



**UNIVERSAL PERIODIC REVIEW
MID-TERM REPORT ON NIGERIA**
Report prepared by members of Edmund Rice Network Nigeria

135.1. Sign and ratify the Optional Protocol to the ICESCR and the Optional Protocol to the Convention on the Rights of the Child on a communications procedure (Portugal);

Not implemented. The ICESCR only remain a Fundamental Objectives and Directive Principles for State Policy. Chapter 2 of the 1999 Constitution as amended clearly spells this out.

135.7. Ensure the enactment of the bill on the Convention on Elimination of All Forms of Discrimination against Women (CEDAW) (Brazil);

Partially implemented only with the enactment of VIOLENCE AGAINST PERSONS (PROHIBITON) ACT 2015. The Act prohibits all forms of violence against persons in public and private life. This law is applicable in the Federal Capital Territory of Nigeria only. Except the federating States pass similar laws, it remains inapplicable in those States. The refusal by the Nigerian Parliament to pass the GENDER AND EQUAL OPPORTUNITIES BILL 2016 into law is a setback when under Sharia, a husband can withdraw maintenance if his wife refuses sexual intercourse; a woman alleging rape must produce four witnesses; and s.55 of the Penal Code applicable in 19 Northern States allows the infliction of grievous hurt to women by their husbands for purposes of correcting his wife.

135.9. Reinforce anti-corruption laws (Côte d'Ivoire);

Partially implemented. The anti-corruption agencies to wit: Economic and Financial Crimes Commission, Independent Corrupt Practices Commission and Code of Conduct Tribunal are in place but without the independence of such

institutions. The power of the presidency seems to overwhelm their functions such that they detain suspects for upward of more than the 24 hours or 48 hours as constitutionally required without prosecution. An Ekiti State legislator Afolabi Akanni was arrested by the State Security Service and detained without arraignment.

135.11. Redouble efforts in harmonization of the legal system of the country (Ethiopia);

Not implemented. In practical terms the Sharia law is applicable in the Northern States of the country despite the clear provision in s.10 of 1999 Constitution as amended that Nigeria is a secular state. There is also need for constitutional amendment to revisit the power sharing system between federating states and the government at the center and to allow the enforcement of all domesticated treaties.

135.12. Take further measures to implement the 2010 recommendations by the Committee on the Rights of the Child, especially related to the domestication of the CRC; the right of the child to education, nutrition and health, and protecting girls from early marriage (Finland);

Partial implementation only as the law is a child right law (not domesticated) substantially but without the necessary institutions put in place to implement the provisions of the law. The law is absent in most of the Northern States of Nigeria.

135.13. Adopt legislative and practical measures to combat accusations against children for witchcraft by, inter alia, criminalizing the witchcraft accusations, providing protection to children; and by awareness-raising, including in cooperation with civil society (Finland);

Fully implemented.

135.14. Ensure international conventions are streamlined in domestic laws (France);

Partial implementation.

135.15. Incorporate into municipal law various instruments such as the Optional Protocol on the Rights of Persons with Disabilities (Ghana);

Not implemented. The Bill is still pending at the Parliament.

135.21. Introduce laws against female genital mutilation in all states, takes steps to ensure access to justice for women who are victims of violence; and that the Violence Against Persons (Prohibition) Bill is passed by the Senate (Ireland);

Fully implemented. The Violence Against Persons (Prohibition) Act 2015 made adequate provisions for Female Genital Mutilation and access to justice.

135.24. Accelerate the adoption and full implementation at the federal, state and local levels of the Gender and Equal Opportunities Bill, and the Violence against Persons Prohibition Bill, in compliance with CEDAW provisions (Republic of Moldova);

Not implemented. A Bill to provide for gender equity and equality was thrown out by the Nigerian Parliament on March 15, 2016.

135.33. Continue to strengthen its [Nigeria's] human rights institutions and develop further measures to ensure the effective implementation of their mandate (Lesotho);

Partially implemented. The Ombudsman and the Legal Aid Council remain moribund institutions in Nigeria.

135.44. Implement the 2011 EU Observation Mission recommendations concerning the equal political participation such as to provide assistance to IDPs or to prosecute people involved in election violence (Czech Republic);

Fully implemented. This was what gave birth to the credible elections conducted in 2015 that ushered in the new administration.

135.45. Undertake measures, including through human rights education and training, to modify traditional practices that are in conflict with human rights standards which guarantee equality between men and women (Costa Rica);

Partially implemented. The Nigerian Human Rights Commission is very much involved in human rights education.

135.49. Launch campaigns of sensitization for families and communities with the aim of creating areas of protection for the protection of the rights of

children with greater efficiency (Mexico);

Partial implementation. The ‘almajiri syndrome’ is very much invoked in Nigeria. This is a situation where Islamic clerics assemble underage children with the consent of parents and take them to distant places outside their immediate home to be trained in the recitation of the Koran. Most times these children became destitute begging for food to survive. These children are referred to as “almajiri.”

These children are trafficked in the name of religion and denied access to formal education, exposed to health hazards and child labor, lack parental care, are denied food, have to go begging and often taught to hate others. These practices are common among indigent families. This is the graphic picture of an average Muslim child in the northern part of Nigeria.

135.57. Continue its positive approach in improving the socio-economic conditions of women, including intensifying support for women political aspirants through its Women Political Trust Fund (Malaysia);

Partially implemented. During the last national general election in 2015, women that ran for political office were allowed to contest without due adherence to the formal procedure of depositing huge sums of money to be eligible to contest.

135.68. Take all necessary measures to put an end to extrajudicial killings, investigate all reported cases, and ensure that all suspected perpetrators are brought to justice (Sweden);

Partially implemented. A recent killing of 347 Shiite sect members took place on Saturday, 12 December 2015 in Zaria a suburb of Kaduna State, by the Nigerian Army. The army claimed that it responded to an assassination attempt on the life of the Chief of Army Staff, a claim denied by the Islamic movement.

135.76. Continue its successful and productive measures to counter and eliminate threats of militant insurgents and organized crime groups (Azerbaijan);

Partially implemented. The fight against terror is on course considering the huge humanitarian crises that follow.

135.82. Block acts of violence against religious minorities (Cape Verde);

Not implemented. Cases of marginalization of religious minorities through want of freedom of worship in the Northern States continue. In Bununu and Gital villages churches that were forcefully taken over by Islamic extremists and converted to mosques have not been returned. Also Sharia law which has become the state law in some parts of Northern Nigeria threatens adherents with committing apostasy should they leave Islam. The death penalty for that is tacitly supported by the Sharia Courts operating in those villages.

135.93. Ensure the protection of children's human rights by reducing and eliminating domestic and international child trafficking, sexual abuse, economic exploitation, "baby farming", widespread homelessness, abuse stemming from belief in child witchcraft, and forced conversions (Holy See);

Partially implemented. In the case of international trafficking the government is up and doing. But domestic trafficking, homelessness, forced conversion and baby farming are still on the increase.

135.94. Urgently address child, early and forced marriage by putting in place legislation that clarifies the legal age for marriage, honoring commitments made in the country's last UPR to prevent and eliminate the practice (Canada);

Not implemented. This is simply because of cultural and religious beliefs. Any effort to have legislation to that effect proves abortive with the refusal by the parliament to pass the Gender equity and Equality Bill.

135.95. Take measures to prevent the sexual abuse, neglect and trafficking of children, child prostitution and pornography, in line with commitments under the OP-CRC-SC (Republic of Moldova);

Partially implemented. Child kidnapping and child marriage are still prevalent.

135.115. Take the necessary measures to ensure that the Child Rights Act of 2003 is incorporated in the legal system of the States and applied by all other entities (Belgium);

Partially Implemented.

135.116. Continue the justice sector reform without any deviation (Turkey);

Partially implemented with enactment into law of the Administration of Criminal Justice Act 2015 and an amendment of the Evidence Act 2011.

135.122. Protect and promote the right of Nigerians to practice their religious faith or beliefs, including by enhancing the dialogue between different faith communities to address interreligious tensions – particularly those in the Middle Belt States – and to combat all forms of extremism (Canada);

Partially implemented. This has been part of Nigerian problem since independence in 1960.

135.140. Continue efforts and implement its plans to eradicate polio in Nigeria (Ghana);

Fully implemented.

135.145. Increase the commendable ongoing efforts aiming at granting full and free access to quality education for all children, inter alia, by boosting annual expenditure on education (Italy);

Partially implemented.

135.146. Adopt effective measures to ensure universal and free access to primary education, without discrimination between girls and boys (Portugal);

Partially implemented.

135.164. Better protect the rights of ethnic and other minorities, including so called “settlers”, in particular their rights of citizenship and indigenous rights, and to ensure their equal and non-discriminatory treatment in the whole country (Germany);

Partially implemented. The Nigerian 1999 Constitution as amended remains ambiguous as to the terms settler and indigene especially in cases of appointment in public offices. S. 14 and 153 of the 1999 Constitution as amended introduced the Federal Character principle which further makes the subject more complex giving birth to nepotism, corruption and the like.

135.165. Adopt measures to eliminate the economic, social and cultural

barriers which exist between different ethnic and religious groups with the aim of facilitating coexistence between them (Mexico);

Not implemented. This is because the economic, social and cultural rights are not incorporated in the Nigerian 1999 Constitution (as amended) as enforceable human rights. They are provided for in the Constitution as Fundamental Objectives and Directive Principles of State Policy in Chapter 2.

This has led to cases of denying ethnic or religious groups from enjoying development projects like schools. The Christian communities in Bauchi State have resorted to the establishment of community primary and secondary schools to take care of the population of children of school age.

Ethnic and religious groups are also discriminated against, or are not allowed to hold specific public offices in states where the Sharia law is part of the state law. The immediate effect of these discriminatory practices between communities has given birth to the frequent communal clashes, the cattle rustling, wanton destruction of properties, killing of local farmers in Agatu, Riyom, Barikin Ladi, Mangu, Ibbi, Ondo, Enugu, Oyo, Ogun and Kaura communities.

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