

N I G E R I A

**Opening STATEMENT OF NIGERIA DURING THE 17TH
SESSION OF THE UNIVERSAL PERIODIC REVIEW**

Delivered by

**MOHAMMED BELLO ADOKE,
Honourable Attorney-General and Minister of Justice
Federal Republic of Nigeria**

GENEVA, 22nd October 2013

Please check against delivery

Mr. President,

It gives me great pleasure to be here today as the head of my country's delegation to the 2nd Cycle of the Universal Periodic Review (UPR) of the United Nations Human Rights Council and to present our national report. I wish to use this opportunity to commend you, Mr. President, for the excellent manner you have conducted the work of the Council and to thank the various delegations present here today for participating in this important process.

2. Nigeria views the Universal Periodic Review (UPR) as a mechanism for constructive engagement for the much desired promotion and protection of human rights. The composition of our delegation, consisting of experts from various Ministries Departments and Agencies is a testimony to our commitment to this process and our desire to make the interactive phase of this process as fruitful as possible.

3. In preparation of our national report, the Government of Nigeria constituted an all-inclusive National Committee on Universal Periodic Review (UPR). The committee, which was made up of government officials and representatives of civil society, conducted extensive consultations with relevant stakeholders and used several background documents as well as submissions from Ministries, Departments and Agencies. The consultations and validation processes were held from July 2012 to June 2013.

4. I am pleased to report that since Nigeria was first reviewed in 2009, some significant developments in the field of human rights have been recorded.

5. Nigeria has largely fulfilled its commitments to the Human Rights Council through its active participation in the work and activities of the Council, support for the National Human Rights Commission, commitment to human rights instruments and

support for all strategies at regional and international levels to promote and protect human rights.

6. With regard to strengthening the National Human Rights Commission, Nigeria has fulfilled this commitment by amending the National Human Rights Commission Act in 2010 to grant the Commission operational and financial independence and to enhance its investigative and enforcement powers.

Mr. President,

7. Between 2009 and 2013, Nigeria acceded to several international human rights instruments including the Convention on the Rights of Persons with Disabilities; the Convention on the Protection of All Persons from Enforced Disappearance; the Convention on the Prevention and Punishment of Crime of Genocide; and the Optional Protocol on the Rights of Persons with Disabilities. Others are the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment; and the Optional Protocol to

the Convention on the Rights of the Child (CRC) on the Sale of Children, Child Prostitution and Child Pornography and the Optional Protocol to CRC on Involvement of Children in Armed Conflict. Nigeria also ratified the African Union Convention for the Protection and Assistance of Internally Displaced Persons and the African Charter on Democracy, Elections and Governance.

8. Between 2010 and 2011, we embarked on amendments of the Constitution partly to grant financial autonomy to the Independent National Electoral Commission (INEC) in order to enhance its performance and improve the electoral processes. The granting of autonomy to INEC contributed significantly in making the 2011 General Elections of Nigeria free, fair and credible.

9. Section 254 of the Constitution was also amended to provide for the establishment of a National Industrial Court to hear and determine cases affecting the civil rights of workers, especially on matters related to the workplace, conditions of service, including

health, safety, welfare of employees and workers. The court has been established and is achieving results in protecting the rights of employees through its decisions.

10. Over the years, the Nigerian Government has maintained a rights-based approach to economic management that is pro-poor and gender sensitive. This is reflected in the economic transformation blueprint tagged Nigeria's Vision 20:2020. It is a long term plan aimed at stimulating Nigeria's economic growth and launching the country on to a path of sustained and rapid socio-economic development.

11. In specific context, the Vision is designed for the provision of, among others, a strategic framework for guaranteeing the well-being and productivity of Nigerians, including eradication of extreme poverty, enhancing access to quality healthcare, provision of sustainable access to potable water and basic sanitation. It also aims to provide accessible and affordable housing, build human capacity for sustainable livelihoods and

development, improve access to micro credit, promote gender equality and empowerment of women and foster a culture of recreation and entertainment for enhanced productivity.

12. The strategy adopted in the blueprint for promoting gender equality and women empowerment is by systematic gender mainstreaming in all policies and programmes of government, through the incorporation of the principles laid out in the newly revised National Gender Policy, national laws and other regional and international human rights instruments that support gender equality and women empowerment. There are various gender related bills currently being considered in the National Assembly and government is deploying resources to expedite their passage into law.

Mr. President,

13. The Nigerian Government is committed to improving access to affordable housing through legal and policy frameworks,

including mortgage financing, and recapitalization of the Federal Mortgage Bank of Nigeria, and through Public Private Partnership (PPP) schemes. These frameworks and the PPP initiatives have produced a quantum leap in the number of prototype housing units constructed from 25.49% to 151.17% between 2011 and 2012.

14. Concerning justice sector reforms, the Nigerian Government is pursuing an all-inclusive approach through the Federal Justice Sector Reform Coordinating Committee (FJSRCC). The Committee is mandated to coordinate the development, management and implementation of policies aimed at improving the delivery of justice services, achieve higher operational standards, maintain synergy between the activities of justice institutions and provide a forum for resolving cross institutional problems and challenges. These reforms also affect Case Flow Management, Evidence Law and the appointments, promotion and discipline of Judicial Officers.

15. Still on justice sector reform, an Administration of Criminal Justice Bill is before the National Assembly. The bill is intended to institutionalize the broad objective of the proposed National Prosecution Policy which is to engender a criminal justice system that is quick, smooth, fair, just, and firm. There is also the Administration of Justice Sector Reform Bill aimed at ensuring speedy dispensation of justice. Various State Governments are also reforming their justice sectors along these lines.

Mr. President,

16. Since our first review in 2009, terrorism and violent insurgency have posed existential threats to Nigeria. These threats, which are externally-induced, have manifested in the activities of militant insurgents and organized crime groups committing atrocities, crimes against humanity and violation of the human rights of innocent Nigerians.

17. To address the problem, the Government of Nigeria has adopted constitutional measures which include the declaration of a state of emergency in the states of Adamawa, Borno and Yobe of the Northeast Nigeria where the insurgents have their base and carry out their attacks. A Joint Task Force (JTF) and a Special Task Force (STF) have been deployed with the required legislative authorization to utilize rights-based "Rules of Engagement" and "Operational Plans" in combating the insurgency.

18. Government has proscribed the terrorist groups *Boko Haram* and *Jamāatu Ansāril Muslimīna fī Bilādis Sūdān* and stipulated a 20-year jail term for anybody who aids or sponsors them in any manner whatsoever. Nevertheless, the Government has kept open communication channels through the activities of a Presidential Committee on Security Challenges towards working out a peaceful resolution of the crisis.

The Government has established a committee on dialogue and Reconciliation aimed at providing incentives to dissuade terrorists and other extremists from violence.

Mr. President,

19. Following Nigeria's review in 2009, a number of recommendations were made by Member States. Within the intervening period, significant efforts have been made to implement the recommendations that we accepted. Our efforts in implementing those recommendations constitute a substantial part of our National Report which is before you today.

Advance Questions

20. We have received a number of advance questions and requests for clarification we shall respond to them.

Torture, inhuman or degrading treatment

21. Germany, Czech Republic, Norway, Sweden and the USA seek to know measures the government has put in place to ensure the prohibition of torture and extrajudicial executions. Let me emphasise that torture, as a means of extracting information from suspects, has no place in Nigerian law enforcement. The police is being retrained and re-organized to adopt, and have in fact started relying on, modern and scientific means of interrogations and processes.

22. Nigeria does not approve any acts which deprive persons of their right to life. Police officers found to have committed extrajudicial executions are usually dismissed from service and prosecuted in accordance with the law.

Housing Rights

23. The delegations of Germany and the UK would like to know what steps are being taken by government to ensure that evictions are consistent with right to housing. Here, it is pertinent to note that the demolition of illegal structures carried out in various parts of the country was embarked upon in the public interest.

24. The affected structures were those erected without permission from relevant authorities and therefore not in conformity with the master plan of those areas. More so, experts had warned that the continuous existence of those illegal structures posed a danger, not only to the lives of inhabitants of such areas, but also to the ecosystem.

25. Nevertheless, the authorities have always carried out verification exercises to ensure that those who have genuine

claims are either compensated or relocated to other areas and provided with alternative shelter.

Counter-terrorism

26. Netherlands and the Czech Republic wish to know what Nigeria is doing to ensure that our fight against terrorism is in accordance with international standards. In spite of the difficult circumstances that terrorism generates, our law enforcement agencies have been instructed to observe human rights while countering acts of terror.

27. In areas where the state of emergency is in effect, the Joint Task Force (JTF) and the Special Task Force (STF) have been deployed with the required legislative authorization to utilize rights-based "Rules of Engagement" and "Operational Plans" in combating the insurgency.

Sexual Orientation

28. Some delegations have raised concerns on the issue of discrimination on the grounds of sexual orientation. We note that the issue of sexual orientation does not enjoy consensus within the United Nations human rights system and all attempts to integrate sexual orientation into existing universally recognized human rights have so far failed.

29. The overwhelming majority of Nigerians object to same sex relationship based on their deep religious, cultural and moral orientations, against which no government could successfully legislate. Such legislation would be a war against society that government must avoid at this time in the light of its numerous developmental challenges. For most Nigerians, the questions of extreme poverty, right to food and shelter, education and health, the right to development are of much greater concern and urgency. All the same, Nigeria

has no policy or practice of witch-hunting people based on their sexual orientation.

Women and Disadvantaged Groups

30. With regard to the issue of women and disadvantaged groups raised by Netherlands and the UK, Nigeria is particularly mindful of the need to protect the rights of women and disadvantaged groups such as orphans, widows, the disabled, mentally incapacitated persons, the elderly, and the sick. It is for this reason that we have signed and ratified CEDAW.

31. In an effort to entrench Affirmative Action for Women, the Government of President Goodluck Ebele Jonathan, appointed 13 female Ministers representing 33.3% of the total number of 42 and 4 female Special Advisers out of 18, representing 22%.

32. The Gender and Equal Opportunities Bill has passed a second reading in the National Assembly. The bill is aimed at incorporating the provisions of CEDAW and the Protocol on the Rights of Women in Africa into domestic law.

Death Penalty

33. Switzerland, Sweden and the Netherlands asked questions on the death penalty. Nigeria is aware of a growing global trend towards the elimination of the death penalty. However, it should be understood that the death penalty still exists in our statutes. Nigeria is a democracy and laws could only be changed through negotiation and persuasion and not through government fiat.

34. On the executions carried out in June 2013, I wish to state that due process was followed in the trials and the executions were carried out in accordance with the provisions of our laws after due exhaustion of the appeal processes available to the convicted persons.

Rights of Minorities

35. Slovenia seeks to know measures taken by Government to promote and protect the rights of minorities. It is important to state here that in addition to the constitutional provisions for the protection of the rights of minorities, two significant improvements have been introduced in the Nigerian political system: creation of States and the Federal Character principle. States have been created from time to time as part of efforts to give the different ethnic groups in the country more political control over their own affairs. The Federal Character principle has been used to ensure that people from all parts of the country have a fair and equal chance when it comes to the allocation of public goods, social services and amenities. These two mechanisms have helped to give all Nigerians a sense of belonging.

Rights of Children/Child Trafficking

36. On the issue of the rights of children and child trafficking raised by the UK, I wish to emphasise that the development of the child is at the centre of Nigeria's development priorities. Government has put in place adequate laws and policies to protect children against all forms of violence. In addition to the provisions of the Convention on the Rights of the Child (CRC), we have the Child Rights Act (CRA) which is the fundamental legal instrument for the protection of children against violence and other forms of abuse.

37. I am to stress that Nigeria is committed to eradicating trafficking in persons. The Government has established the National Agency for the Prohibition of Traffic in Persons (NAPTIP) with a mandate to combat Human Trafficking that occurs within

and across our borders. The Government has also adopted a National Policy on the protection and assistance to trafficked persons in line with internationally-accepted standards and best practices.

Electoral Process

38. The United States asked about efforts of the Government to prevent election violence and measures to ensure free and fair elections. As we indicated in our National Report, the Nigerian Constitution of 1999 was amended three times between 2010 and 2011 to, among other things, grant financial autonomy to the Independent National Electoral Commission (INEC). This is to enable it perform optimally, as well as enhance the electoral processes. The amendments to the constitution and INEC's autonomy contributed significantly in making the 2011 General Elections of Nigeria free, fair and credible.

39. Section 285 of the Constitution was specifically amended to set timelines for determination of election petitions. The amendment mandates an election tribunal to deliver its judgment

in writing within 180 days of filing an election petition. Similarly, an appeal from the decision of an election tribunal or court shall be determined within 60 days from the date of the delivery of judgment of the tribunal.

40. The outcome of this amendment has been the speedy disposal of election petitions and avoidance of unnecessary distractions to governance often occasioned by delay in disposing election petitions. The Supreme Court of Nigeria has further affirmed, clarified and reinforced these amendments through various judicial pronouncements and declarations. All these mechanisms are designed to check election-related violence. When the electorate believes in the credibility and fairness of the election process, violence could be prevented.

Standing Invitation to Special Procedures

41. Belgium has asked if the Nigerian Government is considering issuing a standing invitation to special procedures. Here, I will underline that although Nigeria is yet to extend a standing invitation to special procedures, we have a longstanding cooperation with this vital mechanism of the Human Rights Council.

42. We have considered requests for visit by a number of Special Procedures Mandate Holders and agreed to receive the Special Rapporteur on Independence of Judges and Lawyers, Special Rapporteur on Violence against Women, Representative of the Secretary General on Internally Displaced Persons, the Special Rapporteur on Trafficking in Persons and the Special Rapporteur on the Prevention of Genocide.

43. Currently, the requests to visit Nigeria by the Independent Expert on Minority Issues and the Special Rapporteur on

Adequate Housing are being processed. The Independent Expert on Minority Issues was to visit Nigeria in September 2013 but this was postponed. As a matter of principle, Nigeria has never been averse to the visit of special procedures mandate holders to Nigeria as we have never rejected their requests.

44. To enhance our treaty reporting obligations, Government established an Inter-Ministerial National Working Group on Human Rights Treaty Reporting in July 2010. The Working Group is charged with the responsibility of taking steps towards fulfilling our national and international human rights obligations. It is to also ensure timely preparation, submission and examination of required reports under each treaty by both the U.N. and African Union treaty bodies; and ensure follow up actions on concluding observations and recommendations of such treaty bodies.

Criminal Justice

45. Norway seeks to know steps taken by the Nigerian Government to ensure speedy dispensation of justice. The

Nigerian government is committed to building a society where there is equal access to justice for all irrespective of means and where all Constitutional rights are respected, protected and defended. Through the services of the Legal Aid Council, a number of initiatives have been introduced, including The Legal Aid Act of 2011 which has broadened the scope of the mandate of the Legal Aid Council, empowering it to utilize paralegals for service delivery at the grassroots level.

46. The Police Duty Solicitors Scheme is another measure of providing prompt and effective representation to suspects. The Legal Aid Council, in collaboration with the Police, has embedded young lawyers from among members of the National Youth Service Corps (NYSC) in police stations to intervene promptly and ensure that the rights of suspects are respected. They are also to ensure that administrative bail is secured where applicable and suspects are promptly arraigned before the courts.

Detention of Journalists

47. On the concern raised by Norway regarding the detention of journalists, I wish to state that the press in Nigeria is free. Indeed it is one of the freest in the world. It is this freedom that enables the press to criticize government policies without any consequence. The Nigerian government particularly recognizes the important role of the press in national development, hence in 2012 Nigeria passed the Freedom of Information Act.

Voluntary Principles on Security and Human Rights Initiative (VPs)

48. The Swiss delegation seeks to know the current position of Nigeria on the Voluntary Principles. Given our position as host to several multinational corporations, and consistent with our obligation as a responsible member of the international community, we have not only taken measures to protect

business enterprises and their personnel, we have also ensured that they respect human rights in their operations.

49. It will be recalled that Nigeria, together with Norway, Russian Federation, Argentina and India has been a sponsor of the initiative on Human Rights and Transnational Corporations and Other Business Enterprises. These efforts culminated in the adoption of the UN Guiding Principles on Business and Human Rights.

50. Therefore, we find it more expedient for hosts as well as states of origin of multinational corporations to lend the desired support to the existing United Nations mechanisms in addressing business-related human rights abuses as well as the safety and security of operation of businesses in a comprehensive and all-inclusive manner.

Mr. President,

51. I have, in my statement, tried to convey the message that the Nigerian government is firmly committed to promoting and protecting the human rights of Nigerians. While much has been done in this regard, across a broad range of fields, we acknowledge that challenges still remain. We assure the international community of our unwavering determination to meet these challenges in order to further improve the human rights situation in our country in a transparent, verifiable and sustainable manner.

52. Finally, Mr. President, my delegation looks forward to a constructive interactive dialogue and we welcome further comments, questions and recommendations from the delegations here present.

I thank you.

