

Nigeria

Mid-term

Implementation

Assessment



UPR-INFO.ORG
PROMOTING AND STRENGTHENING THE UNIVERSAL PERIODIC REVIEW



Introduction

1. Purpose of the follow-up programme

The second and subsequent cycles of the review should focus on, inter alia, the implementation of the accepted recommendations and the development of the human rights situation in the State under review.

A/HRC/RES/16/21, 12 April 2011 (Annex I C § 6)

The Universal Periodic Review (UPR) process takes place every four years; however, some recommendations can be implemented immediately. In order to reduce this interval, we have created an update process to evaluate the human rights situation two years after the examination at the UPR.

Broadly speaking, *UPR Info* seeks to ensure the respect of commitments made in the UPR, but also more specifically to give stakeholders the opportunity to share their opinion on the commitments. To this end, about two years after the review, *UPR Info* invites States, NGOs and National Institutions for Human Rights (NHRI) to share their comments on the implementation (or lack thereof) of recommendations adopted at the Human Rights Council (HRC).

For this purpose, *UPR Info* publishes a Mid-term Implementation Assessment (MIA) including responses from each stakeholder. The MIA is meant to show how all stakeholders are willing to follow and implement their commitments: civil society should monitor the implementation of the recommendations that States should implement.

While the follow-up's importance has been highlighted by the HRC, no precise directives regarding the follow-up procedure have been set until now. Therefore, *UPR Info* is willing to share good practices as soon as possible and to strengthen the collaboration pattern between States and stakeholders. Unless the UPR's follow-up is seriously considered, the UPR mechanism as a whole could be affected.

The methodology used by UPR Info to collect data and to calculate index is described at the end of this document.

Geneva, 31 January 2012

Follow-up Outcomes

1. Sources and results

All data are available at the following address:

<http://followup.upr-info.org/index/country/nigeria>

We invite the reader to consult that webpage since all recommendations; all stakeholders reports and the unedited comments as well can be found at that very internet address.

11 NGOs were contacted. Both the Permanent Mission to the UN in Geneva and the State were contacted. The domestic NHRI was contacted as well.

6 NGOs responded to our enquiry. The State under Review did not respond to our enquiry. The domestic NHRI did not respond to our enquiry either.

IRI: 63 recommendations are not implemented, 7 recommendations are partially implemented, and 4 recommendations are fully implemented. No answer was received for 36 out of 115 recommendations.

2. Index

Hereby the issues which the MIA deals with:

rec. n°	Issue	page	IRI
2	Women's rights, International instruments,	page 6	not impl.
4	Technical assistance, Justice, Human rights education and training,	page 6	not impl.
7	International instruments, Death penalty,	page 7	not impl.
8	Women's rights, Torture and other CID treatment, Rights of the Child,	page 8	partially impl.
9	Detention conditions	page 9	not impl.
11	Women's rights, Torture and other CID treatment, Rights of the Child, Human rights education and training,	page 9	-
13	Death penalty	page 10	not impl.
14	Trafficking	page 10	not impl.
15	Women's rights, Rights of the Child, Right to education,	page 10	not impl.



rec. n°	Issue	page	IRI
17	Women's rights, Trafficking, Rights of the Child,	page 11	not impl.
18	Justice	page 11	not impl.
19	Torture and other CID treatment, International instruments,	page 12	fully impl.
20	Death penalty	page 12	not impl.
21	Women's rights, HIV - Aids,	page 13	not impl.
22	Minorities, Freedom of religion and belief,	page 14	not impl.
23	Rights of the Child, Justice, International instruments,	page 14	partially impl.
24	Women's rights, International instruments,	page 15	not impl.
25	Death penalty	page 15	not impl.
26	Freedom of religion and belief	page 16	not impl.
27	Freedom of the press	page 17	not impl.
28	Sexual rights	page 18	not impl.
32	Corruption	page 18	not impl.
33	ESC rights - general, Corruption,	page 19	not impl.
36	Minorities, Freedom of religion and belief,	page 19	not impl.
37	Torture and other CID treatment, Impunity,	page 20	not impl.
39	NHRI	page 21	fully impl.
40	Sexual rights	page 22	not impl.
41	Freedom of the press, Freedom of opinion and expression,	page 22	not impl.
42	Detention conditions	page 22	not impl.
43	Trafficking, International instruments,	page 23	-
44	Torture and other CID treatment, Extrajudicial executions,	page 23	not impl.
45	Detention conditions	page 24	not impl.
46	Minorities, ESC rights - general,	page 25	not impl.
48	Minorities	page 25	not impl.
49	Women's rights, Rights of the Child, Disabilities,	page 26	partially impl.
50	NHRI	page 26	partially impl.
51	Rights of the Child	page 26	not impl.
52	Women's rights, Right to health,	page 27	not impl.
53	Women's rights, Right to education,	page 27	-
54	Trafficking, Torture and other CID treatment, Rights of the Child, Extrajudicial executions,	page 27	not impl.
56	Technical assistance, Justice, Environment,	page 28	-
58	Torture and other CID treatment, International instruments,	page 28	not impl.
59	Women's rights	page 28	partially impl.
61	Human rights violations by state agents, Extrajudicial executions,	page 23	not impl.
62	Women's rights, Treaty bodies, Torture and other CID treatment,	page 29	not impl.
63	Rights of the Child, Right to education, Human rights education and training,	page 27	-
64	Death penalty	page 29	not impl.
67	Civil society	page 29	partially impl.



rec. n°	Issue	page	IRI
70	Justice, Detention conditions,	page 30	not impl.
72	Death penalty	page 7	not impl.
76	Torture and other CID treatment	page 31	not impl.
77	Minorities	page 31	not impl.
78	Rights of the Child, International instruments,	page 32	not impl.
79	Women's rights, Treaty bodies, Trafficking,	page 32	not impl.
80	Death penalty	page 8	not impl.
82	NHRI	page 33	fully impl.
83	Death penalty	page 8	not impl.
84	Women's rights	page 33	not impl.
87	Women's rights, International instruments,	page 33	not impl.
88	Women's rights	page 34	not impl.
89	Women's rights, Torture and other CID treatment, Rights of the Child, Human rights education and training,	page 34	not impl.
92	Torture and other CID treatment, Extrajudicial executions, Detention conditions,	page 34	not impl.
93	Detention conditions	page 35	not impl.
94	NHRI	page 33	fully impl.
95	International instruments, ESC rights - general,	page 35	not impl.
97	Women's rights, International instruments,	page 36	not impl.
98	Torture and other CID treatment, Human rights violations by state agents, Extrajudicial executions,	page 36	not impl.
99	Justice	page 37	not impl.
100	Death penalty	page 8	not impl.
101	Minorities, Indigenous peoples,	page 37	not impl.
102	Technical assistance, Justice, Environment,	page 37	partially impl.
103	Death penalty	page 8	not impl.
104	Corruption	page 37	not impl.
105	Death penalty	page 8	not impl.
106	Special procedures	page 38	not impl.
107	Torture and other CID treatment	page 38	not impl.
109	Detention conditions	page 39	not impl.
110	Minorities, Indigenous peoples,	page 39	not impl.
111	Death penalty	page 8	not impl.

3. Feedbacks on recommendations

Recommendation n°2: *Pursue its efforts in order to incorporate the provisions of the Convention on the Elimination of All Forms of Discrimination against Women in its national law (Recommended by Algeria).*

IRI: *not implemented*

Commonwealth Human Rights Initiative (CHRI) response:

This information valid as of May 2010. The situation of women in Nigeria remained poor. Violence against women was reportedly still a major issue and only three states in Nigeria reportedly had a domestic violence law banning the practice. Although Nigeria ratified CEDAW in 1985, it had yet to be domesticated in Nigeria by the end of the reporting period. References for the preceding information can be found in the Commonwealth Human Rights Initiative publication, [Easier Said Than Done](#) (2010).

Center for Reproductive Rights (CRR) response:

Nigeria is yet to comply with the CEDAW Committee's recommendation in 2004 and 2008 to domesticate the Convention on the Elimination of All Forms of Discrimination against Women.

BAOBAB for Women's Human Rights (BWHR) response:

The road towards incorporating the provisions of the Convention on the Elimination of All Forms of Discrimination Against Women in its national law has been bumpy. The initiative has largely been driven by NGOs and this has suffered serious setbacks. The first attempt by the NGO community which spanned advocacy periods of over seven years was thwarted when the National Assembly threw away the bill because it contained provisions against early marriage and abortion. However, there is now before the National Assembly the Gender and Equal Opportunities a bill which amongst others seeks give effect to Chapters II and IV of the Constitution of the Republic of Nigeria; the domestication of certain aspects of CEDAW and the Protocol to the African Charter on the Rights of Women in Africa and the National Gender Policy.

Recommendation n°4: *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 (Recommended by Algeria).*

IRI: *not implemented*

CLEEN Foundation (CF) response:

We are not privy to steps being taken in respect of this. However, the Swiss Embassy is providing technical assistance to the review of the curriculum of the Nigeria Police Force to integrate HR into the curriculum.

CHRI response:

This information valid as of May 2010. Nigeria's police and security services were criticised during the reporting period for extortion, illegal detention, brutality, torture



and extrajudicial killings. Calls for reform from various civil society organisations, the National Human Rights Commission (NHRC) and even some government ministers have not yet been heeded, as evidenced by the overwhelming number of instances of police misconduct throughout the reporting period. There were reports that police officers in some parts of the country regularly extorted money from motorists. In Imo State, numerous security task forces had to be disbanded because of their harassment of ordinary citizens. The Human Rights Writers Association of Nigeria (HURIWA) criticised the police for ineffectiveness, citing the extremely high number of armed robberies and murders in the country, and the inability of the police to combat them. Allegations of illegal detention were reported around the country. At one point, the police put nearly 4,000 members of a northern Nigerian Islamic group into preventive detention, because the group posed a “potential threat”.

Extrajudicial killings were rife throughout the reporting period, despite an assurance in September 2008 that the Federal Government did not support the killings. The foreign minister warned “institutions” not to engage in extrajudicial killings and said that any person perpetrating them would be prosecuted. Furthermore, in December 2008, the Police Service Commission reportedly said it would begin sanctioning commissioners of police whose serving officers were found to have committed extrajudicial killings. Despite these official statements, the killings continued to be reported. In December 2008, an international human rights organisation called on the Nigerian government to investigate allegations that the Police Mobile Force had killed up to 90 people, mostly Muslims, in the communal violence-ridden city of Jos. The report included allegations that men in police and military uniforms had carried out summary executions of detainees and killed up to 26 people at once, after chasing them into an automobile workshop. Most of the killings reportedly happened on the day that the Plateau State Governor issued a shoot-on-sight order to security services. One year after the killings, an international human rights organisation revised the number of deaths to 130 and noted that no prosecutions of security forces had taken place. At the end of the reporting period, there were unconfirmed reports that a few perpetrators had been dealt with internally by the Nigeria Police Force, but no prosecutions had occurred in the public domain. In January 2009, a coalition of human rights groups in Osun State petitioned the police in their state regarding several alleged extrajudicial killings. In March 2009, a two-day tribunal was organised in the city of Ibadan by the NHRC and NGOs and was attended by police representatives. Attendees heard multiple stories about people who were raped or killed by police. References for the preceding information can be found in the Commonwealth Human Rights Initiative publication, [Easier Said Than Done](#) (2010).

Recommendation n°7: *Consider the possibility of adhering to the Second Optional Protocol of the ICCPR, abolishing the death penalty* (Recommended by Argentina)

IRI: *not implemented*

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Recommendation n°2: *Declare a moratorium for the abolition of death penalty* (Recommended by Mexico)

IRI: *not implemented*

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Recommendation n°80: *Establish a moratorium on executions with a view to abolish the death penalty* (Recommended by *thru Netherlands*)

IRI: *not implemented*

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Recommendation n°83: *An immediate moratorium on the use of death penalty and that all current death sentences be commuted* (Recommended by *New Zealand*)

IRI: *not implemented*

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Recommendation n°100: *Officially declare a moratorium on executions with a view to abolish the death penalty in future* (Recommended by *Slovakia*)

IRI: *not implemented*

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Recommendation n°103: *Take the steps necessary to formalize the moratorium on death penalty with a view to subsequently abolish the death penalty and adhere to the resolutions of the General Assembly in this regard.* (Recommended by *Sweden*)

IRI: *not implemented*

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Recommendation n°105: *Consider formalizing a moratorium on death penalty and consider the abolition of capital punishment* (Recommended by *Turkey*).

IRI: *not implemented*

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Recommendation n°111: *Clarify its position on the death penalty, and reaffirm its commitment to a de facto moratorium* (Recommended by *the United Kingdom*)

IRI: *not implemented*

CHRI response:

This information valid as of May 2010. Given the problems inherent in Nigeria's police and justice sectors, its retention of the death penalty was especially concerning. Despite a positive step by Lagos State in August 2009, which led to three death row inmates being pardoned and 37 death row inmates having their sentences commuted, capital punishment remained an issue during the reporting period. In moves that human rights groups said would jeopardise the lives of those kidnapped, three states in Nigeria passed bills in February and May 2009 which would make kidnapping with a weapon a mandatory capital offence. At least 40 of Nigeria's death row prisoners were between 13 and 17 years at the time of the commission of their capital offence. In April 2010, it was reported that Nigeria had 870 death row inmates, and although there have reportedly been no official executions in Nigeria since 2002 and diplomats say Nigeria exercises a self-imposed moratorium on the death penalty, death sentences are still given in courts and human rights groups believe that secret executions have taken place since 2002. Even more concerning was the April 2010 assertion by the Abia State Governor that official executions should resume as a method of clearing prison congestion. This assertion was widely condemned and it was clarified in the following days that no policy to execute prisoners as a way of controlling congestion had been implemented. References for the preceding information can be found in the Commonwealth Human Rights Initiative publication, [Easier Said Than Done](#) (2010).

Recommendation n°8: *Enact legislation to prohibit FGM.* (Recommended by *Austria*).

IRI: *partially implemented*



CF response:

There are States in the country that have passed legislations prohibiting FGM, for example the Edo State FGM Prohibition Law 2002

Ekiti State has also recently passed the Violence against Women Act. The National Parliament has not passed any law against FGM.

BWHR response:

There is at present no legislation at the federal level prohibiting FGM. The Violence Against Persons (Prohibition) Bill initiated by NGOs only passed its second reading during the life of the 6th National Assembly. Efforts are being made by NGOs to reintroduce the bill at the National Assembly. Out of the 36 states in the federation only 2 states specifically have laws prohibiting FGM and they are Cross River and Edo States. Ekiti State has the Gender based Violence Law 2011 whilst Lagos State has the Protection against Domestic Violence Law of 2007.

Recommendation n°9: *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 (Recommended by Austria).*

IRI: *not implemented*

CHRI response:

This information valid as of May 2010. For Nigeria's 46,000 prisoners, conditions are dire. General overcrowding, poor sanitation, and a lack of food and medicines are reportedly major issues in Nigeria's prisons. The central and state governments repeatedly pledged to address overpopulation in the prison system. Despite these pledges and the occasional amnesty given to some prisoners to ease overcrowding, congestion continued to be a problem in Nigeria, largely due to the fact that 65 per cent (30,000) of Nigeria's prisoners were still awaiting trial. CHRI was told that the use of unregulated remand by magistrates was the primary reason that prisons in Nigeria were congested, and that if all remand prisoners were released then the prisons would be decongested quickly. A riot broke out in one Nigerian prison in January 2010, reportedly owing to unrest about overcrowding. Beyond overcrowding, a major report released in October 2008 by the Legal Defence and Assistance Project (LEDAP) and Amnesty International found that up to 80 per cent of prison inmates in Nigeria were subject to beatings or torture at some point during their detention. A Nigerian NGO reportedly claimed that 97 of the Port Harcourt Maximum Security Prison's inmates were underage. There were also reports that prison guards were extorting families of prisoners every time they visited the prison. References for the preceding information can be found in the Commonwealth Human Rights Initiative publication, [Easier Said Than Done](#) (2010).

Recommendation n°11: *Continue awareness-raising campaigns to eradicate FGM. (Recommended by Austria).*

IRI: -

BWHR response:

Criminalising Female Genital Mutilation and enforcement of the law will reduce FGM. Prosecution and conviction of offenders will serve as a deterrent and demonstrate that government has moved beyond rhetoric.



Recommendation n°13: *Consider the measures eventually leading to the abolishment of capital punishment in the country* (Recommended by Azerbaijan).

IRI: *not implemented*

CF response:

Little or nothing has been done in this regard. Rather, recent legislations like the Anti-Terrorism law still prescribe death penalty.

CHRI response:

See response to recommendation n°7.

Recommendation n°14: *Continue efforts in the field of combating human trafficking* (Recommended by Bahrain).

IRI: *not implemented*

BWHR response:

Government needs to deal with the root causes of human trafficking which include: high level of poverty among women, especially the ones in the rural areas; high unemployment rate of educated women in the urban areas; the general illiteracy level of women; lack of basic empowerment skill, and lack of funds to establish where such skills have been acquired; lack of information on reproductive health, especially on contraceptives and family planning; the high rate of broken homes, and departed parents. The diversity of forced prostitution in Nigeria is boundless, but the categories include the following: -female employees in the bank who are given high financial targets to meet. Many of them are vulnerable to sexual harassment and exploitation in the process of soliciting for funds. Some are coerced into sexual relationship just to obtain favours, benefits and promotions. Commercial sex workers are susceptible to exploitation and sexual assaults by police officers who abuse them under the guise of apprehending the sex workers. Sexual harassment and sexual exploitation of women have been widely reported in educational institutions and even amongst political colleagues.

Recommendation n°15: *Foster the further development of education for girls and the achievement of gender equality* (Recommended by Belarus).

IRI: *not implemented*

CHRI response:

This information valid as of May 2010. The situation of women in Nigeria remained poor. Violence against women was reportedly still a major issue and only three states in Nigeria reportedly had a domestic violence law banning the practice. Although Nigeria ratified CEDAW in 1985, it had yet to be domesticated in Nigeria by the end of the reporting period. References for the preceding information can be found in the Commonwealth Human Rights Initiative publication, *Easier Said Than Done* (2010).

BWHR response:

The non-discrimination education opportunities in Nigeria tend to be circumscribed by the patriarchal structures and negative gender stereotypes that are pervasive in our society. Cultural problems such as teenage pregnancy, early marriage, conservative religious interpretations, domestic responsibilities or gender stereotypes negatively impact on access of the girl child to education and invariably the quality of results, as the boy child will be at advantage to complete his education and become gainfully



employed. Despite the provisions of the Child Rights Act 2003 and the Universal Basic Education (UBE) Act 2004, the chances of the girl child of furthering her education to secondary or tertiary level usually depend on the parents or guardians ability or willingness to support such a child. The UBE Act and Child Rights Act make provisions for free and compulsory basic education up to junior secondary school level, but in reality, parents are made to pay charges in forms of development fees, examination fees, Parents Teachers Association levies etc. The provisions of fee lunch, books and other educational materials as stipulated by the UBE Act are never made by the government.

According to a research conducted on basic education in Nigeria, 87% of parents interviewed in the course of the survey claimed that they pay Parents Teachers Association (PTA) levies, and 50% reported that they pay for text books for their children. Nigeria's budgetary allocation to education has never been up to 13% of the total budget which falls short of the UNESCO's recommendation of 26% minimum of the total national budget. The liberalisation of education by Nigerian Government leading to the new 'rave' of privatisation of the education sector, has led to an increase in the establishment of private schools, which are considered which are considered as the only source of qualitative education in Nigeria. The exorbitant fees charged by the private schools have taken qualitative education out of the reach of the middle and low class of the society. The state of education in Nigeria is precarious. The Millennium Development Goals (MDGs) report 2005 reveals that quality assurance in education is yet to be adequately addressed in terms of teachers, curricular, teachers' support and teaching learning materials. Schools are often too distant for children and are also in bad conditions. Some girls are raped on their way to school or on their way home from schools.

Recommendation n°17: *Continue its targeted efforts to combat trafficking in persons, above all women and young girls (Recommended by Belarus).*

IRI: not implemented

BWHR response:

Efforts at combating trafficking in persons, above all women and young girls will be meaningful if government address the following: (i) High level of poverty among women, especially the ones in the rural areas; (ii) High unemployment rate of educated women in urban areas; (iii) The general literacy of women; (iv) Lack of basic empowerment skill and lack of funds to establish where such skills have been acquired; (v) lack of information on reproductive health, especially on contraceptives and family planning; (vi) The high rate of broken homes and departed parents. According to ILO report on trafficking in Nigeria, 40% of Nigerian street children and hawkers are trafficked persons. There is also high level of prostitution in Nigeria, which results from poverty, unemployment, illiteracy, and other socio-cultural factors that debase the status of women in Nigeria. Some women have also gone into prostitution as a form of rebellion to the structured patriarchal inhibitions to the rights of women.

Recommendation n°18: *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 (Recommended by Belgium).*

IRI: not implemented



CF response:

The internal and external control mechanisms of the police are still not strong. There seem to be no decisive step being taken in respect of this.

The feedback mechanisms from both existing mechanisms are not present which gives the impression that steps are not being taken by the agencies.

CHRI response:

This information valid as of May 2010. Police and security services regularly acted outside the law. Habitual extortions, illegal detentions, horrific torture, extrajudicial killings and general ineffectiveness were regularly reported. The National Human Rights Commission of Nigeria was cited in Nigeria's pledge as a body which would be reformed to bring it in line with the Paris Principles. These reforms were not carried out, and the Commission continued to be hampered by government interference as well as a lack of funding and a weak legal framework. Reforms to the prison system did not fructify and prison conditions in Nigeria remained deplorable owing to extreme overcrowding. Poor sanitation, lack of food and medicine, the beating and torture of prisoners and placing minors with adults were also concerns. The death penalty was retained, and although no executions were reportedly carried out, death sentences were still handed down and secret executions were alleged to have occurred. The proposed Prevention of Terrorism Bill, 2009 contained several provisions which were in direct contradiction to many of Nigeria's international and domestic human rights obligations. References for the preceding information can be found in the Commonwealth Human Rights Initiative publication, [Easier Said Than Done](#) (2010).

Recommendation n°19: *Take all appropriate measures to ratify OP-CAT and establish a national preventive mechanism to align itself with its neighbours' positive practices* (Recommended by *Benin*).

IRI: *fully implemented*

CF response:

The OP-CAT has been ratified in 2009 and has set up a National Committee on Torture as its Preventive Mechanism which is in line with the OP-CAT.

The National parliament is yet to domesticate and not much is known about the efforts of the Committee.

Recommendation n°20: *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* (Recommended by *Benin*).

IRI: *not implemented*

CF response:

Extra-judicial executions still remain a vexed issue in law enforcement in Nigeria. The absence of internal and external accountability mechanisms for law enforcement bodies further complicates this challenge.

CHRI response:

This information valid as of May 2010. Extrajudicial killings were rife throughout the reporting period, despite an assurance in September 2008 that the Federal



Government did not support the killings. The foreign minister warned “institutions” not to engage in extrajudicial killings and said that any person perpetrating them would be prosecuted. Furthermore, in December 2008, the Police Service Commission reportedly said it would begin sanctioning commissioners of police whose serving officers were found to have committed extrajudicial killings. Despite these official statements, the killings continued to be reported. In December 2008, an international human rights organisation called on the Nigerian government to investigate allegations that the Police Mobile Force had killed up to 90 people, mostly Muslims, in the communal violence-ridden city of Jos. The report included allegations that men in police and military uniforms had carried out summary executions of detainees and killed up to 26 people at once, after chasing them into an automobile workshop. Most of the killings reportedly happened on the day that the Plateau State Governor issued a shoot-on-sight order to security services. One year after the killings, an international human rights organisation revised the number of deaths to 130 and noted that no prosecutions of security forces had taken place. At the end of the reporting period, there were unconfirmed reports that a few perpetrators had been dealt with internally by the Nigeria Police Force, but no prosecutions had occurred in the public domain.

In January 2009, a coalition of human rights groups in Osun State petitioned the police in their state regarding several alleged extrajudicial killings. In March 2009, a two-day tribunal was organised in the city of Ibadan by the NHRC and NGOs and was attended by police representatives. Attendees heard multiple stories about people who were raped or killed by police. Given the problems inherent in Nigeria’s police and justice sectors, its retention of the death penalty was especially concerning. Despite a positive step by Lagos State in August 2009, which led to three death row inmates being pardoned and 37 death row inmates having their sentences commuted, capital punishment remained an issue during the reporting period. In moves that human rights groups said would jeopardise the lives of those kidnapped, three states in Nigeria passed bills in February and May 2009 which would make kidnapping with a weapon a mandatory capital offence. At least 40 of Nigeria’s death row prisoners were between 13 and 17 years at the time of the commission of their capital offence. In April 2010, it was reported that Nigeria had 870 death row inmates, and although there have reportedly been no official executions in Nigeria since 2002 and diplomats say Nigeria exercises a self-imposed moratorium on the death penalty, death sentences are still given in courts and human rights groups believe that secret executions have taken place since 2002. Even more concerning was the April 2010 assertion by the Abia State Governor that official executions should resume as a method of clearing prison congestion. This assertion was widely condemned and it was clarified in the following days that no policy to execute prisoners as a way of controlling congestion had been implemented. References for the preceding information can be found in the Commonwealth Human Rights Initiative publication, [Easier Said Than Done](#) (2010).

Recommendation n°21: *Continue to pursue its efforts in the fight against HIV-AIDS, particularly in addressing its reported disproportional impact on women* (Recommended by *Botswana*).

IRI: *not implemented*



BWHR response:

There is urgent need by the government to tackle corruption with the seriousness it deserves given recent report on misappropriation of funds by donors meant for HIV/AIDS. The anti retroviral entries in Nigeria are grossly inadequate. They are unevenly distributed. They are more in some states while they do not exist at all in some states. (Lagos-5; Abuja-11; Oyo-1, Kwara-1; Edo-2; Anambra- 2; Imo-1; Enugu-1; Rivers -1; Akwa Ibom-1; Plateau-3; Benue -1; Bornu-1; Kaduna-1; Sokoto-1; Kano-2; Cross River -2; Adamawa -1; Nassarawa- 1; Bauchi -2; Yobe-1 and Taraba -1).

Accessing the centres by people living with HIV/AIDS, especially pregnant women, becomes problematic since they have to travel to a state where the centres exist for treatment. The prevalence rate of HIV infection among females between 20-24 years of age is 5.6%, as compared with the overall infection rate of 5%, while 60% of new infections are among females between 15-25 years. New cases of HIV/AIDS are still being discovered in most states in the country.

Recommendation n°22: *Within the framework of its national Inter-Religious Council and the Institute for Peace and Conflict, continue its commendable efforts in promoting the interethnic, inter-communal and inter-religious harmony (Recommended by Botswana).*

IRI: *not implemented*

CHRI response:

This information valid as of May 2010. Sectarian violence was an issue in Nigeria throughout the reporting period as violent riots and clashes between Christians and Muslims in certain parts of the country continued. The most serious sectarian violence was experienced in the city of Jos in Plateau State. Three major clashes between Christians and Muslims took place in Jos during the reporting period, though there are indications that the violence was largely perpetrated for political and economic reasons, and that ethnic cleavages also factored into the violence. In November 2008, 400 people were reportedly killed in riots, and the political class was blamed for not anticipating and preventing tensions from erupting into violence in the aftermath of elections. A local Muslim community called for the state governor to be tried for genocide for the lack of action he allegedly took while Muslims were being killed during the riots. Violent clashes resurfaced in January 2010 and up to 326 people were killed. Again in March 2010, up to 500 people were killed in new violence, that media reports surmised were intended to be revenge attacks for the violence in January. A media story in April 2010 said that violence was being recorded in the villages surrounding Jos on almost a daily basis. One activist summed up the government's response to sectarian clashes as being characterised by "impunity, shifting of blame, looking for scapegoats and nonimplementation of probe panel reports". References for the preceding information can be found in the Commonwealth Human Rights Initiative publication, [Easier Said Than Done](#) (2010).

Recommendation n°23: *Ratify the Convention on the Prevention and Punishment of the Crime of Genocide and the two Optional Protocols to the Convention on the Rights of the Child within the context of the Human Rights Council resolution 9-12, entitled Human Rights Goals (Recommended by Brazil).*

IRI: *partially implemented*

CF response:

We are not aware if there are steps being taken to ratify these documents.

UNPO response:

Nigeria ratified the Convention on the Prevention and Punishment of the Crime of Genocide in July 2009. Nigeria has not yet ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. In September 2010, Nigeria ratified the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography.

Recommendation n°24: *Pursue its efforts in order to incorporate the provisions of the Convention on the Elimination of All Forms of Discrimination against Women in its national law (Recommended by Brazil).*

IRI: *not implemented*

CF response:

This is still an ongoing advocacy and there is need for further pressure. The Violence against Women Bill was changed to the Violence against Persons Bill at the request of the parliamentarians. Yet this has not been passed.

CHRI response:

This information valid as of May 2010. The situation of women in Nigeria remained poor. Violence against women was reportedly still a major issue and only three states in Nigeria reportedly had a domestic violence law banning the practice. Although Nigeria ratified CEDAW in 1985, it had yet to be domesticated in Nigeria by the end of the reporting period. References for the preceding information can be found in the Commonwealth Human Rights Initiative publication, [Easier Said Than Done](#) (2010).

CRR response:

Nigeria is yet to comply with the UPR recommendation in 2009 — reiterating the CEDAW Committee's recommendation in 2004 and 2008 — to domesticate the Convention on the Elimination of all Forms of Discrimination against Women.

BWHR response:

The Gender and Equal Opportunities Bill 2010 is a bill to incorporate and enforce certain aspects of CEDAW, the AU PROTOCOL, the National Gender Policy and other matters connected therewith.

Recommendation n°25: *Establish a moratorium on executions with a view to abolish the death penalty (Recommended by Brazil).*

IRI: *not implemented*

CF response:

Nothing has been done in this regards also though few "formal" executions have been carried out by the state. However, arbitrary executions of detainees, suspects and convicts continue.

CHRI response:

See response to recommendation n°7.



Recommendation n°26: *Take urgent steps to prevent politically motivated and sectarian and religious based violence* (Recommended by Canada).

IRI: *not implemented*

CF response:

Nigeria has failed in this regard. The post presidential elections violence, the crisis in Jos and the killings in Maidugri are results of the state's failure to address these issues providing security for the victims or community members.

CHRI response:

This information valid as of May 2010. Sectarian violence was an issue in Nigeria throughout the reporting period as violent riots and clashes between Christians and Muslims in certain parts of the country continued. The most serious sectarian violence was experienced in the city of Jos in Plateau State. Three major clashes between Christians and Muslims took place in Jos during the reporting period, though there are indications that the violence was largely perpetrated for political and economic reasons, and that ethnic cleavages also factored into the violence. In November 2008, 400 people were reportedly killed in riots, and the political class was blamed for not anticipating and preventing tensions from erupting into violence in the aftermath of elections. A local Muslim community called for the state governor to be tried for genocide for the lack of action he allegedly took while Muslims were being killed during the riots. Violent clashes resurfaced in January 2010 and up to 326 people were killed. Again in March 2010, up to 500 people were killed in new violence, that media reports surmised were intended to be revenge attacks for the violence in January. A media story in April 2010 said that violence was being recorded in the villages surrounding Jos on almost a daily basis. One activist summed up the government's response to sectarian clashes as being characterised by "impunity, shifting of blame, looking for scapegoats and nonimplementation of probe panel reports". References for the preceding information can be found in the Commonwealth Human Rights Initiative publication, [Easier Said Than Done](#) (2010).

JC response:

The recommendations of all 7 major panels and commissions created to investigate political, sectarian and religious violence over the past 2 decades have still not been implemented. This was the "most important major cause" of the violence following Nigeria's 2011 election, according to Dr. Sheik Ahmed Lemu, chair of the Federal investigation panel on the violence. The government continues to fail to act, despite an overwhelming consistency in the recommendations calling for the investigation and serious prosecution of those who openly planned, recruited for and carried out large-scale acts of violence.

BWHR response:

Politically motivated and sectarian and religious based violence is still on the increase and government is not proactive in addressing the issue.



Recommendation n°27: *That the rights of journalists to report, comment on and criticize government policy freely and without fear, be respected* (Recommended by Canada).

IRI: *not implemented*

BWHR response:

It is hoped that the recently passed Freedom of Information Act and steps taken by the government to sensitise stakeholders on the Freedom of Information Act would achieve this purpose.

CF response:

Journalists are still being arrested and harassed. Recent incident with the Nation newspaper and Blue Print are good examples.

CHRI response:

This information valid as of May 2010. Freedom of expression continued to come under attack in the form of violence and threats directed at media persons. In August 2008, a reporter with the newspaper This Day was shot in his car. Conflicting reports suggested that he was either shot by robbers who took nothing from his car or by men in police uniforms as he opened the door to get out of the car. In September 2008, a report indicated that Channels Television Station was suspended and four of its staff members were held by security services, after the channel mistakenly aired an allegedly fabricated report that President Umaru Yar'Adua might step down for health reasons. In October 2008, police in Bauchi State revealed that they were investigating the editor of a state-owned newspaper for writing an article on the performance of the state administration. Later in October 2008, a US-based blogger was detained without charge and reportedly subjected to torture to elicit the names of sources on stories that were embarrassing to the government. In November 2008, the Nigerian Guild of Editors reported that the editors of the newspaper Leadership suffered harassment at the hands of Nigeria's State Security Service. In March 2009, an editor of a Lagos-based newspaper was reportedly taken from Abuja and detained for one week in Bayelsa State following the publication of a controversial story about the governor of that state. The NHRC reportedly noted that the detention was "an infringement of the freedom of the press as guaranteed by the 1999 Constitution of the Federal Republic of Nigeria." In September 2009, Bayo Olu, an assistant editor with The Guardian, was killed in his home by unknown assailants. Colleagues reportedly believed the murder to be a result of Mr Olu's report on fraud in the Customs Department. In April 2010, three journalists were killed in two separate incidents. In one case, two journalists with a Christian newspaper were allegedly killed by Muslim rioters while on their way to the city of Jos, which was experiencing unrest at the time. The other journalist was killed in his home by unknown assailants who did not take anything from his house. In the aftermath of these murders, major protests were staged by journalists who were reportedly angry at the impunity with which their colleagues were murdered. Around the time of the murders, four different journalists who covered the dismissal of Nigeria's Electoral Commission Chairman received identical death threats and it was reported by the Nigeria Union of Journalists that eight of its members received death threats and at least one was being followed by men who reportedly called themselves "security officials".



References for the preceding information can be found in the Commonwealth Human Rights Initiative publication, [Easier Said Than Done](#) (2010).

Recommendation n°28: *That 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* (Recommended by Canada).

IRI: not implemented

CHRI response:

This information valid as of May 2010. Homosexuals continued to face discrimination during the reporting period. A gay Nigerian man told BBC in August 2008 that he fled Nigeria over threats to his life because of his sexuality. Homosexual sex remained illegal – especially so in the north of the country where it could reportedly result in the death penalty – and homophobic statements were made by public figures throughout the reporting period. In August 2008, the Governor of Lagos State called for religious leaders to “prevent the spread” of homosexuality. During Nigeria's Universal Period Review exercise in February 2009, Nigeria's representative reportedly told the UN Human Rights Council that the government did not consult any civil society groups working on the rights of sexual minorities in preparing its national report because no group could be found. In January 2009, international human rights organisations condemned a new bill in the Nigerian legislature which would ban gay marriages. The bill would license authorities to raid any suspected gay marriage and imprison couples who were married for three years. In March 2009, gay rights organisations stormed the National Assembly in a protest over the bill. The bill was not passed by the end of the reporting period. References for the preceding information can be found in the Commonwealth Human Rights Initiative publication, [Easier Said Than Done](#) (2010).

Recommendation n°32: *Pursue its efforts in order to ensure an efficient work of the Economic and Financial Crimes Commission* (Recommended by Ivory Coast).

IRI: not implemented

CHRI response:

This information valid as of May 2010. The Economic and Financial Crimes Commission (EFCC), which was once described as the best anti-corruption agency in Africa by the Executive Director of the UN Office on Drugs and Crime, had to fire eleven of its officials for fraud, mostly relating to their job applications. The EFCC was shrouded in controversy in the previous edition's reporting period when its Executive Chairman, Nuhu Ribadu, was sent on a year-long training course and replaced by Farida Waziri, a former police official. Opposition and human rights groups reportedly alleged that Mr Ribadu's removal and Ms Waziri's instatement were pushed by seven state governors who were being investigated by the EFCC during Mr Ribadu's tenure. The police reportedly denied that Mr Ribadu's removal had anything to do with the government acceding to politicians “anxious” that their finances should not be investigated. Mr Ribadu was subsequently put on trial for failing to disclose assets during his tenure as Chairman of the Commission, in what his supporters called a political charge. He reportedly alleged that threats and attempts on his life were made, which caused him to flee the country. In May 2010, the charges against Mr Ribadu were finally dropped, after a direct appeal to the new President, Goodluck Jonathan. References for the preceding information can be



found in the Commonwealth Human Rights Initiative publication, [Easier Said Than Done](#) (2010).

Recommendation n°33: *Continue its efforts to combat corruption in order to continue ensuring its economic growth to guarantee the enjoyment of economic, social and cultural rights by all its citizens* (Recommended by Cuba).

IRI: *not implemented*

CHRI response:

This information valid as of May 2010. Despite reports that fraud and corruption were easing in the run-up to the reporting period – President Yar’Adua reportedly said that in the previous year the government had recovered USD 3.4 billion that had been looted, and returned it to the Nigerian treasury – corruption remained pervasive in Nigeria. In its latest ranking released in November 2009, Transparency International ranked Nigeria 130th in the world in corruption perceptions. References for the preceding information can be found in the Commonwealth Human Rights Initiative publication, [Easier Said Than Done](#) (2010).

Recommendation n°36: *End discrimination against ethnic minorities to ensure that non-Muslims are not subjected to Sharia law and are able to practise their own religion without hindrance* (Recommended by Denmark).

IRI: *not implemented*

CHRI response:

This information valid as of May 2010. Sectarian violence was an issue in Nigeria throughout the reporting period as violent riots and clashes between Christians and Muslims in certain parts of the country continued. The most serious sectarian violence was experienced in the city of Jos in Plateau State. Three major clashes between Christians and Muslims took place in Jos during the reporting period, though there are indications that the violence was largely perpetrated for political and economic reasons, and that ethnic cleavages also factored into the violence. In November 2008, 400 people were reportedly killed in riots, and the political class was blamed for not anticipating and preventing tensions from erupting into violence in the aftermath of elections. A local Muslim community called for the state governor to be tried for genocide for the lack of action he allegedly took while Muslims were being killed during the riots. Violent clashes resurfaced in January 2010 and up to 326 people were killed. Again in March 2010, up to 500 people were killed in new violence, that media reports surmised were intended to be revenge attacks for the violence in January. A media story in April 2010 said that violence was being recorded in the villages surrounding Jos on almost a daily basis. One activist summed up the government’s response to sectarian clashes as being characterised by “impunity, shifting of blame, looking for scapegoats and nonimplementation of probe panel reports”. References for the preceding information can be found in the Commonwealth Human Rights Initiative publication, [Easier Said Than Done](#) (2010).

JC response:

Christians in the north consistently report the misuse of Sharia law, and abuse of power by the Hisbah (Sharia police), to the point where many Christians cited these discriminatory abuses as a significant factor in their decision to leave the states that practice Sharia law. The religious beliefs and the imposition of Sharia are in violation



of the secular Nigerian Constitution. The federal authorities have failed to enforce the Constitution.

BWHR response:

The ability of non-Muslims to practice their own law is suspect given the acts of terrorism by Muslim fundamentalists known as Boko Haram. Terrorism itself constitutes hindrance to minorities in predominantly Muslim enclaves to practice their own religion.

Recommendation n°37: *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* (Recommended by Denmark).

IRI: *not implemented*

CF response:

The activities being carried out is more by NGOs, the NHRC is also working on this.

CHRI response:

This information valid as of May 2010. Torture was an issue throughout the reporting period. According to many domestic and international NGOs and the Nigerian NHRC, torture by police and security forces was pervasive. In one incident cited by the Nigerian Bar Association (NBA), six men were picked up by the police for robbery and forced to confess by having teargas sprayed in their eyes. One of the young men was allegedly murdered by the police shortly thereafter. In April 2009, the Attorney General and Justice Minister called on police to stop victimising innocent people and to stop torturing suspects. He said that the goal should be to “have police who will not wilfully indulge in the violation of human rights of citizens”. A report released by a major international donor organisation in 2010 reiterated dozens of ways in which Nigeria’s police torture suspects to extract confessions, including beatings, rape, mental torture, sleep deprivation and shooting both legs (known as the VIP treatment). In April 2010, the NHRC called on Acting President Goodluck Jonathan to outlaw torture absolutely. An anti-torture bill was before parliament but had not been passed at the conclusion of the reporting period. References for the preceding information can be found in the Commonwealth Human Rights Initiative publication, [Easier Said Than Done](#) (2010).

JC response:

In 2010 for the first time, some of those guilty for human rights violations were convicted. Unfortunately, the sentences were highly disproportionate to the crime and do not appear to have had a deterrent effect. Many more serious prosecutions and convictions are necessary to end the climate of impunity. The relatively small number of those convicted compared to the much greater number of those who have escaped punishment still creates a perception that violence can be committed without serious consequences, particularly if that violence is religiously based.

UNPO response:

The Nigerian government and police forces continue to be implicated in torture and ill-treatment. Despite having ratified the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Nigeria has not implemented



provisions specifically criminalizing torture. Human rights violations carried out by the state and police with immunity are currently characteristic of Nigeria, with few developments despite government pledges to address issues, such as problems within the criminal justice system. In October 2011, the Nigerian government offered amnesty to leaders and members of armed groups in the Niger Delta, intent on reliving high violence levels. However, the government appears to have no strategy to address the causes of conflict.

BWHR response:

Progress is slow just as the political will is lacking. Impunity is the norm rather than promotion and protection of human dignity and right to life. Perpetrators are also not brought to book except cases that government has interest in, in order to satisfy the international community.

Recommendation n°39: *Expedite amendments to the Human Rights Commission Act and ensure independence for the Commission and further encourage the Commission to reapply for accreditation to the International Coordination Committee (Recommended by Finland).*

IRI: *fully implemented*

CF response:

The government has taken some practical steps by amending the law governing the National Human Rights Commission to make it more independent.

CHRI response:

This information valid as of May 2010. The Nigerian NHRC had its status downgraded by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights during the reporting period of the previous edition of this report because of government interference in the removal of its Executive Secretary. In March 2009, the Executive Secretary of the NHRC was again removed by the Federal Government, in a move that was condemned by civil society groups who called it “an apparent unlawful and arbitrary removal” and urged the government to implement its commitment to the Paris Principles, “which [guarantee] full independence for national human rights commissions and provides a framework for the effective operation of these institutions”. In August 2009, the new Executive Secretary said that poor funding, a weak legal framework and inadequate capacity and staff development were the primary reasons why the NHRC was unable to achieve its mandate. In February 2010, the Senate passed a bill which would amend the NHRC Act. The Executive Secretary urged the National Assembly to do the same, as the bill, if passed, would give the NHRC greater independence, a more secure funding arrangement and additional powers for investigation and enforcement. The bill had not passed into law as of the end of the reporting period. References for the preceding information can be found in the Commonwealth Human Rights Initiative publication, [Easier Said Than Done](#) (2010).

[UPR Info’s note: The *National Human Rights Commission Amendment Bill 2010* has been signed into law by President Goodluck Ebele Jonathan in 2011.]

Recommendation n°40: *Take measures to recognize and protect the rights of sexual and gender minorities and that the law prohibiting same-sex marriages be abrogated (Recommended by Finland).*

IRI: *not implemented*

CF response:

There is a law in the parliament to be passed criminalising same sex marriage in Nigeria.

CHRI response:

This information valid as of May 2010. Homosexuals continued to face discrimination during the reporting period. A gay Nigerian man told BBC in August 2008 that he fled Nigeria over threats to his life because of his sexuality. Homosexual sex remained illegal – especially so in the north of the country where it could reportedly result in the death penalty – and homophobic statements were made by public figures throughout the reporting period. In August 2008, the Governor of Lagos State called for religious leaders to “prevent the spread” of homosexuality. During Nigeria’s Universal Period Review exercise in February 2009, Nigeria’s representative reportedly told the UN Human Rights Council that the government did not consult any civil society groups working on the rights of sexual minorities in preparing its national report because no group could be found. In January 2009, international human rights organisations condemned a new bill in the Nigerian legislature which would ban gay marriages. The bill would license authorities to raid any suspected gay marriage and imprison couples who were married for three years. In March 2009, gay rights organisations stormed the National Assembly in a protest over the bill. The bill was not passed by the end of the reporting period. The situation of women in Nigeria remained poor. Violence against women was reportedly still a major issue and only three states in Nigeria reportedly had a domestic violence law banning the practice. Although Nigeria ratified CEDAW in 1985, it had yet to be domesticated in Nigeria by the end of the reporting period. References for the preceding information can be found in the Commonwealth Human Rights Initiative publication, [Easier Said Than Done](#) (2010).

Recommendation n°41: *Ensure that freedom of expression is respected and that Nigerian journalists may take on their mission of providing information without suffering harassment (Recommended by Finland).*

IRI: *not implemented*

CF response:

Journalists are still being harassed.

CHRI response:

See response to recommendation n°9.

Recommendation n°42: *Improve the conditions of detention within prisons, access to health and the respect for the most elementary rights of detainees (Recommended by France).*

IRI: *not implemented*

CF response:

Rights of detainees is still an area that needs improvement.

CHRI response:

See response to recommendation n°9.



Recommendation n°43: *Continue efforts in the field of combating human trafficking and fully implement the international conventions in this area that Nigeria is a party to (Recommended by France).*

IRI: -

CF response:

The combating of HT is being left to the NAPTIP, this has created some form of interagency rivalry. Other agencies are not too active and this has affected the work to be done in the country.

Recommendation n°44: *Adopt comprehensive legislation with regard to extrajudicial executions and torture by police, including measures assuring its application (Recommended by Germany).*

IRI: *not implemented*

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Recommendation n°61: *While noting the important progress made since 1999 in overcoming a legacy of military dictatorship with respect to reports of extrajudicial executions by the police, to ensure that all members of the security forces and the police operate within the law (Recommended by Ireland).*

IRI: *not implemented*

CHRI response:

This information valid as of May 2010. Extrajudicial killings were rife throughout the reporting period, despite an assurance in September 2008 that the Federal Government did not support the killings. The foreign minister warned “institutions” not to engage in extrajudicial killings and said that any person perpetrating them would be prosecuted. Furthermore, in December 2008, the Police Service Commission reportedly said it would begin sanctioning commissioners of police whose serving officers were found to have committed extrajudicial killings. Despite these official statements, the killings continued to be reported. In December 2008, an international human rights organisation called on the Nigerian government to investigate allegations that the Police Mobile Force had killed up to 90 people, mostly Muslims, in the communal violence-ridden city of Jos. The report included allegations that men in police and military uniforms had carried out summary executions of detainees and killed up to 26 people at once, after chasing them into an automobile workshop. Most of the killings reportedly happened on the day that the Plateau State Governor issued a shoot-on-sight order to security services. One year after the killings, an international human rights organisation revised the number of deaths to 130 and noted that no prosecutions of security forces had taken place. At the end of the reporting period, there were unconfirmed reports that a few perpetrators had been dealt with internally by the Nigeria Police Force, but no prosecutions had occurred in the public domain. In January 2009, a coalition of human rights groups in Osun State petitioned the police in their state regarding several alleged extrajudicial killings. In March 2009, a two-day tribunal was organised in the city of Ibadan by the NHRC and NGOs and was attended by police representatives. Attendees heard multiple stories about people who were raped or killed by police. Given the problems inherent in Nigeria’s police and justice sectors, its retention of the death penalty was especially concerning.



Despite a positive step by Lagos State in August 2009, which led to three death row inmates being pardoned and 37 death row inmates having their sentences commuted, capital punishment remained an issue during the reporting period. In moves that human rights groups said would jeopardise the lives of those kidnapped, three states in Nigeria passed bills in February and May 2009 which would make kidnapping with a weapon a mandatory capital offence. At least 40 of Nigeria's death row prisoners were between 13 and 17 years at the time of the commission of their capital offence. In April 2010, it was reported that Nigeria had 870 death row inmates, and although there have reportedly been no official executions in Nigeria since 2002 and diplomats say Nigeria exercises a self-imposed moratorium on the death penalty, death sentences are still given in courts and human rights groups believe that secret executions have taken place since 2002. Even more concerning was the April 2010 assertion by the Abia State Governor that official executions should resume as a method of clearing prison congestion. This assertion was widely condemned and it was clarified in the following days that no policy to execute prisoners as a way of controlling congestion had been implemented.

Torture was an issue throughout the reporting period. According to many domestic and international NGOs and the Nigerian NHRC, torture by police and security forces was pervasive. In one incident cited by the Nigerian Bar Association (NBA), six men were picked up by the police for robbery and forced to confess by having teargas sprayed in their eyes. One of the young men was allegedly murdered by the police shortly thereafter. In April 2009, the Attorney General and Justice Minister called on police to stop victimising innocent people and to stop torturing suspects. He said that the goal should be to "have police who will not wilfully indulge in the violation of human rights of citizens". A report released by a major international donor organisation in 2010 reiterated dozens of ways in which Nigeria's police torture suspects to extract confessions, including beatings, rape, mental torture, sleep deprivation and shooting both legs (known as the VIP treatment). In April 2010, the NHRC called on Acting President Goodluck Jonathan to outlaw torture absolutely. An anti-torture bill was before parliament but had not been passed at the conclusion of the reporting period. References for the preceding information can be found in the Commonwealth Human Rights Initiative publication, [Easier Said Than Done](#) (2010).

Recommendation n°45: *Create a board of independent inspectors examining conditions in detention facilities and the behaviour of police officers (Recommended by Germany).*

IRI: not implemented

CF response:

The Police Service Commission and the National Human Rights Commission have overlapping functions here.

There is the lack of fund to carry this function. The Ministry of Police Affairs which has responsibility on the Police Reform Agenda is also involved but lack of funds.

CHRI response:

See response to recommendation n°9.



BWHR response:

The Police Service Commission remains a toothless bulldog. It lacks the independence to function accordingly. Persons in detention facilities far outstrip the capacity and such persons are detained in insanitary conditions.

Recommendation n°46: *Address the cultural and economic situation of ethnic minorities (Recommended by Germany)*

IRI: *not implemented*

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Recommendation n°48: *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 (Recommended by Germany).*

IRI: *not implemented*

CHRI response:

This information valid as of May 2010. Sectarian violence was an issue in Nigeria throughout the reporting period as violent riots and clashes between Christians and Muslims in certain parts of the country continued. The most serious sectarian violence was experienced in the city of Jos in Plateau State. Three major clashes between Christians and Muslims took place in Jos during the reporting period, though there are indications that the violence was largely perpetrated for political and economic reasons, and that ethnic cleavages also factored into the violence. In November 2008, 400 people were reportedly killed in riots, and the political class was blamed for not anticipating and preventing tensions from erupting into violence in the aftermath of elections. A local Muslim community called for the state governor to be tried for genocide for the lack of action he allegedly took while Muslims were being killed during the riots. Violent clashes resurfaced in January 2010 and up to 326 people were killed. Again in March 2010, up to 500 people were killed in new violence, that media reports surmised were intended to be revenge attacks for the violence in January. A media story in April 2010 said that violence was being recorded in the villages surrounding Jos on almost a daily basis. One activist summed up the government's response to sectarian clashes as being characterised by "impunity, shifting of blame, looking for scapegoats and nonimplementation of probe panel reports". References for the preceding information can be found in the Commonwealth Human Rights Initiative publication, [Easier Said Than Done](#) (2010).

UNPO response:

Because the Nigerian government has continued to refuse to compile census data based on ethnic groups, it is unable to provide accurate and impartial information on developments addressing Ogoni marginalization. This remains compounded by the fact that the Nigerian government has yet to adopt a definition of discrimination in the constitution which allows discriminatory practices, such as denying services and support to ethnic groups within fields of employment, housing and education.

Environmental Devastation in Ogoniland: In defiance of a court order, gas flaring continues in the Niger Delta, causing widespread health problems for the many people living in the vicinity of the flames. Waterways and crop-land, both necessary for the survival of the people living in the Niger Delta, continue to be plagued by pollution resulting from 50 years of unprecedented oil spills.



UNEP Report: A report issued in August 2011 by the United Nations Environment Programme (UNEP) following years of investigation confirmed that the environment of Ogoniland has been devastated by the estimated 546 million gallons of oil that spilled in the region over the course of five decades. The report was conducted at the request of the Nigerian government and was financed by Shell. Key findings of the report include extremely high levels of oil contamination in drinking water (1000 times the amount permitted by Nigerian drinking water standards); soil contaminated with oil having been dumped by oil companies into unlined, unsealed pits; high levels of contamination in most of the spill sites that oil companies claim to have cleaned up. The report concluded that the cleanup of widespread oil spills in the Niger Delta could take up to 30 years and cost up to \$1 billion. If realized, these figures would make it the largest cleanup operation in history.

Recommendation n°49: *Accelerate the process of passing into law the various rights-based bills before the National Assembly in order to provide broader scope of protection for vulnerable members of society, especially women, children and the disabled (Recommended by Ghana).*

IRI: *partially implemented*

CF response:

The Persons with Disability Law, the Child Rights Act have been passed but the VAW (VAP) has yet to be passed.

Recommendation n°50: *Continue to strengthen its human rights institutions and develop further measures to ensure the effective implementation of their mandates (Recommended by Ghana).*

IRI: *partially implemented*

CF response:

Beyond the amendment of the National Human Rights Commission law, nothing else has been done in this regard.

CHRI response:

See response to recommendation n°39.

Recommendation n°51: *Vigorously apply the law that was recently put in place to end the practice concerning the stigmatized children as witches or wizards (Recommended by Holy See).*

IRI: *not implemented*

CHRI response:

This information valid as of May 2010. In some areas of Nigeria, children continued to be branded child witches, which often resulted in abandonment, horrific physical violence, and sometimes murder. One children rights activist said that many people in Akwa Ibom State believed that children could be possessed by demons, and that opportunistic “bishops” often extorted money from families wishing to exorcise them. One “bishop” admitted to a documentary film crew that he had killed 110 children in the course of exorcisms, though, when he was arrested, he claimed he had only killed the demons inside the children, not the children themselves. In November 2009, the Community Tribunal of the Economic Community of West African States



(ECOWAS), reflecting on the state of child education in Nigeria, held that there was a universal right to primary education and that the authorities in Nigeria were under an obligation to make such provisions. References for the preceding information can be found in the Commonwealth Human Rights Initiative publication, [Easier Said Than Done](#) (2010).

Recommendation n°52: *Increase its efforts in the field of maternal health, educating birth attendants and increasing the number of obstetrics clinics throughout the country* (Recommended by Holy See).

IRI: *not implemented*

CRR response:

Nigeria is yet to fully comply with the recommendation issued by the Committee on the Rights of the Child in 2005 to urgently address the very high maternal mortality rate. Nigeria is also yet to comply with the recommendation of the CEDAW Committee in 2008 to address, as a matter of priority, the high maternal mortality rate, including by allocating adequate resources and improving the health infrastructure, particularly at the primary level. This is evident in the fact that Nigeria's 2010 MDG report confirms that in order to meet MDG 5 by 2015—just four years away—the maternal mortality rate must be reduced to 250 deaths per 100,000 live births. The report further indicates that since 1990 to the current moment, only 45 percent of births were attended by skilled health personnel. Further, Nigeria is yet to fulfil the commitment it made to allocate at least 15 percent of its annual budget to health sector in the 2001 Abuja Declaration on HIV and AIDS, Tuberculosis and other Infections.

Recommendation n°53: *Continue to invest in education in order to reduce the illiteracy rate further, especially among girls and young women* (Recommended by Holy See).

IRI: -

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Recommendation n°63: *Develop a national strategy to guarantee better access to education to all children and to include in the 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* (Recommended by Italy).

IRI: -

CHRI response:

This information valid as of May 2010. In November 2009, the Community Tribunal of the Economic Community of West African States (ECOWAS), reflecting on the state of child education in Nigeria, held that there was a universal right to primary education and that the authorities in Nigeria were under an obligation to make such provisions. References for the preceding information can be found in the Commonwealth Human Rights Initiative publication, [Easier Said Than Done](#) (2010).

Recommendation n°54: *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* (Recommended by Indonesia).

IRI: *not implemented*

CHRI response:

This information valid as of May 2010. In some areas of Nigeria, children continued to be branded child witches, which often resulted in abandonment, horrific physical violence, and sometimes murder. One children rights activist said that many people in Akwa Ibom State believed that children could be possessed by demons, and that opportunistic “bishops” often extorted money from families wishing to exorcise them. One “bishop” admitted to a documentary film crew that he had killed 110 children in the course of exorcisms, though, when he was arrested, he claimed he had only killed the demons inside the children, not the children themselves. In November 2009, the Community Tribunal of the Economic Community of West African States (ECOWAS), reflecting on the state of child education in Nigeria, held that there was a universal right to primary education and that the authorities in Nigeria were under an obligation to make such provisions. At least 40 of Nigeria’s death row prisoners were between 13 and 17 years at the time of the commission of their capital offence. References for the preceding information can be found in the Commonwealth Human Rights Initiative publication, [Easier Said Than Done](#) (2010).

JC response:

In northern Nigeria over the past two years there has been an escalation in attacks specifically targeting women, children and other vulnerable groups. Child victims run as young as 18th months old. Regrettably these attacks occur in rural areas which had little or no law enforcement presence and represent an escalation to communities with no history of communal violence.

Recommendation n°56: Seek provision of necessary technical assistance for human rights programmes in the fields of access to justice, law enforcement and environmental protection (Recommended by Iran).

IRI: -

BWHR response:

Lack of political will and corruption is the bane of the challenges.

Recommendation n°58: Fully implement the United Nations Convention against Torture, including by introducing national legislation prohibiting torture, and ensure that ill-treatment in custody is not used as a substitute for proper criminal investigation of suspects (Recommended by Ireland).

IRI: *not implemented*CHRI response:

See response to recommendation n°37.

Recommendation n°59: Implement specific legislation to protect women against sexual and gender-based violence and ensure that Nigerian women benefit from full equality before the law (Recommended by Ireland).

IRI: *partially implemented*CF response:

The national parliament has not passed any legislation in this area but there are States that have passed legislations, for example the Domestic violence Act (Lagos State), the GBV Act (Ekiti State).



CHRI response

This information valid as of May 2010. The situation of women in Nigeria remained poor. Violence against women was reportedly still a major issue and only three states in Nigeria reportedly had a domestic violence law banning the practice. Although Nigeria ratified CEDAW in 1985, it had yet to be domesticated in Nigeria by the end of the reporting period. References for the preceding information can be found in the Commonwealth Human Rights Initiative publication, [Easier Said Than Done](#) (2010).

BWHR response:

Sexual violence is on the increase, the law aids impunity as offenders are not prosecuted and burden of proof weights heavily on women. The requirements of the law for proof of the offence of sexual violence is negatively skewed on women.

Recommendation n°2: *Intensify efforts in guaranteeing women's rights, including by implementing CEDAW observations to this end, and strengthen measures to fight against the practice of Female Genital Mutilation FGM* (Recommended by Italy).

IRI: *not implemented*

CF response:

Similar comments relating to similar issues earlier raised. (See Recommendation 24)

CHRI response:

This information valid as of May 2010. The situation of women in Nigeria remained poor. Violence against women was reportedly still a major issue and only three states in Nigeria reportedly had a domestic violence law banning the practice. Although Nigeria ratified CEDAW in 1985, it had yet to be domesticated in Nigeria by the end of the reporting period. References for the preceding information can be found in the Commonwealth Human Rights Initiative publication, [Easier Said Than Done](#) (2010).

Recommendation n°4: *Consider the establishment of a moratorium on the use of death penalty with a view to its abolition* (Recommended by Italy).

IRI: *not implemented*

CF response:

Nothing has been done in this regard. New laws have been enacted both at the national and State levels that impose the death penalty.

CHRI response:

See response to recommendation n°7.

Recommendation n°7: *Continue to focus on policies 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* (Recommended by Malaysia).

IRI: *partially implemented*

CF response:

The policies are there but the engagement with NGOs is dependent on the programmes / projects being implemented by the NGOs and with support from donors. Where the government agencies provide resources the culture of corruption plays a role.



Recommendation n°70: *Speed up the introduction of a reform of the justice system including the penitentiary centres and national police (Recommended by Mexico).*

IRI: *not implemented*

CF response:

There is an ongoing reform in the police and the prisons. There has been no external monitoring of the impact of the reform so as to be able gauge how much progress has been made and the resource being optimally utilised.

CHRI response:

This information valid as of May 2010. Nigeria's police and security services were criticised during the reporting period for extortion, illegal detention, brutality, torture and extrajudicial killings. Calls for reform from various civil society organisations, the National Human Rights Commission (NHRC) and even some government ministers have not yet been heeded, as evidenced by the overwhelming number of instances of police misconduct throughout the reporting period. There were reports that police officers in some parts of the country regularly extorted money from motorists. In Imo State, numerous security task forces had to be disbanded because of their harassment of ordinary citizens. The Human Rights Writers Association of Nigeria (HURIWA) criticised the police for ineffectiveness, citing the extremely high number of armed robberies and murders in the country, and the inability of the police to combat them. Allegations of illegal detention were reported around the country. At one point, the police put nearly 4,000 members of a northern Nigerian Islamic group into preventive detention, because the group posed a "potential threat". Extrajudicial killings were rife throughout the reporting period, despite an assurance in September 2008 that the Federal Government did not support the killings. The foreign minister warned "institutions" not to engage in extrajudicial killings and said that any person perpetrating them would be prosecuted. Furthermore, in December 2008, the Police Service Commission reportedly said it would begin sanctioning commissioners of police whose serving officers were found to have committed extrajudicial killings. Despite these official statements, the killings continued to be reported. In December 2008, an international human rights organisation called on the Nigerian government to investigate allegations that the Police Mobile Force had killed up to 90 people, mostly Muslims, in the communal violence-ridden city of Jos. The report included allegations that men in police and military uniforms had carried out summary executions of detainees and killed up to 26 people at once, after chasing them into an automobile workshop. Most of the killings reportedly happened on the day that the Plateau State Governor issued a shoot-on-sight order to security services. One year after the killings, an international human rights organisation revised the number of deaths to 130 and noted that no prosecutions of security forces had taken place. At the end of the reporting period, there were unconfirmed reports that a few perpetrators had been dealt with internally by the Nigeria Police Force, but no prosecutions had occurred in the public domain. In January 2009, a coalition of human rights groups in Osun State petitioned the police in their state regarding several alleged extrajudicial killings. In March 2009, a two-day tribunal was organised in the city of Ibadan by the NHRC and NGOs and was attended by police representatives. Attendees heard multiple stories about people who were raped or killed by police. For Nigeria's 46,000 prisoners, conditions are dire. General



overcrowding, poor sanitation, and a lack of food and medicines are reportedly major issues in Nigeria's prisons. The central and state governments repeatedly pledged to address overpopulation in the prison system. Despite these pledges, and the occasional amnesty given to some prisoners to ease overcrowding, congestion continued to be a problem in Nigeria, largely due to the fact that 65 per cent (30,000) of Nigeria's prisoners were still awaiting trial. CHRI was told that the use of unregulated remand by magistrates was the primary reason that prisons in Nigeria were congested, and that if all remand prisoners were released then the prisons would be decongested quickly. A riot broke out in one Nigerian prison in January 2010, reportedly owing to unrest about overcrowding. Beyond overcrowding, a major report released in October 2008 by the Legal Defence and Assistance Project (LEDAP) and Amnesty International found that up to 80 per cent of prison inmates in Nigeria were subject to beatings or torture at some point during their detention. A Nigerian NGO reportedly claimed that 97 of the Port Harcourt Maximum Security Prison's inmates were underage. There were also reports that prison guards were extorting families of prisoners every time they visited the prison. References for the preceding information can be found in the Commonwealth Human Rights Initiative publication, [Easier Said Than Done](#) (2010)

Recommendation n°76: Complete the Process of adopting legislative measures to prevent and prosecute acts of torture and other ill-treatment, according to international standards (Recommended by the Netherlands).

IRI: not implemented

CF response:

Nothing has been done in this regards. There is no law that prohibits torture in Nigeria.

CHRI response:

See response to recommendation n°37.

Recommendation n°77: 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 (Recommended by the Netherlands).

IRI: not implemented

CHRI response:

This information valid as of May 2010. The Niger Delta, where various militant groups have been fighting for turf amongst the oil-rich creeks, continued to be a scene of violence, despite ceasefire attempts. It was alleged by an organisation claiming to represent the largest ethnic group in the region that up to 1,000 civilians were killed by water and air-borne gunship attacks in a hostage rescue operation, in which the Nigerian military attempted to rescue an international ship crew who had been taken hostage by the Movement to Emancipate the Niger Delta (MEND). The Nigerian military denied the charge. The region also continued to be hit hard by environmental degradation which some organisations blamed on the Federal Government for not regulating the activities of oil multinationals. Indeed, environmental degradation was said to have ruined the livelihoods of people dependent on their environment for an income, which has in turn reportedly fuelled support for and participation in militant violence. There were also reports in international media that security forces arrested



an American filmmaker who was making a documentary in the Niger Delta region. He was charged with spying – reportedly the third time in 2008 that charges of spying were levied against foreign journalists in the region. References for the preceding information can be found in the Commonwealth Human Rights Initiative publication, [Easier Said Than Done](#) (2010).

UNPO response:

Environmental Devastation in Ogoniland: In defiance of a court order, gas flaring continues in the Niger Delta, causing widespread health problems for the many people living in the vicinity of the flames. Waterways and crop-land, both necessary for the survival of the people living in the Niger Delta, continue to be plagued by pollution resulting from 50 years of unprecedented oil spills.

UNEP Report: A report issued in August 2011 by the United Nations Environment Programme (UNEP) following years of investigation confirmed that the environment of Ogoniland has been devastated by the estimated 546 million gallons of oil that spilled in the region over the course of five decades. The report was conducted at the request of the Nigerian government and was financed by Shell. Key findings of the report include extremely high levels of oil contamination in drinking water (1000 times the amount permitted by Nigerian drinking water standards); soil contaminated with oil having been dumped by oil companies into unlined, unsealed pits; high levels of contamination in most of the spill sites that oil companies claim to have cleaned up. The report concluded that the cleanup of widespread oil spills in the Niger Delta could take up to 30 years and cost up to \$1 billion. If realized, these figures would make it the largest cleanup operation in history.

Recommendation n°78: *Further pursue that its existing legislation at federal, state and local levels fully complies with the Convention on the Rights of the Child (Recommended by the Netherlands).*

IRI: *not implemented*

CHRI response:

See response to recommendation n°54.

Recommendation n°79: *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 (Recommended by the Netherlands).*

IRI: *not implemented*

CF response:

More attention should be paid to this by the government. Incidents of domestic violence and rape of women are still rampant and have not provoked a strong response from government.

CHRI response:

This information valid as of May 2010. The situation of women in Nigeria remained poor. Violence against women was reportedly still a major issue and only three states



in Nigeria reportedly had a domestic violence law banning the practice. Although Nigeria ratified CEDAW in 1985, it had yet to be domesticated in Nigeria by the end of the reporting period. References for the preceding information can be found in the Commonwealth Human Rights Initiative publication, [Easier Said Than Done](#) (2010).

Recommendation n°82: *Guarantee the independence of the National Human Rights Commission and take the necessary steps to enable the NHRC to regain its A rating, in compliance with the Paris Principles* (Recommended by New Zealand).

IRI: *fully implemented*

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Recommendation n°94: *Ensure that the National Human Rights Commission of Nigeria is fully independent of the government and that the NHRC is given the mandate to investigate extrajudicial complaints regarding human rights violations and propose adequate remedies to victims* (Recommended by Portugal).

IRI: *fully implemented*

CLEEN response:

The amendment of its Act to guarantee its independence is a step in this direction.

CHRI response:

See response to recommendation n°39.

Recommendation n°84: *Intensify its efforts to domesticate the international norms aimed at eliminating gender based discrimination* (Recommended by Niger).

IRI: *not implemented*

CHRI response:

This information valid as of May 2010. Although Nigeria ratified CEDAW in 1985, it had yet to be domesticated in Nigeria by the end of the reporting period. References for the preceding information can be found in the Commonwealth Human Rights Initiative publication, [Easier Said Than Done](#) (2010).

CRR response:

Nigeria is yet to comply with the UPR recommendation in 2009 — reiterating the CEDAW Committee's recommendation in 2004 and 2008 — to domesticate the Convention on the Elimination of all Forms of Discrimination against Women.

Recommendation n°87: *Pass the bill for the early domestication of the Convention on the Elimination of All Forms of Discrimination against Women, without further delay* (Recommended by Norway).

IRI: *not implemented*

CF response:

Not a priority of the government. There are advocacy going on by NGOs but the government / parliament do not take it as a priority.

CHRI response:

This information valid as of May 2010. Although Nigeria ratified CEDAW in 1985, it had yet to be domesticated in Nigeria by the end of the reporting period. References for the preceding information can be found in the Commonwealth Human Rights Initiative publication, [Easier Said Than Done](#) (2010).



CRR response:

Nigeria is yet to comply with the UPR recommendation in 2009 — reiterating the CEDAW Committee's recommendation in 2004 and 2008 — to domesticate the Convention on the Elimination of all Forms of Discrimination against Women.

Recommendation n°88: *Repeal all laws that allow violence and discrimination against women to persist* (Recommended by Norway).

IRI: *not implemented*

CF response:

No step is taken in respect of this.

CHRI response:

This information valid as of May 2010. Although Nigeria ratified CEDAW in 1985, it had yet to be domesticated in Nigeria by the end of the reporting period. References for the preceding information can be found in the Commonwealth Human Rights Initiative publication, [Easier Said Than Done](#) (2010).

Recommendation n°89: *Establish effective mechanisms to prohibit violence against women and girls, including traditional practices, such as FGM and continue awareness-raising campaigns to eradicate such practices* (Recommended by Norway).

IRI: *not implemented*

CF response:

The Ministry of Women Affairs is doing some work in this area but it is not an area we have much information about.

CHRI response:

This information valid as of May 2010. The situation of women in Nigeria remained poor. Violence against women was reportedly still a major issue and only three states in Nigeria reportedly had a domestic violence law banning the practice. Although Nigeria ratified CEDAW in 1985, it had yet to be domesticated in Nigeria by the end of the reporting period. References for the preceding information can be found in the Commonwealth Human Rights Initiative publication, [Easier Said Than Done](#) (2010).

Recommendation n°92: *Fully investigate abuses by law enforcement officials, namely extra judicial killings, acts of torture and ill-treatment of detainees and arbitrary detentions and human rights violations and ensure that the perpetrators are duly punished* (Recommended by Portugal).

IRI: *not implemented*

CF response:

The Police Service Commission has a policy to investigate cases of torture, extra judicial killings and rape by police officers. The time frame for investigation is unknown and the decisions and steps taken are not shared with the public. NGOs are not really encouraged to work with the Commission because of the position of its management.

CHRI response:

See response to recommendation n°44.

JC response:

Military ID cards continue to be found at the sight of killings, and there are widespread reports of security forces allowing attackers to continue killing, or even joining in attacks. However the military has consistently failed to prosecute these offenses, despite the presence of local courts martial. One notable exception relates to the high profile kidnapping of Michael Obi, the father of John Obi Mikel, a prominent football player in Nigeria. The military personnel responsible for kidnapping Michael Obi are currently on trial. However many other in cases without such high-profile victims allegations of abuses by law enforcement, security, and military personnel regularly fail to be investigated.

UNPO response:

The Nigerian government and police forces continue to be implicated in torture and ill-treatment. Despite having ratified the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Nigeria has not implemented provisions specifically criminalizing torture. Human rights violations carried out by the state and police with immunity are currently characteristic of Nigeria, with few developments despite government pledges to address issues, such as problems within the criminal justice system. In October 2011, the Nigerian government offered amnesty to leaders and members of armed groups in the Niger Delta, intent on reliving high violence levels. However, the government appears to have no strategy to address the causes of conflict.

Recommendation n°93: *Ensure that all detainees are tried without undue delay or freed if no accusation is presented (Recommended by Portugal).*

IRI: not implemented

CF response:

This is not being carried out by the government.

CHRI response:

This information valid as of May 2010. The central and state governments repeatedly pledged to address overpopulation in the prison system. Despite these pledges and the occasional amnesty given to some prisoners to ease overcrowding, congestion continued to be a problem in Nigeria, largely due to the fact that 65 per cent (30,000) of Nigeria's prisoners were still awaiting trial. CHRI was told that the use of unregulated remand by magistrates was the primary reason that prisons in Nigeria were congested, and that if all remand prisoners were released then the prisons would be decongested quickly. A riot broke out in one Nigerian prison in January 2010, reportedly owing to unrest about overcrowding. References for the preceding information can be found in the Commonwealth Human Rights Initiative publication, [Easier Said Than Done](#) (2010).

Recommendation n°95: *Consider, as a party to the ICESCR, 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 (Recommended by Portugal).

IRI: *not implemented*

CF response:

The Constitution has been revised and it is still up for further revision and this is not an issue that is being discussed.

Recommendation n°97: Pass the bill for the early domestication of the Convention on the Elimination of All Forms of Discrimination against Women (Recommended by the Republic of Korea).

IRI: *not implemented*

CF response:

The Bill is still at the parliament and it is not a priority Bill for the parliament and the government.

CHRI response:

This information valid as of May 2010. The situation of women in Nigeria remained poor. Violence against women was reportedly still a major issue and only three states in Nigeria reportedly had a domestic violence law banning the practice. Although Nigeria ratified CEDAW in 1985, it had yet to be domesticated in Nigeria by the end of the reporting period. References for the preceding information can be found in the Commonwealth Human Rights Initiative publication, [Easier Said Than Done](#) (2010).

CRR response:

Nigeria is yet to comply with the UPR recommendation in 2009 — reiterating the CEDAW Committee's recommendation in 2004 and 2008 — to domesticate the Convention on the Elimination of all Forms of Discrimination against Women.

Recommendation n°98: 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 (Recommended by Slovakia).

IRI: *not implemented*

CF response:

There are some police officers that have been charged to court and sentenced but one is not sure the rate of the compliance.

CHRI response:

See response to recommendation n°44.

JC response:

The Government continues to fail to investigate those who planned, publicly recruited for, and carried out large-scale human rights abuses. While the government should also be criticized for failing to prosecute lower level individuals involved in various human rights violations, they have failed to even arrest those with high level governmental or tribal connections. In the case of at least one military officer, when allegations of human rights violations were made, the individual was promoted away the conflict area instead of being removed pending investigation. Such actions

inflame the situation and make it less like that future human rights abuses will be promptly and adequately reported.

Recommendation n°99: Take additional measures to improve the Nigerian criminal justice system (Recommended by Slovakia).

IRI: *not implemented*

CF response:

The criminal justice system is undergoing reform with assistance of the NGOs and donors but the reforms that have taken place are not reflected in legislations. Most of the legislations that are related to this are still at the parliament and most have been there for more than 8 years.

Recommendation n°101: Regulate minority and indigenous rights on the constitutional and legislative level, to establish a National Minorities Commission and to set up a national policy for the promotion and protection of minority languages (Recommended by Slovenia).

IRI: *not implemented*

CF response:

No action is being taken in respect of this.

UNPO response:

Nigerian traditional relationships to favor particular ethnic groups in the distribution of important positions and other patronage make it difficult to adhere to constitutional provisions mandating that the composition of the government and its agencies reflect the diverse character of the country. Small ethnic groups with little to no political representation, such as the Ogoni who reside in the Niger Delta region, face disproportionate economic exploitation, environmental destruction and government indifference to their problems.

Individuals forced to flee their homes fearing danger from environmental hazards, police or state threats have their abandoned land confiscated by the government which is in turn reallocated to state supporters. The government decision in 2010 to relocate a military base to Ogoniland creates negative implications on the Ogoni people's food security and their cultural and economic rights. Large hectares of land and forests are being forcibly seized without compensation or consent from local people.

Recommendation n°102: 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 (Recommended by Sudan).

IRI: *partially implemented*

CF response:

There is ongoing support from international development partners in this area.

Recommendation n°104: Continue their efforts with determination for further progress in fighting against corruption (Recommended by Turkey).

IRI: *not implemented*



CF response:

The fight against corruption seems to be selective and protects the political actors (except those that have run afoul of the party rules). Most of the cases of corruption against political actors are yet to reach a logical conclusion.

CHRI response:

This information valid as of May 2010. Despite reports that fraud and corruption were easing in the run-up to the reporting period – President Yar'Adua reportedly said that in the previous year the government had recovered USD 3.4 billion that had been looted, and returned it to the Nigerian treasury – corruption remained pervasive in Nigeria. In its latest ranking released in November 2009, Transparency International ranked Nigeria 130th in the world in corruption perceptions. References for the preceding information can be found in the Commonwealth Human Rights Initiative publication, [Easier Said Than Done](#) (2010).

UNPO response:

In August 2011, Human Rights Watch issued a report analyzing the progress of Nigeria's Economic and Financial Crimes Division, the country's most important anti-corruption agency. Significant efforts made by the agency in challenging the previously iron-clad impunity of the country's political elite. However, despite high initial hopes, HRW notes that the agency's efforts have fallen short because of "political weakness and inefficiency in the judiciary that cannot be ignored." The report notes that Nigeria's vast oil wealth continues to be stolen through graft, which has also fuelled political violence, police abuses and other human rights violations. Executive interference is identified as one of the main challenges facing the effectiveness of the agency in fighting corruption in Nigeria.

Recommendation n°106: *Issue a standing invitation to all Human Rights Council special procedures* (Recommended by *Ukraine*).

IRI: not implemented

UNPO response:

Nigeria has not issued a standing invitation to the special procedures of the UN Human Rights Council. Furthermore, from 2009 - 2011, Nigeria rejected requests for visits from the following special procedures: SR on adequate housing (2005 and again in 2009), IE on Minority Issues (2009), SR on sale of children (2009), IE on access to safe drinking water and sanitation (2010), SR on human rights and counter-terrorism (2011).

Recommendation n°107: *Prevent using cruel, inhuman and degrading punishment* (Recommended by *Ukraine*).

IRI: not implemented

CF response:

The CFRN 1990 provides the Cruel and Inhuman and degrading treatment is not allowed but there are no mechanisms to check that this does not exist. The sensitisation level is also low.

CHRI response:

See response to recommendation n°44.

UNPO response:

The Nigerian government and police forces continue to be implicated in torture and ill-treatment. Despite having ratified the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Nigeria has not implemented provisions specifically criminalizing torture. Human rights violations carried out by the state and police with immunity are currently characteristic of Nigeria, with few developments despite government pledges to address issues, such as problems within the criminal justice system. In October 2011, the Nigerian government offered amnesty to leaders and members of armed groups in the Niger Delta, intent on reliving high violence levels. However, the government appears to have no strategy to address the causes of conflict.

Recommendation n°109: *Take action to tackle the backlog of prisoners who have been detained without trial or beyond the end of their sentence* (Recommended by the United Kingdom).

IRI: *not implemented*

CF response:

The issue of ATPs is still endemic and not being properly handled by the Federal Ministry of Justice. There was a program put in place to release those that could be done via bail or decongestion process. This has not yielded much effort and has been tainted with corruption.

CHRI response:

See response to recommendation n°9.

Recommendation n°110: *Take further steps to address discrimination against minority and vulnerable groups including reviewing issues surrounding the terms indigene-indigenous and taking action to discourage politicians from using religious, ethnic or settler indigene division for political ends* (Recommended by the United Kingdom).

IRI: *not implemented*

CF response:

There have not been steps taken in respect of this. The post election crisis was tainted with religion and ethnicity.

Methodology

A. First contact

Although the methodology has to consider the specificities of each country, we applied the same procedure for data collection about all States:

1. We contacted both the delegate who represented the State at the UPR and the Permanent Mission to the UN in Geneva or New York;
2. We contacted all NGOs which took part in the process. Whenever NGOs were part of coalitions, each NGO was individually contacted;
3. The National Institution for Human Rights was contacted whenever one existed.

We posted our requests to the States and NHRI, and sent emails to NGOs.

The purpose of the UPR is to discuss issues and share concrete suggestions to improve human rights on the ground. Therefore, stakeholders whose objective is not to improve the human rights situation were not contacted, and those stakeholders' submissions were not taken into account.

However, since the UPR is meant to be a process which aims at sharing best practices among States and stakeholders, we consider positive feedbacks from the latter.

A. Processing the recommendations

The persons we contact are encouraged to use an Excel sheet we provide which includes all recommendations received by the State reviewed.

Each submission is processed, whether the stakeholder has or has not used the Excel sheet. In the latter case, communication is split up among recommendations we think it belongs to. Since such a task opens the way of misinterpretation, we strongly encourage using the Excel sheet.

If the stakeholder does not clearly mention neither the recommendation was “fully implemented” nor “not implemented”, UPR Info usually considers the recommendation as “partially implemented”, unless the implementation level is obvious.

While we do not mention recommendations which were not addressed, they can be accessed on the follow-up webpage.



B. Implementation Recommendation Index (IRI)

UPR Info developed an index showing the implementation level achieved by the State for the recommendations received at the UPR.

The **Implementation Recommendation Index (IRI)** is an individual recommendation index. Its purpose is to show both disputed and agreed recommendations.

The *IRI* is meant to take into account stakeholders disputing the implementation of a recommendation. Whenever a stakeholder claims nothing has been implemented at all, the index score is noted as 0. At the opposite, whenever a stakeholder claims a recommendation has been fully implemented, the *IRI* score is 1.

An average is calculated to fully reflect the many sources of information. If the State under Review says the recommendation has been fully implemented and a stakeholder says it has been partially implemented, score is 0.75.

Then the score is transformed into an implementation level, according to the table hereafter:

Percentage:	Implementation level:
0 – 0.32	Not implemented
0.33 – 0.65	Partially implemented
0.66 – 1	Fully implemented

Example: On one side, a stakeholder comments on a recommendation requesting the establishment of a National Human Rights Institute (NHRI). On the other side, the State under review claims having partially set up the NHRI. As a result of this, the recommendation will be given an *IRI* score of 0.25, and thus the recommendation is considered as “not implemented”.

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