

UNIVERSAL PERIODIC REVIEW OF NIGERIA

SUBMISSION BY THE NIGER DELTA UPR COALITION

17TH SESSION OF THE UPR WORKING GROUP, OCTOBER 2013

ASSESSMENT OF NIGERIA'S IMPLEMENTATION OF PREVIOUS REVIEW

The implementation of the country's human rights obligations particularly in pursuant to the commitment and pledges¹ the country made to the Human Rights Council in 2006 and 2009 remains a surmountable challenge to the government. In February 2009, Nigeria faced its Universal Periodic Review which was adopted in June 2009. Whilst the country accepted 30 of the recommendations made to the country, it rejected 2 of the recommendations that relates to the death penalty and same-sex marriage.

In the intervening years since the last review, there had been positive developments noted in some areas of human rights protection, though there is still room for greater improvements in many areas.

COMPLIANCE WITH INTERNATIONAL STANDARDS AND MECHANISMS

In terms of international standards, the Nigeria government took the positive step of acceding to/ratifying some of the international human rights instruments as recommended in 103.1 by the governments of Mauritius, Benin, Brazil, Argentina and Portugal. These include:

1. The Optional Protocol to the United Nations Convention Against Torture on 27 July 2009
2. The Convention on the Prevention and Punishment of the Crime of Genocide on 27 July 2009
3. International Convention for the Protection of All Persons from Enforced Disappearance 27 July 2009
4. The International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families on 27 July 2009
5. The International Convention on the Rights of Persons with Disabilities on the 24th September 2010
6. The optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography on 27 October 2010.

It also set up the National Committee on Torture as a national preventive mechanism as required by the recommendation and developed a draft policy on Torture.

¹ Election pledges can be found on the UN website: <http://www.un.org/en/ga/65/meetings/elections/hrc.shtml>

Whilst progress was made on the above front, the government on the other hand failed to make a formal abolishment of the death penalty and refused to initiate any process to adhere to the second optional protocol to the ICCPR. The state has not also made any legal adaptation necessary for making economic, social and cultural rights enforceable.

In a related development, the country had also failed to ratify the Optional Protocol to the Convention on the Rights of the Child on the involvement of Children in armed conflict as recommended by Brazil in recommendation 103.1

The government has thus far failed to maintain an open invitation to the United Nations Human Rights Mechanisms particularly the Special Procedures Mechanism as recommended by Mexico, Norway and Ukraine in recommendation 103.8. Some of these special procedures had been denied invitation to visit Nigeria even when they had repeatedly made such requests: Special Rapporteurs on: *Minorities, Sale of Children, Housing, Counter-terrorism and Water and sanitation*. This is contrary to Nigeria's commitment to the 18th session of the United Nations Human Rights Council in June 2009² that it accepted to implement the recommendation.

Besides, Nigeria's reporting to treaty-bodies have not been speeded up as required by UPR recommendation 103.8 as recommended by Mexico. In fact, within the period, the reports of the following treaty-bodies had been due for sometimes but were not submitted by the government of Nigeria: Human Rights Committee: second report was due in 1999, Committee on Economic, Social and Cultural Rights: Second report was due in 2000, Committee against Torture: second report was due in 2006, Committee on the Elimination of Racial Discrimination: 19th/20th report was due in 2008; Committee on Enforced Disappearance: first report was due in 2012.

Similarly, the government have also failed to embark on the full implementation of the concluding observations and recommendations of some of the treaty bodies such as the CERD in 2005 and CRC in 2010.

As recommended by Angola in recommendation 103.9, the government have not effectively strengthen its engagement with civil society to enable it cooperate effectively with relevant human rights mechanisms.

RECOMMENDATIONS

1. Whilst acknowledging the efforts of the government in ratifying some of the instruments, we urge the Nigeria state to take steps to ratify the remaining international human rights for which it was obliged under the UPR Outcome such as the two OP-ICCPR on the death penalty and individual complaint mechanism, the OP-ICESCR
2. Undertake constitutional amendments to make the Economic, Social and Cultural Rights (ESCR) enforceable.
3. The Government should create enabling legislations and programs aimed at addressing the issue of extreme poverty.
4. Effective monitoring systems should be created to track systems for change.

² <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/167/66/PDF/G0916766.pdf?OpenElement>

5. The Government should demonstrate leadership in leading the crusade against the death penalty by carrying out educational programmes and campaigns on the need for abolition of the death penalty.
6. Maintain an open invitation to all special procedures
7. Hold the annual National Consultative Forum

UPDATING OF STANDARDS, PRACTICES AND INSTITUTIONS

The UPR outcome had several recommendations relating to updating of standards and strengthening of institutions in Nigeria.

UPR recommendations 103.2, 103.3, 103.4 and 103.5 had sought to expand the frontiers of human rights protection for Nigerians and those resident in the country. The recommendations had urged the Nigeria government to set in motion a process to accelerate the process of passing into law the various rights-based bills that were pending before the National Assembly especially as it affects women, children and the disabled and the call for the National Action Plan to include concrete and time-bound steps to accelerate the process of full domestication of all international human rights treaties to which Nigeria is Party, with particular emphasis on the Convention on Elimination on All Forms of Discrimination against Women³

The UPR Outcome further called on the government to expedite actions for amendments to the National Human Rights Commission Act and ensure independence for the Commission⁴

SITUATION WITH THE UPR OUTCOME RECOMMENDATIONS

Shortly after the adoption of the UPR Report of Nigeria in June 2009, the government had responded swiftly in July 2009 by depositing a revised 5-year time-bound National Action Plan for the Promotion and Protection of Human Rights (NAP) with the United Nations Office of the High Commissioner for Human Rights

In this same vein, the government also facilitated the passage of some rights-based bills some of which had been in the national assembly for almost a decade. The rights-based bills passed within the period include:

1. Electoral Act 2010
2. Employees' Compensation Act 2010
3. Freedom of Information Act 2011
4. National Human Rights Commission Amendment Act 2011
5. The National Minimum Wage(Amendment) Act,2011
6. All the states in the Niger Delta had passed laws prohibiting FGM

³ *Niger Delta Review: A Post-UPR Assessment of the Situation of Human Rights in the Niger Delta: Volume III 2012*

⁴ Ibid

The passage of the National Human Rights Commission Act Amendment 2011 and the Freedom of Information Act 2011 was a watershed in the history of legislative advocacy in the country. The Freedom of Information Act promises to promote access to information and enhance transparency. In fact, the Act has been tested in some cases and some positive outcomes have been engendered as a result of the application of the Act.

Following the passage of the National Human Rights Commission Act Amendment Act 2011, the Commission had regained its category A status and its operational capacity had been strengthened.

Whilst the government strove to pass some rights-based bills as required by the UPR recommendations, the government failed to pass several others most of which would have helped to strengthen the ones that had been passed and further consolidate and expand the frontiers of human rights protection on the ground in the country.

On the National Action Plan for the Protection and Promotion of Human Rights (NAP), the failure of the government to include concrete and time-bound steps for the domestication of human rights treaties which the country is a party as required by the UPR Outcome rendered the entire effort put into the revision of the Action Plan as cosmetic and a window-dressing process.

In a related development, the findings of the research carried out by the Niger Delta UPR Coalition indicated that other institutions with human rights mandate such as the Legal Aid Council, the Public Complaints Commission and the Consumer Protection Council had suffered gross underfunding within this period and thus not able to carry out their mandates.

Besides, the following rights-based bills which had been initiated in the national assembly have not been passed despite the fact that some had been oscillating in the hallowed chambers of the National Assembly for upwards of eight (8) years. These pending bills are:

- I. Anti Discrimination Bill
- II. The CEDAW Domestication Bill
- III. Violence against Persons Bill
- IV. The Gender and Equal Opportunities Bill
- V. Anti-Torture Commission Bill
- VI. The Police Act Amendment Bill
- VII. The Prison Act Amendment Bill
- VIII. The National Health Reform Bill
- IX. Administration of Criminal Justice Bill 2006
- X. Legal Practitioners Act Amendment Bill
- XI. The Evidence Act Amendment Bill
- XII. The Victims of Crime Bill

EXTRAJUDICIAL EXECUTIONS

During the four-year period after the review, rather than Nigeria improving on its record in respect to promoting the enjoyment of its citizen's right to life, the country particularly the Niger Delta had become a killing field where innocent citizens had been extra-judicially murdered in their hundreds by the Police and the various security forces established in different states especially in the Niger Delta and this had become a national pastime. Non-state actors have also been implicated in these acts but the growing regime of impunity in the land had ensured that the non-state actors go unpunished.

The period had witnessed high incidences of the mindless and unlawful killings of numerous citizens by the police and their ilk. Unfortunately, most of these killings have not been investigated and the culprits go unpunished thereby increasing the level of impunity amongst security and law enforcement agents in the region.

Contrary to the expectations inherent in UPR Outcome recommendations 103. 14⁵ as recommended by Benin and Germany, 103.22⁶ by Slovakia, Denmark, Portugal and 103. 23⁷ by Ireland, Nigeria has not taken the necessary steps required for bringing the perpetrators of these various acts of extralegal killings to justice

THE NATIONAL HUMAN RIGHTS FRAMEWORK

The national human rights framework is underpinned by the provision of the constitution and other local laws in respect of the protection of right to life

⁵ 103.14: *Take all practical measures in collaboration with neighbouring countries in order to put an end to the accusations of extrajudicial executions, and more generally, to the abolition in the near future of the death penalty (Benin); Adopt comprehensive legislation with regard to extrajudicial executions and torture by police, including measures assuring its application (Germany);*

⁶ 103.22: *Ensure that all perpetrators of human rights violations are brought to justice, including the law enforcement officials suspected of committing acts of torture and ill-treatment or extrajudicial executions (Slovakia); Step up its efforts to halt torture and ill-treatment as well as eradicating impunity for such acts and that alleged perpetrators be brought before justice (Denmark); Establish an independent and effective national investigative mechanism (Denmark); Fully investigate abuses by law enforcement officials, namely extra judicial killings, acts of torture and ill-treatment of detainees and arbitrary detentions and human rights violations and ensure that the perpetrators are duly punished (Portugal);*

⁷ 103.23: *While noting the important progress made since 1999 in overcoming a legacy of military dictatorship with respect to reports of extrajudicial executions by the police, ensure that all members of the security forces and the police operate within the law (Ireland)*

CONSTITUTIONAL PROVISIONS AND DOMESTIC LEGISLATIONS

The right to life is provided for in Section 33 of the Constitution of the Federal Republic of Nigeria 1999.

The government has also passed various laws such as:

African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act, 1983

The Child Rights Act 2003 including its version passed in some states of the Federation.

The Criminal Code, 1945

The Penal Code

The Criminal Procedure Act, 1945

Robbery and Fire Arms Act, 1984

Police Act, 1943

Child's Rights Laws in some states of the Nigeria Federation

INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

Nigeria has adopted/ratified several international human rights instruments enshrining the Right to Life. These include:

- Universal Declaration of Human Rights
- International Covenant on Civil and Political Rights
- The African Charter of Human and Peoples' Rights
- The United Nations Convention on the Rights of the Child
- The African Union Charter on the Rights and Welfare of the Child

SITUATION OF EXTRAJUDICIAL EXECUTIONS IN THE NIGER DELTA

Contrary to claims by the Nigeria delegation during the UPR, the Police and other security agents continue to kill innocent Nigerians extra judicially with nauseating impunity.

The Niger Delta UPR Coalition recorded over fifty cases⁸ of extrajudicial killings in the Niger Delta between 2009 and 2012.

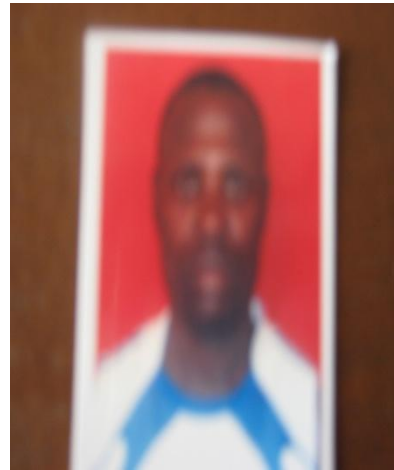
On the 4th January 2010, a JTF Soldier, Captain Hassan shot Mr. Solomon Tonfa⁹ and Mr. Sunday Mala to death at Chevron's Escravos Tank Farm Facility, Delta State of Nigeria.

⁸ *Niger Delta Review: A Post UPR Assessment of the Human Rights Situations in the Niger Delta: Volumes I, II and III.*

⁹ Ibid



Late Mr. Solomon Tonfa



Late Mr. Sunday Mala

Investigations by the Niger Delta UPR Coalition documentators indicated that in the evening of 4th January, 2010, at Chevron Nigeria Limited (CNL) Tank Farm in Escravos Gas To Liquid (EGTL) project site, workers who had closed work for the day were being conveyed by the company buses to their camp, all in the ESCRAVOS.

Narrating the story, the brother of one of the deceased, Mr. Prince Tonfa said that the bus was stopped at the 4th gate (out of the five gates that separate the site from the camp) by OSL security men attached to the oil company who demanded to check the vehicles or go to take another gate but the workers refused. An altercation between the security men and the workers ensued over carrying out checks on the tired workers. While this was going-on, the bus that was conveying soldiers of the (JTF) passed the gate without checking. This made the workers to raised issues of discrimination and double standards against the security men.

At this point, it was gathered that the late Mr. Solomon, who was in one of the buses came down and joined others at the gate. As this happened, it was learnt that one of the JTF officers identified as Hassan opened fire at the workers which shot to death two of them, Mr. Solomon Tonfa aged 47 years and Mr. Sunday Mala aged 27 years while others were injured. Both men were working for a contracting company to Chevron, Hyundai Heavy Industry (HHI).

Other incidences of extrajudicial killings also occurred on large scale in the Niger Delta¹⁰

¹⁰ On November 24th, 2010, an Army Private, Mr. Victor Bassey attached with Julius Berger Nigeria Plc extrajudicially killed a Computer Graduate, Mr. Timothy Sunday Danson. The late Mr. Timothy Sunday Danson met his untimely death in the hands of the soldier, Army Private Bassey attached with Julius Berger Nigeria PLC. as a security operative protecting expatriates working for the construction company.

Still on extrajudicial killings, on 11th March 2010, death was let loose in Omoku town of Rivers State as two teenagers were sent to their early graves by men attached with the Joint Task Force(JTF) Operation Restore Hope in Omoku

Speaking to Niger Delta UPR Coalition observer, one of the eyewitnesses who himself escaped the incident, Master Ngozi Uge said that they had no premonition as to the fate that awaited him and his colleagues that day.

RECOMMENDATIONS

1. The government should embark on a holistic police reforms process which would include amending the Police Act, welfare and discipline amongst the force.

He said that they were all gathered in front of their house at No. 11 Akor Street of Umudinna family Ehioha/Obakata Community also of Omoku that day with other children from the neighbourhood as there was no light that night and the temperature inside the rooms were so high, forcing people to stay out late.

He said that they were all outside discussing when suddenly and unknowingly, the JTF team landed in their vehicle and opened fire on the people.

Whilst others scampered for their dear lives and escaped by the whiskers, this was not the case with Masters Prince Achi, an 11-year-old son of Mr. and Mrs. Ada Achi of Umuebe Obiohuru/Obakata Community in Omoku of Ogba/Egbema/Ndoni Local Government of Rivers State and Innocent Uge, the 20-year old son of Elder Francis Uge and Mrs. Regina Uge who were cut down in cold-blood on that night.

It was also gathered that in the mayhem, the men of the JTF took the bodies of the deceased and deposited them in the mortuary.

In another bizarre case of extrajudicial murder, the Police in Bayelsa State was alleged to have killed Ken Niweigha extra legally.

In what appeared to be a retaliation for the killing of twelve police officers in 1999, On Tuesday May 27, 2009, the police executed Ken Niweigha, whom they had suspected of having a hand in the murder of the Police officers.

Until the time of his death, Ken Niweigha, a known militant and political thug in the state was the leader of the Bayelsa Volunteers, a Bayelsa State government special security outfit.

The Niger Delta UPR Coalition observed that the long sought-after militant leader, Ken Niweigha was arrested on 26 May 2009 and brought to the State Criminal Investigation Department (State CID) Yenagoa, where he was paraded before the press giving the arrest enough publicity. The Police claimed the arrest was based on a tip off from some women in the Odi Community.

On Tuesday, 27th May 2009 the man had been killed in what everyone concluded was another case of extrajudicial execution. The police shot him dead and put up his body for public display, perhaps to serve as a deterrent to others.

A statement from the Police alleged that the death of Ken Niweigha was the result of a shoot out in the midnight after he had agreed to show them his hideout and then tried to escape while being taken out thus getting himself killed in the process.

On 13 April 2010, JTF soldiers hired by SPDC to protect its staff who were working on Well 4 in Bomu oilfield in Ogoni shot dead Mr. Bariara Vurasi Lemon (m), aged 20 years. The late Mr. Lemon was among a group of community youth employed as casual workers from nearby B-Dere community, for the wellhead corking and killing project site.

On the fateful day, it was gathered that the late Mr. Lemon and his colleagues were given some food to share by SPDC staff. Trouble was said to have started when a minor disagreement amongst the youth on the method of sharing the food attracted the attention of the armed guards who pounced on the youths and tortured them. It was learnt that it was in the process of running away from the soldiers' brutality that the soldiers shot Mr. Lemon and he died instantly¹⁰.

Though many extra-judicial killings by the police took place in May 2011, Nigerians in the Niger Delta region will not forget the incident of Wednesday, the 11th May 2011 in a hurry following the satanic murder of one Tochukwu Uzoukwu (M), a twenty-five (25) year old resident in Yenagoa, Bayelsa State. The aforementioned Uzoukwu was forced at gun point by men of the infamous security outfit, Operation Famou Tangbei to jump into the River where he was watched over until he got drowned and died. These demons in Police uniform watched and confirmed that he had drowned in the river before driving off. They had alleged that the said Tochukwu Ozoukwu was caught smoking Indian helm.¹⁰

In the same vein, on 12th June, 2011 armed mobile Policemen deployed to Sogho community shot dead two protesting youths¹⁰, Messrs Goteh Keenam and Dambani Kuenu in the wake of community resistance to the unlawful acquisition of their land by the Rivers State government. The purported land had been earmarked by the Rivers State Government under the leadership of Rotimi Amaechi for the relocation of the 2nd Amphibious Brigade otherwise called Bori Camp presently at Port-Harcourt to the Ogoni area.

2. The government should set up a mechanism to ensure that all cases of extra-judicial killings are properly investigated and their perpetrators prosecuted.
3. The government should ensure that victims of extrajudicial killings are provided with appropriate remedies.
4. Undertake reform of the criminal Code, 1945, The Penal Code, The Criminal Procedure Act, 1945 and Police Act, 1943 to bring these laws in tandem with our peculiar local realities. Most of these laws are over fifty years old and were borrowed from other jurisdictions with little or no impact on current day realities in our country.

RIGHTS OF WOMEN

Women continue to suffer various forms of indignities and discrimination in Nigeria. The various steps taken by government had not conduced to addressing entrenched discrimination and the second-class status conferred by various cultures and religion on women.

The struggle for promoting the rights of women therefore requires concerted efforts on all fronts particularly a multi-stakeholder approach involving government, religious leaders and leaders of our traditional institutions

During Nigeria's review, members of the UPR Working Group had made several recommendations to the Nigeria government targeted at addressing the various issues confronting women in the country. UPR Outcome recommendations 103. 16¹¹, 103. 18¹², 103.19¹³ and 103. 22¹⁴ had all dealt with the

¹¹ 103.16: *Repeal all laws that allow violence and discrimination against women to persist (Norway); ensure that women who are victims of discrimination and violence have access to protection of their rights and to justice (Mexico); implement specific legislation to protect women against sexual and gender-based violence and ensure that Nigerian women benefit from full equality before the law (Ireland);*

¹² 103.18: *Intensify efforts in guaranteeing women's rights, including by implementing CEDAW observations to this end, and strengthen measures to fight against the practice of Female Genital Mutilation (FGM) (Italy); Not only enact legislation to prohibit FGM but also continue awareness-raising campaigns to eradicate such practices (Austria); Strengthen the efforts aiming at elimination of existing harmful traditional practices and adopt all necessary measures to provide full protection of children, girls, women and widows from wrongdoings, inspired by these traditions (Ukraine); Undertake further efforts in order to raise awareness among religious leaders and traditional dignitaries and involve them in the dissemination of a culture of human rights and in combating harmful traditional practices (Qatar); Establish effective mechanisms to prohibit violence against women and girls, including traditional practices, such as FGM and continue awareness-raising campaigns to eradicate such practices (Norway); Undertake an awareness raising campaign about the practice of FGM, as encouraged by the National Consultative Forum (Ireland);*

¹³ 103.19: *Pursue the full implementation of its expressed commitment to prohibit all forms of violence against women, and to prevent illegal trafficking of women and girls, and take into account in this regard, among others, the recommendations of the united nations treaty bodies (the Netherlands); continue efforts in the field of combating human trafficking (Bahrain, France) and fully implement the international conventions in this area that Nigeria is a party to (France); continue its targeted efforts to combat trafficking in persons, above all women and young girls (Belarus); consider strengthening the efforts in the area of combating trafficking of women and children by cooperating closely with countries in the region (Malaysia); continue its efforts and close cooperation with relevant international organizations in combating child trafficking (Vietnam); allocate according to its capacity, adequate human and other resources in order to strengthen the combat on human trafficking (Angola);*

issues of women. The UPR Outcome recommendations addressed issues of *violence and discrimination against women; access to justice for women; equal participation in decision making processes, fighting against FGM, strengthening the campaign against human trafficking, improving access to reproductive health services for pregnant women and making more effort to improve the socio-economic conditions of women among other things.*

Since 2009, there had been several cases of rapes of women that had gone unpunished. Female Genital Mutilation had not stopped yet in the Niger Delta, almost all the states had passed laws against the practice but there is no record of any prosecution so far.

Whilst poverty rules over Nigeria, the case of women poverty is deepening and debilitating. Most laws against women still exist despite the request of the UPR that Nigeria repeal all the laws that discriminate against women.

NATIONAL HUMAN RIGHTS FRAMEWORK

CONSTITUTIONAL OBLIGATIONS AND DOMESTIC PROVISIONS

The constitutional provisions of sections 15, 17, 34 and 42 of the 1999 Constitution of the Federal Republic of Nigeria protects anyone in Nigeria against any discrimination be it direct or indirect by the state or any person on grounds including, gender, sex or any other attribute. The Constitution also guarantees the right to human dignity and to freedom from torture, inhuman or degrading treatment. It also guarantees that every citizen have equality before the law.

Other laws that have implications for the women include:

The Criminal Code

The Penal Code

The National Agency for Prohibition of Trafficking in Person (NAPTIP) Act

The FGM Laws in some states of the Federation

The National Gender Policy also exists in the country.

INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

Nigeria has ratified several international human rights instruments for the protection of women.

- International Convention on the Elimination of all forms of Discrimination Against Women (CEDAW)
- Optional Protocol to the African Charter on Human and Peoples' Rights on the Rights of women
- International Covenant on Civil and Political Rights (ICCPR)

¹⁴ 103.22: *Consider taking more strenuous effort to improve the socio-economic conditions of women, in particular, in the areas of reproductive health care services, poverty eradication and access to economic resources such as credit and loan facilities (Malaysia);*

- International Covenant on Economic, Social and Cultural Rights (ICESCR)
- United Nations Convention Against Torture and other forms of Inhuman and Degrading Treatment (UNCAT)
- Beijing + 15 Outcome Documents

Since 2009, Nigeria has made little effort in passing the various rights based bills in the National Assembly particularly bills that would have addressed the issues of women. The CEDAW Domestication Bill had met with great resistance in the National Assembly including the Bill for the Prohibition of FGM.

The Criminal Code applicable in the Southern Nigeria has a discriminatory provision on rape which is not strong enough to deter male felons but favourable to them whilst discriminatory to women.

The Penal Code which is applicable in the North has a provision that permits a husband to whip his wife in order to chastise her under the sharia law, which has not been repealed.

NATIONAL GENDER POLICY (NGP)

The National Gender Policy notes the traditional and cultural practices that discriminates against women, especially in decision making process and went further to provide for at least 35% affirmative action measure to promote the participation of women in public affairs in both elective and appointive capacities.

WOMEN'S RIGHTS TO POLITICAL PARTICIPATION AND DECISION MAKING

Though the number of women in elective positions remains low in the Niger Delta, falling short of the National Gender Policy benchmark of 35% as well as other women's rights documents which Nigeria is a party, the number however that emerged from 2011 elections was an improvement over the previous period in 2007.

The combined total of women in elective positions in the Niger Delta States of Akwa Ibom, Bayelsa, Cross River, Delta and Rivers showed that in 2003, these states had a combined total of eight (8) women in both the state Houses of Assembly and the National Assembly, fifteen (15) women emerged in the 2007 elections and seventeen (17)¹⁵ emerged in the 2011 elections.

Though far below expectations, the increase in the number of those elected signals some positive development that needed to be strengthened.

Whilst appreciating the little gains that women have made in terms of political representation, the truth remains that women continue to face serious impediments in politics particularly in the Niger Delta. Some of these impediments to increased women political participation include male domination of political parties leadership, imposition of candidates by political god-fathers, monetization of politics, thuggery and violence, lack of internal party democracy, politics and gender roles, and socio-cultural factors.

¹⁵Source: *Gender and Development Action, South South Zonal Women Political Empowerment Office, Port Harcourt*

FEMALE GENITAL MUTILATION

Female Genital Mutilation remains one key concern facing women in the Niger Delta. The greatest challenge facing the struggle against FGM is the non-implementation of the laws that had already been passed outlawing the practice of FGM.

Whilst all the states in the Niger Delta had passed laws against the age-long practice, it is disheartening to note that no prosecution has been made against the perpetrators of the practice yet its occurrence continues to challenge us.

TRAFFICKING IN WOMEN AND CHILDREN

Trafficking in women and children is one of the biggest social problems confronting the global community today.

In Nigeria, the Niger Delta has become a flash point for the recruitment of trafficked women and children to other countries in Africa, Middle East, Asia and Europe.

In its latest database analysis report, NAPTIP, the government agency dedicated to the fight against trafficking, had reported that in 2011, the agency secured fifty (50) convictions of those involved in trafficking. Of this record number, twenty-two (22) was reported to have come from the Niger Delta which is approximately forty-four percent (44%) of the total number. NAPTIP has also reported that the Niger Delta have the highest number of trafficked women and children.

WOMEN'S REPRODUCTIVE AND MATERNAL HEALTH

Top amongst community women in the Niger Delta are issues of miscarriages, stillbirth and urinary tract infections, disease conditions that bother on reproductive and maternal health issues.

Communities living in isolated areas and the hinterland lack the most basic modern medicare facilities. This makes health service delivery for women doubly difficult in these areas of the Niger Delta.

Whilst some states particularly Akwa Ibom, Rivers and Delta had embarked on renovations of dilapidated health institutions and construction of new ones to promote maternal health and reduce both maternal and infant mortality, reports on primary health care show that there is a ratio of only one health care facility for every 9,805 people, with the average facility serving an area of 44 square kilometers. There is one facility for approximately every 43 settlements. The number is worse for secondary health care. There is only one facility for every 131,174 people, serving an area of 583 square kilometers. Poor access to health care facilities reduces people's quality of life and increases their poverty.

Access to health care services remains a heavy burden to the poor rural women in the Niger Delta. Similarly, availability of drugs and power supply in these health institutions remain a challenge.

RECOMMENDATIONS

We call on government at all levels:

1. To facilitate the passage of the Gender and Equal Opportunities Bill and other rights-based bills currently pending before the national assembly.
2. To encourage and facilitate the full implementation of the National Gender Policy by the government.
3. To ensure the passage of the various bills seeking to protect women's human rights, by the national assembly particularly the CEDAW Domestication Bill
4. To take steps to address the deepening poverty levels in the country particularly amongst women. The response of government at all levels in dealing with the issue of poverty has not been clearly defined and properly coordinated.
5. Refrain from the politicization of the economic empowerment programmes launched by both the Federal government and the various state governments in the Niger Delta region.
6. Criminalize the issue of rape against women, trafficking in women and children and FGM
7. To promote gender budgeting and ensure gender-mainstreaming in all government activities
8. Facilitate the establishment of obstetric clinics and provide free medical services to expectant mothers.

CORRUPTION

The landscape for the promotion of good governance, democracy and rule of law is continually being undermined by the high level of both economic and political corruption within the system especially in the public sector which appears to have gotten worse in the last four years.

Corruption remains the most potent barrier against the enjoyment of socio-economic rights and the provision of basic infrastructure to citizens of the country particularly the Niger Delta.

In the UPR recommendation 103. 24, the governments of Turkey and Cuba had urged the Nigeria government to intensify its fight against corruption in order to continue *ensuring its economic growth to guarantee the enjoyment of economic, social and cultural rights by all its citizens.*

Since the UPR of Nigeria, the country had witnessed a steady decline in its anti-corruption war to the extent that the country dropped from 130th position on the Corruption Perception Index in 2009 to 139th position in 2012. Nigeria remained rooted to the bottom of the global corruption ranking.

In a report¹⁶ released by the Transparency International on the 5th December 2012, Nigeria scored 27 out of a maximum 100 marks to clinch the 139th position out of the 176 countries surveyed for the

¹⁶ *ThisDay Newspaper December 06, 2012:Transparency International Ranks Nigeria 35th Most Corrupt Nation: <http://www.thisdaylive.com/articles/transparency-int-l-ranks-nigeria-35th-most-corrupt-nation>*

report making it the 35th most corrupt country in the world. In the report, Nigeria shared the same position with countries like Azerbaijan, Kenya, Nepal and Pakistan. Countries such as Togo, Mali, Niger and Benin fared better than Nigeria.

Nigeria placed 143rd in the 2011 ranking, making it the 37th most corrupt country. It is difficult to say Nigeria improved in the ranking in 2012 because 182 countries were ranked in 2011, six more than the 176 countries that were ranked in 2012.

According to the TI report¹⁷, the 2012 index ranked 176 countries/territories by their perceived levels of public sector corruption. The index draws on 13 surveys covering expert assessments and surveys of business

The Corruption Perceptions Index is the leading indicator of public sector corruption, providing an annual overview of the relative degree of the corruption problem by ranking countries from all over the globe.

THE NATIONAL HUMAN RIGHTS FRAMEWORK

The constitutional provisions of chapter 2 of the 1999 constitution of the Federal Republic of Nigeria have implications on the issue of corruption in Nigeria.

DOMESTIC LEGISLATIONS

There exist several domestic legislations that had been enacted over the years to provide the framework for deterring corruption in the Nigeria society. Some of these include:

1. Economic and other Financial Crimes Commission Act (EFCC Act)2004
2. Independent Corrupt and other related Offences Commission Act (ICPC Act)
3. Code of Conduct Bureau and Tribunal Act
4. The Money Laundering (Prohibition) act 2004
5. The Advance Fee Fraud and Other Fraud Related Offences Act 1995
6. The Failed Banks (Recovery of Debts) and Financial Malpractices in Banks Act 1994

INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

Nigeria has ratified some international human rights instruments which have implications for the issue of corruption. These are:

1. United Nations Convention Against Corruption(UNCAC)
2. International Covenant on Economic, Social and Cultural Rights(ICESCR)

SITUATION OF CORRUPTION

¹⁷ Ibid

During the period after the UPR of Nigeria, the efforts of the Economic and Financial Commission (EFCC) to fight corruption had been largely ineffectual.

The country moved from its 130th position on the Corruption Perception Index in 2009¹⁸ to 139th position in 2012 as reported by the global anticorruption watchdog, Transparency International.

Though within the period, the EFCC indicted some number of politicians and government officials on corruption charges in the Niger Delta, the agency did not do much. The convictions of the rich and influential involved in large scale corruption scandals stand in stark contrast to the convictions of poor people involved in petty crime.

An example is the recent case of Mr. John Yakubu Yusufu, erstwhile Deputy Director in the Police Pension Fund Office, who was tried for admittedly defrauding the Police Pension Fund with other accomplices to the tune of N27.2billion. According to various reports, the amount the EFCC traced to Yusuf and for which he pleaded guilty was N3.3billion described “as his share of the loot¹⁹”

The aforementioned accused had been convicted by Hon. Justice Abubakar Talba of the High Court of the Federal Capital Territory (FCT), Abuja in his judgement delivered on the 29th January 2013 , but with a mere two-year imprisonment sentence or a fine of N750,000.00. He reportedly promptly paid on the spot and walked out of the courtroom a free man, albeit, temporarily.

Meanwhile, few days to this ruling, according to reports by the Punch Newspaper of February 6th 2013, a magistrate’s court in Ikare, Ondo State, had jailed Adepoju Jamiu, 23, three years without an option of fine for stealing a *BlackBerry* phone worth N17, 000, while in Abeokuta, Ogun State, a few days earlier, Mustapha Adesina, 49, was jailed two years²⁰, though with an option of fine, for stealing vegetables!

RECOMMENDATIONS

The coalition urges the Nigeria government to:

1. Reform the EFCC Act to ensure its independence from the Executive and security of tenure
2. Open up the requirement for nominations and appointments into positions of the leadership of the EFCC
3. Stricter punishments should be introduced for financial and economic crimes to douse the brazen impunity and greed of large-appetite felons
4. Stop the adulterated plea-bargaining regime in the country
5. Reform the entire legal system in the country

¹⁸ Professor Mobolaji Aluko (PhD) : *Corruption Index: The Ranking of Nigeria from 1995 – 2009* November 2009
Economic Confidential: <http://economicconfidential.net/new/financial/facts-a-figures/61-corruption-index-the-ranking-of-nigeria-from-1995-2009>

¹⁹ *Punch Editorial, February 6, 2013. Corruption, Pension Thief and Justice*

²⁰ Ibid

RIGHT TO EDUCATION

UPR Outcome recommendation 29 by the Holy See had called on the Nigeria government to *continue to invest in education in order to reduce the illiteracy rate further, especially among girls and young women.*

The state of education in the Niger Delta has not been very encouraging. The results released by the examination bodies such as the West African Examination Council(WAEC) and the National Examination Council(NECO) which had shown marked declining performance in public examinations and increasing rates of failures by students from Niger Delta states.

NIGERIA CONSTITUTIONAL OBLIGATIONS AND DOMESTIC LEGISLATIONS

Section 18 of 1999 Nigeria constitution emphasizes the issue of education. According to the constitution, responsibility for education is shared between the different tiers of government namely federal, state and the local governments.

THE NATIONAL POLICY ON EDUCATION

The Education system in Nigeria is presently based on the National Policy on Education of 1977(last revised in 2004) which is the overarching framework for intervention in the education sector.

Each state intervention in the education sector is adapted to further the principles and policies promoted by the National Policy.

- 1. Nomadic Education Act**
- 2. Universal Basic Education Act**
- 3. Education Trust Fund Act**
- 4. African Charter on Human & Peoples' Rights (Ratification and Enforcement) Act. 1983**

INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

- African Charter on Human and Peoples Rights
- Universal Declaration of Human Rights
- International Covenant on Economic, Social and Cultural Rights
- Convention on the Rights of the Child

SITUATION OF THE RIGHT TO EDUCATION

EDUCATION FINANCING AND MEETING INTERNATIONAL TARGET

Education remains the bedrock for the development of any given society. Hence, any result oriented government must necessarily invest in this sector in order to facilitate the full development of its citizens.

In order to promote the realization of the right to education, the United Nations Education, Scientific and Cultural Organization (UNESCO) had set a minimum target of 6% of GNP to be invested by governments in the education sector. The second target is the Fast Track Initiative, which recommends that countries should spend 20% of their national budget on education

To demonstrate its commitment to the education sector, the governments in the Niger Delta must try to improve on its financing of the sector through annual budget allocations.

An analysis of the budgets of four states in the Niger Delta in the past three years showed that none of them met the Fast Track Initiative (FTI) target of 20 percent of annual budget to the education sector. The table below is a representation of the states of the Niger Delta in terms of budget allocation to the education sector in the 2011 budget.

STATE	TOTAL BUDGET (BN)	EDUCATION BUDGET (BN)	% OF BUDGET
Akwa Ibom State	287,400,000,000	18,544,000,000	6.4
Bayelsa State	161,200,000,000	6,400,000,000	4.0
Delta State	361,904,074,303	24,671,675,344	6.8
Rivers State	415,000,000,000	67,300,000,000	16.2

As the percentage allocations clearly show, none of the state governments in the Niger Delta had met the minimum target of at least 20% total annual budget for financing the education sector. This trend had been observed in the last two annual budgets.

FAILURE TO PROMOTE OF HUMAN RIGHTS EDUCATION

The study of human rights in schools has not been achieved. The school curricula of all the states in the Niger Delta have not yet been reviewed to include the teaching and learning of human rights. The Nigeria state continues to fail to integrate human rights education in their academic programmes.

EDUCATIONAL INFRASTRUCTURE

By 2009, the six core states (Akwa Ibom, Bayelsa, Delta, Cross Rivers, Edo and Rivers) of the Niger Delta have a combined total of five thousand seven hundred and thirty six (5736) of primary schools whilst the total number of secondary schools was put at two thousand four hundred and sixty five (*National Bureau of Statistics 2009*)

What this means is that the number of secondary schools available may not have been enough to absorb the number of pupils coming out of the primary schools. This could be the result of lack of availability of educational facilities as the number of primary schools is more than twice the number of secondary school facilities in the Niger Delta.

In Rivers State, the government failed to deliver on its promise to complete the construction of two hundred (200) model primary and 24 international standards secondary schools by the end of 2011. The same failure was also observed with the newly established Rivers State University of Education.

In Akwa Ibom State, the digital library project had not been completed including the State University of Science and Technology project. The same story of state of projects applies to some projects in Delta and Bayelsa States.

INADEQUATE HUMAN RESOURCES

Human resources shortage is still a key challenge in the education sector. Coalition researchers report that most of the schools visited in the Niger Delta have inadequate number of staff.

The teacher to pupil ratio (TPR) is an invaluable index in determining the quantity and quality of teaching manpower available for teaching delivery. According to the UNESCO, the standard teacher-pupil ratio (TPR) is 1: 25 and the Nigeria's national average is 1:35.

Most of the schools visited in Akwa Ibom, Bayelsa and Rivers States by the coalition research team showed that the schools did not meet up the UNESCO TPR Standard or the Nigeria's national average.

RECOMMENDATIONS

We urge the government of Nigeria and the respective state governments to:

1. Provide free education to all Nigerian citizens to all levels of education
2. Invest more resources in the development of the education sector
3. Include human rights education in school curricula
4. Provide the necessary environment for disabled children to have access to education