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Submission to the Universal Periodic Review of Nigeria
Human Rights Watch

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Summary

Human Rights Watch submits the following information regarding Nigeria's implementation of recommendations it supported through its third Universal Periodic Review as well as information about additional international human rights obligations and issues not addressed in the 2018 review.

Failure in ensuring civilian protection.

1. Despite accepting several recommendations at its 3rd UPR to ensure the protection of civilians¹, several armed groups and criminal gangs active in parts of the country continue to jeopardize the safety of millions of Nigerians and the government has failed to hold perpetrators accountable.
2. In the Northwest, gangs of armed men and boys commonly called bandits carry out widespread killings, kidnappings, sexual violence, and looting.² The gangs emerged following violent disputes over the use of natural resources between nomadic herders, mostly ethnic Fulani, and farmers have escalated in states in Nigeria's Middle Belt and Northwest region over the last decade.³
3. In the Northeast, the conflict between the Islamist armed group Boko Haram and the Nigerian security forces continues to exact a tremendous toll on civilians, millions of whom are displaced and in dire need of humanitarian aid.
4. Anti-government groups apparently clamoring for secession in the Southeast endanger citizens as they kill and maim to enforce what they call a sit-at-home order, which requires people to stay home and shut down all public places including businesses and schools.
5. Authorities have failed to adequately protect citizens and hold perpetrators of violence accountable through the justice system. In the Northeast conflict for example, domestic trials for several hundreds of Boko Haram suspects have remained postponed since 2018. The trials, which last took place in 2018, were fraught with irregularities, including lack of interpreters, inadequate legal defense,

¹ A/HRC/40/7/Add.1 Recommendation 148.172 (Argentina), 148.178 (Germany), 148.102 (Afghanistan).

² International Crisis Group, "Violence in Nigeria's North West: Rolling Back the Mayhem," May 18, 2020, <https://www.crisisgroup.org/africa/west-africa/nigeria/288-violence-nigerias-north-west-rolling-back-mayhem> (accessed July 14, 2023).

³ International Crisis Group, "Stopping Nigeria's Spiraling Farmer-Herder Violence," July 26, 2018, <https://www.crisisgroup.org/africa/west-africa/nigeria/262-stopping-nigerias-spiralling-farmer-herder-violence> (accessed July 14, 2023).

lack of prosecutable evidence or witnesses and non-participation of victims. Some defendants had been in detention since 2009 and the majority faced charges of material and non-violent support to Boko Haram.⁴

Recommendations

- Deploy adequate security measures and personnel to protect vulnerable communities in line with international human rights and humanitarian law.
- Ensure prompt investigation of attacks against civilians and bring those responsible to justice.
- Ensure the judicial system maintains oversight over the criminal justice system and suspects accused of terrorism are not detained beyond periods permissible under international law.
- Ensure all children accused of criminal offenses are transferred to civilian judicial authorities and treated in accordance with national and international juvenile justice standards, including the international legal obligation to only prosecute and detain as an exceptional measure of last resort.
- Promptly address human rights and fair trial concerns documented in previous trials of Boko Haram suspects, allow prompt appeals as well as re-trials for those convicted in flawed proceedings and resume trials for those waiting for years in detention to undergo the process.
- Urgently address the underlying factors that give rise to conflict. These include poverty, inequality, and the failure of government authorities to ensure justice and accountability for abuses committed in the context of intercommunal conflicts between groups over their livelihoods, including strife related to the impact of climate change.

Accountability for abuses by Security Forces

6. Since its 3rd UPR, despite supporting several recommendations on ensuring that operations by the military and security forces comply with international law⁵, the Nigerian government has repeatedly failed to hold officers responsible for abuses to account. Security forces continue to be implicated in gross human rights abuses including arbitrary detention, extrajudicial killings, and apparently indiscriminate airstrikes.

⁴ “Nigeria: Flawed Trials of Boko Haram Suspects,” Human Rights Watch news release, September 17, 2018, <https://www.hrw.org/news/2018/09/17/nigeria-flawed-trials-boko-haram-suspects>.

⁵ A/HRC/40/7/Add.1 Recommendation 148.103 (Australia), 148.168 (Netherlands), 148.178 (Germany), 148.104 (Portugal), 148.146 (Ireland), 148.145 (Belgium), 148.173 (Canada), 148.174 (Republic of Korea), 148.175 (Switzerland).

7. Since 2017, over 300 people have been killed by airstrikes that the Nigerian air force claimed were intended for bandits or members of Boko Haram, but instead hit civilians.⁶
8. In October 2022, the Nigerian air force announced that it had opened an investigation into accidental airstrikes on civilians but has provided no further details.⁷
9. In January 2023, a military airstrike killed 39 civilians and injured at least 6 others.⁸ The military have also been accused of killing of children and forced abortions in the fight against Boko Haram.
10. Prior efforts to hold the military officers accountable for abuses have yielded little or no results. To date, the report of the Presidential Investigative Panel set up in 2017 to review compliance of the armed forces with human rights obligations and rules of engagement, in local conflict and insurgency situations, has not been released.
11. Officers of the Nigerian police force also continue to be implicated in abuse against citizens including illegal arrests, extortion, arbitrary detention, and extrajudicial killings. Abuses against citizens also take place out of the context of the conflict.
12. When nationwide protests led by young people against abuses by a rogue police unit known as the Special Anti-Robbery Squad (SARS) broke out in October 2020, Nigerian security forces responded with more violence and abuse using tear gas, water cannons and live rounds. The overwhelmingly peaceful protests were tagged #EndSARS and morphed into a movement for widespread police reform.⁹
13. The protests lasted for almost two weeks but came to an end after Nigerian security forces opened fire on a group of protesters at the Lekki toll gate in Lagos state. Human Rights Watch found that at least 15 people hit by bullets were lifeless among

⁶ “Chart of the week: Nigeria Air Force mishaps,” SB Morgen, February 6, 2023,

<https://www.sbmintel.com/2023/02/chart-of-the-week-nigeria-air-force-mishaps/> (accessed July 14, 2023).

⁷ “We’re investigating accidental airstrikes on civilians – Nigerian Air Force chief,” *Premium Times*, October 27, 2022, <https://www.premiumtimesng.com/news/headlines/562027-were-investigating-accidental-airstrikes-on-civilians-nigerian-air-force-chief.html> (accessed July 14, 2023).

⁸ “Nigeria: No Justice for Civilians Killed in Airstrike,” Human Rights Watch news release, June 6, 2023, <https://www.hrw.org/news/2023/06/06/nigeria-no-justice-civilians-killed-airstrike>.

⁹ “Nigeria: Crackdown on Police Brutality Protests,” Human Rights Watch news release, October 16, 2020, <https://www.hrw.org/news/2020/10/16/nigeria-crackdown-police-brutality-protests>.

several others who were wounded during the shooting.¹⁰

14. A judicial panel of inquiry set up to investigate the incident found that security forces shot, injured, and killed unarmed protesters at the Lekki toll gate. The panel also recommended appropriate measures including dismissals and prosecution of officers implicated in the abuses and prompt payment of compensation to victims.¹¹
15. Nigeria's federal government, which has oversight of the security forces including the army and the police whose officers were implicated in the abuses, rejected the panel's recommendations. While the Lagos state governor, who called for the investigation, has also been quiet on the issue of accountability to date.¹²
16. The Nigerian police and military authorities have neither taken further steps to independently investigate nor respond to the panel's findings and recommendations.

Recommendations

- Provide details of the announced investigation into accidental airstrikes by the Nigerian Airforce.
- Ensure the prompt investigation and prosecution of alleged security force abuses including but not limited to extrajudicial killings, torture, enforced disappearances, and arbitrary detention.
- Intensify efforts to eradicate impunity by strengthening accountability and the rule of law, particularly through monitoring and investigating abuses by security forces.
- Ensure international human rights principles and standards are front and center in all military operations as well as strong, independent monitoring and assessment processes to mandate compliance.
- Review counter-terrorism laws and policies as well as their implementation to ensure compliance with international standards, including international human rights and humanitarian law.

¹⁰ "Nigeria: A Year On, No Justice for #EndSARS Crackdown," Human Rights Watch news release, October 19, 2021, <https://www.hrw.org/news/2021/10/19/nigeria-year-no-justice-endsars-crackdown>.

¹¹ Lagos State Judicial Panel of Inquiry on Restitution for Victims of SARS Related Abuses and Other Matters, *Report of Lekki Incident Investigation of 20th October 2020*, <https://lagosstatemoj.org/wp-content/uploads/2021/12/Report-of-Judicial-Panel-of-Inquiry-on-Lekki-incident-investigation-of-20th-October-2020.pdf> (accessed July 14, 2023).

¹² Segun James, "Lagos White Paper Rips Apart Panel's Report on #EndSARS," *This Day*, 2021, <https://www.thisdaylive.com/index.php/2021/12/01/lagos-white-paper-rips-apart-panels-report-on-endsars/> (accessed July 14, 2023).

Media freedom and freedom of expression

17. At its 3rd UPR, the government of Nigeria supported a recommendation to protect and promote freedom of expression to create a safe and favorable environment for human rights defenders, journalists, and civil society.¹³ Freedom of opinion and expression, however, continue to be restricted in the country.
18. In 2019, efforts to introduce a Social Media Bill aimed, among other things, at criminalizing government critics received a lot of pushbacks from civil society.¹⁴ The proposed law sought to prohibit statements on social media deemed “likely to be prejudicial to national security” and “those which may diminish public confidence” in Nigeria’s government.¹⁵ It also proposed that these offenses be punishable by a fine, a prison sentence of three years, or both. The bill also sought to allow law enforcement agencies to order internet service providers to disable internet access.
19. A bill to regulate social media was first considered in 2015 but failed to pass into law after similar public outcry.¹⁶ In the same year, however, the Cybercrimes law was enacted, criminalizing a broad range of online interactions.¹⁷ The law under which authorities have charged several activists and bloggers continues to exist as adopted, despite a 2022 order by the ECOWAS Court of Justice for the Nigerian authorities to amend the portion of the law found to be in violation of the right to freedom of expression and information.¹⁸
20. Also in 2022, the ECOWAS Court of Justice found that an eight-month ban on Twitter by the Nigerian authorities amounted to a violation of Nigerians’ rights to freedom of expression, access to information and the media. The Nigerian government banned and restricted access to Twitter in June 2021, after the social media company deleted a tweet by President Muhammed Buhari for violating its rules.

¹³ A/HRC/40/7/Add.1 Recommendation 148.184 (Italy).

¹⁴ Deji Elumoye and Olawale Ajimotokan, “Nigerians Unite against Hate Speech, Anti- Social Media Bills,” *This Day*, 2020, <https://www.thisdaylive.com/index.php/2020/02/04/nigerians-unite-against-hate-speech-anti-social-media-bills> (accessed July 14, 2023).

¹⁵ Protection from Internet Falsehoods and Manipulation and Other Related Materials Bill 2019, <https://guardian.ng/wp-content/uploads/2019/11/Protection-from-Internet-Falsehood-and-Manipulation-Bill-2019.pdf> (accessed July 14, 2023).

¹⁶ Mausi Segun, “Dispatches: Attempts to Muzzle Nigeria’s Social Media,” commentary, Human Rights Dispatch, December 3, 2015, <https://www.hrw.org/news/2015/12/03/dispatches-attempts-muzzle-nigerias-social-media>.

¹⁷ Cybercrimes (Prohibition, Prevention, Etc) Act, 2015 https://lawpadi.com/wp-content/uploads/2015/08/CyberCrime_ProhibitionPreventionetc_Act_2015.pdf (accessed July 14, 2023).

¹⁸ “Rights Violations: ECOWAS Court orders Nigerian government to amend cybercrime law,” *Premium Times*, March 28, 2022, <https://www.premiumtimesng.com/news/top-news/520361-rights-violations-ecowas-court-orders-nigerian-government-to-amend-cybercrime-law.html> (accessed July 14, 2023).

21. In May 2023, a Nigerian Court also found the National Broadcasting Commission's (NBC) practice of imposing fines on broadcast stations for critical reporting was unlawful.¹⁹ The NBC in 2022, for example, imposed a fine of 5 million naira (about US\$11,500 at the time) on four television companies for broadcasting documentaries on the banditry crisis in the northwest, including a BBC Africa Eye documentary titled, "Bandits Warlords of Zamfara," claiming that the documentary glorified terrorism.²⁰
22. An uptick in blasphemy related mob killings also threatens citizens' rights. In 2022, a female college student, Deborah Samuel, was murdered by a mob in northwestern Sokoto State after being accused of blasphemy against the Prophet Mohammed. Efforts by the authorities to identify and arrest suspects were met with protests which further stoked religious tensions across the predominately Muslim state.²¹ In June 2023, a butcher Usman Buda was also killed by a mob in the same state for alleged blasphemy against Prophet Mohammed.²²
23. Although Section 39 of the Nigerian Constitution guarantees the right to freedom of expression, thought, and conscience, its Criminal Law categorizes insult to religion as an offense and Sharia (Islamic law) applicable in 12 northern states including Sokoto, criminalizes blasphemy.²³

Recommendations

- Direct the security agencies to refrain from threatening, attacking, arresting, detaining, and prosecuting citizens or journalists, who are critical of government officials or who express critical opinion, based on the Cybercrimes law or any other laws or practice.
- Amend the Cybercrimes Law to bring it in conformity with international human rights law on freedom of expression and information.

¹⁹ <https://punchng.com/just-in-nbc-has-no-powers-to-fine-broadcast-stations-court-rules/>

²⁰ <https://www.thisdaylive.com/index.php/2022/08/04/nbc-fines-dstv-tstv-nta-trust-tv-n20m-over-documentary-on-banditry/>

²¹ Anietie Ewang, "Student in Nigeria Murdered Over Blasphemy Allegation," commentary, Human Rights Dispatch, May 16, 2022, <https://www.hrw.org/news/2022/05/16/student-nigeria-murdered-over-blasphemy-allegation>.

²² Abubakar Auwal, "How Sokoto 'Famous' Butcher Was Killed Over Alleged Blasphemy," *Daily Trust*, June 29, 2023, <https://dailytrust.com/how-sokoto-famous-butcher-was-killed-over-alleged-blasphemy/>

²³ Human Rights Watch, "*Political Shari'a*?" *Human Rights and Islamic Law in Northern Nigeria* (New York: Human Rights Watch, 2004), <https://www.hrw.org/report/2004/09/21/political-sharia/human-rights-and-islamic-law-northern-nigeria>.

- Direct the National Broadcasting Commission to respect the order of court and withdraw all sanctions against broadcast outlets for critical reporting and refrain from issuing any further such sanctions or punishments.
- Stop attempts to muzzle access to information, free expression and government criticisms on social media or other online platforms including by adopting laws to do so or restricting access to these platforms.
- Ensure justice and accountability for blasphemy-related mob killings and move to repeal the country's blasphemy law, which is inconsistent with international human rights law.

Economic and Social Rights

24. Nigeria is failing to take steps to ensure economic and social rights for everyone, including the right to an adequate standard of living. According to Nigeria's National Bureau of Statistics, an estimated 133 million people in the country live in multidimensional poverty, experiencing high levels of deprivation in areas including sanitation, health care, food, and housing.²⁴ Inequality has also reached extreme levels as the gap between the rich and the poor continues to widen at an alarming rate.²⁵
25. The country lacks a universal and well-functioning social security system to protect people against economic shocks and income insecurity, including during common life events such as old age, unemployment, sickness, or childbirth, and caring for dependents. According to ILO data, only 11 percent of Nigeria's population²⁶ is covered by at least one form of social protection.
26. The economic impact of the Covid-19 pandemic on the urban poor in Lagos, Nigeria's economic capital, showed how without a functional and universal social security system in place many people without access to benefits struggled to feed or provide daily essentials such as water for themselves and their families. Human Rights Watch documented how ad hoc efforts, including cash transfers and food handouts, reached only a fraction of the people who needed help.²⁷

²⁴ "Nigeria launches its most extensive national measure of multidimensional poverty," National Bureau of Statistics press release, November 17, 2022, <https://nigerianstat.gov.ng/news/78#:~:text=Highlights%20of%20the%202022%20Multidimensional,quarter%20of%20all%20possible%20deprivations> (accessed July 14, 2023).

²⁵ <https://www.oxfam.org/en/nigeria-extreme-inequality-numbers>

²⁶ <https://www.social-protection.org/gimi/WSPDB.action?id=19>

²⁷ Human Rights Watch, *"Between Hunger and the Virus" The Impact of the Covid-19 Pandemic on People Living in Poverty in Lagos, Nigeria* (New York: Human Rights Watch, 2021), <https://www.hrw.org/report/2021/07/28/between-hunger-and-virus/impact-covid-19-pandemic-people-living-poverty-lagos>.

Recommendations

- Draft and support legislation that recognizes Nigerians' right to social security and other economic and social rights.
- Develop a national strategy to fulfill the right to social security, building on the federal government's existing social protection policy.
- Review and harmonize existing domestic laws and policies with regional and international law standards on the right to an adequate standard of living, which encompasses adequate food, water, and housing.
- Ensure accountability and transparency for spending on social security.

Child Marriage

27. Nigeria supported several recommendations pertaining to children's rights.²⁸

28. 34 out of Nigeria's 36 states have adopted the Child Rights Act, but several northern states among them with Islamic legal systems have failed to include 18 as the minimum age of marriage in their version of the law, with some claiming that regulating the age of marriage is alien to their religion and culture.²⁹ The remaining two states yet to adopt the child protection law are also northern states with Islamic legal systems.³⁰

29. Customary and Islamic laws in several northern states permit traditional harmful practices such as child marriage and female genital mutilation.³¹ Recent reports show that in some northern states, 78 percent of girls marry before the age of 18.³²

30. Child Marriage is also prevalent in some states in the majority Christian southern part of the country which have adopted the Child Rights Act and set the age of majority

²⁸ A/HRC/40/7/Add.1 Recommendation 148.38 (Côte d'Ivoire), 148.42 (Cyprus), 148.40 (Slovenia), 148.41 (Slovakia), 148.54 (Honduras), 148.53 (Germany), 148.271 (Belgium), 148.39 (Portugal), 148.149 (Bahrain), 148.36 (Estonia), 148.123 (Portugal), 148.211 (Bhutan), 148.212 (Venezuela).

²⁹ Abubakar Ahmadu Maishanu, "Nigerian state passes child protection bill but declines to regulate age for marriage," *Premium Times*, December 21, 2021, <https://www.premiumtimesng.com/news/headlines/501979-nigerian-state-passes-child-protection-bill-but-declines-to-regulate-age-for-marriage.html?tztc=1> (accessed July 14, 2023).

³⁰ Steve Aya, "FG: 34 States Have Domesticated Child's Rights Act," *This Day*, 2022, <https://www.thisdaylive.com/index.php/2022/11/29/fg-34-states-have-domesticated-childs-rights-act> (accessed July 14, 2023).

³¹ Terry McGovern, Monique Baumont, and Samantha Garbers, "Customary and religious laws are impeding progress towards women's health in Nigeria," *The Conversation*, February 11, 2021, <https://theconversation.com/customary-and-religious-laws-are-impeding-progress-towards-womens-health-in-nigeria-154221> (accessed July 14, 2023).

³² "78% OF GIRLS IN THE NORTHERN REGION OF NIGERIA MARRY BEFORE THE AGE OF 18, A NEW REPORT BY SAVE THE CHILDREN INTERNATIONAL REVEALS," Save the Children International, November 16, 2021, <https://nigeria.savethechildren.net/news/78-girls-northern-region-nigeria-marry-age-18-new-report-save-children-international-reveals> (accessed July 14, 2023).

at 18. The practice in this context is fueled by unintended early pregnancies which are stigmatized and used as a basis to force girls into marriages.³³

Recommendations

- Amend the constitution to state 18 years as the minimum age of marriage.
- Nigerian states should urgently adopt or align existing laws with the provisions of the Child Rights Act, including the criminalization of marriage before age 18.
- The federal government and state authorities should develop and enact an action plan to protect pregnant girls from forced marriage and provide them with adequate support.

Rights of Internally Displaced People (IDPs)

31. Nearly 3.6 million people are currently internally displaced within Nigeria because of factors including recurring floods in parts of the south and protracted violence in multiple regions, such as attacks by Boko Haram and other non-state armed groups in the northeast and attacks by bandit gangs and clashes between pastoralists and farmers in the northwest and middle belt.
32. Out of the total number of people displaced, about 1.8 million are in Borno state, the epicenter of the Boko Haram crisis. The government in the state despite this situation has shut down camps for internally displaced persons in Maiduguri, the capital city where many people fleeing violence and insecurity have sought refuge.
33. The closures cut thousands of displaced persons from aid and compelled them to leave the camps without consultation, adequate information, or sustainable alternatives to ensure their safety and ability to support themselves in communities where they were forced to resettle or return.³⁴ Human Rights Watch found that the hastily arranged camp closures violated internally displaced people's rights and pushed thousands deeper into poverty and vulnerability.³⁵

Recommendations

- Ensure adequate provision of necessities including food, water, and shelter for all internally displaced people.

³³ "Nigeria: Child Marriage Violates Girls' Rights," Human Rights Watch news release, January 17, 2022, <https://www.hrw.org/news/2022/01/17/nigeria-child-marriage-violates-girls-rights>.

³⁴ Human Rights Watch, *"Those Who Returned Are Suffering" Impact of Camp Shutdowns on People Displaced By Boko Haram Conflict in Nigeria* (New York: Human Rights Watch, 2022), <https://www.hrw.org/report/2022/11/02/those-who-returned-are-suffering/impact-camp-shutdowns-people-displaced-boko>.

³⁵ Human Rights Watch, *"Those Who Returned Are Suffering" Impact of Camp Shutdowns on People Displaced By Boko Haram Conflict in Nigeria*.

- Halt further camp closures until adequate alternatives are available to displaced people, and work with relevant state authorities and the humanitarian community to explore and provide durable solutions for displaced people.
- Ensure that relocations and returns of all displaced people are guided by the African Union's Kampala Convention, the UN Guiding Principles on Internal Displacement, the National Policy on Internally Displaced Persons (IDPs), and other applicable standards.

Rights of people with mental health conditions

34. Thousands of people with mental health conditions or psychosocial disabilities in Nigeria continue to be shackled – chained or locked in confined spaces – in various facilities across the country, including in some traditional and religious healing centers, state-run rehabilitation centers, and even in some psychiatric hospitals.³⁶
35. People in these facilities face unlawful detention, violence, deprivation of food, unhygienic and degrading conditions, and forced treatments. For many, the chaining has resulted in or increased psychological distress.³⁷

Recommendations

- Implement the legal ban on chaining regardless of where it takes place: traditional rehabilitation centers or government-run facilities.
- Ensure people with mental health conditions have access to a system of community based, quality, and affordable mental health care that respects the autonomy, will, and preferences of persons with mental health conditions.
- Ensure monitoring visits by Nigerian government agencies as well as independent authorities to state and private institutions in which people with mental health conditions live, with the goal of stopping chaining and ending other potential abuses.
- Conduct public information campaigns to raise awareness about mental health conditions/psychosocial disabilities and the rights of people with disabilities, especially among alternative mental health service providers and the broader community, in partnership with people with lived experiences of psychosocial disability. Trainings on human rights should also be conducted for government officials, staff in institutions, and faith leaders.
- Consult people with mental health conditions in the development and implementation of all legislation and policies to reform the mental health system in Nigeria.

³⁶ “Nigeria: People With Mental Health Conditions Chained, Abused,” Human Rights Watch news release, November 11, 2019, <https://www.hrw.org/news/2019/11/11/nigeria-people-mental-health-conditions-chained-abused>.

³⁷ “Nigeria: People With Mental Health Conditions Chained, Abused.”

