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Overview

The large Nigerian delegation was headed by the Minister of Foreign Affairs, Mr Ojo Uma Maduekwe. In addressing some of the issues, Mr Maduekwe was assisted by Mr Micheal Kaase Aondoakaa, the Minister of Justice and the Attorney-General. The delegation was composed of representatives from the Ministry of Foreign Affairs, the National Assembly, the police, the prison service, and other ministries. The delegation provided responses to the advance written questions submitted. However, it mostly delivered vague responses to issues raised during the dialogue.

The review of Nigeria attracted the interest of many States with a total of 60 States, especially African countries, wanting to speak. Regrettably, the recommendations presented were mainly vague and impractical, calling on Nigeria to 'consolidate its efforts' and 'to implement more measures' on certain issues. Nonetheless, a number of criticisms were also raised, particularly with regard to extra-judicial killings, the death penalty, rights of detainees, and discrimination against women. Most of the critical comments were made by European countries, whereas most African States only made laudatory remarks.

Nigeria was rather defensive in responding to the questions and comments. It often referred to the existence of domestic mechanisms, without providing more detailed information. Time constraints also played a detrimental role. Spending around 40 minutes in its opening remarks, Nigeria was left with only 20 minutes to answer questions, which meant that several questions were barely touched upon.

General information on Nigeria

- Nigeria is a member of the Human Rights Council until June 2009.¹
- The members of the troika for the examination of Nigeria were Japan, Djibouti and Switzerland.²
- Nigeria held a national consultation in Abuja on 3-4 November 2008 with various stakeholders to discuss every human rights issue. In the opening statement, Mr Maduekwe expressed the intention to carry out such consultations annually.

¹ <http://www2.ohchr.org/english/bodies/hrcouncil/>

² Nigeria did not request that a member of its regional group be among its troika. There were no objections by Nigeria or by the members of the troika to the selection. For a full summary of the selection of troikas, see ISHR's *Daily Update* of 8 September 2008, available at www.ishr.ch.

Information submitted to the Working Group

The **national report** of Nigeria³ provides a very limited view on the human rights situation in the country. It mainly focuses on the international treaties ratified and relevant domestic legislation and institutions. The report lacks the analysis of the actual implementation of human rights. However, it briefly includes certain issues considered by the national consultative forum that illustrate the major problems in Nigeria. The issues covered are: extra-judicial killings and torture; death penalty; same-sex marriage; harmful traditional practices; detention centres and prison conditions; human rights of women and children; the situation in the Niger Delta; and economic, social and cultural rights.

The OHCHR **compilation of UN information**⁴ focuses on: the occurrence of impunity,⁵ torture, cruel, inhuman and degrading treatment,⁶ death penalty and extrajudicial killings,⁷ and trafficking and violence against women.⁸ While several treaty bodies commended the efforts made by the Government, grave concerns were still expressed about the issues described above.

Ten other stakeholders, including nine non-governmental organisations (NGOs), submitted information for the OHCHR **summary of stakeholders' information**.⁹ In line with the UN information, the major issues highlighted were: torture, cruel, inhuman and degrading treatment¹⁰ as well as extrajudicial killings.¹¹ Other core issues included poor access to justice and impunity,¹² substandard prison conditions,¹³ and the inappropriate application of *Sharia* law.¹⁴

Interactive dialogue¹⁵

Presentation by the State

Nigeria underlined its commitment to improve the enjoyment of human rights, despite its lack of resources and recent history as a military dictatorship. Nigeria stated its support for the role of the civil society, including in the preparation of its national report. Nigeria also declared that it will continue its cooperation with the international mechanism, including the Human Rights Council.

³ A/HRC/WG.6/4/NGA/1. The document is available at www.ohchr.org/EN/HRBodies/UPR/Pages/Documentation.aspx.

⁴ A/HRC/WG.6/4/NGA/2, available at www.ohchr.org/EN/HRBodies/UPR/Pages/Documentation.aspx.

⁵ Special Rapporteur on extrajudicial, summary or arbitrary executions, Special Representative of the Secretary-General on human rights defenders, and Committee on the Elimination of Racial Discrimination (CERD) at para.32-34.

⁶ Common Country Assessment (CCA), Special Rapporteur on the question of torture, Special Rapporteur on freedom of religion or belief, and Committee on the Rights of the Child (CRC) at para.24-25.

⁷ Special Rapporteur on extrajudicial, summary or arbitrary executions, CRC, and CERD at para.21-23.

⁸ Committee on the Elimination of Discrimination against Women (CEDAW), CRC, CCA, and CERD at para.14, 26-27, 29.

⁹ A/HRC/WG.6/4/NGA/3, available at www.ohchr.org/EN/HRBodies/UPR/Pages/Documentation.aspx.

¹⁰ Christian Solidarity Worldwide (CSW) and Human Rights Watch (HRW).

¹¹ HRW, Commonwealth Human Rights Initiative (CHRI), and Reporters Without Borders (RSF),

¹² National Human Rights Commission (NHRC), HRW, Joint Statement of Constitutional Rights Project, Access to Justice, Nigerian Bar Association, CLEEN Foundation, Institute for Human Rights and Humanitarian Law, and BAOBAB for Women's Human Rights (JS1), and Joint Statement of the Civil Liberties Organization and the International Federation for Human Rights (JS2).

¹³ CHRI, NHRC, and JS1.

¹⁴ HRW and CSW.

¹⁵ Most statements made at the UPR Working Group can be found at <http://portal.ohchr.org/portal/page/portal/UPR>. Fill in the form at www.ohchr.org/english/bodies/hrcouncil/form.htm to receive username and password. Audiovisual archives of the meetings of the Working Group 'webcast' are available at www.un.org/webcast/unhrc/index.asp.

Generally, the opening remarks were informative by providing new data and responses to the advance written questions. In this regard, Nigeria announced its recent ratification of a number of human rights instruments.¹⁶ With regard to the advance questions, Nigeria clarified that *Sharia* law is rarely applied; that it is respecting a ‘self-imposed’ moratorium on the death penalty; and that it does not approve of extrajudicial killings by its police. Nigeria also denied the existence of problems related to the rights of lesbian, gay, bisexual and transgender (LGBT), and asserted that no LGBT NGOs were registered in the country.

Themes and issues

A considerable number of States commended Nigeria on its remarkable efforts and progress, especially with regard to its legal framework and national mechanisms for the promotion and protection of human rights.¹⁷ On the other hand, significant concerns were expressed about the use of the death penalty, extrajudicial killings, substandard detention facilities, torture, and discrimination against women. With regard to **death penalty**; many States welcomed the ‘self-imposed moratorium’ but urged Nigeria to formalise it and subsequently to abolish death penalty altogether.¹⁸

With regard to **extrajudicial killings**; Nigeria declared that it does not approve any acts depriving persons of their right to life.¹⁹ In this regard, Nigeria acknowledged the prevalence of sporadic acts of extrajudicial killings. However, it claimed that it applies a ‘zero tolerance policy’ to all perpetrators, regardless of their official position. On this issue, Germany recommended the enactment of legislation, while several others underlined the importance of taking immediate measures to address this problem.²⁰

With regard to **substandard detention facilities and torture**; focus was on overcrowding in detention centres,²¹ prevalence of arbitrary and prolonged detention,²² shared detention centres for children and adults,²³ and access to legal assistance for detainees.²⁴ Various recommendations were made, namely to: prevent the use of torture or other forms of ill-treatments,²⁵ improve prison conditions,²⁶ reform the penitentiary system,²⁷ and provide separate juvenile prisons.²⁸ In this connection, Belgium asked about the follow-up to several visits made by the special procedures.²⁹ Nigeria asserted that prisons are not congested and that more prisons are being built. Aware of the large number of detainees, Nigeria added that it provides free legal aid for detainees and that it has established a complaint procedure for anyone held for more than 24 hours.

¹⁶ On 19 January 2009, the President of Nigeria signed the accession instrument to the followings: *International Convention on the Protection of Rights of All Migrant Workers and Members of Their Family* (ICRMW), *International Convention for the Protection of All Persons from Enforced Disappearance* (CED), *Convention on the Prevention and Punishment of the Crime of Genocide* (CPPG), and *Optional Protocol to the Convention against Torture* (OP-CAT).

¹⁷ Algeria, Burkina Faso, Chad, Cote D’Ivoire, Ghana, Morocco, Senegal, Sudan, Brazil, Cuba, Ukraine, Venezuela, Indonesia, Pakistan, Vietnam.

¹⁸ Sweden, Turkey, New Zealand, Italy, Argentina, Slovakia, Brazil, Mexico, Holy See, Netherlands, United Kingdom.

¹⁹ Statement made by Mr Maduekwe during his opening remarks.

²⁰ United Kingdom, Portugal, Slovakia.

²¹ Austria.

²² Belgium, Portugal.

²³ Austria.

²⁴ Austria.

²⁵ Ukraine, Netherlands, Ireland.

²⁶ France, Austria, Germany.

²⁷ Austria, Belgium, Mexico.

²⁸ Austria.

²⁹ The Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on freedom of religion and belief visited in 2005. The Special Rapporteur on torture, cruel, inhuman or degrading treatment or punishment visited in 2007. Full text of the reports may be obtained from <http://www.ohchr.org/EN/countries/AfricaRegion/Pages/NGIndex.aspx>.

With regard to **discrimination against women**; particularly on violence and trafficking; concerns were raised about the prevalence of female genital mutilation (FGM),³⁰ the law allowing wife battery in Northern Nigeria,³¹ and trafficking.³² Unfortunately, despite the gravity of this issue, the recommendations were very vague and merely called for ‘implementation of full measures’ or ‘to combat trafficking’ and to ‘continue awareness raising campaigns’.³³ Nigeria did not address this issue in detail.

Furthermore, Nigeria’s **cooperation with the international human rights mechanisms** was also highlighted. Nigeria was commended for its positive role in the Human Rights Council³⁴ and its high level of ratification of human rights treaties.³⁵ Brazil urged Nigeria to ratify the two Optional Protocols to the *Convention on the Rights of the Child* as well as to further incorporate the rules set under both the *International Convention on the Elimination of All Forms of Racial Discrimination* and the *International Convention on the Elimination of Discrimination against Women*. Further, Nigeria was recommended to implement recommendations of the Committee on the Rights of the Child³⁶ and to issue a standing invitation to all special procedures.³⁷ In response to this, Nigeria stated that it is willing to cooperate with the Council, including facilitating visits to mandate holders. However, it did not explicitly confirm the issuance of a standing invitation.

Other issues addressed during the review included: the recommendation to abrogate the newly-passed same sex marriage bill,³⁸ the conflict in the Niger Delta,³⁹ measures to fight against HIV/AIDS,⁴⁰ freedom of religion,⁴¹ and formulation of requests for technical assistance to achieve the Millennium Development Goals.⁴²

Adoption of the report

The adoption of the report went smoothly with the troika commending Nigeria for the constructive dialogue during the review. Further, it resulted in 32 recommendations to Nigeria. Only two proposed technical amendments by Algeria were raised, followed by the adoption of the report by consensus. In response to the recommendations submitted, Nigeria affirmed that efforts will be made to implement such recommendations, including in observing and examining the legal obstacles faced by the Government. Nigeria will provide its formal response to each of the recommendations before the adoption of the report by the Council in June 2009.

³⁰ Italy, Ireland.

³¹ Ireland.

³² Democratic Republic of Congo, Indonesia, Ireland, Saudi Arabia.

³³ Netherlands, France, Ireland, Angola, Austria.

³⁴ Chad, Canada, China, Norway, Holy See, Mauritius.

³⁵ Norway.

³⁶ Netherlands.

³⁷ Ukraine, Mexico, Norway, Angola.

³⁸ United Kingdom, Finland, Canada.

³⁹ Pakistan, United Kingdom,

⁴⁰ Germany, Iran, Pakistan, Brazil, Burkina Faso, Botswana,

⁴¹ Holy See, Poland.

⁴² Senegal, Algeria, Brazil, Sudan, Pakistan, Iran.

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