

NIGERIA

OPENING STATEMENT OF NIGERIA DURING THE 31ST SESSION OF THE UNIVERSAL PERIODIC REVIEW

Delivered by

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GENEVA, 6TH NOVEMBER 2018

**Mr. President,**

I convey the regrets of the of the Honourable Minister of Justice and Attorney-General of the Federal Republic of Nigeria who was to lead our delegation to this session of the UPR, but was unable to make it in the end due to an unforeseen development. I am therefore humbled to be here today as the Head of my Country’s delegation to the 3rd 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 the principal platform of the UN Human Rights system as well 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 of the Federal Government 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 benefited from several background documents as well as submissions from Ministries, Departments and Agencies of Federal and State Governments, Consultations and validation processes were held.

4. I am pleased to report that since the last review of Nigeria in 2013, some significant developments and progress 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 the regional and international levels to promote and protect human rights.

**DEVELOPMENTS SINCE THE SECOND REVIEW**

**Mr. President,**

6. Strengthening of civil-military cooperation in the fight against terrorism, insurgency and other internal security operations through the following measures:

1. Review of training curriculum for the military and law enforcement agencies to include modules and information on International Human Rights, as well as International Humanitarian Law on civilian protection during internal security operations. Documents such as Civil-Military Cooperation Theoretical Training Curriculum for the Nigerian Defence Academy and Civil Military Cooperation Doctrine for the Armed Forces and other security agencies were produced.
2. Government complied with the award of compensation and payment of One hundred and Thirty- Five Million Naira made by the National Human Rights Commission in favour of the families and victims of unlawful killings and attacks on some commercial motorcycle operators in Apo, Abuja.
3. Establishment of the Directorate of Civil-Military Relations headed by two star Generals in the offices of the Chief of Defence Staff, Chief of Army Staff, Chief of Air Staff and Chief of Naval Staff.
4. Appointment of a Human Rights Adviser in the Office of Chief of Defence Staff.
5. Establishment of Human Rights Desk in the Army Headquarters and divisions of the Nigerian Army.
6. Production and dissemination of the revised Code of Conduct and Rules of Engagement for Armed Forces personnel during internal security operations.

7. Constitution of Presidential Committee on the Northeast Initiative (PCNI) to coordinate all interventions and oversee the recovery and rehabilitation of the Northeast ravaged by Boko Haram terrorism. The PCNI’s mandate, among other things, is to promote synergy among all Humanitarian and Development actors engaged in the region.

8. Development of National Policy Framework and Action Plan on Preventing and Countering Violent Extremism in November, 2017. The Policy Framework and Action Plan were put together by a technical working group comprising government departments and agencies, faith-based organizations, trade unions, professional bodies, political parties and civil society organizations.

9. Reforms of the criminal justice system through the enactment of the Administration of Criminal Justice Act in 2015. The law strengthens procedural system in the areas of investigation, prosecution, and delay in trial of cases, protection of witnesses and to ensure prompt dispensation of justice.

10. Additionally, the Fourth Alteration Act, 2018 amended the Constitution to provide for timelines within which to hear and determine pre-election matters. Furthermore, the “Not Too Young to Run” Act 2018 was enacted to open the political space for youth participation in the political process by reducing the age limit to contest election.

**Implementation of National Cyber-Security Policy and Strategy**

11. The Cyber-Security Strategy (NCSS) was developed in 2014 to define the nation’s readiness to safeguard and prepare Nigeria in advance for global economic competitiveness in cyberspace. A key component of the NCSS is the provision for Data Protection and Privacy.

12. The Office of the National Security Adviser (ONSA) has taken steps aimed at realizing the objectives of data protection and privacy in Nigeria. Also, following the passage of the European Union General Data Protection Regulation on 25 May 2018, the Nigeria Information Technology Development Agency (NITDA), commenced the process of reviewing the existing draft guidelines for Data Protection, which was issued in 2017 as part of NITDA’s regulatory mandate for the ICT sector in Nigeria. Additionally, Nigeria Communications Commission (NCC) issued the Lawful Interception of Communications Regulations in 2015.

13. Furthermore, the NCC set up a Working Group comprising representatives from ONSA, Mobile Network Operators (MNOs), Internet Service Providers (ISPs) and the Economic and Financial Crimes Commission (EFCC) on 2 May 2018 to determine modalities for data retention by MNOs and ISPs. The Nigeria Information Technology Development Agency (NITDA), has conducted several workshops across the 6 geo-political zones in Nigeria aimed at equipping citizens with fundamental knowledge as well as share best practices on staying safe in cyberspace.

**Countering Violent Extremism Programme (CVE)**

14. The programme aims at stemming the tide of radicalization in the country, reducing violent activities, change the behaviour of violent extremists and promote core national values. The programme has three streams:

1. Counter Radicalization;
2. De-radicalization; and
3. Strategic Communication.

15. The following projects and activities were carried out under the CVE programme.

1. Education Summit to raise awareness on the importance of education as a tool for CVE;
2. Piloting creative curriculum that encourage critical thinking and logical reasoning;
3. Positive Voices Campaigns to promote community champions that stand up for tolerance and national identity;
4. Mapping of religious centres and Faith-Based Organizations (FBOs);
5. Identification and training of Imams to present moderate Islamic views;
6. Identification, registration and training of FBOs, CSOs and NGOs to aid the overarching goals of countering violent extremism;
7. Town hall and community dialogue meetings to improve internal community relations and relationship with the state;
8. Survey of economic activities, employment and income generation schemes for communities;
9. Reintegration of deradicalized extremists with their families and communities; and
10. Media initiatives that form a counter-narrative.

**National Action Plan on Business and Human Rights**

16. Nigeria is finalizing its National Action Plan on Human Rights and Business. This Action Plan is developed in response to the call by the United Nations to address negative impact of business on the realization and enjoyment of human rights. The plan also promotes mutually beneficial relationships between businesses and the communities where they operate. Stakeholders have produced a draft policy document to be adopted by the Federal Government.

17. The Human Rights and Business Action Plan enumerates the commitments and obligations of government to protect human rights by outlining actionable items to address business related human rights abuses.

**Establishment of an Inter-Ministerial Technical Working Group to Develop a Database of Missing Persons in Nigeria**

18. To have a credible and accurate data on the number of persons killed or missing as a result of violent crimes, the federal government constituted a national technical committee on the establishment and management of a database of missing persons in June 2016.

19. The database is an independent mechanism aimed at responding to the rights of affected families to know the fate and whereabouts of their missing relations. The Technical Committee is working on certain documents necessary for the establishment of the database. These include Standard Operating Procedures, Case Entry and Consent Forms for data collection.

**Justice Sector Reforms**

20. Since the last review, Nigeria has implemented a number of initiatives to improve the effectiveness, accessibility, accountability, transparency and fairness of the justice system. Some of the initiatives include:

1. Development of justice sector reform action plans;
2. Establishment of judicial research and training centres;
3. Review and production of simplified court users guide;
4. Training in IT for justice sector officials including court staff, investigators, prosecutors, police and prison staff;
5. Development and production of a National Legal Aid Strategy; and
6. Development and production of National Policy on Prosecution and Code of Conduct and Prosecutorial Guidelines for Federal Prosecutors.

**Social and Economic Reforms**

21. Nigeria is committed to improving the social and economic standards of its people. To actualise this, Government had developed a social and economic master plan known as the Economic Recovery and Growth Plan (ERGP) covering 2017-2020.

22. The Economic Recovery and Growth Plan addresses the Sustainable Development Goals’ (SDGs) three dimensions of economic, social and environmental sustainability issues. The vision of the ERGP is sustained inclusive growth through increased national productivity and achieving sustainable diversification to grow the economy for maximum welfare of the citizens.

23. The mid-term plan includes massive investment in the people, health and education sectors to meet the international targets set by the SDGs. The ERGP will improve the accessibility, affordability and quality of health care and rolls out the National Health Insurance Scheme across the entire country.

**Mr. President,**

24. Following the review in 2013, 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.

25. The report also presents significant developments, achievements and challenges in the implementation of Nigeria’s voluntary commitments to the Human Rights Council.

**ADVANCE QUESTIONS**

26. We have received a number of advance questions and requests for clarifications. To avoid repetition in our response to the advance questions, the issues raised have been clustered, thematically, as follows:

**TORTURE, INHUMAN OR DEGRADING TREATMENT**

27. Sweden, United States of America and Switzerland seek to know the steps Nigeria has taken on how to investigate allegations of violations such as torture, inhuman or degrading treatment.

28. Section 34 (1) of the Constitution prohibits torture in any form. In addition to the constitutional provisions, Nigeria during the period under review enacted the Anti-Torture Act 2017. The Act prohibits torture and other cruel, inhuman and degrading treatment and punishment by law enforcement agents and provides punishment for perpetrators of such acts. Also, Military and the law enforcement personnel are being retrained and reorganised to adopt and rely on modern and scientific means of interrogation.

**EXTRA JUDICIAL KILLINGS.**

29. United States of America and Switzerland request to know what steps the Nigeria Government has taken to investigate the allegation of extra judicial killings. The government of Nigeria constituted a Presidential Committee to investigate allegations of violations of human rights by the military during internal security operations in 2017. The Committee has submitted its report to the government and steps are being taken to address the recommendations in the report. Also, Nigeria in August 2018 set up a special investigation panel to investigate allegations of human rights violations against the Special Anti-Robbery Squad (SARS) and other special units of the Nigeria Police Force.

30. The Panel is also to make appropriate recommendations to the government on the reform of the anti-robbery squad and the Nigeria Police. The government of Nigeria continues to place premium on the lives of citizens including foreign nationals. Hence, all forms of extra judicial killings have no place in Nigerian law.

31. In addition, we also receive questions in these following areas:

**VULNERABLE GROUPS, ESPECIALLY WOMEN & CHILDREN**

With respect to questions raised about the protection and welfare of children by Uruguay and United States of America, Nigeria realizes that children constitute the most vulnerable group who need a nurturing environment and protection for the full realization of their rights and capabilities. Noting the importance of a consistent and harmonized approach to end all forms of violence against children, Nigeria developed and implemented a variety of child development and child protection measures including the Childs Right Act at the National level, which most states have adopted as their state laws.

32. The Violence against Persons Prohibition (VAPP) Act, aims to eliminate violence in private and public life, prohibits all forms of violence, including physical, sexual, psychological, domestic, harmful traditional practices; discrimination against persons and to provide maximum protection and effective remedies for victims and punishment of offenders. Specifically, the VAPP Act comprehensively deals with one of the most vexed forms of sexual violence, rape, from which existing penal laws protected only females; it has expanded the scope of rape to protect males as well as protect the identity of rape victims. Also, the President just launched a Programme of Action to End Violence against Children by 2030. Various State Governments have keyed into this, and similarly been launching the E VAC Programme of Action at State levels.

**Mr. President,**

33. The Nigerian Army has taken a stand against all forms of torture of civilians, particularly children. To this end, erring Nigerian Army personnel are investigated and if indicted, court martialed and punished accordingly. For instance, some officers who were found guilty of torturing children were prosecuted and convicted within the period under review. Currently they are serving various jail terms ranging from 10 years to life imprisonment.

34. In respect of allegations of sexual exploitation and abuse of children, Nigeria has many legislations at both the Federal and State levels that address individual sexual and reproductive health and rights as well as prohibiting harmful traditional practices against women and the girl-child. In this regard, the government of Nigeria enacted into law the National Health Act which applies at both Federal and State levels. The law comprehensively takes care of all the issues raised in these questions.

35. The Government of Nigeria continues to ensure that the protection of life and properties of its citizens remain paramount. In this regard, all liberated areas in the north-east continue to witness reconstruction and rehabilitation activities that will support the relocation of internally displaced persons within a framework that ensures the protection of fundamental Human Rights.

**ABUSES OF HUMAN RIGHTS BY SECURITY FORCES.**

36. In relation to the question by Germany, Switzerland, Belgium and Spain, as to the efforts being taken by Nigeria to investigate human rights abuses by security forces, security personnel found culpable of human rights violations arising from reports of these special investigation panels are undergoing administrative disciplinary processes while some are facing prosecution. Once the government accepts the reports of the investigative panels and the white papers duly issued, the reports will be made public and implemented.

37. With regard to how Nigeria will ensure the suspects in the Boko Haram trials are granted a fair trial in accordance with the standard of rule of law, the Constitution guarantees fair trial for all suspects, Boko Haram insurgents inclusive. The trials so far are held in public and suspects are allowed to be represented by counsels of their choice. For indigent suspects, the Legal Aid Council of Nigeria provides free legal representation. Also, government allows the civil society and the media to observe the trials.

38. In response to the actions of the government on the 2015 killings of the Islamic Movement of Nigeria (Shiites) members, the Kaduna State Government has investigated the Shiites clash with the military and the Government White paper has been issued. Furthermore, the Nigerian Army has a robust military justice system which ensures that all its personnel who have been found to be liable for breaching human rights are dealt with. Erring personnel are tried and punished if found guilty in accordance with Service Law. For instance, the government paid a huge amount of money to victims of unlawful killings by the security forces which were done contrary to constitutional human rights guarantee by complying with the National Human Rights Commission’s award on the matter. This was the situation in the Apo killings wherein the Federal Government paid huge amount in compensation to the victims’ families. It should be noted that the activities of the Islamic Movement of Nigeria are reminiscent of Boko Haram which has become a menace and source of concern not only to Nigeria, but the entire world. Therefore, it is an issue of high national security for Nigeria.

SEXUAL ORIENTATION

39. In response to questions raised by the United States of America, United Kingdom and Spain regarding LGBT, Nigeria makes reference to its second periodic report on this subject and its position still remains the same.

DEATH PENALTY

40. Nigeria remains a retentionist country. The position of Nigeria on this subject matter as contained in its second periodic report remains the same. However, efforts are on-going between the Federal Government and the state governments to formalize its moratorium on death penalty.

**Mr. President,**

ELECTORAL PROCESSES

41. The government of Germany seeks to know the preparedness of Nigeria to ensure free, fair, credible and peaceful elections in 2019. Strengthening the electoral processes is ongoing. As stated in our national report, the government of Nigeria is committed to conducting a free, fair and credible election. Towards this end, government is engaging with all critical stakeholders to strengthen the capacities of relevant actors, sensitize the citizenry, and promote violence-free elections. The Independent National Electoral Commission (INEC) and the National Human Rights Commission are engaging stakeholders in the electoral process on the need to conduct themselves in a peaceful manner before, during and after the elections. The INEC has been provided with adequate resources and facilities that will ensure free and fair elections and the security forces have been mandated to provide adequate security across the nation.

FAIR AND SPEEDY ADMINISTRATION OF CRIMINAL JUSTICE

42. Sweden, Switzerland and Germany seek to know the efforts by Nigeria to guarantee fair and speedy administration of criminal justice. The Constitution of Nigeria guarantees fundamental human rights including the right to speedy trial. In this regard, the government of Nigeria enacted the Administration of Criminal Justice Act in 2015 that provides for speedy trial of criminal cases by providing for timelines. Also, the government has a National Policy on Prosecution which is intended to fast track the administration of criminal justice. Many states of the Federation have enacted into law the Administration of Criminal Justice Act as their state laws.

43. The Administration of Criminal Justice Act (ACJA, 2015) is effective in addressing prolonged detention of suspects by providing specific timelines for hearing and determination of criminal matters.

NATIONAL MECHANISM FOR IMPLEMENTATION, REPORTING AND FOLLOW UP (NMRF) COVERING UPR RECOMMENDATIONS.

44. Portugal on behalf of a group of friends on NMRFs asked to know if Nigeria has established a dedicated national mechanism for implementation and for reporting and follow-up covering UPR recommendations. In response, the Federal Government of Nigeria has in place a National Working Group on Human Rights Treaty Reporting, comprising relevant departments of government with responsibility for human rights promotion and protection. The Working Group assists government to process national reports to various UN treaty monitoring bodies and to monitor implementation of accepted recommendations.

45. Nigeria is committed to its obligations under the UPR mechanism which informed the establishment of the National Working Group on Human Rights Treaty Reporting. The working Group has developed a strategic workplan aimed at reducing the backlog of periodic reports of Nigeria to various UN treaty bodies. The working Group has in recent times organized capacity development workshops and retreats for relevant government departments and intends to work more assiduously to ensure that Nigeria is up to date in the submission of its periodic reports.

FREEDOM OF RELIGION AND BELIEFS

46. The United Kingdom and the United States of America seek to know what the Nigerian government is doing to safeguard the freedom of religion and beliefs for all citizens. The Constitution prohibits any religion as a state religion. In addition, Nigeria is a signatory to UN and AU human rights instruments that guarantee freedom of religion and beliefs.

**Mr. President,**

47. I have, in my statement, tried to convey the message that the Nigerian Government is firmly committed to promote and protect the human rights of Nigerians. While much has been done in this regard, across a broad range of fields, we acknowledged 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, verified and sustainable manner.

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

I thank you.

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