowding, poor sanitation, lack of food and essential medical supplies in prisons. SSN stated that the sale of babies and the practice of 'baby-farming', where young girls were kept prisoners in order to produce babies for sale was of particular concern in the South East of Nigeria. SSN stated that the large numbers of children living on the street, particularly in the urban centres of Port Harcourt, Rivers State and Calabar, Cross River States, remained a significant concern.

On administration of justice, including impunity, and the rule of law, HRAN referred to earlier recommendations and stated that criminal proceedings for acts of corruption allegedly involving former governors, legislators and ministers remained incomplete. Additionally, high profile bribery and corruption cases were not effectively prosecuted while laws to protect whistle blowers were lacking. AI stated that widespread corruption and disregard for due process and the rule of law continued to blight the criminal justice system. According to it, the police demanded money for release of detainees and court processes were slow and largely distrusted with court orders often ignored by police and other security forces.

JS 11 stated that the arrest and detention practices of the Police and the absence of institutional control over these practices were central to the pattern of abuse and impunity. One such practice is the “holding charge” which provides for persons to be remanded in custody without minimal judicial investigation into the charges and without any opportunity of challenging those charges, giving the police unfettered ability to detain such persons indefinitely. Society for Threatened People (STP) stated that tens of thousands of arrested suspects were waiting for the completion of their trials for years, in congested prisons, under inhuman conditions, for their trials.

JS 9 stated that Nigeria has not taken any steps to bring the alleged perpetrators of extrajudicial killings to justice, pursuant to recommendations in paragraphs 103.14, 103.22 and 103.23 of the Report. AI stated that killings by police and deaths in police custody were rarely adequately investigated and there was often no action to hold police officers to account. JS 5²³ stated that Nigeria had not vigorously applied the law that was put in place in Akwa Ibom State, concerning the situation of alleged ‘child witches’ in accordance with recommendations in paragraph 103.17 of the Report; and the number of prosecutions for alleged violation of this law remained low. JS 6 called for a working legal aid programme to increase women’s access to justice through the provision of support before, during and after trial, in cases where women were victims of violence.

Child Rights International Network (CRIN) and Defence for Children International (DCIN) stated that the minimum age of criminal responsibility varied. The Federal Children’s Rights Act 2003 did not specify a minimum age of criminal responsibility, but defined a child as being under the age of 18 years. The Children and Young Persons Law, enacted in 1943, defined a child as being

23 Civil Society Coalition on Minority Protection, Indigenous Peoples Issues and Children’s Rights comprising of The Movement for the Survival of the Ogoni People, African Network for Prevention and Protection Against Child Abuse and Neglect and Health for the Society, Justice and Peace Initiative, Nigeria (Joint Submission 5);

under the age of 14 years and a young person as being between the ages of 14 and 16 years. It set the minimum age of criminal responsibility at seven years. The Criminal Procedure Act 1945 defined an infant as being under the age of 7 years, a child as being under the age of 14 years, a young person as being between 14 and 16 years, a juvenile offender as being under the age of 17 years, and an adult as being 17 years of age and older.

In the northern states, the Penal Code 1960 specifies that 7 years was the minimum age of criminal responsibility and categorises juvenile offenders as those less than 17 years of age. According to the Sharia laws, children may be punished from the age of puberty. DCIN stated that many children appeared in regular courts without adequate legal representation. It called for training for practitioners on the management of juvenile cases. SSN stated that while every child has the rights to legal aid under Section 155 of the Child Rights Act, legal aid remained unavailable to children without assistance from non-governmental organisations in the face of many families being unable to afford the cost of litigation.

On the right to privacy and freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life, HRW stated that consensual homosexual conduct was criminalised under Nigeria's Criminal Penal Code, punishable by a maximum of 14 years imprisonment. The Sharia Penal Code which applies to Muslims in many northern states criminalised consensual homosexual conduct, punishable by caning, imprisonment or death by stoning. European Centre for Law and Justice (ECLJ) stated that Nigeria had neglected addressing issues of inter-religious cooperation and the protection of citizens from religiously-motivated crimes, in accordance with those recommendations as contained in paragraphs 103.11, 103.18, 103.20 and 103.31 of the Report.

ECLJ also observed that it was common in the northern states for authorities to effectively ban churches. Permits for the

construction or renovation of such churches were frequently denied. JS 12 stated that in January 2012, Christians in Yobe State, particularly in Potiskum and Damaturu were attacked in nightly house-to-house killings, and were targeted solely for their religious identity. STP stated that Boko Haram or its offshoots was targeting and killing people in the northern states of Nigeria based on their faith and ethnicity. JS 13 stated that Boko Haram murdered imams who disagreed with its ideology, as well as Muslim officials and individuals who were deemed to have betrayed or opposed it. JS 13 stated that child abduction and forcible conversion continued to occur, particularly in the remote areas of the Sharia states.

CHRI stated that Nigeria accepted recommendations to ensure that freedom of expression was respected and that journalists would be able to work free of harassment and fear. Joint Submission 8²⁴ stated that government actors continued to threaten, prosecute and imprison journalists, who also faced threats from Boko Haram. Journalists investigating the conduct of government security forces were exposed to the risk of arbitrary arrests, extrajudicial detentions, and warrantless searches and seizures, particularly from the Joint Task Force. CIVICUS World Alliance for Citizen Participation stated that intimidation of members of the press for highlighting corruption and rights violations were matters of serious concern. Human Rights Defenders remained at risk of torture, intimidation and abuse by the Police acting with impunity.

Reporters without Borders (RSF) stated that the authorities should adopt concrete measures to ensure the protection of journalists and the security of “news media” buildings and offices. JS 8 stated that the National Broadcasting Commission (NBC) retained unchecked powers over mandatory licensing and the regulation of content. The Commission’s members enjoyed wide discretion in interpreting broad and vague violations to the

24 PEN International, PEN Nigeria, Committee to Protect Journalists and International Publishers Association (Joint Submission 8);

Broadcasting Code. JS 1²⁵ stated that compared to men, rural women had less access to information and new technologies and were therefore disadvantaged. According to it, unless due attention was given to gender, with women having a voice in developing available opportunities, new technologies could serve merely to exacerbate existing inequalities.

JS 1 stated that while progress had been made with internet access, the exorbitant cost of internet also limited access to information and freedom of expression. JS 9 stated that in the Niger Delta the number of women in elected positions fell below the thirty-five per cent benchmark stipulated in the National Gender Policy promoting the participation of women in public affairs. Reporting on right to work and to just and favourable conditions of work and right to social security and to an adequate standard of living, CIVICUS called for an environment conducive for members of labour unions to negotiate fair working conditions and embark on their constitutional right to protest for improved employment conditions and increases in wages. SSN stated that children in the Niger Delta suffered violations of their rights to food, water and shelter; and that high poverty levels were a direct cause of these violations.

HRAN stated that in River State, Federal Capital Territory, Lagos State, Edo and other parts of Nigeria, millions of people had been evicted without due process. SSN stated that forced evictions, resulting from the demolition of slum areas had severely displaced large numbers of children and negatively impacted on their right to shelter and an adequate standard of living. JS 10 stated that safe treated pipe-borne water remained unavailable to millions of people, with less than 30 per cent of the population having access to clean drinking water.

On the right to health, HRAN referred to earlier recommendations and stated that the budgetary allocation for health services continued

25 Fantsuam Foundation, Paradigm Initiative Nigeria and the Association for Progressive Communications (Joint Submission 1);

to be reduced; that there was a lack of basic medical supplies; and that there were no functional health insurance schemes. JS 10 stated that the health sector was grossly under-funded and mismanaged, noting that many hospitals lacked basic facilities with patients being asked to buy medical supplies. JS 2 stated that Nigeria had one of the highest maternal mortality ratios in the world with 630 maternal deaths per 100,000 live births. JS 2 reiterated that Nigeria continued to criminalise abortion, with the exception of abortions to save a woman's life. The high rate of unwanted or unplanned pregnancies increased the number of abortions and exposure to unsafe abortions.

JS 2 stated that of the 3.4 million Nigerians living with HIV, only 26 per cent of the adults received anti-retroviral therapy, and only 7 per cent of children received such therapy. It stated that Nigeria should take concrete steps to prevent further spread of HIV/AIDS. JS 2 also noted that Nigeria's family planning services faced challenges with regard to fear caused by misinformation that contraceptives would render users infertile and the withholding of relevant information from adolescents due to traditional and socio-cultural beliefs. Additionally, JS 10 stated that there was a widespread problem of children suffering from malnutrition.

On the right to education, Marist International Solidarity Foundation (FMSI) stated that Nigeria implemented the Universal Basic Education Policy that provided free basic education for children from the beginning of primary school through to the first three years of secondary education. SSN stated that education was only free in theory, while in practice, parents had to pay for books and uniforms, making education unaffordable for families living in poverty. FMSI stated that children were deterred from attending school for these reasons as well as the poor quality of education, the long distances travelled to school and the financial burden on their poor families. DCIN stated the education in public schools were sub-standard, while SSN stated that the quality of education was undermined by poor resources and infrastructure, and unqualified teachers, which were further compounded by strikes in schools.

FMSI stated that most public schools were in a severely dilapidated state and required immediate maintenance and repairs. Toilet facilities were non-existent in some schools. Libraries and science laboratories were almost non-existent and where they did exist, the facilities did not provide the necessary materials and equipment for teaching and learning. Also, there was no access to safe drinking water. FMSI also noted that children with disabilities faced several challenges when it came to education which included a lack of funding to ensure the availability of educational materials, facilities and equipment.

JS 13 stated that in Kano State, girls attending public school were required to wear hijab as part of their school uniform, regardless of their religious affiliation. In addition, most private schools were required to have compulsory lessons of Islam and to employ Muslim clerics. JS 13 stated that in several states, children in public schools were obliged to perform Muslim prayers regardless of their religious backgrounds. In some Sharia states, children were obliged to change their names to Muslim names and adopt Muslim practices, including worship, in order to receive a state education, risking expulsion if proven otherwise.

On persons with disabilities, minorities and indigenous peoples, FMSI stated that children with disabilities were neglected and discriminated against; often left to fend for themselves, thus making them resort to begging on the streets. HRAN stated that there was no improvement in access to services for persons with disabilities. The Special Persons Bill was passed by the National Assembly but was not signed into law; and the Mental Health Bill had remained pending before the National Assembly. ERI stated that most of the recommendations on minority rights and vulnerable groups have not been implemented, which suggested a widespread failure to accept minority groups as part of the Nigerian society, and to ensure the exercise of individual as well as collective rights.

JS 5 stated that progress was made as regards the political participation of ethnic minority groups. However, other aspects of those recommendations, particularly in relation to the loss of land, property and resources of the ethnic minority groups had not been implemented. No action was taken with regard to the provision of constitutional and legislative protection for minorities and indigenous peoples; and no effort was made to address the growing incidence of poverty amongst the minority and indigenous communities in the Niger Delta region. JS 5 stated that some existing policies and programmes, such as the National Policy on Education, reinforced discrimination against minorities and indigenous communities. STP noted that the indiscriminate approach of state security services against Biafran activists had caused outrage and renewed tensions among the Igbo population.

On the right to internally displaced persons, right to development and environmental issues, the Internal Displacement Monitoring Centre of the Norwegian Refugee Council (IDMC-NRC) stated that internal displacement affected most of Nigeria's 36 states. It was caused by protracted inter-communal conflicts, fuelled by religious, regional or ethnic divisions; forced evictions; and natural disasters. IDMC-NRC equally stated that the response on ground was uncoordinated and ad-hoc, leading to both shortfalls and duplication. JS 10 stated that high level of corruption by officials had become an obstacle to economic development in Nigeria. JS 4 stated that in the Niger Delta, the gas flaring from the activities of the oil companies had caused life-threatening diseases and environmental hazards affecting the right to life, health, food, water and sustainable livelihoods. AI stated that since 2009 hundreds of oil spills had occurred, with devastating impact on the economic, social and cultural rights of people living in the Niger Delta. Oil pollution destroyed fisheries and farm land, while drinking water had become contaminated.

In respect of human rights and counter-terrorism, IDMC-NRC noted that counter-terrorist operations had often resulted in human rights violations committed by the security forces. IHRC stated that the security forces had inflicted serious human rights abuses in their campaign against Boko Haram, following the claim that Boko Haram was responsible for the bomb blast at the United Nations office in Abuja and the attack at St. Theresa Catholic Church in Madalla, Niger State.

REPORT OF THE WORKING GROUP

8.0 Overview

During the interactive dialogue, 94 delegations made statements to Nigeria. Vietnam commended the human rights infrastructure and specific measures adopted. It noted that challenges remained, and encouraged the international community to provide assistance. Yemen noted that Nigeria had ratified several international human rights instruments, such as the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OP-CAT), and praised the progress made by the Government of Nigeria. Algeria noted Nigeria's commitment to human rights, demonstrated by its economic plans, and praised the strengthening of democracy. It urged the international community to support Nigeria with technical assistance. Angola noted the implementation of recommendations made at the first UPR and commended the establishment of bodies concerning torture and women's economic empowerment. Argentina commended the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance (CPED), and the measures taken to promote religious harmony and dialogue between religious leaders, and to combat discrimination.

Australia praised the strengthening of the National Human Rights Commission (NHRC). It was concerned by executions that had taken place, reports of extrajudicial killings, and discrimination against minority groups. Austria commended Nigeria's human rights legislation, but noted challenges in the penitentiary system. It noted concerns surrounding the Anti-Same-Sex Marriage Bill, the death penalty and female genital mutilation (FGM). Azerbaijan praised the human rights measures adopted in Nigeria, including cooperation with special procedures mandate holders, and emphasised that Nigeria's security challenges were caused by external factors.

Bangladesh commended the progress made by Nigeria, particularly in education and health. It recognised Nigeria's efforts to address the HIV/AIDS epidemic. Belgium praised the strengthening of the NHRC, and press freedom, but was concerned by torture in detention centres and failures concerning the Child Rights Act. Benin noted with satisfaction the rights-based economic development plan, the judicial reforms and the measures addressing security issues. It urged Nigeria to continue adopting human rights measures.

Botswana commended measures taken by Nigeria, including strengthening the NHRC, acceding to human rights instruments, combating religious intolerance and addressing HIV/AIDS. It however hinted that challenges remained, for example with regard to orphaned children. Brazil praised the ratification of human rights instruments and the establishment of the Federal Ministry of Women Affairs and Social Development. It noted challenges like FGM and early marriage. Bulgaria noted concerns regarding the low rate of enrolment of young children in schools, geographical disparities in education, and Nigeria's failure to extend an invitation to the special procedures. Burkina Faso commended several measures, including the steps taken to raise awareness of harmful cultural practices. It urged the international community to support Nigeria.

Cambodia welcomed the strengthening of the NHRC; Nigeria's Vision 20:2020, which promoted human rights; and the accession to several international instruments. Canada asked what action would be taken to enforce laws to protect the right to religious freedom. It recognised the difficulties in combating terrorism, and welcomed the strengthening of the NHRC. Cape Verde noted that Nigeria had a range of legislative and institutional human rights provisions, and encouraged the swift adoption of Human Rights Bills. Chad commended the collaborative approach taken when drafting the report. It noted that Nigeria was party to several international instruments and had made voluntary commitments.

China commended Nigeria's Vision 20:2020 economic and social development programme, and efforts to eliminate violence against women. It highlighted progress made in primary education, healthcare and protecting children's rights. The Congo commended the amendment of the Constitution to grant financial autonomy to the Independent National Electoral Commission, the adoption of judicial reforms and the organisation of training and seminars to raise the security forces' awareness on human rights. Costa Rica noted Nigeria's accession to human rights instruments, and the economic policy defined in Nigeria's Vision 20:2020. It encouraged a de facto moratorium on the death penalty, as well as its possible abolition. Côte d'Ivoire commended the constitutional review process to ensure the independence of national institutions. It noted Nigeria's determination to promote good governance, and its ratification of several human rights instruments.

Cuba noted Nigeria's measures to guarantee the right to a sustainable environment. It commended efforts to guarantee gender equality and to protect children from violence. The Czech Republic welcomed ratification of OP-CAT, but expressed concern over reports on the use of torture. It acknowledged serious security challenges facing Nigeria. The Democratic Republic of the Congo highlighted constitutional amendments to

strengthen the democratic process, judicial reforms, and economic projects in several sectors. It commended sustainable development initiatives. Djibouti commended Nigeria's active participation in the Human Rights Council, and welcomed its efforts to improve the socio-economic situation through the Nigeria's Vision 20:2020 programme for peace, stability and well-being.

Ecuador highlighted the strengthening of the NHRC, and Nigeria's accession to the Convention on the Rights of Persons with Disabilities (CRPD) and other vital human rights instruments. Egypt commended Nigeria's firmly established culture of respect for human rights, demonstrated by the strengthening of the NHRC, and by the amendments to the 1999 Constitution. Estonia encouraged further promotion of the rights of freedom of expression, assembly and association. It expressed concern about the lifting of the moratorium on the death penalty. Ethiopia noted Nigeria's determination to strengthen the democratic system. It commended the improved access to housing, the judicial reforms and the fight against terrorism.

Finland acknowledged and encouraged Nigeria's efforts to combat trafficking in human beings. It invited Nigeria to address the needs and rights of children; this included addressing the stigmatisation of children as witches. France commended the efforts made by Nigeria since the first UPR. Gabon encouraged Nigeria to continue its measures to discourage acts of violence, and called for support from the Council and the international community. Germany remained concerned about reports of torture, extrajudicial killings and other human rights violations by the armed forces. Ghana acknowledged the need to address security and terrorism issues, and supported Nigeria's request for technical assistance. It commended progress in deepening a culture of human rights.

The Holy See acknowledged the efforts to combat violence against Christians and other minority groups. Hungary appreciated

Nigeria's efforts to strengthen democratic processes, and its ratification of several international human rights instruments. It raised concerns about reported cases of torture in police custody. Indonesia commended Nigeria on its Vision 20:2020 initiative. It observed that its promotion and protection of human rights could be even further enhanced. Iraq welcomed Nigeria's accession to a number of instruments, including OP-CAT and the Convention on the Prevention and Punishment of the Crime of Genocide (CPPCG).

Ireland was concerned by reports of widespread torture and ill-treatment in Nigeria police custody, human rights violations by both Boko Haram and security forces, FGM, and impunity for domestic and sexual violence. Italy appreciated Nigeria's efforts to promote and protect human rights, especially those of women and children, while regretting the executions in Edo State. Japan expressed concern about the security and human rights situation in Nigeria, which was marked by extrajudicial killings, enforced disappearances and torture. It appreciated Nigeria's commitment to promoting women's rights, despite the widespread practice of FGM.

Kenya noted Nigeria's legislative and constitutional reforms, its mainstreaming of human rights into national planning, and its accessions to additional human rights instruments and regional instruments. Lebanon noted that Nigeria had acceded to a number of international human rights instruments. Lesotho highlighted Nigeria's efforts to strengthen its institutional framework, which included empowering the courts to apply the human rights provisions of the Constitution and of the African Charter on Human and Peoples' Rights. Libya noted that Nigeria was attempting to implement the recommendations from the first UPR cycle, especially with respect to persons with disabilities, enforced disappearances, and OP-CAT.

Malaysia noted that Nigeria's Vision 20:2020 aimed to eradicate poverty, improve access to healthcare, drinking water, sanitation and affordable housing, to build human capacity for sustainable living, to promote gender equality and to empower women. Maldives noted the Government's efforts to strengthen and protect children's rights and to promote female entrepreneurship. Mauritania valued the measures that Nigeria had adopted to combat all forms of violence against women and children, in line with its international commitments, including, in particular, implementing the provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).

Mexico appreciated the efforts made by Nigeria, especially the exchanging of best practices on dealing with citizens' complaints through the NHRC. It urged Nigeria to take further action to abolish the death penalty. Montenegro asked whether the de facto moratorium on the death penalty would be reinstated. It appreciated the appointment of a Special Rapporteur on Children's Rights within the NHRC, and asked what measures would be taken to promote and protect children's rights and prohibit early marriages.

Morocco asked what measures would be taken to improve judicial administration. It congratulated Nigeria on its Vision 20:2020 blueprint, and asked what measures were envisaged to integrate human rights into the post-2015 development agenda. Mozambique commended Nigeria for acceding to various human rights instruments, on strengthening its human rights institutions, and on its commitment to ensuring respect for human rights for all. It encouraged Nigeria to pursue implementation of Vision 20:2020. The Netherlands complimented Nigeria on its prohibition of violence against, and trafficking of, women and girls, and the practice of FGM, and on its engagement with traditional and religious leaders on the latter issue. Nevertheless, it observed that FGM remained widespread.

Nicaragua highlighted Nigeria's accession to new international human rights instruments and the resulting legislative and institutional reforms. It encouraged the Government to work towards guiding the country along the path of peace, reconciliation and fraternal dialogue. Niger commended Nigeria on strengthening its legal and institutional framework and ratifying several conventions. It observed that Nigeria's Vision 20:2020 represented a framework for promoting fundamental rights.

Norway noted that, while impressive, Nigeria's economic growth had not contributed to poverty reduction. It regretted the prevalence of terrorism and acts of cruelty, widespread impunity, and executions.

Oman acknowledged Nigeria's commitment to improving housing and urban planning, and noted that socio-economic development was enshrined in the Constitution. It welcomed efforts to raise awareness of human rights. Paraguay welcomed Nigeria's accession to international instruments, improved access to health services, and efforts to empower women. Paraguay equally offered technical support regarding human rights indicators. Philippines commended the amendments to the National Human Rights Commission Act, and the ratification of several international instruments since the last UPR. It welcomed the prioritisation of women's and girls' rights.

Poland expressed concern about violence against children, including prostitution and sexual abuse, and about giving death sentences or life sentences to minors. Portugal, commending the ratification of OP-CAT and reiterating its previous recommendation regarding the use of torture by security forces, remained concerned about such practices. It regretted the executions carried out in 2013. The Republic of Korea highlighted the strengthened independence of the NHRC. It welcomed Nigeria's efforts to accede to international conventions, which it hoped would be enshrined in law.

The Republic of Moldova encouraged Nigeria to enact ratified international treaties in domestic legislation and fulfil reporting obligations, and to use the strengthened institutional framework to prioritize and implement human rights activities. Russia welcomed the development of legislation, and the approval by the Federal Executive Council of the National Action Plan for the Promotion and Protection of Human Rights. Rwanda commended the financial autonomy of the Independent National Electoral Commission, and the measures taken to improve internal security. It noted the ratification of United Nations instruments, particularly CPPCG, and the establishment of laws to protect children from violence.

Saudi Arabia welcomed Nigeria's accession to various international instruments, including CPPCG and CRPD. It encouraged Nigeria to continue efforts to improve the human rights situation in the country. Senegal acknowledged Nigeria's accession to international instruments, and the strengthening of the NHRC. It noted that efforts should continue, in order to address the rights of vulnerable people and issues of gender equality. Serbia welcomed Nigeria's ratification of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (OP-CRC-SC) and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (OP-CRC-AC), and its implementation of ratified instruments. Serbia encouraged the development of a sustainable national policy on internally displaced persons.

Sierra Leone noted that Nigeria had acceded to CRPD, CPED, CPPCG and OP-CAT, and had ratified several regional human rights instruments including the African Charter on Democracy, Elections and Governance. Singapore acknowledged Nigeria's strengthened framework for women's rights. It recognised the improved access to healthcare, reduced maternal and child mortality, and increased health-related funding. Slovakia remained

concerned about executions, particularly in the case of minors. It noted that access to education should be improved, and asked about the measures envisaged to promote girls' enrolment in schools. Slovenia commended the ratification of the OP-CRC-AC and OP-CRC-SC, the appointment of a national Special Rapporteur on Children's Rights, and the enactment of legislation on children's rights. It expressed concern about violence against children and women, and about FGM.

South Africa noted Nigeria's investment in education to reduce illiteracy and promote qualitative education. It called on the international community to provide technical assistance as requested. South Sudan, noting the measures taken to improve internal security, expressed concern about the security challenges. It encouraged Nigeria to remain committed to unity in diversity. Spain expressed concern about the Anti-Same-Sex Marriage Bill, and asked how Nigeria would guarantee such rights, since they were recognised in the Constitution.

The State of Palestine encouraged Nigeria to incorporate CEDAW into its national law. It urged the NHRC to ensure compliance with the Paris Principles. Sudan commended Nigeria on its efforts since its first UPR in 2009 to promote human rights, and on its accession to international and regional human rights instruments. Sweden, referring to the execution of four prisoners in Edo State, asked why the de facto moratorium on the death penalty had been broken and whether there were plans to reinstate it.

Switzerland applauded the efforts made by the Government since its first UPR. Thailand commended Nigeria's comprehensive and inclusive approach to dealing with the violent Boko Haram insurgency. It welcomed the initiative to ensure access to quality healthcare and recognised the efforts to guarantee a sustainable environment. Togo commended the priority given to combating violence against women. Tunisia encouraged the Government to

abolish any form of corporal punishment used against children. It urged the international community to respond to Nigeria's request for technical assistance.

Turkey requested an update on the latest situation regarding the declaration of a state of emergency in three north-eastern states owing to the terrorist activities of Boko Haram. Turkmenistan applauded the Government's accession between 2009 and 2013 to several core human rights instruments, and noted the measures taken to improve access to affordable housing. Uganda noted the rights-based, pro-poor and gender-sensitive approach to economic management in Nigeria's Vision 20:2020. In addition, it noted the amendment to the National Human Rights Commission Act, and Nigeria's accession to several international human rights instruments.

The United Kingdom of Great Britain and Northern Ireland expressed concern about allegations of torture and extrajudicial killings by elements of the Nigerian security forces, and called for investigations into reports of human rights abuses by those forces. The United Republic of Tanzania noted the positive results achieved in Nigeria's school enrolment programme. It encouraged Nigeria to strengthen educational support for vulnerable children, and to intensify its search for lasting peace in the north-eastern regions of the country. The United States of America condemned the attacks by insurgents and was concerned about reports of human rights violations by security forces. It noted that Nigeria's statement that lesbian, gay, bisexual and transgender (LGBT) persons were not visible in Nigeria was disappointing.

Uruguay highlighted Nigeria's alignment of domestic law with international human rights standards, which had been achieved through the ratification of seven core international human rights treaties and strengthening of the NHRC. Uzbekistan noted that Nigeria had acceded to international instruments for protection of the rights of children and persons with disabilities, and for protection against torture, genocide and enforced disappearance.

It viewed positively Nigeria's judicial, electoral, and gender equality-based reforms. The Bolivarian Republic of Venezuela acknowledged Nigeria's efforts to accede to core international human rights instruments, and the amendment to the law, which had enabled the NHRC to regain its 'A' status.

Sri Lanka welcomed Nigeria's accession to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and to OP-CRC-SC and OP-CRC-AC. In addition, it welcomed the efforts to address security challenges, as well as the efforts to provide human rights education to the police and the military. It made recommendations.

8.1 Response of the Nigerian Delegation

In its response, the Nigerian delegation stated that Nigeria did not accept the recommendations on same-sex marriage because it conflicted with national and cultural values. A poll conducted in 2011, according to the delegation, indicated that 92 per cent of the people were against same-sex marriage. The delegation noted also that religious freedom was guaranteed in the Constitution. In addition, it stated that instances of extrajudicial killings brought to the attention of the Government had been well addressed.

On the issue of early marriages, the delegation stated that the Child Rights Act was in place. Efforts had also been made to sensitise the states about this act in order to achieve its uniform application. Government, according to the delegation, was doing much to address prison overcrowding, including amending the Legal Aid Council Bill, and introducing suspended sentences for crimes that were not too serious. The Justice Sector Bill before the National Assembly, it stated, was meant to address part of the problem.

On corruption, the Nigerian delegation noted that robust legislation had been passed to eradicate corruption. In addition, there was the Independent Corrupt Practices and Other Related

Offences Commission. It highlighted that a national agency for the prohibition of trafficking in persons was in place, while a bill to address this issue had passed its second reading and was expected to be passed into law as soon as possible. Anti-trafficking laws and policies were human rights-based, and did not criminalise victims. The delegation stated that a child labour policy had been adopted which strengthened the response to child labour and ensured effective implementation of the Child Rights Act. The delegation highlighted the education schemes being run in different parts of the country that targeted girls. It noted that harmful practices had been criminalised, and that practitioners faced criminal charges.

Regarding the death penalty, the delegation reiterated that the moratorium was the most important issue, but that in a federal system, state governments had a measure of autonomy. However, efforts would continue to be made to amend the Constitution. The delegation stated that Government had an effective policy to improve universal access to healthcare. Regarding the environment, measures had been taken within the judicial reform system to ensure sustainable environment. Regarding invitations to mandate holders, the delegation stated that Nigeria offered an invitation at any time. With regard to the security situation, the delegation referred to the state of emergency in three states and said that military personnel exceeding the rules of engagement would be held accountable. The delegation explained that efforts were being made to protect the rights of those detained, and that directives had been given to provide access for the Red Cross. Regarding child labour, the delegation specified that Nigeria prohibited the use of child labour.

On harmful cultural practices, the delegation said that some states had passed laws prohibiting those practices. Regarding human rights violations by security forces, the delegation stated that the Police had received training on human rights.

PART THREE

**Nigeria's 3rd Universal Periodic
Review**



NIGERIA'S 3RD UNIVERSAL PERIODIC REVIEW

9.0 Overview

The Working Group on the Universal Periodic Review, established in accordance with Human Rights Council resolution 5/1, held its 31st Session from 5th to 16th November, 2018. The review of Nigeria was held at the 4th Meeting, on 6th November, 2018. The delegation of Nigeria was headed by the Ambassador Extraordinary and Plenipotentiary, Permanent Representative of Nigeria to the United Nations Office and other international organisations in Geneva.

In the preparation of its 3rd National Report to the Human Rights Council, the Federal Government of Nigeria constituted an inclusive inter-ministerial National Committee on Universal Periodic Review (UPR). The Committee adopted a multi-tiered and participatory approach in producing the report. The Committee, which had representatives of Government, civil society and the academia, made extensive consultations with relevant stakeholders in the country. It made use of several background reports and submissions from Ministries, Departments and Agencies. In its 3rd national report²⁶, Nigeria presented efforts made to fulfil its voluntary commitments

²⁶ Human Rights Council, Working Group on the Universal Periodic Review (31st Session) 2018 A/HRC/WG.6/31/NGA/1 National Report submitted in accordance with paragraph 5 of the annex to the Human Rights Council Resolution 16/21 NIGERIA;

to the Human Rights Council and accepted recommendations during the Universal Periodic Review second cycle in 2013.

The report also presented significant developments, achievements and challenges in the implementation of Nigeria's voluntary commitments to the Human Rights Council. Nigeria accepted 172 recommendations during the second cycle review and promised to examine 34 recommendations and provide its response at the 25th Session of the Human Rights Council. Most of the recommendations revolved around abolition of death sentence. However, Nigeria rejected ten recommendations concerning decriminalisation of offences relating to sexual orientation or gender identity. The accepted recommendations have been grouped into 36 clusters for convenience of reporting the developments after the second review.

At its 10th Meeting, held on 9th November, 2018, the Working Group adopted the report on Nigeria. On 10th January, 2018, the Human Rights Council selected Australia, Brazil and Egypt as rapporteurs (troika) to facilitate the review of Nigeria. In accordance with paragraph 15 of the annex to Human Rights Council Resolution 5/1 and paragraph 5 of the annex to Council Resolution 16/21, documents issued for the review of Nigeria were the National Report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/31/NGA/1), a compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/31/NGA/2), and a summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/31/NGA/3).

A list of questions prepared in advance by Belgium, Brazil, Germany, Portugal, on behalf of the Group of Friends on national implementation, reporting and follow-up, Slovenia, Spain, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Uruguay was transmitted to Nigeria through the troika.

In its response, the Nigerian delegation stated that the National Report had been prepared, through an inclusive process, by the

National Committee on the Universal Periodic Review, which comprised government officials and representatives of civil society. Nigeria, they posited, had largely fulfilled its commitments to the Human Rights Council through its active participation in the work and activities of the Council, support for the National Human Rights Commission, commitment to human rights instruments and support for all strategies at the regional and international levels to promote and protect human rights.

They stated that since the previous review, civil-military cooperation in the fight against terrorism, insurgency and other internal security operations had been strengthened through several measures. They included the incorporation of modules on international human rights and international humanitarian law in the training curriculum for the military and the development of the National Policy Framework and Action Plan on Preventing and Countering Violent Extremism. It further noted that in 2014, the cyber-security strategy was developed to prepare Nigeria for global economic competitiveness in cyberspace and a key component of the strategy was data protection and privacy.

A National Action Plan on business and human rights, as noted by the delegation, was in the process of being finalised, in response to the call by the United Nations to address the negative impact of business on human rights. The Federal Government had also established a national technical committee to look into the establishment and management of a database of missing persons. It noted that since the previous review, a number of initiatives had been taken to improve the effectiveness, accessibility, accountability, transparency and fairness of the justice system. They included the development of the justice sector reform action plans, a national legal aid strategy, a national policy on prosecution and a code of conduct and prosecutorial guidelines for federal prosecutors. Others are the establishment of judicial research and a simplified court users' guide.

Also, the Economic Recovery and Growth Plan 2017-2020 addressed the three dimensions contained in the Sustainable Development Goals of economic, social and environmental sustainability. According to the delegation, the vision contained in the Plan was to achieve sustained inclusive growth through increased national productivity and sustainable diversification. The Plan would lead to improved accessibility, affordability and quality of healthcare, with the roll-out of the National Health Insurance Scheme across the country. It posited that significant efforts had been made to implement the supported recommendations from the previous review, as detailed in the National Report which presented the developments, achievements and challenges faced by Nigeria in the implementation of its voluntary commitments to the Human Rights Council.

In response to the advance questions, the delegation stated that Section 34(1) of the Constitution prohibited torture and during the period under review, Nigeria had enacted the Anti-Torture Act 2017, which prohibited torture and other cruel, inhuman or degrading treatment or punishment by law enforcement agents and provided for punishment for perpetrators of such acts. While highlighting steps being taken to address the recommendations in the report, it stated that military and law enforcement personnel were being retrained to use modern and scientific means of interrogation and the Presidential Committee that had been constituted to investigate allegations of violations of human rights by the military during internal security operations had submitted its report to the Government. It noted that in 2018, a special investigation panel had been established to investigate allegations of human rights violations by the Special Anti-Robbery Squad and other special units of the Nigeria Police Force.

It further noted several child development and child protection measures introduced within the reporting period including the Child Rights Act at the national level, which most states had adopted as their state laws. In the same vein, the President had

launched a programme of action to end violence against children by 2030 and the National Health Act, which applied at both federal and state levels, addressed sexual exploitation and abuse of children. Similarly, the Violence against Persons (Prohibition) Act, which aimed to eliminate violence in private and public life, had expanded the scope of rape to protect males and since the previous review, the position of Nigeria on sexual orientation had not changed.

The delegation also stated that personnel found culpable of human rights violations following reports of the special investigation panels were undergoing administrative disciplinary processes, with some personnel facing prosecution and all trials of suspects linked to *Jama'atu Ahlis Sunna Lidda'Awati Wal-Jihad* (Boko Haram) were held in public and suspects were allowed to be represented by counsels of their choice. The Legal Aid Council of Nigeria, it noted also provided free legal representation for indigent suspects and with regard to the killing in 2015 of members of the Islamic Movement in Nigeria, the Kaduna State Government had undertaken investigations with the military and a Government White Paper had been issued following which alleged perpetrators would be tried through the robust military justice system.

According to the delegation, while Nigeria has continued however to retain the death penalty, efforts were ongoing between the Federal Government and the State Governments to formalise a moratorium on the death penalty. Likewise, efforts to strengthen electoral processes were undertaken in order to ensure free, fair, credible and peaceful elections in 2019. In a bid to strengthen the capacities of relevant actors, Government had engaged with all critical stakeholders to sensitise the citizenry and promote violence-free elections and that Independent National Electoral Commission and the National Human Rights Commission were equally engaging stakeholders on the need to conduct themselves in a peaceful manner before, during and after the elections.

They also noted that the Constitution guaranteed fundamental human rights, including the right to a speedy trial and that the Administration of Criminal Justice Act 2015 had been effective in ensuring a speedy trial in criminal cases, thereby eradicating prolonged detention of suspects. It noted that the Act is in force in many states of the federation and the Federal Government had put in place a National Working Group on human rights treaty reporting, which was assisting with reporting to several United Nations treaty monitoring bodies and with monitoring implementation of accepted recommendations. Noting that the Constitution prohibited any religion as a state religion and bearing in mind that Nigeria is a signatory to United Nations and African Union human rights instruments that guaranteed freedom of religion and belief, the delegation stated that, although challenges remained, Nigeria was determined to mitigate those challenges to further improve the promotion and protection of human rights.

9.1 Normative and Institutional Framework

On the subject of strengthening civil-military cooperation in the fight against terrorism, insurgency and other internal security operations, the delegation of the Federal Republic of Nigeria stated that it had reviewed the training curriculum for the military and law enforcement agencies to include modules and information on international human rights, international humanitarian law and civilian protection during internal security operations. It noted that documents such as Civil-Military Cooperation Theoretical Training Curriculum for Nigerian Defence Academy and Civil Military Cooperation Doctrine for the Armed Forces and other security agencies were produced and applied in the training and retraining of security agents.

In addition, they noted how Government honoured the award of compensation by paying One hundred and Thirty-Five Million Naira (₦135m) granted by the National Human Rights Commission

to families and victims of unlawful killings and attacks on some commercial motorcycle operators in Apo, Abuja. Also, Nigeria established the Directorate of Civil-Military Relations, headed by two-star Generals in the Offices of the Chief of Defence Staff, Chief of Army Staff, Chief of Air Staff and Chief of Naval Staff, while appointing a Human Rights Adviser in the Office of Chief of Defence Staff. It equally established Human Rights desk in the Army Headquarters alongside other divisions of the Nigerian Army while producing and disseminating the revised Code of Conduct and Rules of Engagement for Armed Forces to armed forces personnel during internal security operations.

The Government of Nigeria, in addition, had constituted the Presidential Committee on the Northeast Initiative (PCNI) to coordinate all interventions and oversee the recovery and rehabilitation of the Northeast. The PCNI's mandate among other things is to promote synergy among all humanitarian and development actors engaged in the region. As at November 2017, it had also developed the National Policy Framework and Action Plan on Preventing and Countering Violent Extremism. The Policy Framework and Action Plan were put together by a technical working group comprising government departments and agencies, faith-based organisations, trade unions, professional bodies, political parties and civil society organisations.

It also embarked on reforms of the criminal justice system through the enactment of the Administration of Criminal Justice Act in 2015. The revised law would strengthen procedural system in the areas of investigation, prosecution, delay in trial of cases, protection of witnesses and judges and ensure prompt dispensation of justice. Also, the Fourth Alteration Act, 2018 amended the Constitution to provide for timelines within which to hear and determine pre-election matters. Furthermore, the "Not Too Young to Run" Act was enacted to open the political space for youth participation in the political process by reducing the age limit to contest.

On the issue of implementation of National Cyber-Security Policy and Strategy, they noted that the National Cyber-Security Strategy (NCSS) was developed in 2014 to define the nation's readiness to safeguard and prepare Nigeria in advance for global economic competitiveness in cyberspace. A key component of the NCSS is the provision for Data Protection and Privacy as contained in Section 4 (4) (1) of NCSS. In view of this, the Office of the National Security Adviser (ONSA) has taken steps aimed at realising the objectives of data protection and privacy in Nigeria. Also, following the passage of the European Union General Data Protection Regulation on 25th May, 2018, the National Information Technology Development Agency (NITDA) had commenced the process of reviewing the existing draft guidelines for Data Protection, which was issued in 2017 as part of NITDA's regulatory mandate for the ICT sector in Nigeria. Additionally, Nigeria Communication Commission (NCC) had issued the Lawful Interception of Communications Regulations in 2015.

The Act provides for data traffic to be kept by service providers. Thus, NCC had set up a Working Group comprising representatives from Mobile Network Operators (MNOs), Internet Service Providers (ISPs) and Economic and Financial Crimes Commission (EFCC) on 2nd of May, 2018 to determine modalities for data retention by MNOs and ISPs. Also, the National Information Technology Development Agency (NITDA) conducted several workshops across the 6 geopolitical zones in Nigeria aimed at equipping citizens with fundamental knowledge as well as share best practices on staying safe in the cyberspace.

On the issue of countering violent extremism, the delegation highlighted the efforts of Government to stem the tide of radicalisation in the country, reduce violent activities, change the behaviour of violent extremists, and promote core national values. It explained that Government implemented the Education Summit Programme to raise awareness on the importance of education as a tool for countering violent extremism and piloting creative

curriculum that encourages critical thinking and logical reasoning. Others are Positive Voices Campaigns to promote community champions that stand up for tolerance and national identity, mapping of religious centres and Faith-Based Organisations (FBOs), identification and training of Imams to present moderate Islamic views, identification, registration and training of Faith Based Organisations (FBOs), Civil Society Organisations (CSOs) and Non-Governmental Organisations (NGOs) to aid the overarching goals of countering violent extremism, town hall and community dialogue meetings to improve internal community relations and relationship with the state. Others are survey of economic activities and employment and income generation schemes for communities, reintegration of reformed extremists to their families and communities, and media initiatives that form a counter-narrative.

Nigeria, as noted by the delegation was already finalising its National Action Plan on Human Rights and Business. This action plan developed in response to the call by the United Nations to address negative impact of business on the realisation and enjoyment of human rights would promote mutually beneficial relationships between businesses and the communities where they operate. The Human Rights and Business Action Plan, which enumerates the commitments and obligations of Government to protect human rights by outlining actionable items to address business-related human rights abuses. It focuses on stakeholders' identification and analysis, employment matters, casualisation and contract employment, land acquisition, environmental matters, compensation, gender sensitivity and integration, community development and consultations, security, conflict resolution, reporting and monitoring compliance among others.

In a bid to establish an inter-ministerial technical working group to develop a database of missing persons in Nigeria and guided by the need to have a credible and accurate data on the number of persons killed or missing as a result of violent

crimes, the delegation averred that the Federal Government had constituted a national technical committee on the establishment and management of a database of missing persons in June 2016. The database is an independent mechanism aimed at responding to the rights of affected families to know the fate and whereabouts of their missing relations. The technical committee is working on certain documents necessary for the establishment of the database including the standard operating procedures, case entry and consent forms for data collection.

Following the last review, Nigeria, according to the delegation, implemented many initiatives to improve the effectiveness, accessibility, accountability, transparency and fairness of the justice system. Some of these initiatives include the development of justice sector reform action plans; establishment of judicial research and training centres; review and production of simplified court users guide; training in IT for justice sector officials including court staff, investigators, prosecutors, police and prison staff. Others are the development and production of a National Legal Aid Strategy, development and production of National Policy on Prosecution and Code of Conduct and Prosecutorial Guidelines for Federal Prosecutors.

According to the delegation, Nigeria is also committed to improving the social and economic standard of its people and to actualise this, Government had to develop a social and economic master plan known as Economic Recovery and Growth Plan covering 2017-2020 (ERGP). The Economic Recovery and Growth Plan would address the SDGs three dimensions of economic, social and environmental sustainability issues. The vision of the ERGP is sustained inclusive growth through increased national productivity and achieving sustainable diversification of production to grow the economy for maximum welfare of the citizens. The plan includes massive investment in the people, in health and education sectors to meet the international targets set by the SDGs. The ERGP would improve the accessibility,

affordability and quality of healthcare in line with the National Health Insurance Scheme across the entire country.

9.2 Update on Recommendations Accepted in the 2nd UPR Circle

Sign and ratify outstanding human rights treaties and optional protocols and incorporate in national legislation the international human rights instruments to which Nigeria has acceded

During the period under review, the delegation stated that Government ratified the Maritime Labour Convention, the Paris Climate Change Agreement, and the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention). Also, Nigeria had enacted laws to incorporate the international human rights instruments to which Nigeria is a party, including the Violence Against Persons (Prohibition) Act, 2015 (VAPP), Administration of Criminal Justice Act, 2015 (ACJA), Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, 2015, HIV/AIDS (Anti-Discrimination) Act 2014, Anti-Torture Act 2017, Compulsory Treatment and Care for Victims of Gunshot Act, 2017, National Institute for Cancer Research and Treatment (Establishment) Act, 2017, Niger Delta Development Commission (Establishment) Amendment Act, 2017.

Reinforce anti-corruption laws

As regards corruption, Government has also taken several measures to strengthen the fight. These steps include the harmonisation of the three Anti-Corruption strategies (documents) namely- the Nigeria Anti-corruption Strategy, the National Anti-Corruption Action Plan and the National Strategy to Combat Corruption to produce the National Anti-Corruption Strategy Document. Nigeria equally joined the Open Government Partnership (OGP) in 2016 to make itself open, accountable, and responsive to citizens.

The alliance is a partnership between government ministries, departments and agencies (MDAs), working in collaboration with civil society on specific commitments. Geared towards fiscal transparency, the delegation noted that the Administration of Criminal Justice Act, 2015 was enacted to eliminate delays and to fast-track trial of corruption matters and the Proceeds of Crime Bill, 2017, pending in the National Assembly, if passed, would complement the existing legal and institutional frameworks for the fight against corruption.

Also, the Whistle Blower Policy of the Federal Government is also a great incentive to citizens to report acts and hidden proceeds of corruption. A bill in this regard had been passed by the National Assembly. It is the Mutual Legal Assistance in Criminal Matters, Act, 2017 to combat corruption and improve the image of the country by assisting Nigeria to repatriate looted funds and other proceeds of crime in foreign countries; enhancing effective prosecution of border crimes; and enabling Nigeria to obtain evidence, identify suspects and witness.

Other related measures are the Treasury Single Account, (TSA), which ensures the absence of multiple banking arrangements and prevents funds from being easily diverted; Bank Verification Numbers, (BVN), which strengthens the security of banking transaction and exposes proceeds of crime, particularly corruption and financial crimes hidden with pseudonyms in the banking system; separation of the Nigeria Financial Intelligence Unit (NFIU) from the Economic and Financial Crime Commission (EFCC) and the signing of the Executive Order No. 6 of 2018 on the Preservation of Assets connected with Serious Corruption and other Relevant Offences.

Abolish female genital mutilation

Section 34(1) (a) of the Constitution protects the dignity of human person by stating that every individual is entitled to respect

to the dignity of his or her person and accordingly no person shall be subjected to inhuman or degrading treatment. Nigeria, as stated by the delegation, has in line with this, implemented this recommendation through the enactment of the Violence Against Persons (Prohibition) Act 2015 (VAPPA). This Act eliminates violence in private and public life, prohibits all forms of violence including physical, sexual, psychological, domestic and harmful traditional practices; discrimination against persons, while providing maximum protection and effective remedies for victims and punishment of offenders.

Ensure access to justice for women who are victims of violence and continue to strengthen the capacity of human rights institutions

The delegation noted that the Constitution guarantees access to justice for everyone, and provides for pro bono legal assistance to indigent persons in the enforcement of their fundamental rights and that several other laws applicable in Nigeria provide access to justice for women who are victims of violence and also ensure that perpetrators of the crimes get punished while remedies are provided for those affected.

On strengthening the capacity of human rights institutions, it noted that Government increased the budget of the National Human Rights Commission (NHRC) to ₦3bn and has abstained from interfering in the operations of the NHRC including respect for its decision and awards. Accordingly, Government has paid compensations in the neighbourhood of One hundred and Thirty-Five Million Naira (₦135m) as awarded by the National Human Rights Commission to families/victims of unlawful killings and attacks on some commercial motorcycle operators in Apo, Abuja. Furthermore, since August 2015 the NHRC has been holding regular civil-military dialogue. The objectives of the dialogue are aimed at improving awareness of respect for human rights by the military; prevention of human rights violations by the armed

forces during internal security operations; speedy investigation and resolution of allegation of human rights violations by military personnel including holding perpetrators accountable. Others are mainstreaming respect for human rights in military operations; providing a sustainable platform for national and international human rights organisations to constructively engage the Nigerian armed forces.

It reported that Nigeria is equally finalising its second National Action Plan (NAP) for the Promotion and Protection of Human Rights, covering 2017 to 2022. The second NAP document was put together through broad consultations. The policy document sets out a road map to build a better human rights culture and give effect to Nigeria's international human rights commitments and obligations. The document contains emerging issues such as rights of persons with disabilities, rights of internally displaced persons, human rights and business, terrorism and insurgency, racial discrimination, xenophobia and intolerance. Nigeria was also, according to the delegation, in the process of finalising its National Action Plan on Human Rights and Business. This action plan is being developed in response to the call by the United Nations on member states to address negative impact of business on the realisation and enjoyment of human rights and promote mutually beneficial relationships between businesses and the communities where they operate. The Human Rights and Business Action Plan enumerates the commitment and obligations of Government to protect human rights by outlining actionable items by the Federal Government to address business related human rights abuses.

Ensure cooperation with international human rights system of the United Nations to protect and promote human rights

According to the delegation, Nigeria's cooperation with the international human rights system of the United Nations is borne out of her strong belief and respect for the rule of law

and human rights, and her firm commitment to the sanctity of fundamental freedoms at international and domestic levels, as ingrained in the objectives for the establishment of the United Nations international human rights system. While noting that Nigeria has continued to support the mechanism of the Universal Peer Review monitoring system, the delegation recounted that areas of cooperation between Nigeria and international human rights system of the United Nations since the last review in 2013 include the preparation of the National Action Plan and Guiding Principles on Business and Human Rights and extension of standing invitation to all Special Procedure Mandate Holders and submission and successful defence of periodic reports to the Committee on the Convention on the Elimination of All Forms of Discrimination against Women in 2017.

It pointed out that Nigeria has consistently cooperated with International Criminal Court on matters which she is being investigated and also in her several country statements at the sessions of the Court. Nigeria has also been cooperating with human rights mechanism as regards the extension of standing invitation to all Special Procedure Mandate Holders, who seek special visit to Nigeria. During the period under review, a number of Special Procedure Mandate Holders had visited Nigeria. These include the Special Rapporteur on Minority Issues, Special Rapporteur on the Sale of Children, Child Prostitution and Pornography, Special Rapporteur on Contemporary Forms of Slavery, Special Rapporteur on Mental and Physical Health, as well as the Special Rapporteur on Internally Displaced Persons. Furthermore, Nigeria is currently processing requests from about seven Special Procedure Mandate Holders who have indicated interests to visit Nigeria and working stridently to ensure a successful visit by these mandate holders. Nigeria has also submitted its periodic reports to the Committee on the Elimination of Discrimination against Women and successfully defended them in 2017. The National Human Rights Commission (NHRC) cooperated with the Global

Alliance for National Human Rights Institutions (GHANRI) for re-accreditation process and was re-graded “A”.

Ensure progress towards the promotion of human rights, enhance gender equality and empowerment of women and improve the socio-economic conditions of women

The delegation stated also that since August, 2015, the National Human Rights Commission has been holding regular civil-military dialogue. The objectives of the dialogue include improving awareness of respect for human rights by the armed forces, prevention of human rights violations by the armed forces during internal security operations, speedy investigation and resolution of allegation of human rights violations by military personnel including holding perpetrators accountable, mainstreaming respect for human rights in military operations, providing a sustainable platform for national and international human rights organisations to constructively engage the Nigerian armed forces.

On the subject of gender equality and women empowerment, the delegation noted that Section 42(1) of the Constitution prohibits discrimination on the basis of gender. Similarly, Section 17(3)(e) of the Constitution provides that there is equal pay for equal work without discrimination on account of sex, or on any other grounds. Equally, the Gender and Equal Opportunities Bill seeks to ensure equal opportunities and treatment of women and men.

On measures to improve the socio-economic conditions of women, the Government of Nigeria is committed to guaranteeing equal access to political, social and economic opportunities for women and men. Consequently, Government established the national and state gender machineries through the Federal Ministry of Women Affairs and Social Development and Ministries of Women Affairs in the 36 states and the Federal Capital Territory. Government has also embarked on numerous programmes

to boost women's economic empowerment some of these are: Business Development Fund for Women (BUDFOW) and National Women Empowerment Fund. The Federal Ministry of Women Affairs and Social Development, in partnership with the Central Bank of Nigeria (CBN) and the Bank of Industry (BOI) have provided financial empowerment to women through their various initiatives, such as Micro, Small and Medium Enterprises Development Fund as well as the Agricultural Financing Scheme.

Step up action to prevent violence and discrimination against women and involve women in peace process in line with the action plan on the UN Security Council Resolution 1325

According to the delegation, Section 42 of the Constitution guarantees and protects the rights of women from discrimination. Under Section 46(1) of the Constitution, women who are victims of violence and discrimination may apply to a High Court for redress by way of fundamental rights enforcement proceedings in the event of the application of any law that allows violence and discrimination against them. In addition, Government enacted the Violence Against Persons (Prohibition) Act that seeks to eliminate violence in private and public life, prohibit all forms of violence including physical, sexual, psychological, domestic, harmful traditional practices, discriminations against persons and to provide maximum protection and effective remedies for victims and punishment of offenders. Under the Administration of Criminal Justice Act, women can now stand as sureties for any applicant or defendant for the purpose of admitting the person to bail which was hitherto not possible.

On the need to involve women in peace process in line with the action plan on the UN Security Council Resolution 1325, Government, they noted had developed and published the National Action Plan for the implementation of the UN Security Council Resolution 1325 and related resolutions. The National

Action Plan (NAP) resonances Government's commitments as well as its responsibilities in ensuring the security of women and enhancing their active and direct participation in identifying early warning, conflict prevention, peace building and post conflict remedy. NAP provides a road map for the implementation of the United Nations Security Council Resolution (UNSCR) 1325.

Ensure protection of the rights of children and take necessary measures to ensure that the Child Rights Act 2003 is incorporated into the legal system of states of the federation

Chapter IV of the Constitution guarantees to all Nigerians fundamental rights. Furthermore, Section 17(3)(f) of the Constitution provides that Government shall direct its policy towards ensuring that children are protected. The delegation therefore noted that Government domesticated the Convention on the Rights of the Child as the Child Rights Act and enacted the Child Rights Act (Enforcement Procedures) Rules, 2015 for the enforcement of child rights in the Family Courts. Other legislative measures implemented by Government to ensure the protection of the right of the child and prohibits the use of children in armed forces and in armed conflict include Section 34 of the Child Rights Act which prohibits the use or recruitment of children into the Army or the use of children in any armed conflict and Sections 30-33 of the Child Rights Act which prohibits the sale of children, child prostitution and child pornography. Related policy and programmatic interventions on the protection of the rights of the child include the "Year of Action to End Violence against Children in Nigeria" 2015-2016; the Launch of a Campaign to End Child Marriage in Nigeria; adoption of a national strategy to end child marriage in Nigeria (2017-2021), the Home Grown School Feeding Programme (HGSFP) – Programme which is aimed at increasing the enrolment and completion rate at primary school level. Currently, 5.5 million primary school pupils are beneficiaries. The programme has also

resulted in improved nutrition and health of the pupils.

On the need to ensure that the Child Rights Act 2003 is incorporated into the legal system of states of the federation, the delegation noted that the Child Rights Act 2003 is the only law in Nigeria that sets a minimum age of 18 years for marriage. So far, 24 states out of 36 states have adopted the law and the states that are yet to adopt the law are mainly in the Northeast and Northwest regions of the country. However the Federal Government through the Federal Ministry of Women Affairs and Social Development is reported by the delegation to be working with relevant child rights stakeholders including other ministries, departments and agencies of Government, CSOs and faith-based organisations, to ensure that states that are yet to adopt the law do so.

Ensure the implementation of the 2011 EU Observation Mission recommendations concerning the equal political participation by providing assistance to IDPs

The delegation recalled that Government has initiated the process of domesticating several international treaties ratified by Nigeria, including the United Nations Convention Relating to the Status of Refugees; the Protocol to the Status of Refugees, the OAU Convention Governing the Specific Aspects of Refugee Problems in Africa, the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Also, Government ensured that the internally displaced persons were granted equal political participation by providing polling booths at all IDP Camps during the 2015 general elections. On the protection and promotion of the rights of vulnerable person such as the minorities, children, women, older persons, IDPs, human rights defenders, refugees and prisoners, Government has been providing protection and assistance with the support of development partners.

Ensure prosecution of people involved in election violence and adopt legislative and administrative measures to eliminate harmful cultural practices that hamper the realisation of human rights

According to the Nigerian delegation, incidences of election violence before, during and after the 2015 elections were investigated and perpetrators were prosecuted. It recalled that the National Human Rights Commission also issued a pre-election report and advisory on violence during Nigeria's 2015 general elections. This election advisory had indicated instances where criminal responsibility could arise either through campaign activities or hate speech and warned all parties to exercise caution during and after the elections. The advisory also included recommendations to political parties, the government, the electoral commission, security forces, judiciary, media, religious and faith communities, the civil society and other relevant members of the international community.

On the issues of adopting legislative and administrative measures to eliminate harmful cultural practices that hamper the realisation of human rights, it noted that Section 34 (1) (a) of the Constitution protects the dignity of human person by stating that every individual is entitled to respect to the dignity of his or her person and accordingly no person shall be subjected to inhuman or degrading treatment. In addition, several legislative measures aimed at combating harmful cultural practices have been adopted including the Violence Against Persons (Prohibition) Act 2015, prohibition of child marriage and child betrothal under Sections 21 and 22 of the Child Rights Act 2003, prohibition of tattoos and skin marks under Section 24 of the Child Rights Act, prohibition of child trafficking by the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act 2015, Anambra State Gender and Equal Opportunities Law, 2007, Cross River State Law to Prohibit Girl-Child Marriages and Female Genital

Circumcision or Genital Mutilation, 2009, Ekiti State Gender Based Violence (Prohibition) Law 2011, Imo State Gender and Equal Opportunities Law No 7 of 2007, Lagos State Protection Against Domestic Violence Law 2007, Cross River State Law to Prohibit Girl-Child Marriages and Female Genital Circumcision or Genital Mutilation, 2000, Rivers State Dehumanising and Harmful Traditional Practices Law, 2003, and Edo State Law on Female Genital Mutilation (FGM) 2000.

Ensure the development of the education sector and training of military, law enforcement officials and civil servants; include human rights components in line with the World Programme for Human Rights Education

According to the delegation, Section 18(1) and (3) of the Constitution mandates Government to direct its policy towards ensuring that there are equal and adequate educational opportunities at all levels. As such, the Government has scaled up efforts to provide qualitative and accessible education for all. Free basic education is provided for all children in public schools up to the junior secondary schools while affordable education is provided for senior secondary and tertiary education. Also, Government also put in place legislative and policy frameworks to develop the education sector. The legislative and policy frameworks include the Constitution of the Federal Republic of Nigeria, 1999, Universal Basic Education (UBE) Act 2004, Child's Right Act 2003 and Child Rights Law of States of the Federation, and Tertiary Education Trust Fund (TETFundUND), the National Policy on Education (Revised 6th edition).

Others are National Policy on Education, 6th edition, 2013, Training Manual on Adaptation and Implementation of Inclusive Education in Nigeria, 2010, A Strategic Framework for the Revitalisation of Adult and Youth Literacy in Nigeria, 2012, National Child Policy 2007, National Policy for Integrated Early

Childhood Development in Nigeria (2007), National Minimum Standard for Early Child Care Centres in Nigeria (2007), National Gender Policy on Education 2007, National Framework on Girls' and Women Education, 2012, Guidelines for Implementing National Policy on Gender in Basic Education, 2007 and National Policy on Gender in Basic Education, 2007 - Gender Education Desk, 2011.

In addition, Government, the delegation noted was implementing some programmes such as the Revitalisation of the Adult and Youth Literacy (RAYL) Programme, 2016. Based on this programme, a total of 5,101,719 (5.1 million) learners enrolled in the programme between 2013 and 2015 in 146 focused local government areas. About 4.5 million (4,589,637) of them have been made literate, and 4,807 facilitators were also graduated. A total of \$6.4 million was made available for the project by the Federal Government, aimed at reducing illiteracy level in Nigeria and building a critical mass of educators for literacy and life skills acquisition. Governments also established and equipped community learning centres in 13 states. The sum of ₦42,205,872,257.88 UBE Matching Grant was disbursed to 26 states and FCT, the sum of ₦851,502,975.66 Special Education Grant was disbursed to 23 states and private providers of Special Basic Education and ₦2,220,000,000.00 of teacher Professional Development Fund was disbursed to 33 states and FCT. A total of 538 schools across the country have received support through direct intervention and in each school, two blocks of two classrooms with twenty pieces of furniture, a head teacher's office and store have been provided.

Government has also provided ₦2.5b for improving Special Education and partnering with notable development partners in the North East Presidential Initiative to rebuild and restore normal academic activities in the region. Under the safe school initiative, Government has successfully transferred 2,274 out of 2,400 internally displaced children from Adamawa, Borno and Yobe to 43 Federal Government Colleges. Government has registered

200,000 IDP children in double shift school system, recruited 554 teachers, procured and distributed 112 containerised classrooms to the various IDP Camps in Adamawa, Borno and Yobe States. It has also invested over ₦7b in the UBE Professional Teacher Development Programme, culminating in the training of 31,520 teachers across the states of the federation.

Copies of the revised Basic Education with 34 trade subjects and the new Senior Secondary Education curricula were distributed to schools nationwide and the e-curriculum launched to increase easy access to the document. As part of Government's effort in improving teacher capacity and professional development, 800 graduate teachers were trained in teaching pedagogy and 813 students graduated with Post Graduate Diploma in Education in affiliation with National Open University of Nigeria (NOUN). At basic education level, massive monitoring of projects including the Almajiri schools has been carried out. Schools for the girl-child under construction are almost 90% completed and within the framework of promoting non-formal education, 32 schools for the nomads have been rehabilitated and three vocational schools established.

Government also built and furnished 44 e-libraries building in 44 Federal Government Colleges to facilitate teaching/learning and reading culture in students during the period under review. The Joint Admissions and Matriculation Board (JAMB) also upgraded all Computer Based Test Centres to a minimum of 250 carrying capacity and successfully automated change of course/institution, printing of admission letter, printing of result slip and correction of data. Also 20 Braille-note Apex Computer for visually impaired candidates were procured to enable them participate fully in Unified Tertiary Matriculation Examination (UTME) with minimal stress. As a result of these innovations, JAMB has successfully conducted the UTME within the period under review with minimal problems.

To improve Technical and Vocational Education and Training (TVET), Teachers' Assessment Guide/Instructional materials to aid the teaching of the new curriculum in Technical and Vocational Education (TVE) for the attainment of Sustainable Development Goals (SDGs) was developed, according to the delegation. Also, National Business and Technical Examination Board (NABTEB) e-learning centre through Public-Private-Partnerships has been completed and is functional. Scanners, Braille machines and books for examination purposes such as capturing of objective scores for candidates and physically challenged learners were equally purchased and Government has carried out accreditation of 487 programmes in 51 Technical, Vocational Entrepreneurial institutions.

On the subject of training of military, law enforcement officials and civil servants to include human rights components in line with the World Programme for Human Rights Education, the delegation noted that Human rights curricula have been introduced in the training institutions of the various armed forces, the Nigerian Police Force and other law enforcement agencies in order to inculcate in the trainees the universal human rights values. To sustain this, Government regularly organises human rights education and trainings for police and military officers to sensitise them on human rights issues through the National Human Rights Commission.

Further develop the health sector

According to the delegation, Nigeria was committed to promoting and protecting the rights of Nigerians to basic health and welfare through legislative, policy, strategic and administrative measures. In addition to the Constitution, Government has put in place legislative and policy measures including the National Health Act No. 8, 2014, National Tobacco Control Act 2015, HIV/AIDS (Anti-Discrimination) Act 2014 and the National Agency for the

Control of AIDS (Establishment) Act No.2 2007. Nigeria is also a party to the UN Agenda 2030 on Sustainable Development Goals, which includes the right to health. Others are the National Health Policy 2016 which aims at strengthening the National Health system in order to provide effective, efficient, quality, accessible and affordable health services, as well as adequate primary, secondary and tertiary healthcare services for Nigerians.

It noted also that Government has developed the National Strategic Health Development Plan (NSHDP) 2010-2015. Since the plan's development and subsequent launch, they have been implemented to varying degrees at both the national and state levels as confirmed by the Joint Annual and the Mid-Term Reviews that were regular features of the plans and the End Term Evaluation which was carried out at the end of the implementation of the plan. The end term evaluation revealed that significant progress was made towards the expected targets even though Nigeria could not meet the targets for most of the indicators in 2015. The only indicator of the first plan that was met in 2015 was the adolescent birth rate which dropped from 126/1000 to 74/1000 adolescent women.

Also, the National Council on Health, the highest policy making body on health matters in Nigeria approved the extension of the implementation of the first plan to 2016. The second National Strategic Health Development Plan (NSHDP II) 2018-2022 is anchored on the New National Health Policy (2016) which was developed taking into consideration Nigeria's aspiration to attain Universal Health Coverage (UHC) for all Nigerians. It also leverages on functional 10,000 PHCs across the country, the Millennium Development Goals (MDGs), the Sustainable Development Goals (SDGs) and the Economic Growth and Recovery Plan (ERGP) 2017-2020.

The second plan takes a more comprehensive, inclusive and the holistic approach. It is organised along five strategic pillars and the first is enabled environment for attainment of sector outcomes

which focuses on leadership and governance, community participation and partnership for health; the second is increased utilisation of essential package of healthcare services which covers Reproductive, Maternal, Newborn, Child and Adolescent Health (RMNCAH) and nutrition, communicable and non-communicable diseases, mental health, care of the elderly, etc; the third is strengthened health system for delivery of package of essential health care services which focuses on human resources, health information system, medicines, vaccines and other technologies, research etc; the fourth is protection from health emergencies and risks and fifth is increased sustainable, predictable financing and risk protection whose focus is on financing health.

Further, to improve exclusive breast-feeding rate, the Federal Ministry of Health is collaborating with Federal Ministry of Labour and Employment to fast track the implementation of paid extension of paid maternity entitlement from 16 weeks to 18 weeks and continue advocacy to 24 weeks (which is 6 months) in line with the resolution of the 59 National Council on Health Resolution. It also noted that Government is implementing task shifting and task sharing policy to ensure that health care providers are available in the rural and hard to reach areas. Similar, it was reported that Government has demonstrated its commitment to universal health coverage by allocating, for the first time in Nigeria, 1% of the Consolidated Revenue Fund towards the funding of key health initiatives, in compliance with the National Health Act in the 2018 Budget.

Adopt measures to eliminate religious intolerance and hatred

On this issue, the delegation noted that the Institute for Peace and Conflict Resolution (IPCR) was established by the Federal Government primarily as a research institute, national peace building and conflict management think-tank and policy adviser with broad mandate under Section 8 of the Institute for Peace

and Conflict Resolution (Establishment) Act, 2007 on peace and conflict-related subjects in Nigeria and Africa. The Institute's work is geared towards the promotion of human rights in conflict situation through research, peace intervention and advocacy, and collaboration, especially in the northeast of Nigeria. The IPCR is concerned with the conditions of vulnerable groups in conflict situation such as the women and children that are mostly victims, whether displaced from their communities, maimed, abducted, forced as cooks, porters, suicide bombers, child soldiers, sex slaves, 'wives', etc.

Some other initiatives of the Institute include collaborating with relevant national and international institutions to enhance the capacities of religious and community leaders on cultural and religious harmony. The Institute has initiated and convened two separate interfaith dialogue meetings for religious leaders across the country in Kaduna. Recently, the Institute convened two separate intra-religious dialogue sessions for Muslim and Christian leaders, and also organised a National Interreligious Conference for leaders across the country in Abuja. There are other interfaith engagements for women and youth religious leaders that the Institute implemented in partnership with other organisations such as the African Council of Religious Leaders, Religion for Peace, ECOWAS and the African Union (AU). In furtherance of efforts towards the promotion of human rights, the Institute activated the Infrastructure for Peace (I4P), which brought together policy formulators and implementers as a national platform for understanding the socio-economic, political and cultural contexts of peace and security trends in the country. This is important because human rights violations in the country arose as a result of socio-economic, political and cultural dynamics at play within the society.

Put in place necessary steps to prevent extra-judicial killings, adopt measures to hold security forces accountable for human rights violations and prevent torture and the use of force by security agents

Section 33(1) of the Constitution guarantees the right to life. Similarly, the Penal and Criminal Codes prohibit extra-judicial killings. Consequently, the delegation noted that Government has zero tolerance for any form of cruelty such as ill-treatment and extra judicial killings and as such, security officers that have been found culpable irrespective of their position have been made to face the full weight of the law.

On the adoption of measures to hold security forces accountable for human rights violations, it noted that Section 46 (1) and (2) of the Constitution is a legislative measure to hold security forces accountable for human rights violation. The Section states that any person who alleges that any of the provisions of this Chapter has been, is being or likely to be contravened in any state in relation to him may apply to a High Court in that state for redress. To ensure respect for human rights by security forces, the Federal Government had set up a Presidential Investigation Panel to investigate all alleged cases of human rights violations by the Nigerian military personnel. The panel was set up in August 2017 and had among others charged with the responsibility to review extant rules of engagement applicable in the Armed Forces of Nigeria and extent of compliance thereto; investigate matters of conduct and discipline in the armed forces in local conflicts and insurgencies; and recommend means of preventing violation of international human rights and humanitarian law in conflict situations.

In relation to measures to prevent torture and the use of force by security agents, Section 34(1) of the Constitution prohibits torture in any form and Government had enacted the Anti-Torture Act 2011 as amended in 2013. The Act prohibits torture and other

cruel, inhuman and degrading treatment and punishment by law enforcement agents and provides punishment for perpetrators of such acts.

Strengthen measures aimed at improving security in the country

Section 14(1)(b) of the Constitution imposes obligation on Government by providing that the security and welfare of the people shall be the primary purpose of government. Government, in line with this, embarked on several initiatives to reduce the menace of Boko Haram terrorism and insurgency in the country. The delegation stated that there was 90% drop in the number of terrorism related deaths in Nigeria; and that more than 12,000 persons taken hostage by the insurgents including 106 abducted Chibok and the 113 Dapchi girls had been freed. Boko Haram insurgency, they explained, has been largely curtailed. Civil authorities have also been established in the areas affected by the insurgency and significant efforts have also been made to protect internally displaced persons in camps across the north eastern part of the country. They also reported that several military operations were on-going in aid of civil authority for effective security maintenance of law and order in areas affected by Boko Haram insurgency.

Continue efforts aimed at preventing human trafficking

The delegation noted that Government had established the National Agency for the Prohibition of Trafficking in Persons (NAPTIP). With the re-enactment of the Human Trafficking Law in 2015, NAPTIP is strengthened to deal with the scourge of child trafficking by carrying out sensitisation programmes in primary, secondary and tertiary institutions. NAPTIP has also been training and re-training the Nigeria Immigration Service, Nigeria Police Force, National Drug Law Enforcement Agency,

Nigeria Customs Service, Nigeria Security and Civil Defence Corps, Federal Road Safety Commission, Department of State Security, National Intelligence Agency, Office of the National Security Adviser, Lawyers and Judges to improve on the strategies for detecting and combating the crimes.

Improve conditions in detention facilities including the behaviour of police officers and how overcrowding in prisons is tackled

Nigeria was reported to be committed to maintaining the United Nations' Standard Minimum Rules for the Treatment of Prisoners. The Nigerian Prisons and Correctional Service Bill currently undergoing legislative processes is geared towards addressing issues related to the physical conditions in Nigerian prisons, including overcrowding and physical abuse of prisoners. The Nigerian prison services and other correctional facilities are being upgraded through the efforts of the Ministry of Interior. According to the delegation, effective prison reforms are being made by the present administration to improve the existing facilities and structure including through the on-going exercise on prison decongestion. Government has also made it a policy to investigate and address all allegations of human rights abuses in prison and correctional facilities. Also, Nigeria is also committed to training and retraining of prison officers in order to ensure that they adhere to minimum standard while attending to detainees.

The Federal Ministry of Justice has in collaboration with Civil Liberties Organisation (CLO) and other CSOs undertaken monitoring of police activities. Zonal and State Committees have been mandated to undertake "Ombudsman" review of complaints against the police. The state governments are also making efforts to improve condition in the detention facilities. The Chief Judges of the Federal Capital Abuja and the 36 states of the federation do undertake prison visits. During such visits, prison inmates who have been unlawfully detained are released either unconditionally or on such terms as to guarantee their appearance.

The Nigerian Police Force also established the Complaint Response Unit in November 2015 to address complaints of alleged human rights abuses against police personnel. The Unit is domiciled in all states commands and the Force headquarters. The Force also created a human right desk in the Force headquarters and all the 36 state commands to ensure that the rights of citizens are respected and complaints are promptly attended to and solved. The Force has also made it a policy to organise human rights education and training for all its personnel to sensitise them on human rights issues and to ensure that they respect and comply with such provisions in the course of their duties. A number of organisations have also supported the police with training on human rights issues. These organisations include the National Human Rights Commission (NHRC), UK Department for International Development (DFID) and CLEEN Foundation. The Nigeria Police Force has also trained its officers on the need to respect and implement the provisions of the Criminal Justice Act 2015.

The Police Force in partnership with the Legal Aid Council of Nigeria (LACON), The Rights Enforcement and Public Law Centre (REPLACE) and Open Society Justice Initiative (OSJI) launched the Police Duty Solicitor Scheme (PDSS). The scheme ensures free legal services for arrested or detained persons in police formations.

Facilitate access to justice

Section 17(1)(e) of the Constitution states that the 'independence, impartiality and integrity of courts of law, and easy accessibility thereto shall be secured and maintained'. To fast-track the administration of criminal justice, the Administration of Criminal Justice Act, 2015 (ACJA) was enacted. The ACJA makes provisions for pre-trial remand on the orders of the court. This enables the court to supervise pre-trial detention in order to prevent

arbitrariness and abuse by law enforcement agencies. Corruption and Financial Crimes Case Trial Monitoring Committee, is a new committee set up by the Chief Justice of Nigeria in early 2018 to monitor the trial of corruption and financial crimes cases in various courts. This, as highlighted by the delegation would enhance expeditious, diligent and transparent disposal of corruption and financial crimes cases by the courts.

On the other hand, special panels of the Supreme Court and Court of Appeal were also set up by the Chief Justice of Nigeria, which in a matter of months disposed of several corruption and financial crimes cases some of which had been pending in court for years. Between 2013 and 2017, heads of various appellate courts and High Courts both at the federal and state levels have issued Practice Directions to fast-track the trial and disposal of corruption and financial crimes cases. These are the Supreme Court (Criminal Appeals) Practice Directions 2013; Court of Appeal (Fast Track) Practice Directions, 2014; Federal High Court Practice Directions, 2013 and the Practice Directions of the Federal Capital Territory, 2017. Several justice sector reform initiatives were reportedly embarked upon by the federal government in collaboration with the states and CSOs. These initiatives resulted in the development and adoption of the National Policy on Prosecutions, 2014 and its supplementary Code of Conduct for Prosecutors in Nigeria and Guidelines for Prosecutor; and the enactment of the Administration of Criminal Justice Act 2015.

In July 2018, 113 members of Boko Haram were convicted, 111 were discharged and acquitted while 73 cases were adjourned for continuation of trial. In February, 2018, 331 cases were tried. Two hundred and five (205) of the members of the Boko Haram were convicted. A total of 526 suspects were discharged while 73 cases were adjourned. In October 2017, 45 members of the Boko Haram were convicted, 1669 were remanded while 468 were discharged.

Continue efforts to guarantee access to adequate housing

Section 16(2) of the Constitution provides that the state shall direct its policy towards ensuring that suitable and adequate shelter are provided for all citizens. Government according to the delegation was constructing 2,736 pilot scheme housing units in 33 states of the federation. Federal Government had allocated ₦35 Billion in the 2018 budget for the National Mass Housing Programme. Furthermore, the Federal Mortgage Bank and Federal Housing Authority are government institutions established with the purpose of providing housing needs of Nigerians. Additionally, the National Housing Fund Act established the National Housing Fund whose aim is to facilitate the mobilisation of funds for the provisions of housing needs of Nigerians at affordable prices. Government also introduced an initiative to engage cooperative societies in national housing programme. In addition to the efforts by the Federal Government to guarantee access to adequate housing, the 36 states and Federal Capital Territory are implementing various housing schemes at their levels.

Ensure the promotion and protection of the rights of vulnerable persons

The delegation noted that Nigeria is a party to the International Covenant on Civil and Political Rights (ICCPR), the African Charter on Human and People's Rights, the Convention on the Elimination of All Forms of Racial Discrimination, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the Convention on the Elimination of All Forms of Discrimination against Women, among others. In addition, a number of international instruments such as the Universal Declaration of Human Rights and the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (Minorities Declaration) are binding as customary international law in Nigeria. Also, the Fundamental

Human Rights (Enforcement Procedure) Rules, 2009 empowers the Courts to interpret and apply the human rights provisions of the Constitution and the African Charter on Human and Peoples' Rights expansively and purposely advance the realisation of the rights and freedoms contained in them.

Adopt measures to protect the rights of ethnic and other minority

Government has, according to the delegation, produced Guiding Principles for the distribution of posts in the public service. The guiding principles deal exclusively with the distribution of jobs and posts, which provides for equal percentage of persons from each State of the country to occupy public positions at the national level. Furthermore, Government recognises that there is the need to mainstream gender balance in the labour force of the country, particularly the traditionally marginalised groups such as women and the physically challenged. Section 14(3) of the Constitution states that the composition of the Government of the federation shall be carried out in a manner to reflect federal character, thereby ensuring that there is no predominance of persons from a few states, ethnic or other sections in the government. Section 14(4) of the Constitution similarly protects the rights of minorities in the states by providing that the composition of the Government of a state or local government areas should be in a manner as to recognise the diversity of the people in the state or local government areas in order to promote a sense of belonging and loyalty among all the peoples. The Federal Character Commission, the delegation observed, has been active in driving this policy.

Recommendation to adopt measures to promote the migrant workers convention

Government as highlighted by the delegation has taken a major step in implementing Nigeria's commitment by initiating the process of domesticating several international treaties. It ratified

the United Nations Convention Relating to the Status of Refugees, the Protocol to the Status of Refugees, the OAU Convention governing the specific aspects of refugee problems in Africa, the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa, and the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families.

Continue to take measures to guarantee the right to sustainable development

The Sustainable Development Goals (SDGs) are the centrepiece of the current development agenda in Nigeria, according to the delegation. In an effort to domesticate, integrate and mainstream the SDG into the medium and long-term National Development Plans for effective planning, adequate budgeting and overall successful implementation across the nation, it was noted that the Office of the Senior Special Assistant to the President on Sustainable Development Goals is working assiduously in partnership with the Ministry of Budget and National Planning. Further, the Office of the Senior Special Assistant to the President on Sustainable Development Goals partnered with the National Bureau of Statistics and the United Nations Development Programme (UNDP) and conducted a mapping exercise of existing SDGs related data to establish baseline data which will be useful in benchmarking SDGs progress.

According to the delegation, the SDGs office has undertaken a number of activities to provide strategic direction and impetus to the national commitment on the SDGs. These include but are not limited to the development and dissemination of the MDGs end-point report in collaboration with the UNDP, DFID, MDAs and other stakeholders; development of the Country Transition Strategy to the SDGs; development of Action Plan to guide SDGs implementation; rollout of SDGs Needs Assessment and

Costing Exercise in partnership with the Ministry of Budget and National Planning, the MDAs as well as the UNDP; data mapping and determination of 126 baseline SDGs indicators to benchmark progress through partnership with the National Bureau of Statistics. Others are partnership agreement with UNDP to mainstream the SDGs at sub-national levels; establishment of institutional mechanisms such as the Presidential Council on SDGs, SDGs Committees in both chambers of the National Assembly, Inter-Ministerial Committee for MDAs coordination and a sub-national partnership framework through the Conditional Grants Scheme; multi-stakeholder engagement mechanisms such as the Private Sector Advisory Group, Donors' Partnership Forum on SDGs, Civil Society Strategy Group on SDGs, amongst others; and mobilisation of influencers such as SDGs Ambassadors and SDGs Champions for SDGs advocacy.

Harmonise the legal system of the country

Legal pluralism is an overarching principle of the Nigerian legal system. It enables the co-existence of a number of legal systems within the Nigerian territory, subject to the rules for resolving conflict and inconsistency. It has allowed the received English law, Customary law and Islamic law to subsist side by side. The federal and state governments are determined to give due recognition and respect to the pluralistic character of the Nigerian legal system and support the even development and strengthening of the system of administration of justice, with due regard to its plural character, as provided by the Constitution. To this effect, the delegation stated that the Nigeria Law Reform Commission, State Law Reform Commissions and other justice reform bodies have continued to place in their law reform agenda a review and strengthening of the systems for the administration of Islamic law and Customary law, and propose appropriate legislation, policies and other interventions for improvement.

Accordingly, the Federal Government in compliance with the constitutional requirement in appointing of Justices of the Court of Appeal and the Supreme Court does include adequate number of judges learned in Islamic and Customary law. In the same vein, the governments of states where High Courts administer Islamic and Customary laws will take into account the need for judges learned in these two systems of law to be included in the appointment of High Court judges. Government is determined to give Islamic law and Customary law and the courts that administer them commensurate regard and consideration in the implementation of the various interventions adopted through the National Policy on Justice without any discrimination, and with due regard to the plural components of the legal system.

Mainstream human rights standard in counter-terrorism actions

In compliance with the First Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Conflicts in the Field; Second Geneva Convention for the Amelioration of the Condition of the Wounded, Sick and Shipwrecked Members of the Armed Forces at Sea; Third Geneva Convention Relative to the Treatment of Prisoners of War; Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War, the Constitution of the Federal Republic of Nigeria, 1999 (as amended), Nigerian Army Handbook on Domestic and International Laws Guiding the Conduct of Operations, the Nigerian Army Policy on Human Rights 2016 and in fulfilment of his command responsibility to officers and men of the Nigerian Army, as well as to give effect to the directives from the President and Commander in Chief of the Armed Forces of the Federal Republic of Nigeria, the Chief of Army Staff issued the Chief of Army Staff's Policy Directive to commanders at all levels to prevent violations and improve compliance with Nigeria's domestic and international laws guiding the conduct of operations by Nigerian Army personnel.

The policy directives require all personnel of the Nigerian Army to comply with the principles and spirit of the international human rights law during all internal security operations and other military assistance to civil authorities operations that the Nigerian Army may be deployed to in accordance with Sections 217(2)a, b, c, d, and 218(3) of Constitution (as amended). Furthermore, in compliance with the Chief of Army Staff Policy Directive on Nigerian Army Comprehensive Programme to improve Compliance with Domestic and International Laws Guiding the Conduct of Operations 2018, Constitution of the Federal Republic of Nigeria, 1999, Nigerian Army Handbook on Domestic and International Laws Guiding the Conduct of Operations, 2018 and the Terrorism Prevention Amendment Act, 2013, the Chief of Army Staff issued the Chief of Army Staff Directive on Standing Rules of Engagement and Standing Rules for the Use of Force for the Nigerian Army. The Chief of Army Staff Directive on Standing Rules of Engagement and Standing Rules for the Use of Force for the Nigerian Army was issued in furtherance of the Presidential Directive issued by the President and Commander-in-Chief on 25 May, 2015 during his inauguration to overhaul the Rules of Engagement to avoid human rights violations in operations.

Protection of persons with disabilities

A National Disability Bill, which seeks to protect the rights of persons with disabilities and establish a National Disabilities Commission, is currently pending in the National Assembly as noted by the delegation. The National Human Rights Commission also has a disability desk and has carried out many significant initiatives to address disability issues, including working with CSOs in this area and have employed a handful of persons living with disability. In line with this, it was also highlighted that the Government of Plateau State has also established the Plateau State

Disability Rights Commission. The Commission has been training legislators and government officials on the rights of persons with disabilities.

Continue strengthening the role of the inter-religious council in order to deepen the ethical values and fight against the moral corruption so that extreme and radical ideologies are eradicated from the society.

The delegation highlighted that Economic and Financial Crimes Commission (EFCC), had unveiled an Inter-Faith Anti-Corruption Preaching and Teaching Manual in 2014 as part of its efforts to combat corruption in the country. The Commission came to the unassailable conclusion that successfully combating corruption and financial crimes would take more than enforcement of laws. It was obvious that because Nigeria was a deeply religious country, one of those groups that would have the most far-reaching and sustained impact on our people was the faith-based group.

Realising the need to harness critical stakeholders' inputs into the anti-graft campaign, the EFCC was noted to have reached out to organised and semi-formal groups, which include, students and women bodies, town unions and age grade groups, professional and social associations, religious bodies and other special interest associations. The manual, which focuses on utilising the Muslim and Christian platforms to engage the public in fighting corruption, is the outcome of a National Inter-faith Forum on Corruption organised by the Commission.

9.3 Challenges in the Promotion and Protection of Human Rights in Nigeria

The delegation highlighted that the challenges contained in the second UPR cycle report remained the same, though the current Federal and State Governments are working very hard to overcome these challenges, while several other reforms and initiatives are yielding positive results. Some of the main challenges, according to

the delegation include the plural nature and size of the country. For instance, the multi-ethnic, multi-cultural and multi-religious nature of Nigeria created practical difficulties for the harmonisation of views, strategies and programmes for the promotion and protection of human rights in the country. On the other hand, the legal system in Nigeria is pluralistic and composed of customary law, received English law, Legislation and Sharia law. Majority of Nigerians conduct their personal activities in accordance with and subject to customary and Islamic personal law. These laws have great impact in areas such as marriage, inheritance and traditional authorities. While observing that some of the customary norms are however in conflict with human rights standards, it was noted that it would take a long time before Government's efforts in raising public awareness among the people to embrace tolerance, have liberal disposition on customary matters and respect legislation and constitutional provisions aimed at reforms of cultural behaviour would yield the desired results.

Although the current administration in the country has introduced many reforms to tackle the menace of corruption in public and private sectors of the economy, the menace is still deeply rooted in the society. Corrupt tendencies pose serious threat to the enjoyment and realisation of human rights as resources that would have been available to improve the standard of living of citizens would find their way into private pockets. As noted by the Nigerian delegation, government was however committed to wiping out corrupt behaviours in the public and private spheres of Nigeria. On the other hand, internal security has also become more challenging, owing to the proliferation of organised criminal syndicates across the country. The incidence of blue-collar offences and transnational criminality in the country was noted to be greatly affecting the realisation of human rights. Government is reportedly not resting on its oars to ensure prevention and detection of crimes and holding perpetrators accountable in accordance with respect for rule of law. Similarly,

difficulties in breaking through entrenched mindset on harmful traditional practices are equally noted to be affecting the human rights of women and children.

On the basis of these challenges and to improve on its commitment to the promotion and protection of human rights in a sustained manner, the delegation requested for technical assistance on behalf of the Federal Republic of Nigeria. It noted that Nigeria requires technical assistance from the Office of the High Commissioner for Human Rights in areas such as development and application of human rights indicators to assess effective implementation of national and international human rights obligations of Nigeria, training of staff of Federal and State Ministries of Justice and Federal Ministry of Budget and National Planning using the Human Rights Indicators, capacity development of staff of relevant federal and state institutions in applying rights-based approach in the formulation and implementation of development policies and programmes including the United Nations Sustainable Development Goals (SDGs) and African Union Agenda 2063.

Others are training of security and other relevant institutions in mainstreaming human rights standards in counter-terrorism strategy, including the development and production of appropriate tools, institutional and capacity development of staff of the Institute for Peace and Conflict Resolution (IPCR) and other relevant government departments to develop appropriate tools for research and mainstreaming human rights based approach in peace building and reconciliation, assistance in the development of appropriate truth and reconciliation mechanisms to address increasing divisive trend in the country and to hold perpetrators of systematic violation of human rights accountable.

In conclusion, the delegation stressed that the Government of Nigeria remains committed to the promotion and protection of human rights not only in Nigeria but in the world as a whole. According to the delegation, this commitment informed its

cooperation with other countries in Africa and across the globe to enhance global realisation of human rights. Attesting that Government is determined to improve the well-being of its citizens, especially the vulnerable including women and children, the delegation asserted that the promotion and protection of human rights is a continuous process and various initiatives of Government since the last review have clearly shown its determination to continue to improve on the enjoyment of human rights in the country. Noting that respect for human rights would provide the foundation for enduring peace and social harmony, the Nigerian delegation maintained that Nigeria was fully committed to its obligations under the human rights instruments it has ratified and would continue to work hard to ensure that this would translate into better living conditions and sustainable development in the country.

UNITED NATIONS TREATY BODIES AND SPECIAL PROCEDURE REPORT

10.0 Overview

The United Nations Treaty Bodies and Special Procedure Report²⁷ was prepared pursuant to Human Rights Council Resolutions 5/1 and 16/21, taking into consideration the periodicity of the Universal Periodic Review. It is a compilation of information contained in reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarised manner owing to word-limit constraints.

10.1 Normative and Institutional Framework

On the scope of international obligations and cooperation with international human rights mechanisms and bodies, the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families recommended in 2017 that Nigeria should consider ratifying or acceding to the first Optional Protocol to the International Covenant on Civil and Political Rights, the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death

²⁷ Human Rights Council, Working Group on the Universal Periodic Review (31st Session) 2018 A/HRC/WG.6//31/NGA/2 Compilation prepared by the Office of the High Commissioner for Human Rights, in accordance with 5/1 and 16/21 NIGERIA;

penalty, and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. The Committee on the Elimination of Discrimination against Women encouraged Nigeria to do likewise.

The Committee on Migrant Workers also recommended that Nigeria should ratify the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), the Domestic Workers Convention, 2011 (No. 189) and the Private Employment Agencies Convention, 1997 (No. 181) of the International Labour Organization (ILO). The same Committee recommended that Nigeria should consider making the declarations provided for in articles 76 and 77 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, recognising the competence of the Committee to receive and consider communications from state parties and individuals concerning violations of the rights established under the Convention. Referring to the relevant recommendations from the previous review, the United Nations country team stated that Nigeria had not submitted reports to any treaty bodies apart from the Committee on the Elimination of Discrimination against Women. In 2017, the Committee on Migrant Workers reviewed the situation in Nigeria in the absence of a report and without the participation of a government delegation. The country team considered the recommendations to have been partially implemented.

Referring to the relevant recommendations from the previous review, the United Nations country team stated that Nigeria had issued a standing invitation to the special procedure mandate holders and had hosted four of them since the previous review. The country team considered the recommendations to have been implemented.

Relating to national human rights framework, the Committee on the Elimination of Discrimination against Women noted that the federal structure of Nigeria, which established a three-

tiered system of governance at the national, state and local levels, continued to present challenges for the incorporation of the Convention into the national legal order. Referring to the relevant recommendations from the previous review, the United Nations country team stated that Nigeria had given effect to some of its treaty obligations by adopting the Anti-Torture Act (2017), the Compulsory Treatment and Care for Victims of Gunshot Wounds Act (2017), the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act (2015), the Administration of Criminal Justice Act (2015) and the Violence against Persons (Prohibition) Act (2015). The country team considered the recommendations to have been partially implemented.

Referring to the relevant recommendations from the previous review, the country team stated that Nigeria had yet to incorporate the provisions of the Rome Statute of the International Criminal Court into its domestic legal system. It considered that the recommendations had not been implemented. In 2016, the special rapporteurs on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, on the sale of children, child pornography and child prostitution, and on contemporary forms of slavery, including its causes and consequences, stated that Nigeria should ensure that the Child Rights Act and the Violence against Persons (Prohibition) Act were adopted and enforced in those states that had yet to do so.

The Committee on Migrant Workers stated that further legislative and administrative measures were needed to fully harmonise domestic laws and practice with the provisions of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. It was concerned that the 2015 Immigration Act maintained broad grounds for classifying individuals as “prohibited immigrants” liable to be refused admission or deported.

On the subject matter of implementation of international human rights obligations, taking into account applicable international

humanitarian law relating to equality and non-discrimination, the Committee on the Elimination of Discrimination against Women expressed concern that the prohibition of discrimination in Section 42 of the Constitution did not comprise a comprehensive definition of discrimination in line with article 1 of the Convention on the Elimination of All Forms of Discrimination against Women. It called on Nigeria to adopt a comprehensive definition of discrimination against women, in line with that article and target 5.1 of the Sustainable Development Goals. The Committee also recommended that Nigeria should ensure that the ongoing constitutional review process addressed the applicability of statutory, customary and Islamic personal laws, which afforded varying degrees of protection for women and girls. It further recommended expediting the repeal or amendment of all discriminatory laws identified by the Nigerian Law Reform Commission and involving religious leaders in the process of addressing issues of faith and human rights, so as to build on several “faith for rights” initiatives and identify common grounds among all religions in Nigeria.

Referring to the relevant recommendations from the previous review, the United Nations country team noted that in March 2016, the 8th Senate had rejected the Gender and Equal Opportunities Bill and that a revised version of the Bill was currently under consideration. The country team considered the implementation of those recommendations to be ongoing. Noting that it had been on the legislative agenda since 2011, the Special Rapporteurs on Health, on Sale of Children, and on Slavery, recommended that Nigeria should adopt the Gender and Equal Opportunities Bill to ensure its effective implementation at all levels of government. The Committee on Migrant Workers recommended that Nigeria should take all measures necessary to extend to migrant workers the guarantees relating to privacy, freedom of movement and protection against racial discrimination and to remove from its legislation all provisions that discriminated against foreign men in relation to the acquisition of nationality. It also recommended that Nigeria should

include a prohibition of direct and indirect discrimination on all the grounds enumerated in the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (arts. 1 (1) and 7) in the draft Labour Standards Act, and take all legislative and policy measures necessary to ensure that all migrant workers and members of their families, both documented and undocumented, within the territory of Nigeria or subject to its jurisdiction enjoy, without discrimination, the rights recognised in the Convention.

Relating to the issues of development, the environment, and business and human rights, the special rapporteur on minority issues stated in 2014, that the availability and exploitation of natural resources, and the impact of climate change in the North and Central regions, including desertification, droughts and food and water shortages, must be adequately addressed. She urged the Government to plan and implement coordinated national and state policies to fight the adverse effects of climate change and provide sustainable solutions for the use of land by the different communities with competing lifestyles and livelihoods. She noted that numerous oil spills had resulted in extremely grave environmental damage across the Niger Delta, causing water and soil pollution and destroying the livelihoods of many communities. She also urged the authorities to take effective measures to assist the communities in need, providing healthcare and educational facilities, while fostering means for the creation of alternative livelihood options.

The Committee on the Elimination of Discrimination against Women welcomed the adoption in 2015 of a transition strategy from the Millennium Development Goals to the Sustainable Development Goals. It recommended that Nigeria should explore investment and employment opportunities for women through investments in renewable energy while combating the adverse effects of climate change in the context of its efforts to implement Sustainable Development Goals 5, 7 and 13.

The Office of the United Nations High Commissioner for Human Rights (OHCHR), on the Human rights and counter-terrorism recommended that Nigeria should adopt or review counter-terrorism laws and policies to ensure compliance with international standards, including international human rights law and international humanitarian law, notably the principles of legality and proportionality. OHCHR had received preliminary reports of violations of human rights and international humanitarian law allegedly committed by some government forces during counter-insurgency operations, including extrajudicial killings, enforced disappearances, arbitrary arrests and detention, and ill-treatment. Failures to adequately protect people from Boko Haram had also been documented. OHCHR recommended that Nigeria should conduct prompt, thorough and independent investigations into those allegations, and ensure accountability for all violations of international human rights law and international humanitarian law, regardless of the position or rank of the perpetrator.

On right to life, liberty and security of person and referring to the relevant recommendations from the previous review, the United Nations country team stated that, while several investigations had been launched, they had not led to any prosecutions. Allegations of extrajudicial executions, enforced disappearances and excessive use of force by security agencies continued to be made. The country team considered those recommendations to have been partially implemented. Referring to the relevant recommendations from the previous review, the United Nations country team noted that the Anti-Torture Act 2017 did not have national application and states were required to adopt complementary legislation to ensure its enforceability. Moreover, the rules and regulations for the implementation of the Act had yet to be formulated. The country team considered those recommendations to have been partially implemented.

OHCHR stated that Boko Haram had intentionally killed and maimed civilians in attacks throughout Borno State and in parts

of Adamawa and Yobe States. Credible reports indicated that the security forces had not been deployed in several cases where civilians had come under attack by Boko Haram. The inability of the security forces to protect civilians from Boko Haram attacks and the deterioration of the security situation had led to the emergence of local self-defence groups, known as vigilantes, who seemed to operate with the tacit approval of the security forces. OHCHR recommended that Nigeria should therefore take immediate steps to strengthen and expand measures to protect civilians, including in the context of counter-insurgency operations, and stop the use of vigilante groups in such operations, while adopting a comprehensive strategy for combating violent extremism. OHCHR had received confirmation that in areas dominated by Boko Haram, young men were not only exposed to the risk of being targeted by Boko Haram, but also of being arbitrarily arrested and detained by the army, police or civilian vigilante groups, if suspected of being Boko Haram members.

In 2017, the Secretary-General strongly condemned the attacks on schools, hospitals and protected personnel, as well as other humanitarian actors and facilities. He called on all parties to respect the civilian character of schools and hospitals and to allow safe and unimpeded access for humanitarian actors to affected populations. He urged Nigeria to abide by its obligations under international humanitarian, human rights and refugee law and ensure the protection of civilians during the armed conflict. The Special Rapporteurs on Health, on Sale of Children, and on Slavery noted that Boko Haram had used widespread abductions of girls and boys as a part of its insurgency strategy. The Secretary-General referred to numerous cases of child abduction by Boko Haram, including from the school in Chibok in April 2014. The group's stated motives for such abductions included retaliation against the Government for the detention of relatives and punishment of schoolchildren for attending Western-style schools. Abduction was also used as a means to forcibly recruit children, and Boko

Haram used abducted children as human shields during military operations by the security forces. According to accounts from those who had escaped or had been rescued, children were subjected to rape and forced marriage, physical and psychological abuse, forced labour, forcible religious conversion and used in operations, including suicide attacks.

The Committee on the Elimination of Discrimination against Women recommended that Nigeria should intensify its efforts to rescue all women and girls abducted by Boko Haram insurgents, ensure their rehabilitation and integration into society and provide them and their families with access to psychosocial and other rehabilitative services. Referring to the relevant recommendation from the previous review, the United Nations country team stated that prison conditions remained harsh and life-threatening. They were characterised by overcrowding and inadequate medical care, food and water. The country team considered that the recommendation had not been implemented.

On previous recommendations relating to the administration of justice, including impunity, and the rule of law, the United Nations country team noted that the criminal justice system had been reformed through the enactment of the Administration of Criminal Justice Act, which had enhanced the speedy dispensation of justice. While the Act was applicable in federal institutions, only 13 states had adopted implementing legislation. While the National Policy on Justice (2017) had been adopted to guide the judicial reform process, the country team considered the implementation of those recommendations to be ongoing. The Special Rapporteurs on Health, on Sale of Children, and on Slavery noted that there appeared to be a significant gap in current responses in terms of accountability for crimes perpetrated in the context of the insurgency. Access to remedies for victims of the insurgency, including of sexual and gender-based violence, was almost non-existent for many reasons, including resistance to reporting for fear of stigma, ostracism and reprisals. The Special

rapporteurs recommended that Nigeria should investigate the crimes committed by Boko Haram, prosecute and punish all those responsible in order to fight impunity, and set up witness and victim protection services for women and children affected by the violence.

Noting that the lack of accountability and impunity were repeatedly cited as major flaws of the criminal justice system, the Special Rapporteur on Minority Issues stated that alleged perpetrators must be persecuted and held accountable for their crimes. Referring to the relevant recommendation from the previous review, the United Nations country team noted that the Legal Aid Council had been unable to provide free legal representation to those who needed it due to funding and staffing deficiencies. The country team considered that the recommendation had not been implemented. The Committee on the Elimination of Discrimination against Women remained concerned at reports that access to justice for women was often impeded by insufficient budget allocations for legal aid, alleged corruption and stereotyping within the judiciary.

Referring to recommendations from the previous review on fundamental freedoms and the right to participate in public and political life, the United Nations country team stated that Nigeria was supporting initiatives to enhance interreligious dialogue through facilitating engagement between Christians and Muslims. However, the initiatives had come under pressure owing to conflicts between farmers and herders, which, while ostensibly resource-based, had taken on a religious or ethnic connotation. The country team considered that those recommendations were being implemented. The United Nations Educational, Scientific and Cultural Organization (UNESCO) stated that defamation was a crime in Nigeria, punishable by imprisonment. It recommended that Nigeria should decriminalise defamation and place it within a civil code that was in accordance with international standards.

The Committee on Migrant Workers recommended that Nigeria should take all necessary measures, including legislative amendments, to guarantee to all migrant workers, including those in an irregular situation, the right to take part in trade union activities and to freely join trade unions, in accordance with article 26 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. The Special Rapporteur on Minority Issues was concerned that, despite the relevant role played by women, particularly minority women, in civil society initiatives, during her visit in 2014, she had encountered hardly any women participating in Government and political leadership.

The Committee on the Elimination of Discrimination against Women remained concerned that women were still underrepresented in the National Assembly, in senior leadership positions in the diplomatic service and at the ministerial level. It recommended the introduction of temporary measures, such as quotas for political appointments and the accelerated recruitment of women to decision-making positions. The Special Rapporteur on Minority Issues noted that minorities, particularly minority women, were poorly represented in political life at all levels, especially in state and local governments. She urged Nigeria to consider affirmative action measures, including the use of quotas in political parties.

On the prohibition of all forms of slavery, the Committee on the Elimination of Discrimination against Women was concerned that Nigeria remained a source, transit and destination country for trafficking in persons, particularly women and girls, for purposes of sexual and labour exploitation. The United Nations Population Fund (UNFPA) noted that, in order to address new trends in the crime of trafficking in persons, the 2003 Trafficking in Persons (Prohibition) Law Enforcement and Administration Act had been repealed and the 2015 Trafficking in Persons (Prohibition) Law Enforcement and Administration Act enacted. The Committee

on Migrant Workers recommended that Nigeria should continue to vigorously pursue trafficking investigations and prosecutions, ensure adequate sentences for convicted traffickers, provide regular training to police and immigration officials to identify trafficking victims among vulnerable populations, and strengthen the capacity of Nigerian embassies to identify and provide assistance to victims abroad, including through regular and specialised training for diplomatic and consular personnel. The Committee was concerned that the exception in national legislation to the prohibition of child labour applicable to children employed by family members or who took on light work of an agricultural, horticultural or domestic nature might make children vulnerable to be trafficked into domestic work by family members.

The Committee on the Elimination of Discrimination against Women was concerned on the issue of right to privacy and family life that, under Section 26 (2)(a) of the Constitution, Nigerian women married to foreign men could not transmit their nationality to their husbands, unlike Nigerian men married to foreign women. It was also concerned that Section 29(4) (b) on citizenship renunciation legitimised child marriage, as it recognised any woman who was married to be of full age for the purposes of renunciation of citizenship. The Committee on Migrant Workers raised similar concerns. Also, the Committee on the Elimination of Discrimination against Women was concerned that while Sections 218 and 357 of the Criminal Code protected girls under 13 years of age from forced sexual intercourse, Section 6 excluded the applicability of those provisions to girls of the same age in customary law marriages. It recommended repealing Section 6. The Committee was also concerned that no specific measures had been taken to eradicate polygamous relationships. It recommended that Nigeria should eradicate polygamy through awareness-raising campaigns and education.

On Right to Work and to Just and Favourable Conditions of Work, the same Committee remained concerned about

discriminatory provisions in the Labour Act (1990), the Factories Act (1987) and the Police Regulations (1968), which prohibited the employment of women in night work and the recruitment of married women to the police and required women police officers to make a written request for permission to marry. The Committee recommended that Nigeria should allocate sufficient resources for exit programmes for women wishing to leave prostitution, including by providing alternative income-generating opportunities. On the Right to Social Security, the Committee noted the efforts to promote women's economic empowerment and social welfare, including through the adoption of the Social Insurance Trust Fund Act, in 2012, and the Pension Reform Act, in 2014. The Committee on Migrant Workers recommended that Nigeria should ensure, through national legislation and bilateral and multilateral social security agreements, that all migrant workers and members of their families had adequate social protection.

Relating to Right to an Adequate Standard of Living, the same Committee encouraged Nigeria to facilitate the transfer of remittances by Nigerian migrant workers abroad. It also recommended that Nigeria should take measures to facilitate the transfer of earnings and savings by migrant workers in Nigeria with preferential transfer and reception fees, in line with target 10.c of the Sustainable Development Goals, and to make savings plans more accessible to migrant workers and members of their families. The Special Rapporteur on Minority Issues noted that the middle-belt region comprised an ethnically, religiously and linguistically diverse mosaic of groups and communities. Over the past years, some states in the region had suffered episodes of inter-communal violence that, while exhibiting ethnic and religious dimensions, had root causes that were complex and multifaceted. Federal and state governments had acknowledged that socio-economic factors, including poverty, high levels of illiteracy, unemployment and insufficient income levels, were among the underlying causes fuelling tensions and violence among groups

in that region. She recommended that Nigeria should urgently adopt a comprehensive national plan against poverty and social exclusion, with clear objectives and specific benchmarks and timelines for completion.

On right to health, the Committee on the Elimination of Discrimination against Women noted with concern the high rate of maternal mortality, which was partly attributable to the lack of access to skilled midwives and the high number of unsafe abortions, which itself resulted from the restrictive laws that permitted abortions only in order to save a pregnant woman's life. UNFPA stated that in 2017, the Government had pioneered an innovative initiative to scale up the capacity of midwives. The Committee on the Elimination of Discrimination against Women recommended that Nigeria should amend the relevant provisions of the criminal codes of the federal and states with a view to legalising abortion in cases of rape, incest and risk to the physical or mental health or life of the pregnant woman and severe impairment of the fetus, and decriminalise abortion in all other cases.

The Committee noted with concern reports of high rates of infertility and miscarriage in Zamfara State owing to lead contamination. It recommended that Nigeria should ensure that women and girls affected by lead contamination in Zamfara State had access to healthcare and that the consequences of contamination were continuously monitored with a view to providing necessary medical interventions. It also noted with concern the limited use of modern forms of contraception by women and girls, the fact that Nigeria had one of the highest HIV rates in the world, which disproportionately affected women and girls, especially women in prostitution, and the prevalence of malaria.

On Right to Education, the Office of the Special Representative of the Secretary-General for Children and Armed Conflict stated that in 2017, the military had occupied 14 schools, contrary to the commitments made under the Safe Schools Declaration. It encouraged Nigeria to honour its commitments under the

declaration. The Special Rapporteur on Minority Issues stated that appropriate actions must be taken to ensure that all children, regardless of their social status, had access to compulsory education, that special measures should be adopted to combat school dropouts, including those owing to poverty and socio-economic factors, and efforts should be made to ensure school attendance of children belonging to minorities, particularly minority girls, including assessments of the situation of minority children, increased provision of minority-language education, increased funding for education and collaboration with state and local governments and civil society organisations.

UNESCO encouraged Nigeria to adopt measures to strengthen educational opportunities for girls and women, including programmes to support girls to continue their studies and to encourage those who had dropped out of school to return. The Committee on the Elimination of Discrimination against Women noted with concern that many women and girls in North-East Nigeria had dropped out of school owing to the Boko Haram insurgency. UNESCO encouraged Nigeria to improve the school environment and strengthen educational programmes to counter harmful traditional practices, especially by including them in the human rights education curricula. The Committee on the Elimination of Discrimination against Women recommended that Nigeria should ensure adequate funding, logistics and provision of food to schools under the school feeding programme and ensure the sustainability of the programme.

On Rights of Specific Persons or Groups, the Special Rapporteurs on Health, on Sale of Children, and on Slavery noted that the Violence against Persons (Prohibition) Act prohibited all forms of violence and criminalised marital rape, female genital mutilation, forceful ejection from home and harmful widowhood practices. The Special Rapporteurs recommended that Nigeria should ensure that the Act was adopted in those states that had yet to do so. The Committee on the Elimination of Discrimination

against Women also recommended that Nigeria should ensure that the Violence against Persons (Prohibition) Act was applicable in the Federal Capital Territory and all states of the federation and should expedite the drafting and adoption of its “enforcement procedure” framework, which should be focused on developing a comprehensive prevention strategy for gender-based violence against women.

Referring to the relevant recommendations from the previous review, the United Nations country team stated that the Violence against Persons (Prohibition) Act prohibited female genital mutilation, which had been banned in 12 of the 36 states. The country team considered the implementation of those recommendations to be ongoing. The Committee on the Elimination of Discrimination against Women recommended that Nigeria should raise awareness among religious and traditional leaders and the general public about the criminal nature of female genital mutilation, including so-called female circumcision, and its adverse effect on the human rights of women. UNFPA stated that the humanitarian emergency in insurgency-affected states in North-East Nigeria had significantly impacted on the lives of women and girls with increased displacement, threats of and exposure to gender-based violence, including challenges relating to obtaining and utilising life-saving services and rising incidence of domestic violence. The Government had established a gender-based violence coordination mechanism to address those issues.

The Special Rapporteurs on Health, on Sale of Children, and on Slavery stated that, while all women and girls who experienced sexual violence during the insurgency faced stigmatisation, the stigma and rejection from families and communities was greater for those who were perceived to have been associated with Boko Haram as abductees, those living in Boko Haram controlled areas or those who had been compelled and forced to become “wives” of Boko Haram insurgents. Often referred to by communities as “Boko Haram wives” or “Sambisa women”, they were shunned

and marginalised, even in camps for internally displaced persons. The Committee on the Elimination of Discrimination against Women recommended that Nigeria should prohibit and eliminate child marriage, restrictive wife inheritance practices and polygamy. The Committee was concerned that Section 55 of the Criminal Code permitted wife battery as chastisement as long as no grievous bodily harm was inflicted. It recommended that Nigeria expedite the repeal or amendment of all discriminatory laws. The Committee was concerned that women owned less than 7.2 per cent of the total land mass in Nigeria and that their land rights in rural areas were not guaranteed. It recommended reviewing the Land Use Act (1990), the Land Administration Act (1978) and related land laws and repealing any provisions that prevented women's access to land.

In relation to children, the Secretary-General stated in 2017 that Boko Haram had used children in direct hostilities and as human shields to protect its elements during military operations. Many children had also been subjected to forceful religious conversion and forced marriage and used for sexual purposes. The Special Rapporteurs on Health, on Sale of Children, and on Slavery stated that girls had been subjected to sexual violence and used as sexual slaves by insurgents, which had resulted in many becoming pregnant. In 2017, the Secretary-General called on Nigeria to ensure that all children allegedly associated with armed groups were primarily treated as victims. He encouraged the Government to put in place a protocol for the handover to civilian authorities of children encountered during the course of military operations.

He stated that the Civilian Joint Task Force had recruited children as young as 9 years old. He called on the Government and the Task Force to ensure an end to the recruitment and use of children by the Task Force. The Office of the Special Representative of the Secretary-General for Children and Armed Conflict noted that, on 15th September, 2017, the Civilian Joint Task Force had signed an action plan to end the recruitment and use of children, to be

facilitated by the Ministry of Justice. The office encouraged the task force to continue making progress on the plan. The office also encouraged Nigeria to release all detained children to civilian actors and to adopt a handover protocol for children who had previously been associated with armed groups. While noting that the lack of harmonisation between sharia law and civil law was allegedly one of the challenges that had prevented states from adopting the Child Rights Act, the Special Rapporteurs on Health, on Sale of Children, and on Slavery recommended that Nigeria should ensure that the Act was adopted and enforced in those states that had yet to do so.

On persons with disabilities and while referring to the relevant supported recommendation from the previous review, the United Nations country team stated that the Seventh National Assembly had passed legislation to domesticate the Convention on the Rights of Persons with Disabilities, but that it had not been signed into law before the dissolution of the parliament, and had therefore lapsed. Similar legislation was currently under consideration by the Eighth Parliament. The country team considered the implementation of that recommendation to be ongoing. The Committee on the Elimination of Discrimination against Women was concerned that women and girls with disabilities faced physical and economic barriers in various fields, especially in gaining access to healthcare, education and employment.

On Minorities and Indigenous Peoples, the Special Rapporteur on Minority Issues stated that minorities were often among the most disadvantaged populations and experienced the worst socio-economic conditions. It was recommended that Nigeria should urgently adopt a comprehensive national plan against poverty and social exclusion that contained measures focusing on the most vulnerable groups, while paying specific attention to the issues of minority women. In 2014, the special rapporteur considered the distinction between indigenes and settlers to be potentially damaging to intergroup relations and coexistence. It had opened

and reinforced ethnic and religious cleavages and contributed to tensions and conflict. Some groups regarded indigene status as a safeguard of their rights in the light of the growing numbers, influence and economic dominance of other groups, while others considered it a breach of the right to equality and non-discrimination. If the distinction was to be maintained, the special rapporteur noted that further legal clarity would be required to regulate the indigene-ship status and guarantee that no person was unfairly discriminated against or excluded from access to services and resources, land or the right to participate fully in economic, social, cultural and political life. The United Nations country team also stated that Nigeria had not implemented the relevant recommendation from the previous review.

The Committee on Migrant Workers on the issues of migrants, refugees, asylum seekers and internally displaced persons recommended that Nigeria should ensure that migration management measures respected the rights of migrants, including children, guaranteed by international human rights, refugee and humanitarian law, including the principle of non-refoulement. The Committee also recommended that Nigeria should adopt concrete and effective measures to ensure access to medical care, especially for the children of migrant workers in an irregular situation, and to make it possible for such children to enter and remain in the education system. Referring to the relevant supported recommendation from the previous review, the United Nations country team noted that Nigeria had yet to incorporate into its domestic legal framework the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention). There were currently two parallel processes underway, one through the executive and the other through the parliament. The country team considered the implementation of that recommendation to be ongoing.

The Special Rapporteurs on Health, on Sale of Children, and on Slavery stated that the insurgency and security responses to

counter it had caused massive displacement of people in North-East Nigeria. It has also had grave consequences on the human rights of those affected, including access to food, water and sanitation facilities and livelihood opportunities inside and out of camps. The special rapporteurs recommended that Nigeria fund income-generation skills training, skills development and livelihood opportunities to help ensure that displaced persons had the necessary skills and opportunities to build normal lives. In 2017, the Special Rapporteur on the Human Rights of Internally Displaced Persons stated that the situation of internally displaced persons remained grave and responses must be stepped up and better coordinated. Credible evidence of widespread human rights violations against internally displaced persons and other members of the civilian population by non-state armed groups and state actors alike required recognition of the situation as a human rights crisis requiring urgent and ongoing measures to protect all civilians from violence and abuse. The special rapporteur recommended that the Government should adopt a legal and policy framework for the protection of the human rights of internally displaced persons, in conformity with international and regional standards, and strengthen the institutional framework for responses.

The Committee on Migrant Workers recommended that Nigeria cease the detention of children on the basis of their, or their parents' immigration status and adopt alternatives to detention that allowed children to remain with family members and/or guardians in non-custodial, community-based contexts while their immigration status was being reviewed, in line with the principles of the best interests of the child and the child's right to family life. The Committee also recommended that Nigeria should ensure that abused migrant domestic workers seeking help from Nigerian diplomatic missions abroad were provided with shelter, legal assistance, medical and psychosocial care and interpreters. The Committee on the Elimination of Discrimination against Women recommended that Nigeria should expedite the adoption

of the draft national policy on internally displaced persons and ensure that it integrated a gender perspective in addressing internal displacement.

OTHER STAKEHOLDERS' REPORT

11.0 CSO Stakeholders Information

The other stakeholders report²⁸ was prepared pursuant to Human Rights Council Resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a summary of 36 stakeholders' submissions to the universal periodic review. In this review, the National Human Rights Commission strangely did not make a submission.

Reporting on the scope of international obligations and Nigeria's cooperation with international human rights mechanisms and bodies, JS9²⁹ stated that the Federal Republic of Nigeria had not acceded to the Second Optional Protocol to International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty; JS3³⁰ and ERI stated that Nigeria had not ratified Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol. ICAN stated that Nigeria

28 Human Rights Council, Working Group on the Universal Periodic Review (31st Session) 2018 A/HRC/WG.6//31/NGA/3 Compilation of stakeholders submission prepared by the Office of the High Commissioner for Human Rights, in accordance with 5/1 and 16/21 NIGERIA;

29 The Lutheran World Federation, Geneva, Switzerland; The Lutheran Church of Christ in Nigeria, Adamawa State, Nigeria; and the United Adamawa Forum /Global Peace and Reconciliation Initiative (Joint Submission 9);

30 Christian Solidarity Worldwide, New Malden, United Kingdom of Great Britain and Northern Ireland, and CSW Nigeria (Joint Submission 3);

had signed the Treaty on the Prohibition of Nuclear Weapons on 20th September, 2017, but had not ratified the Treaty.

On national human rights framework, JS12³¹ stated that while Chapter II of the Constitution of the Federal Republic of Nigeria detailed economic and social rights as Fundamental Objectives and Directive Principles of State Policy, those rights were not justiciable. JS9 stated that the legislative framework had not incorporated all of the provisions from the international and regional human rights treaties that had been ratified by Nigeria. Women's Rights and Health Project (WRAHP) stated that Nigeria had ratified Convention on the Elimination of All Forms of Discrimination against Women in 1985 but was yet to fulfil its obligations arising from the Convention. JS10³² stated that the incorporation of the provisions of the Convention into the national legislative framework

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- 31 Lawyers Alert, Makurdi, Benue State, Nigeria; and Southern Africa Litigation Centre, Johannesburg, South Africa (Joint Submission 12);
- 32 The Coalition of Nigerian Human Rights CSOs on UPR comprising of: Partnership for Justice, Lagos, Nigeria; Sterling Law Centre, Abuja, Nigeria; Centre for Citizens Rights, Abuja, Nigeria; CLEEN Foundation Lagos, Nigeria; Women Africa, Abuja, Nigeria; Lux Terra Leadership Foundation, Abuja, Nigeria; West African Human Rights Defenders' Network, Lome, Nigeria; Rural Integrated Dev. Initiative, Bauchi; Jalingo, Taraba State, Nigeria; Women's Rights and Health Project, Lagos, Nigeria; Kebetkache Women Dev. & Resource Centre, Portharcourt, Nigeria; African Centre for Leadership, Strategy & Development, Abuja; Centre LSD, South South, Nigeria; Centre for Sustainable Development, Yobe State, Nigeria; Youths for Peace and Development; Bauchi, Nigeria; Beautiful Eves of Africa Organisation, Enugu, Nigeria; Partners West Africa-Nigeria, Abuja, Nigeria; Nigerian Women Trust Fund, Abuja, Nigeria; FIDA, Abuja, Nigeria; PEDANET, Edo State, Nigeria; AFRICMIL, Abuja; NCICC, Abuja, Nigeria; Education as a Vaccine, Abuja, Nigeria; Community Centre for Development, Sokoto, Nigeria; Conference of Rights Nigeria, PLAC, Abuja, Nigeria; CASER, Abuja, Nigeria; EVA, Abuja; Alliances for Africa, Owerri, Nigeria; Development Dynamics, Owerri, Nigeria; Michael Adedotun Oke Foundation, Abuja, Nigeria; Network on Police Reform in Nigeria, Lagos, Nigeria; Foundation For Environmental Rights Advocacy & Development, Enugu, Nigeria; Partnership to Inspire, Transform and Connect the HIV Response Abuja, Nigeria; Parent Child Intervention Centre, Enugu, Nigeria; JCI Hope Project, Enugu, Nigeria; Agents of Communication and Development, Enugu Nigeria; African Women and Children Care Support Initiative, Enugu; International Centre for Development and Budget Advocacy, Enugu; Universal Career Discovery and Development Initiative, Enugu; Bold And Beautiful Girls Initiative, Womenaid Collective, Enugu; Prisoners Rehabilitation and Welfare Action, Enugu, Nigeria; FIDA, Enugu, Nigeria; AFRILAW, Abuja, Nigeria; Centre for Citizens with Disabilities, Lagos, Nigeria; WARDC, Lagos, Nigeria; REPLACE, Abuja, Nigeria; and LEDAP, Lagos, Nigeria (Joint Submission 10);

through the enactment of the Gender and Equal Opportunities Bill had made little progress.

JS3 also stated that the Hate Speech Bill that had been introduced before the Senate was vaguely-worded, and provided no clear definition of hate speech and was open to abuse. Furthermore, the Bill had infringed the relevant rights provided for in the Constitution. JS9 stated that the Human Rights Commission had remained toothless and lacked the power to render binding decisions or to compel legal action or cooperation. It had little financial support and autonomy and that the Commission's members included Government representatives, compromising its independence. Updating on the implementation of international human rights obligations, taking into account applicable international humanitarian law, JS8³³ stated that discrimination had remained institutionalised in families and communities, and was evident in the behaviours of Government officials, such as the police, health workers and educators. Nigeria had continued to allow the violation of the rights of the LGBT population, despite its obligations to protect those rights arising from several international human rights conventions to which it was a party.

JS5³⁴ recalled that Nigeria had not supported any of the recommendations from the previous review that *inter alia* related to the repealing of those laws that discriminated based on sexual orientation and gender identity. Certain provisions in the Criminal Code, Penal Code and the National Law and Drug Enforcement Act had disproportionately affected gay men, female sex workers, and intravenous drug users. The Same Sex Marriage (Prohibition) Act had negative consequences beyond the deprivation of marriage rights for gay men and women. JS5 stated that, under Sharia law

33 The Equality Hub, Leitner Center for International Law and Justice, New York, United States of America, One Action Foundation, OutRight Action International, and ReSista Camp (Joint Submission 8);

34 Heartland Alliance International, Chicago, United States of America, American University, Washington College of Law, International Human Rights Law Clinic, United States of America (Joint Submission 5);

the penalty for homosexuality was death. The Violence against Persons (Prohibition) Act of 2015 had done little to protect gay men, female sex workers and intravenous drug users as vulnerable populations. Alliances for Africa (AFA) stated that the Act was yet to be incorporated into domestic legislation in all states.

JS8 stated that expansive provisions of the Same Sex Marriage (Prohibition) Act had served to codify homophobia and transphobia. JS12 stated that the Act, which generally criminalised same sex relationships, had created additional criminal offences that targeted persons based on their sexual orientation. JS8 stated that the Act had effectively legalised discrimination and had allowed people to act with impunity. Since its enactment, there had been an increase in crimes and human rights violations against LGBT persons and their defenders. JS13³⁵ stated that the Act and other discriminatory laws had been used to subject the LGBT community to violations including invasion of privacy, assault and battery, blackmail and extortion, denial of access to amenities and education.

Referring to a relevant study, JS12 noted a significant increase in fear in seeking healthcare services by men who had sex with men after the enactment of the Same Sex Marriage (Prohibition) Act (2014). JS13 stated that Sections 5(2) and (3) of the Act had hindered access to Anti-Retroviral Vaccines, HIV testing and counselling services. JS8 stated that LGBT persons had experienced difficulties in accessing healthcare services. The denial of such services would have a negative impact on Nigeria's progress towards HIV eradication. While noting the enactment of HIV/AIDS (Anti-discrimination) Act, 2014, which aimed to protect the rights and dignity of all persons living with and affected by HIV, JS12 stated that discrimination against and violation of the rights of people living with HIV had persisted. JS5 stated that gay men, female sex workers and intravenous drug users had experienced

35 Women Action for Gender Equality, Kano, Nigeria; Coalition of African Lesbians, Braamfontein, Johannesburg; and Sexual Rights Initiative, Ottawa, Canada (Joint Submission 13);

significant discrimination, influenced by traditional culture as well as religious moral values. TLM stated that persons affected by leprosy and their families had continued to face discrimination on account of the stigma, because of the deformities arising from late detection. Prevailing myths and superstition had led to the erroneous perception that the disease was highly infectious, leading to exclusion and discriminatory practices against persons affected by leprosy and their families.

Referring to relevant supported recommendations from the previous review on development, the environment, and business and human rights, AI stated that the National Oil Spill Detection and Response Agency Act (Amendment) Bill, 2017, if enacted into law, would empower the Agency to efficiently record and report oil spills independently of the oil companies and to sanction oil companies. JS14³⁶ stated that decades of oil exploitation in the Niger Delta had resulted in severe environmental degradation in Ogoniland. The clean-up project launched in June 2017 was yet to commence, as the funds had not been provided. As a result of the pollution, various health conditions had been detected among members of the Ogoni community, but no information was provided to the community on the impact of the pollution on their health.

AI, on human rights and counter-terrorism stated that the Terrorism (Prevention) Act (as amended) was overly broad and violated Nigeria's Constitution and its international human rights obligations. The Constitution requires suspects to be brought before a court within 48 hours of being detained, whereas the Act provides for extended periods of detention of individuals suspected of involvement in terrorism. Legal Defence and Assistance Project (LEPAD) stated that security operatives had committed grave human rights violations in their response to the Boko Haram insurgency and that innocent citizens had been arrested, tortured and unlawfully detained.

36 Unrepresented Nations and Peoples Organization, Bruxelles, Belgium; and Movement for the Survival of the Ogoni People, Port Harcourt, Nigeria (Joint Submission 14);

On right to Life, Liberty and Security of Person, AI stated that since 2014, Boko Haram had committed war crimes and crimes against humanity, killing at least 9000 civilians, abducting thousands of women and girls and destroying villages and towns. JS10 stated that security agencies, particularly the police and the military, had been implicated in widespread human rights violations including excessive use of force, extrajudicial killings, torture, arbitrary arrests and detention, enforced disappearances and extortion. IHRC stated that during the period of 12th to 14th of December, 2015, the armed forces attacked unarmed civilians resulting in the death of at least 1000 people. The Judicial Commission of Inquiry set up by the state government in Kaduna to look into those killings lacked independence and impartiality. SRW stated that in November 2015, the army had attacked Shia processions in Kaduna State killing over 400 men, women and children. While noting that Nigeria was the first African country to ratify the Arms Trade Treaty, JS16 stated that the proliferation of small arms and light weapons had been very high.

AI stated that the death penalty remained mandatory in criminal law for a wide range of crimes with some states expanding the range of crimes to include kidnappings. JS18³⁷ stated that as soon as crimes assumed notoriety or began to overwhelm law enforcement agencies, the response has been to impose the death penalty for such crimes. Referring to a relevant supported recommendation from the previous review, AI stated that the authorities were yet to amend Force Order 237 which provided for a much wider scope for the use of lethal force than is permissible under international law and standards and was often used to justify shooting by police officers. Referring to relevant supported recommendations from the previous review, AI stated that in December 2017, the President of Nigeria signed the Anti-Torture Act, which penalised acts of torture and other cruel, inhuman and degrading treatment.

37 The Human Rights Law Service, Legal Defence and Assistance Project, and The Coalition against the Death Penalty, Montreuil, France (Joint Submission 18);

Prisoners Rehabilitation and Welfare Action (PRAWA) stated that this law had significant gaps for example, in relation to investigations and victims right to reparation and rehabilitation.

PRAWA stated also that there had been consistent allegations of torture by members of the Special Anti-Robbery Squad to extort confessions from detainees and arrested persons and that conditions in most places of detention constituted at the very least cruel, inhuman or degrading treatment. Unfortunately, those allegations had not been effectively investigated, alleged perpetrators had not been prosecuted, and victims had no access to reparation and rehabilitation. PRAWA stated that the National Committee on Prevention of Torture had been established to monitor the treatment of persons deprived of their liberty. However, this Committee had been unable to fully execute its mandate pursuant to OP-CAT due to a wide variety of problems, including inadequate resources; the lack of a central database or register of all places of detention, their location, and number of detainees; and the lack of effective access to all places of detention.

Referring to supported recommendations from the previous review relating to extremism and violence by extremist groups, JS3 stated that attacks on non-Muslim communities in central Nigeria by the Fulani militia had spiralled following the inauguration of President Buhari in May 2015. Although Nigeria had supported a recommendation to prevent acts of violence against religious minorities, sectarian intolerance and violence against religious minorities had increased and perpetrators had rarely been apprehended or punished. HRF stated that in 2016, the military arrested thousands of men, women, and children, including those who were fleeing from Boko Haram in Borno State, based on random profiling rather than on reasonable suspicion of having committed a recognisable crime.

Referring to relevant supported recommendations from the previous review, AI stated that despite efforts by the Government, through the army-led Special Board of Inquiry and the Presidential

Investigative Panel, to review compliance by the armed forces with human rights, the authorities were yet to hold any member of the armed forces accountable for gross human rights violations. JS3 stated that kidnapping for ransom had risen and there had been a spike in kidnappings on the Kaduna-Abuja road, despite a large security deployment. Furthermore, of the 276 female students who had been abducted from the Government Secondary School in Chibok in 2014, 113 girls had remained unaccounted for. In February 2018, 110 girls had also been abducted from the Government Girls Science and Technical College in Dapchi, Yobe State, 105 of who had since been returned. Five girls had reportedly died.

Referring to relevant supported recommendations from the previous review, AI stated that although conditions in detention have improved, inmates had continued to die. JS10 stated that there had been overcrowding and understaffing in prisons, as well as a lack of medical care, and inadequate conditions for female and juvenile prisoners. AI stated further that in the North-East Nigeria, the military had detained thousands of people between 2014 and 2017, without access to courts and with some people detained for up to two years. JS12 expressed concern about the practice of incarcerating caregivers with infants.

On administration of justice, including impunity, and the rule of law, Fund for Leadership Development (FLD) expressed serious concerns about the impartiality and independence of the criminal justice system. It stated that wealthy individuals, the police, the security forces and Government agencies had repeatedly used the criminal justice system to target those who exposed corruption. HRF stated that corruption had contributed to the miscarriage of justice as judicial personnel had been known to solicit bribes in order to deliver favourable rulings. LEPAD stated that human rights cases had been subjected to unnecessarily long adjournments for reasons, which included the limited number of judges in some of the courts.

JS4³⁸ stated that legal system had comprised Islamic Law, English Common Law and Customary Law, with each body of law prescribing its own definitions of relevant offences and penalties. It noted that this had made the protection of children challenging. Furthermore, the lack of a uniform definition of a child had adversely affected the protection of victims and the prosecution of alleged offenders. Referring to relevant supported recommendations, LEPAD stated that the practice of not ensuring the appearances of arrested and detained suspects before a competent court within the prescribed time had persisted, despite the Administration of Criminal Justice Act, 2015. PRAWA stated that arrest and detention had appeared to be the standard response to any crime regardless of its severity, and had often happened before any meaningful investigation had been undertaken. Detained suspects had faced significant challenges which hindered them from being brought before a judge within a reasonable time. Furthermore, the frequent use of the sentence of imprisonment for petty crimes, such as street hawking, following summary trials by mobile courts had resulted in a high number of persons, including minors, serving terms of imprisonment.

JS18 stated that the police lacked the capacity to undertake effective criminal investigations and there were no forensic laboratories, equipment or facilities to link crimes to suspects. Most charges for crimes attracting the death penalty had been based on confessional statements and the judiciary had been complicit when it convicted persons on the evidence of those statements and sentenced them to death, knowing the limitations of the criminal justice system.

Reporting on fundamental freedoms and the right to participate in public and political life, JS4 stated that about 50 per cent of the population was Muslim, 40 per cent, Christians and the remaining

38 Women Consortium of Nigeria, Lagos, Nigeria, and ECPAT International, Bangkok, Thailand (Joint Submission 4);

10 per cent held indigenous beliefs. JS15³⁹ stated that conversion from one religion to another was not always possible and that there was no freedom to choose one's religion. JS3 stated that religious minorities in the northern and central states had not enjoyed the freedoms of thought, conscience and religion particularly since the adoption of the Sharia penal code by twelve states. In those states, non-Muslims had been denied the rights, opportunities and protections that had been enjoyed by Muslims. Referring to a relevant supported recommendation from the previous review, JS3 stated that in most Sharia states, construction of churches had been restricted.

JS15 stated that barriers to the exercise of the freedom of worship had been social and political rather than legal and had been connected to the competition for resources and power. JS3 stated that although Nigeria supported a recommendation from the previous review to protect children from forced conversion, such a practice had continued, particularly in Sharia states, where non-Muslim girls had experienced abduction, forced conversion and forced marriage. Local Islamic institutions through the enforcement of traditional rules had often been complicit in those violations.

JS11⁴⁰ stated that on 23rd August, 2017, the Director of Defence Information had announced the military's plan to monitor social media activities from strategic media centres to sieve out and react to speeches that conveyed "anti-government", "anti-military" or "anti-security" sentiments. Those developments had contributed to an atmosphere of fear of surveillance. JS2⁴¹ stated

39 The World Council of Churches, the Christian Council of Nigeria (CCN), the CCN Institute of Church and Society Ibadan, the CCN Institute of Church and Society Jos, Methodist Church Nigeria, Ecumenical Disability Advocates Network, Divine Foundation for Disabled Persons, and the Finnish Ecumenical Council (Joint Submission 15);

40 Paradigm Initiative and Privacy International, London, United Kingdom of Great Britain and Northern Ireland (Joint Submission 11);

41 CIVICUS: World Alliance for Citizen Participation, Johannesburg, South Africa, and Nigeria Network of NGOs, Nigeria (Joint Submission 2);

that Nigeria had not effectively implemented eight supported recommendations from the previous review relating inter alia to the protection of human rights defenders, journalists and civil society representatives. Referring to two supported recommendations from the previous review, which inter alia related to human rights defenders, FLD stated that over the past five years the working environment for human rights defenders had deteriorated. They had been targeted by the authorities, as well as armed groups. Referring to a relevant supported recommendation from the previous review, JS16⁴² stated that, despite several efforts, the legislation for gender equality in political participation had not been followed-up by any effort for implementation.

On the prohibition of all forms of slavery, JS4 stated that Nigeria had been a source, transit and destination country for trafficking of children for sexual exploitation and discussions had been ongoing among government ministries on the formulation of a new National Action Plan. Furthermore, the respective Police Task Forces that had been established at federal and state levels to tackle human trafficking were not being run efficiently. In some states, the Police Task Force had not been established at all. JS15 stated that children who were no longer with their parents were particularly at risk of being forced into slavery and hard labour in home and on farms, and into prostitution. Also, girls were at risk of being trafficked to other parts of the country to work as “house-helps”.

Regarding the right to privacy and family life, JS11 stated that the Terrorism (Prevention) Act, 2011, and the Cybercrimes (Prohibition, Prevention, etc.) Act 2015 contained insufficient protections to ensure the right to privacy, as they did not comply with internationally recognised principles with which surveillance

42 Women's International League for Peace and Freedom, Geneva, Switzerland, presenting the submission on behalf of Arike Foundation, Dorothy Njemanze Foundation, Federation of Muslim Women Association of Nigeria, Initiative for Sustainable Peace, West Africa Network for Peacebuilding, Women's International League for Peace and Freedom – Nigeria, Women's Right Advancement and Protection Alternative, Women for Skill Acquisition Development and Leadership Organization (Joint Submission 16);

policies and practices should, including legality, necessity, proportionality, judicial authorisation, effective independent oversight, transparency, and user notification. On the other hand, two privacy-related bills, the Data Protection Bill 2015 and the Digital Rights and Freedom Bill 2016, were expected to become law in 2018. Although the Data Protection Bill set forth relevant safe guards, important aspects remained untouched. JS11 stated the draft Lawful Interception of Communications Regulation had raised concerns and if brought into force, this regulation would enable interception of communications, both with and without a warrant and would require mobile phone companies to retain intercepted voice and data communications for three years. It would also require telecommunications licensees to provide specified security agencies with access to protected communications virtually on demand. While noting that in 2012 the High Court *inter alia* recognised the unlawfulness of HIV testing without informed consent, JS12 stated that the practice of non-consensual HIV testing had persisted.

Regarding the right to work and to just and favourable conditions of work, JS2 stated that Nigeria had implemented a supported recommendation from the previous review, which called for the amendment of the Trade Union (Amendment) Act (2005) and the recognition of collective bargaining. International Center for Trade Union Rights (ICTUR) stated that the Trade Unions Act created institutional barriers to the establishment, operation and maintenance of trade unions. ICTUR stated that, pursuant to the Trade Dispute Act, any worker who participated in a strike in connection with a trade dispute where the Minister had ordered conciliation or arbitration was guilty of an offence. (ERI) stated that it was a common practice to hire employees without advertising positions, requesting written applications or inviting applicants to interviews.

On right to social security and to an adequate standard of living, JS15 stated that many children lived below the poverty level, with

inadequate clothing, food, shelter, education or access to healthcare. Referring to supported recommendations on improving access to adequate and affordable housing from the previous review, JS13 stated that Nigeria had not implemented those recommendations and although the relevant policies had been introduced, they had not been comprehensively implemented. Furthermore, the funding schemes had been inaccessible to the under-privileged and the poor. AI stated that thousands of people had continued to be at risk of forced evictions across the country with very few laws and safeguards in place to stipulate the process for lawful evictions. Between 2015 and 2017, about 40,000 poor urban dwellers were forcibly evicted in Lagos State. In some instances, the authorities had ignored court orders declaring such evictions unlawful.

JS10 stated that there had been an increase in demolitions and forceful evictions of families from their properties without compensation and alternative accommodation. JS13 stated that LGBT persons had been subjected to forced, violent and arbitrary evictions. JS4 stated that Nigeria was a leading economic power in Africa, due, in particular, to high oil revenues, however, due to a poor distribution of wealth, rampant corruption and, an atmosphere of insecurity and violence, 54 per cent of the population lived below the international poverty line of US\$1.90 per day. JS17⁴³ stated that the significant reduction in the federal budget for water and sanitation would have a dramatic effect on the realisation of access to water and sanitation.

On right to health, JS1⁴⁴ stated that maternal health remained underfunded and since the Abuja Declaration in 2001, Nigeria had not attained the pledged funding benchmark of 15 per cent of the annual budget. JS16 stated that there was a lack of access to adequate healthcare, family planning services, counselling and

43 Friends of the African Union Global Solutions Center, Cincinnati, USA and West Pride of Nigeria, Lagos, Nigeria (Joint Submission 17);

44 Centre for Reproductive Rights, Legal Defence and Assistance Project, and Women Advocates Research and Documentation Centre, New York, United States of America (Joint Submission 1);

education for rural women. ADF stated that Nigeria must focus on helping women to get through pregnancy and childbirth safely and women should be provided with access to knowledge-based education about their bodies, healthy behaviours and responsible decision-making. JS1 stated that the maternal mortality rate had remained high and accessibility and availability of quality maternal healthcare had been impeded by the cost of services, the distance to health facilities, and the inadequate and long waiting times at public health facilities.

JS10 stated that maternal health had become a major challenge for “community women” in the Niger Delta, who had depended on traditional birth attendants for maternity services. WRAHP stated that untrained traditional birth attendants were responsible for over 35 per cent of the deliveries, which was contributing to the high rates of maternal mortality. JS1 stated that women and girls in conflict zones had continued to face numerous reproductive rights violations, including child and forced marriage, sexual and gender based violence, unsafe abortions and lack of access to family planning information and services. JS1 stated that access to safe legal abortion and post-abortion care had remained lacking. Also, abortion laws had remained restrictive and had resulted in clandestine and unsafe abortions and low contraceptive usage had been a leading and contributing factor to the high rates of unwanted and unplanned pregnancies.

Reporting on the right to education, WRAHP stated that there had been a decline in the standard of education. Similarly, JS3 stated that at the previous review, Nigeria had supported a number of recommendations in relation to the right to education, however, Nigeria would struggle to implement those recommendations, particularly those relating to the provision of free access to primary education. JS16 stated that the education system was severely underfunded, resulting in a lack of proper infrastructure, inadequate classrooms and teaching aids and there were examination malpractices, cultism, sexual abuse, bribery,

corruption and hooliganism. JS3 stated that there had been a lack of government funding for schools in predominantly non-Muslim areas, and informal schools created with the help of non-governmental organisations had experienced difficulties with their registration. While JS16 stated that Nigeria had not given any attention to the education of girls in remote parts of the country, JS8 stated that homophobic bullying in schools had proven to be a serious impairment to adequate access to education. It noted that there had also been a failure to provide comprehensive and inclusive education on sexual orientation and gender identity in schools.

On rights of specific persons or groups, specifically on the issues of women, JS15 stated that Nigeria had failed to address traditional practices that had hampered gender equality, noting that education of boys had been prioritised over that of girls and girls were denied the right to inherit property. Referring to relevant supported recommendations from the previous review, JS1 stated that in 2015, the laws on gender-based violence had been consolidated into the Violence against Persons (Prohibition) Act, 2015, which broadly covers physical, psychological, economic, and sexual violence, including rape, as well as harmful traditional practices. However, the Act was only in force in the federal capital and that several states did not have specific laws prohibiting sexual and gender-based violence. For instance, Section 55 of the Penal Code, which was in force in the North, specifically allowed husbands to discipline their wives.

WRAHP stated that domestic violence and gender-based violence had been on the increase and that the relevant authorities had not given adequate attention to the issue. JS16 stated that domestic violence remained underreported for reasons that included the existence of a culture of silence and the turning away of victims at police stations on the grounds that such a matter was a family affair. JS13 referred to relevant supported recommendations from the previous review and stated that although there had been

enactment of progressive laws, harmful gender norms, cultural practices and discriminatory laws had persisted. It noted that in several communities, women had been barred from owning immovable property or from renting a house.

PRAWA stated that female genital mutilation was a common practice in many states in Nigeria and that such a practice was an abuse of the rights of victims to reproductive health and in severe cases, could lead to their death. It noted that the Violence against Persons (Prohibition) Act (2015) recognises female genital mutilation as an offence, however, according to PJ, the legislation had not been effectively implemented. JS10 stated that there had been a low rate of prosecution for alleged acts of female genital mutilation. JS10 stated that women, girls and children had been mostly affected by the insurgency in the North-East region of Nigeria and that women and girls had been used as suicide bombers, and had been exposed to sexual abuse, drug trafficking and prostitution within the camps for internally displaced people.

JS16 stated that a precondition for achieving lasting peace and security was to build the potential of rural women and girls, who constituted 81 per cent of the farmers. It further stated that the lack of consistent funding and the sustainability of programmes had continued to prevent any significant improvement for rural women. Centre for Information Technology and Development (CITAD) expressed concern by the persistent threats, harassments, intimidations and attacks on women internet users. It expressed alarm by the failure of the Government to protect women from gender-based violence online.

On the subject of children and referring to relevant supported recommendations from the previous review, JS4 stated that of the 36 states, only 25 had enacted the Child Rights Act, 2003, which had been enacted at the federal level to integrate the provisions of Convention on the Rights of the Child into the national legislative framework. JS4 further stated that the Department of Child Development, which was the main body for protecting children's

rights, and the National Agency for the Prohibition of Trafficking in Persons, had lacked human and financial resources. JS4 stated that in 2016, a national campaign to end all forms of violence against children by 2030 had been launched, in line with Target 16.2 of the Sustainable Development Goals.

GIEACPC called for the enactment of laws explicitly prohibiting corporal punishment in all settings, including in the home, as a sentence for a crime and in traditional and religious law. It also called for the repeal of all defences and authorisations for the use of corporal punishment. JS12 expressed concern about the high rates of child marriage and the need to address the underlying factors that contributed to early marriages. While JS16 stated that state legislation on the minimum age of marriage varied from state to state, PJ stated that in the Niger Delta, there had been a huge challenge to implement legislation prohibiting child labour.

On the rights of persons with disabilities and referring to relevant supported recommendations from the previous review, JS16 stated that the Disability Rights Bill, which was passed by 6th and 7th National Assemblies, was yet to be signed into law by the President. JS15 stated that people with disabilities had experienced discrimination and had no access to any special education or social welfare and that institutions such as schools, hospitals, churches, airports and government offices were not disability-friendly. As such, millions of people with disabilities lived below the poverty level and were deprived of basic needs such as adequate clothing, food and shelter, education and access to healthcare.

JS3, on the issues of minorities and indigenous peoples, stated that members of the Igbo ethnic group were vulnerable. On 6th June, 2017, men who had purported to be representing 19 northern Muslim youth groups, had held a press conference to release a document entitled the 'Kaduna Declaration' that denigrated Igbos, giving them a deadline to leave the 19 northern states or face 'visible actions'. While the Kaduna State Governor, Nasir el-Rufai, had issued an order for the immediate arrest of

those men, they remain at large. Furthermore, in August 2017, a song that had referred to Igbos as a curse to Nigeria and had advocated violence against them had been widely circulated. JS9 stated that the Nigeria's response to the protracted violent conflict between the Nomadic Fulani herders and the Indigenous Peoples of Numan Federation had shown a lack of political will and capacity to end the conflict, address the root causes and restore mutual peace and coexistence between the different ethnic groups and communities in the region.

Mutual Union of Tiv in the United Kingdom (MUTUK) stated that since the previous review, there had been recurrent and unprovoked attacks on the Tiv communities in Benue State by Fulani nomadic herdsmen and that the Federal Government had failed to take reasonable and appropriate measures to protect those communities. JS14 stated that the Ogoni language was no longer included in the school curriculum despite the fact that representatives of the Ogoni community had advocated for a multilingual education programme in schools that included teaching children in their mother tongue.

With respect to migrants, refugees, asylum seekers and internally displaced persons, JS15 stated that 1.9 million people had been displaced due to years of insurgency and counterinsurgency operations. Those people have had inadequate accommodation, no farmlands or access to food or means of earning a living. They have relied solely on food deliveries from local churches and sometimes from the International Community of the Red Cross. PJ stated that in the camp for internally displaced persons, women and girls had been exposed to sexual abuse, drug trafficking, and prostitution, coupled with challenges arising from inadequate health and sanitary facilities, food and adequate security.

REPORT OF THE WORKING GROUP

12.0 Overview

During the interactive dialogue, 118 delegations made statements. The Bolivarian Republic of Venezuela praised Nigeria for its efforts to ensure free secondary level education and for the National Strategic Health Development Plan. Yemen commended Nigeria for its plans to combat extremism and corruption, and for promoting human rights, including enabling young people to vote. Zimbabwe noted the increase in the budget of the National Human Rights Commission, the adoption of the Economic Recovery and Growth Plan 2017–2020 and the extension of a standing invitation to the special procedures of the Human Rights Council.

Afghanistan noted the civil-military cooperation in the fight against terrorism and insurgency and in the strengthening of internal security. Algeria welcomed the component on respect for human rights in the fight against violence and terrorism. Angola noted the improvement in the living conditions of the population affected by internal security challenges. Argentina congratulated Nigeria on signing the Safe Schools Declaration. Australia welcomed the establishment of the Presidential Investigative Panel and the army-led Special Board of Inquiry. Austria noted that the

de facto moratorium on the death penalty had been contravened. It also noted that a large number of human trafficking victims were from Nigeria.

Azerbaijan welcomed the establishment of the National Agency for the Prohibition of Trafficking in Persons and the Economic Recovery and Growth Plan 2017–2020. Bahrain commended Nigeria for establishing an inter-ministerial working group to build a database of persons who disappeared. Bangladesh welcomed the National Action Plan on Preventing and Countering Violent Extremism, Criminal Justice reforms and youth participation in the political process. Belarus noted the legislation on prohibiting trafficking in persons and combating torture, and efforts to fight corruption, develop the health and education sectors and reform the judiciary. Belgium noted that efforts were being made to implement the recommendations from the previous review, which included extending a standing invitation to the special procedures. Benin noted the reforms to protect women and children, especially young girls, against violence and human trafficking.

Bhutan encouraged Nigeria to continue with efforts to strengthen the protection of human rights. The Plurinational State of Bolivia noted the efforts to promote and protect human rights, and the reforms to improve the effectiveness, accessibility, accountability and transparency of the judiciary. Botswana took note of United Nations reports that cited concerns and called for Nigeria to strengthen protection of women's rights. Brazil commended Nigeria for its engagement with the international human rights mechanisms. Bulgaria encouraged Nigeria to take further measures to implement the new legislation and policies, and to increase the effectiveness of the National Human Rights Commission. Burundi commended Nigeria for its efforts to improve security in the country through the fight against violent extremism and the Boko Haram terrorist group.

Cape Verde commended Nigeria for its social and economic reforms aimed at improving the social and economic standards of

its people. Cameroon noted the efforts of Nigeria in West Africa through its critical role in operations of the Economic Community of West African States, and its commitment to combating terrorism and ensuring stability in the region. Canada looked forward to the full implementation of the national strategy to end child marriage and encouraged Nigeria to continue strengthening its democracy by ensuring the participation of all in free and fair general elections in 2019. The Central African Republic commended Nigeria for the important legislative and regulatory achievements since its last review of the country. Chad welcomed the progress made by Nigeria in implementing the recommendations accepted at the previous review.

Chile praised the cooperation of Nigeria with the International Criminal Court, but expressed concerns about the persistence of discrimination and violence in the country. China welcomed the adoption of the 2017–2020 Economic Recovery and Growth Plan, the human rights training for military and law enforcement personnel, and the continuous implementation of judicial reforms. The Comoros noted the progress made in a number of human rights areas, including the adoption of laws against torture and trafficking in persons. The Congo commended Nigeria for its willingness to cooperate with the human rights mechanisms, including through a standing invitation to the special procedure mandate holders. Côte d’Ivoire welcomed the implementation of a programme to combat violent extremism and the Economic Recovery and Growth Plan 2017–2020.

Cuba welcomed the actions taken by Nigeria to improve its legal framework and the quality of and access to health services and education. Cyprus commended Nigeria for its efforts to combat terrorism and to uphold human rights, setting an example for the whole continent. Czech welcomed the adoption of the Anti-Torture Act, the preparation of the new Electoral Act and the political participation of internally displaced persons.

The Democratic People's Republic of Korea welcomed the efforts of Nigeria and the significant progress it had made since 2013 in the promotion of human rights. The Democratic Republic of Congo commended the excellent work done by Nigeria to promote and protect human rights, especially for vulnerable groups. Denmark commended the adoption of the 2015 Violence against Persons (Prohibition) Act and the fact that no death sentence has been carried out since 2016. Djibouti welcomed the reform of the administration of justice, the law on the prohibition of discrimination based on HIV and the law prohibiting torture. Egypt commended Nigeria for the content of its national report and its efforts to uphold and respect human rights through fighting terrorism.

Estonia welcomed the legislative steps taken by Nigeria to combat violence against children and women, and its standing invitation to the special procedures. Ethiopia commended the progress made by Nigeria since the previous review in terms of implementing recommendations and developing the Economic Recovery and Growth Plan. Fiji commended Nigeria for the development of its Economic Recovery and Growth Plan and for ratifying the Paris Agreement. Finland stated that implementing its recommendations would have a positive impact on the lives of people in vulnerable situations and enable socio-economic development. France commended the creation of a commission to investigate allegations of human rights violations by the armed forces as well as strengthening of the fight against corruption. Gabon welcomed the adoption of legislation prohibiting all forms of violence, the revision of the human trafficking legislation and efforts favouring the most vulnerable.

Georgia welcomed the enactment of the Violence against Persons (Prohibition) Act 2015 and the Anti-Torture Act 2017. It encouraged Nigeria to finalise the National Action Plan for the Promotion and Protection of Human Rights 2017–2022. Germany commended Nigeria for its efforts to investigate abuses

allegedly committed by security forces and welcomed the trial of Boko Haram suspects. Ghana welcomed the establishment of a national anti-human trafficking agency and the human rights-based initiatives to combat terrorism and insurgency. Greece noted the enactment of the Anti-Torture Act, the passage of the Violence against Persons (Prohibition) Bill at the federal level and the commitment of Nigeria to the International Criminal Court. Guyana commended Nigeria for establishing an inter-ministerial national committee on the Universal Periodic Review. Honduras recognised the commitment of Nigeria to cooperating with the Universal Periodic Review and other United Nations human rights mechanisms.

Hungary commended the systematic review of national laws and regulations in order to implement the recommendations from the previous review. Iceland appreciated the difficulties Nigeria was facing on account of Boko Haram. It reminded Nigeria of its obligations under international law. India appreciated the socio-economic reforms in Nigeria and welcomed measures aimed at improving conditions for women. Indonesia commended the increase in the budgetary allocation of the National Human Rights Commission and the finalisation of the national action plan on business and human rights. The Islamic Republic of Iran commended the progress made in the promotion and protection of women's and children's rights. Ireland welcomed the Violence against Persons (Prohibition) Act. It was concerned by legislation restricting freedom of association and assembly.

Italy commended the progress made to combat violence against women and human trafficking. Japan appreciated initiatives to eradicate violence against children and encouraged early adoption of the Gender and Equality Opportunities Bill. Jordan commended Nigeria for its work on implementing the accepted recommendations from the second Universal Periodic Review. Kenya commended Nigeria for its significant developments and achievements resulting from its voluntary commitments to human

rights. Kuwait noted that Nigeria was keen to enhance equality between women and men, fight corruption and reform justice. Lebanon noted the adoption of a national plan to fight violent extremism and terrorism and judicial system reforms. Lesotho applauded Nigeria for its cooperation with the United Nations human rights mechanisms.

Libya commended Nigeria for measures taken to fight discrimination and violence against women, and efforts to ensure accountability of law enforcement officials. Liechtenstein welcomed efforts to provide legal aid services to women and girls. It was however concerned about the continued existence of the death penalty. Madagascar welcomed the adoption of the Violence against Persons (Prohibition) Act in 2015. Malaysia commended Nigeria for the development of a multi-stakeholder and inclusive approach through the National Policy Framework and Action Plan on Preventing and Countering Violent Extremism. Maldives commended Nigeria for incorporating international human rights instruments in its national legislation and encouraged it to improve economic standards. Mali praised Nigeria for its efforts to implement the recommendations from the previous review, including programmes to train law enforcement officers on international human rights standards. Mauritania highlighted the constructive engagement of Nigeria with human rights mechanisms and measures taken to implement previous recommendations.

Mauritius commended Nigeria for its legislative and institutional measures for the promotion of human rights and efforts made to eradicate poverty. Mexico recognised the progress achieved by Nigeria, particularly the human rights training programmes for armed forces and security personnel. Montenegro welcomed the efforts of Nigeria to eradicate child marriage and encouraged the Government to rehabilitate and reintegrate into the society, girls who had been abducted by Boko Haram. Morocco valued the measures taken by Nigeria in the fight against terrorism and

the adoption of its Action Plan on Preventing and Countering Violent Extremism. Mozambique noted that Nigeria was finalising its National Action Plan on business and human rights, and commended measures taken to improve human rights.

Namibia commended Nigeria for the significant achievements made, including its cooperation with international human rights mechanisms. Nepal welcomed steps taken to implement the second National Action Plan for the Promotion and Protection of Human Rights and to abolish harmful practices, including female genital mutilation. The Netherlands commended recent efforts by Nigeria to promote human rights. It expressed concern about human rights violations committed by security forces and their lack of accountability. New Zealand encouraged Nigeria to investigate military's compliance with human rights and expressed concern over Boko Haram abuses and inter-communal violence. The Niger Republic encouraged Nigeria in its efforts to promote human rights in a context characterised by the repeated attacks of Boko Haram. Norway expressed concern over the rights of women and children and called on Nigeria to include women in decision-making at all levels.

Oman noted the interest in promoting and protecting human rights through the Economic Recovery and Growth Plan 2017–2020. Pakistan appreciated the efforts of Nigeria to improve the accessibility and accountability of the justice system and the development of an economic plan. The Philippines commended Nigeria for enacting laws addressing violence against women and children and human trafficking and for its domestication of international treaties. Portugal commended the role played by the National Human Rights Commission and the adoption of rules of engagement for the armed forces. Qatar welcomed the adoption by Nigeria of several plans, including those on economic recovery and growth and the second national strategy on health.

The Republic of Korea expressed appreciation for the efforts of Nigeria to promote human rights, notably its efforts to eliminate violence against women. The Republic of Moldova welcomed the adoption by Nigeria of a series of essential laws, including on torture, trafficking in persons and the administration of justice. Romania congratulated Nigeria for its activity within the Human Rights Council and its commitments to upholding human rights. Rwanda welcomed the positive steps taken by Nigeria to implement the recommendations from the previous review and to promote women's rights. Saudi Arabia commended Nigeria for the steps taken, regarding the rights of the child and their integration in domestic laws and procedures.

Senegal noted the efforts and the commitment to improving the economic and social situation of the population. Serbia noted the efforts to implement recommendations from the previous review, the establishment of a national technical committee to create a database of missing persons and the development of the Economic Recovery and Growth Plan 2017–2020. Sierra Leone noted the issuance of a standing invitation to the special procedures, the development of the Economic Recovery and Growth Plan 2017–2020 and the efforts to develop a database of missing persons. It encouraged further efforts to address environmental degradation. Singapore acknowledged the efforts to improve the criminal justice system and to advance social and economic rights. Slovakia was concerned about human rights violations during counter-insurgency operations and about violations of children's rights.

Slovenia raised concerns in relation to the rights of the child, including that the Child Rights Act had been enacted in only 24 states. It also noted that Convention on the Elimination of All Forms of Discrimination against Women had not been effectively domesticated. South Africa noted the progress made since the previous review and the harmonisation of the three anti-corruption strategies. Spain noted the progress made by Nigeria since the previous review. The State of Palestine welcomed the

efforts to mainstream the Sustainable Development Goals in the national development plans and to combat trafficking in persons. The Sudan commended the efforts made to protect human rights, especially in combating terrorism and in internal security operations. Sweden encouraged further measures to ensure respect for human rights, including for persons in vulnerable situations. Switzerland supported the training of police and prison personnel on human rights issues.

The Syrian Arab Republic noted the National Policy Framework and Action Plan on Preventing and Countering Violent Extremism, the reform of the social justice system and measures to combat corruption. Thailand noted the efforts to build a human rights culture, particularly the finalisation of the National Action Plan on business and human rights. Togo welcomed improvements in the judicial system and measures to promote growth and improve social and economic standards. Tunisia noted efforts to strengthen the legislative framework for human rights and the adoption of a programme to combat violent extremism. Turkey welcomed efforts to involve young people in politics and the fight against corruption, and requested regular updates on the security situation in the north-east. Turkmenistan noted the action plans for reform of the justice system and the commitment of Nigeria to economic recovery and growth.

Uganda praised Nigeria for its ratification of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa and noted its efforts to eliminate discrimination and intolerance. Ukraine noted the establishment of a national inter-ministerial committee on the Universal Periodic Review, and efforts to implement the recommendations from previous cycles. The United Arab Emirates noted the development of the National Cyber-security Strategy in 2014, justice system reforms and the Economic Recovery and Growth Plan 2017–2022. The United Kingdom was concerned about the lack of prosecutions of members of the security forces, human trafficking

and the failure to enact the Gender and Equal Opportunities Bill. The United States was concerned about the sexual exploitation of internally displaced persons, extrajudicial killings, arbitrary detention and targeting of lesbian, gay, bisexual, transgender and intersex persons. Uruguay was pleased that Nigeria had ratified seven international human rights instruments and hoped it would fully implement them.

4.1 Response of the Nigerian Delegation

In response to comments and questions, the delegation of Nigeria stated that, in cases of alleged human rights violations by the security forces, investigative panels had been established and that once the reports of those panels had been published, the recommendations would be implemented. It also stressed that the Government of Nigeria was committed to respecting the moratorium on the death penalty that had been put in place. An inclusive economic policy, according to them, was also being vigorously implemented. It noted that Nigeria had recently been reviewed by the Committee on the Elimination of Discrimination against Women and had made significant progress in ensuring equality for women and girls. The delegation also averred that the Constitution and laws did not permit discrimination and that Nigeria was committed to democracy and intended to hold free and fair elections, free of violence.

According to the Nigerian delegation, majority of Nigerians objected to same-sex relationships because of their deep religious, cultural and moral orientation, despite that there was no policy or practice of witch-hunting people based on their sexual orientation. It further alluded that primary education was compulsory in Nigeria and parents would be committing a crime if they did not send their children to school. Nigeria, as noted by the delegation, was also committed to ending traditional practices that were harmful to girls. The delegation also highlighted that the finances

and budget of the National Human Rights Commission had been improved and its independence enhanced. While recalling that the Constitution guaranteed the independence of the judiciary, which was effective and impartial, the delegation noted efforts made as well to empower women economically through granting of loans for entrepreneurial purposes.

Finally, the delegation of Nigeria acknowledged the positive comments of a number of delegations on a variety of issues, including its social and economic reforms, its efforts to fight corruption and repatriate stolen funds as well as the reforms in the security sector.



ANNEXURES



ANNEXURE I

Member States Recommendations from 1st UPR

In the course of the discussion, certain recommendations were made to Nigeria, reflecting the position of the submitting State(s) and/or the State under review thereon. However, the recommendations did not connote an endorsement by the Working Group. The recommendations are that Nigeria should:

- Fast track the process of accession to human rights instruments to which it is not party yet, wherever possible (Mauritius);
- Take all appropriate measures to ratify OP-CAT and establish a national preventive mechanism to align itself with its neighbours' positive practices (Benin);
- Ratify the Convention on the Prevention and Punishment of the Crime of Genocide and the two Optional Protocols to the Convention on the Rights of the Child within the context of the Human Rights Council resolution 9/12, entitled "Human Rights Goals" (Brazil);
- Consider the possibility of adhering to the Second Optional Protocol of the ICCPR, abolishing the death penalty (Argentina);
- Consider, as a party to the ICESCR, making the legal adaptations required to ensuring that economic, social and cultural rights are considered as individual and enforceable rights, with the same status as all other human rights, and not mere State goals or aspirations (Portugal);

- Accelerate the process of passing into law the various rights-based bills before the National Assembly in order to provide broader scope of protection for vulnerable members of society, especially women, children and the disabled (Ghana);
- Pass the bill for the early domestication of the Convention on the Elimination of All Forms of Discrimination against Women (Norway; Republic of Korea);
- Intensify its efforts to domesticate the international norms aimed at eliminating gender based discrimination (Niger);
- Further pursue that its existing legislation at federal, state and local levels fully complies with the Convention on the Rights of the Child (The Netherlands);
- Pursue its efforts in order to incorporate the provisions of the Convention on the Elimination of All Forms of Discrimination against Women in its national law (Algeria; Brazil);
- The National Action Plan should include concrete and time-bound steps to accelerate the process of full domestication of all international human rights treaties to which Nigeria is Party, with particular priority on the Convention on Elimination on All Forms of Discrimination against Women (New Zealand);
- Continue to strengthen its human rights institutions and develop further measures to ensure the effective implementation of their mandates (Ghana);
- Expedite amendments to the Human Rights Commission Act and ensure independence for the Commission and further encourage the Commission to reapply for accreditation to the International Coordination Committee (Finland);
- Guarantee the independence of the National Human Rights Commission and take the necessary steps to enable the NHRC to regain its “A” rating, in compliance with the Paris Principles (New Zealand);

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- Ensure that the National Human Rights Commission of Nigeria is fully independent of the government and that the NHRC is given the mandate to investigate extrajudicial complaints regarding human rights violations and propose adequate remedies to victims (Portugal);
 - Envisage the possibility of making the National Consultative Forum an annual event as a tool to promote dialogue and comprehension in the field of human rights (Algeria);
 - Implement the content of the National Consultative Forum to help Nigeria improve its performance in the area of human rights (Chad);
 - Pursue its efforts in order to ensure an efficient work of the Economic and Financial Crimes Commission (Côte d'Ivoire);
 - Continue on achievements in the field of human rights (Djibouti);
 - Continue its endeavours in the field of human rights specially when one takes into account the fact that the government has been promoting Human Rights under special circumstances of a country in transition from a long period of military rule to a fully-fledged democracy (Mozambique);
 - Consolidate its achievements in the human rights field and continue to reinforce its efforts to promote good governance, democracy and rule of law (Morocco);
 - Continue to focus on policies and programmes that would further strengthen the protection and promotion of human rights of its people, including by working closely with the relevant civil society organizations and NGOs (Malaysia);
 - Further implement its programmes and policies in the field of human rights, in particular the National Plan of Action on the Promotion and Protection of Human Rights (Azerbaijan);
 - Pursue its seven points development programme formulated by the President of the Republic (Democratic Republic of the Congo);

- Continue its commitment to the promotion and protection of human rights through its thematic strategies of good governance, combating corruption, eradicating poverty and improving health conditions in the country (Indonesia);
- Maintain an open and standing invitation to the United Nations human rights mechanisms, particularly the Special Rapporteur against torture, and speed up its submissions of pending reports to treaty bodies (Mexico);
- Issue a standing invitation to all Human Rights Council special procedures (Norway; Ukraine);
- Consider the recommendations of special procedures systematically for further reforms in the field of human rights (Austria);
- Continue to strengthen the role of civil society and cooperation with relevant United Nations human rights mechanisms (Angola);
- Share its experiences in promoting human rights through its role as promoter of regional cooperation and development mediator in conflict resolution and peace building in the West African sub-region (Nepal);
- Continue the actions aimed at raising awareness among religious and customary leaders (Niger);
- That the Nigeria's President and National Assembly not approve the "Same Gender Marriage Bill" and eliminate all existing legislation that discriminates based on gender and sexual orientation (Canada);
- Take measures to recognise and protect the rights of sexual and gender minorities and that the law prohibiting same-sex marriages be abrogated (Finland);
- Establish a moratorium on executions with a view to abolishing the death penalty (The Netherlands; Brazil);

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- Declare a moratorium for the abolition of death penalty (Mexico);
 - Officially declare a moratorium on executions with a view to abolish the death penalty in future (Slovakia);
 - Consider the establishment of a moratorium on the use of death penalty with a view to its abolition (Italy);
 - Consider formalizing a moratorium on death penalty and consider the abolition of capital punishment (Turkey);
 - Take the steps necessary to formalize the moratorium on death penalty with a view to subsequently abolish the death penalty and adhere to the resolutions of the General Assembly in this regard (Sweden);
 - Clarify its position on the death penalty, and reaffirm its commitment to a de facto moratorium (United Kingdom);
 - An immediate moratorium on the use of death penalty and that all current death sentences be commuted (New Zealand);
 - Consider the measures eventually leading to the abolishment of capital punishment in the country (Azerbaijan);
 - Take all practical measures in collaboration with neighbouring countries in order to put an end to the accusations of extrajudicial executions, and more generally, to the abolition in the near future of the death penalty (Benin);
 - Adopt comprehensive legislation with regard to extrajudicial executions and torture by police, including measures assuring its application (Germany);
 - Prevent using cruel, inhuman and degrading punishment (Ukraine);
 - Complete the process of adopting legislative measures to prevent and prosecute acts of torture and other ill-treatment, according to international standards (The Netherlands);
 - Fully implement the United Nations Convention against Torture, including by introducing national legislation prohibiting

torture, and ensure that ill-treatment in custody is not used as a substitute for proper criminal investigation of suspects (Ireland);

- Repeal all laws that allow violence and discrimination against women to persist (Norway);
- Ensure that women who are victims of discrimination and violence have access to protection of their rights and to justice (Mexico);
- Implement specific legislation to protect women against sexual and gender-based violence and ensure that Nigerian women benefit from full equality before the law (Ireland);
- Intensify its efforts, through legislation and practical measures, to protect children against all forms of violence, including extra-judicial killings in communal conflicts, torture and trafficking (Indonesia);
- Vigorously apply the law that was recently put in place to end the practice concerning the stigmatized children as “witches or “wizards” (Holy See);
- Intensify efforts in guaranteeing women’s rights, including by implementing CEDAW observations to this end, and strengthen measures to fight against the practice of Female Genital Mutilation (FGM) (Italy);
- Not only enact legislation to prohibit FGM but also continue awareness-raising campaigns to eradicate such practices (Austria);
- Strengthen the efforts aiming at elimination of existing harmful traditional practices and adopt all necessary measures to provide full protection of children, girls, women and widows from wrongdoings, inspired by these traditions (Ukraine);
- Undertake further efforts in order to raise awareness among religious leaders and traditional dignitaries and involve them in the dissemination of a culture of human rights and in combating harmful traditional practices (Qatar);

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- Establish effective mechanisms to prohibit violence against women and girls, including traditional practices, such as FGM and continue awareness-raising campaigns to eradicate such practices (Norway);
 - Undertake an awareness-raising campaign about the practice of FGM, as encouraged by the National Consultative Forum (Ireland);
 - Pursue the full implementation of its expressed commitment to prohibit all forms of violence against women, and to prevent illegal trafficking of women and girls, and take into account in this regard, among others, the recommendations of the United Nations treaty bodies (The Netherlands);
 - Continue efforts in the field of combating human trafficking (Bahrain, France) and fully implement the international conventions in this area that Nigeria is a party to (France);
 - Continue its targeted efforts to combat trafficking in persons, above all women and young girls (Belarus);
 - Consider strengthening the efforts in the area of combating trafficking of women and children by cooperating closely with countries in the region (Malaysia);
 - Continue its efforts and close cooperation with relevant international organizations in combating child trafficking (Vietnam);
 - Allocate according to its capacity, adequate human and other resources in order to strengthen the combat on human trafficking (Angola);
 - Take urgent steps to prevent politically motivated and sectarian and religious-based violence (Canada);
 - Take specific measures in order to address the dysfunctional judicial system and the lack of internal and external monitoring of the police (Belgium);

- Speed up the introduction of a reform of the justice system including the penitentiary centres and national police (Mexico);
- Take additional measures to improve the Nigerian criminal justice system (Slovakia);
- Ensure that all perpetrators of human rights violations are brought to justice, including the law enforcement officials suspected of committing acts of torture and ill-treatment or extrajudicial executions (Slovakia);
- Step up its efforts to halt torture and ill-treatment as well as eradicating impunity for such acts and that alleged perpetrators be brought before justice (Denmark);
- Establish an independent and effective national investigative mechanism (Denmark);
- Fully investigate abuses by law enforcement officials, namely extrajudicial killings, acts of torture and ill-treatment of detainees and arbitrary detentions and human rights violations and ensure that the perpetrators are duly punished (Portugal);
- While noting the important progress made since 1999 in overcoming a legacy of military dictatorship with respect to reports of extrajudicial executions by the police, ensure that all members of the security forces and the police operate within the law (Ireland);
- Continue their efforts with determination for further progress in fighting against corruption (Turkey);
- Continue its efforts to combat corruption in order to continue ensuring its economic growth to guarantee the enjoyment of economic, social and cultural rights by all its citizens (Cuba);
- Take action to tackle the backlog of prisoners who have been detained without trial or beyond the end of their sentence (United Kingdom);
- Ensure that all detainees are tried without undue delay or freed if no accusation is presented (Portugal);

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- Improve the conditions of detention within prisons, access to health and the respect for the most elementary rights of detainees (France);
 - Create a board of independent inspectors examining conditions in detention facilities and the behaviour of police officers (Germany);
 - A broad approach including improved legal representation of prisoners, separate detention facilities for persons under the age of 18 and continuing improvements to the prison infrastructure (Austria);
 - Ensure that freedom of expression is respected and that Nigerian journalists may take on their mission of providing information without suffering harassment (France);
 - That the rights of journalists to report, comment on and criticize government policy freely and without fear, be respected (Canada);
 - Consider taking more strenuous effort to improve the socio-economic conditions of women, in particular, in the areas of reproductive health care services, poverty eradication and access to economic resources such as credit and loan facilities (Malaysia);
 - Take further measures to bolster the national health system (Belarus); Increase its efforts in the field of maternal health, educating birth attendants and increasing the number of obstetrics clinics throughout the country (Holy See);
 - Increase its efforts to raise awareness of and prevent the spread of HIV/AIDS and provide adequate treatment and alternative care opportunities for children (Germany);
 - Continue to pursue its efforts in the fight against HIV/AIDS, particularly in addressing its reported disproportional impact on women (Botswana);

- Continue to invest in education in order to reduce the illiteracy rate further, especially among girls and young women (Holy See);
- Continue resolutely consolidating the education system in accordance with the particular characteristics and needs of its population (Venezuela);
- Foster the further development of education for girls and the achievement of gender equality (Belarus);
- Continue its efforts in supporting education and providing equal opportunities to boys and girls in the rural and urban areas (Yemen);
- Continue its efforts to avoid school drop-out rate (Yemen);
- Develop a national strategy to guarantee better access to education to all children and to include in the school system at all levels appropriate measures in the field of human rights education, in accordance with the Plan of Action 2005-2009 of the World Programme for Human Rights Education (Italy);
- Take further steps to address discrimination against minority and vulnerable groups including reviewing issues surrounding the terms “indigene/indigenous” and taking action to discourage politicians from using religious, ethnic or settler-indigene division for political ends (United Kingdom);
- Address the cultural and economic situation of ethnic minorities (Germany);
- Take steps to ensure an adequate political participation of ethnic minority groups as well as measures to effectively prevent the loss of land, property and resources of ethnic minority groups through, i.e. confiscation (Germany);
- Regulate minority and indigenous rights on the constitutional and legislative level, to establish a National Minorities Commission and to set up a national policy for the promotion and protection of minority languages (Slovenia);

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- Ensure the political and social-economic rights of minority groups in Niger Delta, and that consultations in this regard are undertaken with these minority groups (The Netherlands);
 - Within the framework of its national Inter-Religious Council and the Institute for Peace and Conflict, continue its commendable efforts in promoting the inter-ethnic, inter-communal and inter-religious harmony (Botswana);
 - Expand programmes of education on religious tolerance in schools and monitor and protect the rights of religious minorities and promotion of the culture of religious tolerance should become the priority of the Federal, State and Local Governments (Poland);
 - End discrimination against ethnic minorities to ensure that non-Muslims are not subjected to Sharia law and are able to practise their own religion without hindrance (Denmark);
 - With the assistance and strengthened support of the international community, continue with its constitutional approach of subtle balance between constitutional respect for different historical and cultural contexts, decentralization through federalism, the inherited burden of decades of military totalitarianism and the Government's will to strongly turn towards democracy (Côte d'Ivoire);
 - Call on the international community to increase its support to allow the implementation of noble objectives Nigeria has set regarding human rights (Chad);
 - Seek the provision of the requested technical capacity-building assistance to overcome identified challenges (Pakistan);
 - Seek from the international community technical help and assistance in terms of civil and political rights, mentioned in its national report, namely, access to justice, law enforcement, and environment protection (Sudan);

- Formulate specific technical assistance requests to OHCHR in the area of access to justice and law enforcement to ensure an optimal awareness-raising on human rights requirements for civil servants working in these fields (Algeria);
- Seek provision of necessary technical assistance for human rights programmes in the fields of access to justice, law enforcement and environmental protection (Islamic Republic of Iran);
- Formulate specific technical assistance requests in order to promote the achievement of the Millennium Development Goals and to address them to relevant United Nations bodies and mechanisms, in particular to OHCHR (Algeria);
- Seek the provision of technical assistance with regard to adolescent health problems, trafficking in persons and prevention and control HIV/AIDS (Islamic Republic of Iran).

In its closing remarks, Nigeria took note of the recommendations and highlighted that in the interim it would like to clarify that, among the recommendations, there were some that enjoyed the support of Nigeria, while others needed to be examined. A few of them were however noted to be in conflict with the Constitution. All the same, Nigeria's response to these recommendations was scheduled to be included in the outcome report of the Human Rights Council at its eleventh session.

ANNEXURE II

Member States Recommendations from 2nd UPR

In the course of the second Universal Periodic Review, the following recommendations were made, which enjoyed the support of Nigeria.

- Sign and ratify the Optional Protocol to the ICESCR and the Optional Protocol to the Convention on the Rights of the Child on a communications procedure (Portugal);
- Continue the process of ratifying those human rights instruments to which Nigeria is not yet a State party (Benin);
- Step up efforts in pursuing the ratification of other relevant international human rights instruments (Philippines);
- Consider ratifying the outstanding human rights instruments and further update domestic laws to be in line with those articles (Lesotho);
- Continue the process of ratifying international human rights instruments that it is not yet a party to (Burkina Faso);
- Consider the ratification of International Labour Organization Convention No. 169 (Mexico);
- Ensure the enactment of the bill on the Convention on Elimination of All Forms of Discrimination against Women (CEDAW) (Brazil);
- Incorporate in national legislation the international human rights legal instruments to which Nigeria has acceded (Burkina Faso);

- Reinforce anti-corruption laws (Côte d'Ivoire);
- Nigeria was asked to bring its national legislation fully in line with the Rome Statute and to ratify the Agreement on Privileges and Immunities (Estonia);
- Redouble efforts in harmonisation of the legal system of the country (Ethiopia);
- Take further measures to implement the 2010 recommendations by the Committee on the Rights of the Child, especially as related to the domestication of the CRC; the right of the child to education, nutrition and health, and protecting girls from early marriage (Finland);
- Adopt legislative and practical measures to combat accusations against children for witchcraft by, inter alia, criminalising the witchcraft accusations, providing protection to children; and by awareness-raising, including in cooperation with civil society (Finland);
- Ensure international conventions are streamlined in domestic laws (France);
- Incorporate into municipal law various instruments such as the Optional Protocol on the Rights of Persons with Disabilities (Ghana);
- Speed up the process of adopting laws that coincide with treaties that Nigeria has recently ratified (Iraq);
- Enact these treaties (international instruments Nigeria ratified) into its domestic legislation (Hungary);
- Continue strengthening the legal framework, including by fully implementing the ratified international human rights instruments, like CEDAW and CRPD (Indonesia);
- Fully domesticate the human rights instruments which were recently acceded to with the aim of fully and effectively implementing them (Kenya);

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- Enact national legislation to translate the ratified international treaties into national law (Sierra Leone);
 - Introduce laws against female genital mutilation in all states, take steps to ensure access to justice for women who are victims of violence; and that the Violence Against Persons (Prohibition) Bill is passed by the Senate (Ireland);
 - Continue working to harmonise its normative framework with obligations of international instruments recently adhered to (Nicaragua);
 - Adopt the necessary legislative and administrative measures to implement those treaties that they have already ratified (Niger);
 - Accelerate the adoption and full implementation at the federal, state and local levels of the Gender and Equal Opportunities Bill, and the Violence against Persons Prohibition Bill, in compliance with CEDAW provisions (Republic of Moldova);
 - Continue to work to include the norms of the Convention for the Elimination of Discrimination against Women in domestic law (Russian Federation);
 - Continue to strengthen the regime for the protection of the rights of the child in accordance with the obligations under the Convention on the Rights of the Child (Russian Federation);
 - Adopt and implement a law that will integrate the provisions of the African Union Convention for the protection and assistance of Displaced Persons in Africa at the national level (Switzerland);
 - Take appropriate measures to translate its international obligations into its national laws and regulations to ensure their effective implementation (Thailand);
 - Incorporate the international instruments that Nigeria has ratified in its national legislation (Togo);
 - Work towards the rapid inclusion within its national legislation of the provisions of recently ratified instruments including the Rome Statue (Tunisia);

- Enact effective legislative regulations that will apply the economic transformation blueprint into the daily life of the society (Turkey);
- Continue its measures with a view of strengthening the investigative and enforcement powers of the Human Rights Commission (Azerbaijan);
- Continue to strengthen its [Nigeria's] human rights institutions and develop further measures to ensure the effective implementation of their mandate (Lesotho);
- Ensure operation of the national preventive mechanism, particularly by allowing the National Human Rights Commission unhindered access to all detention facilities (Belgium);
- Continue its ongoing cooperation with the international human rights system of the United Nations (Azerbaijan);
- Further strengthen cooperation with the treaty bodies of the United Nations (Niger);
- Make sure that the periodic reports to the United Nations treaties bodies that are overdue are submitted without further delay (Chad);
- Keep its commitment to uphold human rights treaty obligations and engage constructively with human rights mechanisms (Ghana);
- Extend a standing invitation to the human rights mechanisms of the United Nations (Costa Rica);
- Continue the follow-up on the request by a number of Special Procedures Mandate Holders to visit the country (Bulgaria);
- Issue standing invitation for the UN human rights special procedures and accept all requested visits by mandate holders (Hungary);
- To keep on exerting efforts to protect and promote human rights (Yemen);

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- Continue efforts already embarked upon to ensure protection and promotion of all human rights (Djibouti);
 - Implement the 2011 EU Observation Mission recommendations concerning the equal political participation such as to provide assistance to IDPs or to prosecute people involved in election violence (Czech Republic);
 - Undertake measures, including through human rights education and training, to modify traditional practices that are in conflict with human rights standards which guarantee equality between men and women (Costa Rica);
 - Step up efforts aimed at eliminating harmful cultural practices, which hamper the full respect for the human rights of women (Paraguay);
 - The national report makes it clear that harmful traditional practices are deeply rooted in the culture of the Nigerian peoples; we therefore encourage the Nigerian government to intensify its efforts in the field of human rights education to eradicate this problem that only seems to weaken the development prospects in this country (Democratic Republic of the Congo);
 - Ensure that training of all military and security personnel does include a human rights component and that respect and protection of human rights during service is ensured and monitored (Germany);
 - Launch campaigns of sensitisation for families and communities with the aim of creating areas of protection for the protection of the rights of children with greater efficiency (Mexico);
 - Continue measures to provide human rights trainings and capacity-building to civil servants and law enforcement officials in line with the world programme for Human Rights Education (Republic of Moldova);

- Further develop the educational sector and the health sector because they are the key sectors in the development process (Saudi Arabia);
- Ensure achieving more development in executing cases analysis programmes regarding child rights cases and cooperation with the civil society (Sudan);
- Promote progress towards the promotion and protection of human rights (Uganda);
- Intensify efforts towards strengthening inter-confessional harmony and a culture of human rights in the country (Uzbekistan);
- Continue to enhance gender equality and the empowerment of women (Singapore);
- Fully implement its national action plan on the UN Security Council resolution 1325 to meaningfully involve women in peace process and to combat gender-based violence and discrimination (Estonia);
- Continue its positive approach in improving the socio-economic conditions of women, including intensifying support for women political aspirants through its Women Political Trust Fund (Malaysia);
- Intensify efforts to improve the status of women and girls, including enhanced reproductive health measures, the fight against sexual and gender-based violence and harmful traditional practices, the domestication of the CEDAW Convention and to include women in decision-making at all levels (Norway);
- Continue serious existing efforts to improve socio-economic status of women (Lebanon);
- Continue to take vigorous measures including improving relevant laws to further promote gender equality (China);
- Further raise public awareness on the equal rights of women, persons with disabilities and religious minorities for social integration and harmony (Cambodia);

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- Continue its efforts to bring about gender equality and empowerment of women (Algeria);
 - Intensify efforts in guaranteeing women's rights, including by allocating adequate resources in order to strengthen the implementation of CEDAW convention (Angola);
 - Step up actions to tackle violence and discrimination against women (Benin);
 - Continue its positive engagement towards elimination of discrimination against women (Rwanda);
 - Continue with the efforts aimed at tackling discrimination and religious intolerance (Argentina);
 - Continue putting in place measures to prevent and eliminate racism as well as religious intolerance and hatred (Botswana);
 - Take all necessary measures to put an end to extrajudicial killings, investigate all reported cases, and ensure that all suspected perpetrators are brought to justice (Sweden);
 - Continue the development and implementation of measures aimed at reducing human rights violations by the security forces in extrajudicial executions, arbitrary detention and torture, as well as making the mechanisms of tackling impunity more effective (Switzerland);
 - Investigate all reports of extrajudicial killings in an independent and transparent manner and commit to bringing to justice members of the security forces found to have been involved in such violations (United Kingdom of Great Britain and Northern Ireland);
 - Hold security forces accountable for human rights violations and establish a system for human rights monitoring and to promote accountability for gross violations of human rights (United States of America);
 - Take all necessary measures to prevent extrajudicial executions and torture by security forces by providing targeted training

and capacity-building to law enforcement officials and military members (Canada);

- Criminalise torture and establish an independent monitoring system of detention places (Hungary);
- Ensure that future measures addressing torture and ill-treatment of detainees, including rehabilitation of victims and a revision of the mental health law are in full compliance with international standards (Sweden);
- Strengthen the human rights training of state security forces and prevent the use of excessive force against civilians (Czech Republic);
- Continue its successful and productive measures to counter and eliminate threats of militant insurgents and organised crime groups (Azerbaijan);
- Strengthen measures aimed at improving security in the whole country notably in response to the activities of terrorist groups in the country (Côte d'Ivoire);
- Intensify efforts against organised crime, including terrorism, and impunity of perpetrators (Norway);
- Adopt a comprehensive approach to the security situation which ensures that the perpetrators of violence are brought to justice and that the security forces' rules of engagement take full account of due process and human rights (Ireland);
- Take further steps to restore security with due consideration to the rule of law and human rights (Japan);
- You cannot have inclusive development without peace, given the terrorism situation. We call upon the Nigerian government to continue with all efforts to deal with domestic insecurity in the country (Democratic Republic of the Congo);
- Block acts of violence against religious minorities (Cape Verde);
- Intensify its efforts, through legislation and practical measures, to promote and protect the rights of children against all forms of violence (Montenegro);

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- Take all the necessary measures at federal, state and local levels to prevent and eliminate all harmful practices against children (Slovenia);
 - Strengthen laws and policies for effective implementation to end violence against children and ensure the full implementation of the 2003 Child Rights Act (Maldives);
 - Introduce appropriate legal measures prohibiting all forms of violence against children, ensure accountability and end impunity (Poland);
 - Strengthen efforts to eliminate exploitative child labour (Sri Lanka);
 - Further implement concrete measures and policies to combat trafficking of children and child labour in the country (Cambodia);
 - Ensure more effective protection of children and better promotion of their well-being in every dimension, particularly with respect to trafficking and sexual exploitation, excisions, early marriages and forced labour (Cape Verde);
 - Continue efforts to tackle human trafficking, notably through enhancing awareness-raising initiatives (Senegal);
 - Continue efforts to effectively prevent human trafficking and reinforce law enforcement and the training of police (Netherlands);
 - Strengthen protection measures to protect children against violence (Senegal);
 - Ensure the protection of children's human rights by reducing and eliminating domestic and international child trafficking, sexual abuse, economic exploitation, "baby farming", widespread homelessness, abuse stemming from belief in child witchcraft, and forced conversions (Holy See);
 - Urgently address child, early and forced marriage by putting in place legislation that clarifies the legal age for marriage,

honouring commitments made in the country's last UPR to prevent and eliminate the practice (Canada);

- Take measures to prevent the sexual abuse, neglect and trafficking of children, child prostitution and pornography, in line with commitments under the OP-CRC-SC (Republic of Moldova);
- Continue improving the situation of children, who were at risk, especially girls (State of Palestine);
- End domestic and sexual violence against women and girls, by enacting laws and creating awareness in communities to end the social stigmatisation relating to it (Maldives);
- Continue to improve its public policies aimed at combating violence against women (Philippines);
- Continue to make efforts to curb violence against women, especially with regard to the prohibition of female genital mutilation, at the national level (Republic of Korea);
- Continue to work in favour of women's rights, including the fight against early marriages, respecting the rights of widows, and eradicating female genital mutilation and respecting sexual and reproductive rights (France);
- Enact a comprehensive national law prohibiting FGM and continue awareness-raising campaigns to eradicate this scourge (Austria);
- Legislation for the eradication of FGM as well as to take effective measure to raise awareness of the people (Japan);
- Continue efforts to eradicate the practice of female genital mutilation by, for example, taking into account the lessons learned by other countries in the region that deal with this practice (Netherlands);
- Continue fighting against gender-related violence, including FGM, by enhancing measures, such as ad hoc awareness-raising campaigns and legal aid programme to increase victims' access to justice (Italy);

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- Ensure the protection of women's human rights by reducing and eliminating human trafficking, sexual violence and exploitation, domestic violence, maternal mortality, and female genital mutilation (Holy See);
 - Review conditions in detention facilities, including the behaviour of police officers working in them, and develop options for the improvement of the prison system, including how to tackle the problem of overcrowding (Germany);
 - Make sure that basic living conditions are met in prisons by providing food, drinking water and medical assistance (Austria);
 - Strengthen the system of independent monitoring in all detention facilities in accordance with the Optional Protocol to CAT (Czech Republic);
 - Establish a procedure for providing immediate registration of arrest and detention of people and ensure that their families were systematically informed (France);
 - Continue to improve prison conditions and the treatment of prisoners in line with human rights standards (Holy See);
 - Strengthen their efforts to ensure that the treatment of prisoners is in line with international standards (State of Palestine);
 - Establish a human rights monitoring system, which allows access to detention centres in northern Nigeria, works with affected communities and promotes accountability for serious violations of human rights (United Kingdom of Great Britain and Northern Ireland);
 - Facilitate access to justice for all citizens by establishing an effective justice support system (France);
 - Take steps to ensure that basic human rights principles are respected within all elements in its pluralistic legal system (Sierra Leone);

- Take the necessary measures to ensure that the Child Rights Act of 2003 is incorporated in the legal system of the States and applied by all other entities (Belgium);
- Continue the justice sector reform without any deviation (Turkey);
- Ensure that all detainees suspected of a crime are brought before a court of law as soon as possible (Austria);
- Ensure that all detainees who are kept in pre-trial detention are brought before a judge within the deadlines provided by the Constitution of Nigeria, or in the days following their arrest in accordance with the ICCPR (Belgium);
- Continue with the necessary reforms for the more effective and efficient administration of justice aimed at reducing long periods of pre-trial waiting and minimise corrupt practices (Switzerland);
- Address urgently the issue of impunity by strengthening the rule of law, including through a review of the judicial system (Germany);
- Take effective action to ensure accountability of the armed forces and law enforcement officials (Australia);
- Protect and promote the right of Nigerians to practice their religious faith or beliefs, including by enhancing the dialogue between different faith communities to address interreligious tensions – particularly those in the Middle Belt States – and to combat all forms of extremism (Canada);
- Intensify efforts aimed at instituting interreligious dialogue between elders and religious leaders, including in areas not yet affected by religious unrest, and consider holding a national conference on religious tolerance (Sierra Leone);
- Step up its awareness-raising and information activities focusing on religious and customary chiefs to ensure peaceful coexistence between people and religions (Togo);

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- Continue to support programmes that ensure religious coexistence and working on developing an interreligious dialogue (Sudan);
 - Continue strengthening the role of the Inter-Religious Council in order to deepen the ethical values and fight against the moral corruption so that extreme and radical ideologies are eradicated from the society (South Sudan);
 - Continue actions aimed at peaceful coexistence between different ethnic and religious groups in the country (Côte d'Ivoire);
 - Continue its efforts in responding to the ongoing violence by extremist groups against Christians and other minorities, by working to enforce human rights standards in protecting vulnerable populations, by prosecuting promoters of violence, and by promoting interreligious dialogue (Holy See);
 - Continue improving the living standards of its people, including an improvement of access to basic health and education services (Cuba);
 - Continue the efforts undertaken by the Government to guarantee inhabitants access to adequate housing and take the legal measures required to ensure the right to land tenure, in conformity with international law and international standards, and thus avoiding forced evictions (Ecuador);
 - Strengthen its cooperation with civil society and undertake a review of its involvement in the provision of core social services for children (Egypt);
 - Continue its efforts in improving access to affordable housing through proper implementation of its existing legal and policy frameworks including mortgage financing and its Public-Private Partnership housing estate schemes (Malaysia);
 - Continue applying its successful practice to improve access to affordable housing (Turkmenistan);

- Continue efforts to improve the standard of living, providing extensive access for the population to a quality system of education and health protection (Uzbekistan);
- Improve access to quality healthcare for its people (Singapore);
- Continue implementing the Strategic National Plan for the development of health for the period 2010-2015 (Algeria);
- Strengthen capacity to provide care and support for children infected or affected by HIV/AIDS, particularly those orphaned (Bangladesh);
- Strengthen policies towards provision of care and support to children infected by HIV/AIDS, particularly those orphaned (Botswana);
- Strengthen its policies to provide care and support for children infected or affected by HIV/AIDS, particularly those orphaned (Egypt);
- Continue efforts and implement its plans to eradicate polio in Nigeria (Ghana);
- Identify and remove administrative, physical and any other barriers that still impede access to birth registration, thus facilitating for everyone the access to health care and education (Italy);
- Step up efforts to guarantee free and compulsory birth registration for all children via public awareness-raising campaign on the importance of the registration of births (Uruguay);
- Continue to increase investment in education and provide better universal primary education (China);
- Increase the commendable ongoing efforts aiming at granting full and free access to quality education for all children, inter alia, by boosting annual expenditure on education (Italy);

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- Adopt effective measures to ensure universal and free access to primary education, without discrimination between girls and boys (Portugal);
 - Implement the Universal Basic Education policy for all children without discrimination with focus on integration of children with disabilities and equal access for girls in primary and secondary education (Slovakia);
 - Continue her efforts and measures in investing in education for all as a means to guarantee the gender equality and to foster the human rights culture in the society (Vietnam);
 - Address gender and regional disparities regarding the right to education (Bulgaria);
 - Continue to prioritise policies and programmes aimed at ensuring sustainable growth of the education sector (South Africa);
 - Continue efforts to enhance respect and fulfillment of the right to education and to ensure access to education for girls and prevent early school dropout (State of Palestine);
 - Continue efforts in the educational sector and eradication of illiteracy (Sudan);
 - Continue to promote education and human rights training at the national level (Turkmenistan);
 - Continue consolidating the educational system in line with the needs of the population, to make progress towards delivering social well-being while seeking the support and cooperation of the international community (Venezuela-Bolivarian Republic);
 - Continue to implement policies and programmes to prevent early school dropout of girls (Sri Lanka);
 - Adopt a national policy on children with disabilities and ensure access to education and health services for all children with disabilities (Egypt);

- Further develop educational services and programmes for the training of persons with disabilities in partnership with relevant institutions (Oman);
- Continue with its public policies contained in the report, in the area of the right to health; including drafting policies which would allow for full access to healthcare services by persons with disabilities (Paraguay);
- Adopt a national policy pertaining to children with disability, to take measures to tackle discrimination and to promote gender equality in the field of education and to guarantee a favourable climate for the activities of human rights defenders, journalists and other actors in civil society (Tunisia);
- Protect and promote in particular the rights of vulnerable persons, that is: minorities, children, women, older persons, human rights defenders, refugees and prisoners (Djibouti);
- Pay particular attention to defending the rights of vulnerable peoples, in particular women and children (Gabon);
- Continue the active protection of vulnerable population groups, including children, women, disabled persons and the elderly (Russian Federation);
- Consider investing further efforts in developing a foster care system for children without parental care and for children with disabilities (Serbia);
- Better protect the rights of ethnic and other minorities, including so called “settlers”, in particular their rights of citizenship and indigenous rights, and to ensure their equal and non-discriminatory treatment in the whole country (Germany);
- Adopt measures to eliminate the economic, social and cultural barriers which exist between different ethnic and religious groups with the aim of facilitating coexistence between them (Mexico);

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- Consider working with Ghana and other like-minded countries to promote the Migrant Workers Convention (Ghana);
 - Continue to take measures to guarantee the right that its people have to enjoy a sustainable environment (Cuba);
 - Monitor the environmental impact of the oil industry on human rights of people in the Niger Delta, taking in the relevant and suitable measures (Maldives);
 - Consider strengthening measures to prevent and protect the human rights of local communities from environmental impacts (Thailand);
 - Guarantee respect for human rights in the fight against terrorism and ensure that all perpetrators of violations, including extrajudicial executions, are prosecuted (France);
 - Mainstream human rights standards in counter-terrorism actions undertaken by security forces (Portugal);
 - Continue to strengthen its efforts to prevent human rights violations committed during counter-terrorist operations (Republic of Korea).

The following recommendations enjoyed the support of Nigeria, which considered them to be already implemented:

- Continue its efforts to progressively realize the right to education, including by exploring the possibility of providing free education at the primary level (Indonesia);
- Ensure access to education for girls and prevent early school dropout, including by reinforcing the Federal Government of Nigeria Gender Education Project (Egypt);
- Ensure free and compulsory primary education (Bulgaria).

On the other hand, the following recommendations would be examined by Nigeria and responses would be provided in due course, but no later than the 25th Session of the Human Rights Council, scheduled for March 2014. These are:

- Implement a moratorium on the death penalty, and take steps to accede to the Second Optional Protocol of the ICCPR (Australia);
- Reinstate the moratorium on the death penalty with a view to acceding the Second Optional Protocol to the ICCPR (Germany);
- Fully abolish the death penalty and ratify the Second Optional Protocol to the ICCPR (Estonia);
- Ratify the Second Optional Protocol to the ICCPR aiming at the abolition of the death penalty (Montenegro);
- Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Brazil);
- Amend article 12 of the Constitution to facilitate the automatic incorporation in the internal legal system of international conventions Nigeria has signed up to in the area of human rights (Spain);
- Amend article 33 of the Constitution and order 237 on the Police Force to ensure that its interpretation does not allow the lethal use of force by the security forces in circumstances other than those enshrined in international law, and developed in the United Nations basic principles on the use of force and firearms by officials (Spain);
- Continue awareness-raising campaigns to eradicate harmful traditional practices and introduce sex education in the school curricula (Slovakia);
- Implement the recommendations of the April 2013 report by the NHRC on the Baga incident (Australia);

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- Abolish the death penalty (Togo);
 - Abolish the death penalty (Paraguay);
 - Consider the abolition of the death penalty (Rwanda);
 - Consider abolishing the death penalty (Holy See);
 - Establish an immediate moratorium on executions with a view to abolishing the death penalty (Portugal);
 - Immediately reinstate the moratorium on the death penalty with a view to abolishing it (Austria);
 - Reintroduce the moratorium and abolish capital punishment (Norway);
 - Reinstate the moratorium on the use of death penalty in accordance with Nigeria's commitment during the Universal Periodic Review in 2009 (Slovenia);
 - Renew the death penalty moratorium and consider abolishing capital punishment (Czech Republic);
 - Take the legal measures necessary to establish a moratorium on the use the death penalty (Ecuador);
 - Immediately reinstate the moratorium of death penalty (Switzerland);
 - Consider declaring a moratorium on the death penalty (Turkey);
 - Implement constitutional reform prohibiting the death penalty and in the meantime a moratorium for an indefinite period be adopted in line with international and African trends (Spain);
 - Immediately introduce a moratorium on executions and abolish the death penalty and ratify the Second Optional Protocol to the ICCPR (France);
 - Restore officially the moratorium on executions, which had been in place since 2006, throughout the whole country (Italy);
 - Commute all death penalties, progressively reduce the number of crimes that can be punished with the death penalty and eventually adopt measures for the complete abolition of the

death penalty including accession to the Second Optional Protocol to the International Covenant on Civil and Political Rights (Uruguay);

- Step up efforts to tackle the practice of early and forced marriages (Italy);
- Adopt measures to address the high rate of early marriages among girls in the northern states of Nigeria, including a review of legislation permitting marriage of those under 18 years of age and undertaking awareness-raising programmes on the negative implications of early marriage (Sierra Leone);
- Ensure that neither the death penalty nor the life sentence is imposed for offences committed by persons below 18 years of age (Poland);
- Ensure that neither the death penalty nor the life sentence is imposed for offences committed by persons under the age of 18 (Slovakia);
- Proceed to review the cases of all persons deprived of their liberty who have been sentenced to death for crimes committed when they were younger than 18, as well as to prohibit the application of the death penalty to persons under the age of 18 in national legislation (Uruguay);
- Amend the trade union act in order to guarantee freedom of association and the effective recognition of the right of collective bargaining (United States of America);
- Put an end to enforced expulsions in the south and ensure that compensation and relocation propositions are actually accorded to the people concerned (France);
- Ensure that children of minority groups have equal access to education and introduce curricula recognising their right to use and receive education in their own language (Bulgaria);
- Modify the law on oil industries to reflect the opinion of the ECOWAS court, ensuring that the new legislation includes

specific protection of the rights of communities affected by the activities of these companies (Spain).

The following recommendations however, did not enjoy the support of Nigeria:

- Amend and review all legislation and policies, including the Same-Sex Marriage Bill, with a view to decriminalise LGBTI persons (Austria);
- Revise laws discriminating against LGBTI persons, including refraining from signing into law any new legislation criminalising LGBTIs (Czech Republic);
- Establish policies and procedures that protect the human rights and security of all Nigerians including LGBT persons, their families and associates (United States of America);
- Ensure the universality of human rights, safeguarding and protecting human rights of all Nigerians irrespective of gender, age, sexual orientation, gender identity or religious affiliation (Sweden);
- Ensure that no legislation discriminates between men and women, and enact legislation to prevent violence against people based on sexual orientation (Canada);
- Take steps to ensure that the human rights of all citizens are protected, regardless of their religion, sexual orientation or gender identity (Australia);
- Consider the adoption of the necessary measures to eradicate discrimination on the grounds of sexual orientation (Argentina);
- Release all persons imprisoned or detained on the grounds of their sexual orientation or gender identity (Austria);
- Repeal all provisions that give rise to discrimination based on sexual orientation or gender identity (France);
- Adopt measures to combat discrimination against persons on the grounds of their sexual orientation or gender identity, and decriminalise sexual acts between consenting adults of the

same sex, in order to bring its legislation in line with the Second Optional Protocol to the Covenant on Civil and Political Rights (Uruguay).

ANNEXURE III

Member States Recommendations from 3rd UPR

- Ratify the Optional Protocol to the International Covenant on Civil and Political Rights and the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Benin);
- Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Estonia);
- Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (Liechtenstein);
- Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Montenegro);
- Ratify the Second Optional Protocol on the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Togo);
- Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (Ukraine);
- Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights and reform the Constitution in order to prohibit the death penalty and establish, until that time, an indefinite moratorium (Spain);

- Consider ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Georgia);
- Adhere to the human rights instruments to which it is not yet a party, in particular the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (the Kampala Convention) (Honduras);
- Consider ratifying the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol and domesticating already ratified conventions (Niger);
- Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (Benin);
- Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (Portugal);
- Ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure and ensure its full implementation (Slovakia);
- Ratify the Kampala amendments to the Rome Statute (Liechtenstein);
- Strengthen the implementation of its international obligations and cooperation with human rights protection mechanisms, in particular by reporting to all treaty bodies (Democratic Republic of the Congo);
- Fully cooperate with the United Nations human rights mechanisms and fulfil its reporting obligations under the various treaties (New Zealand);

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- Continue efforts to fulfil international obligations through the submission of national reports (Iraq);
 - Intensify its efforts to develop and submit Periodic Reports to the various treaty bodies in the areas of human rights where it is a party (Togo);
 - Consider inviting the Special Rapporteurs on the situation of human rights defenders and on human rights and the environment, including to the Niger Delta (Norway);
 - Sustain efforts in strengthening its legal and institutional frameworks for the promotion and protection of human rights (Cameroon);
 - Continue its efforts in strengthening the legal and institutional framework of human rights (Syrian Arab Republic);
 - Continue to strengthen steps in the protection and promotion of human rights (Senegal);
 - Sustain its determined efforts in strengthening its legal and institutional frameworks to ensure the full enjoyment of human rights by its people (Pakistan);
 - Reinforce the legal framework of national institutions in the field of human rights (Chad);
 - Modify the Constitution and Force Order 237 regarding the Police, and ensure that the Anti-Torture Act is applied at the national level (Spain);
 - Take the necessary steps for the full implementation of the legislation related to the protection of human rights (Romania);
 - Accelerate the process to incorporate the provisions of the international human rights instruments to which it is party into national legislation (Zimbabwe);
 - Continue efforts to implement all instruments ratified by Nigeria (Jordan);

- Align national legislation and customs in line with Nigeria's international obligations (Sudan);
- Prioritise the full and effective implementation and reinforcement of international human rights instruments, such as the Convention on the Elimination of All Forms of Discrimination against Women by using domestic mechanisms, including the Violence Against Persons (Prohibition) Act (Netherlands);
- Step up efforts to domesticate ratified conventions, including the Rome Statute of the International Criminal Court (Botswana);
- Incorporate the provisions of the Rome Statute of the International Criminal Court into its domestic legal system (Slovakia);
- Adopt legislation that regulates the functioning of Nigeria's security agencies by limiting their powers, establishing oversight mechanisms consistent with international human rights standards and safeguarding the right to privacy (Chile);
- Undertake measures to make economic, social and cultural rights enforceable and create enabling legislation aimed at addressing poverty (South Africa);
- Pass into law the National Disability Bill (Bhutan);
- Ensure that the Gender and Equal Opportunities Bill is passed into law and ensure equal and full access to education for all children, especially girls (Estonia);
- Adopt the Gender and Equal Opportunities Bill and ensure its effective implementation at all levels of government (Republic of Moldova);
- Ensure that the law on the rights of the child and the law prohibiting violence against persons are adopted and enforced in all states (Côte d'Ivoire);
- Adopt and enforce the Child Rights Act in all states (Portugal);

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- Provide for the overall applicability of the Child Rights Act 2003 by ensuring that the remaining 12 states adopt the law without delay (Slovenia);
 - Adopt and effectively enforce the Child Rights Act in the whole country (Slovakia);
 - Ensure that all the states in Nigeria adopt and implement the Child Rights Act, the Violence against Persons (Prohibition) Act and the international human rights instruments the Federal Government of Nigeria has ratified (Cyprus);
 - Strengthen the implementation of legislation and policies aimed at ending harmful traditional practices, in particular through the adoption of the enforcement procedure of Nigeria's Violence against Persons (Prohibition) Act (Rwanda);
 - Ensure the adoption and implementation of the 2015 Violence against Persons (Prohibition) Act in all of Nigeria's 36 states (Denmark);
 - Intensify efforts to combat gender-based violence, especially through the full implementation of the Violence against Persons (Prohibition) Act 2015 at the federal, state and local levels (Thailand);
 - Guarantee the application of the Violence against Persons (Prohibition) Act throughout its territory and approve the Gender and Equal Opportunities Bill (Spain);
 - Step up efforts to ensure that the Violence against Persons (Prohibition) Act is adopted by and is applicable in all its states (Philippines);
 - Strengthen its national human rights framework by ensuring that the Violence against Persons (Prohibition) Act is applicable in all states (Republic of Korea);
 - Adopt the Violence against Persons (Prohibition) Act at the State Assembly level (Japan);

- Ensure that the Violence against Persons (Prohibition) Act and the 2017–2021 National Strategy to End Child Marriage are fully implemented in all states (Namibia);
- Expand nationwide the territorial scope of the Violence against Persons (Prohibition) Act 2015 by amending article 47 in order to provide equal protection from violence to all Nigerians (Finland);
- Strengthen the rights of women and girls, notably by enforcing across all the territory the 2015 law banning all forms of violence against them (France);
- Strengthen the Child Rights Act 2003 and expand it to all 36 states (Germany);
- Adopt the necessary legislative and political measures so that the 12 northern states adopt the law on the rights of children that puts into practice the prohibition of early and forced marriages (Honduras);
- Enhance efforts to promote and protect the human rights of vulnerable persons in its population (Uganda);
- Take steps to ensure the operational and financial independence of the National Human Rights Commission, including by filling all positions in the Governing Council, in accordance with the Constitution (Canada);
- Speedily finalise and adopt the National Human Rights Action Plan 2017–2022 to further strengthen Nigeria’s commitment to protecting human rights (Ghana);
- Continue to strengthen the implementation of policies and measures relating to democracy, the rule of law and good governance for the effective realisation of human rights in the entire country (Angola);
- Continue its ongoing reforms in all spheres including education, health care and gender equality to promote and uphold fundamental human rights (Turkmenistan);

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- Take further steps to strengthen policies with a view to addressing transnational organised crime, particularly drugs trafficking (Indonesia);
 - Join the Code of Conduct regarding Security Council action against genocide, crimes against humanity and war crimes, as elaborated by the Accountability, Coherence and Transparency Group (Liechtenstein);
 - Continue upgrading training programmes on the protection of human rights (Islamic Republic of Iran);
 - Further develop the institutional capacity of the staff of the Institute for Peace and Conflict Resolution in peace-building and reconciliation (Oman);
 - Continue efforts to carry out awareness-raising and sensitization campaigns on human rights through training and capacity-building (Mauritius);
 - Continue awareness-raising on the principles of human rights (Sudan);
 - Ensure the respect, protection and fulfilment of human rights for all persons, without distinction of any kind (Sweden);
 - Adopt measures to combat all forms of discrimination, especially against women and lesbian, gay, bisexual, transgender and intersex persons (Italy);
 - Promote the enactment of the Gender and Equal Opportunities Bill (Mexico);
 - Adopt a comprehensive definition of discrimination against women in line with article 1 of the Convention on the Elimination of All Forms of Discrimination against Women (Botswana);
 - Address discrimination against minority and vulnerable groups by taking action to discourage politicians from using religious, ethnic or indigenous division for political ends (United Kingdom of Great Britain and Northern Ireland);

- Fight against discrimination based on sexual orientation or gender identity (France);
- Adopt measures to combat violence and discrimination based on sexual orientation and gender identity, repealing the section of the Penal Code that criminalizes homosexuality with the death penalty, as previously recommended (Uruguay);
- Amend and review all legislation and policies with a view to decriminalising same-sex relations (Austria);
- Repeal legislation that discriminates on the basis of sexual orientation or gender identity (Iceland).
- Repeal all relevant legislation that discriminates against lesbian, gay, bisexual, transgender and intersex individuals and same-sex marriage (New Zealand);
- Abrogate the new discriminatory legislation on sexual orientation and gender identity, which criminalises, inter alia, consensual sexual relations between people of the same sex (Belgium);
- Review the Violence against Persons (Prohibition) Act of 2015 in order to prohibit all types of violence without discrimination, including discrimination based on sexual orientation and gender identity (Mexico);
- Take the necessary measures to repeal from legislation the norm that runs counter to the human rights of the lesbian, gay, bisexual, transgender and intersex community, and investigate and punish those who commit discrimination on the grounds of sexual orientation (Argentina);
- Ensure full territorial coverage by the Violence against Persons (Prohibition) Act, especially article 37, in order to ensure that all, regardless of their sexual orientation or gender, will be able to find legal reparation for the violence they suffer (Chile);
- Repeal the Same-Sex Marriage Prohibition Act 2013 and ensure that nobody is punished because of their sexual

orientation and release all individuals held in detention because of homosexuality (Germany);

- Release all individuals held in detention because of their real or perceived sexual orientation or gender identity (Iceland);
- Allocate adequate resources to ensure the effective implementation of the Economic Recovery and Growth Plan in all its sectors in order to meet the relevant Sustainable Development Goal targets (Singapore);
- Continue the measures to promote the rule of law and good governance, including through further implementing the National Anti-Corruption Strategy (Thailand);
- Implement the National Anti-Corruption Strategy to give impetus to the right to development and to safeguard the full enjoyment of civil, political, economic, social and cultural rights (Ghana);
- Vigorously pursue the fight against all forms of corruption and against economic crime (Comoros);
- Provide support to all Nigerians in order to eliminate corruption (Kuwait);
- Continue the fight against corruption and the efforts to repatriate the funds resulting from corrupt activities for the benefit of the population (Senegal);
- Continue to make the necessary efforts to eradicate corruption in the country (Djibouti);
- Continue strengthening its efforts in the area of combating corruption (Syrian Arab Republic);
- Pursue its efforts to combat corruption (Egypt); Fully implement its commitments under the Paris Agreement (Fiji);
- Strengthen its measures and implement policies relating to climate change, environmental protection and disaster risk reduction (Fiji);

- Take effective measures to support communities that have suffered from oil spills that have caused damage to the environment (Congo);
- Take effective measures to assist the communities suffering from environmental damage across the Niger Delta due to oil spills by providing health care and education facilities and fostering the means for the creation of alternative livelihood options (Republic of Korea);
- Accelerate the regulatory process aimed at reducing the negative impact of company activities on the enjoyment of human rights (Algeria);
- Adopt a national plan of action for the implementation of the United Nations Guiding Principles on Business and Human Rights and establish mechanisms for its implementation (Switzerland);
- Complete the finalisation and implementation of the national plan of action on business and human rights (Bahrain);
- Finalise its national action plan on human rights and business (Kenya);
- Finalise the national action plan on business and human rights, and consider sharing best practices in that regard (Namibia);
- Finalise the national action plan on human rights and business (South Africa);
- Consider setting up a follow-up mechanism to implement the national plan of action on business and human rights (United Arab Emirates);
- Take all necessary measures to protect the lives of civilians, while fighting insurgency (Afghanistan);
- Ensure all operations by the military and security forces comply with international law and Nigeria's human rights obligations (Australia);

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- Mainstream human rights standards in counter-terrorism actions undertaken by security forces (Portugal);
 - Raise awareness of human rights, especially within the Government Forces involved in counter-insurgency operations, to avoid excessive use of force, extrajudicial killings and ill-treatment (Cyprus);
 - Strengthen civil-military cooperation in the fight against terrorism (Ethiopia);
 - Sustain ongoing efforts in ensuring respect for human rights in counter-terrorism operations (Lebanon);
 - Strengthen the fight against impunity, notably guaranteeing respect for rights in the fight against terrorism and law enforcement (France);
 - Pursue its efforts to fight terrorism (Egypt);
 - Redouble efforts to fight terrorism (Burundi);
 - Continue to strengthen effective measures against extremism and terrorism (Comoros);
 - Continue efforts in the context of the programme to combat violent extremism by giving particular attention to strengthening a culture of tolerance and moderation (United Arab Emirates);
 - Strengthen existing measures to better counter the spread of radicalisation in the country (Morocco);
 - Continue to redouble efforts in the fight against terrorism for the security of its population and those of neighbouring countries (Chad);
 - Continue with efforts to fight extremism and terrorism (Kuwait);
 - Continue to fight terrorism and extremism and create a safe and stable environment for the promotion and protection of human rights (China);

- Strengthen all efforts to address violent extremism (Guyana);
- Do not relent in its counter-terrorism operations, with the aim of finally ending the menace of terrorism in the country (Cameroon);
- Continue the implementation of measures and strategies to combat terrorism in order to ensure adequate protection of the population (Belarus);
- Review counter-terrorism laws and policies to ensure compliance with international standards, including international human rights and humanitarian law (Brazil);
- Take appropriate action to guarantee respect for human rights in the fight against terrorism, insurgency and other internal security operations, and to ensure that all perpetrators of violations are brought to justice (Bulgaria);
- Continue to mobilise resources and galvanise international support to address the humanitarian crisis occasioned by terrorist activities, especially in the northeastern part of the country (Pakistan);
- Reinforce victim protection services, taking into account the vulnerability of children and women facing terrorist groups' actions (Portugal);
- Abolish the death penalty (Cabo Verde);
- Consider the abolition of the death penalty (Romania);
- Abolish the death penalty, especially for persons under 18 years of age, and progressively reduce the number of crimes punishable by capital punishment, as previously recommended (Uruguay);
- Take concrete measures to introduce a *de jure* moratorium on the death penalty with a view towards its total abolition (Rwanda);
- Abolish the death penalty, adopt an immediate *de facto* moratorium and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (Portugal);

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- Implement a moratorium on the death penalty and take steps to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Republic of Moldova);
 - Introduce a moratorium on the death penalty with a view to abolishing it (Sweden);
 - Work towards the abolition of the death penalty (Holy See);
 - Consider abolishing the death penalty or introducing a moratorium on sentencing convicted persons to capital punishment (Hungary);
 - Consider speeding up the process that will lead to the abolition of the death penalty (Mozambique);
 - Formally establish a moratorium on executions and work towards the abolition of the death penalty, including through ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights (New Zealand);
 - Establish a moratorium on executions, commute all death sentences to terms of imprisonment and abolish the death penalty for all crimes (Iceland);
 - Establish a moratorium on executions with a view to the complete abolition of the death penalty and commute all existing death sentences (Liechtenstein);
 - Establish a moratorium on the use of the death penalty and step up national discussions on the question of its abolition (Mexico);
 - Restore the moratorium on the use of death penalty with a view to abolishing it (Italy);
 - Consider signing a moratorium on the death penalty (Greece);
 - Establish a formal moratorium on the death penalty as a step towards complete abolition of this practice (Australia);

- Renew the death penalty moratorium and as a next step, abolish capital punishment (Czechia);
- Sign a moratorium on execution of death sentences (Denmark);
- Institute a moratorium on the death penalty with a view to its abolition (France);
- Ensure that the moratorium on the death penalty is upheld at the federal and state levels with a view to abolishing the death penalty (Austria);
- Provide and implement measures to protect against violations of human rights committed by security forces in order to better protect the population (Belgium);
- Implement safeguards against human rights violations by the security forces and ensure that the perpetrators of violence, both State and non-State actors, are brought to justice (Ireland);
- Continue efforts to counteract violence and improve the security and protection of people in remote areas (Cape Verde);
- Take further measures in implementing its programme to counter violence (Turkmenistan);
- Continue to enact legislation to protect persons from violent crimes, especially children, women and the elderly (Bahrain);
- Ensure that enforced disappearance constitutes a crime in line with Nigeria's obligations under the International Convention for the Protection of All Persons from Enforced Disappearance and allow independent human rights investigators full access to investigate allegations of enforced disappearances and extrajudicial killings (Germany);
- Continue efforts aimed at developing a database of missing persons in Nigeria (Azerbaijan);
- Expand the inter-ministerial technical working group to develop a database of missing persons in Nigeria to include all relevant agencies (Guyana);

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- Create conditions conducive to preventing torture, including by creating a central database or register of all places of detention (Hungary);
 - Modify the law against torture to provide rehabilitation for victims (Chile);
 - Notify the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment as a State party to the Optional Protocol to the Convention against Torture of a national preventive mechanism for independent monitoring in all detention facilities (Czechia);
 - Establish a national preventive mechanism in accordance with the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Ukraine);
 - Speed up the implementation of the Nigerian Prisons and Correctional Service Bill (Georgia);
 - Implement the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) to improve conditions of detention and to end the ill-treatment of detainees (Switzerland);
 - Continue to strengthen the legal and institutional frameworks to improve the effectiveness, accessibility, accountability, transparency and fairness of the justice system (South Africa);
 - Continue to review and reform its criminal justice system so as to strengthen the rule of law in Nigeria (Singapore);
 - Invest in the training of its justice sector officials to remain current with the reforms in the criminal justice system (Singapore);
 - Further guarantee the impartiality and effectiveness of the judicial system (Afghanistan);
 - Make awareness-raising campaigns to rectify and promote social tolerance behaviour in order to contribute to overcoming difficulties facing the rule of law in the country (Iraq);

- Adopt measures to fight against impunity with an increased focus on Boko Haram's crimes (Portugal);
- Conduct prompt, thorough and independent investigations into allegations of violations of human rights and international humanitarian law committed by some government forces during counter-insurgency operations, and bring perpetrators to justice (Slovakia);
- Take concrete steps to remove all provisions that criminalize petty offences from both federal and state laws (Austria);
- Ensure greater access to justice for women and girls who are victims of violence (Gabon);
- Intensify efforts to eradicate impunity by strengthening accountability and the rule of law, particularly through monitoring, investigating and reporting on human rights abuses, and to ensure that all alleged perpetrators, in particular those affiliated with the official security forces, are brought to justice (Netherlands);
- Intensify efforts to enable women to gain access to justice by increasing gender awareness among judges and other court personnel (Liechtenstein);
- Ensure that the perpetrators of violence and crimes against children, as well as adults, are brought to justice (Holy See);
- Implement safeguards to prevent the sexual exploitation and abuse of vulnerable persons and hold those responsible accountable (United States of America);
- Investigate and punish those responsible for violations of human rights and international humanitarian law, for example attacks against schools, hospitals and protected persons, humanitarian actors and their organisations, and those who committed abductions of children, civilians and humanitarian actors (Argentina);

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- Investigate all reported cases of human rights violations by security forces, bring to justice suspected perpetrators, and ensure transparency, including by making public the report of the Presidential Panel to Review Compliance of the Armed Forces (Canada);
 - Continue the efforts to more effectively prevent human rights violations during the operations of its security forces and to bring all those suspected of criminal responsibility to justice (Republic of Korea);
 - Put in place effective mechanisms to investigate human rights violations committed by security forces, identify those responsible and bring them to justice (Switzerland);
 - Commit to releasing the findings from the Presidential Investigative Panel and the army-led Special Board of Inquiry and to holding perpetrators to account (Australia);
 - Make public the findings of the Presidential Investigative Panel, which investigated allegations of human rights violations by the military, to facilitate open analysis and scrutiny (United States of America);
 - Publish the reports about abuses committed by security forces and implement the recommendations, including the prosecution of those responsible for violence against civilians (Germany);
 - Make progress on investigating the military's compliance with human rights obligations (New Zealand);
 - Regarding recurring inter-communal violence, undertake effective and impartial investigations into massacres, bringing those responsible to justice and ensuring redress for victims (New Zealand);
 - Enforce a comprehensive "handover protocol" to ensure that detained children are promptly transferred to child protection actors (United States of America);

- Obey court orders for the release of Ibrahim and Zeenat El Zakzaky and hold accountable the perpetrators of the killing of 347 members of the Islamic Movement in Nigeria (United Kingdom of Great Britain and Northern Ireland);
- Protect the rights to freedom of association, expression and peaceful assembly for all Nigerians, regardless of ethnicity, religion, sexual orientation or gender identity (Australia);
- Protect and promote freedom of expression, association and peaceful assembly in order to create a safe and favourable environment for human rights defenders, journalists and civil society (Italy);
- Ensure that the fundamental rights to freedom of association and peaceful assembly are respected and protected for all Nigerians without distinction of any kind and in accordance with the Constitution (Canada);
- Ensure that the fundamental right to freedom of association and peaceful assembly is respected and protected for all Nigerians without distinction of any kind (Ireland);
- Protect and guarantee religious freedom and the rights of people of faith in Nigeria (Chile);
- Continue efforts to enhance dialogue among religious and ethnic groups and promote the enjoyment of the rights of freedom of religion or belief of minority groups in all regions of Nigeria (Holy See);
- Continue the measures to increase the freedom of religion and belief for all (Kenya);
- Create and maintain a safe and enabling environment for human rights defenders, including those working on environmental issues (Norway);
- Refrain from adopting legislative or policy steps that would restrict civil society space (Estonia);

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- Take further steps to deepen its democracy and expand the borders of its political arena containing every entity of its demographically rich society (Turkey);
 - Adopt legislation that includes special measures to increase the participation of women in political and public life (Chile);
 - Increase the number of women engaged in decision-making bodies to promote gender equality (Iraq);
 - During the preparation of the February 2019 general elections, respect the recommendations of previous election observation missions concerning equal political participation (Czechia);
 - Strengthen political and institutional safeguards to ensure free and fair elections and call upon all parties and the security forces to refrain from violence and intimidation and accept the results declared by the Independent National Election Commission (Germany);
 - Further consolidate the legal electoral framework in order to improve the inclusivity and transparency of the electoral process and equal political participation (Romania);
 - Fight against trafficking in human beings and slavery, especially of women and girls (Holy See);
 - Step up efforts to combat human trafficking, especially in women and children, inter alia, by enforcing the relevant 2015 Act (Greece);
 - Step up efforts to prevent and combat human trafficking (Lesotho);
 - Adopt more robust measures to address trafficking in persons, including by developing capacity for trafficking investigations and prosecutions (Indonesia);
 - Expedite efforts to establish a new national action plan on human trafficking (Sierra Leone);
 - Strengthen engagement between federal agencies and state governments to ensure greater coordination on issues of

human trafficking and modern slavery (United Kingdom of Great Britain and Northern Ireland);

- Continue with its commendable efforts to combat human trafficking (Cameroon);
- Continue investigations and trials concerning trafficking in persons and enact laws providing for suitable punishment for traffickers (State of Palestine);
- Continue to raise awareness about trafficking in human beings to prevent people from becoming trafficked and ensure that support is provided to victims (Austria);
- Step up its efforts to combat trafficking in persons, especially women and children, including by improving the practice of enforcing legislation (Belarus);
- Continue efforts to promote and protect the rights of the child, especially in relation to combating child trafficking (Maldives);
- Continue its efforts to combat trafficking in persons, female genital mutilation, early and forced marriages and sexual and gender-based violence (Gabon);
- Strengthen measures to prevent child trafficking and enhance social and economic welfare opportunities for the victims (Nepal);
- Take further measures to improve the socio-economic conditions of women, children and other vulnerable groups (Bhutan);
- Continue to strengthen social programmes in favour of the most vulnerable groups, especially women and children (Bolivarian Republic of Venezuela);
- Continue efforts to protect human rights to ensure their effective implementation by improving living conditions and achieving sustainable development in the country (Libya);
- Continue efforts to adopt a development policy to reduce poverty in the country (Yemen);

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- Intensify efforts to improve the well-being of all its citizens, especially the most vulnerable groups (Zimbabwe);
 - Continue the good work to guarantee access to adequate housing for all citizens (Bangladesh);
 - Continue to implement the 2017–2020 Economic Recovery and Growth Plan to promote sustainable economic and social development and improve people’s living standards (China);
 - Continue to take effective measures to assist the communities in need by providing health-care and education facilities and fostering the means for the creation of alternative livelihood options (Fiji);
 - Continue to work on the effective implementation of the second national plan for the development of the health system (2018–2022), especially to ensure coverage in rural and remote areas (Cuba);
 - Make continuous efforts to fully implement the second national plan for the development of health 2018–2022 with a view to attaining universal health coverage for all Nigerians and share good experience gained in this respect (Democratic People’s Republic of Korea);
 - Continue measures for ensuring universal health coverage (India);
 - Continue to invest in the health sector, to ensure access to basic health services (Lebanon);
 - Continue to implement policies to ensure the availability of healthcare providers to those living in rural and other difficult to access areas (Malaysia);
 - Make further efforts to improve the health-care system (Oman);
 - Further develop strategies, and ascertain the implementation of such, to ensure that all citizens regardless of status, gender or location have equal access to quality health care and education (Norway);

- Take specific steps to promote, protect and fulfil the sexual and reproductive rights of women and girls, which is especially important for those affected by the armed conflicts (Finland);
- Increase its efforts to reduce the high maternal and child mortality rates (Greece);
- Take steps to ensure a decrease of the maternal and child mortality rates (Estonia);
- Ensure free access to primary education (Qatar);
- Continue efforts to take all measures needed to guarantee mandatory education for all children (Saudi Arabia);
- Take appropriate actions to ensure that all children, regardless of their social status, have access to compulsory education (Slovakia);
- Improve the quality of education in rural areas and promote inclusive education, which guarantees gender equality in education (Algeria);
- Continue efforts made to improve the quality of education and fight school dropout (Tunisia);
- Continue and strengthen measures to ensure equal access to quality education for all, especially for girls (Djibouti);
- Take further measures to strengthen educational opportunities for girls (Lesotho);
- Further strengthen educational opportunities for girls and women (Maldives);
- Continue to improve the education sector to provide quality education to all its citizens (Lebanon);
- Continue implementation of the ongoing policies for the development of the education sector (India);
- Continue to improve the school environment and strengthen educational programmes to counter harmful traditional practices, in cooperation with international agencies such

as the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the United Nations Children's Fund (UNICEF) (Democratic People's Republic of Korea);

- Strengthen the school feeding programmes with local products, aimed at improving school enrolment rates, and raise the completion of studies at the primary level, improving the nutrition and health of children (Plurinational State of Bolivia);
- Provide further support for the school feeding programme, aimed at increasing enrolment (Oman);
- Continue to implement measures for the development of its education system, including expanding access to literacy programmes (Cuba);
- Increase efforts to combat all forms of discrimination against women, eradicating the practice of female genital mutilation, already prohibited by law, and ensuring that the law on sexual and gender-based violence is approved throughout the national territory (Uruguay);
- Continue to plan and to implement national strategies for the Sustainable Development Goals and adopt a plan to ensure the effective role of women in the implementation of these strategies (State of Palestine);
- Continue implementing measures to improve conditions for women (India);
- Redouble efforts in ensuring the protection of the rights of women and children (Indonesia);
- Continue efforts to eliminate discrimination against women and girls with disabilities and economic barriers in various fields, especially in access to healthcare, education and employment (Saudi Arabia);
- Pursue efforts to fight violence against women (Tunisia);
- Continue efforts to address violence against women and children, particularly in crisis-affected areas (Philippines);

- Ensure that the rights of women are respected, protected and fulfilled, including their rights to sexual and reproductive health, addressing discrimination through wife inheritance laws and eliminating child marriage (New Zealand);
- Improve the status of women and girls by enacting the National Gender Policy and implementing the Convention on the Elimination of All Forms of Discrimination against Women, the Maputo Protocol and the Child Rights Act (Canada);
- Continue the efforts aiming to improve the socio-economic conditions of women (Morocco);
- Take steps to ensure that rural women have the right of ownership of agricultural land equal to that of men (Hungary);
- Continue efforts to provide women with access to economic opportunities, such as through the Business Development Fund for women and the National Women Empowerment Fund (Malaysia);
- Protect and promote the rights of women and girls, including by enhancing reproductive health, ending harmful traditional practices and taking concrete measures against sexual and gender-based violence (Norway);
- Accelerate the repeal or modification of laws discriminating against women (Congo);
- Take strong legislative action to punish all forms of violence against women (Madagascar);
- Redouble its efforts, assigning human and financial resources to the institutions in charge of applying the law in order to remove the impunity that benefits the perpetrators of violence against women (Honduras);
- Ensure the full implementation of the Convention on the Elimination of All Forms of Discrimination against Women (Brazil);

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- Adopt concrete measures to eliminate gender discrimination and violence against women (Iceland);
 - Ensure effective protection from violence against women (Argentina);
 - Step up action to prevent violence and discrimination against women (Cabo Verde);
 - Step up efforts in raising awareness among religious and traditional leaders, and the population in general, of the criminal nature of female genital mutilation and other traditional practices (Argentina);
 - Strengthen implementation of the laws to abolish female genital mutilation (Guyana);
 - Strengthen the efforts to alleviate harmful traditional practices affecting the human rights of women and children (Ethiopia);
 - Engage in awareness-raising on the criminal nature of female genital mutilation and its negative impact on women (Côte d'Ivoire);
 - Give continuity to programmes to ensure the economic empowerment of women, such as the initiatives of the Business Development Fund for Women, with an emphasis on rural areas (Plurinational State of Bolivia);
 - Intensify efforts to facilitate women's economic empowerment, particularly in rural areas (Bulgaria);
 - Continue to develop concrete programmes in accordance with the relevant international instruments, to put an end to traditional and religious practices that contradict the development and well-being of children, especially girls (Angola);
 - Implement further measures to end the practice of recruitment and the use of children in military operations (Belarus);
 - Ensure that the law on the rights of the child is adopted and applied in the states that have not yet done so (Belgium);

- Accelerate its measures to eradicate violence against children (Japan);
- Continue efforts to eradicate forced and early marriages of children, which have a negative impact in terms of economy and health for those concerned (Burundi);
- Double its efforts to ensure that the 2003 law fixing the minimum age of marriage at 18 years is extended and effective in the 36 states (Central African Republic);
- Continue with the legal, administrative and policy measures to completely eradicate early and child marriages (Kenya);
- Unify the age of marriage in all states in order to eradicate child, early and forced marriage, both in law and in practice (Sierra Leone);
- Intensify actions to end child marriage and ensure that the Child Rights Act is applied at the national level (Spain);
- Continue efforts to promote the rights of children and combat child marriage in accordance with the national strategy 2017–2021 to end child marriage (Tunisia);
- Intensify efforts to protect and promote the rights of children against all forms of violence and discrimination, in particular by preventing and combating child, early and forced marriages (Italy);
- Continue efforts to provide qualitative and accessible education and health care for all children (Nepal);
- Continue efforts to ensure greater effectiveness in protecting children against trafficking, sexual exploitation and military recruitment (Cabo Verde);
- Step up efforts to implement the National Disability Bill (Georgia);
- Continue working on implementing the rights of persons with disabilities (Jordan);

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- Take measures by which women and girls with disabilities facing physical and economic barriers in various fields gain, with no restrictions, access to health care, education and employment (Serbia);
 - Involve persons with disabilities in the preparation of the draft national law on disability and in the establishment of the national commission for persons with disabilities (Qatar);
 - Maintain the positive dynamics of granting internally displaced persons equal political participation (Azerbaijan);
 - Ensure that the rights of all migrant workers and members of their family are respected and guaranteed by a legislative framework (Madagascar);
 - Ensure the protection of women and children from all forms of abuse and exploitation in internally displaced persons' camps (Montenegro);
 - Take further measures to fulfil its obligations under the Convention on the Elimination of All Forms of Discrimination against Women and Security Council resolution 1325 (2000) to protect women from sexual violence in internally displaced persons' camps and ensure that allegations of misconduct are investigated and brought to justice, and, in this context, establish an oversight mechanism for security forces that meets with international human rights standards (Sweden);
 - Ensure equality in the transmission of nationality between men and women (Central African Republic).



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