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الاستعراض الدوري الشامل

تقرير الفريق العامل المعني بالاستعراض الدوري الشامل**

نيجيريا

* أعيد إصدارها لأسباب فنية.

** لم يُترجم إلا الفصل الثاني من هذا التقرير. أما مرفق التقرير فيُعمَّم بالصيغة التي ورد بها.

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CONTENTS

	<i>Paragraphs</i>	<i>Page</i>
Introduction	1 - 4	3
I. SUMMARY OF THE PROCEEDINGS OF THE REVIEW PROCESS	5 - 102	3
A. Presentation by the State under review.....	5 - 24	3
B. Interactive dialogue and responses by the State under review.....	25 - 102	6
II. CONCLUSIONS AND/OR RECOMMENDATIONS.....	103 - 83	19

Annex

Composition of the delegation.....		26
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Introduction

1. The Working Group on the Universal Periodic Review (UPR), established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its fourth session from 2 to 13 February 2009. The review of Nigeria was held at the 12th meeting on 9 February 2009. The delegation of Nigeria was headed by His Excellency, Mr. Ojo Uma Maduekwe, Minister of Foreign Affairs of Nigeria. At its meeting held on 11 February 2009, the Working Group adopted the present report on Nigeria.

2. On 8 September 2008, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Nigeria: Japan, Djibouti and Switzerland.

3. In accordance with paragraph 15 of the annex to resolution 5/1, the following documents were issued for the review of Nigeria:

(a) A national report submitted / written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/4/ NGA /1);

(b) A compilation prepared by the Office of the High Commissioner for Human Rights (OHCHR), in accordance with paragraph 15 (b) (A/HRC/WG.6/4/ NGA/2);

(c) A summary prepared by OHCHR, in accordance with paragraph 15 (c) (A/HRC/WG.6/4/ NGA /3).

4. A list of questions prepared in advance by Czech Republic, Denmark, Ireland, Germany, Latvia, Lithuania, Netherlands, Sweden, and United Kingdom of Great Britain and Northern Ireland was transmitted to Nigeria through the troika. These questions are available on the extranet of the UPR.

I. SUMMARY OF THE PROCEEDINGS OF THE REVIEW PROCESS

A. Presentation by the State under review

5. At the 12th meeting on 9 February 2009, His Excellency, Mr. Ojo Uma Maduekwe, Minister of Foreign Affairs of Nigeria, presented the national report.

6. He stressed that Nigeria is one of the world's largest democracies and, with its diversity of 250 ethnic groups, equal measure of two great historical religions and mosaic of disparate cultures, inspired largely by human rights traditions. In its commitment to human rights it is distinguished by its compliance with the highest universal standards. The question is therefore not one of will, but challenges reside primarily in the area of growing capacity. Considerable improvements have been made since the return of democracy in 1999. Nigeria takes the UPR exercise very seriously as one which will help to reinforce its capacity not only to do right at home but also to remain a very responsible and responsive member of the international community.

7. In preparation for its review, Nigeria conducted a truly broad national consultation. A National Consultative Forum (NCF) was held in Abuja in November 2008 to which every spectrum of the society was invited. During the Forum, every human rights issue was openly discussed and participants were able to express their views freely. The outcome of the NCF is faithfully reflected in the National Report. The level of participation and the quality of the debate were so valuable to the effort to protect and promote human rights that Government is considering making the event an annual one.

8. The UPR being a nascent mechanism, it was imperative to ensure that the Review achieves its desired objectives. Consequently, although the UPR process allows information from non-governmental organizations and national human rights institutions to be considered as elements for the review, such information must be factual, objective and constructive. The delegation was therefore surprised by the reports on Nigeria, not only by their many unsupported statistics and unfounded allegations, but also by the quality of the language used to characterize a free and sovereign State. Preposterous allegations were not only patently false, but also completely unhelpful to the UPR process. One was left wondering if there are no ethical limits to the allegations that NGOs can make against sovereign States in the UPR process.

9. It would be difficult to fully appreciate the progress Nigeria has made in democratic governance and the promotion and protection of human rights in such a short time, without taking into account this historical reality. The Government is strongly committed to steering the country along the path of sustainable democracy, the rule of law and respect for human rights. It is committed to creating opportunities for decent living for its citizens. While not being unaware of the enormity of the task, Nigeria stressed that it counts on the support and understanding of the international community and its numerous friends. It remained committed to continue cooperating with the Council in every aspect of its mandate.

10. The President has made the rule of law an abiding principle of governance in Nigeria. In line with this commitment, as well as the pledge made during the election to the Human Rights Council in 2006, on 19 January 2009 the President signed the instruments of accession to the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (CRMW); the International Convention for the Protection of All Persons from Enforced Disappearance (CED); the Convention on the Prevention and Punishment of the Crime of Genocide (CPPG); and the Optional Protocol to the Convention against Torture (OP-CAT). In addition, Nigeria has now ratified the Optional Protocol to the Convention on the Rights of Persons with Disabilities (CRPD-OP).

11. Thanking the countries for their advance questions, the delegation referred to the concern expressed about Nigeria's legal system. Nigeria stressed, inter alia, that within the tripartite legal system the 1999 Constitution is the supreme law of the land. With regard to the issue of lack of harmonization, it said that the Nigerian Law Reform Commission has completed the first phase of the reform of the Family Law; the second phase, involving the harmonization of the Marriage and Divorce Act, would be finalized in March 2009. The reforms would address some of the concerns that had been raised.

12. On the constitutionality of the Sharia law and the punishments prescribed by Sharia courts, Nigeria said that the state governments that adopted the Sharia as a law governing Muslims in their jurisdiction have done so in line with the Constitution. When some courts in the states concerned tried to apply the Sharia punishment of amputation for stealing and stoning for adultery, these sentences were quashed by the Sharia Court of Appeal. In over 100 years of the application of Sharia Law in Nigeria, only one person, who had refused to appeal against his sentence, had his hand amputated for stealing.

13. On concern expressed about the death penalty, allegations of extra-judicial killings and torture, the delegation referred to Section 33 (1) of the Constitution, which protects the right to life and provides that "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 death sentence is, therefore, a valid part of Nigerian law and there is no reason for Nigeria to carry out alleged "secret executions". In the spirit of the global trend concerning the death penalty,

Nigeria has constituted a national committee on the review of that penalty. Although Nigeria voted against a moratorium on the death penalty in the United Nations General Assembly resolution, it continues to exercise a self-imposed moratorium.

14. With regard to the allegation of extra-judicial killings by members of the Nigerian security forces, the delegation strongly stressed Nigeria has never and will never, condone a policy where members of its security forces deprive any human being of his life. In the very rare instances when security personnel have been found guilty of extra-judicial killings or gross misconduct, they have been punished in accordance with the law.

15. Torture is against both the provisions of the Constitution and Nigeria's commitment under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment (CAT). Nigeria is prepared to cooperate with Council or any other stakeholder who is interested in finding out the facts regarding torture in Nigeria.

16. With respect to the strategy of the Nigerian Government for the security, governance and development of the Niger Delta, it was important to clear any misperception that the situation in the Delta has a religious connotation. That situation has two dimensions – a political one and a criminal one. The political dimension relates to the legitimate demands of the people of the Delta for greater benefit from the oil resources of their region and for measures to tackle the environmental pollution from years of oil exploration. The Government has started to address some of these demands more seriously. The criminal dimension relates to the action of the group calling itself the Movement for the Emancipation of the Niger Delta (MEND). For more than ten years, MEND has been abducting both Nigerians and foreign oil workers for ransom, sometimes maiming or killing innocent persons in the process. The group's criminal activities have led to the disruption of oil supplies and destruction of oil facilities. To ensure peace and security for everyone living in this area, as well as to protect the oil companies' huge investment there, the Federal Government had had to deploy a Military Joint Task Force to restore law and order. The Government has recently created a Ministry for the Niger Delta to address the economic, social and political demands of those living in the Delta. Unfortunately, MEND keeps getting arms from foreign sources, so escalating the crisis and Nigeria called for international assistance to counter smuggling of small weapons. To avoid killing innocent people, the Government has refrained full-scale military operations in the Niger-Delta, an approach it is hoped will eventually restore law and order in the region.

17. The Netherlands had expressed concern that child trafficking, child labour, sexual exploitation and harmful traditional practices are still being practiced in Nigeria, despite the domestication of the Convention on the Rights of the Child. That simply showed that it is not every human problem that can be solved overnight through legislation. As for sexual exploitation of children trafficked, resolving the problem of child trafficking is beyond one State alone, and also requires receiving States to ensure that trafficked children are protected.

18. Regarding concerns about congestion and lack of facilities in prisons, the delegation stressed that the prison system is not congested per capita, and that the relative overcrowding in the Nigerian prison system is due to the large number of inmates awaiting trial. The Government has embarked on the construction of 47 new prisons and 24 have already been completed. The biggest challenge is in urban areas, where there is some congestion, but to address the problem new cellblocks of 250 bed-spaces are being constructed in 18 urban prisons. With regard to juvenile justice, Nigeria has currently three borstal training institution for the treatment of juvenile offenders and efforts to expand the number to six are under way.

19. The delegation expressed disappointment at the severity of the attack on Nigeria's criminal justice system in the stakeholders' compilation, especially in view of the collaborative efforts by Nigeria and the United Office on Drugs and Crime (UNODC) to enhance both the integrity and the capacity of Nigeria's judiciary and courts. The results were quite commendable. For example, in its report to the 17th Session of the Commission on Crime Prevention and Criminal Justice in 2008, UNODC concluded that improvements had resulted in reports of improved public trust in the judicial system.

20. The delegation acknowledged that the biggest challenges facing Nigeria are in the areas of improving the wellbeing of millions of its children and tackling the socio-economic, health problems and cultural practices that put women at a disadvantage.

21. With regard to the prevention, treatment and elimination of stigmatization for people living with HIV/AIDS, Nigeria drew attention to the continuous drop in the HIV prevalence rate, from 5.8 per cent in 2001 to about 3.1 per cent in 2007 and to the legislation that protects the rights of HIV patients from discrimination.

22. Regarding its long-term strategy in respect of inter-religious tensions, which occurred only in six of the country's 36 states, the Government is conscious of the dangers sectarian crisis can cause to the stability of any nation. Accordingly, a series of measures including advocacy, regular consultations with religious, traditional and faith-based organizations are being intensified in order to create a greater sense of tolerance among all Nigerians. The Government is also confronting impunity.

23. Regarding the Government's position on lesbian, gay, bisexual and transgender rights, Nigeria has no record of any group of Nigerians having come together under the umbrella of a "Lesbian, Gay and Transgender" group. Of course, as citizens, all Nigerians have their fundamental rights guaranteed by the Constitution.

24. On the question whether Nigeria is considering extending a standing invitation to all special procedures of the Human Rights Council in the future, the delegation reiterated that Nigeria would continue to cooperate and support the Council in all aspects of its mandate, including facilitating visits to Nigeria by all mandate holders. With regard to the UPR, Nigeria is committed to its success, because this mechanism is central to the aspiration of a common platform for the promotion and protection of truly global human rights.

B. Interactive dialogue and responses by the State under review

25. During the inter-active dialogue, statements were made by 60 delegations. Additional statements by 24 delegations which could not be delivered during the dialogue due to time constraints are also posted on the UPR extranet when available.**

26. A number of delegations thanked Nigeria for the comprehensive and informative national report and its open and frank presentation and for the responses provided to some of the advance questions. Statements were made welcoming Nigeria's commitment to the UPR process and to the

** Czech Republic, Japan, Palestine, Syrian Arab Republic, Democratic People's Republic of Korea, Egypt, Burundi, Gabon, Lithuania, Philippines, Chile, South Africa, Latvia, Russian Federation, United Republic of Tanzania, Australia, Uganda, Kenya, Afghanistan, Lebanon, Rwanda, Equatorial Guinea, Bangladesh and Cameroon.

promotion and protection of human rights, its cooperative participation and the broad-based consultations with stakeholders that took place in preparing the national report. A number of delegations also praised Nigeria's improvements and achievements in various field of human rights.

27. Algeria saluted the efforts undertaken to overcome obstacles in domesticating the Convention on the Elimination of All forms of Discrimination against Women (CEDAW). In that regard, Algeria recommended Nigeria pursue its efforts in order to incorporate the provisions of CEDAW in national law. In addition, Algeria encouraged Nigeria to formulate specific technical assistance requests in order to promote the achievement of the Millennium Development Goals (MDGs) as well as to address the relevant United Nations bodies and mechanisms, in particular the Office of the High Commissioner on Human Rights (OHCHR). Algeria also recommended that Nigeria formulate specific technical assistance requests to OHCHR in the area of access to justice and law enforcement to ensure an optimal awareness-raising on human rights requirements for civil servants working in these fields. Finally, Algeria encouraged Nigeria to envisage the possibility of making the National Consultative Forum a regular event as a tool to promote dialogue and comprehension in the field of human rights.

28. Senegal welcomed the National Action Plan for the Promotion and Protection of Human Rights (NAPPPHR), whose implementation will lead to significant progress. Senegal noted that the national report of Nigeria indicated areas in which Nigeria requires technical assistance in order to make further advances. It called upon Nigeria to formally request such assistance.

29. Morocco congratulated Nigeria for the establishment of the National Commission on Human Rights and for its commitment to human rights and progress in the democratic transition since 1999. In this regard, Morocco called on Nigeria to consolidate its achievements in the human rights field and to continue to reinforce its efforts to promote good governance, democracy and the rule of law. Morocco noted the NAPPPHR with interest, asked about the agenda and priorities for its execution and saluted Nigeria's efforts to achieve the MDGs.

30. Ghana noted the NAPPPHR and that various human rights related bills were awaiting approval by the Parliament and congratulated Nigeria for its agencies' efforts to ensure that all human rights are guaranteed. Ghana recommended that the Federal Government of Nigeria continue to strengthen its human rights institutions and develop further measures to ensure the effective implementation of their mandates. It also recommended that the Federal Government accelerate the process of passing into law the various rights-based bills before the National Assembly in order to provide a broader scope of protection for vulnerable members of society, especially women, children and the disabled.

31. Cote d'Ivoire welcomed the establishment of the Commission for Financial and Economic Crimes. It invited the international community to respect the principle of the indivisibility of human rights and attach equal importance to civil and political and socio economic rights. Cote d'Ivoire recommended Nigeria pursues its efforts to ensure efficient work by the Commission for Financial and Economic Crimes. It also recommended that Nigeria, with the assistance and strengthened support of the international community, continue with its constitutional approach of subtle balance between constitutional respect for different historical and cultural different context, decentralisation through federalism and the inherited burden of decades of military totalitarianism and the Government's will to strongly turn towards democracy.

32. Brazil noted the policies for effective protection and realization of the rights of women and children and for persons living with HIV/AIDS. Brazil asked about measures undertaken to

incorporate the principles of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) into domestic law and about Nigeria's expectations in terms of technical assistance. Brazil recommended that Nigeria (a) within the context of Human Rights Council resolution 9/12, entitled "Human Rights Goals", ratify CPPG and the two Optional Protocols to the Convention on the Rights of the Child, (b) establish a moratorium on executions, with a view to abolishing the death penalty and (c) continue efforts to internalize the Convention on the Elimination of Discrimination against Women.

33. Venezuela recognised the efforts made to give utmost priority to education as shown by its annual budget and through the universal basic educational programme, which increased school enrolment with a better gender equality. Venezuela also highlighted the increase in the number of teachers, their pay level in rural areas and increase in literacy rate among youths. Venezuela encouraged Nigeria to continue resolutely consolidating the education system in accordance with the particular characteristics and needs of its population. Venezuela inquired on the range of achievements of the latest educational programmes.

34. Sudan welcomed Nigeria's commitment to its regional obligations under the umbrella of the African Union, the Economic Community of West African States (ECOWAS) and its international obligations in the Human Rights Council, and other international mechanisms. Sudan recommended that Nigeria seek from the international community technical help and assistance in terms of civil and political rights, mentioned in its national report, namely, access to justice, law enforcement, and environment protection.

35. Portugal welcomed Nigeria's establishment of a democratic government, the fight against corruption and economic growth. Portugal recommended that Nigeria: (a) fully investigate abuses by law enforcement officials, namely extrajudicial 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 also recommended that Nigeria (b) ensure that all detainees are tried without undue delay or freed if no accusation is presented. Portugal recommended that Nigeria (c) ensure that the National Human Rights Commission is fully independent of the government and (d) that it is given the mandate to investigate extrajudicial complaints regarding human rights violations and propose adequate remedies to victims. Portugal further recommended that Nigeria, (e) as a party to the ICESCR, consider making the legal adaptations required to ensuring that economic, social and cultural rights are considered as individual and enforceable rights, with the same status as all other human rights, and not mere State goals or aspirations.

36. Saudi Arabia noted that the 1999 Constitution set up the framework for the protection of human rights and the institutional framework aimed at protecting and promoting human rights, such as the National Agency to combat trafficking in persons and the Ombudsman and those which are mandated to provide assistance to victims. The efforts to protect children's rights and combat trafficking deserve support and Saudi Arabia asked whether more information could be provided in this respect, notably on obstacles to overcome.

37. Angola welcomed the establishment of the Public Complaints Commission (PCC), and noted that Nigeria has developed a NAPPPHR. Angola recommended that Nigeria continue to strengthen the role of civil society and its cooperation with relevant United Nations human rights mechanisms. Angola welcomed the collaborative initiatives with various stakeholders in order to combat human trafficking, in particular, the implementation and monitoring of programmes to rescue, rehabilitate and reintegrate victims of human trafficking. It recommended that Nigeria allocate according to its capacity, adequate human and other resources in order to strengthen the combat on human trafficking.

38. Mozambique commended Nigeria for prioritizing rule of law and noted the initiative of Human Rights' desks in police stations, prison and law enforcement agencies. It also commended its coherent policies and adherence to several regional and international instruments on human rights. Mozambique encouraged that Nigeria continue its endeavours in the field of human rights specially when one takes into account the fact that the government has been promoting human rights under special circumstances of a country in transition from a long period of military rule to a fully fledged democracy.

39. Cuba highlighted significant indicators achieved for school enrolment and for literacy of young people and the results of the universal basic education programme. Cuba praised the strategy to protect the rights of people living with HIV/AIDS, the awareness campaign in this regard and the distribution of antiretroviral medicine. Cuba recommended that Nigeria (a) continue its efforts to combat corruption, which have been quite successful and (b) continue ensuring its economic growth in order to guarantee the enjoyment of economic, social and cultural rights by all its citizens.

40. The Netherlands recommended that Nigeria (a) establish a moratorium on executions with a view to abolish the death penalty, and to complete the process of adopting legislative measures to prevent and prosecute acts of torture and other ill-treatment, according to international standards. It also recommended that Nigeria (b) ensure the political and social-economic rights of minority groups in Niger Delta, and that consultations in this regard are undertaken with these minority groups. It recommended that Nigeria (c) further pursue that its existing legislation at federal, state and local levels fully complies with the Convention on the Rights of the Child and that it (d) 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.

41. France commended the nomination of a Special Rapporteur for children's rights, the creation of a National Inter-religious Council, and Institute to promote interethnic, inter-religious and inter-communal understanding. France recommended that Nigeria (a) ensure that freedom of expression is respected and that Nigerian journalists may take on their mission of providing information without suffering harassment, (b) improve the conditions of detention within prisons, access to health and the respect of the most elementary rights of detainees and (c) continue efforts in the fight against human trafficking and to fully implement the international conventions in this area that Nigeria is a party to.

42. Ukraine commended the adoption of the NAPPPHR and the measures to counter harmful traditional practices against women and children. Ukraine recommended that Nigeria (a) strengthen the efforts aiming at the elimination of existing harmful traditional practices when the rights of women and children are violated and their health is severely undermined and adopt all necessary measures to provide full protection of children, girls, women and widows from wrongdoings, inspired by these traditions. Ukraine also recommended that Nigeria (b) prevent using cruel, inhuman and degrading punishment and (c) to extend the open invitation to the Human Rights Council special procedures.

43. Viet Nam noted the President's Seven-point Agenda which identifies the development of human rights capital, food security, mass transportation, power and energy, including security and qualitative and functional education and the rule of law as priorities. Viet Nam asked Nigeria to give more detailed information of the Agenda and on the legislative process that are taking place in Nigeria at the moment, especially on the Freedom of Information Bill, the Anti-discrimination Bill and the Domestication of the CRC in the Child Rights Act. Viet Nam recommended that Nigeria

continue its efforts and close cooperation with relevant international organisations in combating child trafficking.

44. Belarus welcomed the Law on Trafficking in Persons and the establishment of the National Agency to Combat Human Trafficking. Belarus recommended that Nigeria: (a) continue its targeted efforts to combat trafficking in persons, above all women and young girls, (b) foster the further development of education for girls and the achievement of gender equality and (c) take further measures to bolster the national health system.

45. Pakistan noted that the Constitution upholds fundamental human rights and that Nigeria has acceded to a number of regional and international human rights instruments, in addition to ongoing efforts to meet MDGs. Pakistan also referred to the Human Rights Commission as well as to the NAPPPHR. Pakistan recommended that Nigeria be provided the requested technical capacity building assistance to overcome identified challenges. Pakistan required more information on the environmental challenges in the Niger Delta and on the ongoing debate of ensuring economic, social and cultural rights.

46. Mexico was pleased by the determination of Nigeria to become part to and to domesticate without delay international human rights instruments. Mexico recommended that Nigeria (a) maintain an open and standing invitation to the United Nations human rights mechanisms, particularly the Special Rapporteur against Torture, and speed up its submissions of pending reports to treaty bodies. Mexico also recommended that Nigeria (b) declare a moratorium for the abolition of the death penalty, (c) ensures that women who are victims of discrimination and violence have access to protection of their rights and to justice. It recommended that Nigeria (d) speed up the introduction of a reform of the justice system including the penitentiary centres and national police.

47. Islamic Republic of Iran appreciated the establishing of a National Committee and a Consultative Forum in preparation for the National Report. Iran noted the steps taken to strengthen rule of law, combat corruption. It also noted the development of the NAPPPHR and the role played by the National Human Rights Commission. Iran asked about concrete measures taken to fight against poverty, combat human trafficking and prevent and control HIV/AIDS. It recommended that Nigeria (a) seek provision of necessary technical assistance for human rights programs in the fields of access to justice, law enforcement and environmental protection and (b) seek provision of technical assistance with regard to adolescent health problems, trafficking in persons and prevention and control HIV/AIDS.

48. Libya noted efforts undertaken for the protection of human rights, gender parity and the promotion of education. Libya also noted the religious tolerance and the harmony among religious minorities as well as conflict settlements among the various religious groups. Libya highly appreciated the ratification by Nigeria of ICESCR and a series of international human rights instruments, including those related to torture.

49. On torture, the delegation stated that the Constitution already prohibits it and that Nigeria already signed the OP-CAT. The delegation said that freedom of expression is also enshrined in the Constitution so that the Government supports the freedom of information bill, which is now before the National Assembly, will be signed into law once adopted. On the rule of law, the President of Nigeria and the Government will always follow the law in that regard.

50. On human rights violations, the delegation informed that whoever commits an offence will benefit from due process, and will get the opportunity to be heard, to choose a lawyer, and get the opportunity to express and defend himself or herself, as rule of law is a policy of the government.

51. Regarding the Seven Points Agenda, the delegation stressed that Nigeria will drive human capital, that is to say that the government will focus and enact legislation that will create opportunities for development of human capital. In that regard, multinational companies operating in Nigeria should be conscious of their social and corporate responsibilities.

52. The Nigerian Government wants to guarantee that all Nigerians are properly fed to ensure food security. Regarding security, the Government makes sure that the police operate within the law in order to respect human rights.

53. On extrajudicial killings, the delegation highlighted that the citizen rights department was established within the Ministry of Justice. Therefore, anyone who is detained more than 24 hours can report it through this internal mechanism. In addition, the Constitution gives everyone the right to seek redress in court if he or she was detained more than 24 hours, which is against the law. A person, who is charged for crimes and required representation may not afford it. Therefore, the Legal Assistance Department was established and lawyers are paid from government resources. Whoever is detained because of no representation automatically gets assigned a lawyer of his choice, a process, which has reduced the number of detainees in prison.

54. The delegation underlined that victims of trafficking are not considered as criminal but rather as victims. There is need to collaborate on this issue, as it is a global crime and Nigeria got support from the Netherlands and the United Arab Emirates in that regard.

55. Qatar noted many policies adopted in recent years in order to promote human rights and achieve development goals. It noted that the national report made reference to the harmful traditional practices, and asked whether Nigeria could inform of the efforts made in dealing with and eradicating those practices. Qatar recommended that Nigeria 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.

56. Chad saluted Nigeria's engagement and leadership in conflict resolution and peace consolidation in Africa. Chad also welcomed the inclusive methodology utilized in preparation for the UPR and in this regard it recommended (a) the implementation of the content of the National Consultative Forum to help Nigeria improve its performance in the area of human rights. Chad asked Nigeria to call on (b) the international community to increase its support to allow the implementation of noble objectives Nigeria has set up regarding human rights.

57. Bahrain noted that Nigeria has adopted many initiatives and policies especially for children in relation to health care and trafficking in human beings. Bahrain fully appreciated efforts made with international assistance to combat diseases through vaccination campaigns as well as the appointment of many health workers to implement these initiatives. Bahrain commended Nigeria for its programme towards victims of trafficking, measures to provide shelter and counselling also the establishment of a national committee to combat human trafficking and provide assistance to the victims. Bahrain recommended Nigeria to continue efforts in the field of combating human trafficking.

58. Germany asked about concrete measures taken to improve the situation of journalists and human rights defenders. Germany recommended that Nigeria (a) adopt comprehensive legislation

with regard to extrajudicial executions and torture by police, including measures assuring its application. It also recommended (b) the creation of a board of independent inspectors examining conditions in detention facilities and the behaviour of police officers. It also recommended that Nigeria (c) increase its efforts to raise awareness of and prevent the spread of HIV/AIDS and provide adequate treatment and alternative care opportunities for children. Germany recommended that Nigeria (d) address the cultural and economic situation of ethnic minorities and (e) take steps to ensure an adequate political participation of ethnic minority groups as well as measures to effectively prevent the loss of land, property and resources of ethnic minority groups through, i.e. confiscation.

59. Sweden noted CEDAW expressed concern at how the Nigerian tripartite legal system handled women's rights and noted the information provided about the Reform of Nigerian Family Law and hoped it would ensure equal treatment of women before the law and bring legislation in line with international standards. Sweden noted the death penalty was rarely applied in Nigeria but, recommended that Nigeria take the steps necessary to formalize the moratorium, with a view to subsequently abolish the death penalty, and adhere to the resolutions of the General Assembly in this regard.

60. Turkey welcomed the convening of the National Consultative Forum and the consideration of making it an annual event. Turkey encouraged Nigerian authorities to (a) continue their efforts with determination for further progress in fighting against corruption. Turkey inquired whether Nigeria will adopt further measures to improve prison conditions. Although it is rarely applied, Turkey recommended that Nigeria (b) consider formalising the moratorium on death penalty and consider the abolition of capital punishment. Turkey finally inquired on the role of the newly established Ministry of Niger Delta in addressing human rights violations.

61. Canada recommended that Nigeria (a) take urgent steps to prevent politically motivated, sectarian and religious-based violence, that (b) the rights of journalists to report, comment on and criticize government policy, freely and without fear, be respected, and that (c) Nigeria's President and National Assembly not approve the "Same Gender Marriage Bill" and eliminate all existing legislation that discriminates based on gender and sexual orientation.

62. Austria welcomed Nigeria's cooperation with Special Procedures and (a) recommended the government to consider the recommendations of the Special Procedures systematically for further reforms in the field of human rights. Austria noted problems in the criminal justice system, in particular prison conditions and (b) recommended that Nigeria take a broad approach including improved legal representation of prisoners, separate detention facilities for persons under the age of 18 and continuing improvements to the prison infrastructure. Austria commented on the reported persistence of deep-rooted stereotypes concerning women and harmful traditional practices and asked about measures taken to enforce their prohibition and (c) recommended that Nigeria not only enact legislation to prohibit FGM but also to continue awareness-raising campaigns to eradicate such practices.

63. Indonesia was pleased to note that Nigeria plans to ratify ICRMW and to learn that CEDAW will be domesticated. Indonesia asked for examples of the solutions found to align the tripartite legal system with CEDAW. Indonesia also praised Nigeria for its effort in the education and health sectors and their impact on children's welfare. Indonesia recommended that Nigeria (a) intensify its efforts, through legislation and practical measures, to protect children against all forms of violence, including extra-judicial killings in communal conflicts, torture and trafficking, and (b) continue its commitment to the promotion and protection of human rights through its thematic

strategies of good governance, combating corruption, eradicating poverty and improving health conditions in the country.

64. Belgium noted that, in 2006, the Special Rapporteur on extrajudicial summary and arbitrary executions showed that the Nigerian police services are gravely lacking in resources and that corruption, arbitrary imprisonment, torture, excessive use of force and arbitrary executions are frequent. Two years later, the Special Rapporteur noted little progress and even worsening of the situation. Belgium asked about follow-up in that regard. It recommended that Nigeria take specific measures in order to address the dis-functioning of the judicial system and the lack of internal and external monitoring of the police.

65. The United Kingdom noted concerns about reports on extrajudicial killings and torture, children stigmatized as witches, and the “same sex marriage bill” which would lead to further discrimination of the LGBT community. It also noted that poverty and unemployment drive conflict and expressed concern over recent violence. The United Kingdom recommended that Nigeria (a) take further steps to address discrimination against minority and vulnerable groups. This should include reviewing issues surrounding the terms “indigene/indigenous” and taking action to discourage politicians from using religious, ethnic or settler-indigene division for political ends, (b) that action is taken to tackle the backlog of prisoners who have been detained without trial or beyond the end of their sentence, and (c) that Nigeria clarifies its position on the death penalty, and reaffirms its commitment to a de facto moratorium.

66. Slovenia commended Nigeria for making the rule of law a cardinal principle in governance and notably encouraged it to update its periodic reports to the United Nations treaty bodies and to answer to all Special Procedures’ questionnaires. Slovenia inquired on what Nigeria intends to do to align its tripartite legal system with ratified international conventions. Slovenia further inquired on the measures undertaken to curb the maternal mortality rate. Slovenia recommended that Nigeria regulate minority and indigenous rights on the constitutional and legislative level, establish a National Minorities Commission and set up a national policy for the promotion and protection of minority languages.

67. Azerbaijan noted, inter alia the establishment of the National Agency for the Prohibition of Trafficking in Persons, the Legal Aid Council of Nigeria and the NAPPCHR. Azerbaijan recommended Nigeria to (a) consider the measures eventually leading to the abolishment of capital punishment in the country and (b) further implement its programmes and policies in the field of human rights, in particular the National Plan of Action on the Promotion and Protection of Human Rights.

68. China is pleased to note Nigeria’s efforts in achieving MDGs, enhancing school enrolment rate, fighting against trafficking in women and children, increasing education input, adopting measures to resolve domestic religious issues, and in improving housing rights. China noted that Nigeria faces a plethora of challenges, needs to make relentless efforts but, international tolerance, understanding and support are also needed. China asked about experiences and best practices in increasing educational input, enhancing children school enrolment rate and achieving the MDGs.

69. Uzbekistan noted the achievements made regarding the electoral system, the human rights institutions, and the fight against trafficking in persons. Uzbekistan called on the international community to provide Nigeria with all necessary assistance to overcome the challenges still faced for the protection of human rights and in particular the implementation of the NAPPCHR, to harmonize strategies and programmes in the human rights sphere including to reform the judicial system in accordance with international modern standards.

70. Democratic Republic of Congo (DRC) noted, inter alia, the National Agency for prohibition of Trafficking in persons, and the Public Complaint Commission. It also appreciated the efforts of Nigeria in meeting the challenges of the MDGs. DRC referred to the alleged exploitation of young girls as domestic servants and asked for more information. While noting the tripartite legal system, DRC asked the Government what measures have been envisaged to ensure that these three systems exist harmoniously. DRC recommended Nigeria to pursue its seven points development programme formulated by the President of the Republic.

71. Norway noted the high level of ratification of human rights instruments and its financial contributions to OHCHR and recommended that Nigeria (a) issue a standing invitation to all special procedures. Norway expressed concern at the discrimination against women within the legal system and at the deep-rooted stereotypes. Norway asked more information regarding access to justice and remedy for women victims of violence.. Norway recommended (b) to establish effective mechanisms to prohibit violence against women and girls, including traditional practices, such as FGM, (c) to continue awareness-raising campaigns to eradicate such practices and (d) to repeal all laws that allow violence and discrimination against women to persist and (e) to ensure that the proposed bill on the domestication of CEDAW is passed without any further delay.

72. Benin expressed gratitude for progress achieved by Nigeria in the promotion and protection of human rights that has a salutary impact on members of the Economic Community of West African (ECOWAS). Benin recommended to (a) 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 further recommended (b) to take all appropriate measures to ratify OP-CAT, which was ratified since 5 October 1998 and establish a national preventive mechanism to align itself with its neighbours' positive practices.

73. New Zealand remained deeply concerned at the existing impunity for many human rights violators. New Zealand recommended that Nigeria (a) guarantee the independence of the National Human Rights Commission and that it take the necessary steps to enable the NHRC to regain its "A" rating, in compliance with the Paris Principles, and (b) that the National Action Plan 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 priority on the Convention on Elimination on All Forms of Discrimination against Women.. It also recommended (c) an immediate moratorium on the use of death penalty and that all current death sentences be commuted.

74. Yemen commended the efforts of Nigeria to achieve the MDGs whereby Nigeria has increased the number of children enrolled by more than 40 per cent, including girls, especially in rural areas, as it has provided more than 90,000 teachers. Yemen recommended Nigeria to (a) continue its efforts in supporting education and providing equal opportunities to boys and girls in the rural and urban areas, and (b) continue its efforts to avoid school dropout rate.

75. Tunisia congratulated Nigeria for its commitment to human rights protection and promotion, in particular with regard to children's rights. The CRC and the African Charter on the Rights and Welfare of the Child provisions were integrated into the 2003 Children's Rights Act, which also allowed for the reinforcement of the legislation in the federate States. Tunisia also expressed its satisfaction with the work undertaken by the National Agency for the Development of Primary Health Care, notably regarding the integrated vaccination campaign across the country, which involved religious and community leaders.

76. Niger noted with satisfaction Nigeria's efforts in consolidating democracy and the rule of law. Nigeria has ratified almost all regional and international human rights instruments and showed its will to further domesticate them. Niger recommended that Nigeria continue the actions aimed at raising awareness among religious and customary leaders and to intensify its efforts to domesticate the international norms aimed at eliminating gender-based discrimination. Regarding MDGs, Nigeria deserves the active support from the international community to implement the Seven Point Agenda by the President.

77. Italy welcomed the first civilian-to-civilian transfer of power in 2007 and inquired on measures taken to ensure universal birth registration. It expressed concern over the persistence of cultural stereotypes that discriminate women. Italy recommended that Nigeria (a) consider the establishment of a moratorium on the use of death penalty with a view to its abolition, (b) intensify efforts in guaranteeing women's rights, including by implementing CEDAW observations to this end, and strengthen measures to fight against the practice of FGM; and (c) develop a national strategy to guarantee a better access to education to all children and to include in school system at all levels appropriate measures in the field of human rights education, in accordance with the Plan of Action 2005-2009 of the World Programme for Human Rights Education.

78. Djibouti pointed out the opportunity given to citizens of Nigeria for democratic elections. Djibouti applauded that development of human capital is among the Seven Point Agenda that the government of Nigeria set for itself. Djibouti also welcomed the steps taken towards the protection, among others, of persons living with HIV/AIDS and of children against all forms of violence and inquired on progress made and challenges faced with regard to the implementation of these elements. Djibouti encouraged the Government of Nigeria to continue on achievements in the field of human rights.

79. Denmark commended the prohibition of torture and welcomed the accession to OP-CAT but referred to allegations of torture and ill-treatment by the police and in prisons facilities.. Denmark inquired on measures taken for their prompt investigation. Denmark noted that with the introduction of the Sharia penal code in some states, conversion from Islam is seen as apostasy, and that individuals have been reportedly killed for their faith. Denmark recommended that Nigeria (a) 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, (b) establish an independent and effective national investigative mechanism, and (c) end discrimination against ethnic minorities to ensure that non-Muslims are not subjected to Sharia law and are able to practice their own religion without hindrance.

80. Malaysia welcomed the successful 2007 elections and Nigeria's national agenda notably focused on development of human capital and rule of law. Malaysia encouraged Nigeria to (a) continue to focus on policy and programmes that would further strengthen the protection and promotion of human rights of its people, including by working closely with the relevant civil society organizations and NGOs. Malaysia was pleased with initiatives to combat trafficking of women and children and (b) would like to recommend that Nigeria consider strengthening the efforts in this area by cooperating closely with countries in the region. Malaysia (c) would also like to recommend that Nigeria 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.

81. Burkina Faso was pleased with Nigeria's commitments to the promotion and protection of human rights, notably in the area of economic, social and cultural rights, and measures taken for vulnerable people, such as women, children and persons affected by HIV/AIDS. Burkina Faso

encouraged Nigeria to continue its efforts and undertake measures to consolidate its institutions in the respect of democratic principles and human rights and that it was ready to cooperate in this area like others bilaterally or through ECOWAS.

82. Poland noted with concern recurrent incidents of inter-communal and inter-religious violence in the previous years notably in the Plateau State. Poland asked about actions taken to fight against religious intolerance, to ensure justice is done in this regard, and to prevent further incidents from happening. Poland recommended that Nigeria expand programmes of education on religious tolerance in schools and to monitor and protect the rights of religious minorities—promotion of the culture of religious tolerance should become the priority of the Federal, State and Local Governments. Poland was interested to learn more about the actions, taken or planned, to prevent discrimination of Non-Muslims in the northern States.

83. Ireland welcomed steps taken to combat FGM. In this regard, Ireland (a) supports the call by Nigeria's National Consultative Forum encouraging the Nigerian government to undertake an awareness raising campaign about the practice of FGM. Ireland expressed concern that violence against women remains widespread and (b) recommended that Nigeria implement specific legislation to protect women against sexual and gender-based violence and to ensure that Nigerian women benefit from full equality before the law. Ireland expressed concern at allegations of torture and ill-treatment being routinely practiced and recommended that Nigeria (c) fully implement the United Nations Convention against Torture, including by introducing national legislation prohibiting torture, and to ensure that ill-treatment in custody is not used as a substitute for proper criminal investigation of suspects. Ireland was very concerned at reported widespread extrajudicial executions by police and recommended (d) ensuring that all members of the security forces and the police operate within the law.

84. Finland inquired on the relations between the Government and the Human Rights Commission and whether this relationship is due to change in the new legislation. Finland recommended that (a) Nigeria expedite amendments to the Human Rights Commission Act and ensure independence for the Commission and further recommended that the Commission reapply for accreditation to the International Coordination Committee, and (b) that the Nigerian Government take measures to recognise and protect the rights of sexual and gender minorities, and that the law prohibiting same-sex marriages be abrogated.

85. Holy See referred to children stigmatized as “witches or “wizards”, commended Nigeria for the recent law to end this practice and (a) recommended Nigeria to apply this law vigorously. Holy See noted considerable investment in education. It recommended that Nigeria (b) continue to invest in education in order to reduce the illiteracy rate further, especially among girls and young women, and (c) to increase its efforts in the field of maternal health, educating birth attendants and increasing the number of obstetrics clinics throughout the country. Finally, Holy See referred to the Working Group on Minorities according to which a number of ethnic groups are discriminated against and asked about efforts for improvement.

86. Argentina asked about measures taken or planned to diminish the risks of extrajudicial executions and guarantee the rights of life, liberty and security. Argentina expressed concern over the situation of women who suffered discrimination in marriage, divorce, inheritance, child custody and adoption, the persistence of cultural stereotypes and asked about what policies to favor gender equity were being considered for implementation. Argentina (a) recommended that Nigeria consider the possibility of adhering to the Second Optional Protocol of the ICCPR, abolishing the death penalty.

87. Nepal commended Nigeria's commitments to democratic principles and empowerment of people. Nepal pointed out the legislation put in place to implement international and regional instruments and the national human rights infrastructure. Nepal also noted Nigeria's role in forging regional cooperation in Africa and shaping African unity. Nepal recommended that Nigeria (a) share its experiences in promoting human rights through its role as promoter of regional cooperation and development mediator in conflict resolution and peace building in the West African sub-region.

88. Botswana noted the extending legislative reform, particularly during the last decade, the satisfactory efforts in domesticating many important international human rights instruments that Nigeria has ratified. Botswana recommended that (a) the Government continue to pursue its efforts in fights against HIV/AIDS, particularly in addressing its reported disproportional impact on women and (b) that the Government, within the framework of its national Inter-Religious Council and the Institute for Peace and Conflict, continue its commendable efforts in promoting the inter-ethnic, inter-communal and inter-religious harmony.

89. The Republic of Korea highlighted the National Consultative Forum as a major opportunity to boost efforts to promote and protect human rights. The Republic of Korea hoped Nigeria would continue to build upon its achievements and (a) recommended the Nigerian government to pass the bill for the early domestication of the CEDAW. The Republic of Korea asked about plans and measures to prevent the kidnapping of foreigners in the Niger Delta.

90. Mauritius noted the leading role of Nigeria in many African political and economic initiatives and its commitments to human rights, good governance, and development, notably by being one of the founders of the New Partnership for Africa's development (NEPAD) and among the first countries to accede to the African Peer Review Mechanism. Mauritius requested Nigeria to (a) fast-track this process of accession to human rights instruments to which it is not party yet, wherever possible. Mauritius inquired on the challenges faced in domesticating CEDAW and on initiatives taken under the National Gender Policy 2007.

91. Slovakia recommended that (a) Nigeria officially declare a moratorium on executions with a view to abolish the death penalty in future. Regarding cases of impunity identified also by the Special Rapporteur on extrajudicial, summary or arbitrary executions – Slovakia recommended that Nigeria (b) 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 and (c) that Nigeria take additional measures to improve the Nigerian criminal justice system.

92. India welcomed the approach adopted in the preparation of the National Report of Nigeria and welcomed its proposal to make it an annual event. India lauded Nigeria's commitment to democratic principles and values and its efforts towards strengthening democratic institutions, freedom of the press and involvement of civil society. India also noted with appreciation Nigeria's achievements to meet the MDGs, in particular concerning education, enhancing enrolment ratio and achieving gender parity.

93. The Nigerian delegation stated that it has noted all the comments and criticisms, which have been made in good faith and assured that the government is going to work on them in order to improve the human rights situation in the country, although this task is a never-ending one.

94. The delegation indicated that the Shari'a law only applies to Muslims and even then, only in the area of personal law, like succession and family issues. However, all Nigerians are under the

criminal code which is secular and which in many ways is based on the British system. In that respect, Shari'a law does not affect non-Muslims, except if a non-Muslim agrees in a business transaction to be bound by it. In addition, the delegation said that there is no discrimination towards non-Muslims. Muslims and non-Muslims have lived together amicably although some incidents may have happened due to economic reasons or because of political motivations. However, this does not translate into a clearly defined policy of discrimination against any ethnic group or religious group.

95. Regarding the Niger Delta Issue, the delegation highlighted that unrests were due to the neglect of the people that suffer from the activities related to the exploration of oil. Indeed, people were very unhappy because the companies did not carry out their community responsibilities to the satisfaction of the people. In the process of agitation the criminals took over, and the government condemned that people were being kidnapped, both foreigners and Nigerians, both adults and children. The Government had talks with armed people in that region and the government is trying to find out the arms providers.

96. The delegation indicated that there were only five women in the last National Assembly out of 109 members. This figure has doubled in the current Assembly. The same trend was observed in the House of Representatives. In addition there are 15 women Ministers and a government's policy gives 30 per cent elective positions to women. Therefore, the delegation said that there were hopes that more women will be elected next time

97. On the education of girls, the government is paying due attention and there has been an increase in the budget of health and education. In addition, MDGs regarding girls backs many governmental activities.

98. The delegation indicated that bills related to human rights will be given expeditious treatment, such as the National Human Rights Commission bill. In that regard, the government wants to make sure that this institution will be strengthened, notably through a stronger independence. In addition, the Police Act and the Prison Act have all gone through the second reading and will be very soon pass into law.

99. The delegation pointed out that the judiciary is independent and does not refer to the executive or the legislative but ensure the rule of law and the implementation of human rights.

100. On same sex marriage, the delegation stated that the National Assembly has not passed a law related to this issue.

101. The delegation stated that MDGs have been endorsed at the highest level and are key component of efforts undertaken to promote development and ensure economic and social rights. The government channelled the funds from the debt relief by the Paris Club of debtors, in 2005, into concerted efforts for achieving the MDGs, such as maternal mortality, education, child rights. And the most funds go to the sectors with the worst indicators. Over the past three years, over 4 billions dollars were invested.

102. Regarding children stigmatized as witches, the delegation informed that the issue is over as the main offender, a pastor, was arrested and is now detained.

ثانياً - الاستنتاجات و/أو التوصيات

١٠٣ - في أثناء المناقشة، وجهت التوصيات التالية إلى نيجيريا:

١ - الإسراع بعملية الانضمام إلى صكوك حقوق الإنسان التي ليست هي طرفاً فيها بعد، كلما أمكن (موريشيوس)؛ اتخاذ جميع التدابير المناسبة للتصديق على البروتوكول الاختياري لاتفاقية مناهضة التعذيب وإنشاء آلية وقائية وطنية اتساقاً مع الممارسات الإيجابية المتبعة في الدول المجاورة (بنن)؛ والتصديق على اتفاقية منع جريمة الإبادة الجماعية والمعاقبة عليها وعلى البروتوكولين الاختياريين لاتفاقية حقوق الطفل في سياق قرار مجلس حقوق الإنسان ١٢/٩ المعنون "الأهداف الطوعية في مجال حقوق الإنسان" (البرازيل)؛ النظر في إمكانية الانضمام إلى البروتوكول الاختياري الثاني الملحق بالعهد الدولي الخاص بالحقوق المدنية والسياسية، الذي يلغي عقوبة الإعدام (الأرجنتين)؛ النظر، كطرف في العهد الدولي الخاص بالحقوق الاقتصادية والاجتماعية والثقافية، في إجراء ما يلزم من تكييفات قانونية تكفل اعتبار الحقوق الاقتصادية والاجتماعية والثقافية حقوقاً فردية وواجبة الإنفاذ، على قدم المساواة مع سائر حقوق الإنسان، وليس مجرد أهداف أو آمال تخص الدولة (البرتغال)؛

٢ - الإسراع بعملية اعتماد مختلف مشاريع القوانين المبنية على حقوق الإنسان المعروضة على الجمعية الوطنية بغية توسيع نطاق الحماية الممنوحة لفئات المجتمع الضعيفة، وبخاصة النساء والأطفال والمعوقون (غانا)؛ اعتماد مشروع القانون المتعلق بسرعة جعل اتفاقية القضاء على جميع أشكال التمييز ضد المرأة واجبة الإنفاذ في البلد (النرويج)؛ جمهورية كوريا، دون مزيد من التأخير (النرويج)؛ تكثيف جهودها من أجل جعل القواعد الدولية الرامية إلى القضاء على التمييز القائم على نوع الجنس واجبة الإنفاذ (النيجر)؛ مواصلة السعي لجعل التشريعات الحالية على مستويات الاتحاد والولايات والمحليات مطابقة تماماً لاتفاقية حقوق الطفل (هولندا)؛ مواصلة جهودها لإدراج أحكام اتفاقية القضاء على جميع أشكال التمييز ضد المرأة في قانونها الوطني (الجزائر)؛ تضمين خطة العمل الوطنية لإجراءات ملموسة ومحددة بإطار زمني للإسراع في عملية جعل جميع المعاهدات الدولية لحقوق الإنسان التي دخلت نيجيريا طرفاً فيها واجبة الإنفاذ بالكامل مع منح أولوية خاصة لاتفاقية القضاء على جميع أشكال التمييز ضد المرأة (نيوزيلندا)؛

٣ - مواصلة تعزيز مؤسستها المعنية بحقوق الإنسان ووضع مزيد من التدابير لضمان التنفيذ الفعال لولاياتها (غانا)؛

٤ - تعجيل التعديلات التي ينبغي إدخالها على قانون لجنة حقوق الإنسان وضمان استقلال اللجنة ومواصلة تشجيعها على إعادة التقدم بطلب اعتمادها إلى لجنة التنسيق الدولية (فنلندا)؛ ضمان استقلال اللجنة الوطنية لحقوق الإنسان واتخاذ الخطوات اللازمة لتمكين اللجنة من استعادة الترتيب "ألف"، وفقاً لمبادئ باريس (نيوزيلندا)؛ ضمان تمتع اللجنة الوطنية لحقوق الإنسان في نيجيريا

بالاستقلال التام عن الحكومة ومنحها ولاية التحقيق في الشكاوى المقدمة خارج نطاق القضاء فيما يتعلق بانتهاكات حقوق الإنسان واقتراح سبل الانتصاف الملائمة للضحايا (البرتغال)؛

٥- النظر في إمكانية جعل المنتدى الاستشاري الوطني مناسبة سنوية تتيح تعزيز الحوار والتفاهم في ميدان حقوق الإنسان (الجزائر)؛ تطبيق مضمون المنتدى الاستشاري الوطني لمساعدة نيجيريا في تحسين أدائها في ميدان حقوق الإنسان (تشاد)؛ مواصلة جهودها لضمان أداء لجنة الجرائم الاقتصادية والمالية عملها بكفاءة (كوت ديفوار)؛

٦- مواصلة الإنجازات في ميدان حقوق الإنسان (جيبوتي)؛ مواصلة مساعيها في ميدان حقوق الإنسان وبخاصة في ضوء قيام الحكومة بتعزيز حقوق الإنسان في ظل ظروف خاصة ناتجة من انتقال البلد من فترة حكم عسكري طويلة إلى ديمقراطية مكتملة النمو (موزامبيق)؛ تعزيز إنجازاتها في ميدان حقوق الإنسان ومواصلة تكثيف جهودها لتوطيد الحكم الرشيد والديمقراطية وسيادة القانون (المغرب)؛

٧- مواصلة التركيز على السياسات والبرامج التي من شأنها توطيد حماية وتعزيز حقوق الإنسان لشعبها، بما في ذلك عن طريق التعاون الوثيق مع منظمات المجتمع المدني والمنظمات غير الحكومية المختصة (ماليزيا)؛ مواصلة تنفيذ برامجها وسياساتها في ميدان حقوق الإنسان، وبخاصة خطة العمل الوطنية لتعزيز وحماية حقوق الإنسان (أذربيجان)؛ مواصلة برنامجها الإنمائي المكون من سبع نقاط الذي صاغه رئيس الجمهورية (جمهورية الكونغو الديمقراطية)؛ مواصلة التزامها بتعزيز وحماية حقوق الإنسان عن طريق استراتيجياتها المواضيعية المتصلة بالحكم الرشيد، ومكافحة الفساد، والقضاء على الفقر، وتحسين الظروف الصحية في البلد (إندونيسيا)؛

٨- توجيه دعوة مفتوحة ودائمة إلى آليات حقوق الإنسان التابعة للأمم المتحدة، وبخاصة المقرر الخاص المعني بمسألة التعذيب، والإسراع في تقديم التقارير التي لم تقدم بعد إلى هيئات المعاهدات (المكسيك)؛ توجيه دعوة دائمة إلى جميع الإجراءات الخاصة التابعة لمجلس حقوق الإنسان (النرويج)؛ أوكرانيا)؛ النظر في توصيات الإجراءات الخاصة بشكل منتظم لمواصلة الإصلاحات في ميدان حقوق الإنسان (النمسا)؛

٩- مواصلة تعزيز دور المجتمع المدني والتعاون مع آليات حقوق الإنسان التابعة للأمم المتحدة في هذا الشأن (أنغولا)؛

١٠- تقديم خبراتها في مجال تعزيز حقوق الإنسان عن طريق دورها كداعم للتعاون والتنمية على المستوى الإقليمي وكوسيط في حل النزاعات وبناء السلم في منطقة غرب أفريقيا (نيجال)؛

١١- مواصلة أعمالها الرامية إلى توعية الزعماء الدينيين والتقليديين (النيجر)؛

- ١٢- عدم موافقة رئيس نيجيريا وجمعيتها الوطنية على مشروع القانون المتعلق بالزواج من نفس الجنس وإلغاء جميع التشريعات التي تنطوي على تمييز على أساس نوع الجنس والميل الجنسي (كندا)؛ اتخاذ التدابير للاعتراف بحقوق الأقليات الجنسية والجنسانية وحمايتها وإلغاء القانون الذي يحظر الزواج من نفس الجنس (فنلندا)؛
- ١٣- وقف تنفيذ أحكام الإعدام تمهيداً لإلغاء عقوبة الإعدام (هولندا؛ البرازيل)؛ إعلان وقف اختياري من أجل إلغاء عقوبة الإعدام (المكسيك)؛ إصدار إعلان رسمي بوقف تنفيذ أحكام الإعدام تمهيداً لإلغاء عقوبة الإعدام في المستقبل (سلوفاكيا)؛ النظر في إقرار وقف لاستخدام عقوبة الإعدام تمهيداً إلغائها (إيطاليا)؛ النظر في إعلان وقف رسمي لعقوبة الإعدام والنظر في إلغاء هذه العقوبة (تركيا)؛ اتخاذ الخطوات اللازمة لوقف عقوبة الإعدام بشكل رسمي تمهيداً لإلغائها لاحقاً والالتزام بقرارات الجمعية العامة في هذا الشأن (السويد)؛ توضيح موقفها بشأن عقوبة الإعدام وإعادة تأكيد التزامها بوقف فعلي للعقوبة (المملكة المتحدة)؛ تطبيق وقف فوري لاستخدام عقوبة الإعدام وتخفيف جميع أحكام الإعدام الحالية (نيوزيلندا)؛ النظر في اتخاذ التدابير التي تؤدي في نهاية المطاف إلى إلغاء عقوبة الإعدام في البلد (أذربيجان)؛
- ١٤- اتخاذ جميع التدابير العملية بالتعاون مع البلدان المجاورة بغية وضع حد للتهامات المتعلقة بحالات الإعدام نطاق القضاء، وبصورة أعم، لإلغاء عقوبة الإعدام في المستقبل القريب (بنن)؛ اعتماد تشريع شامل فيما يتعلق بحالات الإعدام خارج نطاق القضاء والتعذيب الذي تمارسه الشرطة، بما في ذلك اتخاذ التدابير التي تكفل تطبيقه (ألمانيا)؛
- ١٥- منع استخدام العقوبة القاسية واللاإنسانية والمهينة (أوكرانيا)؛ استكمال عملية اعتماد التدابير التشريعية لمنع أعمال التعذيب وغيره من ضروب إساءة المعاملة والمعاقبة عليها، وفقاً للمعايير الدولية (هولندا)؛ التنفيذ الكامل لاتفاقية الأمم المتحدة لمناهضة التعذيب، بما في ذلك بوضع تشريعات وطنية تحظر التعذيب وضمن عدم استخدام إساءة المعاملة في مراكز الاحتجاز كبديل للتحقيق الجنائي السليم مع المشتبه فيهم (آيرلندا)؛
- ١٦- إلغاء جميع القوانين التي تسمح باستمرار التمييز والعنف ضد المرأة (النرويج)؛ ضمان حصول النساء من ضحايا التمييز والعنف على حماية حقوقهن وعلى الإنصاف (المكسيك)؛ تنفيذ تشريعات محددة لحماية المرأة من العنف الجنسي والعنف القائم على نوع الجنس وضمن تمتع المرأة النيجرية بالمساواة الكاملة أمام القانون (آيرلندا)؛
- ١٧- تكثيف جهودها، عن طريق التشريعات والتدابير العملية، لحماية الأطفال من جميع أشكال العنف، بما في ذلك قتلهم خارج نطاق القضاء في أثناء النزاعات المحلية، وتعذيبهم والاتجار بهم (إندونيسيا)؛ والتطبيق الصارم للقانون الذي وضع مؤخراً لإنهاء الممارسة المتعلقة بوصم الأطفال بـ "السحرة" أو "المشعوذين" (الكرسي الرسولي)؛

١٨- تكثيف الجهود لضمان حقوق المرأة، بوسائل منها تنفيذ ملاحظات اللجنة المعنية بالقضاء على جميع أشكال التمييز ضد المرأة في هذا الشأن، وتعزيز التدابير الرامية إلى مكافحة ممارسة تشويه الأعضاء التناسلية للإناث (إيطاليا)؛ عدم الاكتفاء بسن تشريعات تحظر تشويه الأعضاء التناسلية للإناث وإنما أيضاً مواصلة حملات التوعية للقضاء على هذه الممارسات (النمسا)؛ تعزيز الجهود الرامية إلى القضاء على الممارسات التقليدية الضارة واتخاذ جميع التدابير اللازمة لتوفير الحماية الكاملة للأطفال والبنات والنساء والأرامل من الاعتداءات التي تسببها هذه التقاليد (أوكرانيا)؛ بذل مزيد من الجهود لتوعية الزعماء الدينيين وأصحاب النفوذ التقليديين وإشراكهم في نشر ثقافة حقوق الإنسان ومكافحة الممارسات التقليدية الضارة (قطر)؛ وإنشاء آليات فعالة لحظر ممارسة العنف ضد المرأة والفتاة، بما في ذلك الممارسات التقليدية، مثل تشويه الأعضاء التناسلية للإناث ومواصلة حملات التوعية للقضاء على هذه الممارسات (النرويج)؛ القيام بحملة توعية بشأن ممارسة تشويه الأعضاء التناسلية للإناث، على النحو الذي شجعه المنتدى الاستشاري الوطني (آيرلندا)؛

١٩- مواصلة التنفيذ الكامل لالتزامها المعلن بحظر جميع أشكال العنف ضد المرأة، ومنع الاتجار غير المشروع بالنساء والفتيات، وإيلاء اعتبار في هذا الشأن إلى حملة أمور منها توصيات هيئات معاهدات الأمم المتحدة (هولندا)؛ مواصلة الجهود في ميدان مكافحة الاتجار بالبشر (البحرين وفرنسا)، والتنفيذ الكامل للاتفاقيات الدولية التي دخلت نيجيريا طرفاً فيها في هذا المجال (فرنسا)؛ مواصلة جهودها الهادفة لمكافحة الاتجار بالأشخاص، وفي مقدمتهم النساء والفتيات الصغيرات (بيلاروس)؛ النظر في تعزيز الجهود في مجال مكافحة الاتجار بالنساء والأطفال بالتعاون الوثيق مع بلدان المنطقة (ماليزيا)؛ مواصلة جهودها وتعاونها الوثيق مع المنظمات الدولية المختصة في مجال مكافحة الاتجار بالأطفال (فيت نام)؛ تخصيص الموارد البشرية والموارد الأخرى الكافية، في حدود قدرتها، لتعزيز مكافحة الاتجار بالبشر (أنغولا)؛

٢٠- اتخاذ خطوات عاجلة لمنع ممارسة العنف بدوافع سياسية والعنف القائم على أساس الطائفة والدين (كندا)؛

٢١- اتخاذ تدابير محددة لمعالجة اختلال أداء القضاء ونقص الرصد الداخلي والخارجي للشرطة (بلجيكا)؛ تعجيل تطبيق إصلاح نظام القضاء بما في ذلك السجون والشرطة الوطنية (المكسيك)؛ اتخاذ تدابير إضافية لتحسين نظام القضاء الجنائي في نيجيريا (سلوفاكيا)؛

٢٢- ضمان تقديم جميع مرتكبي انتهاكات حقوق الإنسان إلى القضاء، بمن فيهم الموظفون المكلفون بإنفاذ القوانين المشتبه في ارتكابهم أعمال تعذيب وسوء معاملة أو إعدام خارج نطاق القضاء (سلوفاكيا)؛ مضاعفة الجهود لوقف التعذيب وإساءة المعاملة والقضاء على الإفلات من العقاب فيما يتعلق بهذه الأفعال ولتقديم من يدعى ارتكابهم لهذه الأفعال إلى القضاء (الدانمرك)؛ إنشاء آلية تحقيق وطنية مستقلة وفعالة (الدانمرك)؛ إجراء تحقيقات شاملة في الانتهاكات التي يرتكبها الموظفون المكلفون بإنفاذ القوانين، وتحديد القتل خارج نطاق القضاء وأعمال التعذيب وإساءة

المعاملة المرتكبة ضد المحتجزين والاحتجاز التعسفي وانتهاكات حقوق الإنسان وضمنان توقيع العقوبة اللازمة على مرتكبيها (البرتغال)؛

٢٣- رغم التقدم الكبير الذي تحقق منذ عام ١٩٩٩ في التخلص من تركة الحكم الاستبدادي العسكري فيما يتعلق بالتقارير التي تشير إلى ارتكاب الشرطة عمليات إعدام خارج نطاق القضاء، ينبغي ضمان التزام جميع أفراد قوات الأمن والشرطة بالقانون (آيرلندا)؛

٢٤- مواصلة جهودها الحثيثة لتحقيق مزيد من التقدم في مكافحة الفساد (تركيا)؛ مواصلة جهودها لمكافحة الفساد من أجل مواصلة تأمين نموها الاقتصادي لضمان تمتع جميع المواطنين بالحقوق الاقتصادية والثقافية (كوبا)؛

٢٥- اتخاذ إجراء للتصدي للعدد الضخم من السجناء المحتجزين دون محاكمة أو المحتجزين بعد انتهاء مدة العقوبة (المملكة المتحدة)؛ ضمان محاكمة جميع المحتجزين بدون تأخير لا داعي له أو الإفراج عنهم في حالة عدم توجيه الاتهام (البرتغال)؛ تحسين ظروف الاحتجاز داخل السجون وتوفير فرص الحصول على الرعاية الصحية واحترام أبسط الحقوق الأساسية للمحتجزين (فرنسا)؛ إنشاء مجلس للمفتشين المستقلين لتقصي الظروف في مرافق الاحتجاز وسلوك ضباط الشرطة (ألمانيا)؛ اتباع نهج واسع النطاق يشمل تحسين التمثيل القانوني للسجناء، واستخدام مرافق احتجاز مستقلة للأشخاص الذين تقل أعمارهم عن ١٨ سنة ومواصلة تحسين البنية الأساسية للسجون (النمسا)؛

٢٦- ضمان احترام حرية التعبير وضمنان تمكن الصحفيين النيجيريين من أداء مهمتهم المتمثلة في تقديم المعلومات دون التعرض للمضايقة (فرنسا)؛ احترام حقوق الصحفيين في تقديم التقارير عن سياسة الحكومة والتعليق عليها وانتقادها بحرية ودون خوف (كندا)؛

٢٧- النظر في تكثيف الجهد لتحسين الظروف الاجتماعية - الاقتصادية للمرأة، وبخاصة في مجالات خدمات رعاية الصحة الإنجابية، والقضاء على الفقر، والحصول على الموارد الاقتصادية مثل الائتمان وتسهيلات القروض (ماليزيا)؛

٢٨- اتخاذ المزيد من التدابير لدعم النظام الصحي الوطني (بيلاروس)؛ زيادة جهودها في ميدان صحة الأم وتثقيف القابلات وزيادة عدد مستوصفات التوليد في جميع أنحاء البلد (الكرسي الرسولي)؛ زيادة جهودها الرامية إلى التوعية ومنع انتشار فيروس نقص المناعة البشرية/الإيدز وتوفير العلاج الكافي وفرص الرعاية البديلة للأطفال (ألمانيا)؛ مواصلة جهودها في مجال مكافحة فيروس نقص المناعة البشرية/الإيدز، وبخاصة في مجال التصدي لتأثيره الأشد على المرأة وفقاً لما تشير إليه التقارير (بوتسوانا)؛

٢٩- مواصلة الاستثمار في التعليم بغية مواصلة تخفيض معدل الأمية، وبخاصة بين البنات والشابات (الكرسي الرسولي)؛ مواصلة تعزيز نظام التعليم بعزم وفقاً لخصائص واحتياجات سكانها المحددة (فتزويلا)؛ تشجيع تطوير تعليم الفتيات وتحقيق المساواة بين الجنسين (بيلاروس)؛ مواصلة

جهودها لدعم التعليم وتوفير فرص متساوية للصبيان والبنات في المناطق الريفية والحضرية (اليمن)؛ مواصلة جهودها لمنع التسرب الدراسي (اليمن)؛ وضع استراتيجية وطنية لضمان تحسين فرص حصول جميع الأطفال على التعليم وإدخال تدابير ملائمة للتثقيف في ميدان حقوق الإنسان في نظام التعليم المدرسي بجميع مستوياته، وفقاً لخطة عمل البرنامج العالمي للتثقيف في مجال حقوق الإنسان للفترة ٢٠٠٥-٢٠٠٩ (إيطاليا)؛

٣٠- اتخاذ مزيد من الخطوات للتصدي للتمييز ضد الأقليات والفئات الضعيفة بما في ذلك استعراض القضايا المتصلة بمصطلحي "المخليون/الأصليون"؛ واتخاذ الإجراءات لثني السياسيين عن استخدام التقسيمات الدينية أو الإثنية أو التقسيمات بين المستوطنين والمخليين لأغراض سياسية (المملكة المتحدة)؛ معالجة الحالة الثقافية والاقتصادية للأقليات الإثنية (ألمانيا)؛ اتخاذ الخطوات اللازمة لضمان مشاركة سياسية مناسبة للأقليات الإثنية بالإضافة إلى التدابير الرامية إلى الحيلولة الفعلية دون فقدان أراضي وأموال وموارد الأقليات الإثنية، عن طريق المصادرة تحديداً (ألمانيا)؛ تنظيم حقوق الأقليات والشعوب الأصلية على المستوى الدستوري والتشريعي، وإنشاء لجنة وطنية للأقليات ووضع سياسة وطنية لتعزيز وحماية لغات الأقليات (سلوفينيا)؛ ضمان الحقوق السياسية والحقوق الاجتماعية - الاقتصادية للأقليات في دلتا النيجر وضمان إجراء مشاورات في هذا الشأن مع تلك الأقليات (هولندا)؛

٣١- مواصلة جهودها الجديرة بالثناء، في إطار مجلسها الوطني المعني بالعلاقات بين الأديان والمعهد المعني بالسلام وحل النزاعات، من أجل تعزيز الوثام بين الإثنيات والمجتمعات المحلية والأديان (بوتسوانا)؛ التوسع في برامج تعليم التسامح الديني في المدارس ورصد وحماية حقوق الأقليات الدينية وينبغي أن يصبح تعزيز ثقافة التسامح الديني أولوية على مستوى الحكومة الاتحادية وحكومات الولايات والحكومات المحلية (بولندا)؛ إنهاء التمييز ضد الأقليات الإثنية لضمان عدم خضوع غير المسلمين لقوانين الشريعة وضمان قدرتهم على ممارسة دينهم الخاص دون إعاقة (الدانمرك)؛

٣٢- مواصلة نهجها الدستوري المتمثل في إقامة توازن دقيق بين احترام الدستور لمختلف الظروف التاريخية والثقافية، وتحقيق اللامركزية عن طريق النظام الاتحادي، والعبء الموروث من عقود الحكم الشمولي العسكري ورغبة الحكومة في التحول بقوة نحو الديمقراطية، وذلك بمساعدة ودعم المجتمع الدولي (كوت ديفوار)؛ دعوة المجتمع الدولي إلى زيادة دعمه للسماح بتنفيذ الأهداف النبيلة التي وضعتها نيجيريا فيما يتعلق بحقوق الإنسان (تشاد)؛ طلب تقديم المساعدة التقنية المطلوبة لبناء القدرات من أجل التغلب على التحديات التي تم تحديدها (باكستان)؛ التوجه إلى المجتمع الدولي لطلب العون التقني والمساعدة في مجال الحقوق المدنية والسياسية، المذكورة في تقريرها الوطني، وهي تحديداً حق الوصول إلى القضاء، وإنفاذ القوانين، وحماية البيئة (السودان)؛ وتقديم طلبات مساعدة تقنية محددة إلى المفوضية السامية لحقوق الإنسان في مجال حق الوصول إلى القضاء ومجال إنفاذ القوانين لضمان توفير توعية مثلى. بمتطلبات حقوق الإنسان

للموظفين المدنيين العاملين في هذين المجالين (الجزائر)؛ طلب تقديم المساعدة التقنية اللازمة لبرامج حقوق الإنسان في ميادين الوصول إلى القضاء، وإنفاذ القوانين، وحماية البيئة (جمهورية إيران الإسلامية)؛ صياغة طلبات مساعدة تقنية محددة بغية تعزيز تحقيق الأهداف الإنمائية للألفية وتوجيه هذه الطلبات إلى هيئات وآليات الأمم المتحدة المختصة، وبخاصة المفوضية السامية لحقوق الإنسان (الجزائر)؛ طلب تقديم المساعدة التقنية فيما يتعلق بالمشاكل الصحية للمراهقين، والاتجار بالأشخاص، والوقاية من فيروس نقص البشرية/الإيدز ومكافحته (جمهورية إيران الإسلامية).

١٠٤- وتحيط نيجيريا علماً بالتوصيات الواردة أعلاه وتود أن تؤكد أن بعض هذه التوصيات يحظى بدعمها وأن هناك توصيات أخرى تحتاج إلى مزيد من الدراسة، وأخرى لا تؤيدها نيجيريا لأنها تتعارض مع دستورها وقوانينها. وسيدرج رد نيجيريا على هذه التوصيات في التقرير الختامي الذي سيعتمده مجلس حقوق الإنسان في دورته الحادية عشرة.

١٠٥- وجميع الاستنتاجات و/أو التوصيات الواردة في هذا التقرير تعكس موقف الدولة (الدول) التي قدمتها و/أو موقف الدولة موضوع الاستعراض بشأنها. وينبغي عدم تأويل هذه الاستنتاجات و/أو التوصيات على أنها قد حظيت بتأييد الفريق العامل ككل.

Annex

COMPOSITION OF THE DELEGATION

The delegation of Nigeria was headed by H.E. Mr. Ojo Uma MADUEKWE, Minister of Foreign Affairs of the Federal Republic of Nigeria and composed of 26 members:

H.E. Mr. Ojo Uma MADUEKWE	Minister of Foreign Affairs of the Federal Republic of Nigeria;
Mr. Micheal Kaase AONDOAKAA, Senator Urnaru DAHIRU	Minister of Justice, Attorney General; National Assembly;
Senator Eme UFOT EKAETTE	National Assembly
Ambassador E.E ONOBU	Ministry of Foreign Affairs;
Ambassador M.K. IBRAHIM	Ministry of Foreign Affairs;
Mr. J.A. GANA	Ministry of Foreign Affairs;
Ms. H.I GARBA	Ministry of Foreign Affairs;
Mr. Hakeem SULAIMAN	Ministry of Foreign Affairs;
Mr. F.A. ROTIMI	Ministry of Foreign Affairs;
Mr. Ositadinma ANAEDU	Permanent Mission of Nigeria, Geneva;
Mr. Ifeanyi NWOSU	Permanent Mission of Nigeria, Geneva;
Dr. Peter T. AKPER	Ministry of Justice;
Mrs. O.O. AJIBADE	Ministry of Justice;
Mrs. Victoria UMOREN	Ministry of Justice;
Dr. I.W. ORAKWE	Nigeria Prisons Service;
C.P. Ibrahim RINGIM	Police Headquarters;
Mr. S.D. PAM	Office of Secretary to Government;
Mrs. J.A. ODION	Ministry of Women Affairs;
Mr. Nuhu SADA	Ministry of Labour;
Prof. Bola AKINTETINWA	Ministry of Foreign Affairs;
Mr Mustafa Musa KIDA	Ministry of Foreign Affairs;
Ms. O.O. OSOBUKOLA	Ministry of Foreign Affairs;
Ms. Balaraba ALIYU	MDGs Office;
Chief Victor IYANAM	Attorney-Gen., A/Ibom State;
Ms. Hauwa YUSUF	NTA.
