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Universal Periodic Review

(45th working group session)

Contribution of UNESCO to Compilation of UN information

Nigeria

I. RATIFICATION OF UNESCO CONVENTIONS

II. REVIEW OF LEGISLATIVE, REGULATORY AND POLICY FRAMEWORKS AND IMPLEMENTATION

A. RIGHT TO EDUCATION

Discrimination in Education (UNESCO consultations)

TITLE	Date of ratification, accession, acceptance or succession	Declarations/ Reservations	Recognition of specific competences of treaty bodies	Reference to the rights within UNESCO's field of competence
Convention against Discrimination in Education (1960)	Ratification: 18/11/1969			The right to education
Convention concerning the Protection of the World Cultural and Natural Heritage (1972)	Ratification: 23/10/1974			The right freely to participate in the cultural life of the community
Convention for the Safeguarding of the Intangible Cultural Heritage (2003)	Ratification: 21/10/2005			The right freely to participate in the cultural life of the community
Convention on the Protection and Promotion of the Cultural Diversity of	Ratification: 21/01/2008			The right freely to participate in the cultural life of the community

1. Nigeria submitted its national report for the 10th Consultation on the Convention against Discrimination in Education, but not for the 9th Consultation.

Constitution and main education law(s)

2. The Constitution of Nigeria of 1999¹ does not enshrine the right to education but provides that "Government shall direct its policy towards ensuring that there are equal and adequate educational opportunities at all levels" (Article 18(1)). Article 15(2) proscribes discrimination.
3. The Child Rights Act of 2003² enshrines the right of every child to free, compulsory and universal basic education in Article 1((1), but the Act is not enacted by all of the states and no legal provision guaranteeing the right to education has been identified in some states, such as Bauchi and Zamfara.
4. According to the Compulsory, Free Universal Basic Education Act of 2004³, article 2(1) provides that "Every Government in Nigeria shall provide free, compulsory and universal basic education for every child of primary and junior secondary school age" (article 2(1)). Article 15 adds that "Basic education means early childhood care and education and nine years of formal schooling;" and "child or ward" means a person of primary or junior secondary school age who is between the age of 6 years and 16 years whether disabled or not". Therefore, primary and secondary education is compulsory and free for nine years. No legal provision regarding free and compulsory pre-primary education has been identified although it was reported that according to the National Framework on Early Child Care Development Education early childcare development education is compulsory.⁴

Review

Legal age of marriage

5. According to the Marriage Act⁵, the legal age of marriage is of 21 years old, but it is possible to get married before this age, with the consent of the father,

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<http://www.unesco.org/education/edurights/media/docs/011ff4f1c2bdeedca42584310177110a865e83ef.pdf>

² <https://www.refworld.org/pdfid/5568201f4.pdf>

³

<http://www.unesco.org/education/edurights/media/docs/7bdb8b2a9a9188909f3ed44baf5392c3b68f844.pdf>

⁴ [http://www.unesco.org/education/edurights/media/resources/file/Nigeria - 10th Consultation Guidelines NIGERIA.pdf](http://www.unesco.org/education/edurights/media/resources/file/Nigeria_-_10th_Consultation_Guidelines_NIGERIA.pdf)

⁵ <http://lawsofnigeria.placng.org/laws/M6.pdf>

and no absolute minimum age is specified. The Child Rights Act of 2003⁶ establishes that no marriage can happen before the age of 18, even with parental consent, however 12 states have not incorporated the Act in their internal legislation. In most of these States, Sharia law applies, to which UNESCO does not have access. Furthermore, UNESCO has not been able to access local laws regarding marriage. According to the Joint CEDAW-CRC General Recommendation/Comment, a capable child below the age of 18 may be allowed to get married provided that the child is at least 16 years old and that such decisions are made by a judge based on legitimate exceptional grounds defined by law and on the evidence of maturity without deference to cultures and traditions.

Corporal punishment

6. Article 295 of the Criminal Code of 1916 as amended⁷ (applying to Southern States) and article 55 of the Penal Code⁸ (applying to Northern States) allow for corporate punishment in educational institutions.

Minimum age of employment

7. In the Labour Act of 1971 as amended⁹, the minimum age of employment is set at 12 years except for domestic services in their own family (article 59(1) and article 91(1)). However, the Child Rights Act of 2003 sets the minimum age of work at 18 years old according to article 277. Therefore, the laws are contradictory and neither align the minimum age for work with the end of compulsory education which is 16 years old. This can lead to children leaving school early to work or alternatively, having completed compulsory education, they may work illegally.

B. RIGHT TO FREEDOM OF OPINION AND EXPRESSION AND RIGHT TO INFORMATION

Constitutional and Legislative Framework:

8. The Constitution of the Federal Republic of Nigeria in its Article 39 guarantees freedom of expression and freedom of information: “Every person shall be entitled to freedom of expression, including freedom to hold opinions and to receive and impart

⁶ <https://www.refworld.org/pdfid/5568201f4.pdf>

⁷ <https://www.wipo.int/edocs/lexdocs/laws/en/ng/ng025en.pdf>

⁸ https://policehumanrightsresources.org/content/uploads/2016/07/Penal-Code-Northern-States_-Federal-Provisions-Act-1960.pdf?x96812

⁹ https://www.labour.gov.ng/Doc/LABOUR_ACT.pdf

ideas and information without interference”.¹⁰Nigeria has passed a Freedom of Information Act in 2011, which provides free access to public records and information and protects public records and information.¹¹Defamation is criminalized in Nigeria’s Criminal Code Act¹² (Art. 375) and is punished by imprisonment for two years.

Implementation of the law:

9. The National Broadcasting Commission is the body responsible for regulating the broadcasting industry and licensing in Nigeria, established in 1992 under the National Broadcasting Commission Act.¹³ According to the Act, the Commission has 12 members, consisting of a chairman, a Director-General, and 10 members representing different interests, such as law, business, culture, and education. All members of the Commission are appointed by the Government.

Safety of journalists:

10. As of 20 April 2023, according to UNESCO,¹⁴ 13 journalists have been killed since 2006, when systematic reporting by the organization began. The Government of Nigeria has responded to the Director General’s request on all these cases, of which one has been resolved, seven are unresolved and ongoing, and five are unresolved and archived.

III. RECOMMENDATIONS

A. RIGHT TO EDUCATION

11. Nigeria should be encouraged to:

- i. Enshrine the right to education for all, irrespective of age, in the Constitution and legislation.
- ii. Explicitly proscribe discrimination in education in the legislation.
- iii. Legally guarantee at least twelve years of free primary and secondary education.
- iv. Gradually introduce at least one year of free and compulsory pre-primary education.
- v. Ensure that the legal age of marriage of 18 years old established by the Child Rights Act is incorporated across all states and that the exceptions to this age, authorized only by a judge, do not fall below the absolute minimum age of 16 years, in accordance with international human rights law.
- vi. Prohibit corporal punishment and any kind of violence in educational settings.

¹⁰ https://www.constituteproject.org/constitution/Nigeria_2011.pdf (unofficial translation)

¹¹ <https://www.cbn.gov.ng/foi/freedom%20of%20information%20act.pdf>

¹² http://www.wipo.int/wipolex/en/text.jsp?file_id=218191

¹³ <https://www.placng.org/lawsfnigeria/view2.php?sn=276>

¹⁴ <https://en.unesco.org/themes/safety-journalists/observatory/country/223778>

- vii. Align the minimum age of employment with the end of compulsory education.
- viii. Continue to regularly submit comprehensive national reports for the periodic consultations on UNESCO's education-related standard-setting instruments, and notably on the Convention against Discrimination in Education.
- ix. Share with UNESCO any relevant information to update its country profile on UNESCO's Observatory on the Right to Education¹⁵ and UNESCO's Monitoring tool on the right to education for girls and women *Her Atlas*.¹⁶

B. RIGHT TO FREEDOM OF OPINION AND EXPRESSION AND RIGHT TO INFORMATION

- 12. Nigeria is recommended to decriminalize defamation and place it within a civil code that is in accordance with international standards.
- 13. Nigeria through its justice system is urged to investigate the cases of killed journalists and continue to voluntarily report on the status of judicial follow-up to UNESCO. The Government may wish to consider taking advantage of the UN Plan of Action on Safety of Journalists and the issue of impunity for enhancing its policies to prevent, protect and prosecute crimes against journalists.
- 14. Nigeria is recommended to assess and increase the transparency of the members' appointment system for the National Broadcasting Commission, the media licensing authority, to ensure its independence in accordance with international standards.

C. CULTURAL RIGHTS

- 15. As a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972), the Convention for the Safeguarding of the Intangible Cultural Heritage (2003) and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005), Nigeria is encouraged to fully implement the relevant provisions that promote access to and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, Nigeria is encouraged to give due consideration to the participation of communities, practitioners, cultural actors and civil society associations as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young people and persons with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

¹⁵ <http://www.unesco.org/education/edurights/index.php?action=countries&lng=en>

¹⁶ <https://en.unesco.org/education/girls-women-rights>

D. THE RIGHT TO SHARE IN SCIENTIFIC ADVANCEMENT AND ITS BENEFITS

16. Nigeria did not submit its National Report on the implementation of the Recommendation on Science and Scientific Researchers (2017) for the consultation period from 2017 to 2020. In May 2023, UNESCO's Executive Board also adopted 216 EX/Decision 45, which calls on all Member States to redouble their efforts to ensure the full and comprehensive implementation and monitoring of the 2017 Recommendation on Science and Scientific Researchers along the lines established in this decision. Therefore, Nigeria is encouraged to report to UNESCO on its implementation actions, especially noting legislative or other measures adopted by it with the aim to ensure application of these norms and standards in national law, policy and practice. Particular attention should be paid to the legal provisions and regulatory frameworks which ensure the implementation of human rights of scientific researchers themselves (rights of association, freedom of research, expression and publication, equal opportunities and treatment, including for girls and women pursuing a scientific career, etc.) and human rights obligations related to the practice of science generally: the human rights related to access to and uses of scientific knowledge through education; the sharing of benefits of scientific progress and its applications with emphasis on non-discrimination and inclusion; protection for the rights of human subjects of research; and promotion of the science society interface. UNESCO stands ready to support Nigeria develop and nurture its science ecosystem, and the protection of their science and scientific researchers, in line with the abovementioned Recommendation. Nigeria is invited to reach out to the UNESCO Secretariat for that purpose.
17. Furthermore, Nigeria is encouraged to expand input on issues covered by the Recommendation in its national report to the UPR to allow further discussions thereon at the Human Rights Council and the formulation of specific recommendations. Within this framework, Nigeria is urged to consider expanding the scope of application of freedom of expression to include scientists and scientific researchers and also to address the relevant dimensions of the right to science in its reporting on the impact of the COVID-19 pandemic and the assessment of responses thereto.