



**Submission by Edmund Rice International  
to the  
17th Session of the UPR Working Group of the Human Rights Council  
(Oct 21 – Nov 1, 2013)  
Universal Periodic Review (UPR) of  
NIGERIA**

1. Edmund Rice International (ERI), established in 2007, is a faith-based Non-government Organisation (NGO), in special consultative status with ECOSOC. Representing a network promoting and protecting human rights in over 30 countries, ERI has offices in Geneva and New York.

**Introduction**

2. Following its first Universal Periodic Review (UPR) in February 2009, Nigeria accepted thirty (30) of the thirty-two (32) recommendations made to it. While it has made significant progress in implementing these recommendations, and in further promoting and protecting the rights of its citizens, much remains to be done.

3. This submission deals with three of the clusters of recommendations accepted by Nigeria in 2009. These clusters are Recommendation 20 (on communal violence), 30 (on minority groups) and 31 (on religious freedom), using the numbering in the Working Group Report (A/HRC/11/26). The texts of these recommendations are given in Appendix One. On the basis of the evidence presented here, these recommendations have not been successfully implemented.

**The Situation since 2009**

4. Recent reports indicate that serious human rights violations, in the context of inter-religious and inter-ethnic conflict, continue in some Nigerian states. Whether this is viewed as a failure of governance, a breach of the Nigerian Constitution's guarantees of protection of human rights, an outcome of overcrowding and poverty, political manipulation of xenophobia, a residue of traditional rivalries, or deliberate destabilising policies by armed groups, several fundamental human rights are being denied.

5. The right to life, liberty and security of person is denied when several hundred people have been killed in post-election violence, attacks by Boko Haram, reprisals against such attacks, communal violence, and other armed clashes and property destruction, sometimes involving police or militias. The post-election violence following the April 2011 presidential voting 'left more than 800 people dead'. Boko Haram [Jama'atu Ahlis Sunna Lidda'awati Wal-Jihad] is alleged to have murdered 'hundreds' of people since its re-emergence in 2009, probably more Muslims than Christians. It has claimed responsibility for the deaths of over 75 people in 2011, and is accused of killing more than 500 people in 2012. Over 800 people died in clashes between Boko Haram and police in July 2009. The Special Military Taskforce (JTF) set up in June 2012 has been accused of unlawful killings as well. One report lists in detail 196 people killed in 'ethno-religious violence' in two adjacent local government areas in Northern Nigeria, in twelve months, 2011 – 2012, involving 25 separate incidents. Another report details how, in one town, inter-ethnic violence 'translated into religious conflict in 1995', and led to increased deaths in 2011 – 2012.

6. Many people claim their right to be treated without discrimination, on the basis of religion or social origin, is violated by local and state policies and decisions. Igwe refers to this as 'systematic exclusion, discrimination and violation of their rights' and names at least thirteen religious and social minorities who suffer this<sup>10</sup>. Many commentators note that the followers of the majority religions (Muslims,

Christians) suffer discrimination when they live in states where they are minorities<sup>11</sup>. Two researchers trace the rise in communal violence since 2010 (at least 1,000 people killed in 2010 in Plateau State) to “state and local government policies that discriminate” A recent article demonstrates the conflicts (including hundreds of lives lost and billions of naira worth of property destroyed between 1948 and 2011) that arise between ‘indigenous’ and ‘non-indigenous’ categories of people over land and chiefdoms, in one small area. One report depicts widespread suspicion that local and state leaders favour one religion over others, and support violence against minorities.

7. The right to property has been abused by wanton destruction of houses and places of worship by armed groups, sometimes including serving police officers. For example, 818 houses and 22 places of worship were destroyed in two adjacent local government areas in Northern Nigeria between January 27, 2011 and January 22, 2012.

8. The rights to freedom of religion and freedom of peaceful assembly are threatened by violent attacks by armed groups on religious services and peaceful public gatherings. One report says that religious groups have organised their own ‘security forces’, set up road blocks and checked people entering places of worship to see if they are carrying weapons. These fundamental rights are also threatened, in some states, by decisions of governments that appear to be discriminatory on the basis of religious belief (for example, in building approvals, school curricula decisions, key appointments). A recent (2011) publication notes ‘reports of abuses of religious freedom by certain state governments’.

9. The right to an adequate standard of living is impossible to exercise when people are forced to flee from physical violence. A local report states that one town has established a ‘vigilante group’ which patrols daily and that one religious group has completely fled the town. These groups are not enjoying a right to a decent standard of living, without fear of violence or reprisals, with one group experiencing ‘two decades’ of intense fear, and one group having lost its homes and fields. These problems intensify the underlying issues of poverty and corruption in many areas.

10. The right to education is denied when the state government fails to provide adequate schooling, or discriminates on the basis of religion or gender. This is exacerbated by the deaths of many parents through communal violence or terrorism and the increased poverty of the survivors, leaving their children with less chance of accessing education.

11. The right to health is harder to enjoy when health services are neglected in the wake of violent attacks on life and property, and sometimes this neglect is perceived as a deliberate policy of discrimination.

12. The right to freedom of expression and the freedom of the media are under threat when people perceive their attempts to advocate for their rights will increase the risks to their lives, and when journalists fear for their personal safety when reporting on communal violence.

### **Failure to Implement Recommendations from 2009 UPR**

13. The above evidence shows that Recommendation 20 has not been implemented, with the failure of all three levels of government in Nigeria to prevent “politically motivated and sectarian and religious based violence”. Such prevention requires an analysis of causes and both pro-active and reactive responses to these causes.

14. Recommendation 30 contains five distinct recommendations, each with specific proposals about ‘minority groups’ and/or ‘vulnerable groups’. Most of the specific proposals have not been implemented. This suggests a widespread failure to accept minority groups as part of Nigerian society, and to ensure the rights of their members are exercised, as well as the collective rights (political, civil, economic, cultural and social) of the minority groups. One recommendation explicitly proposes such rights be regulated on the constitutional and legislative levels. To date, on the ground, denial of such rights is an ongoing source of conflict, without adequate mediating or conflict resolution mechanisms, and without successful prosecution of rights violations, as detailed above. The failure to address all the indigene/settler issues specified in this recommendation has led to conflicting perceptions and situations, where some see indigenes as discriminated against and some see settlers are being victims of discrimination.

15. Recommendation 31 consists of three recommendations concerning religious-based conflict. None of the three have been implemented. The Nigerian Interreligious Council only met once in 2011, and so could not play an effective role in promoting 'interethnic, inter-communal and interreligious harmony'. A 'culture of religious tolerance' has not become 'a priority of federal, state and local governments'. Many religious minorities continue to experience or perceive discrimination, as detailed above.

16. Apart from references to police violence and torture, the Statutory Report of the Nigerian National Human Rights Commission for 2009 makes no direct references to terrorism, inter-ethnic and inter-religious violence, communal violence, or discrimination against minorities.

## **Recommendations**

That the Nigerian Government:

- 1. Ensure elections are run fairly, and that all political parties and politicians participating in elections are monitored, so that those promoting, inciting or practising violence before, during or after an election, are prosecuted.**
- 2. Protect all its citizens from communal violence by establishing mechanisms at local and state government levels for peaceful conflict resolution, including indigene/settler conflicts.**
- 3. Continue to work at international and national levels to monitor and prosecute support for terrorist groups and to prevent their operations.**
- 4. Continue to train their police and military forces in the promotion and protection of human rights, and in the recognition and prosecution of those responsible for human rights abuses.**
- 5. Review regularly all state and local government laws and policies, in order to detect any which are discriminatory and to align them with federal legislation outlawing discrimination.**
- 6. Establish an Anti-discrimination Commission with a mandate that includes an annual review of relevant state and local government decisions and practices, in order to detect and ensure prosecution of any decisions and practices that are discriminatory.**
- 7. Monitor and record all property damaged in communal violence or terrorist activity, and ensure property-owners are adequately compensated, without infringing other persons' rights to land or property.**
- 8. Ensure adequate security measures are in place to protect those who gather for peaceful religious purposes or in peaceful public assemblies from violent attacks.**
- 9. Provide all essential services to those forced to flee due to armed conflict or communal violence.**
- 10. Ensure all children of school age receive the education that is their right, including education in the cultural and religious values their parents or carers choose for them.**