

NATIONAL HUMAN RIGHTS COMMISSION TABLE OF COMMENTARY ON 2009 UPR
RECOMMENDATIONS AND EXTENT OF COMPLIANCE

S/N	Recommendations	Compliance	Non-compliance
1.	Fast-track the process of accession to human rights instruments to which it is not party yet, wherever possible (Mauritius); Take all appropriate measures to ratify OP-CAT and establish a national preventive mechanism to align itself with its neighbours' positive practices (Benin); 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" (Brazil); Consider the possibility of adhering to the Second Optional Protocol of the ICCPR, abolishing the death penalty (Argentina); 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 (Portugal);	<p>Within this period, Nigeria acceded to:</p> <ol style="list-style-type: none"> 1. OP-CAT 2. Convention on the Prevention and Punishment of the Crime of Genocide 3. Int'l Convention for Protection of all persons from Enforced Disappearance 4. Ratification of Convention on the Rights of Persons with Disabilities 5. OP on Convention on the Rights of the Child on sale of children, child prostitution and child pornography 6. Govt. established the National Committee on Prevention of Torture (Headed by Mr. Ameh SAN and Mr. Fapohunda is member) 7. Development of Draft policy on Torture 8. Setting up of National 	<ol style="list-style-type: none"> 1. No formal abolition of death penalty 2. No plans to become party to the 2nd OP to the ICCPR 3. No legislation to make ESCR justiciable 4. Non-ratification of the OP CRC on Child soldiers, etc 5. Non-implementation of SERAP V. FRN on right to education

		Working Group on treaty reporting (now comatose for lack of funds)	
2.	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 (Ghana); Pass the bill for the early domestication of the Convention on the Elimination of All Forms of Discrimination against Women (Norway; Republic of Korea), without further delay (Norway); Intensify its efforts to domesticate the international norms aimed at eliminating gender based discrimination (Niger); Further pursue that its existing legislation at federal, state and local levels fully complies with the Convention on the Rights of the Child (The Netherlands); 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 (Algeria; Brazil); The National Action Plan include concrete and time-bound steps to accelerate the process of full domestication of all international human rights treaties to which Nigeria is Party, with particular priority on the Convention on Elimination on All Forms of Discrimination against Women (New Zealand)	<ol style="list-style-type: none"> 1. Deposit of NAP at UN OHCHR on 24th July 2009 2. Passage of FOI Act, a huge landmark 3. Amendment of NHRC Act 4. Amendment of Legal Aid Act 5. Partial passage of New Prison Act 6. New Electoral Act 2010 7. Employees Compensation Act 2010 8. All states in Niger Delta pass laws prohibiting FGM 	<ol style="list-style-type: none"> 1. No structure to implement NAP 2. Many human rights and justice Bills in NASS have not been passed 3. CEDAW remains un-domesticated 4. Disability Bill not passed
3.	Continue to strengthen its human rights institutions and develop further measures to ensure the effective implementation of their mandates (Ghana)	<ol style="list-style-type: none"> 1. NHRC Act amended 2. NHRC regains "A" status at ICC 3. Governing Board appointed and inaugurated 	<ol style="list-style-type: none"> 1. Insufficient funding of NHRC 2. PCC remains weak 3. Failure to implement judgement of ECCJ and decisions of ACHPR
4.	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	<ol style="list-style-type: none"> 1. NHRC Act amended 2. Independence and financial autonomy of 	<ol style="list-style-type: none"> 1. NHRC still not fully spread across Nigeria

	(Finland); 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 (New Zealand); 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 (Portugal)	the NHRC now guaranteed 3. New powers of investigation, enforcement given to NHRC	
5.	Envisage the possibility of making the National Consultative Forum an annual event as a tool to promote dialogue and comprehension in the field of human rights (Algeria); Implement the content of the National Consultative Forum to help Nigeria improve its performance in the area of human rights (Chad); Pursue its efforts in order to ensure an efficient work of the Economic and Financial Crimes Commission (Côte d’Ivoire)	Nil	<ol style="list-style-type: none"> 1. The Annual Consultative Forum on Human Rights has never been held 2. EFCC has not been strengthened.
6.	Continue on achievements in the field of human rights (Djibouti); Continue its endeavours in the field of human rights specially when one takes into account the fact that the government has been promoting Human Rights under special circumstances of a country in transition from a long period of military rule to a fully-fledged democracy (Mozambique); consolidate its achievements in the human rights field and continue to reinforce its efforts to promote good governance, democracy and rule of law (Morocco)	Nil	<ol style="list-style-type: none"> 1. Corruption is still a major challenge of governance 2. Electoral management remains a major challenge
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 (Malaysia); Further implement its programmes and policies in the field of human rights, in particular the National Plan of Action on the Promotion and Protection of Human Rights (Azerbaijan); Pursue its seven points development programme formulated by the President of the Republic (Democratic Republic of the Congo); Continue its commitment to the promotion and protection of human rights through its thematic strategies of good governance, combating corruption, eradicating poverty and improving health conditions in the country (Indonesia)	<ol style="list-style-type: none"> 1. NHRC Act amended and Governing Council Inaugurated 	<ol style="list-style-type: none"> 2. State renders no assistance to NGOs 3. Seven Point Agenda of former President replaced with transformation agenda 4. Poverty is rising and health conditions

			deteriorating
8.	Maintain an open and standing invitation to the United Nations human rights mechanisms, particularly the Special Rapporteur against torture, and speed up its submissions of pending reports to treaty bodies (Mexico); Issue a standing invitation to all Human Rights Council special procedures (Norway; Ukraine); Consider the recommendations of special procedures systematically for further reforms in the field of human rights (Austria)	Nil	Nigeria is yet to extend invitation to UN Human Rights Special Procedures
9.	Continue to strengthen the role of civil society and cooperation with relevant United Nations human rights mechanisms (Angola);	Ditto Rec. 8	
10.	10. Share its experiences in promoting human rights through its role as promoter of regional cooperation and development mediator in conflict resolution and peace building in the West African sub-region (Nepal)	1. Spear-heading resolution of political problems in Cote d'Ivoire Mali and Guinea Bissau	1. Boko Haram insurgency is a major security and human safety challenge 2. The menace of kidnapping and armed robbery are still rampant 3. gender-based sexual offenders and violence against women still prevalent
11.	Continue the actions aimed at raising awareness among religious and customary leaders (Niger)	Inter-religious committees revitalised.	
12.	That the 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 (Canada); Take measures to recognize and protect the rights of sexual and gender minorities and that the law prohibiting same-sex marriages be abrogated (Finland)		This Recommendation was rejected by Nigeria
13.	Establish a moratorium on executions with a view to abolish the death penalty (The Netherlands; Brazil); Declare a moratorium for the abolition of death penalty (Mexico); Officially declare a moratorium on executions with a view to abolish the death penalty in future (Slovakia); Consider the establishment of a moratorium on the use of death penalty with a view to its abolition (Italy); Consider formalizing a moratorium on death penalty and consider the abolition of capital punishment (Turkey); Take the steps necessary to formalize	1. Moratorium on death penalty declared and penalty not inflicted 2. Existing death penalties not formally commuted	Recommendation rejected by Nigeria

	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 (Sweden); Clarify its position on the death penalty, and reaffirm its commitment to a de facto moratorium (United Kingdom); An immediate moratorium on the use of death penalty and that all current death sentences be commuted (New Zealand); consider the measures eventually leading to the abolishment of capital punishment in the country (Azerbaijan)		
14.	Take all practical measures in collaboration with neighbouring countries in order to put an end to the accusations of extrajudicial executions, and more generally, to the abolition in the near future of the death penalty (Benin); Adopt comprehensive legislation with regard to extrajudicial executions and torture by police, including measures assuring its application (Germany)	Nil	<ol style="list-style-type: none"> 1. EJK remains a major human rights challenge 2. No legislation to curb EJK 3. Lengthy and time consuming trials for EJK offenders 4. Police Order 237 remain in force
15.	Prevent using cruel, inhuman and degrading punishment (Ukraine); Complete the process of adopting legislative measures to prevent and prosecute acts of torture and other ill-treatment, according to international standards (The Netherlands); 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 (Ireland)	<ol style="list-style-type: none"> 1. Setting of national Committee on Torture 2. Power to NHRC to visit detention centres without notice 	<ol style="list-style-type: none"> 1. No specific anti-torture law enacted 2. Other CID treatments are still used by law enforcement agencies
16.	Repeal all laws that allow violence and discrimination against women to persist (Norway); Ensure that women who are victims of discrimination and violence have access to protection of their rights and to justice (Mexico); Implement specific legislation to protect women against sexual and gender-based violence and ensure that Nigerian women benefit from full equality before the law (Ireland)	<ol style="list-style-type: none"> 1. Some states enacted laws against FGM 	<ol style="list-style-type: none"> 1. No legislation on discriminations against women 2. No legislation on gender-based violence 3. The law on equality of all

			persons not properly enforced
17.	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 (Indonesia); Vigorously apply the law that was recently put in place to end the practice concerning the stigmatized children as “witches or “wizards” (Holy See)	<ol style="list-style-type: none"> 1. Child Rights Act adopted at Federal level and 24 States of the Federation 2. Two states (CRS and AKS) adopted laws prohibiting the branding of children as witches 	<ol style="list-style-type: none"> 1. No proper structures for implementing CRA at state and federal levels 2. Communal conflicts are still rampant 3. Sectarian violence on the increase
18.	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) (Italy); Not only enact legislation to prohibit FGM but also continue awareness-raising campaigns to eradicate such practices (Austria); Strengthen the efforts aiming at elimination of existing harmful traditional practices and adopt all necessary measures to provide full protection of children, girls, women and widows from wrong doings, inspired by these traditions (Ukraine); Undertake further efforts in order to raise awareness among religious leaders and traditional dignitaries and involve them in the dissemination of a culture of human rights and in combating harmful traditional practices (Qatar); 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 (Norway); Undertake an awareness raising campaign about the practice of FGM, as encouraged by the National Consultative Forum (Ireland)	<ol style="list-style-type: none"> 1. Effort at legislating against sexual violence on-going 2. Few states have laws prohibiting FGM 	<ol style="list-style-type: none"> 1. No national legislation on FGM, child marriage and betrothal 2. Religious and traditional rulers not part of the campaign against discrimination against women and the girl-child 3. No national awareness campaign against FGM
19.	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 (The Netherlands); Continue efforts in the field of combating human trafficking (Bahrain, France) and fully implement the international conventions in this area that Nigeria is a	<ol style="list-style-type: none"> 1. NAPTIP strengthened 2. Traffickers prosecuted 	<ol style="list-style-type: none"> 1. No national strategy for implementing recommendations of treaty bodies 2. NAPTIP under-

	party to (France); Continue its targeted efforts to combat trafficking in persons, above all women and young girls (Belarus); Consider strengthening the efforts in the area of combating trafficking of women and children by cooperating closely with countries in the region (Malaysia); Continue its efforts and close cooperation with relevant international organizations in combating child trafficking (Viet Nam); Allocate according to its capacity, adequate human and other resources in order to strengthen the combat on human trafficking (Angola)		funded and understaffed 3. Treaty bodies' recommendations not fully implemented
20.	Take urgent steps to prevent politically motivated and sectarian and religious-based violence (Canada)	<ol style="list-style-type: none"> 1. Inter-party dialogue instituted 2. Inter-faith dialogue encouraged 	<ol style="list-style-type: none"> 1. Sectarian crisis increasing 2. Boko Haram remains a threat to national peace and security. 3. Communal conflicts recurring
21.	Take specific measures in order to address the disfunctioning of the judicial system and the lack of internal and external monitoring of the police (Belgium); Speed up the introduction of a reform of the justice system including the penitentiary centres and national police (Mexico); Take additional measures to improve the Nigerian criminal justice system (Slovakia)	<ol style="list-style-type: none"> 1. New judges appointed at all levels 2. Effort at reform of criminal justice system 	<ol style="list-style-type: none"> 1. Police oversight bodies weak and unable to monitor the excesses of the police 2. Pre-trial system violates basic human rights 3. Prison system still below UN-SMR
22.	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 (Slovakia); 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 (Denmark); Establish an independent and effective national investigative mechanism (Denmark); Fully investigate abuses by law enforcement officials, namely extra judicial killings,	<ol style="list-style-type: none"> 1. National Committee Against Torture (NCT) set up 	<ol style="list-style-type: none"> 1. No body to monitor and investigate EJK 2. NCT has no power to investigate

	acts of torture and ill-treatment of detainees and arbitrary detentions and human rights violations and ensure that the perpetrators are duly punished (Portugal)		torture 3. NCT has no duty to oversee EJK 4. Perpetrators of torture and EJK are not properly prosecuted
23.	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, ensure that all members of the security forces and the police operate within the law (Ireland)	Ditto Rec. 22	
24.	Continue their efforts with determination for further progress in fighting against corruption (Turkey); 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 (Cuba)	1. New Head of EFCC and ICPC appointed	1. ESCR remains unjusticiable 2. Citizens still suffer deprivations of basic necessities of life
25.	Take action to tackle the backlog of prisoners who have been detained without trial or beyond the end of their sentence (United Kingdom); Ensure that all detainees are tried without undue delay or freed if no accusation is presented (Portugal); Improve the conditions of detention within prisons, access to health and the respect for the most elementary rights of detainees (France); Create a board of independent inspectors examining conditions in detention facilities and the behaviour of police officers (Germany); A broad approach including improved legal representation of prisoners, separate detention facilities for persons under the age of 18 and continuing improvements to the prison infrastructure (Austria)	1. National prison decongestion exercise commenced 2. New rules for enforcement of human rights enacted 3. Legal Aid Council got improved funding	1. 62% of prisoners are awaiting trial 2. Prison conditions not improved 3. No board of independent inspectors for detention centres 4. Prison infrastructure remain poor
26.	Ensure that freedom of expression is respected and that Nigerian journalists may take on their mission of providing information without suffering harassment (France); That the rights of journalists to report, comment on and criticize government policy freely and without fear, be respected (Canada)	1. Enactment of FOI Act	1. Occasional harassment of journalists remain a matter of concern on the

			<p>exercise of the freedom of expression</p> <p>2. MDAs not respecting FOI Act requests</p>
27.	<p>Consider taking more strenuous effort to improve the socio-economic conditions of women, in particular, in the areas of reproductive health care services, poverty eradication and access to economic resources such as credit and loan facilities (Malaysia)</p>	<p>1. CBN introduce special loans for women</p> <p>2. Campaign for women education</p>	<p>1. Reproductive rights of women not respected</p> <p>2. Rural women do not have access to credit for economic improvement</p>
28.	<p>Take further measures to bolster the national health system (Belarus); Increase its efforts in the field of maternal health, educating birth attendants and increasing the number of obstetrics clinics throughout the country (Holy See); Increase its efforts to raise awareness of and prevent the spread of HIV/AIDS and provide adequate treatment and alternative care opportunities for children (Germany); Continue to pursue its efforts in the fight against HIV/AIDS, particularly in addressing its reported disproportional impact on women (Botswana)</p>	<p>1. National effort at improved maternal health and reduction of mortality</p> <p>2. NACA strengthened</p> <p>3. National average on HIV/AIDS prevalence decreased.</p>	<p>1. Regional variations on HIV/AIDS prevalence alarming</p> <p>2. NACA is not adequately funded</p>
29.	<p>Continue to invest in education in order to reduce the illiteracy rate further, especially among girls and young women (Holy See); Continue resolutely consolidating the education system in accordance with the particular characteristics and needs of its population (Venezuela); Foster the further development of education for girls and the achievement of gender equality (Belarus); Continue its efforts in supporting education and providing equal opportunities to boys and girls in the rural and urban areas (Yemen); Continue its efforts to avoid school drop-out rate (Yemen); 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 (Italy)</p>	(no info on this head)	
30.	<p>Take further steps to address discrimination against minority and vulnerable</p>	(no info on this head)	

	<p>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 (United Kingdom); Address the cultural and economic situation of ethnic minorities (Germany); 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 (Germany); 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 (Slovenia); 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 (The Netherlands)</p>		
31.	<p>Within the framework of its national Inter-Religious Council and the Institute for Peace and Conflict, continue its commendable efforts in promoting the inter-ethnic, inter-communal and inter-religious harmony (Botswana); Expand programmes of education on religious tolerance in schools and monitor and protect the rights of religious minorities promotion of the culture of religious tolerance should become the priority of the Federal, State and Local Governments (Poland); End discrimination against ethnic minorities to ensure that non-Muslims are not subjected to Sharia law and are able to practice their own religion without hindrance (Denmark)</p>	(no info on this head)	
32.	<p>With the assistance and strengthened support of the international community, continue with its constitutional approach of subtle balance between constitutional respect for different historical and cultural contexts, decentralization through federalism, the inherited burden of decades of military totalitarianism and the Government’s will to strongly turn towards democracy (Côte d’Ivoire); Call on the international community to increase its support to allow the implementation of noble objectives Nigeria has set regarding human rights (Chad); Seek the provision of the requested technical capacity-building assistance to overcome identified challenges (Pakistan); 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 (Sudan); 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 (Algeria); Seek provision</p>	(no info on this head)	

	<p>of necessary technical assistance for human rights programmes in the fields of access to justice, law enforcement and environmental protection (Islamic Republic of Iran); Formulate specific technical assistance requests in order to promote the achievement of the Millennium Development Goals and to address them to relevant United Nations bodies and mechanisms, in particular to OHCHR (Algeria); Seek the provision of technical assistance with regard to adolescent health problems, trafficking in persons and prevention and control of HIV/AIDS (Islamic Republic of Iran)</p>		
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