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Доклад Рабочей группы по универсальному периодическому обзору*

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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 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,

** 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.

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 NAPPPHR. 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 NAPPPHR, 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.

II. ВЫВОДЫ И/ИЛИ РЕКОМЕНДАЦИИ

103. В ходе состоявшегося обсуждения вниманию Нигерии были предложены следующие рекомендации:

1. по возможности ускорить процедуру присоединения к документам в области прав человека, участником которых она до сих пор не является (Маврикий); принять все надлежащие меры для ратификации ФП-КПП и учредить национальный механизм по предупреждению пыток, с тем чтобы придерживаться положительной практики своих соседей (Бенин); ратифицировать Конвенцию о предупреждении преступления геноцида и наказании за него и два факультативных протокола к Конвенции о правах ребенка в контексте резолюции Совета по правам человека 9/12, озаглавленной "Цели в области прав человека" (Бразилия); рассмотреть возможность присоединения ко второму Факультативному протоколу к МПГПП, отменяющему смертную казнь (Аргентина); в качестве участника МПЭСКП рассмотреть возможность внесения законодательных изменений, необходимых для обеспечения того, чтобы экономические, социальные и культурные права считались правами личности, могущими быть принудительно осуществленными, и имеющими законную силу и обладали тем же статусом, что и другие права человека, а не оставались лишь целями или устремлениями государства (Португалия);
2. ускорить процесс оформления в законы различных правозащитных законопроектов, находящихся на рассмотрении в Национальной ассамблее, с тем чтобы обеспечить более широкую защиту уязвимым членам общества, в особенности женщинам, детям и инвалидам (Гана); принять законопроект о скорейшем включении во внутреннее законодательство Конвенции о ликвидации всех форм дискриминации в отношении женщин (Норвегия, Республика Корея) без дальнейших задержек (Норвегия); активизировать усилия по включению во внутреннее законодательство международно-правовых норм, направленных на искоренение дискриминации по признаку пола (Нигер); предпринять дальнейшие усилия для того, что существующее законодательство на федеральном и местном уровнях и уровне штатов в полной мере соответствовало положениям Конвенции о правах ребенка (Нидерланды); продолжать усилия по включению положений Конвенции о ликвидации всех форм дискриминации в отношении женщин в свое национальное законодательство (Алжир, Бразилия); предусмотреть в Национальном плане действий конкретные и рассчитанные по срокам шаги по ускорению процесса полного включения во внутреннее законодательство всех

- положений международных договоров в области прав человека, участником которых является Нигерия, в первую очередь Конвенции о ликвидации всех форм дискриминации в отношении женщин (Новая Зеландия);
3. продолжать укреплять свои правозащитные учреждения и разрабатывать дальнейшие меры для эффективного осуществления их мандатов (Гана);
 4. ускорить внесение поправок в Закон о Национальной комиссии по правам человека и обеспечить независимость Комиссии, а также призвать Комиссию вновь обратиться за аккредитацией в Международный координационный комитет (Финляндия); гарантировать независимость Национальной комиссии по правам человека и предпринять необходимые шаги для того, чтобы НКПЧ смогла восстановить свой статус "А" в соответствии с Парижскими принципами (Новая Зеландия); обеспечить полную независимость Национальной комиссии по правам человека Нигерии от правительства и предоставить НКПЧ полномочия расследовать внесудебные жалобы о нарушениях прав человека и предлагать жертвам надлежащие средства правовой защиты (Португалия);
 5. предусмотреть возможность проведения Национального консультативного форума на ежегодной основе в качестве инструмента для поощрения диалога и понимания проблематики прав человека (Алжир); использовать идеи, обсуждаемые на Национальном консультативном форуме, с тем чтобы помочь Нигерии добиться лучших результатов в области прав человека (Чад); продолжать усилия по обеспечению эффективной деятельности Комиссии по расследованию экономических и финансовых преступлений (Кот-д'Ивуар);
 6. продолжать стремиться к достижениям в области прав человека (Джибути); продолжать свои усилия в области прав человека, в особенности с учетом того факта, что правительство поощряет права человека в особых условиях в стране с переходной экономикой после долгих лет военного режима на пути к полноценной демократии (Мозамбик); укреплять свои достижения в области прав человека и продолжать наращивать усилия по поощрению благого управления, демократии и верховенства права (Марокко);
 7. продолжать сосредоточивать усилия на политике и программах, направленных на более эффективную защиту и поощрение прав человека населения, в том числе тесно сотрудничая с соответствующими организациями гражданского общества и НПО (Малайзия); продолжать осуществлять программы и стратегии в области прав человека, в особенности Национальный план

- действий по поощрению и защите прав человека (Азербайджан); продолжать реализацию программы развития, состоящей из семи пунктов и сформулированной Президентом Республики (Демократическая Республика Конго); придерживаться своего обязательства по поощрению и защите прав человека в рамках тематических стратегий благого управления, борьбы с коррупцией, искоренения нищеты и улучшения санитарных условий в стране (Индонезия);
8. продлить открытое и постоянное приглашение всем правозащитным механизмам Организации Объединенных Наций, в особенности Специальному докладчику по вопросу о пытках, и ускорить процесс представления еще не представленных докладов в договорные органы (Мексика); направить постоянное приглашение всем специальным процедурам Совета по правам человека (Норвегия, Украина); систематически рассматривать рекомендации специальных процедур с целью проведения дальнейших реформ в области прав человека (Австрия);
 9. продолжать укреплять роль гражданского общества и сотрудничество с соответствующими правозащитными механизмами Организации Объединенных Наций (Ангола);
 10. делиться своим опытом поощрения прав человека в качестве инициатора регионального сотрудничества и развития и посредника в урегулировании конфликтов и миростроительстве в западноафриканском субрегионе (Непал);
 11. продолжать предпринимать действия, направленные на повышение осведомленности среди религиозных и традиционных лидеров (Нигер);
 12. не допустить утверждения Президентом и Национальной ассамблеей Нигерии законопроекта о (запрещении) однополых браков и аннулировать все существующие законодательные акты, предусматривающие дискриминацию по признаку пола и сексуальной ориентации (Канада); принимать меры для признания и защиты прав сексуальных и гендерных меньшинств и для аннулирования закона о запрещении однополых браков (Финляндия);
 13. установить мораторий на казни с целью отмены смертной казни (Нидерланды, Бразилия); объявить мораторий для отмены смертной казни (Мексика); официально объявить мораторий на казни, с тем чтобы в будущем отменить смертную казнь (Словакия); рассмотреть возможность установления моратория на применение смертной казни в целях отмены этой практики

(Италия); рассмотреть возможность введения официального моратория на смертную казнь и возможность отмены этой высшей меры наказания (Турция); предпринять шаги, необходимые для введения официального моратория на смертную казнь, в целях ее последующей отмены и следовать резолюциям Генеральной Ассамблеи в этом отношении (Швеция); прояснить свою позицию в отношении смертной казни и вновь подтвердить приверженность фактическому мораторию (Соединенное Королевство); ввести немедленный мораторий на применение смертной казни и смягчить меру наказания лицам, в настоящее время приговоренным к смертной казни (Новая Зеландия); рассмотреть меры, которые в конечном итоге приведут к отмене этой высшей меры наказания в стране (Азербайджан);

14. принимать все практические меры в сотрудничестве с соседними странами, с тем чтобы положить конец обвинениям о внесудебных казнях и в более общем плане отменить смертную казнь в ближайшем будущем (Бенин); принять всеобъемлющее законодательство в отношении внесудебных казней и применения пыток полицией, включая меры, обеспечивающие его осуществление (Германия);
15. предупреждать применение жестоких, бесчеловечных и унижающих достоинство видов наказания (Украина); завершить процесс принятия законодательных мер для предупреждения актов пыток и других видов жестокого обращения и судебного преследования за них в соответствии с международными нормами (Нидерланды); в полной мере применять Конвенцию Организации Объединенных Наций против пыток, в том числе путем принятия национального законодательства, запрещающего пытки, и обеспечения того, чтобы жестокое обращение в период содержания под стражей не использовалось взамен надлежащего уголовного расследования в отношении подозреваемых лиц (Ирландия);
16. отменить все законы, допускающие насилие и дискриминацию в отношении женщин (Норвегия); обеспечить доступ женщин, ставших жертвами дискриминации или насилия, к средствам защиты их прав и к правосудию (Мексика); разработать конкретное законодательство для защиты женщин от сексуального насилия и насилия по признаку пола и обеспечить женщинам полное равенство перед законом (Ирландия);
17. с помощью законодательных и практических мер активизировать усилия по защите детей от всех форм насилия, включая внесудебные казни в ходе межобщинных конфликтов, пытки и торговлю людьми (Индонезия); активно

применять принятый недавно закон, с тем чтобы положить конец практике преследования детей, объявленных "ведьмами" и "колдунами" (Святой Престол);

18. активизировать усилия по обеспечению прав женщин, в том числе с учетом замечаний КЛДЖ в этой связи, и усилить меры по борьбе с практикой калечащих операций на женских половых органах (КОЖПО) (Италия); не только принять законодательство, запрещающее КОЖПО, но также продолжать кампании по повышению осведомленности для искоренения такой практики (Австрия); активизировать усилия, направленные на ликвидацию существующей вредной традиционной практики, и принять все необходимые меры для обеспечения всесторонней защиты детей, девочек, женщин и вдов от вреда, сопряженного с такой традицией (Украина); предпринимать дальнейшие усилия в целях повышения осведомленности среди религиозных лидеров и традиционных вождей и привлекать их к распространению правозащитной культуры и борьбе с вредной традиционной практикой (Катар); учредить эффективные механизмы, запрещающие насилие в отношении женщин и девочек, включая традиционную практику, такую, как КОЖПО, и продолжать проводить кампании по повышению осведомленности для борьбы с такой практикой (Норвегия); провести кампанию по повышению осведомленности относительно практики КОЖПО, как это было предложено Национальным консультативным форумом (Ирландия);
19. добиваться полного осуществления взятого обязательства запретить все формы насилия в отношении женщин и предупреждать незаконную торговлю женщинами и девочками и в этой связи учитывать, среди прочего, рекомендации договорных органов Организации Объединенных Наций (Нидерланды); продолжать усилия в области борьбы с торговлей людьми (Бахрейн, Франция) и в полной мере соблюдать соответствующие международные конвенции, участником которых является Нигерия (Франция); продолжать целенаправленные усилия по борьбе с торговлей людьми, в первую очередь женщинами и девочками (Беларусь); рассмотреть возможность активизации усилий в области борьбы с торговлей женщинами и детьми на основе тесного сотрудничества со странами региона (Малайзия); продолжать предпринимать усилия по борьбе с торговлей детьми и тесно сотрудничать с соответствующими международными организациями (Вьетнам); выделять с учетом имеющегося потенциала надлежащие людские и иные ресурсы для усиления борьбы с торговлей людьми (Ангола);

20. принять срочные меры для предупреждения насилия по политическим и религиозным мотивам и на почве сектантства (Канада);
21. принять конкретные меры для решения проблемы нарушения деятельности судебной системы и отсутствия внутреннего и внешнего контроля за полицейскими службами (Бельгия); ускорить проведение реформы судебной системы, в том числе в рамках исправительных учреждений и национальной полиции (Мексика); принять дополнительные меры для совершенствования нигерийской системы уголовного правосудия (Словакия);
22. обеспечить привлечение к судебной ответственности всех лиц, виновных в нарушениях прав человека, включая сотрудников правоохранительных органов, подозреваемых в совершении актов пыток и жестокого обращения или внесудебных казней (Словакия); расширить усилия по борьбе с пытками и жестоким обращением, а также искоренению безнаказанности за такие действия и привлечению предполагаемых виновных к судебной ответственности (Дания); учредить независимый и эффективный национальный механизм расследования (Дания); всесторонне расследовать случаи злоупотреблений со стороны сотрудников правоохранительных органов, в частности внесудебные казни, акты пыток и жестокого обращения с задержанными, произвольные задержания и нарушения прав человека, и должным образом наказывать виновных лиц (Португалия);
23. учитывая важный прогресс, достигнутый с 1999 года в плане преодоления наследия военной диктатуры применительно к сообщениям о случаях внесудебных казней, совершаемых полицией, обеспечить, чтобы все сотрудники сил безопасности и полиции действовали в рамках закона (Ирландия);
24. продолжать свои решительные усилия с целью добиться дальнейшего прогресса в борьбе с коррупцией (Турция); продолжать усилия по борьбе с коррупцией, с тем чтобы в дальнейшем обеспечивать экономический рост и гарантировать осуществление всеми гражданами их экономических, социальных и культурных прав (Куба);
25. принять меры в связи с накоплением нерассмотренных дел и содержания под стражей лиц без судебного разбирательства или лиц, чей срок наказания истек (Соединенное Королевство); обеспечить, чтобы все задержанные лица представляли перед судом без неоправданной задержки или же были освобождены, если им не предъявляются обвинения (Португалия); улучшить

- условия содержания в тюрьмах, расширить доступ к медицинским услугам и соблюдать самые элементарные права задержанных лиц (Франция); создать совет независимых инспекторов для ревизии условий в местах содержания под стражей и поведения сотрудников полиции (Германия); применять широкий подход, в том числе предусматривающий более эффективное юридическое представительство заключенных, отдельное заключение лиц моложе 18 лет в местах содержания под стражей и постоянное совершенствование тюремной инфраструктуры (Австрия);
26. обеспечивать уважение свободы выражения мнений и принимать меры для того, чтобы нигерийские журналисты могли осуществлять свою миссию по предоставлению информации, не подвергаясь преследованиям (Франция); соблюдать права журналистов свободно и без боязни освещать, комментировать и критиковать политику правительства (Канада);
27. рассмотреть возможность более энергичных усилий по улучшению социально-экономического положения женщин, в частности в сфере услуг в области репродуктивного здоровья, искоренения нищеты и доступа к экономическим ресурсам, таким как кредиты и займы (Малайзия);
28. принимать дальнейшие меры для укрепления национальной системы здравоохранения (Беларусь); активизировать усилия по охране здоровья матери, подготовке акушерок и увеличению числа родильных домов в стране (Святой Престол); активизировать усилия по повышению осведомленности о ВИЧ/СПИДе и предотвращению заболеваемости и обеспечивать надлежащее лечение и предоставлять детям возможность альтернативного ухода (Германия); продолжать предпринимать усилия по борьбе с ВИЧ/СПИДом, в частности с учетом, как сообщается, несоразмерно высокого числа инфицированных и больных среди женщин (Ботсвана);
29. продолжать инвестировать в образование, с тем чтобы далее снизить уровень неграмотности, в особенности среди девочек и девушек (Святой Престол); продолжать решительно укреплять систему образования с учетом специфики и потребностей населения (Венесуэла); содействовать дальнейшему развитию образовательных программ для девочек и достижению гендерного равенства (Беларусь); продолжать усилия по поддержке образования и предоставления равных возможностей мальчикам и девочкам в городских и сельских районах (Йемен); продолжать усилия по предотвращению отсева учащихся из школ (Йемен); разработать национальную стратегию для обеспечения более широкого доступа к образованию для всех детей и включения надлежащих мер

образования в области прав человека в школьной системе на всех уровнях в соответствии с Планом действий на 2005–2009 годы Всемирной программы образования в области прав человека (Италия);

30. предпринять дальнейшие шаги для решения проблемы дискриминации в отношении меньшинств и уязвимых групп населения, в том числе пересмотрев вопросы, связанные с терминами "туземный коренной", и приняв меры для того, чтобы политики не прибегали к делению граждан на религиозные и этнические группы и на поселенцев и коренных жителей в политических целях (Соединенное Королевство); рассмотреть культурное и экономическое положение этнических меньшинств (Германия); предпринять шаги для обеспечения надлежащего участия этнических групп меньшинств в политике, а также эффективные меры для того, чтобы этнические группы меньшинств не лишались земель, имущества и ресурсов, например, в результате конфискации (Германия); регламентировать права меньшинств и коренного населения на конституционном и законодательном уровнях, учредить национальную комиссию по делам меньшинств и разработать национальную политику поощрения и защиты языков меньшинств (Словения); обеспечить соблюдение политических, социальных и экономических прав групп меньшинств в районе дельты Нигера и проводить с ними консультации в этой связи (Нидерланды);
31. в рамках своего Национального межрелигиозного совета и Института мира и конфликтов продолжать похвальные усилия по поощрению межэтнического, межобщинного и межрелигиозного согласия (Ботсвана); расширить школьные программы образования по вопросу религиозной терпимости и контролировать соблюдение и обеспечить защиту прав религиозных меньшинств, сделав поощрение культуры религиозной терпимости приоритетом правительств на федеральном и местном уровнях и уровне штатов (Польша); положить конец дискриминации в отношении этнических меньшинств, с тем чтобы в отношении немусульман не применялись законы шариата и они могли беспрепятственно исповедовать собственную религию (Дания);
32. при помощи и более активной поддержке международного сообщества продолжать придерживаться конституционного подхода, выражающегося в поддержании хрупкого равновесия между закрепленным в конституции уважением различных исторических и культурных контекстов, децентрализацией на основе федерализма, унаследованным бременем десятилетий военного тоталитаризма и стремлением правительства решительно двигаться в направлении демократии (Кот-д'Ивуар); призвать международное сообщество расширить поддержку, с тем чтобы помочь достижению

благородных целей, намеченных Нигерией в области прав человека (Чад); добиваться предоставления требуемой технической помощи по укреплению потенциала, с тем чтобы преодолеть выявленные трудности (Пакистан); добиваться от международного сообщества технической помощи и содействия в плане обеспечения гражданских и политических прав, упоминаемых в национальном докладе, в частности доступа к правосудию, правоохранительной деятельности и охраны окружающей среды (Судан); направить УВКПЧ конкретные просьбы о технической помощи в области доступа к правосудию и правоохранительной деятельности, с тем чтобы оптимальным образом повысить осведомленность соответствующих государственных служащих относительно требований в области прав человека (Алжир); добиваться предоставления необходимой технической помощи для осуществления правозащитных программ в области доступа к правосудию, правоохранительной деятельности и охраны окружающей среды (Исламская Республика Иран); сформулировать конкретные просьбы о технической помощи в целях содействия достижению целей в области развития, сформулированных в Декларации тысячелетия, и направить их соответствующим органам и механизмам Организации Объединенных Наций, в частности УВКПЧ (Алжир); добиваться предоставления технической помощи в связи с проблемами здоровья подростков, торговлей людьми и профилактикой и предупреждением ВИЧ/СПИДа (Исламская Республика Иран).

104. Нигерия принимает к сведению вышеперечисленные рекомендации и на данный момент хотела бы заявить, что некоторые из рекомендаций встретили полную поддержку со стороны Нигерии, но что некоторые из них предстоит рассмотреть подробнее, при этом ряд рекомендаций не может быть поддержан Нигерией, поскольку они противоречат ее Конституции и законам. Ответы Нигерии на приведенные выше рекомендации будут отражены в итоговом докладе, который будет принят Советом по правам человека на его одиннадцатой сессии.

105. Все содержащиеся в настоящем докладе выводы и/или рекомендации отражают позицию представляющего государства (представляющих государств) и/или государства - объекта обзора. Их не следует рассматривать в качестве одобренных Рабочей группой в целом.

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.
