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NATIONAL HUMAN RIGHTS COMMISSION OF NIGERIA



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A – Status NHRI

The National Human Rights Commission (NHRC) of Nigeria is established by the National Human Rights Commission Act of 1995, as amended in 2010, for the promotion, protection and enforcement of human rights in Nigeria. The Commission has the mandate to deal with all matters relating to the protection of human rights in Nigeria as guaranteed by the Nigeria Constitution 1999 (as amended), the African Charter on Human and Peoples Rights, the United Nations (UN) Charter, the Universal Declaration on Human Rights (UDHR) and other regional and global human rights treaties ratified by Nigeria. The Commission is an independent National Human Rights Institution that is not subject to the direction or control of any other authority or person in exercising its functions and powers. The Commission has powers to summon persons, acquire evidence, award compensation and enforce its decisions. It also has powers to visit places of detention in the country with a view to ensuring that detainees' rights are protected in accordance with the Constitution, extant laws and international human rights norms. The Commission is the designated National Preventive Mechanism on the prevention of torture, cruel, inhuman and degrading treatment or punishment as provided by the United Nations Optional Protocol on the Prevention of Torture (OP-CAT). It engages in human rights education and has a broad and national mandate for the realization of human rights. The Commission enjoys affiliate status with the African Commission on Human and Peoples' Rights and the African Committee of Experts on the Rights and Welfare of the Child. It is accredited with 'A' Status at the Global Alliance of National Human Rights Institutions (GANHRI).



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I. INTRODUCTION

1. This report analyzes Nigeria's human rights situation between 2019 and 2023, focusing on the government's response to the challenges of respecting human rights, upholding liberties, tackling poverty, and reducing inequalities in a diverse society. It also examines the country's implementation of domestic and international human rights obligations. The report measures performance using international benchmarks, focusing on election management and political process; administration of criminal justice and rule of law; torture, extra-judicial and arbitrary killings; human rights implications of addressing insecurity and violent extremism; rights of women and children; enjoyment of economic, social and cultural rights including poverty reduction and tackling inequalities and protection of vulnerable communities.

II. POSITIVE DEVELOPMENTS AND NIGERIA'S IMPLEMENTATION OF ITS COMMITMENTS AND PLEDGES TO THE UNITED NATIONS HUMAN RIGHTS COUNCIL

2. Nigeria's federal government developed a long term development plan – Nigeria Agenda 2050 in March 2023, aiming to increase real GDP growth by 7%, create 165 million new jobs, and reduce poverty to 2.1 million by 2050. The Agenda addresses economic, social, and cultural challenges, including low, fragile, and non-inclusive growth, insecurity, high population growth rate, limited economic diversification, and low productivity. The country's National Development Plan 2021-2025 aims to lift 35 million Nigerians out of poverty by 2025 through accelerated, sustained, and inclusive economic growth, social protection initiatives, and good governance.
3. The federal government of Nigeria also adopted a new National Action Plan (NAP) for the Promotion and Protection of Human Rights (2023 – 2027) in April 2023. The NAP is targeted at consolidating and up scaling Nigeria's observance of human rights. The Plan aligns its objectives and actions with the national framework for the implementation of Sustainable Development Goals (SDGs) in Nigeria. The NAP also includes a National Plan on Business and Human Rights,

which discusses Nigeria's constitutional, regional, and global obligations and challenges affecting human rights realization in business practices.

4. In September 2019, Nigeria hosted three United Nations Special Rapporteurs, the three mandate holders held robust interactions with state and non-state actors and offered useful suggestions on the improvement of enjoyment of human rights in their areas of competence. In November 2020, Nigeria ratified the International Labour Organization (ILO) Convention No. 187 on Promotional Framework for Occupational Safety and Health and ILO Convention No. 190 on Violence and Harassment in the World of Work. In December 2022, the country ratified The African Continental Free Trade Agreement, promoting economic growth and job creation across the African continent.

CHALLENGES

5. The country faces challenges in implementing policies for sustainable development, with current administrations struggling to carry on projects from previous administrations. Improvements have been made in the last eight years, but weak transparency, openness, and accountability in governance hinders effective improvement in social and economic well-being of the critical mass of the population.

RECOMMENDATIONS

6. The government should strengthen accountability institutions, intensify efforts to ratify human rights instruments, and take concrete measures to transform regional and global treaties into national laws in accordance with Section 12 of the 1999 Nigeria Constitution.

III. ELECTIONS AND POLITICAL PROCESS

7. The Independent National Electoral Commission (INEC) has implemented significant improvements in election management and processes since 2019. These include early preparation, collaboration with state and non-state actors, security agency consultations, and continuous voter registration. The Electoral Act of 2022 was passed to deploy technology tools like the Bimodal Voters Accreditation System (BVAS) and INEC Results Viewing Portal. The success rate for BVAS is 98%, compared to 29.2% of Smart Card Readers used in 2019. The 2023 elections were held in 1,491 constituencies, with five parties represented in the governance of the country.
8. Technology usage improved efficiency, saved time, and reduced human errors. The Electoral Act has been amended to promote transparency and accountability in the electoral process. State and non-state actors, including civil society

organizations, actively participated in voter education and awareness creation. The National Human Rights Commission and Ford Foundation developed a 2023 election project called "Mobilizing Voters for Elections" (MOVE), aiming to promote voter participation, advocate for human rights, monitor hate speech, and promote accountability in law enforcement participation.

CHALLENGES

9. The 2019 and 2023 elections faced challenges, including late arrival of INEC officials and materials at polling units, malfunctioning BVAS machines, limited results transmission, insecurity, voter intimidation, limited access for Persons With Disabilities (PWDs), hate speech, violence against women, and poor internal party democracy. These issues raised concerns about trust and confidence in the election management body and process.

RECOMMENDATIONS

10. The government should strengthen INEC's independence, implement the Electoral Act 2022 for transparency, accountability, and fairness, investigate and prosecute electoral offenders, improve synergy with security forces, monitor electoral law, ensure voter registration, improve voter education, create distribution centers, enhance technology use, include vulnerable groups, and reduce hate speech, incitement, and false information. These measures will help maintain trust and confidence in elections and promote a more inclusive and transparent electoral process.

IV. ADMINISTRATION OF CRIMINAL JUSTICE AND RULE OF LAW

11. Nigeria has made significant progress in improving its criminal justice system and rule of law. As of June 2023, 35 out of 36 states have passed the Administration of Criminal Justice Law, complementing the Administration of Criminal Justice Act (ACJA). This has led to efficient management of institutions, speedy justice dispensation, and protection of society from crime and human rights. Initiatives such as the establishment of the Administration of Criminal Justice Monitoring Committee, the development of a Strategic Action Plan for justice implementation, coordination between the Federal Justice Sector Reform Coordinating Committee and Justice Reform Teams, the establishment of Human Rights Desks at police stations, the monitoring of corruption trial cases, community policing, legal aid access to justice, electronic mailing and filing systems, the enactment of correctional services and Police Act, and the capture of the constitutional amendment devolving powers to states to legislate on corrections.

CHALLENGES

12. Nigeria faces challenges in criminal justice and the rule of law such as lengthy pre-trial detention, arbitrary arrests, torture, intimidation, poor synergy, frequent court adjournments, and unauthorized searches, arrests, and detentions of young people. These issues stem from heavy workloads on the judiciary and inadequate judges, as well as the fight against cyber and serious crimes.

RECOMMENDATIONS

13. The government should increase budgetary allocations for criminal justice, intensify advocacy, strengthen information technology, improve law enforcement capacity, synergize justice sector reform initiatives, and ensure specific classification and decriminalization of petty offenses in penal laws.

V. TORTURE, EXTRA JUDICIAL AND ARBITRARY KILLINGS

14. Nigeria as a party to the Convention Against Torture (CAT), has enacted several criminal justice laws, including the Anti-Torture Act 2017, Correctional Service Act 2019, and Police Act 2020. The country has also implemented reform initiatives to address challenges in law enforcement methods and human rights. These include developing human rights standard guides, reviewing Nigeria Police Force orders, establishing Special Investigative Panels, and strengthening the Police Complaints Response Unit. The National Human Rights Commission has been designated as the country's National Preventive Mechanism. The country has also strengthened its Police Complaints Response Unit, resulting in over 258 officers being sanctioned and 31 dismissed.

CHALLENGES

15. Challenges in this area include disobedience to court orders, poor human rights attitudes, torture, prolonged investigation timeframe, inadequate rehabilitation structures, weak centralized database, and the use of unconventional methods to investigate drug and substance abusers. These issues inhibit effectiveness in criminal justice reform and accountability.

RECOMMENDATIONS

16. The government should intensify human rights training for armed forces, police, and security agencies, implement the Coroner's Inquest law, provide forensic facilities, monitor training, improve information technology, strengthen criminal justice administration, investigate human rights violations, strengthen civilian oversight agencies, establish victim/survivor-centered rehabilitation programs, ensure prompt investigation of human rights violations, address inadequate rehabilitation structures and weak centralized database, and the use of

unconventional methods for drug and substance abuse investigations.

VI. HUMAN RIGHTS IMPLICATIONS OF ADDRESSING INSECURITY AND VIOLENT EXTREMISM

17. Nigeria faces significant challenges in combating terrorism, insurgency, separatist agitations, and atrocity crimes. Since the return to democracy in 1999, the situation has worsened, leading to massive troop deployments in all 36 states. The escalation of attacks on security forces and communities in the South-Eastern region and increased crude oil theft have also changed the security dynamics. To address these challenges, the government has adopted a whole-of-government, whole-of-society approach in the implementation of the National Policy Framework and Action Plan for Preventing & Countering Violent Extremism (PCVE). Key initiatives include a revised National Security Strategy, the Reversed Terrorism (Prevention and Prohibition) Act 2022, and the Money Laundering (Prevention and Prohibition) Act 2022.
18. Civil military cooperation, continuous training in human rights and humanitarian law principles, and a revised Code of Conduct and Rules of Engagement for armed forces have also been implemented. The Northeast Development Commission and Ministry of Humanitarian Affairs, Disaster Management, and Social Development have collaborated with global development agencies to develop new approaches for PVCE activities in Nigeria.

CHALLENGES

19. The federal government has not approved the National Policy on Protection of Civilians and Civilian Harm Mitigation in Armed Conflict. Delays in the payment of operational allowances to troops fighting insecurity and other national security threats, slow trials of detained suspects, and investigations of human rights violations have eroded public trust. Top military commanders hold a wrong perception of the relationship between respect for human rights and the rule of law in combating national threats and security. Additionally, service providers exploit and abuse internally displaced persons (IDPs).

RECOMMENDATIONS

20. The government should approve the National Policy on Protecting Civilian Harm Mitigation in Armed Conflict, direct the Military High Command to promptly pay operational allowances and entitlements of troops, and expedite trials for terrorism-related offenses. A standardized operational manual should be developed to address rule of law, human rights, and national security threats. Strict checks and balances should be ensured in IDP camps, and allegations of human rights violations should be investigated. Addressing structural and institutional factors driving insecurity and violent extremism is crucial.

VII. RIGHTS OF WOMEN

21. Nigeria has made significant progress in ensuring women's specific needs and interests are included in policies, programs, and laws at the federal and state levels. Reforms in this area include increased access to education, economic empowerment initiatives, and improved health and maternal care services. Policy measures include the National Action Plan on Trafficking in Persons (2021-2025), the Financial Inclusion Strategy for Women 2020 by the Central Bank of Nigeria, and social protection programs targeting women and children from economically vulnerable households. Many states have enacted laws addressing issues inhibiting women's rights, such as harmful traditional practices, forced marriage, and child marriage. The National Human Rights Commission has launched a mobile application and an automated call center to connect survivors of SGBV with service providers.
22. The Violence Against Persons (Prohibition) Act 2015 (VAPP Act) prohibits all forms of violence, including physical, sexual, psychological, domestic, harmful traditional practices, and discrimination against persons. Thirty-four states out of thirty-six states in the country have passed the VAPP Act and other laws focusing on women's rights.

CHALLENGES

23. Challenges in this area include prevalent domestic violence, insufficient specialized courts, ineffective policy implementation, non-gender sensitive budgeting, and harmful cultural practices hindering women's rights realization.

RECOMMENDATIONS

24. The government should implement massive awareness campaigns against SGBV, establish specialized courts, monitor policies, review harmful laws, improve data generation and storage, mainstream gender-specific needs in development plans, engage critical opinion leaders, pass the Gender Equality Bill, and provide gender-sensitive budgeting for women's rights protection.

VIII. RIGHTS OF THE CHILD

25. The Child Rights Act 2023 in Nigeria aims to protect children's rights and welfare. The government has implemented initiatives such as the National Priority Agenda and Violence Against Persons Prohibition Act. Nigeria is also implementing national school feeding programs to attract and retain children in basic education. Other interventions include the establishment of a children's parliament, the adoption of the Violence Against Children Policy, the review of the National Gender Policy, and the launch of policies against female genital mutilation and child marriages.

CHALLENGES

26. Challenges include inadequate child protection policies, poverty, inadequate rehabilitation, low-level data, poor understanding of child rights, weak Universal Basic Education Act implementation, high child delinquency rates, unregulated education, lumping of children's rights with women's rights, and harmful cultural practices, such as witchcraft allegations.

RECOMMENDATIONS

27. The government should implement policies and laws addressing child survival and development, strengthen school security, implement Child Rights Enforcement Procedure Rules, establish family courts, allocate resources, create awareness programs, and centralize data on children's issues.

IX. ENJOYMENT OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS

28. Nigeria's governments have been working assiduously to improve the quality of life of its people by implementing policies and programs aimed at improving education, healthcare services, and affordable housing. Key interventions include the Safe School Declaration (SSD) initiative, the National Action Plan on Financing Safe Schools, the National Health Insurance Act 2022, the National Emergency Service and Ambulance System (NEMSAS), the establishment of 14 new federal tertiary hospitals, and improvements in reproductive, maternal, newborn, child, adolescent, and elderly health and nutrition services. The National Malaria Elimination Programme has also been developed, and the National Social Housing Scheme has generated over 64,000 jobs. The National Social Investment programme has supported over 200,000 SMEs, with 66% of beneficiaries being women-owned enterprises and 27% being youth-owned. The Bank of Industry (BOI) Growth Platform has disbursed over 1 trillion Naira in loans to over 3 million large, medium, small, and micro enterprises since 2015. The 1999 Constitution (Fifth Alteration) (No. 34) Act 2023 makes food security a fundamental objective and directive principle of state policy, and the Data Protection Bill in 2023 provides a legal framework for the protection of data.

CHALLENGES

29. Challenges in this area include inadequate funding, policy inconsistencies, insufficient data, high population growth, poverty, poor infrastructure, COVID-19 impact, corruption in the public sector, poor performance management, non-understanding of rights-based approaches, and national security threats.

RECOMMENDATIONS

30. The government should amend the Constitution to address the justiciability of economic, social, and cultural rights, allocate sufficient budgets for social and economic services, utilize resources responsibly, develop capacity for rights-based approaches among development planners, reduce governance costs, strengthen anti-corruption agencies, improve monitoring, evaluation, and performance management systems, and seek technical assistance from the Office of the High Commissioner for Human Rights for rights-based tools.

X. RIGHTS OF PERSONS OF CONCERN

31. Nigeria has made steady progress in addressing the rights of persons of concern in the last four years. The government has made efforts to protect the rights of internally displaced persons (IDPs), older persons, persons with disabilities (PWDs), human rights defenders (HRDs), trafficked persons, and key populations. The National Senior Citizens Center Act 2017 was established to address the needs of older persons, and Nigeria's Development Plan includes a National Policy on Ageing 2020 and a Strategic Roadmap on Ageing 2022-2032. The Nigerian Constitution and other laws guarantee the rights of HRDs, and the Freedom of Information Act in 2011 has significantly impacted access to public information. The protection of persons identified as key populations is a concern in Nigeria, and the National Human Rights Commission has conducted training and sensitization, promoting respect for persons with different sexual identities and orientation.

CHALLENGES

32. IDPs in Nigeria face protection risks, loss of homes, and exposure to overcrowded camps. Despite the Disability Act and laws, PWDs still face low employment rates and limited access to public facilities. Older persons face social, health, economic, and financial constraints due to their age. There are reported cases of political office holders and law enforcement personnel carrying out arbitrary arrests, detention, and intimidation against human rights defenders. Key populations face harassment and intimidation due to cultural and religious bias.

RECOMMENDATIONS

33. The government should effectively implement Older Persons and Disability Acts, encourage state governments to also do so, provide adequate security for IDPs and older persons, implement the National Policy on Internally Displaced Persons, strengthen monitoring and evaluation systems, dedicate units in Government Ministries, Departments and Agencies (MDAs) for PWDs and Older Persons, promptly investigate human rights violations, support international efforts towards the Convention on the Rights of Older Persons and protect key

population rights.

ANNEXURES

1. Table of commentary on recommendations to Nigeria from 3rd Cycle UPR

- A. Title: Independent report on state of compliance by Nigeria of its international human rights obligations as part of documentation for the review of Nigeria at the 4th Cycle of United Nations Universal Periodic Review (UPR) Mechanism.
- B. Submitted by: National Human Rights Commission, Nigeria.
- C. As an individual report
- D. Country: Nigeria
- E. To be reviewed at the 45 Session of the Human Rights Council UPR 4th Cycle in April/May 2024
- F. Referee: Chief Tony Ojukwu, OFR, SAN, FICMC
Executive Secretary
National Human Rights Commission, Nigeria.
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