

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	705
Land:	Nigeria
Kilde:	Civicus og Nigeria Network of NGOs (NNNGO)
Titel:	Joint submission to the UN Universal Periodic Review
Udgivet:	18. juli 2023
Optaget på baggrundsmaterialet:	10. juni 2024



Federal Republic of Nigeria

Joint Submission to the UN Universal Periodic Review

45th Session of the UPR Working Group

Submitted 18 July 2023

**Submission by CIVICUS: World Alliance for Citizen Participation,
NGO in General Consultative Status with ECOSOC
and
Nigeria Network of NGOs,
NGO in Special Consultative Status with ECOSOC**

CIVICUS: World Alliance for Citizen Participation

CIVICUS UPR Lead, Paul Mulindwa
paul.mulindwa@civicus.org
Tel: +27 11 8335959

Sigrid Lipott
sigrid.lipott@civicus.org
Tel: +41 22 733 3435
www.civicus.org

**The Nigeria Network of NGOs
(NNNGO)**

Chidinma Gloria Okpara
Chidinma.okpara@nnngo.org
Tel: +234 90 69460107
www.nnngo.org

1. Introduction

- 1.1 CIVICUS is a global alliance of civil society organisations (CSOs) and activists dedicated to strengthening citizen action and civil society around the world. Founded in 1993, CIVICUS has members in more than 180 countries throughout the world.
- 1.2 The Nigeria Network of NGOs (NNNGO) is the first sector-wide membership body for CSOs in Nigeria. Established in 1992 and representing over 3,700 organisations, NNNGO supports Nigerian CSOs in their commitment to poverty reduction, promotion of human rights and bringing development to the doorsteps of the people.
- 1.3 In this submission, the two organisations examine the Government of Nigeria's compliance with its international human rights obligations to create and maintain a safe and enabling environment for civil society. Specifically, we analyse Nigeria's fulfilment of the rights to freedoms of association, peaceful assembly and expression and unwarranted restrictions on human rights defenders (HRDs) since its previous UPR examination in November 2018. To this end, we assess Nigeria's implementation of recommendations received during the 3rd UPR cycle relating to these issues and provide follow-up recommendations.
- 1.4 During the 3rd UPR cycle, the Government of Nigeria received 26 recommendations relating to the space for civil society (civic space). Of these recommendations, 22 were accepted and four were noted. However, an evaluation of a range of legal sources and human rights documentation addressed in this submission demonstrates that the Government of Nigeria has not fully implemented any of the recommendations. While the government has made significant strides in addressing data protection issues, it has persistently failed to address unwarranted restrictions on civic space since its last UPR examination. Acute implementation gaps were found regarding the rights to freedoms of expression and assembly.
- 1.5 We are deeply concerned by Nigeria's onslaught on freedom of expression and media freedom through its stifling laws that silence critical opinions.
- 1.6 We are further alarmed by the attacks and intimidation of civil society activists and journalists by security operatives and government officials.
- 1.7 As a result of these issues, civic space in Nigeria is currently classified as 'repressed' by the CIVICUS Monitor, indicating the existence of severe civic space restrictions.¹
 - Section 2 of this submission examines Nigeria's implementation of UPR recommendations and compliance with international human rights standards concerning freedom of association.

¹ 'CIVICUS Monitor: Nigeria', <https://monitor.civicus.org/country/nigeria>.

- Section 3 examines Nigeria's implementation of UPR recommendations and compliance with international human rights standards related to the protection of HRDs, civil society activists and journalists.
- Section 4 examines Nigeria's implementation of UPR recommendations and compliance with international human rights standards concerning freedom of expression, media freedom and access to information.
- Section 5 examines Nigeria's implementation of UPR recommendations and compliance with international human rights standards related to freedom of peaceful assembly.
- Section 6 contains recommendations to address the concerns raised and advance implementation of recommendations under the 3rd cycle.
- Section 7 is an annex on the implementation of 3rd cycle UPR recommendations related to civic space.

2. Freedom of association

- 2.1** During Nigeria's examination under the 3rd UPR cycle, the government received two recommendations on the right to freedom of association and creating an enabling environment for CSOs. The government committed to protecting the rights to freedom of association for all Nigerians regardless of ethnicity, religion, sexual orientation, or gender identity.² However, as evidenced below, the government has failed to take adequate measures to realise either of these recommendations.
- 2.2** Article 40 of the 1999 Constitution of the Federal of Nigeria guarantees the right to freedom of association. It states that every person shall be entitled to assemble freely and associate with other persons, and in particular they may form or belong to any political party, trade union or any other association for the protection of their interests.³ Article 22 of the International Covenant on Civil and Political Rights (ICCPR), to which Nigeria is a state party, also guarantees freedom of association. However, despite these commitments, the government is reluctant to accept some forms of associations, including due to its criminalisation of same-sex relations.
- 2.3** In August 2020, the Companies and Allied Matters Act, 2020 was enacted to repeal the Companies and Allied Matters Act, Cap. C20, Laws of the Federation of Nigeria, 2004.⁴ The legislation, which seeks to strengthen the operation of CSOs, introduced measures that address the full range of regulatory issues relating to registration, administration and merger, along with some restrictions on governance of associations and companies. Section 839 of the Act provides for the suspension of

² 'Universal Periodic Review – Nigeria', UN Human Rights Council, 6 November 2018, <https://www.ohchr.org/en/hr-bodies/upr/ng-index>.

³ 'Constitution of the Federal Republic of Nigeria', 1999, <http://www.nigeria-law.org/ConstitutionOfTheFederalRepublicOfNigeria.htm>.

⁴ 'The Companies and Allied Matters Act', 2020, <https://www.cac.gov.ng/wp-content/uploads/2020/12/CAMA-NOTE-BOOK-FULL-VERSION.pdf>.

trustees of an association. The government has suggested reviewing the legislation to amend some of the provisions, particularly the requirement for a biannual statement of affairs and section 839 providing for the suspension of trustees of an association, which restricts the operations of CSOs and companies.⁵

2.4 The Same-Sex Marriage (Prohibition) Act, 2013 prohibits a marriage contract or civil union between people of the same sex and provides penalties for solemnisation and witnessing of same-sex marriages and unions. Section 3 of the Act recognises only marriage between a man and a woman as valid in Nigeria. It imposes 14-year prison sentences as punishment for same-sex marriage. Section 4 prohibits the registration of LGBTQI+ clubs, societies and organisations, their sustenance, processions, and meetings, with a penalty of 10 years' imprisonment.⁶

2.5 On 6 January 2020, Hisbah operatives (Islamic police who enforce Sharia Law) arrested 15 people in Kano during an LGBTQI+ party to celebrate an academic graduation. The arrested students were transferred to the Hisbah correctional centre at its headquarters in Sharada for reorientation 'to turn a new leaf'.⁷

2.6 The Terrorism (Prevention and Prohibition) Act, 2022 repealed the Terrorism Prevention Act, 2011. It provides a framework for the detection, prevention, prohibition, prosecution and punishment of acts of terrorism. It prohibits terrorist meetings (section 12), soliciting and giving support to terrorist groups (section 13) and conspiracy, aiding and abetting (section 26).⁸

2.7 On 20 September 2019, Action Against Hunger, an international humanitarian organisation, was blacklisted by the Nigerian army for allegedly 'aiding and abetting' Boko Haram terrorists through the supply of food and medication to the group. Its offices in Borno and Yobe states were sealed off by soldiers on the grounds of 'sabotage of the counter insurgency operations in the Northeast'.⁹

2.8 On 27 December 2021 in Abuja, the office of the Civil Society Legislative Advocacy Centre, the national chapter of Transparency International, was raided by state security personnel and its executive director, Auwal Musa, summoned to the chief security officer with no clear reason being given for the visit. This was an act of unprofessional conduct that violated the rights and fundamental freedoms of civil

⁵ 'Bill to amend the Companies and Allied Matters Bill', 2020, <https://placbillstrack.org/upload/SB904.pdf>.

⁶ 'The Same-Sex Marriage (Prohibition) Act', 2013, <https://www.refworld.org/pd/52f4d9cc4.pdf>.

⁷ 'Hisbah arrests 15 homosexuals in Kano', 6 January 2020, Punch, <https://punchng.com/hisbah-storms-kano-gay-party-nabs-15>.

⁸ 'Terrorism (prevention and prohibition) Act', 2022, https://www.nfiu.gov.ng/Home/DownloadFile?filePath=C%3A%5CNFIU%5Cwwwroot%5Cdocuments%5CTPp_DfV8G6.

⁹ 'Blacklisting of the Action Against Hunger by the Nigerian Army', Premium Times, 20 September 2019, <https://www.premiumtimesng.com/news/headlines/353403-nigerian-army-blacklists-action-against-hunger-accuses-it-of-aiding-boko-haram.html>.

society actors as enshrined in the constitution.¹⁰

2.9 On 1 August 2022, the Traditional Religious Practitioners' Association in Nigeria petitioned the Corporate Affairs Commission at the Federal High Court in Enugu state after being denied an application to register traditional worshippers as a religious body.¹¹ This restricted people's freedom to religious worship, contrary to the provision of section 42 of the constitution.

2.10 On 28 February 2023, Ahmadu Fintiri, governor of Adamawa state, suspended the activities of all CSOs in the state until after general elections.¹² This ban was lifted after three months, but with restrictive conditions imposed for CSO operations.¹³

3. Harassment, intimidation and attacks against human rights defenders, civil society activists and journalists

3.1 Under Nigeria's previous UPR examination, the government received five recommendations on the protection of HRDs, journalists and civil society representatives. The government committed to create and maintain a safe, favourable and enabling environment for HRDs, including those working on environmental issues.¹⁴ Of the recommendations received, four were accepted and one was noted. However, as examined in this section, the government has failed to operationalise them effectively.

3.2 Article 12 of the UN Declaration on Human Rights Defenders mandates states to take the necessary measures to ensure the protection of HRDs. The ICCPR further guarantees freedoms of association, peaceful assembly and expression. However, in spite of these protections, HRDs, civil society activists and journalists are subject to intimidation and harassment. Journalists in particular are vulnerable to psychological harm, physical abuse, indiscriminate arrests, detention and seizures of publications and work equipment, such as cameras and computers.

3.3 The Anti-Torture Act, 2017 penalises the act of torture and other cruel, inhuman and degrading treatment and prescribes penalties for such acts.¹⁵ Despite its provisions,

¹⁰ 'Invasion of Cislac office', Premium Times, 27 December 2021, <https://www.premiumtimesng.com/news/top-news/503050-sss-operatives-lay-siege-to-cislac-head-office-in-abuja-official.html>.

¹¹ 'TRPA petitions CAC for inability to register their organisation', Vanguard, 1 August 2022, <https://www.vanguardngr.com/2022/08/native-doctors-drag-cac-to-court-for-refusal-to-register-traditional-religious-association>.

¹² 'Adamawa state governor suspension of NGO activities', Peoples Gazette, 28 February 2023, <https://gazettengr.com/fintiri-suspends-foreign-local-ngos-in-adamawa-accuses-them-of-meddling-in-politics>.

¹³ 'Adamawa state lift suspension ban', Daily Post, 8 May 2023, <https://dailypost.ng/2023/05/08/adamawa-govt-lifts-suspension-on-ngos>.

¹⁴ UN Human Rights Council, 6 November 2018, op. cit.

¹⁵ 'Anti-Torture Act', 2017, <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/108562/134257/F-1021277030/NGA108562.pdf>.

government officials and state security personnel continue to torture detainees and mistreat arrested people.

- 3.4** On 8 January 2019, there was a reported gun attack on journalists who were covering the All Progressives Congress party rally in Lagos state. Journalist Emmanuel Oladesu, political editor of The Nation Newspaper, was injured by bullet.¹⁶
- 3.5** During the national election period between February and March 2019, various incidences of violations of freedoms of HRDs were reported. Among these, Collins Ossai of Channels television was prevented by state operatives from covering elections in Esan Central Local Government Area, Edo.¹⁷ A political leader, Segun Adewale, slapped Ajoke Ulohotse, a BBC Africa Pidgin Reporter, in response to her coverage of vote buying at a polling station in Lagos.¹⁸ Kunle Sanni, a Premium Times journalist, was abducted and mistreated by politicians for taking pictures of alleged underage voters at a polling state in Plateau state¹⁹ and forced to delete the photos.²⁰
- 3.6** On 6 December 2019, the Department of State Service invaded a courtroom and rearrested Omoyele Sowore, an activist and publisher of Sahara Reporters, after his release from illegal custody.²¹ Although his rearrest was later ruled to be illegal and an abuse of power by security forces, Sowore was mistreated during custody.
- 3.7** On 24 May 2022, a combined team from the Edo Security Network, police and state vigilante force arrested three journalists – Deborah Coker of the News Agency of Nigeria, Sunny Inarumen of African Independent Television and Osamuyi Ogbomo, a camera operator with Independent Television – in Edo state, while covering a factional primary election of the People’s Democratic Party (PDP). They were taken to Oko Central police station, detained for hours and released after their statements

¹⁶ ‘In Nigeria, three journalists injured by gunfire while covering political rally’, Committee to Protect Journalists, 10 January 2019, <https://cpj.org/2019/01/in-nigeria-three-journalists-injured-by-gunfire-wh>.

¹⁷ ‘IMS unveils report on broadcast media content monitoring exercise’, Institute for Media and Society, 6 March 2019, <https://imesoimeso.org/wp-content/uploads/2019/10/Media4demo-6.pdf>.

¹⁸ ‘Segun Adewale: Nigerians dey react to video of how Lagos politician slap BBC reporter’, BBC, 6 March 2019, <https://www.bbc.com/pidgin/tori-47511237>.

¹⁹ ‘Increased attacks on journalists during governorship/state assembly elections’, IFEX, 13 March 2019, <https://ifex.org/increased-attacks-on-journalists-during-governorship-state-assembly-elections>.

²⁰ ‘IPC condemns attack on journalists’, International Press Centre, 11 March 2019, <https://www.ipcng.org/ipc-condemns-attacks-on-journalists-during-governorship-state-assembly-elections>.

²¹ ‘DSS invades courtroom’, Channels, 6 December 2019, <https://www.channelstv.com/2019/12/06/breaking-dss-attempt-to-re-arrest-sowore-inside-courtroom>.

were taken.²²

- 3.8** On 25 May 2022, Yinka Adeniran, a reporter with the Nation newspaper, was beaten and harassed by police officers while covering the PDP gubernatorial primary in Ibadan, Oyo state, despite showing them his identity card.²³
- 3.9** On 31 May 2022, Toba Adedeji, a correspondent with the Nation newspaper, was shot in the leg by police officers in Osogbo, Osun state, during a youth protest against police killings. An unidentified citizen was also shot. The governor of Osun state condemned the shootings and called for investigation.²⁴
- 3.10** On 8 March 2023, two Pulse Nigeria journalists were harassed by political leaders while covering an election and denied access to monitor the voting process in Ikeja, Lagos state.²⁵ On 18 March 2023, Ashiru Umar, a journalist with Premier Radio, was attacked and beaten by armed political leaders while covering elections in Gwale Local Government Area of Kano state and accused of spying.²⁶

4. Freedom of expression, media freedom and access to information

- 4.1** Under the 3rd UPR cycle, the government received 15 recommendations relating to freedom of expression, media freedom and access to information. The government pledged to 'create and ensure an enabling environment for free and independent media' and refrain from using administrative, judicial and financial means to unduly restrict the exercise of this right'.²⁷ Of the recommendations received 13 were accepted and two were noted. However, the government did not take effective measures to implement these recommendations and has not fully implemented the recommendations.
- 4.2** Article 19 of the ICCPR guarantees the right to freedoms of expression and opinion. Article 39 of the constitution also guarantees the right to freedom of expression, stating that 'every person shall be entitled to freedom of expression, including freedom to hold opinions and to receive and impart ideas and information without interference'.²⁸ However, in practice, there have been attempts by the government to

²² 'Arrest of journalist by Edo state security', Vanguard, 24 May 2022, <https://www.vanguardngr.com/2022/05/2023-police-arrest-3-journalists-for-covering-pdp-factional-primary>.

²³ 'Harassment of Oyo state reporter', Radio Nigeria, 25 May 2022, <https://radionigeriaibadan.gov.ng/2022/05/25/journalist-harassed-at-oyo-pdp-primary>.

²⁴ 'Correspondent shot by Police', The Nation, 31 May 2022, <https://thenationonline.net/oyetola-condemns-shooting-of-the-nation-reporter-another-citizen>.

²⁵ 'Harassment of Pulse Nigeria Journalist', Pulse, 18 March 2023, <https://www.pulse.ng/news/politics/thugs-harass-pulse-nigeria-journalists-in-ikeja/p2jqmtq>.

²⁶ 'Premier Radio journalist attacked', Premium Times, 18 March 2023, <https://www.premiumtimesng.com/news/top-news/588499-thugs-attack-journalist-covering-election-in-kano.html>.

²⁷ UN Human Rights Council, 6 November 2018, op. cit.

²⁸ 'Constitution of the Federal Republic of Nigeria', op. cit.

muzzle free speech.

- 4.3** The Freedom of Information Act, 2011 provides for public access to public records and information to the extent consistent with the public interest and the protection of personal privacy.²⁹ However, the Official Secrets Act, 2004³⁰ makes it an offence for civil servants to give out government information termed as 'classified information' and for anyone to receive or reproduce such information. This limits access to information by journalists and civil society.
- 4.4** The Nigeria Broadcasting Code, 2016 presents minimum standards for broadcasting.³¹ The legislation has been used to curtail media freedoms, causing media houses to self-censor for fear of reprisals from the government.³²
- 4.5** The Cybercrimes (Prohibition, Prevention etc) Act, 2015 provides an effective, unified and comprehensive legal, regulatory and institutional framework for the prohibition, prevention, detection, prosecution and punishment of cybercrimes.³³ However, the Act has been used to harass bloggers and journalists for publishing content critical of the government.
- 4.6** There has been an upsurge of proposed legislation to regulate freedom of expression, including the Hate Speech (Prohibition) Bill, 2019,³⁴ the National Commission for the Prohibition of Hate Speeches (Est. etc.) Bill, 2019³⁵ and the Digital Rights and Freedom Bill, 2019.³⁶ These bills would pose serious restrictions to civic space in Nigeria if enacted.³⁷
- 4.7** On 6 January 2019, two offices of the Daily Trust Newspaper in Abuja and Maiduguri, Borno state were raided by armed soldiers after the newspaper published information regarded as 'classified' on the capture of towns by terrorists. Reporter

²⁹ 'Freedom of Information Act', 2011,

<https://www.cbn.gov.ng/FOI/Freedom%20of%20Information%20Act.pdf>.

³⁰ 'Official Secrets Act', 2004, <https://www.placng.org/lawsofnigeria/view2.php?sn=421>.

³¹ 'Nigeria Broadcasting Code', 2016, <https://www.nta.ng/wp-content/uploads/2019/09/1494416213-NBC-Code-6TH-EDITION.pdf>.

³² 'Review of the Nigeria Broadcasting code – the 2020 amendment', Further Africa, 8 October 2020, <https://furtherafrica.com/2020/10/08/review-of-the-nigeria-broadcasting-code-the-2020-amendment/>.

³³ 'Cybercrimes (Prohibition, Prevention etc.) Act', 2015, https://incb.npf.gov.ng/uploads/CyberCrime_Prohibition_Prevention_etc_Act_2015.pdf.

³⁴ 'Hate Speech Bill', 2019, <https://placbillstrack.org/upload/HB246.pdf>.

³⁵ 'Hate Speech Bill 2', 2019, <https://placbillstrack.org/upload/Hate-Speech-Bill.pdf>.

³⁶ 'Digital Rights and Freedom Bill', 2019, <https://placbillstrack.org/upload/HB98.pdf>.

³⁷ 'Nigeria: Bills on hate speech and social media are dangerous attacks on freedom of expression', Amnesty International, 4 December 2019, <https://www.amnesty.org/en/latest/press-release/2019/12/nigeria-bills-on-hate-speech-and-social-media-are-dangerous-attacks-on-freedom-of-expression>.

Ibrahim Sawab was arrested, and computers and other items were seized.³⁸

- 4.8** On 6 June 2019, the licence of Daar Communications PLC, owner of African Independent Television and Ray Power FM, was suspended by the National Broadcasting Commission (NBC) over its failure to abide by the Commission's directives according to the NBC Act Cap N11 Laws of the Federation of Nigeria and the Nigeria Broadcasting Code. It was alleged to be partisan and promote hate speech on its platform.³⁹ The suspension was lifted after three weeks by a High Court order.
- 4.9** On 4 June 2021, the Nigerian government, through the Minister of Information Alhaji Lai Mohammed, announced the indefinite suspension of Twitter. He further directed the NBC manage the licensing of all over-the-top charges media service operations in Nigeria.⁴⁰ This announcement came after a controversial Tweet by then President Muhammadu Buhari was deleted by Twitter on the grounds of hate speech and threat towards a particular tribe in Nigeria.⁴¹ The ban was lifted on 13 January 2022 after Twitter access was blocked for seven months.⁴²
- 4.10** On 8 June 2021, Ejike Mbaka, Spiritual Director of Adoration Ministry Enugu, was summoned to Abuja by the Department of State Services to interrogate him for criticising then President Buhari.⁴³
- 4.11** On 4 November 2021, Luka Binniyat, a US-based freelance journalist for Epoch Times, was arrested for his article on atrocities against Christians in Kaduna state.⁴⁴ He was detained and charged with cyber stalking and aiding and abating cybercrime offences. He was granted bail after 83 days in custody.⁴⁵
- 4.12** On 22 June 2022, the Peoples Gazette newspaper offices in Abuja were raided by the Nigerian police after the publication exposed a corruption scandal involving a

³⁸ 'Daily Trust Newspaper office raided by soldiers', Premium Times, 6 January 2019, <https://www.premiumtimesng.com/news/headlines/304402-just-in-armed-soldiers-raid-nigerian-newspaper-offices-arrest-journalists.html>.

³⁹ 'NBC suspension of AIT and Raypower FM', Premium Times, 6 June 2019, <https://www.premiumtimesng.com/news/headlines/333745-just-in-nbc-suspends-ait-raypowers-license.html>.

⁴⁰ These are charges carried over to network providers, delivering value to customers but without any carrier service provider. They include services such as Internet Protocol telephony, livestreaming and other social media applications such as Facebook, Twitter and WhatsApp.

⁴¹ 'Twitter Ban in Nigeria', Premium Times, 4 June 2021, <https://www.premiumtimesng.com/news/top-news/465943-twitterban-all-you-need-to-know-about-nigerian-govts-twitter-ban.html>.

⁴² 'Lift of Twitter ban', Channels, 13 January 2022, <https://www.channelstv.com/2022/01/12/breaking-fg-lifts-twitter-ban-after-seven-months>.

⁴³ 'DSS invitation of Fr Mbaka', The Guardian Nigeria, 8 June 2021, <https://guardian.ng/news/mbaka-confirms-dss-invitation-vows-not-to-keep-quiet>.

⁴⁴ 'Arrest of Freelance journalist in Kaduna', The Epoch Times, 4 November 2021, https://www.theepochtimes.com/epoch-times-reporter-jailed-in-nigeria_4090250.html.

⁴⁵ 'Freelance journalist granted bail', Punch, 28 January 2022, <https://punchng.com/kaduna-reporter-gets-n1m-bail-after-83-days-in-detention>.

former army chief of staff, Tukur Burutai. Five staff members, including assistant managing editor John Adenekan, were arrested. They were later released without charges.⁴⁶

- 4.13** On 16 January 2023, journalist Nengi Owei-Ilagha was arrested by the Bayelsa police and taken to courts for allegedly making defamatory Facebook posts against Emmanuel Chiefson, a police officer. He was granted bail of 1 million Naira (approx. US\$1,256) and warned to refrain from making comments on social media that could be detrimental to the outcome of the case.⁴⁷
- 4.14** On 20 January 2023, Yakubu Haliru Jeka-Dafari, a radio presenter at Federal Radio Corporation of Nigeria, and his radio guest Sheikh Ahmad mandy Abubakar were arrested by security operatives after a live interview on a political discussion programme. The arrest was directed by the governor of Gombe state, apparently in retaliation to Sheikh Ahmad's support of opposition parties. Yakubu was released the following day while Sheikh Ahmad was released two weeks later.⁴⁸
- 4.15** On 4 February 2023, the NBC fined Television Continental 2 million Naira (approx. US\$2,513) for airing 'hate speech and inflammatory comments' by Festus Keyamo, spokesperson of the All Progressives Congress party. The NBC also fined Arise TV for broadcasting a PDP presidential campaign rally held in Delta state.⁴⁹
- 4.16** On 25 February 2023, Haruna Mohammed Salisu, a publisher with WikkiTimes, was arrested and had possessions confiscated by security officers attached to Bauchi state governor Bala Abdulkadir Mohammed while covering Nigeria's presidential elections.⁵⁰ He was remanded in prison for two days before being granted bail while the police retained his seized items.⁵¹
- 4.17** On 12 March 2023, the state Criminal Investigation Department was directed by the Commissioner of Police in Enugu state, Ahmed Ammani, to investigate, arrest and prosecute online publisher Dave Okanya for allegedly spreading falsehoods against

⁴⁶ 'Arrest of Peoples Gazette staff', Premium Times, 22 July 2022, <https://www.premiumtimesng.com/news/top-news/544341-police-raid-peoples-gazette-office-arrest-five-staffers.html>.

⁴⁷ 'Journalist arrested over Facebook posts', The Nation, 16 January 2023, <https://thenationonline.net/police-arraign-journalist-for-alleged-defamatory-facebook-post>.

⁴⁸ 'FRCN presenter arrested by security operatives', Nigerian Tribune, 20 January 2023, <https://tribuneonline.com/gombe-journalist-arrested-for-hosting-opposition-member-on-radio-programme>.

⁴⁹ 'NBC fines TV station', Daily Post, 4 February 2023, <https://dailypost.ng/2023/02/04/nbc-fines-tvc-arise-tv-over-tinubu-keyamo-melaye-comments>.

⁵⁰ 'Journalists attacked, threatened, harassed as Nigeria holds general elections', CIVICUS Monitor, 3 March 2023, <https://monitor.civicus.org/explore/journalists-attacked-threatened-harassed-as-nigeria-holds-general-elections>.

⁵¹ 'Arrest of publisher covering election', WikkiTimes, 25 February 2023, <https://wikkitimes.com/media-foundation-for-west-africa-blasts-bauchi-police-for-refusing-to-release-wikkitimes-publishers-phone-despite-court-order>.

state authorities through his publication.⁵²

5. Freedom of peaceful assembly

- 5.1** During Nigeria's examination under the 3rd UPR cycle, the government received four recommendations on the right to freedom of peaceful assembly. The government committed to ensuring that the fundamental rights to freedoms of peaceful assembly are respected and protected for all Nigerians without distinction of any kind and in accordance with the constitution. The government accepted all recommendations. However, as evidenced below, the government has not fully implemented any of the recommendations.
- 5.2** Article 40 of the constitution guarantees the right to freedom of peaceful assembly, stating that 'Every person shall be entitled to assemble freely and associate with other persons, and in particular he may form or belong to any political party, trade union or any other association for the protection of his interests'.⁵³ Article 21 of the ICCPR also guarantees this right.
- 5.3** However, in practice and policy there have been various instances where the police and other state agencies have disrupted peaceful public gatherings.
- 5.4** The Public Order Act, 1979 makes provisions for the peaceful conduct of public assemblies, meetings and processions. Section 1 of the Act provides that the governor of each state is empowered to direct the conduct of all assemblies, meetings and processions on public roads or public places and prescribe the route and times of processions. Section 2 empowers any police officer of the rank of inspector or above to stop any assembly, meeting or procession that has not been issued a licence or that violates any conditions of the licence issued.⁵⁴
- 5.5** Chapter 10 of the Criminal Code Act is concerned with 'Unlawful Assemblies: Breaches of the Peace'. Section 69 of this stipulates that where three or more people have gathered and people in the neighbourhood fear on reasonable grounds that those assembled will disturb the peace, the assembly is unlawful, even if the assembly was originally lawful. The Act states that an assembly that disturbs the peace is considered a riotous assembly and prescribes that force can be used.⁵⁵ The Act does not clarify what 'disturbing the peace' constitutes.
- 5.6** In October 2020, Nigerians held regular #EndSARS protests against police brutality, following the murder of a person in Delta State by Special Anti-Robbery Squad

⁵² 'CID direction to investigate publisher', Daily Nigerian, 12 March 2023, <https://dailynigerian.com/police-commissioner-orders>.

⁵³ 'Constitution of the Federal Republic of Nigeria', op. cit.

⁵⁴ 'Public order Act', 1979, https://www.rightofassembly.info/assets/downloads/1979_Public_Order_Act_of_Nigeria.pdf.

⁵⁵ 'Criminal Code Act', 1990, <http://www.nigeria-law.org/Criminal%20Code%20Act-Part-II.htm#Chapter%201>.

(SARS) officers. The public protests were met with brutal force from police and security agencies, using live bullets and teargas against peaceful protesters. Security agencies' brutality left over 102 people dead during the protests.⁵⁶

- 5.7** On 4 November 2020, the Federal High Court granted the Central Bank of Nigeria the permission to freeze the accounts of 20 people involved in the #EndSARS protests on allegations of terrorism financing.⁵⁷
- 5.8** On 1 October 2021, protesters calling for the resignation of then President Buhari were dispersed with teargas during the celebration of Nigeria's 61st independence anniversary, with at least five protesters arrested.⁵⁸
- 5.9** 20 October 2021, police dispersed peaceful protesters and arrested two people, including Abisola Alawode, a journalist with Legit TV, during the protest to commemorate the one-year anniversary of the #EndSARS protests.⁵⁹
- 5.10** On 21 October 2022, The Rapid Response Squad, commanded by Oludotun Odubona, brutally dispersed a gathering to mark the second anniversary of the #EndSARS protests, with teargas used and journalists beaten and harassed.⁶⁰
- 5.11** On 11 December 2021, following an interrogation by the State Security Service (SSS), Zainab Naseer Ahmad, one of the conveners of the 'No More Bloodshed' protest, withdrew from the protest and advised others to do the same. Subsequently, Ibrahim Birniwa, another protest organiser in Kaduna state, was invited for questioning by the SSS and cancelled plans for the protest.⁶¹
- 5.12** On 15 December 2021, during the #NorthIsBleeding protest in Abuja, it was reported that at least five protesters were arrested, along with two journalists from Roots TV, Tosin Busayo and Precious Uzoanya, who were arrested while covering the protest. They were released after two hours of interrogation.⁶²

⁵⁶ 'Freedom in the World: Nigeria', Freedom House, 2021', <https://freedomhouse.org/country/nigeria/freedom-world/2021>.

⁵⁷ 'Freeze of protesters bank accounts', Vanguard, 4 November 2020, <https://www.vanguardngr.com/2020/11/cbn-secures-order-to-freeze-accounts-of-20-endsars-protesters>.

⁵⁸ 'Buhari must go protesters in Abuja', Punch, 1 October 2021, <https://punchng.com/nigeria-61-anti-buhari-protest-ipob-sit-at-home-killings-taint-independence-day>.

⁵⁹ 'Protesters arrested', Peoples Gazette, 20 October 2021, <https://gazettengr.com/endsars-anniversary-police-arrest-journalist-protester-at-lekki-toll-gate>.

⁶⁰ 'Police disperse protesters in Lekki', The Guardian Nigeria, 21 October 2022, <https://guardian.ng/news/endsars-memorial-pandemonium-as-lagos-police-disperse-protesters-brutalise-journalists-at-lekki-tollgate>.

⁶¹ 'SSS invitation to Kaduna protester', Daily Nigeria, 11 December 2021, <https://dailynigerian.com/sss-invites-protester-callings>.

⁶² 'Arrest of journalists and protesters during protest in Abuja', Independent, 15 December 2021, <https://independent.ng/journalists-protesters-arrested-as-northisbleeding-rally-holds-in-abuja>.

- 5.13** On 1 May 2022, during a procession by the Islamic Movement in Nigeria (IMN) to mark the annual Quds Day and protest against Israeli occupation of Palestine, the police dispersed the crowd using live ammunition and teargas, resulting in the death of one person.⁶³ On 15 April 2023, IMN members were dispersed by the police during a protest in Kaduna state in solidarity with Palestinians. Around 20 protesters sustained gunshot wounds.⁶⁴
- 5.14** On 17 September 2022, police in Ebonyi state violently dispersed residents who gathered in state capital Abakaliki to stage a march in support of Labour Party presidential candidate Peter Obi. Police dispersed the peaceful protesters with teargas.⁶⁵
- 5.15** On 29 November 2022, armed police fired teargas canisters at CSO representatives and protesters marching towards the office of the Federal Ministry of Justice in Abuja to submit their demands in relation to the conduct of Chief Justice of Nigeria, Justice Tajudeen Ariwoola, over his political remarks that brought the independence of the judiciary into question.⁶⁶
- 5.16** On 31 March 2023, Indigenous people from Biafra were dispersed by the police during a street protest against the continued detention of their leader, Mazi Nnamdi Kanu, despite a court order for his release. The protest was peaceful until blocked and dispersed by security agents with gunshots, leading to the death of five people.⁶⁷

6. Recommendations to the Government of Nigeria

CIVICUS and NNNGO call on the Government of Nigeria to create and maintain, in law and in practice, an enabling environment for civil society, in accordance with the rights enshrined in the ICCPR, the UN Declaration on Human Rights Defenders and Human Rights Council resolutions 22/6, 27/5 and 27/31.

At a minimum, the following conditions should be guaranteed: freedoms of association, peaceful assembly and expression, the right to operate free from unwarranted state interference, the right to communicate, the right to associate and the state's duty to protect. In the light of this, the following specific recommendations are made:

⁶³ 'Shiites protest in Kaduna', Daily Trust, 1 May 2022, <https://dailytrust.com/1-killed-many-injured-as-police-shiites-clash>.

⁶⁴ 'Dispersion of Shiites protest by police', Daily Trust, 15 April 2023, <https://dailytrust.com/20-injured-as-police-disperse-protesting-shiites-in-kaduna>.

⁶⁵ 'Ebonyi state protest', Premium Times, 17 September 2022, <https://www.premiumtimesng.com/news/top-news/554536-police-disperse-obidients-rally-in-ebonyi-with-teargas.html>.

⁶⁶ 'Police tear gas Abuja protesters', Independent, 29 November 2022, <https://independent.ng/tension-as-police-teargas-protesters-demanding-cjns-resignation>.

⁶⁷ 'Police disperse IPOB protesters in Abia state', Vanguard, 31 March 2023, <https://www.vanguardngr.com/2023/03/5-feared-dead-as-security-agents-shoot-ipob-protesters-in-abia>.

6.1 Freedom of association

- Guarantee the right to freedom of association in accordance with international obligations and take measures to foster a safe, respectful and enabling environment for civil society, including by removing legal and policy measures that unwarrantedly limit freedom of association.
- Cease unwarranted raids on CSOs and unjustifiable disruptions to legitimate activities organised by CSOs.
- Avoid imposing any obstacles on the work of individuals and institutions protecting human rights.
- Refrain from acts leading to the closure of CSOs or the suspension of their peaceful activities, and instead promote a meaningful political dialogue that allows and embraces diverging views, including those of CSOs, HRDs, journalists, political activists and others.
- Amend the Companies and Allied Matters Act, 2020 and the Same-Sex Marriage (Prohibition) Act, 2013 to remove undue restrictions on freedom of association and bring them into compliance with ICCPR articles 21 and 22.

6.2 Protection of human rights defenders

- Provide civil society members, HRDs and journalists with a safe and enabling environment in which to carry out their work, conduct impartial, thorough and effective investigations into all cases of attacks, harassment and intimidation against them and bring the perpetrators of such offences to justice.
- Ensure that HRDs are able to carry out their legitimate activities without fear or undue hindrance, obstruction, or legal and administrative harassment.
- Ensure that judicial authorities carry out thorough and impartial investigations with respect to threats, intimidation and violence against HRDs.
- Undertake a consolidated process of repeal or amendment of legislation and decrees that unwarrantedly restrict the legitimate work of HRDs, in line with the UN Declaration on Human Rights Defenders.
- Publicly condemn at the highest levels of government instances of harassment and intimidation of CSOs, activists, and journalists during electoral process.
- Ensure implementation of the Police Act 2020.
- Comply with the recommendation accepted in 2010, but not yet implemented, to establish an Observatory on Human Rights Defenders in collaboration with

organisations that defend human rights in Nigeria.

6.3 Freedom of expression, media freedom and access to information

- Guarantee freedoms of expression and information by promoting the independence and pluralism of the media.
- Promote efforts to ensure that the right to freedom of expression can be fully exercised and that all violations against HRDs and journalists are effectively investigated and prosecuted.
- Ensure that constitutional protections for freedom of expression, including media freedom, are upheld and refrain from using administrative, judicial and financial means to unduly restrict the exercise of this right.
- Review the Official Secrets Act, 2004, Nigeria Broadcasting Code, 2016 and Cybercrimes (Prohibition, Prevention etc) Act, 2015 to bring them into line with best practices and international standards on freedom of expression.
- Decriminalise defamation.
- Ensure that journalists and writers may work freely and without fear of retribution for expressing critical opinions or covering topics that the government may deem sensitive.
- Adopt a framework for the protection of journalists from persecution, intimidation and harassment.

6.4 Freedom of peaceful assembly

- Adopt best practices on freedom of peaceful assembly, as put forward by the 2012 report of the UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, which calls for simple processes for the notification of assemblies being held rather than permission being required, and by General Comment No. 37 on the right to peaceful assembly adopted by the UN Human Rights Committee in 2020.
- Amend the Public Order Act, 1979 and Criminal Code Act law in order to guarantee fully the right to freedom of peaceful assembly.
- Ensure and guarantee the rights to freedom of assembly of the political opposition, CSOs and citizens.
- Ensure all abuses of the right to freedom of peaceful assembly allegedly committed by police are transparently investigated .

- Publicly condemn at the highest levels all instances of the use of excessive and brutal force by security forces in response to protests, launch formal investigations into such instances and bring the perpetrators to justice.

6.5 Access to UN Special Procedures mandate holders

- The Government should extend a standing invitation to all UN Special Procedure mandate holders and prioritise official visits by the: 1) Special Rapporteur on the situation of human rights defenders; 2) Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression; 3) Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association; 4) Special Rapporteur on the independence of judges and lawyers; and 5) Working Group on Arbitrary Detention.

6.6 State engagement with civil society

- Implement transparent and inclusive mechanisms of public consultations with CSOs on all issues mentioned above and enable the more effective involvement of civil society in the preparation of law and policy.
- Include CSOs in the UPR process before finalising and submitting the national report.
- Systematically consult with civil society on the implementation of UPR recommendations, including by holding periodical comprehensive consultations with a diverse range of civil society.
- Incorporate the results of this UPR into action plans for the promotion and protection of all human rights, taking into account the proposals of civil society, and present a midterm evaluation report to the Human Rights Council on the implementation of the recommendations of this session.