

STATEMENT ON THE UPR 45 PRE-SESSION ON THE FEDERAL REPUBLIC OF NIGERIA

**OF AMNESTY INTERNATIONAL NIGERIA
28 NOVEMBER 2023, GENEVA**

Amnesty International is a global movement of more than 10 million people in over 150 countries and territories who campaign for a world where human rights are enjoyed by all.

The submission focuses on addressing enforced disappearances, torture, impact of oil industry on human rights, and gender-based violence.

Enforced Disappearances

Nigeria supported 3 recommendations in 2018 from Germany, Azerbaijan and Guyana to -

- end enforced disappearances
- develop a database of missing persons in Nigeria
- allow independent human rights investigators full access to investigate allegations of enforced disappearances

Enforced disappearances still prevalent in response to the activities of -

- IPOB in southeast Nigeria
- Boko Haram in the Northwest
- **Still no official database of missing persons**
- **Justice for victims and their families remains elusive**

Recommendations - Enforced Disappearances

- **Ensure that enforced disappearance constitutes a criminal offence in line with Nigeria's obligations under the Convention for the Protection of All Persons from Enforced Disappearance.**
- **Ensure that all detainees suspected of a crime are brought before a court of law within 24 or 48 hours where so required by the Nigerian Constitution, and in all cases within no more than a few days as required under Article 9(3) of the International Covenant on Civil and Political Rights, as interpreted by the Human Rights Committee.**

Recommendations - Enforced Disappearances

- **Make enforced disappearance, either committed by state agents or armed non-state actors, criminal under national law and punishable by appropriate penalties which take into account its extreme seriousness.**
- **Make sure survivors and people who have lost their loved ones receive reparation – this includes compensation, rehabilitation, restitution and a guarantee that it won't happen again.**

Torture

Nigeria Supported 8 recommendations from Cyprus, Spain, Ukraine, Czechia, Hungary, Chile, Niger and Switzerland to:

- prevent torture and other ill-treatment
- establish a national torture preventive mechanism for independent monitoring in all detention facilities
- create a central database of all places of detention

✓ Torture criminalized under Anti-Torture Act (2017)

Torture and other ill-treatment has remained pervasive in Nigeria.

- Amnesty International documented over 82 cases of torture by the Special Ant-Robbery Squad (SARS) unit of the Nigeria police
- Major police stations include “torture chambers”, “O/C Torture” or the “Officer in Charge of Torture”

Recommendations - Torture

Amnesty International calls on the government of Nigeria to:

- Ensure that the Anti-Torture Act is implemented fully and effectively across Nigeria and issue a clear public directive to all members of the police, military and other security forces, that torture and other ill-treatment will not be tolerated under any circumstances.
- Promptly, thoroughly and impartially investigate all allegations of torture and other ill-treatment and bring anyone suspected to be responsible to justice in a fair trial without recourse to the death penalty.
- Ensure that statements and other information or materials obtained through torture and other ill-treatment are not used as evidence in courts. And include such prohibitions in professional training programmes for police, soldiers, judges, prosecutors and lawyers.
- End the practice of incommunicado detention and ensure that all detainees have access to their family, a lawyer and doctor immediately after their arrest and regularly throughout the period of their detention or imprisonment

Recommendations – Torture

- Ensure that the interrogation of all suspects and detainees takes place in the presence of a lawyer and that all statements and questions be recorded in writing or electronically.
- **Ensure that victims of torture and other ill-treatments are able to obtain prompt and adequate reparation from the state, including restitution, fair and adequate financial compensation and appropriate medical care, health services and rehabilitation.**
- Ensure that the National Committee on Torture is adequately empowered and funded to carry out its functions including conducting periodic visits and inspections of places of detention. The Committee must have access to all places of detention - military detention facilities, so-called 'preventive' detention centres, the premises of the security services and all prisons. During inspections, the Committee must be able to interview detainees in private. Inspection reports must be published.

Impact of oil industry on human rights

Nigeria supported 1 recommendation from the Republic of Korea to take effective measures to assist the communities suffering from environmental damage across the Niger Delta due to oil spills.

- Epidemic of oil spills continue to impact on the human rights and livelihoods of Niger Delta communities: People living in the affected Niger Delta communities –
 - drink, cook with, and wash in polluted water
 - eat fish contaminated with oil and other toxins
 - farmlands has been contaminated
 - the air they breathe reeks of oil, gas and other pollutants
- In 2021, Shell announced its plans to sell its onshore oilfields and assets in the Niger Delta after 60 years of highly profitable operations in the area.

Recommendations- Impact of oil industry on human

- Take steps necessary to address the negative environmental and human rights impacts of oil pollution in the Niger Delta region. As a matter of urgency these should include health monitoring of affected communities, improvements in health care facilities and a survey of drinking water and food sources in case of contamination by hydrocarbons. The results should be made public.
- **Effective clean-up of the oil pollution and adequate compensation for those whose livelihoods have been devastated and whose health has been harmed.**
- Require oil operators to take all reasonable actions to prevent sabotage of oil pipelines and oil theft and impose effective penalties on those that fail to do so. If companies fail to take reasonable measures, then make them liable for compensating affected communities.

Recommendations- Impact of oil industry on human

In exercising its oversight of Shell's divestment, the Nigerian government must:

rights

- Protect and respect the human rights of its citizens, including their right to an adequate standard of living, water, health, and the right to access to effective remedy for people whose human rights have been infringed.
- Ensure that Shell's divestment does not limit Shell's liabilities without a full investigation into and remediation of all existing pollution, the maintenance and repair of existing pipelines, and the protection of pipelines from sabotage.
- Require that any purchaser be adequately capitalized to meet these requirements and given the uncertainty of the cost, consider requiring Shell to remain as guarantor should funding be insufficient.
- Ensure that all relevant stakeholders, most importantly the affected communities, be engaged in the process and that their concerns are solicited and incorporated into the final decision.

Gender-based violence

Nigeria supported over nine recommendations from Spain, Netherlands, Rwanda, Cyprus, Estonia, Canada, Congo, Finland), Madagascar and Guyana to:

- enact the Gender and Equal Opportunities (GEO) Bill
- implement the Violence Against Persons (Prohibition) (VAPP) Act, 2015 in all the states

✓ Thirty-four states have domesticated the Act.

Violence against women and girls remains pervasive -

- an upsurge in reports of rape across Nigeria since 2018
- The Nigeria police recorded 717 incidents of rape between January and May 2020.
- In 2020, NHRC noted having received 11,200 reported cases of rape in 2020.
- Between April and June 2023, the Nigeria Police (Lagos Command) recorded 111 sexual assault cases.
- **The GEO bill is yet to be passed into law.**

Recommendations - Gender-based violence

- Respect, protect, promote and fulfil the human rights of everyone, including women and girls.
- Enact the Gender and Equal Opportunities Bill by ensuring it is immediately referred to the Committee stage, third reading and passage into law.
- Domesticate the Violence Against Persons Prohibition Act in states yet to do so and ensure effective implementation of these laws across Nigeria
- Ensure the speedy domestication of the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol).
- Ensure that all reported cases of violence against women are thoroughly, promptly, and impartially investigated and perpetrators are held accountable.
- Repeal existing discriminatory laws and follow up with a concrete implementation and enforcement framework.

Key Amnesty International Documents For Further Reference

Nigeria: “Negligence in the Niger Delta: Decoding Shell and Eni’s poor record on oil spills”, 16 March 2018, [amnesty.org/en/documents/afr44/7970/2018/en/](https://www.amnesty.org/en/documents/afr44/7970/2018/en/)

Nigeria: “Time to End Impunity: Torture and Other Violations by Special Anti-Robbery Squad (SARS)”, 26 June 2020, <https://www.amnesty.org/en/wp-content/uploads/2021/05/AFR4495052020ENGLISH.pdf>

Amnesty International Report 2020/1: The state of the world's human rights, 7 April 2021, [amnesty.org/en/documents/pol10/3202/2021/en/#](https://www.amnesty.org/en/documents/pol10/3202/2021/en/#)

Nigeria: “Killing of #EndSARS protesters by the military must be investigated”, 21 October 2020, [amnesty.org/en/latest/press-release/2020/10/killing-of-endsars-protesters-by-the-military-must-be-investigated/](https://www.amnesty.org/en/latest/press-release/2020/10/killing-of-endsars-protesters-by-the-military-must-be-investigated/)

Nigeria: “A harrowing journey: Access to justice for women and girls survivors of rape in Nigeria”, 17 November 2021, [amnesty.nl/content/uploads/2021/11/NIGERIA-A-HARROWING-JOURNEY-Full-Report.pdf?x56562](https://www.amnesty.nl/content/uploads/2021/11/NIGERIA-A-HARROWING-JOURNEY-Full-Report.pdf?x56562)

Nigeria: “*Failure to tackle rape crisis emboldens perpetrators and silences survivors*”, 17 November 2021

<https://www.amnesty.org/en/latest/news/2021/11/nigeria-failure-to-tackle-rape-crisis-emboldens-perpetrators-and-silences-survivors/>

Key Amnesty International Documents For Further Reference

Amnesty International Report 2021/2: The state of the world's human rights, 29 March 2022, [amnesty.org/en/documents/pol10/4870/2022/en/](https://www.amnesty.org/en/documents/pol10/4870/2022/en/)

Nigeria: "Nigeria must show genuine commitment to ending enforced disappearances" , 30 August 2022, [amnesty.org.ng/2022/08/30/nigeria-must-show-genuine-commitment-to-ending-enforced-disappearances/](https://www.amnesty.org.ng/2022/08/30/nigeria-must-show-genuine-commitment-to-ending-enforced-disappearances/)

Nigeria: "Two years on, more than 40 #EndSARS protesters still languishing in jail", 20 October 2022, [amnesty.org/en/latest/news/2022/10/nigeria-two-years-on-more-than-40-endsars-protesters-still-languishing-in-jail/](https://www.amnesty.org/en/latest/news/2022/10/nigeria-two-years-on-more-than-40-endsars-protesters-still-languishing-in-jail/)

Nigeria: "Nigeria: Shell must clean up devastating oil spills in the Niger Delta", 2 February 2023, [amnesty.org/en/latest/news/2023/02/nigeria-shell-oil-spill-trial/](https://www.amnesty.org/en/latest/news/2023/02/nigeria-shell-oil-spill-trial/)

Amnesty International Report 2022/3: The state of the world's human rights, 27 March 2023, [amnesty.org/en/documents/pol10/5670/2023/en/](https://www.amnesty.org/en/documents/pol10/5670/2023/en/)

Nigeria: Three years after #EndSARS at least 15 protesters languish in Lagos jail, 20 October 2023, <https://www.amnesty.org/en/latest/news/2023/10/nigeria-three-years-after-endsars-at-least-15-protesters-languish-in-lagos-jail/>