



Submission of the Commonwealth Human Rights Initiative (CHRI) for the Universal Periodic Review of Nigeria **September 2008**

CHRI's work on Nigeria is currently limited. This submission is based on information gathered by CHRI's human rights monitoring section and based on research undertaken for CHRI's annual report on the Commonwealth members of the UN Human Rights Council. Most of the information is from secondary sources.

A. Consultation process

1. CHRI was informed by sources that consultations have been planned by the government on the UPR but none have taken place yet.

B. The current normative and institutional framework of the country under review

- ***National Human Rights Institutions***

2. The government's commitment to continue to strengthen the National Human Rights Commission suffered a major setback in 2006 when the Executive Secretary, Mr. Bukhari Bello, was removed without explanation after being critical of the government. A lack of clarification on the circumstances surrounding his removal has resulted in the non-renewal of the membership of the National Human Rights Commission of Nigeria to the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights.

- ***Right to Information***

3. Eight years of attempts to pass the Freedom of Information Bill suffered a setback when President Obasanjo refused to sign the Bill into law during his last days in office in 2007. The Bill went back to the House of Representatives and in September 2007 the then-Speaker of the House pledged that the Bill would be passed speedily.ⁱ However, when the Bill did reach the House of Representatives on 3 June 2008, it failed for the seventh time during the third reading, amid allegedly misplaced fears that the media would gain too much power. The plenary session was also allegedly marred by members vehemently opposing the Bill, without properly considering its merits.ⁱⁱ

- ***Gender equality and sexuality rights***

4. Two pieces of legislation stand out, the Same-Sex Marriage (Prohibition) Act 2006, which got fast-tracked through the National Assembly in February 2007, and is scheduled for a third reading before turning into law; and the 'Public Nudity Bill', which has been proposed for discussion for the third time this year. According to reports the former Bill proposes five years imprisonment for anyone who undergoes, "performs, witnesses, aids, or abets" a same-sex marriage. Those "involved in the

registration of gay clubs, societies and organizations, sustenance, procession or meetings, publicity and public show of same sex amorous relationship directly or indirectly in public and in private any display of a "same-sex amorous relationship" are also subject to the same sentence.ⁱⁱⁱ The latter Bill reportedly goes a long way to hamper women's rights, as it prescribes three months imprisonment for women who expose their navel, breasts or wear mini skirts in public places.^{iv} It has also been reported that the first attempt to pass a draft CEDAW Bill in the Parliament has failed.

C. The implementation and efficiency of the normative and institutional framework for the promotion and protection of human rights

• Police

5. Sources indicate that statements made by high-level police officials in the past year offer evidence that the police force regularly acts with impunity. The police commissioner of the Federal Capital Territory is alleged to have issued a "Shoot-at-Sight" directive to all police officers who encounter suspected armed robbers, thus depriving them of the right to life and the right to fair trial.^v The Police Force press relations officer later said that he was misquoted.^{vi} In November 2007, the Chief of the Nigerian Police, Mike Okiro, admitted in a speech made to the House of Representatives' Police Affairs Committee on his achievements as commissioner that 785 suspected armed robbers had been killed in exchanges of gunfire with police from June to September of that year.^{vii} Despite calls from Human Rights groups to launch an independent enquiry, no action has been taken as of yet. According to the Nigerian police's own estimates, over 10,000 people were estimated to be killed in police encounters since 2000.^{viii}
6. Abuse by the Police has been observed as being associated with a pattern of impunity, arbitrary detention and enforced disappearances, which is endemic to unreformed and outdated policing in the Commonwealth. In this context CHRI has observed allegations that Nigerian police force and security forces commit rape in many different circumstances, both on and off duty, as well as strategically to coerce and intimidate entire communities. Such strategies have been found to be particularly prevalent in the Niger Delta region where it has been alleged that security forces act with full impunity, without fear of coming under the purview of law.^{ix}
7. Police corruption is reported to have extreme endemic levels in Nigeria, when questioned, the Port Harcourt Police Commissioner reportedly had no qualms stating that "If I told you that doesn't happen here, I would be lying to you. But there is corruption everywhere." ^x

• Torture

8. CHRI has received reports of numerous examples of violent excesses carried out by police services and personnel in detention facilities, including torture and extra-judicial killings. Torture also has been categorised torture as "an intrinsic part of the functioning of the police in Nigeria".^{xi} In this regard degraded prison conditions and the lack of functioning police and prison complaints mechanisms as well as the inclusion of certain violent aspects of Sharia law within the legal framework have been noticed to contribute to the incidence of torture in Nigeria. Notably Nigeria is a signatory to the Convention Against Torture and has committed itself to eradicating torture.

• Prisons

9. CHRI has noted reports of allegations that a number of inmates have been executed secretly while in detention. According to sources at least seven executions by hanging, all reportedly signed by the Governor of Kano, are alleged to have taken place in the past two years and carried out in prisons all

over the country^{xii}. While Nigeria has not officially abolished the death penalty, a government representative at the United Nations in November 2007 claimed that capital punishment had not been practiced for years.^{xiii} Overcrowding in prisons has also been reported and is known to cause young children to be detained in the same cell as adult males.^{xiv}

- *Child rights*

10. According to reports child rights continue to be regularly endangered in Nigeria, with violations ranging from corporal punishment to violence based on gender discrimination committed by both civilians and security forces. Trafficking in young girls and women from villages to cities also continues to remain a huge challenge in Nigeria. The Child Rights Act, passed at the federal level in 2003, provides for various safeguards and criminalizes child labour. However, so far, only 18 out of the 36 states have reportedly ratified the Act and created mechanisms for its implementation.^{xv}

- *Corruption and governance*

11. According to reports several allegations of corruption have been levied against elected officials in the past year. In October 2007, the speaker of the Nigerian House of Representatives resigned after a panel report revealed that allegations of mispending against her were true. Numerous former governors and many politicians have also been accused of massive corruption and money laundering.^{xvi} ^{xvii} The Economic and Financial Crimes Commission (EFCC), which has been regarded by the international community as one of the most effective anti-corruption agencies in Africa has reportedly played a major part in the investigation and charging of numerous former state governors, some of whom have reportedly fled the country.^{xviii} Former governors have also reportedly been charged with graft since President Yar'Adua took over in May 2007. According to reports following former governor of the oil-rich Delta State, James Ibori, the Inspector General of Police, Mike Okiro, ordered the Executive Chairman of the EFCC, Mr. Nuhu Ribadu, to attend a nine-month training course at a Nigerian policy institute, allegedly forcing him to step down from his post at the EFCC for the time being.^{xix} This move has been condemned by anti-corruption and human rights groups in Nigeria as blatant and illegal interference in the functioning of the EFCC.^{xx} Some groups have alleged that there "is strong evidence that the government would not allow Mr. Ribadu to return to his post after the course".^{xxi} CHRI also observed reports that two lawyers have moved the Courts to prosecute Mr. Ribadu for charges of graft around the time of his removal, based on news reports.^{xxii}

- *Media freedom*

12. According to reports the media in Nigeria continue to face threats, detention and violence by the government and law enforcement services. In October 2007, it was reported that two different state governors responded to media allegations of mispending and corruption against them by arresting journalists and in one case, laying charges of sedition.^{xxiii} A similar case was reported in late January 2008, where a journalist was arrested on libel charges for an upcoming story on a business deal.^{xxiv} ^{xxv}

13. Reports observed by CHRI also indicate that censorship is particularly prevalent in the Niger Delta region, where oil-related conflict continues to rage on. It has been reported that the government has been prohibiting lawful foreign journalists, film-makers and other media personnel from operating within the Niger Delta. Reports also indicate that the Official Secrets Act has been used in these occasions as a justification.^{xxvi}

- *Shariah law*

14. The implementation of Islamic law (based on the *Sharia*) in many northern Nigerian states has provoked a lot of controversy. The Nigerian constitution provides that the *shariah* law may be applied to criminal offences only if the National Assembly and the State House of Assembly enact the *sharia* offence and punishment. The unconstitutional implementation of the *Shariah* law has reportedly seen *shariah* courts prescribe corporal punishments, such as limb amputation, and applied discriminatory standards against women in relation to rules of evidence in adultery cases. It has been reported that approximately six women have been sentenced to death by stoning for adultery in the past seven years, after their pregnancies were used as evidence against them, although none have been executed.^{xxvii} On 15 February 2008, it was reported that six people convicted by *sharia* courts are awaiting death by stoning, while 46 others are waiting for amputation in the northern state of Bauchi alone.^{xxviii}

D. Cooperation of the country under review with human rights mechanisms

15. Nigeria has not extended an open invitation to the UN Human Rights Council's Special Procedures.
16. Nigeria has as a member of the UN Human Rights Council attempted repeatedly to confine Special Procedures of the Council to a code of conduct. In September 2007, Nigeria also opposed the encouragement provided for broad consultation by governments on their reports to the Universal Periodic Review by asking for the deletion of the word 'broad' from the relevant provision of the Council's draft resolution on institution building.

ⁱ <http://allafrica.com/stories/200709240691.html> - Nigeria: Etteh Pledges Speedy Passage of FOI Bill – This Day – 23 September

ⁱⁱ “House of Representatives Again Throws Out FOI Bill”, *Media Rights Agenda*, URL: <http://mediarightsagenda.org/repstrow.html>

ⁱⁱⁱ “Nigeria: Anti-Gay Bill threatens democratic reforms”, *Human Rights Watch*, 28th February 2007, URL: <http://www.hrw.org/english/docs/2007/02/28/nigeri15431.htm>

^{iv} “Nudity Bill: How Govt officials embarrassed Nigeria with a 73-man delegation at the UN”, *Vanguard*, 19th July 2008, URL: http://www.vanguardngr.com/index.php?option=com_content&task=view&id=12603&Itemid=99999999&limit=1&limitstart=1

^v “Nigeria: Shoot-At-Sight Order By Police - Human Rights Group Cries Out”, *Leadership*, 28 October 2007: <http://allafrica.com/stories/200710291022.html> as on February 6.

^{vi} <http://allafrica.com/stories/200711290510.html> - Nigeria: Group Petitions House Over Police 'Shoot On Sight' Order – Daily Trust – November 29 2007

^{vii} <http://news.bbc.co.uk/2/hi/africa/7096862.stm> - Hundreds of Nigerian robbers shot – 15 November – BBC News

<http://hrw.org/english/docs/2007/11/16/nigeri17361.htm> - Nigeria: Investigate Widespread Killings by Police - Police Chief Boasts of 785 Killings in 90 Days – 18 November – Human Rights Watch Press Release

^{viii} “Inquiry into Nigerian police killings urged”, *The Voice*, 18th November 2007, URL: http://www.thevoiceneews.org/index_files/page0012.htm

^{ix} “Nigerian police and security forces: Failure to protect and respect human rights”, *Amnesty International Document*, 16th May 2008, URL: <http://www.amnesty.org/fr/library/asset/AFR44/006/2008/en/e171a2b8-25b2-11dd-8864-31715833fec3/afr440062008eng.html#sdfnote19anc>

^x “Police corruption blamed for wave of arrest”, *IRIN*, 28th January 2008. URL: <http://www.irinnews.org/report.aspx?ReportID=76458>

^{xi} Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment - Manfred Nowak, submitted on 22/11/07, UN Human Rights Council (A/HRC/7/3/Add.4), p. 18

^{xii} <http://www.amnesty.org/en/for-media/press-releases/nigeria-government-misleads-world-about-death-penalty-record-20071217> - Nigeria: Government misleads world about death penalty record – December 17 – Amnesty International Press Release

^{xiii} <http://www.amnesty.org/en/news-and-updates/news/world-misled-executions-nigeria-20071217> - World misled on executions in Nigeria - 17 December – Amnesty International News Update

^{xiv} Ibid at endnote 1, p. 16

^{xv} “Nigeria: UNICEF tasks stakeholders Child Rights Act, Ube Act”, *Vanguard*, 12th June 2008, URL: <http://allafrica.com/stories/200806120561.html>

^{xvi} <http://www.afrol.com/articles/26095> - Nigeria's ex-governors charged – 13 July 2007– Afrol News

<http://news.bbc.co.uk/2/hi/africa/6702443.stm> - Nigerian ex-governors on the run – 30 May 2007– BBC News

xvii <http://allafrica.com/stories/200710310376.html> - Nigeria: House Crisis Ends - Etteh Quits, Nguroje Too – Daily Trust – 31 October 2007

<http://news.bbc.co.uk/2/hi/africa/7069654.stm> - Nigeria speaker goes in graft row – Oct 30 2007– BBC News

<http://news.bbc.co.uk/2/hi/africa/7141047.stm> - Nigerian ex-oil governor arrested – 12 December 2007 – BBC News

xviii <http://www.un.org/apps/news/story.asp?NewsID=24643> - Nigerian anti-corruption drive sets a welcome example, says UN anti-crime chief – 13 November 2007 – UN News Centre

xix <http://hrw.org/english/docs/2008/01/01/nigeri17671.htm> - Nigeria: Firing of Anti-Corruption Chief Would Boost Abusive Politicians – January 1 2008 – Human Rights Watch Press Release

xx Ibid

xxi <http://allafrica.com/stories/200801030324.html> - Nigeria: Serap, CDHR Petition UN Over Ribadu – January 3 2008– Leadership (Newspaper)

<http://hrw.org/english/docs/2008/01/01/nigeri17671.htm> - Nigeria: Firing of Anti-Corruption Chief Would Boost Abusive Politicians – January 1 2008– Human Rights Watch Press Release

xxii “Nigeria: Ribadu in Court, Denies Ownership of \$3.9 million mansion in Dubai”. *Vanguard*, 23rd July 2008, URL: <http://allafrica.com/stories/200807230636.html>

xxiii http://www.rsf.org/article.php3?id_article=24082 - Newspaper editor arrested and charged with sedition for accusing state governor of corruption – 19 October 2007- Reporters Sans Frontieres Press Release

http://www.rsf.org/article.php3?id_article=24166 - Journalists harassed by governor of northern state – 25 Oct 2007- Reporters Sans Frontieres Press Release

xxiv http://www.rsf.org/article.php3?id_article=25236 - Newspaper’s chairman freed after being held for two days by state governor – Feb 4 2008- Reporters Sans Frontieres Press Release

xxv http://www.cpj.org/cases07/africa_cases_07/nigeria27jun07ca.html - NIGERIA: Newspaper copies seized in southern Akwa Ibom State – CPJ Press Release – June 27 2007

<http://www.cpj.org/news/2007/africa/nigeria05oct07na.html> - Nigeria frees two Germans charged over filming in oil-rich river delta – October 5 2007– CPJ News Alert

<http://www.ifex.org/en/content/view/full/83073> - Two IFEX members and others condemn presidential veto of freedom of information bill, attacks on journalists and media outlets – 3 May 2007 – International Freedom of Expression Exchange

xxvi “Nigeria frees two Germans charged over filming in oil-rich delta”, *CPJ News Alert*, 5th October 2007, URL: <http://www.cpj.org/news/2007/africa/nigeria05oct07na.html>

xxvii “Sharia court sentences adulterer to 100 lashes”, *Herald Sun*, 28th November 2007. URL: <http://www.news.com.au/heraldsun/story/0,21985,22835036-663,00.html>

xxviii “Six sharia convicts await stoning death in Nigeria”, *Reuters*, 15th February 2008, URL: <http://africa.reuters.com/top/news/usnBAN554443.html>

***All links last accessed on 1 September 2008**