

Geneva, 22 October 2013

Statement by AUSTRIA

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We welcome H.E. ... and the delegation of Nigeria and thank them for the presentation and the national report.

Austria commends the efforts undertaken since the last review of Nigeria, including the ratification of international human rights instruments and the adoption of laws and measures to improve the domestic human rights situation. However, despite the progress made, there remain challenges that have to be effectively addressed.

In the criminal justice system, overcrowding in prisons and the high number of persons in pre-trial detention are issues of concern.

The proposed "Same Sex Marriage (Prohibition) Bill" contravenes the rights to free assembly, association and expression, as enshrined in the Nigerian constitution. We encourage Nigeria to review and consider repealing all legislation that criminalizes persons on the basis of their sexual orientation or gender identity.

Regarding the death penalty and female genital mutilation (FGM), Austria regrets that Nigeria ended its moratorium on executions that was implemented since 2005, and calls upon the government to enact a national law prohibiting FGM.

We have also noted that a number of Nigerian State reports to UN treaty bodies have been long overdue. Could you explain the reasons? Finally, does Nigeria intend to issue an open invitation to the Special Procedures of the Human Rights Council?

Austria offers the following recommendations to the government of Nigeria:

- Ensure that all detainees suspected of a crime are brought before a court of law as soon as possible. Make sure that basic living conditions are met in prisons by providing food, drinking water and medical assistance;
- Amend and review all legislation and policies, including the Same Sex Marriage (Prohibition) Bill, with a view to de-criminalize LGBTI persons. Release all persons imprisoned or detained on the grounds of their sexual orientation or gender identity;
- Immediately reinstate the moratorium on the death penalty with a view to abolishing it;
- Enact a comprehensive national law prohibiting FGM and continue awareness-raising campaigns to eradicate this scourge.

I thank you.