



# General Assembly

Distr.: General  
30 July 2013

Original: English

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## Human Rights Council

Working Group on the Universal Periodic Review

Seventeenth session

Geneva, 21 October–1 November 2013

### **National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21\***

**Nigeria**

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## **I. Background**

1. The report presents efforts by Nigeria to fulfill its voluntary commitments and recommendations accepted during the Universal Periodic Review (UPR) First Cycle in 2009.
2. Nigeria accepted 30 (thirty) clusters of recommendations out of the 32 from the First Cycle. In order to ensure the simplicity of this report and better understanding of government's efforts in addressing the concerns of the recommendations, they are grouped into twenty-four clusters to be found in section D of the report.
3. The report also presents significant developments, achievements and challenges on the implementation of Nigeria's voluntary commitments and the recommendations accepted in the first cycle of the review.

### **Methodology and consultation process**

4. The Government of Nigeria constituted an inclusive National Committee on Universal Periodic Review (UPR), under the chairmanship of the Solicitor-General of the Federation, which adopted a participatory approach in producing this report. The committee, which is made up government officials and representatives of the civil society, made extensive consultations with relevant stakeholders from the various tiers of governance 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.

## **II. Nigeria's voluntary commitment to the Human Rights Council**

5. Nigeria has 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 regional and international levels to promote and protect human rights.
6. With regard to strengthening the National Human Rights Commission, Nigeria has fulfilled this commitment 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.
7. 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.
8. Nigeria is working assiduously towards signing and ratifying the United Nations human rights instruments and protocols to which it is not yet a party.

### III. Developments since the first review

#### Constitutional review

9. Determined 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)<sup>1</sup> to enable it perform optimally, as well as enhance the electoral processes.<sup>2</sup> The amendments to the constitution and INEC's autonomy contributed significantly in making the 2011 General Elections of Nigeria free, fair and credible.

10. Section 285 of the Constitution<sup>3</sup> 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 from 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 has been the speedy disposal of election petitions and avoidance of unnecessary distractions to governance often occasioned by delay in disposing election petitions. The Supreme Court of Nigeria has further affirmed, clarified and reinforced these amendments through various judicial pronouncements and declarations.

11. Section 254 of the Constitution was also 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, including health, safety, welfare of employees and workers.<sup>4</sup> The court has been established and is promoting and protecting the rights of employees through its decisions.

#### Economic transformation blueprint

12. The Nigerian Government has continued to sustain a rights-based approach to economic management that is pro-poor and gender sensitive. This is contained in the economic transformation blueprint tagged Nigeria's Vision 20:2020. It is a long term plan for stimulating Nigeria's economic growth and launching the country on to 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.<sup>5</sup>

13. In specific context, the vision provides, among others, a strategic framework for guaranteeing the well-being and productivity of Nigerians including 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 and fostering a culture of recreation and entertainment for enhanced productivity.<sup>6</sup>

14. Nigeria is committed to ensuring that respect for all persons irrespective of race, class, disability or gender is guaranteed.<sup>7</sup> Gender equality and women empowerment are basic human rights that form part of Nigeria's Vision 20:2020 and the Transformation Agenda of Government. 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. There are

various gender related bills, currently pending in the National Assembly and government is deploying resources to expedite their passage into law.<sup>8</sup>

### **Housing and urban development**

15. The Government of Nigeria has shown commitment to improving access to affordable housing through legal and policy frameworks including mortgage financing, and recapitalization of the Federal Mortgage Bank of Nigeria, and through Public Private Partnership (PPP) housing estate schemes. These frameworks and the PPP initiatives have produced a quantum leap in the number of prototype housing units constructed from 25.49% to 151.17% between 2011 and 2012.

### **Justice sector reform**

16. 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. These reforms also affect appointments, promotion and discipline of Judicial Officers, Case Flow Management, and Evidence Law.

17. The FJSRCC, in collaboration with other stakeholders in the justice sector, undertook a comprehensive review of the Nigerian Prisons Standing Orders, developed the Child Rights Act (Enforcement Procedure) Rules. It is currently facilitating the development of National Prosecution Policy, enforcement of fundamental human rights, and Alternative Dispute Resolution (ADR) system, among other reform initiatives. Today, the Nigerian judiciary features many female Justices and a female Chief Justice of the Federation has been appointed for the first time.

18. The Administration of Criminal Justice Bill is before the National Assembly. The bill is intended to institutionalize 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. Various State Governments are also reforming their justice systems.

### **Right to sustainable environment**

19. Section 20 of the 1999 Constitution, as amended, guarantees the right to a sustainable environment. It is also mainstreamed into the socio-economic development of Nigeria within the framework of the national Transformation Agenda. The initiatives to support these objectives include:

a) 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;

b) Instituting mechanisms for monitoring national waste management and pollution and establishing pollution monitoring stations across the country;

c) Adopting an integrated and multi-sectoral approach to the implementation of national environmental policies, programmes and international conventions;

d) Inventorising and remediating past oil pollution-impacted areas in the Niger Delta region. 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 for effective and prompt response to environmental emergencies.

### Security challenges

20. Nigeria is experiencing the impact of externally-induced internal security challenges manifesting in the activities of militant insurgents and organized crime groups which has led to the violation of the human rights of many Nigerians. To address the problem, the Government has 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 authorization to utilize rights-based “Rules of Engagement” and “Operational Plans” in combating the insurgency. However, Government has kept open communication channels through the activities of a Presidential Committee on Security Challenges towards working out a peaceful resolution of the crisis. Meanwhile, Government has already proscribed *Boko Haram* as well as the *Jamā'atu Anṣārīl Muslimīna fī Bilādis Sūdān* and stipulated a 20-year jail term for anybody who aids or sponsors them in any manner whatsoever. The Government has also put in place an amnesty programme to dissuade terrorists and other extremists from violence.

21. The Government has taken other measures to improve security, including:

- a) Enactment of the Terrorism Prevention Act 2011 and its subsequent amendment in 2013 to broaden the scope of its application.
- b) Development of a Counter Terrorism Strategy and creation of crisis management centre in the office of the National Security Adviser.
- c) Coordination of enhanced capacity building for all security and intelligence outfits at both the strategic and tactical levels.
- d) The National Security Adviser coordinates efforts among the security and intelligence agencies to ensure protection of the human rights of all persons in counter terrorism operations. Human rights standards have been incorporated in the training curricula of all operatives.
- e) Coordination of a security awareness programme for ministers and other functionaries of government.

## IV. Implementation of accepted recommendations in the first cycle of the review

### Recommendation 1 (Fast-track the process of accession to human rights instruments to which it is not party yet)

22. Nigeria has ratified the following 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<sup>9</sup> and the Optional Protocol on the Involvement of Children in Armed Conflict.<sup>10</sup>

23. Nigeria is 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.

**Recommendation 2 (Accelerate the process of passing into law various human rights bills before the National Assembly)**

24. The executive arm of government has engaged 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.

25. The Government is making efforts to ensure the enactment into law pending human rights related bills before the National Assembly within the tenure of this administration as a demonstration of its commitment to the promotion and protection of human rights in Nigeria.

**Recommendation 3 (Strengthen human rights institutions)**

26. Government has made 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.

27. The National Human Rights Commission (Amendment) Act, 2010<sup>11</sup> strengthens the independence of the Commission in the conduct of its affairs and in its funding. Also, the awards and recommendations of the Commission are now recognised as decisions of High Court.<sup>12</sup> In exercising its functions and powers under the amended Act, the Commission is not subject to the direction or control of any authority or person.<sup>13</sup>

28. In its bid to 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.

29. The Nigerian Law Reform Commission 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 form of advice to Ministries, Departments and Agencies on the guidelines for implementation of the Freedom of Information Act 2011.<sup>14</sup>

30. Nigeria repealed and re-enacted the Legal Aid Act in 2011. The new Act has broadened the scope of the mandate of the Legal Aid Council to utilize 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 Centers in the Secretariat of the 768 local government areas in the country and the six area councils of the Federal Capital Territory.<sup>15</sup>

31. Government has 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,<sup>16</sup> decongest the prisons and provide access to justice for indigent citizens.

**Recommendation 4 (Amend the National Human Rights Commission Act to encourage the Commission to regain its “A” rating)**

32. Nigeria has fully implemented this recommendation by amending the National Human Rights Commission Act in 2010 which has enabled it to regain its ‘A’ rating in 2011 at the International Coordinating Committee of National Human Rights Institutions.

**Recommendation 5 (Institutionalize the National Consultative Forum)**

33. The process of institutionalizing the National Consultative Forum on Human Rights is on-going. Government is committed to using the platform as a vehicle to promote dialogue in the field of human rights.

**Recommendations 6 (Implement policies and programmes on the promotion of good governance, democracy and the rule of law)**

34. Nigeria is determined to promote good governance. In this 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.<sup>17</sup> 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.<sup>18</sup>

**Recommendation 7 (Strengthen the promotion and protection of human rights)**

35. Nigeria is committed to the protection and promotion of human rights of its people and has always accorded priority in the allocation of resources for implementation of its human rights policies and programmes.

36. 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 realizing 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.

37. Government has organized and will continue to organize human rights education and training for police and military officers to sensitize them on human rights issues. Similarly, human rights curricular 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.

38. 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, government has established a unit in every MDA.

39. In order to implement the World Programme for Human Rights Education (2010 – 2014) 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. 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.

40. 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. Federal Ministries, Departments and Agencies as well as state governments were sensitized 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.

41. Nigeria recognizes Civil Society Organisations (CSOs) as strategic partners for the defence of human rights, rule of law, constitutionalism and the promotion of good governance. 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. To underscore the significant roles of the CSOs in ensuring the fulfillment of Government's obligations on human rights, two representatives of CSOs are members of the UPR Committee.

**Recommendations 8, 9 (Maintain standing invitation to the UN human rights mechanisms and speed up submission of pending reports to treaty bodies)**

42. 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.

43. Currently, the requests to visit Nigeria by the Independent Expert on Minorities Issues and the Special Rapporteur on Adequate Housing are being processed. The Independent Expert on Minority Issues is scheduled to visit Nigeria in September 2013.

44. Government established an Inter-Ministerial National Working Group on Human Rights Treaty Reporting in July 2010. 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); ensure timely preparation, submission and examination of required reports under each treaty by both the U.N and A.U treaty bodies; and ensure follow up actions on concluding observations and recommendations of such treaty bodies.

**Recommendation 10 (Share best practices to promote human rights)**

45. 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 multi partite 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 is adjudged to be a successful effort in the West African sub-region.

46. The Government of Nigeria has continued to provide the enabling environment for the thriving of civil society organizations 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 UNHRC. The most notable include Amnesty International and Human Rights Watch.

**Recommendation 11 (Continue to sensitize religious and customary leaders)**

47. Nigeria has continued to take action aimed at raising awareness among religious and customary leaders. The Government is 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.



**Recommendation 12 (Legalization of same marriage)**

48. 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.

49. The Marriage Act defines marriage as a relationship between a man and a woman. Christianity and Islam, which are the major religions in Nigeria, also recognize marriage as relationship between a man and woman. Same-sex marriage is not in the culture of Nigerians.

50. Sexual and gender minorities are not visible in Nigeria and there is no officially registered association of gays and lesbians. 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.

**Recommendation 13 (Abolition of death penalty)**

51. The right of man to life is the most fundamental human right. Government uses the death penalty as a deterrent to protect human life.

52. Section 33 (1) of Constitution of the Federal Republic of Nigeria 1999 guarantees the right to life. It provides ‘‘ 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.’’ The Penal code and Criminal code prescribe death sentence for anybody who commits culpable homicide punishable with death and murder respectively. Death penalty is a valid part of Nigerian law.

53. In Nigeria today, offences that are punishable by death include murder, treason, directing or presiding at an unlawful trial by ordeal from which death results, and armed robbery.

**Recommendations 14, 15, 22, 23, (Adopt comprehensive legislation with regard to extra-judicial executions and torture by the police)**

54. Nigeria is committed to respecting the lives and dignity of its citizens. Consequently, Government has zero tolerance for any form of cruelty such as ill treatment and extra judicial killings. Security officers that have been found culpable irrespective of their position have been made to face the full weight of the law. This is illustrated by the on-going trial of senior police officers accused of killing of 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.

55. 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.

56. Section 34 (1) of the Constitution protects the right to dignity of the human person by outrightly 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.’’ The Government has set up the National Committee on Torture (NCOT) as a national

mechanism to investigate allegations of torture, extra-judicial executions and other unlawful killings.

57. Between February and March, 2013, the Nigeria Police Force, in collaboration with the National Human Rights Commission, trained 20, 000 police personnel in police training institutions across the country on “Policing in a Democratic Society.”.

58. Government has also 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.

**Recommendations 16, 18, 19 (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)**

59. In Nigeria, it is a state priority to address violence against women through public policies.

60. 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.

61. 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.

62. 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. 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.

63. Nigeria is 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.

64. 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. 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.

65. 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.

66. Nigeria in its efforts to improve the rights of women and ensuring 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, 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.

67. The National Orientation Agency organizes sensitization programmes for the public on the harmful effects of traditional practices against women, especially widows. 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.

68. The Government has established a National Agency for the Prohibition of Traffic in Persons (NAPTIP)<sup>19</sup> with a mandate to combat human trafficking, protect, assist and give vocational training to trafficked persons.<sup>20</sup>

69. Government 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.

**Recommendation 27 (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)**

70. Government has undertaken several interventions to improve the socio-economic well-being of Nigerian Women, including:

a) The establishment of the Women Fund for Economic Empowerment (WOFEE) which is collaboration between Federal, States and the Bank of Agriculture. The Fund which has a low interest rate, targets grassroots women cooperatives. The initial take-off fund was the sum of N261,000,000.00 (\$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.<sup>21</sup>

b) 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 business. 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.

c) 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 established Women Political Trust Fund to provide support for female political aspirants.

d) Approval of gender response budgeting in the Ministries of Water Resources, Agriculture, Health, Works and Information Technology with an initial dedicated sum of N3,000,000,000.00 (Three Billion Naira) about (\$18,575,851).

e) The Subsidy Reinvestment Programme (SURE-P) targeted at women and youths.

f) The Youth Innovative Enterprise (You WIN Women) solely dedicated to women.

g) The Financial Inclusion Programme by the Central Bank of Nigeria.

h) The Presidential Directive for inclusion of not less than 35% of women in all governments' committees.

i) The admission of women into the Nigeria Defence Academy (NDA) and their commission as combatants in the Armed Forces of the Federation.

j) Government has constructed and fully equipped twenty four (24) Skills Acquisition Centres across the Federation to train women and others in various skills

thereby empowering them to generate jobs, create income and further discourage the high rural-urban drift and improve their quality of life.

k) Establishment of National Framework to execute the U.N Resolution 1325 which is an instrument to mainstream Gender perspective into peace-keeping operations and create a platform for women's equal participation and full involvement in all efforts for maintenance and promotion of peace and security as well as in decision-making with regard to conflict prevention and resolution.

**Recommendation 30 (Prohibit discrimination against minorities)**

71. There are adequate provisions in the 1999 Constitution to address this issue. 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 recognize 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.

72. With regard to the Niger Delta region, the Government created the Ministry for Niger Delta Affairs and the Niger Delta Development Commission to lead 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, the amnesty and reintegration programme for repentant Niger Delta militants.

**Recommendation 17 (Protect Children against violence)**

73. The Government has put in place adequate laws and policies to protect children against all forms of violence.<sup>22</sup> The Child Rights Act (CRA) is the fundamental legal instrument for the protection of children against violence. 22 States of the Federation have enacted Child Rights Laws. 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. Efforts are also on-going to rehabilitate street children. The Government has launched the National Policy on Orphans and vulnerable Children to provide a variety of social service programmes to ensure that children's basic needs are provided as well as strengthening social welfare institutions for children. Efforts have 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. The Akwa Ibom State Government has passed a law abolishing the stigmatization of any child in Akwa Ibom State as a witch: following this, several people found violating this law have been arrested.

74. There is an on-going 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

75. The 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 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. Some States are already implementing the provisions of the Child Rights Law by setting up Child Rights Implementation Committees (CRIC). Family courts have also been set-up in that regard.

**Recommendations 20, 31 (Take urgent steps to prevent politically motivated, sectarian and religious-based violence)**

76. Nigeria is building sustainable peace on the basis of mutual co-existence, realizing that peace is an inevitable condition for any meaningful development. It is in the light of this that the Government has embarked on campaigns to promote peaceful co-existence among the diverse interest groups.<sup>23</sup> The campaigns are aimed at sensitizing the public on keeping the peace and reporting signals of potential conflicts.

77. The National Orientation Agency is undertaking sustained advocacy for peace and security through its Peace and Security Awareness Campaign in Schools,<sup>24</sup> and radio jingles in the major languages of the Federation on the need for peaceful co-existence.

78. On the issue of indigene/non-indigene, which has been a source of internal conflict, Section 42 of the Constitution prohibits any form of discrimination on the basis of place of origin. Government therefore does not condone the application of any policy based on the concept. There are judicial pronouncements declaring invalid any policy based on such discriminatory practices.

79. The 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.

80. The 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 practitioners in the country.

**Recommendation 21 (Take specific measures to improve the judicial systems, internal and external monitoring of the police, speed up the reform of the penitentiary)**

81. The National Judicial Council is intensifying efforts to reform the Judiciary. Judges found to have been involved in corrupt practices were tried and dismissed or compulsorily retired from service. 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. The National Judicial Institute is playing a key role in this regard.

82. 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.

83. 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.

84. The Federal Ministry of Justice has in collaboration with Civil Liberties Organisation (CLO) and other CSOs undertaken monitoring of the police. Zonal and State Committees have been mandated to undertake “Ombudsman” review of complaints against the police. The Institutions such as the Judiciary involved in the administration of the justice are also involved in the review of prison conditions and alternative sentencing to ensure the penitentiary system is also performing rehabilitation functions.

**Recommendation 24 (Further fight against corruption)**

85. Nigeria has comprehensive laws as well as vibrant anti-corruption agencies 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. The 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.

86. 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 N9,755,924,635.69 (\$60,221,757.0104) was also recovered and forfeited by the perpetrators of crime which included government agencies and departments, private individuals, institutions and organizations. 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. The sum of \$144,214.5 and N2,705,000.00 were ordered forfeited to the Federal Government by the court. Government assisted the Metropolitan Police in the investigation, prosecution, conviction and sentencing of Mr. James Ibori by the Crown Court at Southwark, London for money laundering and fraud. Government also assisted in the case involving Mr. Erastus Akingbola before the Royal Commercial Court in London in which the Court ordered the forfeiture of the total sum of approximately N165billion. Government through the Economic and Financial Crimes Commission played a vital role in the prosecution of the cases by providing the United Kingdom authorities with assistance during the investigation.

87. The Nigerian Extractive Industries Transparency Initiative (NEITI) emerged in 2013 as the best Extractive Industries Transparency Initiative implementing country 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.

88. Government collaborated with CSOs and has established and institutionalized 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.

89. Government has adopted strategic initiatives targeted at eradicating corruption. These initiatives include:

a) 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;

b) Enactment of stringent laws on financial reporting, audit, disclosure requirements and timely publication of funds released from the Federal Allocation Committee (FAC) accounts;

- c) Creation of an Inter-Agency Task Team on anti-corruption to develop national strategy on anti-corruption;
- d) Full implementation and enforcement of the Fiscal Responsibility Act, Freedom of Information Act and the Public Procurement Act; and
- e) Strengthening the partnership between Government, civil society, the media and the public in fighting corruption.

**Recommendation 25 (Take actions to dispense awaiting trial cases improve conditions of detention within prisons, improve legal representation of prisoners, separate detention facilities for persons under the age of 18)**

90. Several initiatives have been put in place to ensure that the rights and welfare of prisoners and those awaiting trial are protected. Furthermore, in separating detention facilities for inmates under the age of 18, government has established 3 training Institutions in Kaduna, Abeokuta and Ilorin for underage detainees.

91. A Roundtable Table Conference with stakeholders on how persons awaiting trial and poor access to justice would be addressed has been introduced by the Nigerian Prison Service.

92. 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.

93. 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 Controllers to reject new inmates where there is no space in the prisons.

94. The Curriculum of the Nigeria Prisons Service Training School has been reviewed to include the study of human rights.

95. 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.<sup>25</sup> Prisoners that are serving sentences are being trained in and outside prison on 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.

96. 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.

97. In order to address the problem of prison congestion, efforts are being made in the following directions:

- a) 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.
- b) Some State Governments such as Lagos, Jigawa and Rivers have established Citizens’ Rights Departments which provide legal assistance to remand prisoners
- c) Legal clinic for law students to interact with prison inmates to ascertain their conditions are on course.

d) The government has 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.

**Recommendation 26 (Ensure the freedom of expression is respected and that journalists may take on their mission of providing information without harassment)**

98. Nigeria believes that freedom of expression and the press are major attributes of democracy which promote transparency, accountability, good governance and democratic participation. The right to freedom of expression and press are guaranteed under the Constitution<sup>26</sup> and the Freedom of Information Act, 2011.<sup>27</sup>

99. The press in Nigeria is free. 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”. The Constitution also 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.

**Recommendation 28 (Take further measures to bolster the national health system, increase its efforts in the field of maternal health)**

100. The Constitution mandates Government to direct its policy towards ensuring that there are adequate medical and health facilities for Nigerians.<sup>28</sup>

101. Government has also articulated effective policies, guidelines and interventions which are harmonized 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 are the following: Campaign on Accelerated Reduction on Maternal Mortality (CARMMA) to create awareness on promoting maternal and child health, Institutionalization 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, 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.

102. Government has further made concerted efforts through various health related projects and programmes such as 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 namely Magnesium Sulphate and Misoprostol, while capacity building initiatives are ongoing for skilled birth attendants on life saving skills on MNCH interventions.

103. 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: 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.

104. In 2009, eight (8) 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<sup>29</sup> of the Federation in which 11,115,725 pregnant women and children under five (5) accessed the services; 48 VVF Surgeons were trained<sup>30</sup>; and 6 Sickle Cell Centres were established in 6 Federal Medical Centres.

105. In 2010, Four (4) 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<sup>31</sup>.

106. To eradicate polio, Government has doubled the funding of Polio Eradication activities to N4.7 billion. 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. 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.

107. In continuation of its commitment to improve prevention of cancer and early management, the Government has established six additional screening centres across the country for common cancers such as cancer of the breast, cervix and prostate.<sup>32</sup>

108. In the area of HIV/AIDS control:

a) The Federal Government in 2012 signed the implementation plan for the framework partnership with the United States Government and commenced the decentralization 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.

b) In the same vein, the Primary Health Care is domiciled in the agency. The project is a vehicle designed to take HIV/AIDS control to PHCs across the country. Health facilities that are not being covered under the GLOBAL fund project are being covered by the PHAID project. Recently PHC staff in 18 States of the Federation were trained on various aspects of HIV/AIDS management (data management, laboratory diagnosis,

integrated supportive supervision, management of opportunistic infections associated with HIV).

c) In July 2013 (15<sup>th</sup>–16<sup>th</sup>), the Federal Republic of Nigeria hosted the Abuja and 12 special summit of the African Union on HIV/AIDS, Tuberculosis and Malaria where President Goodluck Jonathan launched the President's Comprehensive Response Plan (PCRP), increasing domestic funding to accelerate the implementation of key interventions with respect to HIV/AIDS.

109. Government has commenced the establishment of Geriatric Centres in line with international best practice. 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.

110. The Federal Government in its effort to ensure that Nigerians have access to quality health is planning to hold 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 Mr. President. Some states in Nigeria have passed laws making it mandatory for all health facilities to report any maternal death when it occurs.

111. Government has equipped some selected health institutions for Kidney Transplantation. In 2012, Kidney transplant was done in Lagos University Teaching Hospital, University of Ilorin Teaching Hospital and St. Nicholas Hospital, Lagos. Renal transplantation can also be done in Obafemi Awolowo University Teaching Hospital, Ife, Aminu Kano University Teaching Hospital, Kano, University College Hospital Ibadan and University of Maiduguri Teaching Hospital, Maiduguri.

112. 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 provide a framework for standards and regulation of health services whilst also providing additional funding for health.

113. 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 protection of human research participation.

**Recommendation 29 (Invest in education in order to reduce the illiteracy rate, especially among girls and young women)**

114. The Government has put in place policies and measures to eradicate illiteracy through the provisions of qualitative education for Nigerians at all levels.<sup>33</sup> The measures include: institutionalization 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 of which, the sum of N36 billion has been 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 of which, N76.7 billion has been disbursed

to tertiary institutions; refurbishing 352 science and technical laboratories in 104 Federal Unity Colleges. Government has awarded a total of 101 Presidential Special Scholarships for Innovation and Development (PRESSID) for training in top 25 universities in the world in 2012.

115. Government 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 of Nomadic Education Model Centres in grazing reserves; training of 28,000 public primary Head Teachers and support for Girls education Projects.

116. Recruitment and deployment of 36,356 Federal Teachers Scheme to fill the gap in public primary school 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.

117. Government is implementing 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.

118. Through the Girls' Education Project, Government embarked on advocacy, sensitization and mobilization 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 in the federation.<sup>34</sup>

119. The Government has continued to increase the budget for education within the period under review. In 2009 the Government budgeted N226.60billion (\$1.51 billion) in 2010 N234.80billion (\$1.56 billion) in 2011 N356.40 billion (\$2.38 billion) in 2012 N409.50 (\$2.73 billion) and in 2013 N426.50 billion (\$2.84 billion). The above figures show the Government's commitment to a sustainable growth of the education sector.

120. 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.

## **V. Challenges in the promotion and protection of human rights in Nigeria**

121. Some of the challenges and constraints in promoting and protecting human rights are:

a) Plural nature and size: the heterogeneous and diverse nature of Nigeria creates practical difficulties for the harmonization of views, strategies and programmes for promotion and protection of human rights;

b) Legal system: The legal system of 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 law. Customary law has great impact in the area of personal law in regard to matters such as marriage, inheritance and traditional authority. Some of the customary norms are in conflict with human rights norms guaranteeing equality between men and women;

c) Government believes that the perception of corruption in the country is highly exaggerated. It nevertheless poses great danger to the protection of human rights, particularly the economic and social rights as well as the right to sustainable development.

Government however, is assiduously making efforts to wipe out the menace of corruption in the public and private spheres of our national life;

- d) Internal security is a big challenge to the promotion and protection of human rights. Thus, the incidence of violence and insurgency in the country affects human rights;
- e) Difficulties in breaking through entrenched mindsets on harmful traditional practices.

## **VI. Request for technical assistance**

122. To continue with the promotion and protection of human rights in a sustained manner, Nigeria requires the following technical assistance:

- a) Development and application of human rights indicators to assess effective implementation of national and international human rights obligations of Nigeria;
- b) Training of staff of Federal and State Ministries of Justice and National Planning Commission in using the Human Rights Indicators;
- c) Capacity development of staff of relevant Federal and State institutions in applying rights based approach to development policies and programmes;
- d) Training of security and other relevant institutions in mainstreaming human rights standards in counter – terrorism strategy;
- e) Support to popularize 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 of reference libraries and interactive e-platforms with interface with appropriate UN human right portals for ease of access and enlightenment.

123. Nigeria will further articulate these requests and submit them to the Office of the High Commissioner for Human Rights for appropriate action.

## **VII. Conclusion**

124. The Government of Nigeria sees the promotion and protection of human rights as a continuous process. It therefore remains determined to improving the well-being of the citizens, especially the under-privileged, including women and children.

125. The amendment to the National Human Rights Commission Act in 2010 is a landmark achievement in the enjoyment and realization 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 issues and human rights protection and promotion.

126. The enactment of the Freedom of Information Act is another milestone in the efforts 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.

127. The bill to amend the Prison Act has gone through second reading. When the bill is passed into law, the rights and welfare of the prison inmates and those awaiting trial will be greatly enhanced.

128. Nigeria is committed to its obligations under the human rights instruments that it has ratified and is determined to implementing them. Government will endeavour to promote

and protect human rights in the country in realization of the fact that respect for human rights provides the foundation for sustainable development and the pursuit of lasting peace.

### Notes

- <sup>1</sup> The First alteration was signed by the President on the 16<sup>th</sup> JULY, 2010 and it is cited: Constitution of the Federal Republic of Nigeria (First Alteration) Act, 2010. The second alteration was signed by the President on the 29<sup>th</sup> November, 2010 and it is cited: Constitution of the Federal Republic of Nigeria (Second Alteration) Act, 2010. The third alteration was signed by the President on the 4<sup>th</sup> day of March, 2011. It is cited: Constitution of the Federal Republic of Nigeria (Third Alteration) Act, 2011.
- <sup>2</sup> Section 6 of the Constitution of the Federal Republic of Nigeria (First Alteration) Act, 2010.
- <sup>3</sup> Any reference to the Constitution in this report means a reference to the Constitution of Federal Republic of Nigeria 1999 as amended.
- <sup>4</sup> Section 254C (1) of the Constitution of the Federal Republic of Nigeria, 1999. See also section 6 of the Constitution of the Federal Republic of Nigeria (Third Alteration) Act, 2011.
- <sup>5</sup> It should be noted that the overall goal of economic development is the improvement in human well-being of the people. Consequently, the attainment of Nigeria's vision 20:2020 will necessarily require the translation of the nation's economic growth into tangible improvements in the well-being of Nigerians.
- <sup>6</sup> Nigeria vision 20:2020 published by the National Planning Commission in October, 2009, p. 28.
- <sup>7</sup> Section 42 of the Constitution guarantees the right from discrimination on the basis of sex and ethnic group among other forms of discrimination.
- <sup>8</sup> See recommendation 2.
- <sup>9</sup> The Optional Protocol was signed by the President on the 17<sup>th</sup> of September, 2010 and forwarded by the Federal Ministry of Justice to the United Nations on the 27<sup>th</sup> September, 2010 for deposition. The optional Protocol entered into force for Nigeria on the 27<sup>th</sup> September, 2010.
- <sup>10</sup> The Optional protocol on the Involvement of Children in Armed Conflict was not accepted for deposition because of the absence of a declaration in fulfilment of Article 3 of the Protocol which required Nigeria to declare the age of voluntary recruitment into the Nigerian Armed Forces. However, a declaration based on the provision Article 34 of the Child Rights Act, 2003 which provides that the age of 18 is the age of voluntary recruitment into the Nigeria Armed Forces has been drafted and is ready for deposition with the United Nations.
- <sup>11</sup> Cap. N46 Laws of the Federation of Nigeria, 2004.
- <sup>12</sup> Section 5 of the National Human Rights Commission (Amendment) Act 2010, states the functions of the Commission.
- <sup>13</sup> *National Human Rights Commission (Amendment) Act, 2010.*
- <sup>14</sup> The guidelines for the Implementation of the Freedom of Information Act was issued by the Attorney-General of the Federation and Minister of Justice on the 15<sup>th</sup> March, 2011.
- <sup>15</sup> This will make the free legal services of the Council to indigent Nigerians in the hinterland.
- <sup>16</sup> At the prison, the staff of Council usually collaborate with the Prison authorities to obtain the list of Awaiting Trial Persons who do not have Counsel, caseload them and provide legal aid.
- <sup>17</sup> Section 4 of Nigeria Vision 20:2020 at page 71.
- <sup>18</sup> The seven points agenda was a development programme initiated by the democratic administration between 2007–2011.
- <sup>19</sup> Under the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, 2003 as amended.
- <sup>20</sup> The Policy serves as a useful guide and referral material to all stakeholders.
- <sup>21</sup> Efforts are, however at an advanced stage to reposition the Fund's activities by increasing the quantum of money available to it and entrench more robust conditions for recovery of loans and encouraging states participation.
- <sup>22</sup> These laws include, the Child Rights Act, Child Rights Laws of the various States, Children and Young Persons Act and African Charter on the Rights of the Child.
- <sup>23</sup> The campaigns were held in the States of Kaduna, Oyo, Taraba, Rivers, Osun, Abia, Akwa Ibom, Benue, Bayelsa, Kogi, Plateau, Gombe, Ondo and Zamfara.
- <sup>24</sup> It involves interactive sessions in Primary and Post Primary Schools at the Local Government Level in the 768 Local Government Areas and the 6 Area Councils of the Federal Capital Territory Abuja.

- The interactive sessions feature the Police, Nigerian Security and Civil Defence Corps, and State Security Service who give the pupils and the students security tips.
- <sup>25</sup> The centres have been commissioned by the Vice-Chancellor of the National Open University of Nigeria. There is another centre in Awka, Anambra State, which is yet to be commissioned but it has undergraduate prisoners attending the programme.
- <sup>26</sup> Section 39 of the 1999 Constitution.
- <sup>27</sup> Other legal frameworks that guaranteed freedom of expression and the press include: The African Charter on Human and Peoples' Rights, the Universal Declaration of Human Rights.
- <sup>28</sup> Section 16 (3) (d) of the Constitution of the Federal Republic of Nigeria, 1999.
- <sup>29</sup> Bayelsa, Niger, Gombe, Imo, Sokoto, Oyo, Yobe, Bauchi, Katsina, Jigawa and Ondo.
- <sup>30</sup> This was made possible through the OSSAP-MDGs in partnership with VVF office in the Federal Ministry of Health and the National VVF Centres.
- <sup>31</sup> The OSSAP-MDGs in partnership with VVF office in the Federal Ministry of Health and the National VVF Centres.
- <sup>32</sup> The centres are located in Federal Medical Centre Gusau, University of Port Harcourt Teaching Hospital, Port-Harcourt, National Obstetric Fistula Centre, Aabakaliki, Federal medical Centre Ebute Metta, Federal Medical Centre, Keffi and Abubakar Tafawa Balewa Teaching Hospital, Bauchi.
- <sup>33</sup> Section 18 (3) of the Constitution of the Federal Republic of Nigeria.
- <sup>34</sup> For instance, the enrolment of girls in public primary schools in Niger State increased from 289,674 in 2010/2011 to 320,206 in 2011/2012, Bauchi State from 250,769 in 2010/2011 to 330,674 in 2011/2012, Katsina State from 582,568 in 2010/2011 to 618,145 in 2011/2012, Zamfara State from 83,385 in 2010/2011 to 90,604 in 2011/2012, Sokoto State from 189,188 in 2010/2011 to 212,923, 2011/2012. In the same vein, the enrolment of girls in public junior secondary schools increased in Niger State from 69,876 in 2010/2011 to 77,947 in 2011/2012, Bauchi State from 38,054 in 2010/2011 to 56,452 in 2011/2012 and Katsina State from 66,956 in 2010/2011 to 75,660 in 2011/2012.
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