

**Statement on the UPR 45 Pre-session on the Federal Republic of Nigeria
of Amnesty International Nigeria
28 November 2023, Geneva**

This statement is delivered on behalf of Amnesty International, a global movement of more than 10 million people in over 150 countries and territories who campaign for a world where human rights are enjoyed by all.

Amnesty International Nigeria participated in the consultations of the National Human Rights Commission held in December 2022 and on 14 November 2023.

The submission focuses on addressing enforced disappearances, torture, impact of oil industry on human rights, and gender-based violence. It evaluates the implementation of recommendations made to Nigeria in its previous UPR in 2018 and ends with a set of recommendations to Nigeria which, if implemented, would contribute to improving the human rights situation.

ISSUE 1: Enforced disappearances

Despite supporting three recommendations to end enforced disappearances, including to develop a database of missing persons in Nigeria, and to allow independent human rights investigators full access to investigate allegations of enforced disappearances,¹ enforced disappearances are still prevalent in the country.

Several people have been subjected to enforced disappearance between 2019 and 2022.² The government has not yet established an official database of missing persons, and there is still no justice for victims of enforced disappearance and their families.

Specifically, several men were forcibly disappeared by the authorities in response to the activities of the Indigenous People of Biafra in southeast Nigeria³ and *Boko Haram* in the Northwest. Government critics remained missing several years after their abduction by suspected state agents.⁴

Recommendations:

Amnesty International calls on the government of Nigeria to:

- Ensure that enforced disappearance constitutes a criminal offence in line with Nigeria's obligations under the Convention for the Protection of All Persons from Enforced Disappearance.
- Ensure that all detainees suspected of a crime are brought before a court of law within 24 or 48 hours where so required by the Constitution, and in all cases within no more than a few days as

¹ UN Doc. A/HRC/40/7 and its addendum, UN Doc. A/HRC/40/7/Add.1, recommendations 148.150 (Germany), 148.151 (Azerbaijan), 148.152 (Guyana)

² Amnesty International Nigeria, "Nigeria must show genuine commitment to ending enforced disappearances", <https://www.amnesty.org.ng/2022/08/30/nigeria-must-show-genuine-commitment-to-ending-enforced-disappearances/>

³ Amnesty International, "Nigeria must show genuine commitment to ending enforced disappearances", 30 August 2022 <https://www.amnesty.org.ng/2022/08/30/nigeria-must-show-genuine-commitment-to-ending-enforced-disappearances/>

⁴ Amnesty International Report 2022/23, *The state of the world's human rights*, Nigeria entry, <https://www.amnesty.org/en/location/africa/west-and-central-africa/nigeria/report-nigeria/>

required under Article 9(3) of the International Covenant on Civil and Political Rights, as interpreted by the Human Rights Committee.

- Make enforced disappearance, either committed by state agents or armed non-state actors, criminal under national law and punishable by appropriate penalties which take into account its extreme seriousness.
- Make sure survivors and people who have lost their loved ones receive reparation – this includes compensation, rehabilitation, restitution and a guarantee that it won't happen again.

ISSUE 2 - Torture

Nigeria supported eight recommendations from Cyprus, Spain, Ukraine, Czechia, Hungary, Chile, Niger and Switzerland aimed at preventing torture and other ill-treatment including to establish a national torture preventive mechanism for independent monitoring in all detention facilities and to create a central database of all places of detention.⁵ However, none of the accepted recommendations have been implemented.

Despite criminalization of torture under the Anti-Torture Act (2017), torture and other ill-treatment has remained pervasive in Nigeria.

Amnesty International has documented over 82 cases of torture by the Special Anti-Robbery Squad (SARS) unit of the Nigeria police, which was notorious for unlawful arrests, torture and other ill-treatment, and unlawful killings.⁶ In October 2020, the Nigerian authorities disbanded SARS. However, all the officers in the SARS squad were redeployed and none of them has been prosecuted.

Law enforcement agents carry out all sorts of torture, using whatever means are available to them, including beatings, nail extractions, rape and sexual violence, shootings, sitting on sharp objects, starvation, suspending detainees by the feet, suspending detainees on a pipe or rod, teeth extractions, water torture, etc.

Many of the major police stations include “torture chambers”, or “abattoir” with an officer known as “O/C Torture”, or the “Officer in Charge of Torture”.

Recommendations:

Amnesty International calls on the government of Nigeria to:

- Ensure that the Anti-Torture Act is implemented fully and effectively across Nigeria and issue a clear public directive to all members of the police, military and other security forces, that torture and other ill-treatment will not be tolerated under any circumstances.
- Promptly, thoroughly and impartially investigate all allegations of torture and other ill-treatment and bring anyone suspected to be responsible to justice in a fair trial without recourse to the death penalty.

⁵ A/HRC/40/7/Add.1, recommendations 148.105 (Cyprus), 148.25 (Spain), 148.156 (Ukraine), 148.155 (Czechia), 148.153 (Hungary), 148.154 (Chile), 148.10 (Niger), 148.158 (Switzerland)

⁶ Nigeria: Time to End Impunity: Torture and Other Violations by Special Anti-Robbery Squad (SARS), <https://www.amnesty.org/en/documents/afr44/9505/2020/en/>

- Ensure that statements and other information or materials obtained through torture and other ill-treatment are not used as evidence in courts. And include such prohibitions in professional training programmes for police, soldiers, judges, prosecutors and lawyers.
- End the practice of incommunicado detention and ensure that all detainees have access to their family, a lawyer and doctor immediately after their arrest and regularly throughout the period of their detention or imprisonment.
- Ensure that the interrogation of all suspects and detainees takes place in the presence of a lawyer and that all statements and questions be recorded in writing or electronically.
- Ensure that victims of torture and other ill-treatments are able to obtain prompt and adequate reparation from the state, including restitution, fair and adequate financial compensation and appropriate medical care, health services and rehabilitation.
- Ensure that the National Committee on Torture is adequately empowered and funded to carry out its functions including conducting periodic visits and inspections of places of detention. The Committee must have access to all places of detention, including military detention facilities, so-called 'preventive' detention centres, the premises of the security services and all prisons. During inspections, the Committee must be able to interview detainees in private. Inspection reports must be published.

ISSUE 3: Impact of oil industry on human rights

Despite supporting recommendation from the Republic of Korea to take effective measures to assist the communities suffering from environmental damage across the Niger Delta due to oil spills,⁷ the Niger Delta region continues to suffer from an epidemic of oil spills which have devastating impacts on the human rights and livelihoods of the communities.⁸

Amnesty International has documented various impacts of oil pollution on human rights in different communities in the Niger Delta region.⁹ People living in the affected communities in the Niger Delta region have to drink, cook with, and wash in polluted water; they eat fish contaminated with oil and other toxins; the land they use for farming has been contaminated and the air they breathe reeks of oil, gas and other pollutants.

In 2021, Shell announced its plans to sell its onshore oilfields and assets in the Niger Delta after 60 years of highly profitable operations in the area. Shell has not explained how it plans to address the widespread and systemic pollution of Nigerian communities linked to its operations.¹⁰

Recommendations:

⁷ UN Doc. A/HRC/40/7 and its addendum, UN Doc. A/HRC/40/7/Add.1, recommendation 148.94 (Republic of Korea).

⁸ Amnesty International, *Nigeria: Negligence in the Niger Delta: decoding Shell and Eni's poor record on oil spills*, 16 March 2018, Index: AFR 44/7970/2018.

⁹ Amnesty International, *Tainted Sale? Why Shell's divestment from the Niger Delta must not harm human rights* (Index: AFR 44/6797/2023): <https://www.amnesty.org/en/documents/afr44/6797/2023/en/> [Accessed 26 July 2023]

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¹⁰ Amnesty International, "Nigeria: Shell must clean up devastating oil spills in the Niger Delta," 2 February 2023, <https://www.amnesty.org/en/latest/news/2023/02/nigeria-shell-oil-spill-trial/>

Amnesty International calls on the government of Nigeria to:

- Address the negative environmental and human rights impacts of oil pollution in the Niger Delta region through health monitoring of affected communities, improvements in health care facilities and a survey of drinking water and food sources in case of contamination by hydrocarbons. The results should be made public.
- Effective clean-up of the oil pollution and adequate compensation for those whose livelihoods have been devastated and whose health has been harmed.
- Urgent steps must be taken to address the negative environmental and human rights impacts of oil pollution in the Niger Delta region.
- Require oil operators to take all reasonable actions to prevent sabotage of oil pipelines and oil theft and impose effective penalties on those that fail to do so. If companies fail to take reasonable measures, then make them liable for compensating affected communities.
- Require operators to publish on their websites all reports and certificates related to oil spill investigations and clean up.
- In exercising its oversight of Shell's divestment, the Nigerian government must:
 - Protect and respect the human rights of its citizens, including their right to an adequate standard of living, water, health, and the right to access to effective remedy for people whose human rights have been infringed.
 - Ensure that Shell's divestment does not limit Shell's liabilities without a full investigation into and remediation of all existing pollution, the maintenance and repair of existing pipelines, and the protection of pipelines from sabotage.
 - Require that any purchaser be adequately capitalized to meet these requirements and given the uncertainty of the cost, consider requiring Shell to remain as guarantor should funding be insufficient.
 - Ensure that all relevant stakeholders, most importantly the affected communities, be engaged in the process and that their concerns are solicited and incorporated into the final decision.
 - Ensure that the National Oil Spill Detection and Response Agency is provided with the adequate resources necessary to investigate oil spills independently of the oil companies.

ISSUE 4: Gender-based violence

Nigeria supported over nine recommendations in relation to gender-based violence and gender equality, including to enact the Gender and Equal Opportunities (GEO) Bill, and to implement the Violence Against Persons (Prohibition) (VAPP) Act, 2015 in all the states.¹¹ The GEO bill is yet to be passed into law. Thirty-four states have domesticated the Act. Kano and Katsina states are yet to do so.

However, violence against women and girls remains pervasive.¹² Since the last review, there has been an upsurge in reports of rape across Nigeria. The Nigeria police recorded 717 incidents of rape between

¹¹ A/HRC/40/7/Add.1, recommendations 148.46 (Spain), 148.30 (Netherlands), 148.43 (Rwanda), 148.42 (Cyprus), 148.36 (Estonia), 148.251 (Canada), 148.256 (Congo), 148.51 (Finland), 148.257 (Madagascar), 148.264 (Guyana)

¹² Amnesty International, "Nigeria: A harrowing journey: Access to justice for women and girl survivors of rape in Nigeria," 17 November 2021, Index AFR 44/4959/2021, <https://www.amnesty.org/en/documents/afr44/4959/2021/en/>

January and May 2020.¹³ In its 2020 annual report, the National Human Rights Commission noted having received 11,200 reported cases of rape. On 5 July 2023, the Nigeria Police, Lagos State Command, said it recorded 111 sexual assault cases between April and June 2023.¹⁴

Recommendations:

Amnesty International calls on the government of Nigeria to:

- Respect, protect, promote and fulfil the human rights of everyone, including women and girls.
- Enact the Gender and Equal Opportunities Bill by ensuring it is immediately referred to the Committee stage, third reading and passage into law.
- Domesticate the Violence Against Persons Prohibition Act in states yet to do so and ensure effective implementation of these laws across Nigeria.
- Ensure the speedy domestication of the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol).
- Ensure that all reported cases of violence against women are thoroughly, promptly, and impartially investigated and perpetrators are held accountable.
- Repeal existing discriminatory laws and follow up with a concrete implementation and enforcement framework.

KEY AMNESTY INTERNATIONAL DOCUMENTS FOR FURTHER REFERENCE

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¹³ Nigeria: Failure to tackle rape crisis emboldens perpetrators and silences survivors,

<https://www.amnesty.org/en/latest/news/2021/11/nigeria-failure-to-tackle-rape-crisis-emboldens-perpetrators-and-silences-survivors/>

¹⁴ The Cable, "Police: Lagos recorded 111 cases of sexual violence in three months;" 5 July 2023, <https://www.thecable.ng/police-lagos-recorded-111-cases-of-sexual-violence-in-three-months#>, [Accessed 9 August 2023]

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