

<b>AFRICAN UNION</b>		<b>UNION AFRICAINE</b>
<b>الاتحاد الأفريقي</b> <b>African Commission on Human &amp; Peoples' Rights</b>		<b>UNIÃO AFRICANA</b> <b>Commission Africaine des Droits de l'Homme &amp; des Peuples</b>
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## 57<sup>th</sup> Ordinary Session

**4 - 18 November 2015, Banjul, The Gambia**

### **Concluding Observations and Recommendations on the 5<sup>th</sup> Periodic Report of the Federal Republic of Nigeria on the Implementation of the African Charter on Human and Peoples' Rights (2011 - 2014)**

#### **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**, and it has domesticated the African Charter as Chapter 10 Laws of the Federation 1990 or Chapter A9 Laws of the Federation 2004.
2. Nigeria also ratified the Protocol to the African Charter on Human and Peoples' Rights relating to the Rights of Women in Africa (the Maputo Protocol), on **16 December 2004**.
3. Nigeria submitted its Initial Report to the African Commission on Human and Peoples' Rights (the Commission) at the latter's 11th Ordinary Session, which was held from 2 to 9 March 1992. Subsequently, Nigeria has since submitted its second, third and fourth Periodic State Reports, respectively at the 40th Ordinary Session held from the 15 to 29 November 2006, the 44th Ordinary Session held from 10 to 24 November 2008, and the 50<sup>th</sup> Ordinary Session, held from 24 October-7 November 2011.
4. The Fifth Periodic State Report covering the Period 2011 to 2014 (the State Report) was submitted to the Secretariat of the Commission in September 2013, and updated in July 2014.
5. This Report was examined by the Commission during its 56<sup>th</sup> Ordinary Session held from 21 April to 7 May 2015, in Banjul, The Gambia.

6. It was presented to the Commission by the Delegation of the Federal Republic of Nigeria (the Delegation) which comprised the following officials:
  - Mr. Pius Oteh - Director, International and Comparative Law Department, Federal Ministry of Justice - Leader of Delegation;
  - Ambassador Babatunde Ayinla Nurudeen: Director, African Union Division, Ministry of Foreign Affairs;
  - Mrs. A.A. Adegoke - Director, Legal services, Federal Ministry of Women Affairs;
  - Mrs. Ojakovo Patricia - Legal Adviser, National Population Commission;
  - Mr. Chukwuemeka Ngwu - Director, Legal (Presidency);
  - Mr. Nwodibo Ekechukwu: Legal Adviser, Commissioner of Police, Nigerian Police Force;
  - Ms. Otuya Cordelia - Assistant Legal Adviser, Federal Ministry of Education;
  - Mrs. El-Husman R.S. - Assistant Legal Adviser, Federal Ministry of Health;
  - Mr. B.M Ndam - Assistant Director, Legal, (Presidency);
  - Mr. Eyo Effiok - Legal (Presidency);
  - Mr. Danjuma Abdulai - Assistant Chief State Counsel, Federal Ministry of Justice;
  - Mrs. Foro Gloria Ebele - Senior State Counsel, Federal Ministry of Justice;
  - Mrs. Nwoko Helen - Office of the State Government of the Federation; and
  - Mrs A. Ogunmilua - Nigeria High Commission, Banjul, The Gambia.
7. The Report highlights developments which have taken place in the country in the area of promotion and protection of human and peoples' rights, and the legislative, administrative and judicial measures put in place to comply with the country's obligations under the African Charter.
8. The present Concluding Observations give an account of the positive aspects, the factors restricting the enjoyment of human rights and the challenges identified in the Report. In conclusion, the Commission makes recommendations to the Federal Republic of Nigeria regarding the measures required to strengthen the enjoyment of human rights guaranteed by the African Charter, as well as other relevant regional and international human rights instruments.
9. The Commission welcomes the presentation of the Fifth Periodic Report by the Government of Nigeria and commends the Nigerian Delegation for its frank and constructive dialogue with the Commission during its presentation of the Fifth Periodic Report of the Federal Republic of Nigeria.

## II. Positive Aspects

### The Commission:

10. Commends the efforts made by Nigeria in preparing and presenting its periodic report in accordance with the provisions of Article 62 of the African Charter;
11. Commends the fact that both the format and presentation of the Report are in substantial conformity with the Commission's Guidelines for the Preparation of periodic Reports;
12. Appreciates the fact that Nigeria is one of the State parties to the African Charter which submits its Periodic Reports regularly in conformity with Article 62 of the African Charter, and which is actually up-to-date in respect of this reporting obligation;
13. Notes with appreciation that this periodic Report indicates the legislative, policy, institutional and other measures which have been taken to implement the Maputo Protocol in the country, in line with Article 26 of the Maputo Protocol;
14. Commends the efforts made by Nigeria to ensure that the preparatory process of this Periodic Report was highly participatory and involved relevant stakeholders including civil society organisations (CSOs);
15. Lauds the Government for providing comprehensive answers to the issues raised by the Commission in its Concluding Observations on the country's 4<sup>th</sup> Periodic Report, which greatly assisted the Commission in assessing the progress recorded by the country during the reporting period in the promotion and protection of human and peoples' rights, as well as the outstanding challenges;
16. Notes with satisfaction that Nigeria has, amongst others, provided gender disaggregated data as well as statistical data on many issues as recommended by the Commission in its Concluding Observations and Recommendations issued on Nigeria's Fourth Periodic Report and commends the progress made towards this good practice, which is important for the Commission to objectively assess the improvements in implementing the rights recognized in the African Charter;
17. Commends Nigeria for setting up a Special Working Group tasked with reviewing all ratified human rights treaties for possible domestication;
18. Lauds Nigeria for ratifying the African Charter on Democracy, Elections and good governance (on 1<sup>st</sup> December 2011) during the reporting period, thus expanding the legal framework for the protection of human and peoples' rights in Nigeria;

19. Commends Nigeria for commencing the process of ratification and/or domestication of the following international human rights instruments:

- Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa;
- Declaration under Article 34(6) of the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of the African Court on Human and Peoples' Rights;
- United Nations Convention on the Elimination of All Forms of Discrimination against Women;
- United Nations Convention Against Torture (CAT) and the Optional Protocol to the CAT; and
- Rome Statute of the International Criminal Court.

20. Welcomes the ongoing legislative and justice sector reforms in order to ensure effective promotion and protection of human rights, as well as the consultative nature of the processes which are indicated to involve civil society actors and other stakeholders;

21. Commends the adoption and implementation of the National Human Rights Commission Action Plan for the Promotion and Protection of Human rights in Nigeria 2009-2013;

22. Commends Nigeria for adopting the following legal and policy instruments as well as institutional frameworks during the reporting period:

- Freedom of Information Act, 2011;
- National Human Rights Commission (Amendment) Act, 2011;
- National Minimum Wage (Amendment) Act, 2011;
- Employees/Workmen's Compensation Act 2011;
- Legal Aid Council of Nigeria Act 2011;
- Terrorism Prevention (Amendment) Act 2013;
- HIV and AIDS Anti-Discrimination Act 2014;
- Guidelines on Labour Administration issues in Contract Staffing/Outsourcing in the Oil and Gas Sector - May 25, 2011;
- The Transformation Agenda of the Federal Government of Nigeria 2011-2015;
- The Strategic Framework for the Revitalization of Adult and Youth Literacy in Nigeria, 2012;
- The National Framework on Girls' and Women Education, 2012;
- The National Policies on IDPs and Migrants 2012/13;
- The Decent Work Country Programme (2012 - 2015);
- Enforcement Procedure Rules of the Child Rights Act, 2003 (which domesticates the UN Child Rights Convention and the African Union Charter on the Rights and Welfare of the Child) (2013);

- The Global Jobs Pact January 2013;
  - The N3 billion for Women Empowerment programmes by Six Ministries (2013);
  - The Conditional Cash Transfer Scheme (2013);
  - The Public Interest Litigation/Human Rights Defenders Unit 2013;
  - The Victims Support Fund (for the affected civilian population in the north-east States of Adamawa, Borno and Yobe) (2014);
  - The Save One Million Lives Initiative (2015); and
  - The Almajiri /Nomadic Education Programme (operationalizing the National Almajiri Child Education Policy 2010);
23. Also Commends the initiation of the following draft laws and policies which have the potential to enhance the promotion and protection of human rights in Nigeria:
- Gender and Equal Opportunities Bill, 2010/13;
  - Violence against Persons (Prohibition) Bill 2013;
  - National Health Bill, 2013;
  - Draft National Policy on Special Needs Education/Implementation Guidelines, 2012; and
  - Discrimination against Persons with Disabilities (Prohibition) Bill, 2014.
24. Commends the efforts of the Government in addressing attacks on the civilian population by Boko Haram and the general security situation in the affected States in north-east Nigeria which include an array of administrative, political, military, humanitarian and non-combative options, to secure the lives of civilians in the affected areas, combat the scourge of terrorism in general and restore normalcy to the affected areas;
25. Notes with appreciation, in particular, the attention given by Nigeria to the intervention of the Commissioner responsible for human rights situation in Nigeria on the security situation in north-east Nigeria, the content of which is acknowledged to have contributed to the shaping of Nigeria's current response to the Boko Haram insurgency;
26. Appreciates the efforts of Nigeria in general, to mitigate the adverse effects of ethnic, religious, ideological and cultural diversity on human rights, including through the establishment of panels of inquiry, inter-faith dialogue committees, an amnesty panel and counter-insurgency plans;
27. Further Appreciates the efforts of Nigeria in tackling the use of children as combatants by Boko Haram in the insurgency campaign by the group, including the Advisory issued on January 21, 2015 by the Attorney-General of the Federation on the implications of the use of children in the conflict, as well as efforts to rehabilitate the children in the affected region and restore education, including through the launch of a Rehabilitation Programme and a 'Safe Schools Initiative' in the affected areas;

28. Commends Nigeria for its efforts towards a nationwide systematic prison decongestion exercise, the improvement and strengthening of the processes of managing the nation's prisons and the reform of conditions of incarceration;
29. Commends Nigeria for the efforts made to conduct human rights training for law enforcement agencies through the establishment of human rights desks;
30. Welcomes the introduction by Nigeria of measures towards addressing the challenge of corruption in the courts and improving the efficacy of the administration of justice including through the issuance of Judicial Practice Direction to all courts and the conduct of Annual Nigerian Judicial Performance Evaluation;
31. Also Welcomes the pronouncement of the Court of Appeal which enables citizens to freely assemble without seeking prior police permit, as was previously required under the Public Order Act;
32. Commends the various initiatives to improve gender equality, access to wealth creation and the overall quality of life for women, as well as to increase women's representation in governance and public service, including:
  - The development of a National Action Plan for Women and Peace by the Federal Ministry of Women Affairs and Social Development;
  - The attainment of 33 percent affirmative action in federal appointments of women at the executive level, and of 30 percent in judicial appointments of women throughout the country;
  - The Three (3) Billion Naira Budget-line (in 2013) for Women Empowerment Programs by six Government Ministries;
  - The Rural Finance Institution Building Program;
  - The establishment of over 100 Skills Acquisition Centres for Women nationwide and 10 Cottage Industries;
  - The establishment of Entrepreneurship Development Centres through the Central Bank of Nigeria;
  - The initiation of draft laws that seek to advance the equal access of women to opportunities, gender equality, and their promotion and protection against all forms of discrimination;
  - The proposal to review of the National Gender Policy; and
  - The proposal for the re-activation of Women Development Centres nationwide by the National Centre for Women Development.
33. Commends the adoption by twenty-two (22) States of the Nigerian Federation of the provisions of the Child's Rights Act, 2003, which sets the age of marriage to eighteen (18) years;

34. Commends Nigeria's efforts towards developing the National Social Welfare Policy – an all-inclusive national social welfare policy that will ensure the welfare and development of persons with disabilities, orphans and vulnerable children, the elderly and other vulnerable Nigerians;
35. Notes with appreciation that Nigeria has made considerable efforts during the reporting period to improve the socio-economic rights of its population, including housing rights, access to employment and protection of workers' rights and access to health care, through amongst others, the following initiatives and actions:
- The Government increased the share of education in budget spending from 6.4% in 2010 to 7.5%, in 2011, in order to improve access to education, especially Universal Basic Education;
  - The Government has sought to improve the health care system. Health spending in the Federal budget increased from 4% in 2010 to 6.1% in 2011 and 6.5% in 2012;
  - The Government increased the security and defence budget spending from about 12% in 2010 to 20% in 2011, 18.5% in 2012 and almost 20% in 2013 in order to address the numerous security challenges;
  - Between 2011 and 2013, reasonable budgetary allocations were made to the Federal Ministry of Environment and the Federal Ministry of Justice;
  - The Government's intervention (in 2012) in some critical sectors of the economy that would touch the lives of Nigerians, through the Petroleum Subsidy Reinvestment Programme (SURE-P), which involved amongst others: major road constructions, rehabilitation of rail lines, investment in maternal and child healthcare services, and job creation for teeming unemployed youths/graduates.
36. Commends the adoption of a new national minimum wage of Eighteen Thousand Naira (N18,000) in the year in 2011, as well as on-going consultation between the Labour Unions and the Government on the need to increase this minimum wage in view of current economic realities;
37. Commends Nigeria's initiatives to reduce infant and maternal mortality, including the "Save One Million Lives Initiatives" launched in 2012;
38. Commends innovative ideas being explored by Nigeria to improve the right to health with the opportunities that Information and Communications Technology has to offer, through the tele-medicine programme underway in Nigeria;
39. Notes with satisfaction that Nigeria makes judicious use of international cooperation to improve the human rights guaranteed in the African Charter;

40. Commends investments by Nigeria in the education sector, with a special focus on addressing particular needs of vulnerable groups like girls, albinos and nomads, including:
- The construction of Junior Girls' Model Secondary School that was initiated in 13 States of the Federation;
  - The disbursement of funds for the training of female teachers to States' Universal Primary Education Boards;
  - The National Policy on Nomadic Education leading to the establishment of 'nomadic schools';
  - The launch of the Almajiri Education Programme and the production of textbooks on eleven (11) subjects for use in the schools nationwide; and
  - The adoption of the Draft Policy on Albinism and the Guidelines on its implementation to address the specific vulnerabilities, discrimination and setbacks suffered by children living with Albinism in Nigeria with respect to the enjoyment of the right to education;
41. Notes, with much satisfaction the achievements of the Ministry of Labour and Productivity from 2008 to 2012, including its collaboration with other partners to produce the National Workplace Policy on HIV/AIDS;
42. Commends the efforts of the Government in combating HIV/AIDS, TB malaria and other endemic diseases, including through notable breakthroughs in scientific research within the local medical expertise, practical measures to ease access to Anti-Retroviral Drugs by HIV-infected people through the deregulation of the issuance of such drugs to primary health-care centres, as well as the advocacy and enlightenment exercises by Government agencies towards ensuring that the rate of HIV-AIDS infection is progressively reduced;
43. Lauds the adoption by the Government of the HIV and AIDS Anti-Discrimination Act 2014 to prohibit discrimination on account of HIV status, which the Commission considers as a best practice;
44. Appreciates the campaign to progressively address knowledge gaps in the understanding of the provisions and implication of the Freedom of Information Act by Government and private sector actors, through the Freedom of Information Unit in the office of the Attorney-General of the Federation;
45. Commends the Government for its usual partnership with civil society actors in various aspects of shared mandates;
46. Welcomes the efforts of the Government in promoting access to legal aid, and hence, access to justice, including through the commissioning of Legal Aid Centres;

47. Also Welcomes the amendment of the National Human Rights Commission (NHRC) Act, which objective was to bring the Act in consonance with the Paris Principles and as result of which the NHRC is now fully independent in terms of its funding and the exercise of its mandate;
48. Commends the continuous efforts of the Government to combat human trafficking through the National Agency for Prohibition of Traffic in Persons and Other Related Matters whose records (as provided) clearly show its performances in terms of prosecuting and punishing traffickers and rescuing trafficked victims;
49. Also Commends the development by Nigeria of a National Policy to cater for the rights of Internally Displaced Persons as well the establishment of the National Agency for Internally-Displaced Persons, Migrants and Refugees;
50. Congratulates Nigeria for having various legislation safeguarding and protecting natural resources exploitation and the environment, and also promoting transparency and the development of local capacity in its extractive industry, including notably the recent Nigeria Oil and Gas Industry Content Development Act of 2010, which is considered by the Commission as good practice;
51. Commends Nigeria's interventions in the Niger Delta Region, in order to fulfil its human rights obligations vis-à-vis the people living in that part of the country who have specific needs due to the oil exploitation and conflicts;
52. Appreciates the efforts of Nigeria in resettling Nigerians in the Bakassi Peninsula who opted to return to Nigeria by relocating and integrating them into a new community popularly known as 'New Bakassi'; and
53. Commends the commitment of Nigeria to be fully involved in the activities to mark 2015 as the African Union Year of Empowering Women with special initiatives to be anchored by the Federal Ministry of Women Affairs, Federal Ministry of Finance and the Ministry of Foreign Affairs.

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

54. The spates of attacks on the civilian population by the Boko Haram in the north-east region of Nigeria grossly violate and impede the enjoyment of the rights guaranteed under the Charter;
55. The country's huge population, as well as its diverse ethnic and religious mix which could be a source of strength, is unfortunately being used by various groups to impose their own ideology, some aspects of which have serious adverse effects,

especially on the human rights of its citizens, including ethnic and religious clashes based on sentiments;

56. Harmful cultural, religious and traditional practices continue to restrict Nigerian women and children from fully enjoying their rights, and are often the cause of several human rights violations against women and children;
57. Continuous non-availability of reliable and comprehensive sex-disaggregated statistics that will lead to the effective formulation and implementation of policies and programmes that will fully address gender equality issues; and
58. Resource constraints, high level of illiteracy and lack of knowledge by the majority of the population about the national, regional and international human rights instruments ratified by Nigeria are further factors that restrict the effective enjoyment of human rights in Nigeria.

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

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:

##### **Obligations of States / Ratification and Domestication of international instruments**

59. Nigeria has not yet ratified some key regional and international human rights treaties which are critical for enhancing the enjoyment of human rights, including:
  - 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.
60. Nigeria is yet to domesticate some relevant regional and international human rights instruments that it has ratified, due to prolonged procedures for domestication of international law under its legal architecture;

61. Failure by Nigeria to make the declaration under Article 34 (6) of the Protocol on the African Court on Human and Peoples' Rights, so as to allow individuals and non-governmental organizations to seize the African Court directly;
62. Lack of definitive estimated timelines for the conclusion of a number of legislative, policy and institutional reform processes aimed at improving the promotion and protection of human rights in the country;
63. The lack of actual statistics and disaggregated data in the Report on various areas of human rights (such as in the results of bodies or institutions with a human rights mandate, the figures of effective enrolment of girls in schools, the statistics on older persons, the statistics of school drop outs and the overall estimated number of extremely poor households in the country), which prevents the Commission from appropriately making an objective assessment of the challenges and achievements made in the promotion and protection of human rights in the affected areas;

#### **Right to security of person/ Right to Life and the Death Penalty**

64. The periodic Report did not cover the highly disturbing and important issues concerning the security situation in the North-East Region, and this information was only provided upon specific request;
65. Whilst the Commission notes the assertion by the Nigerian Government that its Military is a highly disciplined and professional organization which has conducted its operations in the conflict-torn north-east area of the country in accordance with all relevant human rights standards in Nigeria's domestic laws and international obligations, Nigeria has not reported on any steps taken to investigate and prosecute the perpetrators, if any, of the human rights violations alleged to have been committed by its Military personnel against the civilian population in the concerned communities;
66. The death penalty remains Constitutional in Nigeria;

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

67. Nigeria has not expressly criminalized torture under its penal laws and the Committee on the Prevention on Torture set up in 2009 to review allegations of torture has not yet reported up- to-date;

#### **Right to liberty and security of person / Conditions of Prisons and Detention Centres / Access to Justice /Administration of Justice**

68. The lack of adequate prison infrastructures and the congestion arising out of delayed trials;

69. High rate of incidences of human trafficking for sexual and domestic exploitation in the country;
70. The delays in the judicial sector reform;
71. Incidences of corruption in the Nigerian judiciary;
72. The slow administration of justice and lack of respect for the legal deadlines for remands in police custody and pre-trial detention;

### **Protection of the rights of Women and Children**

73. The widespread abduction and enslavement of women and girls in northeast Nigeria by Boko Haram, including the abduction of more than 200 school girls from the northeast Nigerian town of Chibok, who are still missing over a year since their abduction;
74. The existence of harmful traditional practices which affect the rights of most vulnerable persons like women and children;
75. Women's low representation in positions of power and authority which has been linked to many factors, including poor access to education arising from early marriage, traditional prejudices, poverty and lack of economic empowerment as well as biological factors;
76. Nigeria has a very high rate of maternal and infant mortality, and is currently ranked by UNICEF as the second largest contributor to the under-five and maternal mortality rate in the world;

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

77. The continued existence of laws limiting freedom of expression such as criminal defamation;
78. The slow pace of the implementation of the Freedom of Information Act due to inadequate knowledge of its provisions and implication by a number of Government and private-sector actors, which restricts the citizens from getting vital information from public institutions;
79. Reported cases of restrictions on freedom of expression, in particular regarding the private media, and the harassment of journalists as well as human rights defenders;

### **Protection of Rights of Persons Living with HIV/AIDS**

80. Lack of statistics on the number of pregnant women and children who are currently receiving HIV-AIDS treatment, especially given that in 2013, the UN reported that Nigeria had the highest number of children living with HIV in the world;
81. The enactment of a law criminalizing homosexuality has the potential to engender violence against persons on grounds of their actual or imputed sexual orientation, and also to drive this group of persons vulnerable to HIV/AIDS underground, thereby creating an environment which makes it impossible to effectively address the HIV pandemic in the State;

### **Protection of Human Rights Defenders**

82. The lack of a law to protect human rights defenders;

### **The duty to Promote Human Rights**

83. The lack of a consistent human rights awareness raising programme at the country level;

### **Extractive Industries, Environment and Human Rights Violations**

84. Allegations of lack of an acceptable level of transparency in the exploitation of natural resources such as oil, and lack of respect for environmental standards.

### **Protection of Older Persons and Persons with Disabilities**

85. The periodic Report did not cover many issues on older persons and persons with disabilities;

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

#### ***Right to Health***

86. Lack of a legal framework for health in Nigeria that clearly defines the roles and responsibilities of healthcare professionals, as well as the roles and responsibilities of Local, State and Federal Governments in the management of the three levels of healthcare;
87. Challenges in human resources for health in the country, including shortages, maldistribution and under-utilization of health professionals as a result of persistent brain-drain;

### ***Right to Education***

88. Inequality and gender disparity in school enrolment, retention and completion at all levels of education (primary, secondary, and tertiary);

### **Protection of Rights of Indigenous Populations/Communities**

89. The Report does not address the issue of indigenous peoples in the country.

## **V. Recommendations**

90. In view of the foregoing, the Commission recommends that the Government of Nigeria should:

### **General**

91. Continue to comply with its obligations under Article 62 of the African Charter and 26 of the Maputo Protocol;

92. Provide, *inter alia*, in its next periodic report, up-to-date statistics and data on all relevant sectors as well as on activities of bodies or institutions with a human rights mandate;

### **Ratification and Domestication of International Instruments**

93. Expedite the processes for the ratification of outstanding regional and international human rights instruments, so as to enhance the framework for the promotion and protection of human and peoples' rights in Nigeria, 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;

94. 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;
95. Expedite the enactment of the various legislation which are being drafted or amended, which have the potential to enhance the enjoyment of human rights by the citizens;

#### **Right to security of person/ Right to Life and the Death Penalty**

96. Continue to guarantee the safety, security and protection of civilians in the north-east States of Adamawa, Borno and Yobe affected by Boko Haram insurgencies, and to increase efforts in securing the lives and integrity of the civilian population in accordance with its regional and international human rights obligations;
97. Ensure that the operations of its Military personnel as well as the Multinational Joint Task Force in combating the Boko Haram terrorist group in the region are conducted in a transparent manner, in complete adherence to respect for human rights and humanitarian law, and in full accordance with regional and international human rights standards;
98. Take urgent steps to investigate and prosecute the perpetrators, if any, of all human rights violations alleged to have been committed by its Military personnel against the civilian population in the north-east States of Adamawa, Borno and Yobe, in the course of combating the Boko Haram militants in the region;
99. Intensify efforts in locating and rescuing persons abducted from the affected areas by Boko-Haram including the more than 200 Chibok girls, and ensure adequate records of forced displacement, as well as protection and assistance to affected persons not implicated in the insurgency;
100. Ensure that the trial of terrorism cases are conducted in strict compliance with regional and international standards on the right to a fair trial;
101. Bolster the work of the Anti-Human Trafficking Agency (NAPTIP) and all bodies involved in preventing and combating trafficking in persons;
102. Provide, *inter alia*, in its next periodic report, information regarding the outcome of the NHRC's independent inquiry into alleged cases of extra-judicial killings and assassinations in Nigeria;
103. Adopt an official moratorium on the death penalty, as a step towards the definitive abolition of the death penalty;

## **Prohibition of Torture and Ill Treatment**

104. Enact a specific law to define, prohibit and criminalize torture in accordance with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Commission's Robben Island Guidelines, and initiate programs for training law enforcement agents on the Robben Island Guidelines;
105. Adequately resource the National Committee on Torture to enable it discharge its mandates effectively;
106. Expedite the production of a detailed report on the activities of the National Committee on Torture set up since 2009;

## **Right to liberty and security of person / Conditions of Prisons and Detention Centres/ Access to Justice /Administration of Justice/Policing and Human Rights**

107. Take the necessary measures to ensure strict respect for the constitutionally stipulated timelines for remands in police custody and pre-trial detention, and where breached, ensure a system for payment of compensation to affected persons;
108. Urgently conclude the process of enactment of the Administration of Criminal Justice Bill into law, as this is expected to significantly reduce prison populations, as well as take other necessary measures to reduce prison overcrowding, in particular by adopting a policy of alternative and non-custodial sentences;
109. Ensure that minors are separated from adult prisons and that convicted persons are separated from detainees;
110. Strengthen the ongoing remedial educational and vocational training activities in prisons to facilitate the social reintegration of prisoners after they leave prison; Ensure in-service human rights training for the police and law enforcement officers, set up human rights monitoring units within the various law enforcement agencies and provide effective mechanisms for victims of human rights violations by law enforcement officers to lodge complaints;
111. Take steps to establish independent policing oversight institutions/mechanisms to which civilians may be free to report police misconduct and abuse of power;
112. Ensure that the relevant authorities make use of the Commission's Guidelines on Conditions of Arrest, Police Custody and Pre-Trial Detention, while providing training to the Police, and while adopting laws and policies;
113. Raise the awareness of the population about their rights, legal procedures and available remedies;

114. Strengthen and effectively implement measures to combat corruption and severely punish corrupt personnel in every section of Government;

### **Protection of the rights of women and children**

115. Enact a legislative framework that provides for affirmative action for women including the stipulation of specific female representation quotas in decision-making positions, to increase women's representation;

116. Build operational and institutional capacities to combat violence against women and children and provide support to victims of violence;

117. Urgently strengthen ongoing initiatives to reduce the high rate of maternal and infant mortality in Nigeria including by eliminating all barriers to maternal health services in the country, increasing budgetary allocation to the health sector in line with the Abuja Declaration, and promoting human rights-based private-sector investment in the health sector;

118. Revise its law on abortion, to bring it in line with the Maputo Protocol and international human rights standards, and also take steps to improve access to contraceptives and family planning options;

119. Ensure that the Violence against Women Bill is passed promptly and that cases of violence are properly investigated and prosecuted, and also raise the awareness of the public, including law enforcement bodies and the judiciary, regarding the Bill/law;

120. Ensure that all states adopt the federal legislation that sets the age of marriage to eighteen (18) years;

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

121. Take the necessary measures to ensure the right to freedom of expression, in particular for the private media and human rights defenders;

122. Decriminalize defamation and amend other existing laws in the statute books of Nigeria that restrict access to information, to bring them into conformity with the Freedom of information Act;

123. 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;

## **Protection of Rights of Persons Living with HIV/AIDS**

124. Strengthen ongoing HIV/AIDS sensitization, prevention, treatment and care programmes, in particular, targeting the most vulnerable populations;
125. Scale up its program for the prevention of mother-to-child transmission of HIV, towards reversing the current high incidence of children living with HIV in the country;
126. Review the Same-Sex Marriage Prohibition Act in order to prohibit violence and discrimination in access to HIV prevention, treatment and care services, as well as to ensure the protection of other human rights of sexual minorities guaranteed under the African Charter and other international instruments to which Nigeria is a party;

## **Human Rights Defenders**

127. Adopt legislative measures to protect human rights defenders in conformity with the **UN Declaration on Human Rights Defenders 1998** and the **Commission's Resolutions on Human Rights Defenders** including ACHPR/Resolution 69 (XXXV) 04, ACHPR/Resolution 119 (XXXII) 07, and ACHPR/Res.196 (L) 11, and also create a forum for dialogue with civil society;
128. Review its legislative initiative towards regulating the procurement of foreign aid by CSOs in Nigeria, to ensure that it does not impose restrictions or complex bureaucratic procedures for CSOs fundraising activities as well as budgeting, allocation and utilisation of funds, and also does not interfere with the financial autonomy, organisational and administrative affairs of CSOs;

## **The duty to promote Human Rights**

129. Take all necessary measures to popularize the Charter, the Maputo Protocol and other human rights instruments amongst the Nigerian populace, including through its incorporation in the curricula of formal and vocational institutions, and through other informal civic education programs;

## **Extractive Industries, Environment and Human Rights Violations**

130. Strengthen programmes and policies to protect the environment and ensure the transparent management of natural resources;

## **Protection of Older Persons and Persons with Disabilities**

131. Provide, *inter alia*, in its next periodic report detailed information in relation to older persons and persons with disabilities;

132. Establish mechanisms for inclusive protection of persons with disabilities and other vulnerable persons in the country;

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

#### ***Right to Health***

133. Adopt a comprehensive legal framework for health in Nigeria, in line with its obligations under the Charter and other international instruments to which it is a party, including clearly defining the roles and responsibilities of healthcare professionals, as well as the three tiers of Government in the management of healthcare;

134. Take the necessary measures to address the human resource constraints in the health sector;

#### ***Right to Education***

135. Strengthen its ongoing initiatives towards eliminating gender disparities in school enrolment, retention and completion at all levels of education (primary, secondary, and tertiary), and ensuring full and equal access to quality education for all children;

### **Protection of Rights of Indigenous Populations/Communities**

136. Provide, inter alia, in its next periodic report, detailed information in relation to Indigenous Populations/Communities, including the legislative and other measures in place to ensure their representation in various decision-making processes that affect them; and

### **Implementation of Concluding Observations**

137. 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.

**Adopted at the 57<sup>th</sup> Ordinary Session of the African Commission on Human and Peoples' Rights held from 04 to 18 November, 2015, in Banjul, The Gambia**