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**Concluding Observations and Recommendations on the 6<sup>th</sup> Periodic Report of the Federal Republic of Nigeria (2015-2016) under the African Charter on Human and Peoples' Rights.**

## I. Introduction

1. The Federal Republic of Nigeria (Nigeria) is a State Party to the African Charter on Human and Peoples' Rights (the African Charter), having ratified the same on **22 June 1983**.
2. Nigeria submitted its 5<sup>th</sup> Periodic State Report to the African Commission on Human and Peoples' Rights (the Commission) in September 2013, and updated in July 2014. This Report was considered by the Commission during its 56<sup>th</sup> Ordinary Session held from 21 April to 7 May 2015, in Banjul, The Gambia.
3. The 6<sup>th</sup> Periodic Report currently under review was submitted to the Secretariat of the Commission in November 2017, and encompassing the period between 2015 and 2016. The Report was considered during the 62<sup>nd</sup> Ordinary Session of the Commission held from 25 April to 9 May 2018 in Nouakchott, Mauritania.
4. The Commission welcomes the submission of this Report, which brings Nigeria up-to-date in its reporting obligations under Article 62 of the African Charter.
5. The Report highlights developments which took place in Nigeria in the promotion and protection of human rights, and the legislative, administrative and judicial measures put in place to comply with its obligations under the African Charter.
6. While Part A of the Report deals with Nigeria's obligation under the African Charter, including information relating to the implementation of the Concluding Observations adopted by the Commission in 2015, Part B of the Report encompasses Nigeria's second Report under the Protocol to the African Charter on the Rights of Women in Africa (Maputo Protocol). In this regard, the Commission wishes to commend Nigeria on delivering on its obligation under the African Charter and the Maputo Protocol, allowing the Commission to interact with Nigeria on the state of human rights at the time of reporting.
7. The present Concluding Observations and Recommendations give an account of the positive aspects, the factors restricting the enjoyment of human rights and the areas of concern regarding the exercise of human rights in Nigeria. The Concluding Observations also cover issues relating to the Maputo Protocol.
8. In conclusion, the Commission makes recommendations to the Government of Nigeria on measures for strengthening the enjoyment

of human and peoples' rights as guaranteed by the African Charter, the Maputo Protocol as well as other relevant regional and international human rights instruments.

## **PART A: Concluding Observations and Recommendations on the 6<sup>th</sup> Periodic Report of the Federal Republic of Nigeria under the African Charter on Human and Peoples' Rights**

### **II. Positive Aspects**

9. The Commission notes a number of positive aspects in Nigeria's efforts towards the fulfilment of its obligations under the African Charter:

#### **Reporting Obligation and Cooperation with the Commission**

10. The Commission:

- i. Welcomes the efforts made by Nigeria in preparing and presenting its Report and commends the latter for being up to date with its obligations under Article 62 of the African Charter;
- ii. Commends the Department of Comparative and International Law of the Federal Ministry of Justice for coordinating the preparation of the 6<sup>th</sup> periodic report;
- iii. Commends the efforts made by Nigeria to ensure that the preparatory process of the Periodic Report was participatory and transparent; and involved representatives of Civil Society Organizations (CSOs) working in human rights in Nigeria;
- iv. Commends Nigeria for implementing some of the recommendations of the Commission in its Concluding Observations on Nigeria's 5<sup>th</sup> Periodic Report.

#### **Ratification of Regional and International Human Rights Instruments**

11. The Commission commends Nigeria for establishing a National Inter-Ministerial Working Group to expedite action on the processes for the ratification of outstanding regional and international human rights instruments to enhance the framework for the promotion and protection of human and peoples' rights, including the following:

- i. African Charter on the Values and Principles of Public Service and Administration;*
- ii. Protocol on the Statute of the African Court of Justice and Human Rights;*
- iii. Protocol to the OAU Convention on the Prevention and Combating of Terrorism;*

- iv. *Optional Protocol to the International Covenant on Civil and Political Rights;*
- v. *Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the Abolition of the Death Penalty;*
- vi. *The Optional Protocol to the International Covenant on Economic, Social and Cultural Rights; and*
- vii. *Optional Protocol to the Convention on the Rights of the Child on a communications procedure.*

12. The Commission further commends the steps which had been taken towards ratification of the Protocol to the African Charter on Human and Peoples' Rights on Rights of Older Persons in Africa, with only the approval of the Federal Cabinet still required.

### **Enactment of National Legislation and Policies guaranteeing human rights**

13. The Commission commends Nigeria for the adoption of the following national legislation and policies guaranteeing human rights and promote peace and development:

#### ***Legislation***

- i. *Discrimination Against Persons with Disabilities (Prohibition) Act, 2018;*
- ii. *Prevention of Crime Amendment Act, 2016;*
- iii. *National Crop varieties and Livestock Breeds (Registration) Amendment Act, 2016;*
- iv. *Endangered Species (Control of International Trade and Traffic) Amendment Act 2016;*
- v. *Telecommunications and Postal Offences Amendment Act, 2016;*
- vi. *National Agricultural Land Development Authority Amendment Act, 2016;*
- vii. *Procedure Enforcement of Export Standards Amendment Act, 2016;*
- viii. *Agricultural and Rural Management Training Institute Amendment Act, 2016;*
- ix. *Water Resources Amendment Act, 2016;*
- x. *National Judicial Institute Amendment Act, 2016;*
- xi. *Advertising Practitioners Registration Amendment Act, 2016;*
- xii. *Utilities Charges Commission Amendment Act, 2016;*
- xiii. *Quality Surveyors Registration Amendment Act, 2016;*
- xiv. *Small and Medium Scale Industries Development Agency Amendment Act, 2016;*
- xv. *Treaty to Establish African Economic Community Relating to Pan African Parliament (Accession and Jurisdiction) Amendment Act, 2016;*
- xvi. *University of Abuja Amendment Act, 2016;*

- xvii. *Chartered Institute of Stock Brokers Amendment Act, 2016.*

### **Policies**

- i. *National Policy on Migration 2015;*
- ii. *National Policy on Environment, 2016;*
- iii. *National Agriculture Promotion Policy 2016-2020;*
- iv. *National Policy on Gender in Agriculture, 2016;*
- v. *National Irrigation and Drainage Policy and Strategy, 2016;*
- vi. *National Counter Terrorism Strategy (NACTEST), 2016 Revised;*
- vii. *National Policy on Internally Displaced Persons (IDPs) 2017.*

### **Institutional measures promoting human rights**

14. The Commission commends Nigeria for the establishment of the following institutional measures for the promotion and protection of human rights:

- i. *The Public Interest Litigation Unit;*
- ii. *The National Working Group on Human Rights Treaty Reporting;*
- iii. *The Legal Aid Council;*
- iv. *Free Legal Advice Scheme at Police Stations.*

### **Other initiatives**

- i. *National Guidelines and Referral Standards on Gender-Based Violence in Nigeria, 2014/15;*
- ii. *National Standards for Improving the Quality of Life of Vulnerable Children in Nigeria, 2014/15;*
- iii. *National Strategy to End Child Marriage in Nigeria 2016-2021;*
- iv. *The National Human Rights Commission Action Plan for the Promotion and Protection of Human Rights in Nigeria 2017-2021.*

### **Civil and Political Rights**

#### ***Death Penalty***

15. The Commission commends Nigeria on the consideration of the Review of the Federal Ministry of Justice National Study Report on Death Penalty and Moratorium.

#### ***Prohibition of Torture and Cruel, Inhuman and Degrading Treatments***

16. The Commission commends Nigeria for:

- i. The signing into law of the Anti-Torture Act in December 2017 which penalizes torture and other cruel, inhuman and degrading treatment; prescribes a punishment of up to 25 years' imprisonment for perpetrators of torture, and introduces several safeguards against torture;
- ii. The training of officers on Human Rights and Torture by all the police, security and Intelligence Agencies Academies/Institutes;
- iii. The five cases of investigation and conviction of security agents who were found guilty of gross human rights violations, including torture, murder, rape, abduction and assault.

### *Conditions of Detention*

17. The Commission commends Nigeria for the:

- i. Enactment of the Administration of Criminal Justice Act in 2015 expected to reduce prison populations significantly, and prevent overcrowding;
- ii. Inclusion of the Commission's Guidelines on Conditions of Arrest, Police Custody and Pre-Trial Detention (Luanda Guidelines) in the Police Training Manual on Human Rights at the Police Academies/Colleges;
- iii. Role played by the Nigerian Judiciary in ensuring that the constitutionally stipulated timelines for remands in police custody and pre-trial detention are respected;
- iv. Ongoing reforms to ensure that minors and adults in prison are separated, and to ensure that trial-awaiting detainees are separated from sentence-serving prisoners;
- v. Initiatives being pursued as part of the Penal/ Prison Reform to strengthen the ongoing remedial educational and vocational training activities in prisons to facilitate the social reintegration of prisoners after they leave prison;
- vi. Establishment of the Police Duty Solicitors Scheme which continues to be part of the Legal Aid Council of Nigeria's Pre-Trial Detention Project;
- vii. For upgrading of the Nigerian Prison Services' medical facilities, including the building of new hospitals in prisons in hospitals have been built in Kuje, Owerri, Makurdi and Port-Harcourt to ensure that prisoners have access to Medicare in custody;

- viii. Collaboration between the Nigerian Prison Services' and National Action Committee on Aids which has led to HIV/AIDS management strategy;
- ix. The provision of Adult Remedial Educational Programme by the Nigerian Prison Services which enables interested prisoners to continue their education.

### *Right to Freedom of Expression and Access to Information*

18. The Commission commends Nigeria for:

#### *Access to Information*

- i. The continued implementation of the Freedom of Information Act of 2011, which supersedes the Official Secrets Act, and allows anyone to request for information from public officials;
- ii. The ongoing efforts by the National Justice Sector Reform Coordinating Committee and the Nigerian Law Reform Commission to amend laws that restrict access to information, to bring them in conformity with the Freedom of Information Act;
- iii. The ongoing efforts by the Ministry of Information and Culture in collaboration with relevant stakeholders to intensify training of staff of all appointed information offices in all its ministries, departments and agencies, on the establishment and running of effective access to information regimes.

#### *Refugees, IDPs and Migrants Workers*

19. The Commission commends Nigeria for:

- i. The adoption of the National Policy on IDPs in 2017, which was developed to guide the various arms and levels of the Nigerian Government in the protection of persons firstly from displacement and secondly to assist in their protection during displacement;
- ii. The work of the National Commission for Refugees in the protection and management of refugees and asylum seekers and the management of IDPs in Nigeria;
- iii. The training and empowerment by the UN Food and Agriculture Organisation of 8,800 returnee IDPs (women and youths) by 15 February 2017 for dry season irrigation farming in three local government areas of Borno State;
- iv. The decision of the Federal High Court in Abuja which found that the expulsion of 47 Cameroonian refugees from Nigeria was

in violation of the country's legal obligations, and the order to ensure that they are returned to Nigeria and compensated.

### ***Participation***

20. The Commission commends Nigeria for:

- i. Creation of an open space for Nigerians to form and belong to different political parties and CSOs, which has provided civic space for 63 registered political parties and over 500 registered NGOs in Nigeria;
- ii. The promulgation of the Electoral (Amendment) Act 2015, which establishes the Independent National Electoral Commission to conduct free and fair elections, conduct registration of political parties and monitor their compliance with the electoral law;
- iii. The adoption of the Political Parties' Code of Conduct (2013-15), which is anchored, on *inter alia* respect for the rule of law, internal party democracy, and compliance with regulations on campaign finance and election matters.

### **Economic, Social and Cultural Rights**

21. The Commission commends Nigeria on:

#### ***Right to housing***

- i. The launching of the new Social Housing Scheme in 2016 under which the Family Homes Fund took off with 100 billion Naira provision under the 2017 budget, with the rest of funding coming from the private sector;
- ii. The establishment of the Federal Integrated Staff Housing Scheme, which is a strategic initiative for massive housing delivery to federal civil servants.

#### ***Right to work***

22. The Commission commends Nigeria on:

- i. The ratification and domestication of the eight Core Labour Standards of the International Labour organization, which entrench human and peoples' rights in the world of work, and the continued protection of such rights by Labour Officers in the Ministry of Labour through various forms of intervention;



- ii. The Amendment of Section 2 of the Labour Standards Act to include children that are self-employed Artisans under Convention 138 and to abolish the use of children in vigorous manual labour;
- iii. The amendment of the Nigeria Social Insurance Trust Fund Act to bring it in line with the Employees Compensation Act.

## **HIV/AIDS**

23. The Commission commends Nigeria for:

- i. The establishment of the National Action Committee on AIDS and the setting up of other high-powered intervention bodies to coordinate the implementation of programmes for control of the pandemic in Nigeria;
- ii. The formulation of the National Workplace Policy on HIV/AIDS and an implementation manual of the policy by the Ministry of Labour, which provides guidelines for the government, employers, workers and other stakeholders in the workplace and also identifies strategies and programmes for protecting the rights and dignity of workers living with HIV.

## ***The Right to education***

24. The Commission commends Nigeria for:

- i. The implementation of the Revitalizing Adult and Youth Literacy programme to reduce the illiteracy rate and to build a critical mass of educators for literacy and life skills acquisition;
- ii. The initiation of the State Education Programme Investment Project and the Nigerian Partnership for Education Project, a twin-partnership project between the Federal Ministry of Education and the World Bank, which addresses the low education quality arising from difficulty in teacher deployment to critical areas;
- iii. The provision of textbooks, sports equipment and computers to 20 States in the country;
- iv. The implementation of a school feeding programme in 7 pilot states during 2017, feeding over one million primary school children and aimed at boosting students' enrolment, retention and completion;
- v. The institutionalization of students tutoring, mentoring and counselling programme to ensure that pupils are enrolled in schools, stay in schools and that the teaching-

learning process is made attractive and rewarding for both the teacher and pupils.

### *Right to water*

25. The Commission commends Nigeria for:

- i. Making appreciable progress in improving households' access to safe drinking water with an end-point status in 2015 at 67.0% access;
- ii. Implementation of the Conditional Grant Scheme as a major driver of policy action for the provision of safe drinking water particularly in rural areas;
- iii. The roles played by the Federal Ministry of Water Resources and its parastatals, as well as the Federal Ministry of Lands, Housing and Urban Development in the provision of safe drinking water to Nigerians.

### *Right to food*

26. The Commission commends Nigeria for:

- i. The adoption of the National Irrigation and Drainage Policy and Strategy of 2016, designed to reposition the sub-sector and open up the investment space for intensified and diversified irrigated agriculture in Nigeria;
- ii. The adoption of the National Agriculture Promotion Policy (2016-2020) being implemented by the Federal Ministry of Agriculture & Rural Development aimed at improving the production of adequate quality food for local consumption and exportation.

### *Rights of Persons with Disabilities*

27. The Commission commends Nigeria for the 2016 Bill on Prohibition of Discrimination Against Persons with Disabilities which passed the National Legislature on 13<sup>th</sup> July 2016. The Bill seeks to provide social protection to persons with disabilities and safeguards against discrimination. The Commission also welcomes that the Bill also establishes a National Commission to ensure that their rights to education, healthcare and other social and economic rights contained in the 1999 Constitution and other relevant treaties to which Nigeria is a party, are attained.

## *Extractive Industries and the Environment*

28. The Commission commends Nigeria for:
- i. The revision of the National Policy on Environment in 2016 and the initiation of other programmes and policies aimed at strengthening the protection of the environment and to ensure transparency in the management of natural resources;
  - ii. The adoption and subsequent implementation of the OGONILAND Clean-Up Plan in 2016, following a wide-scale contamination of the environment through oil extraction for decades in the Niger Delta;
  - iii. The initiation of the Renewable Energy Programme by the Federal Ministry of Environment in fulfilment of the Federal Republic of Nigeria's obligation to the United Nations Framework Convention on Climate Change.

## *Peace and Security*

29. The Commission commends Nigeria for:
- i. The efforts of the Nigerian military in fulfilling its primary responsibility to protect and defend Nigeria and her citizens in the midst of several security challenges facing the country;
  - ii. The adoption of the National Action Plan for the Implementation of the UN Security Council Resolution 1325 and Related Resolutions in Nigeria, which reflect government's commitment as well as accountability in ensuring the security of women and girls during armed conflicts;
  - iii. The implementation of the National Peace Policy which consists of the guiding philosophy, sets of fundamental objectives and principles, as well as strategies for implementation and evaluation for all peace-related activities by Nigerian stakeholders;
  - iv. The review in 2017 of the Rules of Engagement issued to the security agencies, following inadvertent bombing of civilian facilities and the undertaking by the Government to implement further security sector reforms in line with the recommendations from the National Human Rights Commission.

## **Democracy and governance**

30. The Commission commends Nigeria for:

- i. Free and fair elections which took place in 2015 and on 23 February 2019;
- ii. The Electoral (Amendment) Act 2015 as amended which established the Independent National Electoral Commission (INEC) to conduct free and fair elections, conduct registration of political parties and monitor their compliance with the electoral law, among others.

### **III. Factors restricting the enjoyment of human rights guaranteed by the African Charter**

31. Lack of knowledge by the majority of the population about regional and international human rights instruments ratified by Nigeria which restricts the effective enjoyment of human rights in the country.

### **IV. Areas of Concern**

32. While acknowledging the significant efforts made by the Government of Nigeria to promote and protect human rights, the Commission is however concerned about the following:

#### **Reporting Obligations and Cooperation with the Commission**

33. The Commission appreciates Nigeria's response to its recommendations on the 5<sup>th</sup> Periodic Report. It however notes that the current Report does not provide specific and comprehensive responses to some of the recommendations, questions and issues raised by the Commission in its Concluding Observations on the 5<sup>th</sup> periodic report.

#### **Ratification of Regional Human Rights Instruments**

34. The Commission is concerned about the lack of definitive timelines and prolonged procedures for the ratification and domestication of regional and international human rights instruments in Nigeria.
35. In particular, in its 2015 Concluding Observations and Recommendations on Nigeria's 5<sup>th</sup> Periodic Report, the Commission recommended that Nigeria expedites the processes for the ratification of some outstanding regional and international human rights instruments, including:
  - i. The African Charter on the Values and Principles of Public Service and Administration;
  - ii. Protocol on the Statute of the African Court of Justice and Human Rights;

- iii. Protocol to the OAU Convention on the Prevention and Combating of Terrorism;
  - iv. Optional Protocol to the International Covenant on Civil and Political Rights;
  - v. Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the Abolition of the Death Penalty;
  - vi. The Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.
36. The Commission also called upon the Government to expedite the process initiated in order to make the declaration under Article 34(6) of the Protocol on the African Court on Human and Peoples' Rights to allow individuals and NGOs to seize the African Court directly.
37. The Government in its 6<sup>th</sup> Periodic Report states that a National Inter-Ministerial Working Group is 'expediting action on the processes for the ratification of outstanding regional and international human rights instruments'. While this is a welcome development, the Commission is concerned that limited progress has been made during the reporting period.
38. The Commission is also concerned about the absence of a detailed report regarding the work of the National Inter-Ministerial Working Group and the progress made towards the ratification of the recommended regional and international human rights instruments. The Report does not also provide definitive timeline when the outstanding instruments would be ratified and domesticated.

## **Civil and Political Rights**

### ***Death Penalty***

39. The Commission is concerned about:
- i. No official moratorium on executions in Nigeria;
  - ii. That death penalty is mandatory for murder, armed robbery and certain cases of treason;
  - iii. The lack of action on the part of the Nigerian Government to amend its laws relating to death penalty, to bring them in line with best international practice, and abolish the death penalty.

## *Prohibition of Torture and Ill-treatment*

40. The Commission has the following concerns:

- i. The Report does not contain information on measures the Government is putting in place to raise awareness amongst members of the judiciary on their obligation to open inquiries into allegations of torture or ill-treatment particularly when they are raised during trial;
- ii. The Report is silent on the remedies that are available for suspects who have been convicted despite alleging that their confessions were obtained through torture;
- iii. Lack of information on measures in place to adequately resource the National Committee on Torture for proper execution of its mandate;
- iv. Lack of information on the work of the Complaint Response Unit in the Police Force Headquarters, which has been setup to conduct disciplinary hearing against officers against whom complaints have been lodged;
- v. Allegations of torture against the military in its counter-insurgency effort, and allegations of torture against the police to obtain confessions from suspects;
- vi. The extent to which the Anti-Torture Act provides for the rehabilitation of victims of torture and the availability of legal assistance to them;
- vii. The absence of a detailed report on the work of the National Committee on Torture since 2009;
- viii. Allegations of torture against the Special Anti-Robbery Squad.

## *Conditions of Detention*

41. The Commission is concerned about:

- i. Lack of information regarding the daily amount and frequency of provision of food and nutrition in detention facilities
- ii. Lack of information regarding a database on torture-related complaints in police stations;
- iii. Reports of people who continue to be held in incommunicado detention by the military, without access to lawyers, relatives or courts, and who as a result are unable to seek judicial protection of their rights;
- iv. Backlog of suspects in police custody or in prisons, detained without trial;

- v. Reports of the Special Anti-Robbery Squad Officers who routinely fail to bring suspects before a Court within 24 to 48 hours as prescribed by the Constitution;
- vi. Deaths of people in custody and military detention facilities, with specific reference to the Giwa barracks military detention facility;
- vii. Reports of arbitrary arrests and detention of children, women and civilians in general, some of whom are suspected to be members of Boko Haram, without oversight by the Courts.

### ***Right to Freedom of Expression and Access to Information***

42. The Commission is concerned about:

#### *Freedom of Expression*

- i. Reports alleging incidents of threatening, arresting and detention of journalists, bloggers and human rights defenders by security forces, sometimes with no trial, for expressing critical opinions on both conventional and social media platforms;
- ii. The enactment of the Cyber Crime Act in May 2015, which requires internet service providers to keep all traffic and other data of subscribers for two years and make that data available to law enforcement agencies upon request without a court order and the impact of the application of this Act on freedom of expression and other civil liberties.

#### *Access to Information*

- i. Lack of awareness of the public on their right to have access to information;
- ii. Lack of knowledge of public institutions on their duty to promote the right to access to information which limits effective implementation of the Freedom of Information Act;
- iii. The lack of details regarding the efforts (the content, duration and number of trainees) made by the Ministry of Information and Culture to intensify the training of staff of all appointed information offices in all its ministries, departments and agencies, on the establishment and running of effective access to information regimes.

### ***Right to Freedom of Assembly and Association***

43. The Commission is concerned about reports alleging incidents of clamping down on protests organised by the Islamic Movement in

Nigeria, which was banned by the Kaduna State Government in 2016, and the pro-Biafran groups, including the Indigenous People of Biafra (IPOB) which was banned in 2017. Such measures have been described to be brutal and have led to the deaths of a number of people.

44. The Commission is also concerned about the impact of the NGO Bill which will establish the NGO Regulatory Commission, on the freedom of association and expression, and the independence of human rights defenders.

### *Refugees, IDPs and Migrants Workers*

45. The Commission is concerned about:

- i. The conditions of people in camps that are located in the “inaccessible territories” in Borno State, and their access to humanitarian assistance, specifically to adequate food, water and medical care;
- ii. The lack of information regarding deaths of people in IDP camps and the causes;
- iii. The failure by the Nigerian government to follow due process in expelling 47 Cameroonian refugees in Nigeria who crossed to Nigeria due to the crisis in Cameroon, which violation was subsequently recognised by Nigerian Courts.

### *Participation*

46. The Commission is concerned about the lack of information in the Report regarding the measures taken by Nigeria with respect to Article 25 of the Charter to create awareness and sensitize the population about their rights, legal procedures and available remedies in respect of their civil and political rights.

### *Peace and Security*

47. The Commission is concerned about:

- i. Lack of information in the Report about persistent violent attacks by the armed group Boko Haram;
- ii. Violent clashes between nomadic herders and local farmers, often followed by reprisal killings, which have resulted in hundreds of deaths across the country;
- iii. Inadequate information about Government’s efforts to prosecute those suspected to be responsible for these attacks.
- iv. Excessive use of force by security forces in the course of undertaking law enforcement, counter terrorism or combat



- operations and on allegations of their involvement in violations including most notably sexual abuse;
- v. Lack of mechanism for reporting on violations by security forces and inadequate information on investigations and accountability measures taken.

## **Economic, Social and Cultural Rights**

### *Right to housing*

48. The Commission is gravely concerned by reports that between 2015 and 2017, Nigerian authorities have carried out large-scale evictions and demolition of the homes of thousands of people in Kaduna, Lagos and Rivers states in the absence of legal and procedural safeguards, including genuine consultation, adequate notice, access to legal remedies, and provision of adequate compensation and adequate alternative housing.

### *Right to work*

49. Although the right to work is guaranteed by the Constitution and various measures were adopted to expand employment opportunities, the Commission is concerned about the lack of statistics regarding youth employment and the geographic distribution of challenges of unemployment.

### *HIV/AIDS*

50. The Commission is concerned that:
  - i. There is no information about measures the Government of Nigeria is putting in place to integrate HIV/ AIDS prevention and care information into the education system in Nigeria;
  - ii. The Report does not indicate measures put in place by the State to support children orphaned by and other vulnerable children affected by HIV/ AIDS;
  - iii. The lack of details in the report regarding the measures taken by Nigerian Government to ensure access to HIV prevention, treatment and care services by sexual minorities;
  - iv. The lack of details regarding measures employed by Nigeria to prevent the mother-to-child transmission of HIV and reduce the percentage of children living with HIV.

### *Older Persons*

51. The Commission is concerned about lack of specific information regarding the rights of older persons in the Report.

### *Extractive Industries and Environment*

52. The Commission is concerned about:

- i. The oil spills that continue to occur in the Niger Delta, which cause serious contamination and environmental degradation;
- ii. Lack of accountability for entities within the oil industry for the impacts of their operations on human rights in the Niger Delta and their non-compliance with applicable standards including due diligence and care;
- iii. Lack of information in the report relating to the work of the National Oil Spill Detection and Response Agency in the execution of its mandate;
- iv. Lack of information on the participation and responsibility of oil companies in supporting environmental clean-up and rehabilitation efforts in the Niger Delta especially given the scale of the impact of their operations;
- v. The progress in the implementation of the OGONILAND Clean-Up Plan of 2016 and the compensation of the affected families;
- vi. The lack of clarity on the availability of grievance mechanisms and access to judicial remedy for communities affected by the operation of extractive industries;
- vii. Lack of detailed information and statistics on measures taken for ensuring financial transparency and accountability regarding profits made by extractive industries and their discharging of their financial obligations as well as on the collection and transparent utilization of revenues that the government collected from extractive companies.

### *Indigenous Populations and minority rights*

53. The Commission is concerned about:

- i. Lack of formal identification and recognition of minorities and indigenous people in Nigeria;
- ii. Reports of the banning of the organization IPOB and the use of force against non-violent protesting members and supporters of the organization;
- iii. Allegations of extra-judicial killings, arbitrary arrests and torture by the military towards the pro-Biafran groups;
- iv. Lack of information relating to measures adopted to ensure the protection and promotion of the human rights of the

indigenous people and their inclusion in the decision making processes.

## **V. Recommendations**

54. In view of the foregoing, the Commission makes the following recommendations to the Government of the Federal Republic of Nigeria:

### **Reporting Obligations**

55. Nigeria should ensure that it complies with its obligations under Article 62 of the African Charter by implementing the recommendations below and provide information as part of its next reporting on measures taken for implementing these recommendations.

### **Ratification of Regional/International Human Rights Instruments**

56. Nigeria should take steps to make a declaration under Article 34 (6) of the Protocol to the African Charter on Human and Peoples' Right establishing the African Court on Human and Peoples' Rights.

57. Nigeria should fast-track the process of the ratification and domestication of the outstanding regional and international human rights instruments, and present detailed feedback in that regard in the next periodic report including specifics on the process and timeline of the consideration and ratification of the instruments listed in these concluding observations.

### **Civil and Political Rights**

#### ***Death Penalty***

58. Nigeria should:

- i. Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty;
- ii. Bring its use of the death penalty in line with international law, in particular by ensuring that all prisoners on death row have exhausted their right to appeal, that no one is sentenced to death for an offence committed when under the age of 18 and that

- no one is sentenced to death for crimes which do not involve intentional killing;
- iii. Provide more information on the Review of the Federal Ministry of Justice National Study Report on Death Penalty and Moratorium which is being considered;
  - iv. Adopt an official moratorium on the death penalty, as a step towards the definitive abolition of the death penalty to protect the right to life.

### *Prohibition of Torture and Ill-treatment*

59. Nigeria should, in its next review period:

- i. Provide information on measures the Government is putting in place to raise awareness amongst members of the judiciary on their obligation to open inquiries into allegations of torture or ill-treatment particularly when they are raised during trial;
- ii. Include data/statistics relating to the prevalence of torture in the country, as well as information about the complaints received and how they were dealt with;
- iii. Provide information on remedies that are available for suspects who have been convicted despite alleging that their confessions were obtained through torture;
- iv. Ensure the Anti-Torture Act is implemented fully and effectively across Nigeria;
- v. Ensure that all allegations of torture or other ill treatment, including sexual violence, are promptly, impartially and effectively investigated by a body independent of the alleged perpetrators, and those suspected of criminal responsibility for torture or ill-treatment are brought to justice without recourse to the death penalty;
- vi. Ensure that confessions, admissions and any other evidence obtained through torture or other forms of ill-treatment are not admitted as evidence in Courts of law;
- vii. Ensure that victims of torture and ill-treatment are able to obtain prompt and adequate reparation from the State, including restitution, fair and adequate financial compensation and appropriate medical care, health services and rehabilitation.

### *Conditions of Detention*

60. Nigeria should:

- i. Close all un-gazetted detention facilities, including the military detention facility at Giwa barracks, and ensure that

- all detainees are held in legal, sanitary and humane conditions, in line with the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment;
- ii. Establish a database on torture-related complaints in order to determine the prevalence of torture in police stations;
  - iii. Ensure effective implementation of domestic laws and policies on bail, bond and sentencing to reduce overcrowding in prisons and resultant problems of violence and adverse health consequences;
  - iv. Ensure speedy processes in the judicial system, and take appropriate measures to ensure strict respect of the 48 hours duration of police custody while complying with the Luanda Guidelines;
  - v. Make use of the Luanda Guidelines while providing training to the police on the Guidelines, and adopting relevant laws and policies;
  - vi. Implement safeguards against human rights violations by the security forces, including arbitrary arrest, incommunicado and unlawful detentions;
  - vii. Provide comprehensive data/statistics on all people detained, during the reporting period in all military and police detention facilities and provide reasons for their arrest and continued detention;
  - viii. Initiate prompt, independent, impartial, and effective investigations into the deaths of people in military detention facilities.
  - ix. Address the situation of detainees on prolonged remand through the finalization of the reform of the criminal justice system.

## ***Right to Freedom of Expression and Access to Information***

### *Freedom of Expression*

61. Nigeria should:

- i. Take effective measures to prevent and/or end the practice of arbitrary arrests, harassments and threats against journalists, bloggers and others for exercising their freedom of expression;
- ii. Investigate reports of harassment or attacks against journalists, bloggers and human rights defenders and take appropriate administrative and/or criminal measures to hold those responsible accountable;

- iii. Amend the Cyber Crime Act to bring it in line with international human rights standards on the rights to privacy and freedom of expression including the AU Convention on Cyber Security and Personal Data Protection, as well as ratification of the said Convention.

### *Access to Information*

#### 62. Nigeria should:

- i. Take appropriate measures to ensure public institutions are empowered in their duty to promote the right to access information through training, advocacy, as well as material and financial resources;
- ii. Ensure that the public is aware of their rights with regards to access to information through capacity building programs;
- iii. Take necessary measures to fast-track the process of reviewing and amending the laws in the statute books restricting access to information, to bring them in conformity within the ambits and spirit of the Freedom of Information Act, and provide details regarding progress in this process.

### *Rights to Freedom of Association and Assembly*

#### 63. Nigeria should:

- i. Provide more information on the abovementioned rights during its next Reporting period;
- ii. Take legislative and other measures in order to protect, and promote human rights in conformity with the UN Declaration on Human Rights Defenders, the African Charter, the Kigali Declaration and other regional and international human rights instruments that guarantee the right to freedom of association and assembly;
- iii. Provide adequate information on several rights with respect of which the Report provided no data on measures taken for the fulfilment of those rights;
- iv. Prohibit the deployment of military forces in public order situations and ensure that the police forces are provided with sufficient resources to police large scale or hostile demonstrations and counter-demonstrations;
- iv. Promptly, thoroughly and impartially investigate all allegations of excessive use of force during protests by the military and the police and ensure that those responsible are held accountable.

### *Refugees, IDPs and Migrants Workers*

64. Nigeria should:

- i. Include in its next Report, measures taken to ratify and implement the Kampala Convention and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families;
- ii. Provide information on the situation of Migrants in Nigeria;
- iii. Provide information on the status of the 47 Cameroonian refugees who were deported from Nigeria and the implementation of the order of the Federal High Court about their return to Nigeria and compensation due;
- iv. Promote and protect the rights of IDPs, including women and girls, currently in displacement and ensure that the amount of food assistance provided, the type of assistance provided and the distribution mechanisms used are appropriate and accessible;
- v. Ensure that movement restrictions imposed on IDPs in camps are reasonable, necessary, proportionate, non-discriminatory and provided for in law;
- vi. Ensure that people in IDPs camps have access to adequate food and healthcare;
- vii. Report on the voluntary return of IDPs to their place of residence, the support provided to them to rebuild their lives and measures taken for protecting civilians from forced displacement;
- viii. Take measures to promote and protect women and children's rights in the IDPs camps, and make sure they are free from all types of violence, including most notably sexual violence.

### *Participation*

65. Nigeria should include in its next Report, information in respect of legal procedures and available remedies on the civil and political rights of the population, and also include civic education in school curricula if this is not already done, in compliance with Article 25 of the Charter.

## **Economic, Social and Cultural Rights**

### *Right to housing*

66. The Commission urges Nigeria to:

- i. Establish a moratorium on mass evictions until adequate legal and procedural safeguards are in place to ensure that all evictions comply with international human rights standards,

- including through the adoption of legislation to explicitly prohibit forced evictions;
- ii. Report to the Commission on the circumstances leading to the mass eviction of tens of thousands of Nigerians in various parts of Nigeria, most notably in Lagos and on the state of condition of those who have been evicted as well as
  - iii. Provide effective remedies, including adequate alternative housing, and compensation for any loss or damage to property for persons who have been victims of forced eviction;
  - iv. Immediately investigate the forced evictions in Lagos, Kaduna and Rivers States.

### *Right to work*

67. The Commission urges the Government of Nigeria to:

- i. Include in its next Report, information on youth employment in Nigeria;
- ii. Expand employment opportunities for youth and report on the progress made to achieve that;
- iii. Promote skills and innovation for new types of jobs to provide employment opportunities for the youth population.

### *HIV/AIDS*

68. Nigeria should:

- i. Ensure that the next Report includes information about measures the Government of Nigeria is putting in place to integrate HIV/AIDS prevention and care information into the education system in Nigeria;
- ii. Include information and statistics on children orphaned by HIV/AIDS and other vulnerable children affected by HIV/AIDS in its next Report as well as measures taken to support them;
- iii. Adopt measures to ensure access to HIV prevention, treatment and care services by sexual minorities;
- iv. Review the Same-Sex Marriage Prohibition Act to prohibit violence and discrimination and to bring it in line with international human rights instruments protecting the rights of sexual minorities.

### *Older Persons*

69. Nigeria should provide more information on the rights of older persons in the country in its next Report.



## *Extractive Industries and Environment*

70. Nigeria should:

- i. Investigate, with a view to prosecute, all environmental crimes;
- ii. Ensure that all local and international companies in the extractive industries whose activities have been linked to human rights violation are held accountable;
- iii. Fast-track the implementation of the OGONILAND Clean-Up Plan of 2016 and the compensation of the affected families;
- iv. Ensure that the National Oil Spill Detection and Response Agency is provided with adequate resources necessary to investigate oil spills independently of the oil companies;
- v. Take steps necessary to address the negative environmental and human rights impacts of the oil pollution, including health monitoring of affected communities, improvements in health care facilities, survey of drinking water and food sources in case of contamination by hydrocarbons;
- vi. Ensure that all communities are consulted in matters relating to their environment and natural resources.

## *Peace and Security*

71. Nigeria should:

- i. Take all necessary legal measures to guarantee the safety, security and protection of civilians and their properties from attacks by the armed group Boko Haram;
- ii. Take all necessary legal measures to ensure safety, security and protect the life and property of people against attacks by rival communities, including by taking all necessary measures to detect early signs of attacks;
- iii. Initiate prompt, independent, impartial, and effective investigations into all allegations of violations committed by members of Boko Haram;
- iv. Put in place the relevant legislative and institutional measures for the independent investigation of breaches of human rights and international humanitarian law standards by security forces;
- v. Initiate an independent, impartial, and effective investigation into the conflict between farmers and herders for identifying the causes of the conflict and provide the requisite measures for the resolution of the conflicts and the prevention of their recurrence;
- vi. Provide in its next Report, statistics of all completed investigations and prosecutions of those suspected of

membership of or support for Boko Haram, or suspected of other crimes committed as part of being a member or supporter of Boko Haram.

### ***Indigenous Populations and minorities***

72. The Commission urges the Government of the Federal Republic of Nigeria:

- i. To recognise indigenous communities, and to promote their cultures, traditions, ways of life so as to ensure effective unity and harmony;
- ii. Report on measures taken to protect the rights of ethnic and religious minorities in Nigeria, including particularly minorities who reside in regions outside of the place of their origin;
- iii. Include in the next periodic report measures taken to ensure that indigenous people are included in the decision making processes of matters that affect them, and that they are given a right to be heard.

### **Cooperation with the Commission**

73. The Federal Republic of Nigeria should:

- i. Continue the high standard of quality shown in its recent report and regularity of the submission of its Periodic Reports on the implementation of the African Charter, in compliance with Article 62 of the African Charter;
- ii. Invite the Commission and its Special Mechanisms to undertake a promotional mission to the country;
- iii. Provide, in its next Periodic Report, up-to-date statistics and data on all relevant sectors as well as on activities of institutions with a human rights mandate; and
- iv. Inform the Commission, in its next Periodic Report, of the measures taken to address the above issues of concern and to ensure the effective implementation of the recommendations contained in the present Concluding Observations relating to the African Charter.

## PART B: MAPUTO PROTOCOL

74. Regarding the implementation of the Maputo Protocol, the Commission notes the following positive aspects:

### I- POSITIVE ASPECTS

75. The Commission notes that there are many positive aspects regarding Nigeria's compliance with its obligations under the Maputo Protocol.

#### **Reporting obligation and cooperation with the Commission**

76. The Commission commends the Republic of Nigeria for submitting its Periodic Report in accordance with Article 26 of the Maputo Protocol.

#### **Legal framework for the promotion of women's rights in Nigeria**

77. The Commission commends Nigeria for the following legislative and policy measures during the period under review:

- i. The consideration of the Gender and Equal Opportunities Bill, 2016, by the National Legislative Assembly, which will domesticate the Maputo Protocol and the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW);*
- ii. The enactment of the Violence Against Persons (Prohibition) Act of 2015, which seeks to eliminate violence in private and public life, prohibit all forms of violence including physical, sexual, psychological, domestic violence, harmful traditional practices, discrimination against persons and to provide maximum protection and effective remedies for victims and punishment of offenders;*
- iii. The National Strategy to End Child Marriage in Nigeria 2016-2021.*

#### **Measures taken to implement the Maputo Protocol**

- i. Steps taken by the Nigerian Government to make more major policy interventions targeted at improving the social status of women, to improve women's economic base by making special bank loans available through the Central Bank of Nigeria, Nigeria Infrastructure Bank, Bank of Agriculture and the Bank of Industry; to ensure an increase in girl-child education and to discourage early girl-child marriages;*
- ii. Efforts to ensure increased women's representation and participation in both elective and appointive positions in the*

- country through the implementation of the National Gender Policy and other programmes;*
- iii. Measures aimed at expanding employment opportunities for women in the police, military, judiciary and the private sector;*
  - iv. Measures aimed at ending gender based violence and other forms of violence against women and children;*
  - v. Measures aimed at accelerating equality between men and women;*
  - vi. All policies and measures taken by the Government in the promotion and protection of women's rights;*
  - vii. Measures taken by the Nigerian Law Reform Commission to extensively reform the Nigerian family law, law relating to rape and other sexual offences as well as laws on marriage;*
  - viii. Measures taken by the Government to eliminate gender roles and the stereotypes for women and children;*
  - ix. The launching of the G-WIN (Growing Girls and Women in Nigeria) programme, which is an innovative programme that links government budgeting processes to specific targets to improve the lives of disadvantaged girls and women in Nigeria.*

## **IMPLEMENTATION OF SPECIFIC RIGHTS IN THE MAPUTO PROTOCOL**

### **Article 2: Elimination of Discrimination against Women**

78. The Commission commends Nigeria for:

- i.** Its commitment to the promotion and protection of the rights of women through the enactment of a number of progressive laws enacted to reverse previously discriminatory laws, norms and practices in the country;
- ii.** The constitutional provisions prohibiting discrimination on the basis of sex and promoting equality;
- iii.** The Gender and Equal Opportunities Bill, 2016, which is an enabling legislation to domesticate the Maputo Protocol and the UN CEDAW and other matters connected therewith;
- iv.** The policies and programmes adopted by the Federal Ministry of Justice and other relevant agencies such as the National Human Rights Commission, Law Reform Commission, Legal Aid Council, Nigerian Institute of Advanced Legal Studies, National Agency for the Prevention of Trafficking in Persons, and the Federal Character Commission to rid the country of discrimination on the basis of sex;

- v. Various judgments of the Supreme Court and the Federal High Court of Nigeria protecting women from discrimination and promoting gender equality;
- vi. The adoption of the National Gender Policy in Basic Education, which is a response to the challenges of achieving gender equality in education as expressed in the 1999 Constitution of the Federal Republic of Nigeria;
- vii. The adoption of a new Human Rights Training Manual by the Nigerian Police, which mainstreams gender equality.

### **Article 3: Right to Dignity**

79. The Commission commends Nigeria for the following:

- i. The initiatives embarked upon by the Federal Ministry of Health on Gender-Based Violence (GBV), including the development of a draft policy guideline for the management and control of GBV targeting health workers, law enforcement agents and the Judiciary;
- ii. National guidelines and Referral Standards on GBV 2014/15, which provide a roadmap for all stakeholders to work together in the prevention of and response of GBV in Nigeria;
- iii. The availability of hotlines/helplines by government agencies and CSOs for victims of GBV, most of which are toll-free and available 24 hours;
- iv. The availability of counselling and medical services to victims of sexual and physical abuse;
- v. Targeted training of professionals who interact with those impacted by GBV such as nurses, social workers and police officers, which has been a critical aspect of efforts being taken to address the problem of GBV and HIV.

### **Article 4: The Rights to Life, Integrity and Security of the Person**

80. The Commission commends Nigeria for the following:

- i. The adoption of the National Action Plan for the Implementation of UNSCR 1325 and Related Resolutions in Nigeria to achieve the inclusion of Women in the process of peace building, peace keeping, conflict resolution and management in Nigeria;

- ii. Measures taken to provide additional security and security personnel for pupils and students including provision of school facilities to ensure safe, secure and conducive environment for learning;
- iii. The efforts for the rescue and rehabilitation of the victims of Boko Haram.

#### **Article 5: Elimination of Harmful Practices**

81. The Commission notes with satisfaction:

- i. That several governments in the South East are now involved in the yearly Women's Mass Home Coming otherwise known as August Meeting using it as a platform for creating awareness at the rural level on the need to abrogate harmful traditional practices;
- ii. Rivers State Dehumanizing and Harmful Traditional Practices Law of 2003;
- iii. Cross River State law to Prohibit Girl-Child Marriages and Female Genital Circumcision or Genital Mutilation (FGM) in Cross River State;
- iv. Edo State Law on FGM which bans the practice of FGM and prescribes the punishment of N1000 fine or six months imprisonment for its violation;
- v. The prohibition of child marriage and child betrothal under Sections 21 and 22 of the Child's Rights Act;
- vi. The adoption of the National Strategy to End Child Marriage in Nigeria 2016-2021;
- vii. The prohibition of tattoos and skin marks under Section 24 of the Child's Rights Act;
- viii. The massive sensitization of the citizenry on the negative impact of harmful traditional practices hampering women from political participation.

#### **Article 6: Marriage**

82. The Commission commends Nigeria for:

- i. Measures taken to amend the Constitutional provision that does not allow a Nigerian woman married to a foreigner to transmit citizenship to her spouse by reason of marriage;
- ii. The promulgation of the Child's Rights Act, which stipulates that 18 years is the minimum age for marriage and betrothal, and outlaws the arbitrary

- fixing of age of marriage under customary and traditional practices;
- iii. The decisions of the Supreme Court and the Federal High Court that support equality in marriage.

#### **Article 8: Access to Justice and Equal Protection before the Law**

83. The Commission commends Nigeria for the:

- i. The on-going legislative and justice sector reform exercise aimed at amending the existing laws in order to ensure effective promotion and protection of human rights, access to justice, safety and security in Nigeria; and
- ii. The work of the Legal Aid Council of Nigeria to ensure that the indigent Nigerians have access to justice.

#### **Article 9: Right to Participation in the Political and Decision-Making Process**

84. The Commission commends Nigeria for:

- i. The appointment of women in 30.0% of higher level political decision-making positions in recent years;
- ii. Increased efforts to ensure increased women's representation and participation in both elective and appointive positions in the country through increased emphasis on implementing the provisions of the National Gender Policy;
- iii. The Trust Fund put in place by the Federal Ministry of Women Affairs and Social Development with UN-Women and other development partners to assist female politicians bidding for elective offices.

#### **Article 12: Right to Education and Training**

85. The Commission commends Nigeria for the establishment of the National Centre for Women Development which empowers women socially and economically, including vocational skills training.

#### **Article 13: Economic and Social Welfare Rights**

86. The Commission commends the Government of Nigeria:

- i. For embarking on numerous programmes to boost women's economic empowerment by supporting

- women entrepreneurs and enhancing their social security;
- ii. Putting in place many other gender-specific economy-boosting Programmes including: Subsidy Re-investment and Empowerment Programme; YOU-Win; G-Win; United Nations Development Programme (UNDP)/SMEDAN) technical and entrepreneurial skills programme among others.

#### **Article 14: Health and Reproductive Rights**

87. The Commission notes with satisfaction, the:

- i. The policies adopted to protect the rights of women relating to sexual and reproductive health rights;
- ii. The establishment of the National Health Insurance Scheme which aims to ensure that every Nigerian has access to good health care services, and equitable distribution of health care costs among different income groups.

#### **Article 16: Right to Adequate Housing**

88. That Commission commends Nigeria for:

- i. The Constitutional provisions obliging the government to direct its policy towards ensuring that suitable and adequate shelter is provided for all its citizens;
- ii. The approval of the National Housing Policy and National Urban Development Policy ensuring that all Nigerians, men and women own or have access to decent, safe and sanitary housing with secure tenure.

#### **Article 24: Special Protection of Women in Distress**

89. The Commission appreciates special care given to women in distress, for instance, women victims of violence who are given special protection including psycho-social, legal and medical assistance by Government agencies.

### **I. FACTORS RESTRICTING THE ENJOYMENT OF THE RIGHTS GUARANTEED IN THE MAPUTO PROTOCOL**

90. Lack of awareness of the Maputo Protocol results to slow implementation of the Protocol.

### **III. AREAS OF CONCERN**



91. In spite of the Government's efforts to promote and protect the rights of women, the Commission is concerned about the following:

### **Reporting obligation and cooperation with the Commission**

92. The Commission appreciates the detailed responses provided by Nigeria to the various questions regarding implementation of the Maputo Protocol. However, the Commission would appreciate more information on the concerns raised by the Commission hereunder.

### **Lack of additional information**

93. The Commission is concerned that following the Delegation's commitment to provide additional information to the Commission on issues raised during presentation of the Report, information has not been forthcoming, including disaggregated data on gender, statistics on GBV and FGM, which also impacts on the substance of the present Concluding Observations.

### **Article 4: The Rights to Life, Integrity and Security of the Person**

94. The Commission is concerned about lack of information about the status and safety of the remaining Chibok Girls abducted by Boko Haram, as well as rehabilitation and reintegration of those that were released back into the society.
95. The Commission is concerned about conflict incidents in Nigeria and the impact of these conflicts and the responses involving excessive use of force by security forces on the right to life particularly of women;
96. The Commission is concerned about lack of information on the availability of institutional mechanisms for early detection and prevention of conflict events;

### **Article 5: Elimination of Harmful Practices**

97. The Commission is concerned about lack of information in the report on other forms of harmful cultural practices that exist in Nigeria.

### **Article 6: Marriage**

98. The Commission is concerned that the report does not specify the ongoing efforts to ensure that the remaining 14 States in Nigeria adopt the Child Rights Act which states that the age of marriage is eighteen (18).

## **Article 8: Access to Justice and Equal Protection before the Law**

99. The Commission is concerned about lack of information on the status of promulgation of the Gender and Equal Opportunities Bill; applicability of the Violence Against Persons Prohibition Act of 2015, and access to justice and equal protection of women in rural areas.

## **Article 13: Economic and Social Welfare Rights**

100. The Commission is concerned about lack of information on the laws relating to the matrimonial property regime.
101. The Commission is concerned about lack of information on whether laws prohibiting discrimination in Nigeria expressly address or prohibit common discriminatory practices under customary law as they relate to inheritance.

## **Article 22: Special Protection of Elderly Women**

102. The Commission is concerned about lack of information on measures taken by Nigeria to protect elderly women.

## **Article 23: Special Protection of Women with Disabilities**

103. The Commission is concerned about lack of information on measures taken by Nigeria to protect women with disabilities.

## **V - RECOMMENDATIONS**

104. In view of the foregoing, the Commission makes the following recommendations to the Federal Government of the Republic of Nigeria:

### **Reporting obligation**

105. The Government should continue the regularity of submission of its report to comply with its obligations under Article 26 of the Maputo Protocol, including by implementing the Commission's recommendations.
106. The Commission urges Nigeria to submit the next Periodic Report with adequate details and in line with the Guidelines for State Reporting under the Maputo Protocol.

#### **Article 4: The Rights to Life, Integrity and Security of the Person**

107. In its next periodic Report, the Commission will appreciate information on the status of the remaining Chibok Girls abducted by Boko Haram in 2014; measures taken by the Government to ensure that the girls are not only released and reunited with their families, but also ensure that they are rehabilitated and reintegrated back into the society.
108. The Commission also appreciates to receive information on conflicts and their impact on the right to life and security of the person as well as measures taken to prevent and punish excessive use of force by security forces in the course of responding to conflict situations or law enforcement operations.

#### **Article 5: Elimination of Harmful Practices**

109. In its next Periodic Report, the Commission would appreciate more information on other forms of harmful cultural practices that exist in Nigeria.

#### **Article 6: Marriage**

110. The next Report should include information about implementation of the Child Rights Act by the remaining 14 States in Nigeria.

#### **Article 8: Access to Justice and Equal Protection before the Law**

111. Nigerian should include information in its next Report:
- i. The status of promulgation of the Gender and Equal Opportunities Bill;
  - ii. The extent to which the Violence Against Persons Prohibition Act of 2015 is applicable and implemented in the whole country;
  - iii. Access to justice and equal protection of women in rural areas.

#### **Article 22: Special Protection of Elderly Women**

112. The next Report should include information on measures taken by Nigeria to protect elderly women.

#### **Article 23: Special Protection of Women with Disabilities**

113. The next Report should also include information on measures taken by Nigeria to protect women with disabilities.

#### **Cooperation with the Commission**

114. The Commission urges Nigeria to provide in its next Periodic Report, detailed information on measures taken to address concerns raised and the effective implementation of the recommendations made in the present Concluding Observations relating to the Maputo Protocol.

**Adopted by the African Commission on Human and Peoples' Rights at the 65<sup>th</sup> Ordinary Session held from 21 October to 10 November 2019 in Banjul, The Gambia.**