



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

PALAIS DES NATIONS • 1211 GENEVA 10, SWITZERLAND

www.ohchr.org • TEL: +41 22 917 9000 • FAX: +41 22 917 9008 • E-MAIL: registry@ohchr.org

29 April 2019

Excellency,

I have been following the third cycle of the Universal Periodic Review (UPR) of Nigeria and welcome the constructive engagement of your Government during the 31th session of the UPR Working Group in November 2018.

As the final outcome report on the review of Nigeria has been recently adopted by the Human Rights Council at its 40th session, I would like to take this opportunity to follow up on a number of areas raised in the two reports that my Office had prepared for the review of Nigeria – the Compilation of United Nations information and the Summary of Stakeholders' submissions – which I consider in need of particular attention over the next four and a half years until the next cycle of the UPR. In identifying those areas, I have also considered the statements and/or recommendations made by 118 delegations, the presentation and responses made by the delegation of Nigeria and the actions taken by your Government to implement the 184 recommendations it had accepted during the second cycle of the UPR. The aforementioned areas cover a range of issues and appear in the Annex to this letter.

I am encouraged by the initiatives taken to improve the effectiveness of the justice system, which included the development of justice sector action plans, a national legal aid strategy, and a national policy on prosecution, and look forward to expeditious implementation of these initiatives. Positive note has also been taken of the development of a national anti-corruption strategy and the drafting of the Proceeds of Crime Bill, and look forward to the implementation of the strategy and the enactment of bill as soon as possible.

I note that a national action plan on business and human rights was being developed. However, I would encourage Nigeria to develop a comprehensive national human rights action plan in order to achieve concrete results in the areas highlighted in the Annex to this letter and to facilitate the preparations for Nigeria's fourth cycle of the UPR. My advice to Member States is to develop and implement national action plans in close consultation and cooperation with all stakeholders, in particular the national human rights institution and civil society organizations, and, where necessary, the support of international organizations, including the Office of the United Nations High Commissioner for Human Rights (OHCHR) and other United Nations entities, under the leadership of the United Nations Resident Coordinator.

H.E. Mr. Geoffrey Onyeama.
Minister for Foreign Affairs
Nigeria



Due note has been taken that an inter-ministerial committee had been established for reporting and follow up to the UPR mechanism. I encourage Nigeria to expand the mandate of this committee to include comprehensive reporting and follow-up in relation to recommendations received from all international and regional human rights mechanisms and treaty obligations, and linking this to the Sustainable Development Goals. I strongly recommend the use of the practical guide that my Office released on this topic, which is available at:

http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf.

Please kindly note that I am sharing my advice with all Member States as they go through the third cycle of the UPR with a view to assisting them with the implementation of the recommendations, following the review. An important measure that can contribute positively to follow-up action is voluntary mid-term reporting. Therefore, I strongly encourage all Member States to submit a voluntary mid-term report two years after the adoption of the UPR outcome report. In this regard, I encourage Nigeria to consider submitting a mid-term report on follow-up to the third cycle of the review, by 2021.

As stated by the Secretary-General in his 2017 report on the work of the Organization (A/72/1, paragraph 98): *"The Human Rights Council's universal periodic review process is now entering a new cycle, with every Member State scheduled for a third round of scrutiny. We will work to strengthen the relevance, precision and impact of the Council's recommendations, including by providing better support to Member States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals."*

I look forward to discussing with you ways in which my office may assist Nigeria in relation to the areas identified in this letter and its Annex.

Please, accept, Excellency, the assurances of my highest consideration.

Michelle Bachelet
High Commissioner for Human Rights

cc: H.E. Mr. Audu Ayinla Kadiri
Ambassador Extraordinary and Plenipotentiary, Permanent Representative of the Federal Republic of Nigeria to the United Nations Office and other international organizations in Geneva
Switzerland



Annex

Scope of international obligations and cooperation with international human rights mechanisms and bodies

- Ratification of the first Optional Protocol to the International Covenant on Civil and Political Rights; the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty; and the Optional Protocol to the International Covenant on Economic, Social, and Cultural Rights.
- Timely submission of State party reports to all treaty bodies in relation to those conventions to which Nigeria is a party.

National human rights framework

- Addressing the challenges that impede the incorporation of international human rights instruments into the national legal framework, arising from the three-tiered system of governance at the national, state and local levels.
- Incorporation of the Convention on the Elimination of Discrimination against Women, the Convention on the Rights of Persons with Disabilities and the Rome Statute of the International Criminal Court into the national legal framework.

Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

Equality and non-discrimination

- Addressing, through the ongoing constitutional review process, the applicability of statutory, customary and Islamic laws on women and girls, which afford them varying degrees of protection.
- Ensuring that the prohibition of discrimination in section 42 of the Constitution is comprehensive and in line with article 1 of the Convention on the Elimination of All Forms of Discrimination against Women.
- Enactment of the Gender and Equal Opportunities Bill and ensuring its effective implementation.
- Removing from national legislation all provisions that discriminate against foreign men in relation to the acquisition of Nigerian nationality and ensuring that Nigerian women married to foreign men are able to transmit their nationality to their husbands similarly to Nigerian men married to foreign women.
- Including in the bill on labour standards a prohibition of direct and indirect discrimination on all of the grounds enumerated in the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

- Decriminalization of consensual sexual relations, ensuring that no one is punished because of their sexual orientation, and repealing the Same-Sex Marriage Prohibition Act of 2013.

Development, the environment, and business and human rights

- Implementation of the Economic Recovery and Growth Plan with a view to meeting the relevant SDG targets and the allocation of adequate resources for that purpose.
- Design and implementation of policies to fight the adverse effects of climate change and provision of sustainable solutions for the use of land by the different communities with competing lifestyles and livelihoods.
- Provision of effective assistance to those communities whose livelihoods have been destroyed by the environmental damage across the Niger Delta because of the numerous oil spills which resulted in the pollution of the water and the soil.

Human rights and counter-terrorism

- Reviewing counter-terrorism laws and policies to ensure their compliance with international human rights law and international humanitarian law.
- Ensuring that all federal states enact the required complementary legislation to ensure the enforceability of the Anti-Torture Act within their jurisdiction and formulate the rules and regulations for the implementation of the Act.
- Conducting prompt, thorough and independent investigations into all allegations of human rights violations by security forces allegedly committed during counter-insurgency operations, regardless of the position or rank of the alleged perpetrator.

B. Civil and political rights

Right to life, liberty and security of person

- Strengthening measures to protect civilians from Boko Haram attacks, including the abduction of children from schools.
- Intensifying efforts to rescue all women and girls abducted by Boko Haram insurgents, ensuring their rehabilitation and integration into society, and providing them and their families with access to psychosocial and other rehabilitative services.
- Addressing the poor prison conditions, characterised by overcrowding and inadequate medical care, food and water.

Administration of justice, including impunity, and the rule of law

- Continuation of the ongoing reforms of the criminal justice system, by inter alia ensuring the enactment of the implementing legislation by the federal states to enable the applicability of the Administration of Criminal Justice Act in those states.
- Addressing the significant gaps in ensuring accountability for crimes perpetrated in the context of the insurgency, as well as in accessing remedies by victims of the insurgency.

- Addressing the funding and staffing deficiencies in the Legal Aid Council and ensuring that the Council is well equipped to provide adequate legal representation to all indigent persons, particularly vulnerable persons.

Fundamental freedoms and the right to participate in public and political life

- Continuation of support for initiatives to enhance interreligious dialogue through the facilitation of engagement between Christians and Muslims.
- Addressing the conflict between farmers and herders, which, while ostensibly is resource-based, has taken on a religious or ethnic connotation.
- Decriminalization of defamation in line with relevant international standards, and the provision of defamatory conduct in the civil code.
- Guaranteeing the right of all migrant workers, including those in an irregular situation, to freely join trade unions.
- Addressing the relatively low rate of women in Government and political leadership, particularly in the National Assembly, in senior leadership positions in the diplomatic service and at the ministerial level.

Prohibition of all forms of slavery

- Investigation and prosecution of cases of human trafficking and ensuring adequate sentences for convicted traffickers, particularly as Nigeria remains a source, transit and destination country for trafficking in persons.
- Strengthening the capacity of Nigerian embassies to identify and provide assistance to human trafficking victims abroad, including through regular and specialized training for diplomatic and consular personnel.
- Ensuring that children working for family members engaging in light work of an agricultural, horticultural or domestic nature in line with the exception in the national legislation prohibiting child labour are not vulnerable to human trafficking.

Right to family life

- Addressing the concerns that while sections 218 and 357 of the Criminal Code protected girls under 13 years of age from forced sexual intercourse, section 6 excluded the applicability of those provisions to girls of the same age in customary law marriages.
- Taking specific measures to eradicate polygamous relationships including through awareness-raising campaigns and education.

C. Economic, social and cultural rights

Right to work and to just and favourable conditions of work

- Revision of all discriminatory provisions in the Labour Act (1990), the Factories Act (1987) and the Police Regulations (1968), which prohibits the employment of women in night work and the recruitment of married women to the police and requires women police officers to make a written request for permission to marry.

- Allocation of sufficient resources for exit programmes for women intending to leave prostitution, including by providing alternative income-generating opportunities.

Right to social security

- Ensuring through national legislation and bilateral and multilateral social security agreements that all migrant workers and members of their families have adequate social protection.

Right to an adequate standard of living

- Adoption of a national plan to address poverty and social exclusion, with clear objectives and specific benchmarks and timelines for completion.

Right to health

- Addressing the lack of access to skilled midwives and the high number of unsafe abortions which contributes to the high maternal mortality rate.
- Decriminalization of abortion.
- Ensuring access to health care for women and girls affected by lead contamination in Zamfara State and monitoring the consequences of contamination with a view to providing necessary medical interventions.
- Increasing access to modern forms of contraception for women and girls.

Right to education

- Ensuring that the security forces do not occupy any schools.
- Ensuring that all children, regardless of their social status, have access to compulsory education, and adopting special measures to reduce the school drop-out rate taking into account poverty and socioeconomic factors.
- Ensuring children belonging to minorities, particularly minority girls, have access to education; and increasing access to minority-language education.
- Strengthening educational opportunities for girls and women, including programmes to support girls to continue their studies; and encouraging those who have dropped out of school to return to school.
- Strengthening educational programmes in schools to combat harmful traditional practices, particularly by including them in the human rights education curricula.
- Ensuring the sustainability of the school feeding programme, by inter alia providing adequate funding, logistics and sufficient food.

D. Rights of specific persons or groups

Women

- Ensuring that the Violence against Persons (Prohibition) Act is enforceable in all federal states.

- Development of a comprehensive prevention strategy for gender-based violence.
- Raising awareness among religious and traditional leaders and the general public that female genital mutilation is a crime and it violates the human rights of women and girls.
- Addressing the effects of the humanitarian emergency in insurgency-affected states in north-east Nigeria on the lives of women and girls who have become displaced and exposed to gender-based violence.
- Eradication of wife battery as a chastisement, by inter alia repealing section 55 of the Criminal Code, which permits such violence provided no grievous bodily harm is inflicted.
- Repealing those provisions in the Land Use Act (1990), the Land Administration Act (1978) and other land related legislation that prevents women from acquiring access to land.

Children

- Addressing the challenges that prevent some federal states from adopting the Child Rights Act and ensuring that this Act is adopted and enforceable in all states.
- Enactment of legislation explicitly prohibiting corporal punishment in all settings, particularly in the home and as a sentence for crime committed under sharia law.
- Ensuring that all children allegedly associated with Boko Haram are treated as victims; and establishing a protocol for the handover of children encountered during the course of military operations to civilian authorities.
- Ending the recruitment and use of children by the Civilian Joint Task Force.
- Addressing the high rates of child marriage including by eradicating the underlying factors that contributed to early marriage.

Persons with disabilities

- Eradication of the barriers faced by women and girls with disabilities in various areas, especially in gaining access to health care, education and employment.
- Ensuring that people with disabilities, including children, have access to education and social welfare, and that institutions such as schools, hospitals, churches, airports and government offices are disability-friendly.

Minorities

- Adoption of a comprehensive national plan to eradicate poverty and social exclusion with a focus on the most vulnerable groups, including minority women.

Migrants and internally displaced persons

- Ensuring that all migration management measures respect the rights of migrants that are guaranteed under international human rights, refugee and humanitarian law, particularly the principle of non-refoulement.



- Discontinuation of the detention of children on the basis of their or their parents' immigration status and adopting alternative measures to detention that would allow children to remain with family members and/or guardians in a non-custodial, community-based environment while their immigration status is being reviewed.
- Addressing the grave situation of internally displaced persons that includes widespread human rights violations by both non-State armed groups and State actors.
- Adoption of a legal and policy framework to protect the rights of internally displaced persons, in conformity with international and regional standards.
- Arranging income-generation skills training, skills development and livelihood opportunities for displaced persons affected by the insurgency and security responses.