



General Assembly

Distr.
GENERAL

A/HRC/WG.6/4/NGA/1
5 January 2009

Original: ENGLISH

HUMAN RIGHTS COUNCIL
Working Group on the Universal Periodic Review
Fourth session
Geneva, 2-13 February 2009

**NATIONAL REPORT SUBMITTED IN ACCORDANCE WITH PARAGRAPH 15 (A)
OF THE ANNEX TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1 ***

Nigeria

* The present document was not edited before being sent to the United Nations translation services.

I. METHODOLOGY

1. A broad-based National Committee was tasked with the responsibility of compiling Nigeria's Universal Periodic Review national report. The preparations for this vital assignment began in earnest when the Minister of Foreign Affairs inaugurated the Committee in Abuja on 16 September 2008. The Committee comprised Ministries, Government departments, agencies, Members of the National Assembly, National Human Rights Commission, civil society organizations, non-governmental organisation, etc. To facilitate the process of gathering information and opinion across the country, the Committee engaged in a wide publicity in the print and electronic media. The national report was finalized during a retreat, in accordance with the guidelines of the Universal Periodic Review.

II. CONSULTATIVE PROCESS

2. A two-day National Consultative Forum was held on 3 and 4 November 2008 in Abuja, during which stakeholders from all parts of the country participated. The participants included representatives of Federal and State Ministries, Government agencies, local government councils, professional bodies, human rights non-governmental organisations, faith-based organizations, youth bodies, National Council of Women Societies, human rights experts and defenders, the National Human Rights Commission, Public Complaints Commission, etc. Most of the views expressed by the participants and the decisions reached at the Consultative Forum have been reflected in this Report.

III. BACKGROUND OF THE COUNTRY: DEMOGRAPHIC, POLITICAL, SOCIO-ECONOMIC

3. Nigeria is located in West Africa. With a total land area of 923,768 sq km and a population of over 140 million, (51.2 per cent male and 48.8 per cent female), it is the largest country in Africa. The country has more than 250 ethnic groups and 500 indigenous languages. It is a multi-religious country, with Islam and Christianity as the two predominant religions.

4. Nigeria is the second largest economy in Sub-Saharan Africa, accounting for 41 per cent of West Africa's GDP. Its macro-economic performance over the last two years has been impressive. The economic reforms embarked by Government have shown positive results in several areas, including a real growth rate of 9 per cent in 2008. In the last four years, Nigeria has made important strides in the effort to combat corruption, as evidenced by the report of Transparency International and other international surveys. Nevertheless, the country is still faced with socio-economic challenges, which government is addressing.

5. Up till 1999, the military had been in power for 28 out of Nigeria's 39 years as an independent country. In April 2007, Nigeria held its third consecutive national elections, further consolidating the transition from military to democratic rule that began in 1999. The President, Mallam Umaru Musa Yar'Adua, has committed his government to a Seven-Point Agenda, which identifies the development of human capital, food security, mass transportation, power and energy, security, and qualitative and functional education and the rule of law as priorities. The focus on rule of law has a direct bearing and positive effect on the promotion and protection of human rights in Nigeria.

IV. THE TIERS OF GOVERNMENT

6. Nigeria is a functioning democracy. It has a federal system of government with power shared among three tiers of government: Federal, State (36) and Local Governments Areas (774). The Constitution has vested each tier of government with powers in its area of jurisdiction.

7. There are also three legal systems in operation in the country: Common Law, Islamic Shari'a and Customary Law (based on tradition and customs). The Supreme Court is the apex court with jurisdiction to hear cases from lower courts, including the Shari'a Court of Appeal and the Customary Court of Appeal.

V. NORMATIVE AND INSTITUTIONAL FRAMEWORKS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

A. Constitutional framework

8. Chapter IV of the Constitution of the Federal Republic of Nigeria (1999) provides for the promotion and protection of the following fundamental rights: right to life; right to dignity of human person; right to personal liberty; right to fair hearing; right to private and family life; right to freedom of thought, conscience and religion; right to freedom of expression and the press; right to peaceful assembly and association; right to freedom of movement; right to freedom from discrimination; right to acquire and own immovable property anywhere in Nigeria; right to prompt compensation and of access to justice for determination of interest in any movable or immovable property compulsorily acquired by government for public purposes in the best interest of the public; right of access to justice, including legal and financial aid to indigent citizens, etc.

9. However, Section 45 of the Constitution provides for specific restrictions on, and derogation from, the fundamental rights guaranteed in this chapter, only to the extent that those measures are reasonably justifiable in a democratic society, and on the following conditions: (a) in the interest of defence, public safety, public health, public order or public morality; (b) for the purpose of protecting the rights and freedoms of other persons; (c) in periods of state of emergency; (d) in the execution of the sentence of a competent court, etc

10. Chapter Two of the Constitution, under the heading, 'Fundamental Objectives and Directive Principles of State Policy' provides the nearest articulations to United Nations International Covenant on Economic, Social and Cultural Rights in Nigeria. However, the ideals of ECOSOC Rights embodied in the provisions of this chapter are couched not as human rights but duties of the State.

B. Legislative and policy frameworks

11. In addition to the Constitutional guarantees, the following legislations and policies provide for specific promotion and protection of the rights of vulnerable groups such as Women, Children, Refugees and Internally Displaced Persons (IDPs), Victims of Trafficking and Forced Labour, Persons Living with HIV-AIDS, the Elderly, Victims of War, etc. Sections 16(1) (b), 17, 19(c) of the Constitution consolidate these goals.

12. The Child Rights Act, 2003, domesticates the United Nations Convention on the Rights of the Child and that of the African Union Charter on the Rights and Welfare of the Child, guaranteeing the survival, development and protection of children. It also gives muscle to legislation by States in the country in aspects relating to child protection such as the prohibition

of: child hawking; child begging; child trafficking; all forms of child labour, sexual and economic exploitation of children; harmful traditional practices affecting children (such as child marriage and betrothal); withdrawal of children from schools for hawking or begging or marriage, female genital mutilation (FGM). The Anti-Trafficking Act 2003, as amended in 2005 (NAPTIP Act), seeks to protect women and children especially as victims of trafficking and other forms of exploitation.

13. The following national policies aim at ensuring the effective realisation of the rights of women and children in Nigeria: National Strategic Framework and Plan of Action for VVF Eradication in Nigeria, 2005-2010; National Policy on Food and Nutrition 2001; National Policy on Education 1999 revised 2004; National Policy on Child and Maternal Health 1994; National Child Policy 2007 and Strategic Plan of Action/Implementation Framework 2007/08; National Policy and Guidelines on Gender in Basic Education, 2007; National Plan of Action and Guidelines on OVC 2007 etc.

14. Further, the provisions of the National Gender Policy 2007, National Reproductive Health Policy and Strategy 2001, National Policy on HIV-AIDS 2003, National Policy on Health 1998 and 2004, the National Policy on the Elimination of FGM 1998 and 2002, National Adolescent Health Policy 1995, National Policy on Maternal and Child Health 1994, constitute the key policy frameworks that seek to promote the survival, development, protection and participation rights of women and children to achieve quality reproductive and sexual health in Nigeria. In addition, Nigeria is also in the process of adopting the AU Convention on Internally Displaced Persons. Women and children are the most vulnerable group during crisis leading to mass evacuation and rehabilitation of displaced persons.

15. Measures for the Protection of the Rights of Refugees, Internally Displaced Persons, Returnees and Asylum Seekers are provided for in the Laws of the Federation of Nigeria, 2004, and the National Commission for Refugees (NCFR) Act. The Act incorporated the 1951 United Nations Convention relating to the status of Refugees and its 1967 Protocol, as well as the 1969 Organization of African Unity Convention on Refugee Problems in Africa.

16. In 2007 an Act establishing a National Centre for Elderly Persons, with the aim of catering for the welfare needs and recreational facilities of this group of persons in Nigeria was passed by the National Assembly.

17. The Human Rights of Persons Living with HIV-AIDS are protected in chapter 4 of the Constitution, under the rights to freedom from discrimination, to human dignity, to personal liberty, to life, to private and family life, to freedom of expression, to peaceful assembly and association, and to freedom of movement.

18. The Geneva Conventions provide for the protection of the rights of victims of armed conflict such as the sick, the wounded, the disarmed, the shipwrecked and the non-combatants or civilian population. These rights are also provided for under Act Cap. 162, Laws of the Federation of Nigeria, 1990.

19. The promotion and protection of consumer rights against counterfeit, fake, expired, substandard and pirated products are provided for under the Food and Drugs Act 1974 (Now Cap F32 LFN 2004), Weight and Measures Act 1974 (Now Cap W3 LFN 2004), Counterfeit, Fake Drugs and Unwholesome Processed Food (Miscellaneous Provisions Act (Cap C3 LFN 2004), Trade Practices (Miscellaneous Offences) Act No.67, 1992 (Now cap T12 LFN 2004), Criminal Code, Cap.C38 and the Penal Code Cap.P3 respectively of the Laws of the Federation of Nigeria

(LFN) 2004, The Standards Organization of Nigeria (SON) Cap.412 of the 1990 Laws of the Federation, The Consumer Protection Council of Nigeria Cap C.25 LFN 2004, NAFDAC 2004 Cap N30, LFN 2004, The Nigerian Copyright Act Cap C.28 LFN 2004, the Customs and Excise Management Act Cap C.45 LFN 2004.

20. The National Policy on Education (2004) provides for the following: early childhood/pre-primary education; primary education; secondary education; mass literacy, adult and non-formal education; science, technical and vocational education; tertiary education; open and distance education; special education; educational services; planning, administration and supervision of education; financing education. The Strategy for the Acceleration of Girls' Education in Nigeria seeks to achieve gender parity in access to, retention, completion and achievement in basic education by 2015. Significant progress has been recorded all over the country

C. National Action Plan on promotion and protection of human rights

21. In response to the recommendation of the Vienna Declaration and Programme of Action on the desirability of drawing up a national action plan by each State, for identifying steps for improving the promotion and protection of human rights, the Federal Government of Nigeria, in collaboration with the National Human Rights Commission, Civil Society Organisations and NGOs, has developed and adopted a National Action Plan. The NAP, which is an integrated and systemic strategy for advancing human rights in the country, highlights, among others, an audit of the human rights situation in the country, concrete measures for the promotion and protection of human rights, and a framework for a coordinated approach to human rights issues. The Plan is being translated into the major languages in the country in order to facilitate its access to a wider segment of the Nigerian society, in addition to the publicity being given to it by the national media.

D. Proposed legislations

22. The following bills are receiving due consideration for passage by the National Assembly and necessary assent of the President: (a) Bill for an Act to provide for measures to combat terrorism and for related matters, 2006; (b) Bill for an Act to Protect the Rights of Employees and Related Matters, 2006; (c) Freedom of Information Bill 2007; (d) National Agency for the Control of HIV and AIDS (establishment, etc.) Bill 2006; (e) Bill for an Act to Prohibit Chemical Weapons and the Establishment of the National Authority for the Effective Implementation of the Chemical Weapons Convention in Nigeria and for other matters connected therewith, 2006. In addition, the Convention on the Elimination of Discrimination Against Women (CEDAW) is also before the National Assembly for domestication.

23. For the purpose of ensuring effective promotion and protection of human rights, access to justice, safety and security in Nigeria, the following laws are before the National Assembly for amendment: (a) National Human Right Commission Act (Amendment) Bill 2007; (b) Legal Aid Council Act (Amendment) Bill 2007; (c) Legal Practitioners Act (Amendment) Bill 2007; (d) Parole System in Nigeria Bill 2008; (e) Nigeria Police Act (Amendment) Bill, 2007; (f) Prisons Reform Bill, 2007.

VI. SCOPE OF INTERNATIONAL OBLIGATIONS

24. As an active and responsible member of the United Nations, conscious of its international obligations, Nigeria has associated itself with all the relevant international instruments on human

rights and humanitarian law, including the Universal Declaration of Human Rights and the United Nations Charter.

A. United Nations human rights treaties

25. The list below indicates the United Nations Human Rights Instruments that Nigeria has signed and ratified:

Convention Relating to the Status of Refugees 1951: ratified on 2 May 1968;

International Convention on the Elimination of All Forms of Racial Discrimination, New York, 7 March 1966: ratified on 16 October 1967;

International Covenant on Economic, Social and Cultural Rights, New York, 16 December 1966: ratified on 29 July 1993;

International Covenant on Civil and Political Rights, New York, 16 December 1966: ratified on 29 July 1993;

Protocol Relating to the Status of Refugees: ratified on 23 October 1967;

Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity (New York, 26 November 1968): ratified on 1 December 1970;

International Convention on the Suppression and Punishment of the Crime of Apartheid: signed on 26 June 1974 and ratified on 31 March 1977;

Convention on the Political Rights of Women: ratified on 17 November 1980;

Convention on the Elimination of All Forms of Discrimination against Women, New York, 18 December 1979: signed on 23 April 1984 and ratified on 13 June 1985;

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, New York, 10 December 1984: ratified on 5 October 1998;

International Convention against Apartheid in Sports (New York 10 December 1985): signed 16 May 1986 and ratified on 20 May 1987;

Convention on the Rights of the Child, New York, 20 November 1989: signed on 26 January 1990 and ratified on 19 April 1991; (Domesticated as the "Child Rights Act")

Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women, New York, 6 October 1999: signed on 8 September 2000 and ratified on 22 February 2004;

Convention Against Transnational Organized Crimes;

Protocol to Prevent, Suppress and Punish Trafficking in Persons especially Women and Children: ratified on 28 June 2001;

Convention on the Prevention and Combating of Terrorism: ratified on 24 April 2002.

26. Nigeria has signed, but not yet ratified, the following instruments:

Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, New York, 25 May 2000: signed on 8 September 2000;

Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, New York, 25 May 2000: signed on 8 September 2000;

Convention on the Rights of Persons with Disabilities, New York, 13 December 2006: signed on 30 March 2007;

Optional Protocol to the Convention on the Rights of Persons with Disabilities, New York, 13 December 2006: signed on 30 March 2007.

Second Protocol to The Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict, The Hague, 26 March 1999: signed on 17 May 1999 and ratified on 21 October 2005;

Final Act of the Diplomatic Conference of Geneva 1974-1977: signed on 10 June 1977;

Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects. Geneva, 10 October 1980: signed on 26 January 1982;

International Convention against the Recruitment, Use, Financing and Training of Mercenaries, 4 December 1989: signed on 4 April 1990.

B. African Union/Economic Community of West African States human rights treaties

27. Nigeria has signed or ratified the following African Union/Economic Community of West African States (ECOWAS) human rights:

African Union Charter on the Rights and Welfare of the Child: Ratified 23 July 2001;

African Charter on Human and People's Rights: Ratified 22 June 1983 and Signed: 31 August 1982 (Domesticated);

Organization of African Unity Refugee Convention: Ratified 23 May 1986 and Signed: 10 September 1969;

Protocol to the African Charter on Human and People's Rights Relating to the Rights of Women in Africa: Ratified 16 Dec 2004 and Signed: 11 July 2003;

Protocol to the African Charter on the Establishment of African Human Rights Court: Ratified on 20 May 2004;

Protocol on the Pan-African Parliament: Ratified on 23 December 2003;

Constitutive Act of the African Union: Ratified on 29 March 2001;

African Union Convention on Preventing and Combating Corruption: Ratified on 2 September 2006;

1986 OAU Convention on the Conservation of Nature: Ratified on 2 April 1974;

Treaty Establishing the African Economic Community: Ratified on 31 December 1991;

ECOWAS Declaration on the decade of a culture of the Rights of the Child in West Africa: Signed: 21 December 2001;

ECOWAS Declaration on the Fight Against Trafficking in Persons in West Africa: Signed: 21 December 2001;

ECOWAS Treaty of 1975 revised in 1993: Ratified 1 July 1994;

Protocol on Non-Aggression: Ratified 17 May 1979;

Protocol on Free Movement of Persons, Goods and Services: Ratified 12 September 1979;

Protocol on Mutual Assistance and Defence: Ratified 18 April 1988;

Protocol on Establishment of the Community Court of justice: Ratified 1 July 1994;

Convention on Mutual Assistance in Criminal Matters: Ratified 30 April 1999;

Protocol on Conflict Prevention, Management, Resolution, Peacekeeping and Security:
Signed 10 December 1999.

28. The African Charter on Human and Peoples' Rights, which provides for civil, political, economic, social, cultural, environmental, developmental and Peoples' rights to self determination, equality, control of their natural resources and to national and international peace and security has been passed into law in Nigeria. Hence, in the absence of an express guarantee or declaration by the Nigerian Constitution on the justifiability of the ECOSOC rights, the African Charter as a domestic law fills that gap.

C. Domestic implementation of international treaty obligations

29. The following treaties have been made into national law (domesticated) in accordance with section 12 of the Nigerian Constitution: the African Charter on Human and Peoples' Rights; the Geneva Conventions of 1949; the United Nations Convention on the Rights of the Child (CRC) and African Union Charter on the Rights and Welfare of the Child (AUCRWC).

30. Receiving the consideration of the National Assembly for domestication are the following officially gazetted treaties: (a) Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), (b) Rome Statute of the International Criminal Court, and (c) Chemical Weapons Convention.

31. In the bid to discharge its reporting obligations to the relevant Human Rights Treaty Bodies, Nigeria continues to make efforts to submit her periodic reports as and when due. Recent reports include: First to Sixth United Nations CEDAW country reports, First to Fourth United Nations CRC country reports, country reports to the African Commission on Human and People's Rights; ECOWAS Peer Review country reports on Child Protection, and African Peer Review Mechanism review reports considered in May 2008.

VII. COMMITMENTS TO THE HUMAN RIGHTS COUNCIL

32. Nigeria has fulfilled, to a large extent, its commitments to the Human Rights Council, including active participation in the work of the Council, cooperation with the Special Rapporteurs and Mandate Holders, support for the National Human Rights Commission, commitment to human rights instruments, and support for all strategies at regional and international levels aimed at promoting human rights.

33. With regard to United Nations human rights instruments and protocols that Nigeria is yet to sign, Government is determined to ensure that they are signed, ratified or domesticated as the case may be without delay. In the case of the Convention on the Prevention and Punishment of the Crime of Genocide; the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families; and the International Convention for the Protection of all Persons from Enforced Disappearance, Government has already set in motion the necessary process of their accession. Likewise, the CEDAW bill is with the National Assembly for domestication. However, Articles 12 and 16 of the Convention have become a source of vibrant discussion in the Assembly, and Mr. President is actively engaged with the legislators to ensure that the bill is passed as soon as possible.

VIII. INSTITUTIONAL MECHANISMS

34. The following are the key institutional mechanisms for the promotion and protection of human rights in Nigeria:

A. Judicial intervention/measures: human rights jurisprudence

35. Section 46 of the Nigerian Constitution preserves the original jurisdiction of the courts to hear and determine applications for the enforcement of fundamental human rights. In several cases, the courts have enforced human rights by issuing the writs of Habeas Corpus, Certiorari, Mandamus and Prohibition.

B. The National Human Rights Commission

36. The National Human Rights Commission was established by the National Human Rights Commission Act 1995, Cap N46 Vol.11 Laws of the Federation of Nigeria 2004.

37. The Commission has the mandate to promote and protect all human rights without distinction. It is also mandated to investigate and monitor human rights violations and make appropriate recommendations to the Government. Further, the Commission is mandated to seek redress and remedies for, and assist victims of human rights violations. The Commission publishes periodic reports on the human rights situation in Nigeria, undertakes studies on specific human rights issues, organizes and participates in local and international conferences and seminars on human rights. It also liaises and cooperates with local and international NGOs as well as inter-governmental organizations dealing with human rights issues.

38. The Commission has received over three thousand complaints since its inception. 60 per cent of these have been dealt with, while the rest are at various stages of investigation and action. The Commission engages in legislative advocacy on matters concerned with human rights. Since 2001, the Commission, in collaboration with other stakeholders developed the National Action Plan (NAP) for the promotion and protection of Human Rights in Nigeria. The Federal Executive Council adopted the NAP document in November 2008, preparatory to its transmission to the Office of the United Nations High Commission for Human Rights.

C. National Agency for the Prohibition of Trafficking in Persons

39. The National Agency for the Prohibition of Trafficking in Persons (NAPTIP) was established by an Act in 2003, (amended in 2005), partly in fulfillment of Nigeria's international obligations under the Trafficking in Persons Protocol Supplementing the United Nations Transnational Organized Crime Convention, to address the scourge of trafficking in persons and its attendant human rights abuses. The functions of NAPTIP include (a) the coordination of all laws on trafficking in persons, (b) the adoption of measures to increase the effectiveness of eradication of trafficking in persons, (c) the enhancement of the effectiveness of law enforcement agents to suppress trafficking, (d) the strengthening and enhancement of effective legal means for international cooperation in criminal matters for suppressing the international activities of traffic in persons, and (e) counselling and rehabilitation of victims of trafficking, etc.

D. The Public Complaints Commission

40. The Public Complaints Commission (PCC) is a constitutionally created and autonomous body, established in 1990, with the aim of protecting vulnerable individuals against administrative injustices. Furthermore, it provides an opportunity for Nigerians, particularly the

less privileged, to seek and obtain redress for their grievances at no cost and with minimum delay.

41. Since its establishment, the Commission has been committed to its objectives and has succeeded in addressing thousands of complaints linked to rigid bureaucratic practices, abuse of office, administrative oppression and suppression by individuals in power. In situations of administrative lapses, the Commission acts as a watchdog against injustices by ensuring that government functionaries treat matters affecting Nigerians fairly, respectfully and promptly.

42. In 2006, the PCC successfully resolved 15,485 complaints out of the 22,384 complaints received across the country. The Commission continues to receive more complaints annually because of increased awareness of its existence and the valuable services it renders, especially at the grassroots level. The Commission's Annual Report showing its activities has contributed in the confidence Nigerians have in the Commission.

E. Legal Aid Council of Nigeria

43. The Legal Aid Council of Nigeria, established by the Legal Aid Act No. 56 of 1976, is a parastatal under the Federal Ministry of Justice. The Council is responsible for the provision of free legal aid services to needy Nigerians, whose income does not exceed the minimum wage or those who cannot afford the services of private legal practitioners. The Commission coordinates the activities of lawyers who provide *pro bono* services, and its staff visit prisons to monitor the condition of detainees.

44. Besides its jurisdiction over such cases as murder, manslaughter, malicious or grievous bodily harm, assault occasioning actual bodily harm, stealing, affray and rape, it undertakes civil claims in respect of accident cases and claims for damages for breach of human rights. The Council continues to contribute immensely to the promotion of human rights and adherence to the rule of law.

F. The legislature

45. In Nigeria, the Senate and House of Representatives (the two houses of the National Assembly) have committees on human rights, judiciary and legal matters with oversight function on national human rights institutions and other government agencies to ensure the effective promotion and protection of human rights. The National Assembly also has a specific responsibility for the domestication of all international instruments. Some of the legislations passed, or are in the process of being passed by the Assembly include: (a) National Action Plan on Human Rights, (b) Domestication of the International Convention on the Rights of the Child into the Child Rights Act, (c) The Freedom of Information Bill, (d) Anti-discrimination Bill, (e) Prison Reform Bill, (f) Administration of Justice Reform Bill, and (g) Debate on the Death Penalty.

46. The relevant Committees of the National Assembly are also engaged in the promotion and protection of human rights through their collaboration with the National Refugees Commission, National Human Rights Commission, as well as meetings with human rights civil societies and non-governmental organisations. Future activities of the Committees include: public hearing on the status of the refugees and internally displaced persons in Nigeria; public hearing on Nigeria's ratification of international human rights instruments; Consultations with National/State Houses of Assembly on legislation for the promotion and protection of the rights of women and children. The Committee also intends to publish a quarterly report of its activities.

G. Law enforcement agencies and human rights

47. The obligation to respect human rights by all law enforcement agencies, including the police, prisons, security institutions, etc. is contained in Chapter 4 of the Constitution, the Police Act and other legislations or enabling national laws. In addition, all law enforcement agents have the obligation to respect the provisions of the various human rights and humanitarian laws to which Nigeria is a signatory. In pursuance of this, all law enforcement outfits have established human rights desks for the purpose of human rights training, as well as monitoring activities of the law enforcement agent to ensure that they comply with acceptable human rights standards.

IX. ACHIEVEMENTS IN THE AREA OF HUMAN RIGHTS

48. Since the return to democracy in 1999, Nigeria has continued to record remarkable achievements in the area of human rights, considering the country's long history of military rule, during which Nigeria was considered a pariah state. The strengthening of democratic institutions, the separation of powers, the independence of the courts, freedom of the press, the involvement of civil society in governance which characterize Nigeria's democracy have helped in the advancement of human rights in the country. In addition, the current Administration has made the rule of law a cardinal principle in governance. Other areas of achievements are as follows:

A. Discharge by municipal courts of their responsibility in the development of human rights jurisprudence

49. In addition to providing a lead in the development of the huge body of human rights jurisprudence listed above, Nigerian Municipal Courts, have of recent demonstrated unprecedented effort in driving Nigeria along the path of true democracy and respect for the rule of law. The impartial verdicts by many electoral petition tribunals following the 2007 General Elections are ample demonstration of this commitment to democracy, human rights and the rule of law.

B. Implementation of Millennium Development Goals

50. Military rule not only deprived Nigeria of fundamental liberties, but also positive development indices, leaving the current Administration with the heavy burden of meeting the Millennium Development Goals targets. In spite of this, Government has recorded significant achievements in its efforts to meet the Millennium Development Goals targets. Educational enrolment in Nigeria is a success story. About 84 per cent of school age children attend school and an increasing number stay there up to grade 5. Net enrolment ratio in primary education was 84.26 per cent in 2005 as against 81.1 per cent in 2004. The literacy rate of 15-24 years old also improved from 76.2 per cent in 2004 to 80.20 per cent in 2005. This success has been bolstered by improved policy and better intergovernmental coordination. The Universal Basic Education (UBE) programme has not only increased access to school but also gender parity. In the last four years, Nigeria has recruited about 90,000 teachers and deployed them to the rural areas.

51. Government is investing heavily on programmes that would alleviate poverty, especially in the rural areas. With regard to the health sector, where Nigeria has the biggest challenge in meeting the Millennium Development Goals targets, Government has recruited about 3,000 Midwives and Nurses to provide antenatal and obstetric care in the rural areas. Government's

target is to reduce both the maternal and infant mortality rates in Nigeria in the shortest time possible.

C. Children's rights

52. The United Nations Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child have been domesticated by the National Assembly as the Child Rights Act (2003). The number of States that have passed parallel children rights laws has grown from one to 21 since the last CRC's mission to Nigeria, while the remaining States are at various stages of passing it. President Umaru Yar'Adua, in his address to Nigerian Children at the 2008 Children's Day Celebration on 27 May 2008, urged the remaining states to pass the law in the interest of promoting the welfare of the Nigerian child, and meeting our international obligations.

53. Recently, Nigeria was shocked by the report of the activities of a leader of one religious cult in Akwa-Ibom State of the country, who stigmatized children as "Witches" or "Wizards". The children who were labeled as witches by the cult leader were killed. In response to this barbaric practice, the Akwa-Ibom State Government passed a law against this practice in December 2008, making conviction for this offence punishable with ten years imprisonment. The police are prosecuting the cult leader and his accomplices. For the purposes of speedy trial, the State created a special family court to determine matters related to children. Akwa-Ibom State is among states in Nigeria that have made primary education free and compulsory.

54. The National Health Care Development Agency (NHCDA), in collaboration with Development Partners, has concluded arrangements for the nation-wide Integrated Measles Campaign covering 25 million children, and the immunization of 30 million children under the age of five against Polio before the end of 2008. Already, over 150,000 health workers and monitors have been deployed nation-wide to ensure the success of the exercise. Because of the difficulties encountered a few years ago in some parts of the country, religious and community leaders have been involved in the planning, promotion and implementation of the immunization programme.

D. Service delivery

55. In order to facilitate citizens' access to public service, government established the Service Compact (SERVICOM) in 2001, principally to:

- (a) Provide quality services to the Nigerian public by trained staff, sensitive to the needs of their clients;
- (b) Set out clearly the entitlements of the citizens in their dealing with Ministries, Departments and Agencies of Government;
- (c) List of fees payable (if any) by members of the public for services provided for government functionaries; and
- (d) Provide details of agencies and government officials handling complaints from members of the public.

E. The fight against corruption as it impacts on the effective realization of economic and social rights

56. In the Nigerian experience, one of the biggest dividends of democracy is the determination of Government to combat corruption in all its manifestations. Corruption has been identified not only among the vices militating against economic growth in Nigeria, but also government's determination to provide the citizens with the basic economic, cultural and social rights. In its determination to combat corruption, Government has put in place the necessary institutional and policy framework to check this vice, especially by public office holders. It is satisfactory to note that substantial progress has been recorded, which has led to an improvement in Nigeria's rating in the Transparency International Corruption Perception Index.

F. Prison reform/decongestion

57. The total population of prison inmates has reduced significantly, thanks to the Federal Government's Prison Reform Programme. There has also been considerable improvement in the welfare of prison inmates. The gradual reduction in the number of prison inmates, especially those awaiting trial, is directly attributable to the following Government interventions:

- (a) The establishment of committees to review laws on access to justice, and the process of adjudication over criminal matters;
- (b) The assignment of case files of Awaiting Trial Persons to private Legal Practitioners at the expense of Government;
- (c) The ongoing review of the Evidence Act;
- (d) The establishment of a national working group on the Death Penalty;
- (e) The establishment of the Presidential Committee on the review of the administration of justice;
- (f) The enactment of Administration of Justice Commission Act 1991;
- (g) The establishment of Human Rights desks for the enlightenment of prison officials.

X. BEST PRACTICES

A. African Peer Review Mechanism/Country Review Report, May 2008

58. Following the country's review under the African Peer Review Mechanism of the New Partnership for Africa's Development in June 2008, Nigeria was credited with 12 best practices, including: (a) Nigeria's role in Africa as a consistent mediator and promoter of regional economic cooperation and development; (b) Nigeria's role in conflict resolution and peace building, particularly in the West African sub-region; (c) the Federal Character principle, as a constitutional principle for the equitable allocation of resources and political offices among the constituting units of the Federation; (d) Gender Affirmative Action; and (e) the National Agency for Prohibition of Traffic in Persons' sustained efforts in combating human trafficking.

B. Citizens and human rights initiative

59. The Directorate of Citizens Rights has been established in all the States of the Federation, to provide legal representation and assistance to Awaiting Trial Inmates through a government fund to engage private legal practitioners. Human rights desks have also been established in the various commands of the police, prison and other law enforcement agencies. The establishment of these desks is aimed at educating and enlightening law enforcement agents to their responsibility in the area of promotion and protection of human rights.

C. Rights of persons living with HIV/AIDS

60. Government's strategy for protecting the rights of persons living with HIV/AIDS revolves around the following programmes: National Strategic Framework on HIV/AIDS in Nigeria (2005-2009); Setting up of the National Agency for the Control of Aids (NACA) and its equivalent in the States and Local Government Areas; Public awareness campaign in the media on the rights of people living with HIV/AIDS; Creation of state associations of HIV-positive persons known as Network of People Living with HIV/AIDS in Nigeria (NEPWHA); Establishment of National Women Coalition on HIV/AIDS, NAWOCA; Expansion of HIV/AIDS clinics and provision of free drugs throughout the country; and the special effort by government to enlist the assistance of religious and traditional leaders in all matters relating to the treatment and welfare of persons living with HIV/AIDS in Nigeria.

D. Rights of persons with disabilities

61. The country has ratified the United Nations Convention on the Rights of Persons with Disabilities. The House and Senate Committees on Human rights and Women Affairs held a joint public hearing in November 2008 on the Disabilities Bill and promised to work towards the speedy passage of the Bill. Some State Assemblies have passed a similar law, while others have appointed Special Advisers on the Rights of Persons with Disabilities as a demonstration of commitment.

E. Strengthening of the electoral process

62. Since independence in 1960, almost every presidential election in Nigeria, including that of 2007, has witnessed one form of controversy or the other. To the credit of President Yar'Adua, a few months after assuming office, he established a 22-member Electoral Reform Committee under the chairmanship of a retired Chief Justice of the Supreme Court of Nigeria, with the following terms of reference:

- (a) To undertake a review of Nigeria's history with General Elections and identify factors which affect the quality and credibility of the election, and their impact on the democratic process;
- (b) To examine the role of institutions, agencies and stakeholders in shaping and impacting on the quality and credibility of the electoral process;
- (c) To examine electoral systems relevant to Nigeria's experiences and identify best practices that will impact positively on the quality of the nation's electoral process; and
- (d) To make general and specific recommendations (including but not limited to constitutional and legislative provisions and/or amendment) to ensure: elections that meet

acceptable international standards; conclusion of election disputes before inauguration of newly elected officials; and the adoption of a mechanism to reduce post election tensions.

63. The Committee submitted its report in December 2008 and Government is set to implement its recommendations.

F. Freedom of the press

64. Nigeria has one of the freest and vibrant media in Africa. The country has more than 20 daily newspapers and numerous magazines, as well as privately owned television and radio stations. The editorial policies and political orientation of the media are free from intervention from government. Although Nigeria has laws against libel and defamation of character, Government rarely applies them against members of the media.

XI. CHALLENGES AND CONSTRAINTS

65. In spite of government's best efforts to promote human rights in the country, Nigeria is still beset with several challenges and constraints compounded by the following:

(a) Plural nature and size: the multi-ethnic, multi-cultural and multi-religious nature of Nigeria creates practical difficulties for the harmonization of views, strategies and programmes for the promotion and protection of human rights;

(b) Legal system: the tripartite legal system (federal, state, local) permitting the making of laws at the three tiers of government constitutes a major challenge, especially in respect of personal law and certain traditional practices, which violate human rights;

(c) Long period of military rule: The long period of military rule, with its undemocratic culture especially among the security forces.

XII. KEY NATIONAL PRIORITIES, INITIATIVES AND COMMITMENTS TO ADDRESS THE CHALLENGES AND CONSTRAINTS

A. Priorities

66. Government's priorities over the next few years will focus on President Yar'Adua's Seven-Point Agenda, as enumerated in paragraph 5 of this report, as well as the attainment of the MDG targets. Government is also working hard to entrench the rule of law and the culture of democracy in Nigeria, which is taking a firm root in the country as a result of a long period of military rule. The achievement of these objectives would impact positively on the enjoyment of human rights in Nigeria, especially the economic, social and cultural rights.

B. Initiatives

1. National Human Rights Commission action plan

67. Nigeria has developed a National Plan of Action (NAP) on the Promotion and Protection of Human Rights in the country. The Federal Executive Council approved the Plan in November 2008. It was a product of collaboration of between government on one hand, and the National Human Rights Commission and civil society organizations on the other. This is the first time in Nigeria that Government has committed itself in writing, not only to protect and promote human

rights in the country, but also to work closely with the civil society organizations and international human rights non-governmental organizations in the achievement of this objective.

2. Legal Aid Council of Nigeria initiatives on human rights

68. The Police and Court Duty Solicitor Scheme (PCDSS) was established by the Council in collaboration with the Nigeria Police Force, the Open Society Justice Initiative and McArthur Foundation, to tackle the problems of pre-trial detention in Nigeria. The Council also provides Community Legal Aid Clinic to rural communities by way of alternative dispute resolution, community sensitization and awareness campaign, crime prevention and post-allegation assistance.

3. Review of the Family Law

69. Government has mandated the Nigerian Law Reform Commission since 2006 to embark on the reform of the Nigerian Family Law in three phases. The Commission has reported on the initial review of the different family law systems and hopes to complete the harmonization process by the year 2009.

4. Efforts to combat child trafficking

70. Collaborative initiatives with various stakeholders on human trafficking have resulted in the design, implementation and monitoring of programmes to rescue, rehabilitate and reintegrate victims of human trafficking. In line with international standards, careful plans have been developed for reception, sheltering, and counselling of each trafficked person, including a tracing mechanism for reuniting victims with their families, skills acquisition programmes and start up grants/loans. The National Agency for Prohibition of Traffic in Persons has established shelters in many parts of the country, in some cases with the support of the International Organization for Migration and UNICEF.

71. Other initiatives include:

(a) Commitment, under the National Policy on Education, to carry out a census of all physically or emotionally challenged children with a view to meeting their special needs;

(b) the establishment of a National Gender Data Bank for the purpose of generating and analysing data on the prevalence and pattern of violence against women and discriminatory practices;

(c) introduction of the National Food and Nutrition Policy 2001 and the National Guidelines on Micronutrients Deficiencies and Control in Nigeria in 2005;

(d) the establishment of National Policy and Plan of Action for the Elimination of Female Genital Mutilation in Nigeria 2002, with 11 States of the Federation having passed similar legislation prohibiting female genital mutilation; and

(e) Government support for the creation of functional youth and youth-friendly centres to meet the needs of young people and adolescents.

XIII. SELECTED SPECIAL ISSUES CONSIDERED BY THE NATIONAL CONSULTATIVE FORUM

A. Extra-judicial killings and torture

72. There are allegations of extra-judicial killings against members of the Nigerian Security Agencies, especially the Police. Government has promised to look into these allegations in accordance with the law. In this regard, there are positive developments which include: the conviction and sentence to death of three policemen for the killing of six persons whom the police described as armed robbers in Kogi State. The sentencing to death last year of three policemen by a Federal High Court in Abuja, for killing some traders in the Apo District of Abuja is also part of this effort to engender greater respect for the human rights of all Nigerians by law enforcement agents.

73. The National Assembly has been seized with this matter and the Senate has passed a motion calling for a thorough investigation of the allegations of extra-judicial killings against members of the security agencies. The National Human Rights Commission has started independent investigations in respect of these allegations. However, Government neither sanctions, nor will it allow extra-judicial killings, to be carried out with impunity in Nigeria. Government has taken note of the discussions on this matter during the National Consultative Forum (the Forum) and has promised to look into it urgently, in addition to the legal measures already being taken against those found guilty of this crime.

74. On torture, the Forum agreed that this incident is neither wide spread nor sanctioned as state policy. However, the Forum recommended better investigative policies and the acquisition of forensic equipment in police investigations. Government has already started taking positive action as recommended above.

B. Death penalty

75. The Constitution of Nigeria guarantees the right to life. Section 33 (1) says, "Every person has a right to life, and no one shall be deprived intentionally of his life, save in execution of the sentence of a court in respect of a criminal offence of which he has been found guilty in Nigeria". Although the death penalty is in Nigeria's statute book, it is rarely applied. This is tantamount to the adoption of self-imposed moratorium. However, Government has noted the global trend for a moratorium on the death penalty.

C. Same-sex marriage, gay and lesbian relationship

76. Sexual minorities are not visible in Nigeria, and there is no officially registered association of gay and lesbians. No sexual minority or their representatives attended the Forum. However, in spite of this the issue was brought up at the Forum, and the views of more than 90 per cent of the participants was that Gay-Lesbian relationship or same-sex marriage was not a human rights issue in Nigeria. The laws of Nigeria recognize marriage as a relationship between a man and a woman. However, like every democracy, those who want a change in the existing laws have to come out and lobby for the change they desire.

D. Harmful traditional practices

77. The National Consultative Forum observed that in spite of government's enlightenment programme and the efforts of several national and international NGOs, there were still parts of Nigeria that engaged in some harmful traditional practices, like female genital mutilation, early

marriage, widowhood rites, etc. The Forum concluded that a more vigorous enlightenment campaign at the grassroots, and preferably led by traditional, religious and other opinion leaders, was imperative in the bid to eradicate these practices. Government has renewed its resolve to work closely with all stakeholders in order to achieve this objective.

E. Detention centres and prison conditions

78. Although there have been improvements in the prison conditions since the visit to Nigeria in 2007 by the United Nations Special Rapporteur on Torture, the Forum observed that there was still room for improvement. It was hoped that the on-going reforms in the police and prison systems would address existing concerns. However, in addition to the necessary institutional reforms and attitudinal changes, substantial amount of financial resources is required in order to raise the condition of Nigerian prisons to the desired standard. Government welcomes the support and cooperation of all stakeholders in this endeavour.

F. Rights of women and children

79. The Forum commended the Child Rights Act (2003) as a good legal and policy basis for the promotion and protection of the rights of children – even if certain states of the Federation have issues with some of its provisions on the grounds of culture or religion. It called for early adoption and implementation – with or without amendments – of the law. On the difficulties associated with the domestication of the Convention of the Elimination of all Forms of Discrimination Against Women (CEDAW) – also dogged by cultural and religious divisions – the Forum expressed the hope that the personal efforts being made by the President to ensure the early passage of the bill would yield the desired result as soon as possible. It noted that Nigerian law has copious provisions to safeguard the rights of women against abuse and all forms of maltreatment. Assault and battery have been made subject of both civil and criminal laws, with the criminal aspects attracting very stiff and severe penalties. There is, therefore, no need for a special law on violence against women.

G. Niger Delta

80. The Forum viewed the situation in the Niger Delta more in the context of political and environmental problems, which have implications for the full enjoyment of human rights. While most of the participants commended the recent government initiatives, such as the creation of the Presidential Technical Committee on Niger Delta, the Truth and Reconciliation Committee by the Government of Rivers State, and the creation of a Ministry of Niger Delta by the Federal Government as steps in the right direction, several participants thought that these measures did not go far enough. The environmental challenges in the Niger Delta, especially arising from oil spillage, flaring of gas, water and land pollution and their economic and health implications drew the attention of the Forum. It was concluded that addressing the twin problems of politics and environment in the area would have a salutary effect on the full enjoyment of human rights by the inhabitants of Niger Delta.

H. Economic, social and cultural rights

81. The Forum deliberated heavily on the merits and demerits of the justiciability of ECOSOC rights in Nigeria, with many delegates advocating that government should take the responsibility of ensuring that these rights are justiciably guaranteed. However, this would mean amending the relevant section of the Nigerian constitution. It was observed that some State Governments had made remarkable progress in this area, especially in the provision of health

and education. While appreciating the argument put forward by the advocates of changing the law to make government legally responsible for the provision of these rights, it was also obvious that the cost of implementing this programme was far above the means of government.

I. Expectations of Nigeria in terms of technical assistance for human rights programmes

82. Civil and political rights:

(a) Access to justice. Expectations: Training to enhance capacity for legal aid officials, increased funding and capacity building for legal aid institutions, and equipment for modernization of court systems and processes;

(b) Law enforcement. Expectations: Human rights training for police officers, material support for Human Rights desks at police establishments, training for investigation officers, and training and equipment in forensic technology;

(c) Environmental protection. Expectations: Technical assistance to control desertification and erosion, and technical assistance for ecological recovery in communities reeling from the effects of oil spillage and gas flaring.

XIV. CONCLUSION

83. Nigeria hopes that by this report it has given a true and better picture of its efforts at promoting and protecting human rights in the country and contributing to the development of regional and international strategies for achieving human rights objectives. There are challenges, but Nigeria is confident that it would, in collaboration with others, overcome them sooner than later. Nigeria wants to use the opportunity provided by this review to assure the Council that in spite of obvious difficulties and constraints, it is determined to fulfill all its obligations under international human rights instruments to which it is a State-Party.

84. The opportunity created by the universal periodic review broad national consultations on human rights issues, bringing together for the first time, representatives of government, civil society and various interest groups, has proved to be a veritable innovation for fostering greater understanding and unity among sectors with divergent views on human rights in Nigeria. Government is, therefore, considering making such consultation an annual event.
