

## NON-GOVERNMENTAL APPRAISAL OF THE FRAMEWORKS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS IN NIGERIA

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**ABSTRACT:** *Non-governmental organization are key actors in human rights promotion and protection in Nigeria. As also key players in international human rights mechanisms and particularly the Universal Periodic Review (UPR) process of the Human Rights Council (HRC), non-governmental stakeholders in Nigeria have participated in the three UPR circles of Nigeria and submitted reports appraising the normative and institutional frameworks for the promotion and protection of human rights. As a creation of the HRC in 2006, the UPR is a peer mechanism to review, on a periodic basis, the human rights records of all Member States of the United Nations based on three distinct sources of information submitted to the HRC. One of such sources of information is the reports from non-governmental organization operating in Nigeria classified as 'other reports' and compiled by the United Nations Office of the High Commissioner for Human Rights. Focusing on the 'other reports' submitted to the HRC on the normative and institutional frameworks for the promotion and protection of human rights in Nigeria, this article which is descriptive in nature concludes that despite advances claimed in its national UPR reports by the Government of Nigeria, non-governmental stakeholders are still of the view that there are evidently several weaknesses in the normative and institutional frameworks for the promotion and protection of human rights in Nigeria.*

**KEYWORDS:** civil society, human rights, normative and institutional framework, universal periodic review, non-governmental, Nigeria.

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## INTRODUCTION

Nigeria has undergone the UPR three times and received several recommendations from Member States on measures to improve and strengthen its normative and institutional frameworks for the promotion and protection of human rights. The first UPR was in 2009 followed by the second review in 2013 and subsequently the third in 2018. At each of the reviews, the Government of Nigeria accepted or noted the recommendations made by Member State in an outcome report

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detailing recommendations adopted by the HRC. The reviews substantially relied on three information sources. The first source of information for the HRC to review Nigeria during the UPR is the 'national report' prepared and presented by the Government articulating steps taken to amongst other things strengthen the normative and institutional frameworks for the promotion and protection of human rights. The second source of information, otherwise known as the 'UN report' is a summary of information on Nigeria from international and regional human rights mechanisms, including Special Rapporteurs, Treaty Bodies and other United Nations entities. The third source of information relied upon by the HRC for the review of Nigeria, and which is the specific focus of this article, is generally known as 'other report'. It is a compilation of reliable information emanating from non-governmental stakeholders on several thematic human rights issues including the normative and institutional frameworks for the promotion and protection of human rights in Nigeria.

Relying on 'other reports' submitted to the HRC by non-governmental organizations during the first, second and third UPR circles of Nigeria, this article aggregates the gaps in the normative and institutional frameworks for the promotion and protection of human rights in Nigeria as highlighted in 'other reports' prepared and submitted by non-governmental stakeholders. Bearing in mind the paucity of literature of Nigeria's UPR engagements and noting that this article appears to be the first literature published on the subject matter, the purpose of this article is to descriptively fill in that gap and ultimately set out the ground work on which other research on the subject matter can be predicated.

### **Normative Framework for the Promotion and Protection of Human Rights**

Reporting on the normative framework for the promotion and protection of human rights in Nigeria's 2009 UPR and particularly on right to privacy, marriage and family life, International Federation for Human Rights (IFHR) noted that the country's tripartite legal system (statutory, customary and sharia laws) contributed to contradictions and inconsistencies, particularly in the areas of marriage and family law (divorce, custody of children, inheritance). Commonwealth Human Rights Initiative (CHRI) highlighted the Same-Sex Marriage (Prohibition) Bill 2006, which got fast-tracked by the National Assembly in February, 2007, and got scheduled for a third reading preparatory to being turned into law. According to CHRI, the Bill proposes five years imprisonment inter alia for anyone who undergoes, "performs, witnesses, aids, or abets" a same-sex marriage. On freedom of religion or belief, expression, association and peaceful assembly, and the right to participate in public and political life, Christian Solidarity Worldwide (CSW) indicated that with the introduction of the Sharia penal code by twelve of Nigeria's northern and central states, Islam had in effect become the official religion of those states, contravening a provision within the Constitution that prohibited the adoption of a state religion.

CSW also reported that, in Sharia states, converts from Islam could experience extreme societal pressure and even persecution, because under the genre of Sharia law currently prevalent in those states, conversion is seen as apostasy and could mean death. CSW indicated that there were several reports of converts being attacked, imprisoned and even killed for changing their faith, and that once a male member of a non-Muslim family converted to Islam, considerable pressure, would be

exerted on female relatives to convert as well. CSW reported that there were rampant reports of Christian women and children being abducted and forcibly converted, and some state's Sharia Commissions, had been implicated in such abductions, while parents would be threatened with violence for attempting to rescue their children.

CSW indicated that *Hisbah* (Sharia law enforcement corps) were also often used to harass non-Muslims and the demolition of local church buildings. CSW also reported that in 2006, the Federal Government however outlawed the *Hisbah*, following intelligence reports that they were seeking foreign funding to train 100 *ihadists*, but a Supreme Court ruling on the matter proved indecisive, making the dissolution of these forces, yet to be finalised. Reporters Without Borders (RSF) noted that although Nigeria's Senate had passed in 2006 a Freedom of Information (FOI) Bill granting the media and the general public the right to request information on the business of Government and her agencies, the bill remained unimplemented as at August 2008. CHRI reported that when the Bill reached the House of Representatives, after much delay, in June 2008, it failed for the seventh time during the third reading. RSF deplored the lack of political will from the government to cooperate on the reform of the press law as proposed by local and international NGOs. It therefore recommended that the Government should scrap the existing press law and adopt a new legislation in consonance with democratic standards by eliminating prison terms for perceived media infractions.

In the 2013 UPR circle and while reporting on the normative framework for the promotion and protection of human rights, IFHR stated that whereas there was no legislation at the federal level prohibiting female genital mutilation or cutting (FGM), a number of states had adopted legislation in this regard. However, enforcement of this legislation had remained a challenge. Child Rights International Network (CRIN) called for the enactment of a national law prohibiting FGM. Development Dynamics (DD) stated that Nigeria should consider the establishment of effective mechanisms to prohibit violence against women and girls, and to provide support for survivors and victims of violence. Stepping Stones Nigeria (SSN) stated that kidnapping of children in order to extort money from their parents was reported to be on an increase. CHRI stated that there were overcrowding, poor sanitation, lack of food and essential medical supplies in prisons. SSN stated that the sale of babies and the practice of 'baby-farming', where young girls were kept prisoner in order to produce babies for sale was of particular concern in the South East of Nigeria. SSN stated that the large numbers of children living on the street, particularly in the urban centres of Port Harcourt, Rivers State and Calabar, Cross River state, remained a significant concern.

Defence for Children International (DCIN) stated that the minimum age of criminal responsibility varied. The Federal Children's Rights Act 2003 did not specify a minimum age of criminal responsibility, but defined a child as being under the age of 18 years. The Children and Young Persons Law, enacted in 1943, defined a child as being under the age of 14 years and a young person as being between the ages of 14 and 16 years. It set the minimum age of criminal responsibility at seven years. The Criminal Procedure Act 1945 defined an infant as being under

the age of 7 years, a child as being under the age of 14 years, a young person as being between 14 and 16 years, a juvenile offender as being under the age of 17 years, and an adult as being 17 years of age and older.

In the northern states, the Penal Code 1960 specifies that 7 years was the minimum age of criminal responsibility and categorises juvenile offenders as those less than 17 years of age. According to the Sharia laws, children may be punished from the age of puberty. DCIN stated that many children appeared in regular courts without adequate legal representation. It called for training for practitioners on the management of juvenile cases. SSN stated that while every child has the rights to legal aid under section 155 of the Child Rights Act, legal aid remained unavailable to children without assistance from nongovernmental organisations in the face of many families being unable to afford the cost of litigation.

At the 2018 UPR circle, Christian Solidarity Worldwide (CSW) stated that the Hate Speech Bill that had been introduced before the Senate was vaguely-worded, and provided no clear definition of hate speech and was open to abuse. Furthermore, the Bill had infringed the relevant rights provided for in the Constitution. Lutheran World Federation stated that the Human Rights Commission had remained toothless and lacked the power to render binding decisions or to compel legal action or cooperation. It had little financial support and autonomy and that the Commission's members included Government representatives, compromising its independence. Updating on the implementation of international human rights obligations, taking into account applicable international humanitarian law, Equality Hub stated that discrimination had remained institutionalised in families and communities, and was evident in the behaviours of Government officials, such as the police, health workers and educators. Nigeria had continued to allow the violation of the rights of the LGBT population, despite its obligations to protect those rights arising from several international human rights conventions to which it was a party.

Heathland Alliance (HA) recalled that Nigeria had not supported any of the recommendations from the previous review that inter alia related to the repealing of those laws that discriminated based on sexual orientation and gender identity. Certain provisions in the Criminal Code, Penal Code and the National Law and Drug Enforcement Act had disproportionately affected gay men, female sex workers, and intravenous drug users. Also, the Same Sex Marriage (Prohibition) Act had negative consequences beyond the deprivation of marriage rights for gay men and women. HA further stated that under Sharia law the penalty for homosexuality was death and that the Violence against Persons (Prohibition) Act of 2015 had done little to protect gay men, female sex workers and intravenous drug users as vulnerable populations. Alliances for Africa (AFA) stated that the Act was yet to be incorporated into domestic legislation in all states.

HA stated that expansive provisions of the Same Sex Marriage (Prohibition) Act had served to codify homophobia and transphobia. Lawyers Alert (LA) stated that the Act, which generally criminalised same sex relationships, had created additional criminal offences that targeted persons

based on their sexual orientation. It further stated that the Act had effectively legalised discrimination and had allowed people to act with impunity. Since its enactment, there had been an increase in crimes and human rights violations against LGBT persons and their defenders. Women Action for Gender Equality (WAGE) stated that the Act and other discriminatory laws had been used to subject the LGBT community to violations including invasion of privacy, assault and battery, blackmail and extortion, denial of access to amenities and education.

Referring to a relevant study, WAGE noted a significant increase in fear in seeking healthcare services by men who had sex with men after the enactment of the Same Sex Marriage (Prohibition) Act (2014). WAGE stated that sections 5(2) and (3) of the Act had hindered access to Anti-Retroviral Vaccines, HIV testing and counselling services. It stated that LGBT persons had experienced difficulties in accessing healthcare services. The denial of such services would have a negative impact on Nigeria's progress towards HIV eradication. While noting the enactment of HIV/AIDS (Anti-discrimination) Act, 2014, which aimed to protect the rights and dignity of all persons living with and affected by HIV, LA stated that discrimination against and violation of the rights of people living with HIV had persisted. It stated that gay men, female sex workers and intravenous drug users had experienced significant discrimination, influenced by traditional culture as well as religious moral values. It stated that persons affected by leprosy and their families had continued to face discrimination on account of the stigma, because of the deformities arising from late detection. Prevailing myths and superstition had led to the erroneous perception that the disease was highly infectious, leading to exclusion and discriminatory practices against persons affected by leprosy and their families.

Referring to relevant supported recommendations from the previous review on development, the environment, and business and human rights, Amnesty International (AI) stated that the National Oil Spill Detection and Response Agency Act (Amendment) Bill, 2017, if enacted into law, would empower the Agency to efficiently record and report oil spills independently of the oil companies and to sanction oil companies. Unrepresented Nations and Peoples Organization (UNPO) stated that decades of oil exploitation in the Niger Delta had resulted in severe environmental degradation in Ogoniland. The clean-up project launched in June 2017 was yet to commence, as the funds had not been provided. As a result of the pollution, various health conditions had been detected among members of the Ogoni community, but no information was provided to the community on the impact of the pollution on their health.

AI, on human rights and counter-terrorism stated that the Terrorism (Prevention) Act (as amended) was overly broad and violated Nigeria's Constitution and its international human rights obligations. The Constitution requires suspects to be brought before a court within 48 hours of being detained, whereas the Act provides for extended periods of detention of individuals suspected of involvement in terrorism. Legal Defence and Assistance Project (LEPAD) stated that

security operatives had committed grave human rights violations in their response to the Boko Haram insurgency and that innocent citizens had been arrested, tortured and unlawfully detained.

AI stated that the death penalty remained mandatory in criminal law for a wide range of crimes with some states expanding the range of crimes to include kidnappings. The Human Rights Law Service (HRLS) stated that as soon as a crime assumed notoriety or began to overwhelm law enforcement agencies, the response has been to impose the death penalty for such crimes. Referring to a relevant supported recommendation from the previous review, AI stated that the authorities were yet to amend Force Order 237 which provided for a much wider scope for the use of lethal force than is permissible under international law and standards and was often used to justify shooting by police officers. Referring to relevant supported recommendations from the previous review, AI stated that in December 2017, the President of Nigeria signed the Anti-Torture Act, which penalised acts of torture and other cruel, inhuman and degrading treatment. Prisoners Rehabilitation and Welfare Action (PRAWA) stated that this law had significant gaps for example, in relation to investigations and victims right to reparation and rehabilitation.

Women Consortium of Nigeria (WCN) stated that legal system had comprised Islamic Law, English Common Law and Customary Law, with each body of law prescribing its own definitions of relevant offences and penalties. It noted that this had made the protection of children challenging. Furthermore, the lack of a uniform definition of a child had adversely affected the protection of victims and the prosecution of alleged offenders. Referring to relevant supported recommendations, LEPAD stated that the practice of not ensuring the appearances of arrested and detained suspects before a competent court within the prescribed time had persisted, despite the Administration of Criminal Justice Act, 2015. PRAWA stated that arrest and detention had appeared to be the standard response to any crime regardless of its severity, and had often happened before any meaningful investigation had been undertaken. Detained suspects had faced significant challenges which hindered them from being brought before a judge within a reasonable time. Furthermore, the frequent use of the sentence of imprisonment for petty crimes, such as street hawking, following summary trials by mobile courts had resulted in a high number of persons, including minors, serving terms of imprisonment.

Regarding the right to privacy and family life, Paradigm Initiative (PI) and Privacy International (PI) stated that the Terrorism (Prevention) Act, 2011, and the Cybercrimes (Prohibition, Prevention, etc) Act 2015 contained insufficient protections to ensure the right to privacy, as they did not comply with internationally recognised principles with which surveillance policies and practices should, including legality, necessity, proportionality, judicial authorisation, effective independent oversight, transparency, and user notification. On the other hand, two privacy-related bills, the Data Protection Bill 2015 and the Digital Rights and Freedom Bill 2016, were expected to become law in 2018. Although the Data Protection Bill set forth relevant safe guards, important aspects remained untouched. PI and PI stated the draft Lawful Interception of Communications Regulation had raised concerns and if brought into force, this regulation would enable interception

of communications, both with and without a warrant and would require mobile phone companies to retain intercepted voice and data communications for three years. It would also require telecommunications licensees to provide specified security agencies with access to protected communications virtually on demand. While noting that in 2012 the High Court *inter alia* recognised the unlawfulness of HIV testing without informed consent, they stated that the practice of non-consensual HIV testing had persisted.

Regarding the right to Work and to Just and Favourable Conditions of Work, International Center for Trade Union Rights (ICTRU) stated that Nigeria had implemented a supported recommendation from the previous review, which called for the amendment of the Trade Union (Amendment) Act (2005) and the recognition of collective bargaining. ICTRU stated that the Trade Unions Act created institutional barriers to the establishment, operation and maintenance of trade unions. ICTUR stated that, pursuant to the Trade Dispute Act, any worker who participated in a strike in connection with a trade dispute where the Minister had ordered conciliation or arbitration was guilty of an offence. Edmund Rice International (ERI) stated that it was a common practice to hire employees without advertising positions, requesting written applications or inviting applicants to interviews.

On right to social security and to an adequate standard of living, The World Council of Churches (WCC), the Christian Council of Nigeria (CCN) and others stated that many children lived below the poverty level, with inadequate clothing, food, shelter, education or access to healthcare. Referring to supported recommendations on improving access to adequate and affordable housing from the previous review, they stated that Nigeria had not implemented those recommendations and although the relevant policies had been introduced, they had not been comprehensively implemented. Furthermore, the funding schemes had been inaccessible to the under-privileged and the poor. AI stated that thousands of people had continued to be at risk of forced evictions across the country with very few laws and safeguards in place to stipulate the process for lawful evictions. Between 2015 and 2017, about 40 000 poor urban dwellers were forcibly evicted in Lagos State. In some instances, the authorities had ignored court orders declaring such evictions unlawful.

On the subject of children and referring to relevant supported recommendations from the previous review, Women Consortium of Nigeria (WCN) stated that of the 36 states, only 25 had enacted the Child Rights Act, 2003, which had been enacted at the federal level to integrate the provisions of Convention on the Rights of the Child into the national legislative framework. It further stated that the Department of Child Development, which was the main body for protecting children's rights, and the National Agency for the Prohibition of Trafficking in Persons, had lacked human and financial resources. WCN stated that in 2016, a national campaign to end all forms of violence against children by 2030 had been launched, in line with Target 16.2 of the Sustainable Development Goals.

Global Initiative to End All Corporal Punishment for Children (GIEACPC) called for the enactment of laws explicitly prohibiting corporal punishment in all settings, including in the home, as a sentence for a crime and in traditional and religious law. It also called for the repeal of all defences and authorisations for the use of corporal punishment. GIEACPC expressed concern about the high rates of child marriage and the need to address the underlying factors that contributed to early marriages. While GIEACPC stated that state legislation on the minimum age of marriage varied from state to state, Partners for Justice (PJ) stated that in the Niger Delta, there had been a huge challenge to implement legislation prohibiting child labour.

On the rights of persons with disabilities and referring to relevant supported recommendations from the previous review, PJ stated that the Disability Rights Bill, which was passed by 6<sup>th</sup> and 7<sup>th</sup> National Assemblies, was yet to be signed into law by the President. It stated that people with disabilities had experienced discrimination and had no access to any special education or social welfare and that institutions such as schools, hospitals, churches, airports and government offices were not disability-friendly. As such, millions of people with disabilities lived below the poverty level and were deprived of basic needs such as adequate clothing, food and shelter, education and access to healthcare.

Christian Solidarity Worldwide (CSW) on the issues of minorities and indigenous peoples, stated that members of the Igbo ethnic group were vulnerable. On 6<sup>th</sup> June, 2017, men who had purported to be representing 19 northern Muslim youth groups, had held a press conference to release a document entitled the 'Kaduna Declaration' that denigrated Igbos, giving them a deadline to leave the 19 northern states or face 'visible actions'. While the Kaduna State Governor, Nasir el Rufai, had issued an order for the immediate arrest of those men, they remain at large. Furthermore, in August 2017, a song that had referred to Igbos as a curse to Nigeria and had advocated violence against them had been widely circulated. CSW stated that the Nigeria's response to the protracted violent conflict between the Nomadic Fulani herders and the Indigenous Peoples of Numan Federation had shown a lack of political will and capacity to end the conflict, address the root causes and restore mutual peace and coexistence between the different ethnic groups and communities in the region.

### **Institutional Framework for the Promotion and Protection of Human Rights**

Appraising the normative framework for the promotion and protection of human rights in Nigeria during the 2009 UPR circle, Unrepresented Nations and Peoples Organisation (UNPO) welcomed the existence of National Human Rights Commission (NHRC) and reported that its independence is unfortunately not guaranteed. It recounted that in 2006, Mr. Bello, the head of the NHRC at the time, was removed by the Federal Minister of Justice after he condemned the arrest of two journalists by the state for criticising the spending policy of former President Olusegun Obasanjo.

Nigeria's CSO Coalition on the Universal Periodic Review (NCCUPR) reported that Nigeria's prison system was beset with problems which included high awaiting trial population occasioning



congestion, poor sanitary and health facilities and decaying infrastructure. The government had however set up several panels for reforms in the past four years, which consistently recommended far-reaching reforms, but successive governments had shown apathy towards implementing these.

On issues relating to administration of justice, including impunity, and the rule of law, the Human Rights Watch (HRW) reported that the government had failed to take any action to ensure accountability for the past atrocities committed by military personnel, including the military's complete destruction of the town of Odi in Bayelsa State in 1999 as well as the massacre of several hundred civilians in Benue State in 2001. CHRI reported that overcrowding in prisons had caused young children to be detained in the same cells as adult inmates and that special necessities of women such as sanitary items were hardly provided with some nursing mothers delivering their babies in prison, rather than hospitals, while drugs for HIV/AIDS were not regular and provisions not made for detainees with psychiatric needs.

NCCUPR indicated that prison officials also assaulted inmates, violating constitutional guarantees against cruel, inhuman and degrading treatment, while often denying them good nutrition and access to medical care, buoyed by the absence of adequate health facilities. It equally noted that in many states, persons arrested for offences bearing capital punishment were often arraigned before courts that lacked jurisdiction over such cases, leading to their remand in custody for extended periods to conclude investigation. In many cases, these suspects were detained for 3 to 10 years as there were no mechanisms to ensure they were brought before the courts within a reasonable time frame. NCCUPR believes, therefore, that the patent absence of guidelines regarding sentences for judicial officers whose mandate extended to criminal matters is intricately linked to congestion in prisons; and that this category of judicial officer, almost always resorted to imprisonment as a punishment and correctional option.

NCCUPR indicated that the police was under-funded although there were reported cases of mismanagement of financial resources by top officers, which coupled with poor conditions of service, had made the police as an institution, vulnerable to corrupt practices. It also blamed the culture of impunity in the police on weak internal and external disciplinary mechanism. CHRI said abuse by the police was associated with a pattern of impunity, arbitrary detention and enforced disappearances, which is endemic to unreformed and outdated policing in the Commonwealth. CHRI reported allegations that Nigerian police force and security forces commit rape in many different circumstances, both on and off duty, as well as strategically to coerce and intimidate entire communities.

Civil Liberties Organisation (CLO) and International Federation for Human Rights (IFHR) reported that police stations in Nigeria are filled with suspects who committed no offence except that they refused to bribe police or had no money to do so, with some of the detainees summarily executed without recourse to due process of law, which metamorphosed to some being labelled as "robbers". CLO and IFHR also reported that Nigerians were held hostages in their residences.

According to HRW, the government often thwarted efforts to hold corrupt politicians accountable by removing and arresting senior officials from the Economic and Financial Crimes Commission (EFCC), the only institution that has actively pursued criminal prosecutions against high-level government officials accused of graft. HRW indicated that, although the EFCC was accused of selectively prosecuting government opponents ahead of the 2007 elections, the anti-corruption commission had scored unprecedented successes including ensuring the convictions of former Inspector General of Police, Tafa Balogun and former Bayelsa State Governor, Diepreye Alamieyeseigha.

According to HRW, many trials in Sharia courts failed to conform to international standards of fairness and did not respect due process even going by Sharia legislation; defendants rarely had access to a lawyer, and the poorly trained judges often failed to inform defendants of their basic rights. The manner in which Sharia was applied also discriminated against women, particularly in adultery cases where standards of evidence differed based on the sex of the accused. Similar concerns were expressed by The Becket Fund (BF). CSW also noted that despite initial assurances that Sharia would only apply to Muslims, non-Muslims were often subjected to it.

In the 2013 UPR circle, the International Institute for Peace, Justice & Human Rights (IIPJHR) noted the disregard for human rights and guarantees provided by the law, which remained widespread in the Police. In February 2011, ministers holding key portfolios in the government called for reform of the Police and for the establishment of an improved public complaints mechanism. It stated that there was a lack of adequate human rights training in the Police and for officers working in detention facilities. IIPJHR noted that the security forces lacked credibility with residents in northern Nigeria, who feared the deliberate use of violence by the security forces. It recalled that four students from Nasarawa State University were allegedly killed by soldiers deployed on 25<sup>th</sup> February, 2013, to quell the protest over lack of water on their campus. It raised as issues of concern the systematic torture in police and other centres of detention, inadequate documentation and tracking of all tortured persons upon reception in prison, the lack of an institutionalised mechanism for compulsory autopsy of all deaths in custody, the lack of a comprehensive database of all places of detention, their locations, addresses and the total number of detainees; inadequate monitoring and oversight of all detention facilities; the torture and inhumane treatment of persons who were mentally disabled within the criminal justice delivery system; the lack of provision of adequate rehabilitation services torture victims; and the lack of reporting and documentation of all cases of torture and extrajudicial killings.

On administration of justice, including impunity, and the rule of law, Human Rights Agenda Network (HRAN) referred to earlier recommendations and stated that criminal proceedings for acts of corruption allegedly involving former governors, legislators and ministers remained incomplete. Additionally, high profile bribery and corruption cases were not effectively prosecuted while laws to protect whistle blowers were lacking. AI stated that widespread corruption and

disregard for due process and the rule of law continued to blight the criminal justice system. According to it, the police demanded money for release of detainees and court processes were slow and largely distrusted with court orders often ignored by police and other security forces.

HRAN stated that the arrest and detention practices of the Police and the absence of institutional control over these practices were central to the pattern of abuse and impunity. One such practice is the “holding charge” which provides for persons to be remanded in custody without minimal judicial investigation into the charges and without any opportunity of challenging those charges, giving the police unfettered ability to detain such persons indefinitely. Society for Threatened People (STP) stated that tens of thousands of arrested suspects were waiting for the completion of their trials for years, in congested prisons, under inhuman conditions, for their trials.

STP stated that Nigeria has not taken any steps to bring the alleged perpetrators of extrajudicial killings to justice. AI stated that killings by police and deaths in police custody were rarely adequately investigated and there was often no action to hold police officers to account. Civil Society Coalition on Minority Protection, Indigenous Peoples Issues and Children’s Rights (CSCMPIICR) stated that Nigeria had not vigorously applied the law that was put in place in Akwa Ibom State, concerning the situation of alleged ‘child and the number of prosecutions for alleged violation of this law remained low. It called for a working legal aid programme to increase women’s access to justice through the provision of support before, during and after trial, in cases where women were victims of violence.

On the right to privacy and freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life, HRW stated that consensual homosexual conduct was criminalised under Nigeria’s criminal Penal Code, punishable by a maximum of 14 years imprisonment. The Sharia Penal Code which applies to Muslims in many northern states criminalised consensual homosexual conduct, punishable by caning, imprisonment or death by stoning. European Centre for Law and Justice (ECLJ) stated that Nigeria had neglected addressing issues of inter-religious cooperation and the protection of citizens from religiously-motivated crimes.

ECLJ also observed that it was common in the northern states for authorities to effectively ban Christian churches. Permits for the construction or renovation of such churches were frequently denied. It stated that in January 2012, Christians in Yobe state, particularly in Potiskum and Damaturu were attacked in nightly house-to-house killings, and were targeted solely for their religious identity. STP stated that Boko Haram or its offshoots was targeting and killing people in the northern states of Nigeria based on their faith and ethnicity. STP stated that Boko Haram murdered imams who disagreed with its ideology, as well as Muslim officials and individuals who were deemed to have betrayed or opposed it. It further stated that child abduction and forcible conversion continued to occur, particularly in the remote areas of the Sharia states.

CHRI stated that Nigeria accepted recommendations to ensure that freedom of expression was respected and that journalists would be able to work free of harassment and fear. It stated that government actors continued to threaten, prosecute and imprison journalists, who also faced threats from Boko Haram. Journalists investigating the conduct of Government security forces were exposed to the risk of arbitrary arrests, extrajudicial detentions, and warrantless searches and seizures, particularly from the Joint Task Force. World Alliance for Citizen Participation (CIVICUS) stated that intimidation of members of the press for highlighting corruption and rights violations were matters of serious concern. Human Rights Defenders remained at risk of torture, intimidation and abuse by the Police acting with impunity.

On the right to health, HRAN referred to earlier recommendations and stated that the budgetary allocation for health services continued to be reduced; that there was a lack of basic medical supplies; and that there were no functional health insurance schemes. It stated that the health sector was grossly under-funded and mismanaged, noting that many hospitals lacked basic facilities with patients being asked to buy medical supplies. HRAN further stated that Nigeria had one of the highest maternal mortality ratios in the world with 630 maternal deaths per 100,000 live births. It reiterated that Nigeria continued to criminalise abortion, with the exception of abortions to save a woman's life and the high rate of unwanted or unplanned pregnancies increased the number of abortions and exposure to unsafe abortions.

HRAN stated that of the 3.4 million Nigerians living with HIV, only 26 per cent of the adults received antiretroviral therapy, and only 7 per cent of children received such therapy. It stated that Nigeria should take concrete steps to prevent further spread of HIV/AIDS. HRAN also noted that Nigeria's family planning services faced challenges with regard to fear caused by misinformation that contraceptives would render users infertile and the withholding of relevant information from adolescents due to traditional and socio-cultural beliefs. Additionally, it stated that there was a widespread problem of children suffering from malnutrition.

On the right to education, Marist International Solidarity Foundation (FMSI) stated that Nigeria implemented the Universal Basic Education Policy that provided free basic education for children from the beginning of primary school through to the first three years of secondary education. SSN stated that education was only free in theory, while in practice, parents had to pay for books and uniforms, making education unaffordable for families living in poverty. FMSI stated that children were deterred from attending school for these reasons as well as the poor quality of education, the long distances travelled to school and the financial burden on their poor families. DCIN stated the education in public schools were sub-standard, while SSN stated that the quality of education was undermined by poor resources and infrastructure, and unqualified teachers, which were further compounded by strikes in schools.

FMSI stated that most public schools were in a severely dilapidated state and required immediate maintenance and repairs. Toilet facilities were non-existent in some schools. Libraries and science laboratories were almost non-existent and where they did exist, the facilities did not provide the necessary materials and equipment for teaching and learning. Also, there was no access to safe drinking water. FMSI also noted that children with disabilities faced several challenges when it came to education which included a lack of funding to ensure the availability of educational materials, facilities and equipment.

SSN stated that in Kano State, girls attending public school were required to wear the hijab as part of their school uniform, regardless of their religious affiliation. In addition, most private schools were required to have compulsory lessons of Islam and to employ Muslim clerics. It stated that in several states, children in public schools were obliged to perform Muslim prayers regardless of their religious backgrounds. In some Shari'a states, children were obliged to change their names to Muslim names and adopt Muslim practices, including worship, in order to receive a state education, risking expulsion if proven otherwise.

During the 2018 review of Nigeria, AI while reporting on right to life, liberty and security of person stated that since 2014, Boko Haram had committed war crimes and crimes against humanity, killing at least 9000 civilians, abducting thousands of women and girls and destroying villages and towns. It stated that security agencies, particularly the police and the military, had been implicated in widespread human rights violations including excessive use of force, extrajudicial killings, torture, arbitrary arrests and detention, enforced disappearances and extortion. Islamic Human Rights Commission (IHRC) stated that during the period of 12<sup>th</sup> to 14<sup>th</sup> of December, 2015, the armed forces attacked unarmed civilians resulting in the death of at least 1000 people. The Judicial Commission of Inquiry set up by the state government in Kaduna to look into those killings lacked independence and impartiality. It stated that in November 2015, the army had attacked Shia processions in Kaduna State killing over 400 men, women and children. While noting that Nigeria was the first African country to ratify the Arms Trade Treaty, IHRC concluded that the proliferation of small arms and light weapons had been very high.

PRAWA stated also that there had been consistent allegations of torture by members of the Special Anti-Robbery Squad to extort confessions from detainees and arrested persons and that conditions in most places of detention constituted at the very least cruel, inhuman or degrading treatment. Unfortunately, those allegations had not been effectively investigated, alleged perpetrators had not been prosecuted, and victims had no access to reparation and rehabilitation. PRAWA stated that the National Committee on Prevention of Torture had been established to monitor the treatment of persons deprived of their liberty. However, this Committee had been unable to fully execute its mandate pursuant to OP-CAT due to a wide variety of problems, including inadequate resources; the lack of a central database or register of all places of detention, their location, and number of detainees; and the lack of effective access to all places of detention.

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Referring to relevant supported recommendations from the previous review, AI stated that although conditions in detention have improved, inmates had continued to die. It stated that there had been overcrowding and understaffing in prisons, as well as a lack of medical care, and inadequate conditions for female and juvenile prisoners. AI stated further that in the North-East Nigeria, the military had detained thousands of people between 2014 and 2017, without access to courts and with some people detained for up to two years. AI expressed concern about the practice of incarcerating caregivers with infants.

On administration of justice, including impunity, and the rule of law, Fund for Leadership Development (FLD) expressed serious concerns about the impartiality and independence of the criminal justice system. It stated that wealthy individuals, the police, the security forces and Government agencies had repeatedly used the criminal justice system to target those who exposed corruption. FLD stated that corruption had contributed to the miscarriage of justice as judicial personnel had been known to solicit bribes in order to deliver favourable rulings. LEPAD stated that human rights cases had been subjected to unnecessarily long adjournments for reasons, which included the limited number of judges in some of the courts. LEPAD stated that the police lacked the capacity to undertake effective criminal investigations and there were no forensic laboratories, equipment or facilities to link crimes to suspects. Most charges for crimes attracting the death penalty had been based on confessional statements and the Judiciary had been complicit when it convicted persons on the evidence of those statements and sentenced them to death, knowing the limitations of the criminal justice system.

PI and PI stated that on 23<sup>rd</sup> August, 2017, the Director of Defence Information had announced the military's plan to monitor social media activities from strategic media centres to sieve out and react to speeches that conveyed "anti-government", "anti-military" or "anti-security" sentiments. Those developments had contributed to an atmosphere of fear of surveillance. CIVICUS stated that Nigeria had not effectively implemented eight supported recommendations from the previous review relating inter alia to the protection of human rights defenders, journalists and civil society representatives. Referring to two supported recommendations from the previous review, which inter alia related to human rights defenders, FLD stated that over the past five years the working environment for human rights defenders had deteriorated. They had been targeted by the authorities, as well as armed groups. Referring to a relevant supported recommendation from the previous review, Women's International League for Peace and Freedom (WILPF) stated that, despite several efforts, the legislation for gender equality in political participation had not been followed-up by any effort for implementation.

On the prohibition of all forms of slavery, WILPF stated that Nigeria had been a source, transit and destination country for trafficking of children for sexual exploitation and discussions had been ongoing among government ministries on the formulation of a new National Action Plan. Furthermore, the respective Police Task Forces that had been established at federal and state levels to tackle human trafficking were not being run efficiently. In some states, the Police Task Force

had not been established at all. It stated that children who were no longer with their parents were particularly at risk of being forced into slavery and hard labour in home and on farms, and into prostitution. Also, girls were at risk of being trafficked to other parts of the country to work as “house-helpers”.

On right to Health, Centre for Reproductive Rights (CRR), Legal Defence and Assistance Project (LDAP) and Women Advocates Research and Documentation (WARD) stated that maternal health remained underfunded and since the Abuja Declaration in 2001, Nigeria had not attained the pledged funding benchmark of 15 per cent of the annual budget. They stated that there was a lack of access to adequate healthcare, family planning services, counselling and education for rural women. ADF stated that Nigeria must focus on helping women to get through pregnancy and childbirth safely and women should be provided with access to knowledge-based education about their bodies, healthy behaviours and responsible decision-making. CRR, LDAP and WARD also stated that the maternal mortality rate had remained high and accessibility and availability of quality maternal health care had been impeded by the cost of services, the distance to health facilities, and the inadequate and long waiting times at public health facilities.

Women's Rights and Health Project (WRAHP) stated that maternal health had become a major challenge for “community women” in the Niger Delta, who had depended on traditional birth attendants for maternity services. WRAHP stated that untrained traditional birth attendants were responsible for over 35 per cent of the deliveries, which was contributing to the high rates of maternal mortality. It stated that women and girls in conflict zones had continued to face numerous reproductive rights violations, including child and forced marriage, sexual and gender based violence, unsafe abortions and lack of access to family planning information and services. It stated that access to safe legal abortion and post-abortion care had remained lacking. Also, abortion laws had remained restrictive and had resulted in clandestine and unsafe abortions and low contraceptive usage had been a leading and contributing factor to the high rates of unwanted and unplanned pregnancies.

Reporting on the right to education, WRAHP stated that there had been a decline in the standard of education. Similarly, it stated that at the previous review, Nigeria had supported a number of recommendations in relation to the right to education, however, Nigeria would struggle to implement those recommendations, particularly those relating to the provision of free access to primary education. It stated that the education system was severely underfunded, resulting in a lack of proper infrastructure, inadequate classrooms and teaching aids and there were examination malpractices, cultism, sexual abuse, bribery, corruption and hooliganism. WRAHP stated that there had been a lack of government funding for schools in predominantly non-Muslim areas, and informal schools created with the help of nongovernmental organisations had experienced difficulties with their registration. While WRAHP stated that Nigeria had not given any attention to the education of girls in remote parts of the country it noted that homophobic bullying in schools had proven to be a serious impairment to adequate access to education. It noted that there had also

been a failure to provide comprehensive and inclusive education on sexual orientation and gender identity in schools.

## CONCLUSION

From the lens of non-governmental stakeholders, the appraisal of the requisite frameworks for the promotion and protection of human rights in Nigeria reveals a fail normative and institutional structures. While noting that Nigeria has since the first review in 2009 supported most of the recommendations from Member States relating to strengthening the institutional and normative frameworks, non-governmental organizations have jointly and severally through their reports alluded to the fact that huge gaps exist in Nigeria's normative and institutional frameworks for the promotion and protection of human rights particularly in relation to independence of the National Human Rights Commission, equality and nondiscrimination, access to justice and fair trial, quality and accessible education and health services, etc.

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