
REPORT ON THE HUMAN RIGHTS SITUATION IN NIGERIA

BY
PRAWA

1. Prisoners' Rehabilitation and Welfare Action (PRAWA) is a nongovernmental organisation whose vision is the emergence of a humane and secure society that corrects and empowers to prevent crime, violence and torture. PRAWA works in three thematic areas which include Security and Justice, Social Development and Rehabilitation, and Research and Documentation.
2. PRAWA has a wealth of experience spanning over 23 years with commendable track records in implementing practical and innovative prisons/corrections and justice sector reform interventions in Nigeria and other African countries. Also, the organisation's extensive contacts with key players / stakeholders in the justice sector in Nigeria, within the continent and globally will be a great asset to the proposed project. The global contact includes its membership and partnerships with the following organisations: The International Corrections and Prisons Association (ICPA), American Correctional Association (ACA), International Rehabilitation Council for Torture Victims (IRCT), International Association for Correctional and Forensic Psychology (IACFP), International Community Corrections Association (ICCA), Global Justice Resource Centre, etc. Currently, PRAWA is engaged with the implementation of Prison Reform Project (PRP) which is a component of the Security and Justice Reform Program (SJRP) funded by the British Foreign and Commonwealth Office. PRAWA has implemented over 62 projects and 22 researches and produced over 69 publications since its establishment. ¹
3. In terms of legislation, there has been considerable improvement on human rights issues in Nigeria. The major challenge however lies in the area of implementation and enforcement of enacted laws.
4. The following are PRAWA's concern on the human rights situation in Nigeria based on the recommendations accepted at the UN Human Rights Council.
 - Increase in pre-trial detention numbers
 - There are several reports of persons kept in detention perpetually without trial in spite of the provision of the writ of habeas corpus.
 - Dysfunctional administration of justice, no safeguards, corruption
 - Torture and extortion
 - No central record of detention and no public access

A. Access to justice

5. In 2015, the federal government of Nigeria passed a new Administration of Criminal Justice Act. But before this, the Lagos State Government had trailed the blaze in criminal justice administration reform in Nigeria with its passing of the Administration of Criminal Justice Law (ACJL) in 2007 (reviewed in 2011) which repealed and replaced the old Criminal Procedure Law of Lagos State of 2004. Many other states have also passed or are in the process of passing similar laws. The purpose of the ACJA which is modelled after the Lagos ACJL is to ensure that the system of administration of criminal justice in Nigeria promotes efficient management of criminal justice institutions, speedy dispensation of justice, protection of the society from crime and protection of the rights and interests of the suspect, the defendant and the victim.
6. Unfortunately, despite this new legislation, grave human rights issues continue in relation to all aspects of the administration of justice. Many of these issues, which will be outlined below are interrelated and have a mutually reinforcing effect leading to a serious state of crisis in the Nigerian detention system.
7. Excessive use of detention and lack of habeas corpus: Arrest and detention appear to be the standard response to any crime regardless of its severity. Often this happens before any meaningful investigation has been undertaken. Subsequently, suspects face significant challenges in being brought before a judge within a reasonable time and are often simply forgotten and left in detention for prolonged periods. Furthermore, the frequent use of imprisonment for petty crimes such as street hawking based on summary trials by mobile courts result in a high number of persons, including minors between 12 and 17 years of age, spending prison terms between 6 months and 3 years. This raises concerns about arbitrary detention and is a major cause of the severe overcrowding in Nigeria's prisons.

8. RECOMMENDATIONS:

- a) The government should commit fully to improve the Nigeria Criminal Justice System by taking all necessary steps to implement the Administration of Criminal Justice Law.
- b) The over utilization of pre-trial detention is an issue that requires urgent intervention. The government should encourage less use of pre-trial detention and increased utilization of alternatives to imprisonment measures especially for minor offenders. It should also include diversion from prison custody of special needs offenders including young offenders and mentally ill prisoners to appropriate facilities
- c) The government should make adequate budgetary provisions to enable the implementation of the above particularly the ACJ Laws at both federal and state levels
- d) The government should promote other legislative reforms aimed at the institutionalization of processes that will enhance access to justice like the

provision of the legal aid fund as provided in the Legal Aid Act of 2011, certification of paralegals etc.

- e) The government should put in place a system that will ensure continuous capacity building and reorientation of officials across the relevant criminal justice agencies on the foundational principles, objectives, provisions and benefits of the ACJ Act.
- f) The government should ensure continuous training and re-training of all police investigators and other law enforcement agencies on the provision of the Act, especially regarding the areas of arrest, detention, bail and prosecutions.
- g) The government should immediately renovate all courts in Nigeria to change the issue of long hand writing of cases by judges, through the installation of modern communication equipment.
- h) Effective collaboration and coordination of all security and Justice Sector institutions should be facilitated.

B. Police Abuse and Torture

- 9. Torture continues to be a major human rights concern in Nigeria, despite initiatives by the Government of Nigeria to address the issue, such as the enactment of the Anti-Torture Act, 2017. Unfortunately, the law has significant gaps, for example in relation to investigations and victims right to reparation and rehabilitation. Furthermore, torture and ill-treatment remain widespread in places of detention. There are consistent allegations of torture by SARS operatives to extort confessions from detainees and arrested persons and conditions in most places of detention constitute at the very least cruel, inhuman or degrading treatment. Unfortunately, these allegations are not effectively investigated, perpetrators are not prosecuted, and victims have no access to reparation and rehabilitation.
- 10. The Government has established the National Committee on Prevention of Torture to regularly monitor the treatment of persons deprived of their liberty in custody. However, this mechanism is currently unable to fully execute its mandate in accordance with the OPCAT due to a wide variety of problems, including inadequate resourcing of current monitoring mechanisms; lack of a central database or register of all places of detention, their location, and number of detainees; and lack of effective access to all places of detention for civil society organizations.

11. RECOMMENDATIONS

- a) The government should provide an efficient and effective framework for the enforcement of its anti-torture law and the laws against police brutality.
- b) The government should as a matter of urgency put in place a systemic, institutional and sustainable structure for the rehabilitation of victims of torture.
- c) The right to rehabilitation should be established in law and policy and effectively implemented in accordance with the international standards in article 14 of the UN convention against torture.

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- d) The government should partner with relevant international and national bodies such as the International Rehabilitation Council for Torture Victims (IRCT) and the National Human Rights Council in order to support torture victims and provide rehabilitation services.
 - e) All stakeholders in the security and justice sector should help safeguard against acts that could subject all citizens to dehumanization.
 - f) The government should develop a case management system of data accounting for numbers of tortured victims within police detention facilities and out of the facilities.
 - g) The government should establish of a tamper proof register of all persons placed under arrest and a comprehensive database of all places of detention, including their location, number of persons detained and their compliance with international human rights standards.
 - h) The government should put in place a system that ensures unhindered access to all places of detention for detainees' families, legal counsels, medical doctors and NGOs, and complete tracking of the whereabouts of all detainees from point of arrest to discharge.
 - i) The government should ensure that the National Preventive Mechanism is functioning in accordance with the requirements of the OPCAT.
 - j) The government should implement and enforce relevant provisions under the administration of the Criminal Justice Act (ACJA), which provide that statements of accused persons should be recorded to ensure that they are not obtained under duress, torture and degrading treatment.

C. Violence against women

12. The social context of violence against women in Nigeria is based largely on the practice of patriarchy with the attendant privileges for men as against women. There are several reports of gender-based violence and regular incidences of rape and other forms of violence against women.
13. Various laws have been put in place to protect the rights of individuals that fall into these categories to ensure justice is given to the victims. The Violence against Persons (prohibition) Act (2015) is an act to eliminate violence in private and public life, prohibit all forms of violence against persons to provide maximum protection and effective remedies for victims and punishment of offenders; and for related matters. Despite the enactment of VAPP Act there are several reported cases of gender violence. For fear of the shame and stigma that accompanies rape, a lot of women and young girls refuse to report cases of rape. In Kano state it was recorded that about 700 women were raped in the year 2017. News reports indicate 210 cases of rape in Kastina in the year 2017.

14. RECOMMENDATIONS

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- a) The government should implement a programme of sensitization/awareness creation for the public to encourage victims to report cases and seek rehabilitation support.
 - b) The government should ensure that persons bringing allegations have access to expert forensic evidence to prove their allegations.
 - c) To Advocate/facilitate the implementation and enforcement of the VAPP Act in order to provide access to justice for victims of rape and other forms of violence.
 - d) The government and policy makers should put in place a system where victims can safely report gender-based violence and receive rehabilitation support and where hospitals can collect and report anonymized data to demonstrate the prevalence of the issue.

D. Female Gender Mutilation (FGM)

- 15. FGM is a common practice in many states of the federation and an abuse of the rights of victims to reproductive health and in severe cases can lead to death. FGM under the VAPP Act is now an offence.
- 16. A recent UNICEF statics has reported the five states with the highest prevalenceⁱ of FGM in Nigeria are Osun 77%, Ebonyi 74%, Ekiti 72%, Imo 68% and Lagos 45%. Also, about 20 million (24.8%) Nigerian women mostly between the ages of 15-49ⁱⁱ are reported to have undergone FGMⁱⁱⁱ. Data gotten from the Nigeria Demographics and Health Survey shows that states in the southeast region accounting for 45 percent of FGM cases; and south-western states accounting for up to 55 percent^{iv}.

17. RECOMMENDATIONS

- a) Government should look into the laws that apply to each one of these issues raised concerning women's rights and the violence towards women; they should be implemented and enforced through the establishment of the adequate and proper resources needed to accomplish this.
- b) Removal of stigmas attached to women who have been through one or all of the above situations will happen through continuous awareness and sensitization on these topics.
- c) The issues surrounding violence against women and abuse should be handled with a sense of importance in courts as prolonged and delayed cases tend to cause the individuals involved to lose interest ultimately letting the perpetrators go free.

ⁱ Owoseye, Ayodamola. "Why Nigerian Govt Must Enforce Laws against Female Genital Mutilation ." Premium Times Nigeria, Premium Times Nigeria, 5 Nov. 2017, www.premiumtimesng.com/news/more-news/249572-nigerian-govt-must-enforce-laws-female-genital-mutilation-expert.html.

ⁱⁱ Ekeanyanwu, Ogechi. "Two Years after Ban FGM Still Rampant in Nigeria." Development Cable, Thecable.ng, 3 Aug. 2017, www.thecable.ng/two-years-ban-fgm-still-rampant-nigeria.

ⁱⁱⁱ Kaplan, Adriana, et al. "Health Consequences of Female Genital Mutilation/Cutting in the Gambia, Evidence into Action." Reproductive Health, BioMed Central, 2011, www.ncbi.nlm.nih.gov/pmc/articles/PMC3195700/.

^{iv} Violence Against Persons Prohibition Act ." Center for Laws for the Federation of Nigeria, Tree & Tree Justice Media, 22 Mar. 2018, [www.lawnigeria.com/LawsoftheFederation/Violation-Against-Persons-\(Prohibition\)-Act,-2015.html](http://www.lawnigeria.com/LawsoftheFederation/Violation-Against-Persons-(Prohibition)-Act,-2015.html).