

Overview of Nigeria's 2nd Universal Periodic Review National Report



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INTRODUCTION

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.²

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 is faithfully reflected in the national report.

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.³

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. Consequently, although 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 are no ethical limits to the allegations that NGOs can make against sovereign States in the UPR process.

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² Human Rights Council, Eleventh Session (2009) Agenda Item 6, Universal Periodic Review A/HRC/11/26

³ 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

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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.

NORMATIVE AND INSTITUTIONAL FRAMEWORKS

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

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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.

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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.

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, 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

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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, 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 of 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), 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.

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.

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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 Commission 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

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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.

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 have been domesticated by the National Assembly as the Child Rights Act (2003). Also the number of States that have passed parallel children rights laws has grown from one to 21 since the last CRC's mission to Nigeria, while the remaining States are 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 cultic 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 Health Care Development Agency (NHCD), 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 for 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,

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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.

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 of 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.

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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 11 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.

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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 is 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.

CONCLUSION

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.

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