

# REPORT ON THE HUMAN RIGHTS SITUATION IN NIGERIA

SUBMITTED TO

THE OFFICE OF THE UN HUMAN RIGHTS COUNCIL IN GENEVA DURING THE  
31ST SESSION OF THE UPR WORKING GROUP

(NOVEMBER 2018)

BY

THE COALITION OF NIGERIAN HUMAN RIGHTS CSOS ON UPR (NIGERIANHRCSOS-  
UPR)

## COORDINATOR

**Ivy Basil-Ofili,**

Partnership for Justice

2 Tunde Gafar Close,

Off Adeniji Jones, Ikeja Lagos

Nigeria

[ivyodia@yahoo.com](mailto:ivyodia@yahoo.com)

[partners@pjnigeria.org](mailto:partners@pjnigeria.org)

[www.pjnigeria.org](http://www.pjnigeria.org)

+234 812 5152 683

Established in 2006

**Recommendations on the Human Rights Situation in Nigeria**  
**Submitted to the Office of the UN Human rights Council in Geneva for the**  
**31<sup>st</sup> session of the UPR working group**  
**(November 2018)**

**1. INTRODUCTION**

- 1.1 The Coalition of Nigerian Human rights CSOs on UPR is a group of human rights professionals aimed at creating awareness about the Universal Periodic Review (UPR) and the National Action Plan for Promotion and Protection of Human Rights (NAP) and monitoring the implementation of the recommendations accepted by Nigeria in 2013 during the UN Human Rights Council.
- 1.2 The goal of the group is for CSOs and other stakeholders in the government agencies to focus on the situation of human rights in Nigeria and the implementation of NAP and the recommendations made at the UN human Rights Council. It is an opportunity to determine to what extent Nigeria is complying with recommendations of the HRC at all levels of government and the promises made. This submission is to review progress made on the recommendations of the last UPR and recent developments of human rights issues in Nigeria.
- 1.3 Members of the coalition comprise of active human rights CSOs from the six geopolitical zones in Nigeria. The coalition has been working since the inception of the first UPR review in 2009. The coordinators have kept track of all 184 out of 219 recommendations made during the second review and the implementation process and produced human rights situation report from their zones. These reports were presented in a National dialogue held in February 2018.
- 1.4 Nigeria made several pledges and voluntary commitments against which her activities and conducts will be examined as part of its commitment to the new human rights protection regime in the United Nations Human Rights Council Universal Periodic Review. Some of these commitments pledged by Nigeria in the Note to the President of the General Assembly of the United Nations amongst others include to give full cooperation to the Human Rights Council, submit to the Universal Periodic Review Mechanism and to cooperate with treaty monitoring bodies of the council including through submission of timely periodic reports and the implementation of concluding observations and recommendations and reaffirmed its preparedness to welcome human rights inspectors, special rapporteurs and representatives to visit Nigeria in order to carry out their respective mandates without interference.
- 1.5 Coalition of Nigerian Human rights CSOs on UPR requests the Human Rights Council to urge the government of Nigeria to fulfil its pledges and meet its commitments, to cooperate with treaty monitoring bodies of the UNHRC including

thorough submission of timely periodic reports and the implementation of concluding observations and recommendations, and to reaffirm its preparedness to welcome Special Rapporteurs to visit Nigeria in order to carry out their respective mandates without interference.

**1.6 The following are the coalition's concern on the ongoing human rights violations in Nigeria based on the pervious recommendations.**

**2. WOMEN AND CHILDREN**

**2.1. *Domestication of CEDAW***

2.1.1 The Government of Nigeria ratified the Convention for the Elimination of All Forms of Discrimination against Women (CEDAW) in the year 1985. There have been efforts to domesticate it through the enactment of the Gender and Equal Opportunities Bill that incorporates its provisions. Despite the efforts, to date only Lagos State and Edo State have made effort for the bill to pass the first reading in the houses of assembly. Presently, the number of low representation of women in decision making bodies has reduced. At the National Assembly out of 360 house of representative members, 24 are women while the senate has total number of senators are 109, women occupy only 8 seats. There is need for the government to ensure the 35% affirmative action for women.

**• Recommendations**

- *Nigeria should also accelerate efforts towards the implementation of the recommendations of the Convention on the Elimination of Discrimination Against Women (CEDAW) at all levels, both state and federal.*
- *The Federal Government should ensure the domestication of CEDAW through the passage of the GEO bill and implementation processes should be put in place.*
- *There should be an increase in representation of women in decision making.*
- *To ensure that Nigeria incorporate in national legislations the international human rights legal instruments that has being ratified.*
- *The Independent National Electoral Commission (INEC) should be empowered to influence gender policies of political parties.*

**2.2 *Female Genital Mutilation (FGM)***

2.2.1 Though all the states in the Niger Delta have passed laws prohibiting the practice of FGM (Female Genital Mutilation Law), it is disheartening to note that the laws are not implemented and so there has been low prosecution against the perpetrators.

- **Recommendation**
- *The Government should enforce the implementation of FGM law in the states.*

## **2.3 Maternal Health**

2.3.1 Maternal Health has also become a major challenge for community women in the Niger Delta. Community women depend on traditional birth attendants for maternity services. Pregnancy related complications such as miscarriages, stillbirth, and urinary tract infections are high among community women. Other diseases such as malaria, anaemia, worm infestations, and heart diseases are also on the increase. Ibeno which is a riverine and oil producing community lacks access to quality health care services.

- **Recommendations**
- *The Government should train traditional community birth attendance leaders*
- *Improved health care community services within the rural and grassroots communities especially the riverine and arid (neo-Sahelian) areas*

## **2.4 Elimination of Child Labour**

2.4.1 All the states in the Niger Delta have passed the Child Rights Law. However, there is a huge challenge in the level of implementation. The high level of sexual abuse of children and maltreatment is commensurate to the number of prosecutions within the states.

- **Recommendations**
- *The government should ensure the implementation and enforceability of the Child rights Laws in the state.*
- *Further pursue that its existing legislation at federal, state and local levels fully complies with the Convention on the Rights of the Child*
- *Strengthen laws and policies for effective implementation to end violence against children and ensure the full implementation of the 2003 Child Rights Act*
- *Ensure the protection of children's human rights by reducing and eliminating domestic and international child trafficking, sexual abuse, economic exploitation, "baby farming", widespread homelessness, abuse stemming from belief in child witchcraft, and forced conversions*
- *Urgently address child, early and forced marriage by putting in place legislation that clarifies the legal age for marriage, honoring commitments made in the country's last UPR to prevent and eliminate the practice*

### 3 VIOLENCE

Over the years under review, there was an increase in all forms of violence at different part of the country. The effect of such violence cannot be over emphasized particularly on women, children and girls and the absence of effective remedies which seems to unit all forms of violence. The following are the various forms of violence and its effects:

#### *3.1. Countering Violent Extremism and its effect on Women, girls and children mostly in the IDPs camps*

3.1.1 At the heart of those most affected by insurgency in the northeast are women, girls and children. Women and young girls are increasingly been uses as suicide bombers. Within the IDP camps, they are exposed to sexual abuse, drug trafficking, prostitution highlighted by the government of Borno State in north-east Nigeria, coupled with the challenges of inadequate health and sanitary facilities, food and adequate security. Furthermore reports have it that outcomes of some investigative panels set up to look into allegations of sexual abuse by some camp residents and state security officials is yet to be made public, denying the victims their rights to seek justice for such violations.

- **Recommendations**

- *The prevalence of young female suicide bombers can be nipped in the bud through encouraging the voices of a critical mass of women who have excelled in various fields to mentor young ones in the zone.*
- *Education provides the key to getting out of a vicious cycle of ignorance and poor life chances. Girl-child education should be prioritized as much as children who daily roam the streets as **Almajiris**.<sup>1</sup> While other regions of the country have seen a near gender parity in education for boys and girls, the north still unfortunately lags behind. Un-accessed UBEC funds should access to increase the number of children going back to school.*
- *While the northeast receives a lot of humanitarian intervention, there is the need for adequate care for the IDPs in the various camps. Thus, accountability in ensuring materials get to those in critical need and to punish those found to be involved in acts of corruption in these interventions. In relations to this, monies donated by international development partners must be judiciously spent and to follow up with those who have pledged funds to support humanitarian interventions.*

#### *3.2 Violence Against Persons Prohibition (VAPP) Act*

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<sup>1</sup>“Almajiri”are abandoned children who beg for survival on the streets of mostly northern Nigeria.

3.2.1 Despite the passage of the VAPP Act which is applicable in the federal Capital Territory and the various states in Nigeria irrespective of a state level legislation, there is still an increase in violence that is growing into a public health crisis in Nigeria. Since 2010, over 55,000 have been killed and 1,320 persons killed in the first 70 days of 2018.

- **Recommendations**

- *Accelerate the implementation of the Violence Against Persons Prohibition (VAPP) Act in Nigeria.*
- *Accelerate implementation of and guarantee access to effective remedies for all forms of violence.*

### ***3.3 Gender Based Violence against women and girls***

3.3.1 Violence against women is endemic and tolerated at every level. Stigma and silence about sexual violence prevents many victims from reporting such violence. Harmful customary or traditional practices such as forced marriage for under aged girls particularly in the northern part of Nigeria, marriage by abduction, female genital mutilation, forced abortion, Trafficking of young girls, Harmful widowhood practice are also on the increase. The available laws on sexual violence which ought to protect the rights of women and girls aids impunity, as offenders are not prosecuted and burden of proof weighs heavily on women and this has led to an increase reported cases of domestic and gender based violence.

3.3.2 While the enforcement of fundamental rights for the purpose of eradicating the blight of Gender Based violence has suffered a great setback.

- **Recommendations**

- *Ensure training of law enforcement agents on how to respond to gender based complaint.*
- *There is the need for broad sector response to enshrine protection of human rights especially in the context of domestic and gender-based violence.*
- *There is the need for other States in the region Osun, Ondo and Oyo to enact similar legislation to offer protection from domestic and sexual violence.*
- *Lagos State Domestic and Sexual Violence Response Team (DSVRT) should be scaled-up and adopted by states that have legislation on prevention of sexual and gender-based violence.*
- *Abuse and violations against women occur regularly with most victims having little or no recourse to justice*
  - *Step up efforts aimed at eliminating harmful cultural practices, which hamper the full respect for the human rights of women*
  - *Continue to enhance gender equality and the empowerment of women*

- *Fully implement its national action plan on the UN Security Council resolution 1325 to meaningfully involve women in peace process and to combat gender-based violence and discrimination*

### ***3.4 Ending Extra-Judicial Killings in the Niger Delta***

3.4.1 In the south-south zone, it is observed that there is a high incidence of killings of defenceless citizens by the police and other security outfits. The level of impunity by law enforcements agents has increased because most of the killings in the zone are not investigated and the culprits go unpunished. In October 2015, following the arrest of Nnamdi Kanu by the state Security services mass protests were generated in Port Harcourt, Rivers state and other states in the south-south zone, where large populations of the Ibos. In Port Harcourt, Rivers State, some protesting IPOB members were killed in D/Line and Ikoku areas. ***Operation Crocodile Smile*** in Delta state resulted in killings many innocent citizens without fair hearing and trial.

- **Recommendations**
- *Government should prosecute perpetrators of extrajudicial killings*
- *Government should undertake sensitization campaigns on citizen's rights to all relevant security agencies.*
- *Government should train security agencies on how to deal with and support victims of violence to avoid stigmatization... Specified penalty should be spelt out to equate the offense.*
- *Government should increase its collaboration with media to increase reporting issues of violence and human right violations.*
- *Government should undertake public education and awareness rising on issue of human rights to all citizens*
- *Take all necessary measures to put an end to extrajudicial killings, investigate all reported cases, and ensure that all suspected perpetrators are brought to justice*
- *Continue the development and implementation of measures aimed at reducing human rights violations by the security forces in particular extrajudicial executions, arbitrary detention and torture, as well as making the mechanisms of tackling impunity more effective*
- *Investigate all reports of extrajudicial killings in an independent and transparent manner and commit to bring to justice members of the security forces found to have been involved in such violations*

### ***3.5 Security - Police and military Brutality and Abuse of Fundamental Rights***

- 3.5.1 Security agencies, particularly the police and the military,<sup>2</sup> have continued to be implicated in widespread human rights violations including brutality and incivility, excessive use of force, extrajudicial killings, torture, arbitrary arrest and detention, enforced disappearance and extortion. Very recently, allegations of human right abuses were levied on the Nigerian Army in their efforts to quell the agitations of the Indigenous People of Biafra(IPOB) and these allegations are yet to be investigated and on the part of the Nigeria Police Force, the recent public outcry on the atrocities of some of its departments and failure of the police hierarchy to investigate and hold them accountable has not only entrenched impunity but also left the public losing confidence in the police to respond to public complaints bothering on police accountability.
- 3.5.2 Also, the police in Anambra and many other places in the country are being used by politicians and other influential persons to victimize their opponents or to settle disputes that are purely civil or communal.
- 3.5.3 The Operation Python Dance was an exercise carried out by the military in the five eastern state of Nigeria. The said operation raised so much concern as it is the police and not the army that have the duty to maintain security anywhere in the country. During the period under review which commenced on Nov 27 2016, excessive force was used against the Indigenous People of Biafra IPOB who embarked on peaceful protest. Ten people were reported dead in Aba, Abia State after the group held a protest with respect to army's invasion of their leader's (Nnamdi Kanu) house. The army intimidated citizen and instances of unaddressed extra judicial killings and harassment by soldiers deployed to the south east were recorded.
- 3.5.4 It is worthy of note that following the last invasion of the military at Nnamdi Kanu's residence in Umuahia, Abia State on September 14th 2017 brought about his sudden disappearance. The military carried out this operation not respecting the fact that the matter was still pending in court. No one can give account on the whereabouts of the leader of the IPOB.
- 3.5.5 Another issue on lack of security is the massacre that took place at St. Philip Catholic Church, Ozubulu Anambra State on the Sunday 6<sup>th</sup> August 2017 at early morning. In a statement released by the Bishop of the Diocese, Okekeé Hilary Odili, 22 persons survived while 13 persons died during the attack. One of the survivor reported that gun men stormed the church on the above date and opened fire on the parishioners. The governor of Anambra State and the police stated that the deadly killing was allegedly committed by two business men



based in South Africa both from same town while IPOB alleged that the crime was committed by herdsmen.

3.5.6 Till date nothing has come out of the investigation by the police and alleged perpetrators are walking free in the state.

- **Recommendations**

- *Government should enact stricter legal framework for the eradication of torture and police brutality*
- *Government should provide framework for the enforcement of its anti-torture laws and the laws against police brutality.*
- *Government must provide an express mechanism to handle issues of extra judicial killings with specific penalty to culprit, increased campaigns and sensitization on citizen's rights to all relevant security agencies.*
- *Capacity strengthening through trainings to all security agents/ human rights officers in handling issues of violence in a more private way in order for victim to speak out and reports cases of abuse without fear or stigma. Specified penalty should be spelt out to equate the offense.*
- *Collaboration with media to increase reporting issues of violence and human right violations.*
- *The Nigerian Government should support the police and the judiciary to perform their functions with regards to the provision of security.*
- *Community policing should be improved to ensure that citizens participate in security issues. This will allow the public avenue to report crimes. However, such participation must be free from victimization.*
- *There needs to be increased human rights education for security agents and members of the public alike to reduce the spate of rights violations.*
- *Mapping of accountability and oversight mechanisms for security agencies with a view to identify areas of deficit in need of urgent attention is most crucial.*
- *Government needs to strengthen the capacity of agencies charged with the responsibility of human rights protection to effectively deliver on their functions and guarantee that the rights to effective remedies are realized*
- *Government to take all necessary measures to put an end to extra judicial killings, investigate all reported cases of abuse and ensure that all suspected perpetrators are brought to book.*
- *Take further steps to restore security with due consideration to the rule of law and human right*

### **3.6 Boko Haram Menace In The North East**

3.6.1 The activities of Boko haram terrorist have led to the violation of some citizens right in the north east. The killing of innocent citizens, military brutality, and

imposition of curfews on almost daily basis has make life more miserable to citizens particularly in the North east.

- **Recommendation**
- *The military should carry out their operation with professionalism and to respect the rule of engagement.*

## 4 ECONOMIC AND SOCIAL RIGHTS

### *4.1 Right to Housing and Shelter*

4.1.1 Cases of arbitrary demolition and forceful eviction of families from their properties without adequate compensation and alternative accommodation is on the increase. Lives were lost and properties worth million was destroyed in the process particularly Lagos State. These demolitions were carried out despite pending matters in court and injunction restraining the government from carrying out the planed demolition, none of the affected victim has received any compensation till date. The *Ekeukwu Owerri* demolition happened in Imo state, south-east Nigeria on 26<sup>th</sup> August 2017. The military personnel were stationed in a green coloured armored car tank in the market. They reportedly opened fire on the local protesting local youth, shooting sporadically in various directions. A total report of 3 deaths was reported after the demolition exercise. One of the victims has been identified as a 10-year-old boy Somtochukwu Ibeanusi, who was hit by a stray bullet while salvaging goods from his parent's stall. In many cases, demolitions have gone ahead despite court orders restraining government from carrying them out.

- **Recommendations**
- *Government should ensure compliance with legal standards governing demolitions as well as with Court orders restraining such demolitions where such orders are made.*
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### **4.2 Forced Displacement (refugees and IDPs).**

4.2.1 Nigeria has one of the worst Forced Displacement situations in the world (it ranks in the top 5 with Syria, Iraq, Sudan, DRC). There is lack of adequate protection of the displaced, i.e. IDPs who are in Nigeria and refugees who have sought protection from other countries into Nigeria's territory. The second is the issue of respect for the foundational principle of *non-refoulement* in refugee law. In January 2018, Nigeria arrested and refoiled 47 refugees from Cameroon back into the hands of the Cameroon government in the capital city, Yaoundé. Since

then, nothing has been heard of these refouled refugees. This violates well established treaty law and a peremptory norm of international law.

- **Recommendation**
- *Strongly condemn the flagrant disregard and violation of the principle of non-refoulement by Nigeria*
- *Require Nigeria to liaise with Cameroon in ensuring independent access to monitor the wellbeing of all the victims affected by this violation*
- *Require Nigeria to provide reparation for these violations as well as guarantee of non-repetition.*

## 5 CIVIL AND POLITICAL RIGHTS

### 5.1 Prisons

- 5.1.1 Detention Facilities and Prisons, denial of some persons right of representation and trial- over populated and crowding of citizens without court sentence and still awaiting trials in prison.
- 5.1.2 The Constitution of the Federal Republic of Nigeria, 199 (as amended) and the UN Standard minimum Rules on the treatment of prisoners set the bench mark for the treatment of prisoners and the prison condition.
- 5.1.3 Nigeria's prisons have over the years been a source of concern due to overcrowding, under staffing, lack of adequate medical care, inadequate conditions for females and juveniles' detainees, poor administration, long detention of those awaiting trial and limited access to legal advice and representation. The above leads to poor health conditions, including frequent jail breaks and is of serious concern on human rights grounds. The rate of overcrowding in Nigerian prisons in general is about 70%, however there are specific prisons with overcrowding rate of 90% e.g. from the statistics Alliances for Africa (AFA) got from the Federal Prison Owerri Imo State, Nigeria, the capacity of the prison is for 548 inmates but currently as at the end of the month of August 2016, it has 2,140 inmates. The above situation is quite worrisome.

- **Recommendations**
- *We task Nigerian government to declare a state of emergency in prisons formations in the country and make adequate funding available for expanding the capacities of these prison.*
- *Review conditions in detention facilities, including the behavior of police/ prisons officers for improvement of the prison system and need to respect the dignity of humans in their custody.*

- *The Government of Nigeria should emphasis on Reformation, Rehabilitation and Re-integration (Three Rs) of Prisons to meet the requirement of International best practices;*
- *The need to ensure and adopt the - Administration of Criminal Justice Act (ACJA). 2015 for the reform of justice administration (non-custodial sentencing);*
- *Amend the constitution with a view of placing issues relating to prisons in the concurrent legislative list so that states can build their own prisons;*
- *Detention Facilities and Prisons, denial of some persons right of representation and trial- over populated and crowding of citizens without court sentence and still awaiting trials in prison*
- *Train and pre train the judiciary for trial cases and unorthodox judgment in-line with the human right laws*
- *Restructure the prisons and detention centers and ensure more periodic visits by responsible Organizations to enlighten, monitor and probe prison officials against inhuman acts of torture, extra judicial killings, rape, and starvation depicted in prisons and on prisoners*
- *Train and enlighten officials in prison on human rights act and morality*
- *Probe officials responsible for torture, extra judicial killings and starvation in prisons and detention centers*

## ***5.2 Freedom of Expression and Association & Threats to Civic Space***

5.2.1 The NGO Regulatory bill proposed by the National Assembly has been a bone of contention and controversy between the parliamentarians and civil society groups. The implication of the bill as perceived by civil society groups is seen as an attempt to proscribe NGOs and close the civic space to hold public office holders accountable in Nigeria. The bill is a manifestation of a species of intolerance to free expression. The strong position of the civil society came out strongly at the recent public hearing organized by the National Assembly to receive input from critical stakeholders. While Nigerian civil society groups have made clear their position, support from development partners and the international community would go a long way to pressure government on the adverse effect of such a bill on Nigeria's Democracy.

5.2.2 There is a rise in violations of the right to free expression. There is a rise in harassment of bloggers and journalists. In January 2018, the Inspector-General of Police ordered the arrest of two journalists (the Elombah brothers) ostensibly for articles that he found embarrassing. In March 2018, the State Security Service (SSS), arrested and detained the Abuja Bureau Chief of the *Independent Newspaper*, Mr. Tony Ezimako, who was detained for seven days and asked to provide the sources of a story he had written for the medium. Over 20 bloggers have been arrested and detained in the past 30 months.<sup>3</sup>

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<sup>3</sup> For a list of most of the victims, visit: <https://www.naijanews.com/news/50583-revealed-17-bloggers-journalists-arrested-detained-president-buhari/>

- **Recommendations**
- *Rather than proscribing activities of NGOs, government should develop a framework of communication which would allow regular interactions with civil society organizations' working on varied issues to help address the various social-economic, health and security challenges facing Nigeria.*
- *Government agencies regulating the activities of CSOs should be strengthened to ensure they carry out effective oversight of NGOs and CSOs in Nigeria.*
- *There is the need to review laws regulating the activities of CSOs and NGOs in Nigeria as research shows that CSOs and NGOs in Nigeria are currently over-regulated.*
- *Government should respect the provisions of the Nigerian Constitution which provides for the freedom of association and ensure that the rights of her citizens are respected.*

## 6. THE RIGHT TO PARTICIPATION AND ELECTIONS

6.1. Elections are key pillars of democracy and have become the commonly accepted means of legitimizing government. Once elections are flawed, it is an invitation to violence in the State which may snowball into political instability. However, in their Nigeria there is a high manipulation of youths as a tool for political propaganda, violence and threats during elections. Also there is high level of victimization on Free and fair right of participation, declaration of interest and expression of individuals in pre-election campaigns. The lack of equal representation of both gender in the areas of electoral process and elective practices cannot be over emphasize.

- **Recommendations**
- *Amendment to the legal framework to ensure a free, fair and collective participation of all individuals and groups without threats and in line with electoral international standards.*
- *Provide a safe environment for citizens' participation in election by ensuring election free from violence, blackmail, kidnap, pressure and all forms of threats.*
- *Have electoral offense commission to act as check on INEC and prosecute people who commit electoral offenses such as political aspirants, political parties, officials, persons or group responsible for these threats and violent acts in election.*
- *We recommend the enactment of legislation that will mandate persons wrongfully elected into office to refund earnings within the period of being in office.*
- *That concerted efforts be made to improve the socio-economic and political status of women and promote a frame work that would assist women financially during elections for them to compete favorably with their male counterparts.*

## 7. ADMINISTRATION OF CRIMINAL JUSTICE IN NIGERIA & FAIR HEARING

7.1. The Administration of Criminal Justice Act, 2015, provides for the promotion and protection of human rights of suspects/victims as enshrined in the Nigeria Constitution. The sustainability of criminal justice reforms is hinged on the integrity and leadership of the key criminal justice institutions to make them work. State administration of criminal laws are most important as 90% of criminal cases are prosecuted at the state level hence the need for states to adopt and domesticate the provision of ACJA 2015. The current trend in states that have adopted the ACJA show that states are making fundamental variations to key provisions particularly in the area of Remand proceedings which is contravening the intent and purpose of the ACJA 2015;

7.2 The level of awareness about the ACJA amongst the relevant criminal justice actors and general public is very low which is also affecting the successful compliance and implementation of the Act;

7.3 The deplorable state and lack of infrastructure, logistics and knowledge gap in the criminal justice institutions are contributing factors to the slow implementation amongst the relevant agencies.

7.4 The media and civil society groups are key to driving advocacy for the ACJA to work.

7.5 There still exist gaps in the ACJA such as in the area of payment of compensation for victims; payment of witness expenses etc. which also impact on the law's successful implementation and areas that CSOs and media should also beam the search light on.

- **Recommendations**

- *Create mechanism to ensure Public sensitization and awareness creation on the key and innovative provisions of the ACJA 2015 for the personnel of the criminal justice agencies and general public*
- *Monitor state domestication of the ACJA is crucial to ensure that the object and intent of the law is not lost;*
- *Ensure the training and retraining of police personnel (being the entry point into the criminal justice system) and other law enforcement agents on the expectations of the Act*
- *Monitor and enforce conformity to the provisions of the ACJA and ACJLs human rights violations against persons, who are seen as “different”*
- *Non obedience to court pronouncement has adverse effect on democracy and therefore government should endeavor to adhere to court announcement*

## **8 DISCRIMINATION AGAINST PEOPLE WHO USE DRUGS (PWUD), LESBIANS, GAYS/MSM, BI-SEXUALS, TRANSGENDER (LGBT) AND SEX WORKERS**

8.1. Their rights to access to health services including HIV treatment and care have been violated over and over again. Their rights to freedom of association and right to fair hearing have been violated. They have been remanded in prison custody and their rights to freedom of movement violated; and incarcerated without fair trial. Their constitutional rights to privacy is constantly being violated by both State and Non-state actors.

8.2. Since 2011, ICARH has received, handled and documented 149 cases till date. These cases involve Unlawful detention, Stigma/Discrimination, Blackmail/Extortion, Assault/Battery and defamation etc. in the Federal Capital Territory alone.

8.3 Coalition of LGBTIQ led organizations report: In 2016, Some organizations led by TIERS, which ICARH is part of, published a Human Rights Violations Report covering 16 states, where a total number of 232 persons rights were violated, with 152 violations recorded, Number of state actors (perpetrators) who were involved stood at 37, while 107 represented the number of Non State Actors (perpetrators). Not to mention that of 2015.

- **Recommendations**

- *Amend and review all legislations that victimize and or criminalize drug users. Drug users should be treated from a humanistic and health perspective rather than from criminalized standpoint.*
- *Right to health and universal health coverage should be upheld as inalienable and universal and must not exclude persons based on their choices and preferences*

## 9. HUMAN RIGHTS DEFENDERS

9.1. Human Rights Defenders come under attack facing harassment, intimidation, ill-treatment, smear campaigns, unlawful detention, under surveillance and sometimes killed just for standing for what is right. Their right to protect is denied and are constantly threatened from exercising their rights to freedom of expression, association and peaceful assembly.

- **Recommendations**

- *Implement and adopt legislation which recognizes and protects HRDs and review legislation that my place obstacles in the way of legitimate activities to promote and defend human rights;*
- *Ensure that justice systems are not misused to target or harass HRD refrain from bringing criminal charges or any other proceedings or administrative measure against them that prevent them from peaceful exercise of their rights;*
- *Investigating human rights violations and abuses against them and bring the suspected perpetrators to justice in fair trials and providing effective remedies and adequate reparations to the victim.*

The Coalition of Nigerian Human Rights CSOs on UPR is submitting this report on behalf of the following organisations that participated in the national workshop in February 2018: Partnership for Justice, Sterling law Centre, Centre for Citizens Rights, CLEEN Foundation, Women Africa, Lux Terra Leadership Foundation, Nigeria Women Trust Fund, West African Human Rights Defenders' Network (WAHRDN), Rural Integrated Dev. Initiative, Jalnyo, Taraba State, Women's Rights and Health Project, , Kebetkache Women Dev.& Resource Centre Portharcourt, African Centre for Leadership, Strategy & Development, Centre LSD, Centre for Sustainable Development, Yobe State, Youths for Peace and Development, Bauchi, Beautiful Eves of Africa Organisation (BEAFRO), Partners West Africa-Nigeria, Nigerian Women Trust Fund, FIDA, PEDANET, AFRICMIL, NCICC, Education as a Vaccine, Community Centre for Development (CCD), Sokoto, Conference of Rights (COR) Nigeria, PLAC, CASER, EVA, Alliances for Africa, Development Dynamics, Michael Adedotun Oke Foundation, Network on Police Reform in Nigeria, Foundation For Environmental Rights, Advocacy & Development(FENRAD), Partnership to Inspire, Transform and Connect the HIV Response (PITCH), Parent Child Intervention Centre, JCI Hope Project, Nkiru Nwobodo, Agents of Communication and Development, African Women and Children Care Support Initiative, International Centre for Development and Budget Advocacy, Universal Career Discovery and Development Initiative (UCDDI), BOLD AND BEAUTIFUL GIRLS INITIATIVE, Womenaid Collective (WACOL), PRAWA, FIDA Eungu, AFRILAW, CLDD, WARDC, REPLACE, LEDAP.