

## **ADVANCE QUESTIONS TO NIGERIA**

### **CZECH REPUBLIC**

- Does the government of Nigeria intend to accede to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or degrading Treatment or Punishment?
- What measures have been taken to prevent torture in detention?
- Is there any complaint mechanism available to victims of torture? How successful is investigation of torture cases?
- Has the government of Nigeria considered issuing a standing invitation to the Special Procedures of the Human Rights Council?
- What specific measures are available to protect the rights of children of detainees/prisoners? Is there any registration procedure, to find out whether person arrested or detained has caring responsibilities?

### **LATVIA**

- According to the information by the Office of the UN High Commissioner for Human Rights, 63 countries from different regions of the world have issued standing invitations to all special procedures of the Human Rights Council. Considering previous cooperation of Nigeria with special procedures mandate holders (Special Rapporteur on freedom of religion or belief (1-10 March 2005), Special Representative of the Secretary-General on human rights defenders (2-11 May 2005), Special Rapporteur on extrajudicial, summary or arbitrary executions (27 June – 8 July 2005), Special Rapporteur on torture (4-11 March, 2007)) - would your country consider extending a standing invitation to all special procedures of the Human Rights Council in the future?

### **NETHERLANDS**

- According to international and Nigerian Human Rights Organisations, the Nigerian government is still carrying out the death penalty despite the moratorium and continues to use inhumane and degrading punishments, such as flogging and amputations.

Could the government of Nigeria comment on this?

- There are concerns regarding the ongoing human rights violations in the Niger Delta, especially with regard to ethnic and religious minorities.

How does the government ensure the political and social-economic rights of these groups?

- Nigeria has adopted the child rights act that 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 (according to the national report of the National Human Rights Council, paragraph 14). In spite of the existing legislation many Nigerian children are still subject to child trafficking, to all forms of child labour, to sexual and economic exploitation, to harmful traditional practices affecting children (such as child witches and child marriage) and to withdrawal from schools for hawking or begging.

What is government of Nigeria doing to prevent these practices?

- In spite of the fact that Nigeria has adopted a National Gender Policy that should protect women from violence and illegal trafficking, many women are still victim of these practices. For those women it is often difficult to report to the police as their cases are often not taken seriously.

When and how will the government implement the adopted National Gender Policy?

- The Netherlands wishes to express its concern on judicial cases in which there is no official accusation, in which the prisoners' files are lost, in which the time awaiting trial has been several years or more, in which the accused is only held in detention "at the pleasure" of the governor or in which the accused is either minor or mentally ill.

What measures are being undertaken to safeguard the right to a fair trial and the basic rights of prisoners?

## **SWEDEN**

- In its consideration of Nigeria at its 41st session in 2008, the Committee on the Elimination of Discrimination against Women expressed concern at discriminatory provisions within Nigeria's three tripartite legal system with regard to women's rights, specifically with regard to marriage, divorce, custody of children and inheritance. Beyond CEDAW's consideration, there are reports that women's legal status has regressed on an overall level in some of the states that have adopted Sharia law in the past several years. What measures does the Government of Nigeria foresee that it will take to ensure the equal treatment of women before the law in accordance with international standards, particularly the Convention on the Elimination of All Forms of Discrimination against Women?
- In its resolutions 62/149 of 18 December 2007 and 63/168 of 18 December 2008, the General Assembly called on states to establish a moratorium on executions with a view to abolishing the death penalty, and to respect international standards that provide safeguards guaranteeing protection of the rights of those facing the death penalty. In its resolution 136(XXXIII).08 of 24 November 2008, the African Commission on Human and Peoples' Rights (ACHPR) adopted a

resolution calling on all African Union states that still apply the death penalty to institute a moratorium. There are reports of shortcomings with regard to the application of the penalty in Nigeria, including as regards ensuring the right of appeal, the imposition of the death penalty against minors and discriminatory treatment of prisoners sentenced to death. The National Study Group appointed by the Nigerian government in 2003 recommended a moratorium on executions. In its national report to the 2009 Universal Periodic Review, Nigeria stated that the lack of executions in the country was now tantamount to a self-imposed moratorium. Could the government of Nigeria elaborate on the status of the death penalty in relation to the resolutions of the General Assembly and the ACHPR, as well as on measures it is taking to ensure that international standards guaranteeing protection of the rights of those facing the death penalty are met?

- The International Covenant on Civil and Political Rights, to which Nigeria is party, states that no one shall be arbitrarily deprived of his life. The General Assembly has also passed several resolutions deploring all extrajudicial, summary or arbitrary executions. Civil society organisations have expressed concern over the continuing large-scale occurrences of extra-judicial killings by both the police as well as non-state groups and individuals. In its national report to the 2009 Universal Periodic Review, Nigeria acknowledged the issue, affirming its commitment to examine the issue. Could the government of Nigeria elaborate on which steps it is taking to ensure that extra-judicial killings are not committed by state agents, that extra-judicial killings at large are punished and that the problem as a whole is effectively stemmed?

## **UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND**

- Could you please elaborate further on the National Consultative and the role civil society in Nigeria played in the preparation of your national report for this process?
- Could you tell us how the Federal Government is working with individual states to promote children's rights, tackle the trafficking of children, and ensure full implementation and enforcement of the 2003 Child Rights Act?
- Could you please tell us what Nigeria is doing to reform the police and prisons systems, and to investigate and resolve allegations of torture or extra-judicial killings by law enforcement personnel? We would also appreciate more information on how the Nigerian Government intends to tackle the backlog of prisoners who have been detained for many years without trial, or who have been detained beyond the end of their sentence.
- Could you please give details of the Nigerian Government's long-term strategy to address the issues underlying inter-religious tensions, especially in the northern states? These may include issues such as governance; poverty; exclusion and unemployment; the ethnic, religious, "settler-indigene" divide and unfair allocation of resources?

- We would be grateful for further information about the steps Nigeria is taking in response to the Electoral Reform Committee's recent recommendations, and to deepen the democratic process based on independent and transparent electoral institutions.
- Could you tell us the Nigerian Government's position on lesbian, gay, bisexual and transgender rights, and what steps you might take to tackle incidences of violence against these groups and promote further inclusion?
- We would be grateful for further information on the Nigerian Government's strategy for the security, governance and development of the Niger Delta, and how you will protect and promote the human rights of all those living in the Delta.
- Could you please elaborate on the role of the National Human Rights Commission (NHRC), and confirm whether it is in full compliance with the Paris Principles? We would also be grateful for confirmation that the Nigerian Government intends to provide adequate long-term funding for the NHRC and its work.

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