

**NIGERIA:**

**HUMAN RIGHTS**

**AGENDA**



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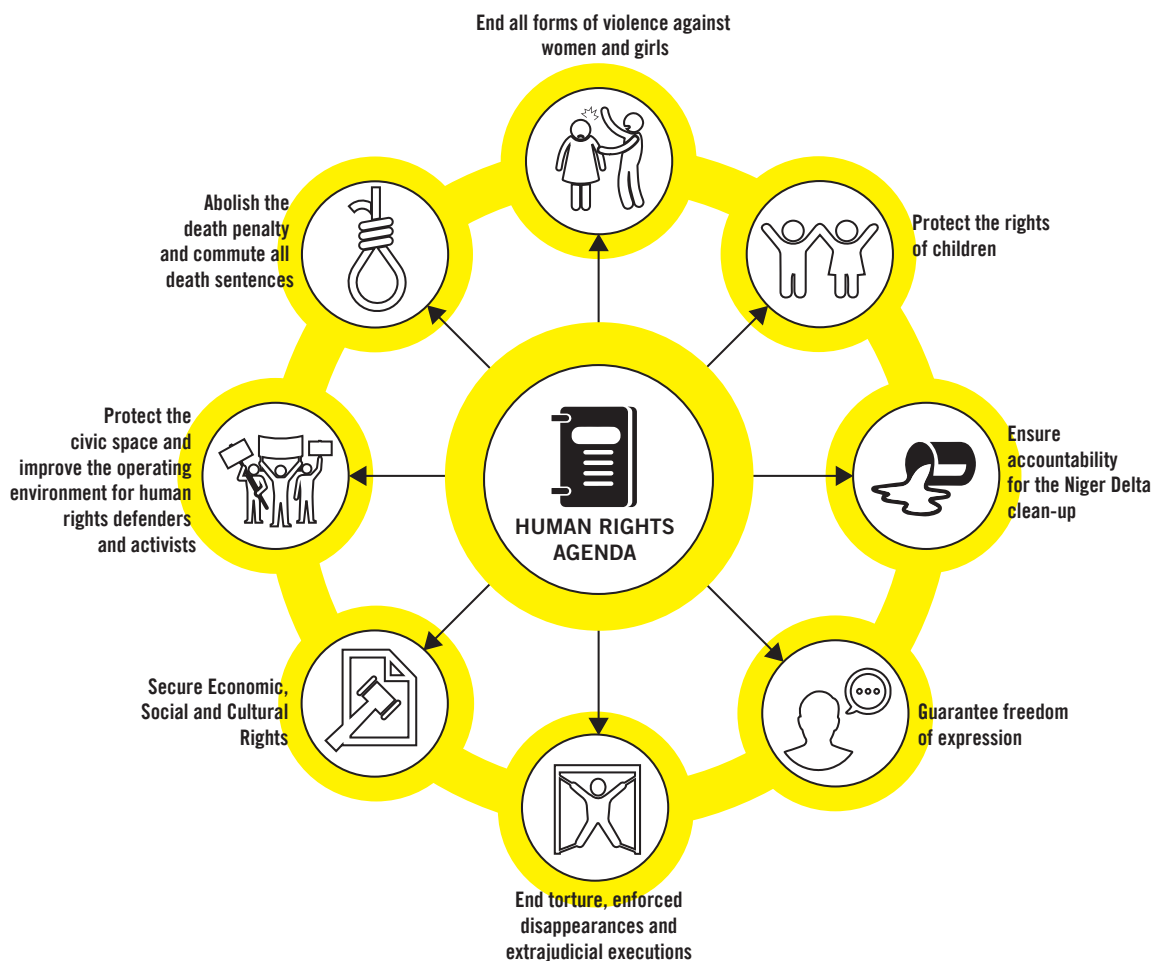
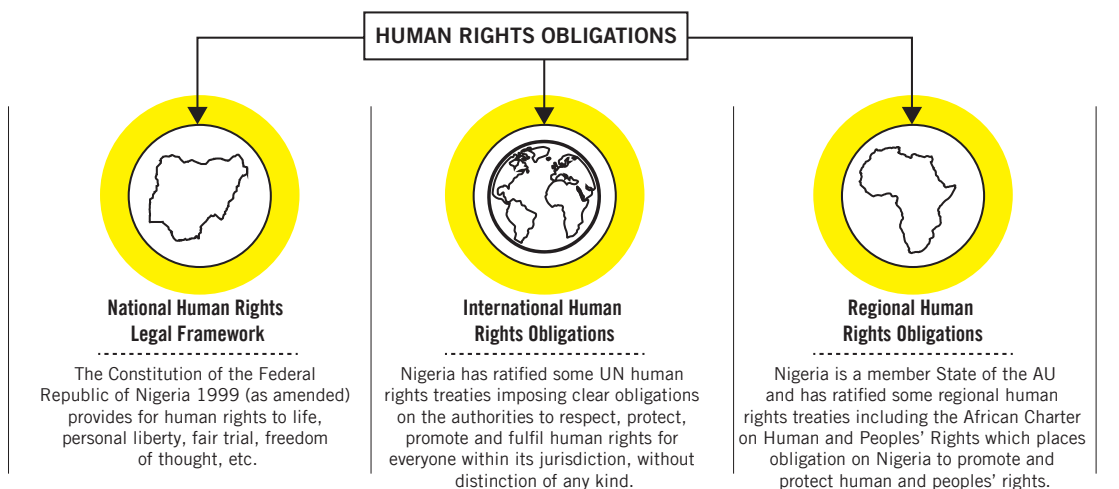
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## OVERVIEW OF THE HUMAN RIGHTS AGENDA



# 1. INTRODUCTION



The inauguration of President Muhammadu Buhari on 29 May 2019 for a second term in office following the 23 February presidential election presents an opportunity for the incoming administration to demonstrate its oft-stated commitment to human rights and undertake urgent and concrete actions to strengthen their promotion and protection in Nigeria. Although the Nigerian Constitution of 1999 (as amended) in Chapter IV contains provisions on human rights and Nigeria has ratified several international and regional human rights treaties, the country is plagued with decades of human rights violations and abuses perpetrated by state and non-state actors respectively.<sup>1</sup> Amnesty International has documented many and various forms of human rights violations, the victims of which continue to lack redress.<sup>2</sup>

As the new administration takes office for a 4-year term, Amnesty International is recommending some concrete measures to ensure that human rights are better respected, protected, promoted and fulfilled in Nigeria. In this regard, Amnesty International calls on the new administration to:

1. End all forms of violence against women and girls
2. Protect the rights of children
3. Ensure accountability for the Niger Delta clean-up
4. Guarantee freedom of expression
5. End torture, enforced disappearances and extrajudicial executions
6. Secure Economic, Social and Cultural Rights
7. Protect the civic space and improve the operating environment for human rights defenders and activists
8. Abolish the death penalty and commute all death sentences

<sup>1</sup> Amnesty International, *Nigeria: Shadow Report to the African Commission on Human and Peoples' Rights 62nd Ordinary Session: 25 April- 09 May 2018* (Index: AFR 44/8265/2018) <https://www.amnesty.org/en/documents/afr44/8265/2018/en/> [Accessed 28 January 2019]

<sup>2</sup> Amnesty International, *Nigeria: Still no accountability for human rights violations* (Index: AFR 44/8529/2018) 1 March 2018: <https://www.amnesty.org/en/documents/afr44/8529/2018/en/> [Accessed 28 January 2019]

## 2. HUMAN RIGHTS OBLIGATIONS

### 2.1. NATIONAL HUMAN RIGHTS LEGAL FRAMEWORK

The Constitution of the Federal Republic of Nigeria 1999 (as amended) guarantees civil and political rights in Chapter IV. These human rights include the rights to life, personal liberty, fair trial, freedom of thought, conscience and religion, etc. By the provision of section 46 of the Constitution, any person who alleges that any of the provisions of Chapter IV has been, is being or likely to be contravened in any state in relation to him may apply to a High Court in that state for redress.

Under Chapter II of the Constitution dealing with ‘Fundamental Objectives and Directive Principles of State Policy’, the government is required to direct its policies towards providing for all citizens suitable and adequate shelter, suitable and adequate food, a reasonable national minimum living wage, old age care and pensions, and unemployment, sickness benefits and welfare of the disabled, adequate medical and health facilities for all persons, opportunity for securing an adequate means of livelihood, equal pay for equal work without discrimination, equal and adequate educational opportunities at all levels and just and humane conditions of work.

By the provision of section 6(6)(c) of the Constitution, judicial power shall not except as otherwise provided by the Constitution extend to issues under Chapter II. However, the Nigerian Supreme Court has ruled that the “Directive Principles (or some of them) can be made justiciable by legislation.”<sup>3</sup> Whilst this ruling at least acknowledges that economic, social and cultural rights should and can be made justiciable in line with Nigeria’s obligations under the International Covenant on Economic Social and Cultural Rights,<sup>4</sup> the current constitutional arrangements are contrary to the universal human rights principles of indivisibility, interdependence and interrelatedness of all human rights.<sup>5</sup>

Nigeria’s regional obligations also reinforce the need to give judicial effect to economic, social and cultural rights. The African Charter on Human and Peoples’ Rights which guarantees some economic, social and cultural rights was domesticated into Nigerian law through the African Charter on Human and Peoples’ Rights (Ratification and Enforcement) Act, Laws of the Federation of Nigeria, 1990. In the case of *General Sani Abacha & 3 ORS. v. Chief Gani Fawehinmi*, the Supreme Court of Nigeria ruled that the African Charter on Human and Peoples’ Rights “is an understanding between some African states concerned to protect and improve the human rights and dignity of their citizens and other citizens within the territorial jurisdiction of their countries, to the commitment of which, that understanding has been translated into a legal obligation by adopting the Charter as a domestic law.” Thus, those rights are justifiable in Nigerian courts and individuals can seek protection for these rights from being violated and if violated can seek appropriate remedies.<sup>6</sup>

Furthermore, in *SERAP v. Nigeria*, the Community Court of Justice of the Economic Community of West African States (ECOWAS) ruled that the ECOWAS Court is empowered to apply the provisions of the African Charter on Human and Peoples’ Rights and that the rights guaranteed therein are justiciable before the court.<sup>7</sup>

Beyond the human rights provisions in the Constitution, Nigeria has enacted some human rights laws such as: Child Rights Act, Trafficking in Persons (Prohibition) Enforcement and Administration Act, Discrimination Against Persons with Disabilities (Prohibition) Act, Anti-Torture Act, Universal Basic Education Act, Violence Against Persons (Prohibition) Act and HIV/AIDS (Anti-Discrimination) Act.

There have also been some policy measures with implications for human rights, such as: National Standards for Improving the Quality of Life of Vulnerable Children in Nigeria 2014/15, National Policy on Child Labour 2013, National Gender Policy on Education 2008, National Policy on Education 2013, National Human Rights Commission Action Plan for the Promotion and Protection of Human Rights in Nigeria 2017-2021,

<sup>3</sup> *A.G. Ondo State v. A.G. Fed* (2002) 9 NWLR (Pt.772) 222

<sup>4</sup> See CESCR *General Comment No. 9: The domestic application of the Covenant*, 3 December 1998, E/C.12/1998/24 para 10

<sup>5</sup> Resolution adopted by the Human Rights Council on 2 July 2015, Fiftieth anniversary of the adoption and fortieth anniversary of the entry into force of the International Covenants on Human Rights, (A/HRC/RES/29/1)

<sup>6</sup> *Abacha v. Fawehinmi* (2000) 6 NWLR (Pt.660)228

<sup>7</sup> *SERAP v. Nigeria*, Ruling, Suit No: ECW/CCJ/APP/08/09 and RUL. No: ECW/CCJ/APP/07/10 (ECOWAS, Dec. 10, 2010)

National Policy on Internally Displaced Persons (IDPs) 2017, National Gender Policy 2007, National Guidelines and Referral Standards on gender-Based Violence in Nigeria 2014/15, etc.<sup>8</sup>

## 2.2. INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

Nigeria has ratified several human rights treaties imposing clear obligations on the authorities to respect, protect and fulfil human rights for everyone within its jurisdiction, without distinction of any kind. Nigeria was admitted to the United Nations on the 7 October 1960.<sup>9</sup> As a member of the United Nations, Nigeria has consented to be bound by some human rights treaty under international law, having ratified 14 of the 18 United Nations human rights treaties and optional protocols:<sup>10</sup>

UNITED NATIONS HUMAN RIGHTS INSTRUMENTS	RATIFICATION STATUS	YEAR
International Covenant on Economic, Social and Cultural Rights	Ratified	1993
Optional Protocol to the International Covenant on Economic, Social and Cultural Rights	Not Ratified	
International Covenant on Civil and Political Rights	Ratified	1993
Optional Protocol to the International Covenant on Civil and Political Rights	Not Ratified	
Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty	Not Ratified	
International Convention on the Elimination of All Forms of Racial Discrimination	Ratified	1967
Convention on the Elimination of All Forms of Discrimination against Women	Ratified	1985
Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women	Ratified	2004
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	Ratified	2001
Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	Ratified	2009
Convention on the Rights of the Child	Ratified	1991
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict	Not Ratified	
International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families	Ratified	2009
International Convention for the Protection of all Persons from Enforced Disappearance	Ratified	2009
Convention on the Rights of Persons with Disabilities	Ratified	2010
Optional Protocol to the Convention on the Rights of Persons with Disabilities	Ratified	2010

<sup>8</sup> Nigeria's 6th Periodic Country Report: 2015-2016 on the Implementation of the African Charter on Human and Peoples' Rights in Nigeria

<sup>9</sup> United Nations, *Member States*, <http://www.un.org/en/member-states/> [Accessed 28 January 2019]

<sup>10</sup> United Nations Human Rights Office of the High Commissioner, *Ratification of 18 International Human Rights Treaties*, <http://indicators.ohchr.org/> [accessed 28 January 2019]



Nigeria is yet to ratify the First Optional Protocol to the International Covenant on Civil and Political Rights which if ratified, would enable the Human Rights Committee, established to oversee the implementation of the Covenant, to receive and consider communications from individuals claiming to be victims of violations of any of the rights in the International Covenant on Civil and Political Rights. The Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty has not been ratified. Similarly, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights has not been ratified. This Optional Protocol recognizes the competence of the Committee on Economic, Social and Cultural Rights to receive and consider communications by individuals or groups of individuals claiming to be victims of a violation of any of the economic, social and cultural rights in the Covenant. Nigeria is also yet to ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure which recognizes the competence of the Committee on the Rights of the Child to carry out its functions in the best interests of children. If ratified, communications may be submitted by or on behalf of an individual or group of individuals, within the jurisdiction of Nigeria, claiming to be victims of a violation of any of the rights set forth in the Convention on the Rights of the Child, Optional Protocol to the Convention on the sale of children, child prostitution and child pornography; and the Optional Protocol to the Convention on the involvement of children in armed conflict.

On its reporting obligations under the International Covenant on Economic, Social and Cultural Rights and International Covenant on Civil and Political Rights respectively, Nigeria last reported to the Committee on Economic, Social and Cultural Rights and the Human Rights Committee in 1996, with its Initial Reports.<sup>11</sup> However, on 14 July 2017, the Committee on the Elimination of Discrimination against Women reviewed Nigeria's seventh and eight reports.<sup>12</sup> Under the Universal Periodic Review, Nigeria came up for review on the 6<sup>th</sup> of November 2018 at the thirty-first session of the Working Group on the Universal Periodic Review and its report was adopted at the fortieth session of the Human Rights Council on 14 March 2019.<sup>13</sup>

## 2.3. REGIONAL HUMAN RIGHTS OBLIGATIONS

Nigeria is a member State of the African Union and has also ratified several regional human rights treaties including the African Charter on Human and Peoples' Rights. The table of treaties Nigeria has ratified is shown below:<sup>14</sup>

AFRICAN UNION HUMAN RIGHTS INSTRUMENTS	RATIFICATION STATUS	YEAR
The African Charter on Human and Peoples' Rights	Ratified	1983
Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa	Ratified	2004
African Charter on the Rights and Welfare of the Child	Ratified	2001

<sup>11</sup> United Nations Human Rights Office of the High Commissioner, 'State Parties Report' [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=9&DocTypeID=29](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=9&DocTypeID=29)  
[https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=8&DocTypeID=45&DocTypeID=29](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=8&DocTypeID=45&DocTypeID=29)  
 [Accessed 19 January 2019]

<sup>12</sup> See Committee on the Elimination of Discrimination against Women Concluding observations on the combined seventh and eighth periodic reports of Nigeria (CEDAW/C/NGA/CO/7-8) [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolNo=CEDAW%2fC%2fNGA%2fCO%2f7-8&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolNo=CEDAW%2fC%2fNGA%2fCO%2f7-8&Lang=en) [Accessed 19 January 2019]; Amnesty International *Nigeria: Submission to the United Nations Committee on the Elimination of Discrimination against Women: 67th Session*, 3-21 July 2017 (AFR 44/6430/2017): <https://www.amnesty.org/en/documents/afr44/6430/2017/en/> [Accessed 19 January 2019]

<sup>13</sup> Amnesty International, *Nigeria: Accountability for human rights violations remains elusive* (Index: AFR 44/0090/2019) [Accessed 16 April 2019]; Amnesty International, Submission for the UN Universal Periodic Review, 31st Session of the UPR Working Group (Index: AFR 44/8529/2018): <https://www.amnesty.org/en/documents/afr44/8529/2018/en/> [Accessed 15 April 2019]; See also Report of the Working Group on the Universal Periodic Review on Nigeria and its addendum: [http://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/40/7](http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/40/7) [Accessed 2 May 2019]

<sup>14</sup> African Commission on Human and Peoples' Rights, *Nigeria: Legal Instruments*, <http://www.achpr.org/states/nigeria/ratifications/> [Accessed 5 February 2019]; Full list of African Union Treaties are available at: <https://au.int/en/treaties> [Accessed 5 February 2019]



Protocol to the African Charter on Human and Peoples' Rights on the Establishment of the African Court on Human and Peoples' Rights	Ratified	2004
OAU Convention Governing Specific Aspects of Refugee Problems in Africa	Ratified	1986
African Youth Charter	Ratified	2009
African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention)	Ratified	2012
Protocol on The Statute of The African Court of Justice and Human Rights	Not Ratified	
Protocol to The African Charter on Human and Peoples' Rights on The Rights of Older Persons	Not Ratified	
Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa	Not Ratified	

On its reporting obligations, Nigeria has submitted all its reports in conformity with Article 62 of the African Charter on Human and Peoples' Rights to the African Commission on Human and Peoples' Rights.<sup>15</sup>

<sup>15</sup> African Commission of Human and People's Rights, *State Reporting* <http://www.achpr.org/states/> [Accessed 5 February 2019]

### 3. HUMAN RIGHTS AGENDA FOR NIGERIA

#### INTRODUCTION

The human rights situation in Nigeria is marked by serious human rights violations such as extrajudicial executions, arbitrary arrests and detentions, torture and other ill-treatment, enforced disappearances, violence against women and girls, restrictions on the rights to freedom of expression, association and peaceful assembly, mass forced evictions, environmental pollution and lack of accountability for human rights violations and abuses.<sup>16</sup> Over the years, Amnesty International has documented several cases of human rights violations and abuses in Nigeria.<sup>17</sup> This briefing appraises the human rights situation in Nigeria and provides information regarding cases of human rights violations and abuses across the country. Amnesty International is proposing the following human rights agenda and recommendations to the government to improve respect for the human rights of everyone in Nigeria.

<sup>16</sup> Amnesty International Report 2017/18, *The State of the World's Human Rights* pp. 282-286 (Index: POL 10/6700/2018): <https://www.amnesty.org/en/documents/pol10/6700/2018/en/> [Accessed 5 February 2019]

<sup>17</sup> Amnesty International, *Nigeria: Still no accountability for human rights violations* (Index: AFR 44/8529/2018): <https://www.amnesty.org/en/documents/afr44/8529/2018/en/> [Accessed 5 February 2019]; Amnesty International, 'They Betrayed Us' *Women Who Survived Boko Haram Raped, Starved and Detained in Nigeria* (AFR 44/8415/2018) <https://www.amnesty.org/en/documents/afr44/8415/2018/en/> [Accessed 5 February 2019]; Amnesty International and Centre for Environment, Human Rights and Development (CEHRD), *Clean It Up: Shell's false claims about oil spill response in the Niger Delta* (Index: AFR 44/2746/2015) <https://www.amnesty.org/en/documents/afr44/2746/2015/en/> [Accessed 5 February 2019]; Amnesty International, *Nigeria: The Harvest of Death - Three Years of Bloody Clashes Between Farmers and Herders in Nigeria* (AFR 44/9503/2018) [Accessed 5 February 2019]



Knifar women displaying a banner with solidarity messages from Amnesty International sections across the world  
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### 3.1. END ALL FORMS OF VIOLENCE AGAINST WOMEN AND GIRLS

Despite the passage of the Violence Against Persons Prohibition Act, violence against women and girls is prevalent in Nigeria. The Violence Against Persons Prohibition Act is a law which criminalizes several acts that are harmful and discriminatory against women, such as female genital mutilation, forceful financial dependence or economic abuse, forced isolation, harmful widowhood practices, stalking, attack with harmful substance, and violence by state actors.<sup>18</sup> This law which was enacted in 2015, is yet to be domesticated in most states across Nigeria.

In the North East, Amnesty International has documented cases of rape and sexual exploitation by soldiers and members of the Civilian Joint Task Force. Some soldiers and members of the Civilian Joint Task Force often take advantage of the famine-like conditions and hunger in satellite camps to perpetrate sexual violence against women, in exchange for food and basic necessities that these women need for survival.<sup>19</sup> In 2018, the Knifar women, a group of displaced women campaigning for justice and the release of their husbands who are unlawfully detained by the Nigerian military, were denied access to food in the internally displaced persons' camp, in a bid to silence them.<sup>20</sup>

<sup>18</sup> Violence Against Persons (Prohibition) Act, 2015 (VAPP) [Nigeria], Signed 25 May 2015

<sup>19</sup> Amnesty International, *'They Betrayed Us' Women Who Survived Boko Haram Raped, Starved and Detained in Nigeria* (AFR 44/8415/2018) <https://www.amnesty.org/en/documents/afr44/8415/2018/en/> [Accessed 5 February 2019]

<sup>20</sup> Amnesty International, *Nigeria: Displaced women, children denied right to food* (AFR 44/8266/2018) <https://www.amnesty.org/en/documents/afr44/8266/2018/en/> [Accessed 5 February 2019]

#### RECOMMENDATIONS:

Amnesty International urges the government to:

- Ensure the speedy domestication of the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol);
- Domesticate the Violence Against Persons Prohibition Act in states yet to do so;
- Respect, protect, promote and fulfil the human rights of everyone, 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;
- Promptly, thoroughly, impartially and effectively investigate the reports of violence and abuse of women by the military and Civilian Joint Task Force in camps for internally displaced people in the north-east of Nigeria, and ensure prosecution of individuals suspected to be responsible for sexual violence, in line with international standards and without recourse to the death penalty;

- Develop a plan to address sexual violence, especially sexual exploitation, in displacement contexts, consulting closely with humanitarian actors and affected women. This plan should involve communicating and enforcing a zero-tolerance policy among the military, Civilian Joint Task Force and other relevant actors in north-east Nigeria. Crucially, any plan to address patterns of violence against women in displacement contexts should also involve addressing root causes of the pandemic of sexual violence, including by ensuring that women and girls are able to access basic services and ensuring women can enjoy their human rights including right to freedom of movement;
- Charge all women held in military detention with a recognizable offence or release them.



Children's Rights  
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## 3.2. PROTECT THE RIGHTS OF CHILDREN

Children in Nigeria are subjected to various forms of violence. According to UNICEF, 6 out of every 10 children experience some form of violence, 1 in 4 girls and 10 per cent of boys have been victims of sexual violence. Nigeria has the highest number of child brides in Africa, with more than 23 million girls and women who were married as children; and the third highest number of women and girls (19.9 million) who have undergone female genital mutilation globally.<sup>21</sup>

An Amnesty International investigation exposed sexual violence against children by security agents and inmates at Maiduguri Maximum Security Prison and Giwa Barracks in Borno State, Nigeria. Amnesty International's research also found that scores of children are being unlawfully detained alongside adults in Maiduguri Prison.<sup>22</sup> More than 3,500 children, most of whom were aged 13 to 17, were recruited by non-state armed groups between 2013 and 2017 and have been used in the ongoing armed conflict in the North East of Nigeria.<sup>23</sup>

Although primary education is free and compulsory

in Nigeria<sup>24</sup>, there are about 10.5 million out-of-school children aged 5-14 years. Only 61 percent of 6-11-year-olds regularly attend primary school and only 35.6 percent of children aged 36-59 months receive early childhood education.<sup>25</sup> Education is under attack in the North East of Nigeria. Over 57 per cent of schools in Borno State are closed and an estimated 3 million children need emergency education support.<sup>26</sup> Attacks against schools by Boko Haram and the insurgency in the northeast has also contributed to the deteriorating levels of education and increased levels of vulnerability of children.<sup>27</sup>

The Child Rights Act which seeks to protect the rights of children in Nigeria was enacted in 2003. However, this law is yet to be domesticated in all States in Nigeria.<sup>28</sup>

<sup>21</sup> UNICEF, *Nigeria: Child Protection*, <https://www.unicef.org/nigeria/child-protection> [accessed 20 March 2019]

<sup>22</sup> Amnesty International, *Nigeria: Children and women face sexual violence in Borno prisons*, <https://www.amnesty.org/en/latest/news/2019/04/nigeria-children-and-women-face-sexual-violence-in-borno-prisons/> [Accessed 2 May 2019]

<sup>23</sup> UNICEF, *More than 3,500 children have been recruited and used by non-state armed groups in northeast Nigeria since 2013*, <https://www.unicef.org/press-releases/more-3500-children-have-been-recruited-and-used-non-state-armed-groups-northeast> [Accessed 2 May 2019]

<sup>24</sup> Section 2 Compulsory, Free Universal Basic Education Act 2004

<sup>25</sup> UNICEF, *Education*, <https://www.unicef.org/nigeria/education> [Accessed 15 February 2019]

<sup>26</sup> UNICEF, *Education under attack in Borno*, <https://www.unicef.org/nigeria/stories/education-under-attack-borno> [Accessed 29 April 2019]

<sup>27</sup> Amnesty International, *Nigeria: 'Keep Away From Schools Or We'll Kill You': Right To Education Under Attack In Nigeria* (AFR 44/019/2013): <https://www.amnesty.org/en/documents/afr44/019/2013/en/> [Accessed 2 May 2015]

<sup>28</sup> The Guardian, *The Nigerian Child and National Policies*, <https://guardian.ng/opinion/the-nigerian-child-and-national-policies/> [Accessed 3 May 2019]

## **Recommendations:**

Amnesty International urges the government to:

- Prevail on state governments yet to do so, to domesticate the Child Rights Act;
- Ensure effective enforcement and implementation of the Child Rights Act across the country;
- Provide adequate support to expeditiously rebuild and renovate all school buildings and facilities destroyed and damaged because of violence in order to ensure that children's access to education can be provided again as quickly as possible.





### 3.3. ENSURE ACCOUNTABILITY FOR THE NIGER DELTA CLEAN-UP

The oil-rich Niger Delta region suffers from an epidemic of oil spills which have devastating impacts on the human rights and livelihoods of the communities. There are violations of the right to health and the right to adequate standard of living, including adequate food, water, and the continuous improvement of living conditions. Decades of contamination make the Niger Delta one of the most polluted places on earth.<sup>29</sup> Over the years, Amnesty International has documented various impacts of oil pollution on human rights in different communities in the Niger Delta region.<sup>30</sup> Women, men and children living in the affected communities in the Niger Delta region have to drink, cook with, and wash in polluted water; they eat fish contaminated with oil and other toxins; the land they use for farming has been contaminated and the air they breathe reeks of oil, gas and other pollutants.<sup>31</sup>

Three years since the Nigerian Government officially launched a clean-up programme in Ogoniland, neither the oil industry nor the Nigerian government have yet been able to put into practice lasting solutions to

prevent the oil spills and clean them up effectively.<sup>32</sup>

#### RECOMMENDATIONS:

Amnesty International urges the government to:

- Ensure that the National Oil Spill Detection and Response Agency is provided with the adequate resources necessary to investigate oil spills independently of the oil companies;
- Require oil operators to take all reasonable actions to prevent sabotage of oil pipelines and oil theft and impose effective penalties on those that fail to do so. If companies fail to take reasonable measures, then make them liable for compensating affected communities.
- Require operators to publish on their websites all reports and certificates related to oil spill investigations and clean up.
- Take steps necessary to address the negative environmental and human rights impacts of oil pollution in the Niger Delta region. As a matter of urgency these should include health monitoring of affected communities, improvements in health care facilities and a survey of drinking water and food sources in case of contamination by hydrocarbons. The results should be made public.

<sup>29</sup> Amnesty International, *The Niger Delta is one of the most polluted places on earth*, <https://www.amnesty.org/en/latest/news/2018/03/Niger-Delta-Oil-Spills-Decoders/> [Accessed 15 April 2019]

<sup>30</sup> Amnesty International, *Nigeria: Community in Nigeria drinking polluted water* (Index: AFR 44/9172/2018): <https://www.amnesty.org/en/documents/afr44/9172/2018/en/> [Accessed 15 April 2019]

Amnesty International, *Negligence in the Niger Delta: Decoding Shell and Eni's Poor Record on Oil Spills* (Index: AFR 44/7970/2018): <https://www.amnesty.org/en/documents/afr44/7970/2018/en/> [Accessed 15 April 2019]

<sup>31</sup> Amnesty International and Centre for Environment, Human Rights and Development (CEHRD), *Clean It Up: Shell's false claims about oil spill response in the Niger Delta* (Index: AFR 44/2746/2015): <https://www.amnesty.org/en/documents/afr44/2746/2015/en/> [Accessed 15 April 2019]

<sup>32</sup> Amnesty International, Environmental Rights Action, Friends of the Earth Europe, *Nigerian and International civil society call for clean-up of oil pollution in the Niger Delta to finally begin* (Index: AFR 44/6411/2017): <https://www.amnesty.org/download/Documents/AFR4464112017ENGLISH.PDF> [Accessed 15 April 2019]

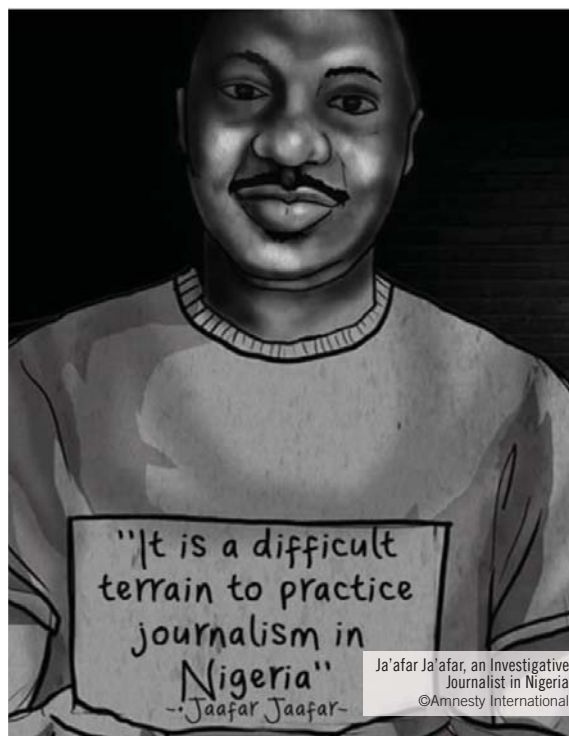
Amnesty International, *Submission for the UN Universal Periodic Review, 31st Session of the UPR Working Group* (Index: AFR 44/8529/2018) <https://www.amnesty.org/en/documents/afr44/8529/2018/en/> [Accessed 15 April 2019]



### 3.4. GUARANTEE FREEDOM OF EXPRESSION

In Nigeria, restraints on the rights to freedom of expression and media freedom are rife. Security forces continue to threaten, arrest and detain journalists, bloggers and human rights defenders and activists for the work they do.<sup>33</sup> Amnesty International has documented cases across Nigeria in which security forces have arrested and detained journalists and bloggers for expressing their opinions on both conventional and social media platforms.<sup>34</sup> Journalist Abiri Jones was locked up in a Nigerian prison for two years simply for his journalistic work. He was denied access to his family and lawyer.<sup>35</sup> Likewise, an investigative journalist Ja'afar Ja'afar, has experienced several threats to his life and family for publishing two videos relating to a serving governor in one of Nigeria's northern states, which allegedly show the governor receiving bribes from contractors.<sup>36</sup>

In January 2019, Amnesty International launched a freedom of expression campaign to call on the Nigerian authorities to respect and protect the right to freedom of expression.<sup>37</sup>



#### RECOMMENDATIONS:

Amnesty International urges the government to:

- Take effective measures to end the practice of arbitrary arrests, harassments and threats against journalists and bloggers and others simply for exercising their right to freedom of expression;
- Amend the Cybercrime Act to bring it in line with international human rights standards on the rights to privacy, freedom of expression and media freedom.

<sup>33</sup> Amnesty International, *Human Rights Defender Facing Intimidation* (AFR 44/6775/2017)

<sup>34</sup> Amnesty International, *Submission for the UN Universal Periodic Review, 31st Session of the UPR Working Group* (AFR 44/8529/2018): <https://www.amnesty.org/en/documents/afr44/8529/2018/en/> [Accessed 15 April 2019];

<sup>35</sup> Amnesty International, *Keep Abiri Jones out of prison*, <https://www.amnesty.org/en/get-involved/take-action/free-abiri-jones/> [Accessed 10 March 2019]

<sup>36</sup> Amnesty International, *Tell the Nigerian authorities to stop attacking Ja'afar*, <https://www.amnesty.org/en/get-involved/take-action/nigeria-journalism-jaafar/> [Accessed 10 March 2019]

<sup>37</sup> The Cable, "Amnesty launches press freedom campaign," 24 January 2019: <https://www.thecable.ng/amnesty-launches-press-freedom-campaign-says-nigeria-becoming-harder-for-journalists-to-work-in> [Accessed 10 March 2019] Amnesty International Nigeria Free the Press in Nigeria petition: <https://www.amnesty.org/en/get-involved/take-action/nigeria-free-the-press-manifesto/> [Accessed 10 March 2019]

### 3.5. END TORTURE, ENFORCED DISAPPEARANCES AND EXTRAJUDICIAL EXECUTIONS

Grave human rights violations such as torture, enforced disappearances and extrajudicial executions, are being committed with impunity. An investigation by Amnesty International shows that the use of excessive force by soldiers and police led to the killing of at least 45 supporters of the Islamic Movement in Nigeria (IMN), as the Shi'a Muslim group held a peaceful religious procession around Abuja.<sup>38</sup> Nigerian security forces have killed at least 150 members and supporters of the pro-Biafra organization and injured hundreds during non-violent meetings, marches and other gatherings. Hundreds were also arbitrarily arrested.<sup>39</sup>

Amnesty International's research shows that the Special Anti-Robbery Squad (SARS), is responsible for widespread torture and other ill-treatment of detainees. Such methods of torture and other ill-treatment include severe beating, hanging, starvation, shooting in the legs, mock executions and threats of execution.<sup>40</sup>

In 2018, Nigeria's Vice President Yemi Osinbajo ordered an overhaul of the SARS. The National

Human Rights Commission (NHRC) inaugurated a panel in line with the presidential directive and held sittings in the six geo-political zones in Nigeria.<sup>41</sup> While this is a positive step, it is crucial that the overhaul of SARS must be far-reaching and translate to adequate protection for all Nigerians.<sup>42</sup>

#### RECOMMENDATIONS:

Amnesty International urges the government to:

- Ensure that the Anti-Torture Act is implemented fully and effectively across Nigeria, and issue a clear public directive to all members of the police, military and other security forces, that torture and other ill-treatment will not be tolerated under any circumstances;
- Promptly, thoroughly and impartially investigate all allegations of torture and other ill-treatment and bring anyone suspected to be responsible to justice in a fair trial without recourse to the death penalty;
- Ensure that statements and other information or materials obtained through torture and other ill-treatment are not used as evidence in courts. And include such prohibitions in professional training programmes for police, soldiers, judges, prosecutors and lawyers;
- End the practice of incommunicado detention and ensure that all detainees have access to their family, a lawyer and doctor immediately after their arrest and regularly throughout the period of their detention or imprisonment;

<sup>38</sup> Amnesty International, *Nigeria: Security forces must be held accountable for killing of at least 45 peaceful Shi'a protesters*, <https://www.amnesty.org/en/latest/news/2018/10/nigeria-security-forces-must-be-held-accountable-for-killing-of-at-least-45-peaceful-shia-protesters/> [Accessed 27 February 2019]

<sup>39</sup> Amnesty International, *Nigeria: 'Bullets were Raining Everywhere,' Deadly Repression of Pro-Biafra Activists* (Index: AIN 411/002/2016) <https://www.amnesty.org/en/documents/afr44/5211/2016/en/> [Accessed 27 February 2019]

<sup>40</sup> Amnesty International, *'You Have Signed Your Death Warrant,' Torture and Other Ill Treatment by Nigeria's Special Anti-Robbery Squad (SARS)* (Index: AFR 44/4868/2016) <https://www.amnesty.org/en/documents/afr44/4868/2016/en/> [Accessed 27 February 2019]

<sup>41</sup> The Punch online, "NHRC inaugurates probe panel on SARS, calls for memoranda," 5 September 2018 <https://punchng.com/nhrc-inaugurates-probe-panel-on-sars-calls-for-memoranda-2/> [Accessed 2 May 2019]

<sup>42</sup> Amnesty International, *Nigeria: SARS overhaul is positive step but reforms must be robust*, <https://www.amnesty.org/en/latest/news/2018/08/nigeria-sars-overhaul-is-positive-step-but-reforms-must-be-robust/> [Accessed 29 April 2019]

- Ensure that the interrogation of all suspects and detainees takes place in the presence of a lawyer and that all statements and questions are recorded in writing or electronically;
- Ensure that victims of torture and other 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;
- Ensure that the National Committee on Torture is adequately empowered and funded to carry out its functions including conducting periodic visits and inspections of places of detention. The Committee must have access to all places of detention, including military detention facilities, so-called 'preventive' detention centers, the premises of the security services and all prisons. During inspections, the Committee must be able to interview detainees in private. Inspection reports must be published;
- Initiate prompt, independent, impartial, and effective investigations into all allegations of extra-judicial executions and unlawful killings, including possible war crimes and crimes against humanity committed by the Nigerian military and other security forces with the aim of bringing suspects to justice in fair trials without recourse to the death penalty;
- Urgently implement safeguards against extra-judicial executions and unlawful killings by security forces, including taking immediate measures to end unlawful arrest, arbitrary detentions and enforced disappearances;
- Make public all reports of investigative findings led by military or government panels or committees, into allegations of extra-judicial executions and unlawful killings, including the Presidential Investigative Panel to Review Compliance of the Armed Forces with Human Rights Obligations and Rules of Engagement;
- Speed up the process of domestication and implementation the state's obligations under the Rome Statute of the International Criminal Court.
- Ensure amendment of Section 33(2) of the Constitution and the Police Force Order 237 to ensure that it does not allow the use of lethal force in circumstances broader than those permitted by international human rights law;

- Allow independent international and regional human rights investigators full and free access to investigate allegations of extrajudicial executions and unlawful killings, including to inspect mass grave sites;
- Promptly recognize the competence of the Committee on Enforced Disappearances to receive and consider communications from or on behalf of victims or other states parties to the International Convention for the Protection of All Persons from Enforced Disappearance, to which Nigeria is a state party;
- Ensure that enforced disappearances constitute a criminal offence in line with Nigeria's obligations under the Convention for the Protection of All Persons from Enforced Disappearance.



Houses in Otodo-Gbame set on fire during the forced eviction on 9 April 2017.  
©Justice & Empowerment Initiatives

### 3.6. SECURE ECONOMIC, SOCIAL AND CULTURAL RIGHTS

The interdependence, indivisibility and interrelatedness of economic, social and cultural rights; and civil and political rights is a long-established principle of international human rights law.<sup>43</sup>

In Nigeria, there are continuous violations of economic, social and cultural rights; and denial of access to justice for victims. On violations on the right to adequate housing, Lagos State authorities have forcibly evicted at least 50,000 people since 2013, including over 30,000 people forcibly evicted from Ilubirin and Otodo-Gbame waterfront communities. State authorities forcibly evicted over 30,000 residents from the Otodo-Gbame community in three forced evictions: 9 to 11 November 2016; 17 and 21 March 2017; and on 9 April 2017.<sup>44</sup> Over two years since the forced evictions, the Lagos State government has so far not taken actions to provide remedies for the survivors.<sup>45</sup>

#### RECOMMENDATIONS:

Amnesty International urges the government to:

- Ensure the amendment of the Constitution to guarantee legally enforceable economic, social and cultural rights as human rights and make them enforceable in court;
- Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and opt-in to the inquiry and inter-state procedures;
- 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 and guidelines to ensure that evictions are carried out in compliance with the UN Basic Principles and Guidelines on Development-Based Evictions and Displacement;
- 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;
- Immediately investigate the forced evictions in Lagos state and those suspected of criminal responsibility for the human rights violations committed during the forced evictions should be brought to justice without recourse to the death penalty;

<sup>43</sup> Resolution adopted by the Human Rights Council on 2 July 2015, Fiftieth anniversary of the adoption and fortieth anniversary of the entry into force of the International Covenants on Human Rights, (A/HRC/RES/29/1)

<sup>44</sup> Amnesty International, *The Human Cost of a Megacity: Forced Evictions of the Urban Poor in Lagos, Nigeria* (Index: AFR 44/7389/2017): <https://www.amnesty.org/en/documents/afr44/7389/2017/en/> [Accessed 27 February 2019]

<sup>45</sup> Amnesty International, *Left with Nowhere to Go* (Index: AFR 44/9290/2018): <https://www.amnesty.org/en/documents/afr44/9290/2018/en/> [Accessed 27 February 2019]



### 3.7. PROTECT THE CIVIC SPACE AND IMPROVE THE OPERATING ENVIRONMENT FOR HUMAN RIGHTS DEFENDERS AND ACTIVISTS

Human rights defenders and activists continue to face attacks, harassment and intimidation. In 2017, human rights defender Maurice Fangnon was detained at the Nigeria Police Force Criminal Intelligence and Investigations Department in Abuja. His detention was an attempt to intimidate him because of his activism on forced evictions in the Otodo-Gbame water-front community.<sup>46</sup> Raymond Gold is facing criminal charges for demanding that an oil company conduct an Environmental Impact Assessment on activities which harmed the environment.<sup>47</sup>

Maryam Awaisu, a member of the #ArewaMeToo movement – a movement seeking justice for victims of sexual violence in Nigeria was arrested on 19 February 2019, by men of the Special Anti-Robbery Squad (SARS) of the Nigeria Police.<sup>48</sup> The unlawful arrest appears to be an attempt to intimidate and harass Maryam Awaisu and other women supporting the #ArewaMeToo movement. People who stand up for human rights should not be silenced or punished for the important work they do.



Maurice Fangnon, a Human Rights Defender  
© Amnesty International

#### RECOMMENDATIONS:

Amnesty International urges the government to:

- Adopt and implement legislation to recognize and effectively protect all human rights defenders and activists;
- Promptly, thoroughly and impartially investigate all allegations of arbitrary arrests, harassments and threats against human rights defenders and activists and bring anyone suspected to be responsible to justice in a fair trial;
- Take effective measures to end the practice of arbitrary arrests, harassments and threats against human rights defenders and activists, including by publicly condemning such attacks;
- Fully co-operate with United Nations human rights mechanisms, in particular extend an invitation to the Special Rapporteur on the situation of human rights defenders to conduct visits without restriction on duration and scope, and ensure they are allowed to meet freely with human rights defenders and activists;
- Ensure young human rights defenders and youth-led organizations engaged in the defence and promotion of human rights are recognized and protected.

<sup>46</sup> Amnesty International, *Nigeria: Human rights defender facing intimidation: Maurice Fangnon* (Index: AFR 44/6775/2017): <https://www.amnesty.org/en/documents/afr44/6775/2017/en/> [Accessed 27 February 2019]

<sup>47</sup> Amnesty International, *Shadow Report to the African Commission on Human and Peoples' Rights, 62nd Ordinary Session, 25 April – 09 May 2018* (Index: AFR 44/8265/2018): <https://www.amnesty.org/en/documents/afr44/8265/2018/en/> [Accessed 27 February 2019]

<sup>48</sup> Amnesty International, "Nigeria: Police must release #ArewaMeToo activist Maryam Awaisu immediately and unconditionally," 19 February 2019 <https://www.amnesty.org/en/latest/news/2019/02/nigeria-police-must-release-arewame-too-activist-maryam-awaisu-immediately/> [Accessed 27 February 2019]



Death penalty  
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### 3.8. ABOLISH THE DEATH PENALTY AND COMMUTE ALL DEATH SENTENCES

The death penalty remains a legal sanction in Nigeria and continues to be imposed throughout the country. With more than 2,000 people on death row, Nigeria had the highest death row population in sub-Saharan Africa at the end of 2018.<sup>49</sup>

Amnesty International opposes the death penalty in all cases without exception - regardless of who is accused, the nature or circumstances of the crime, guilt or innocence or method of execution. Amnesty International holds that the death penalty breaches human rights, in particular the right to life and the right to live free from torture or cruel, inhuman or degrading treatment or punishment, as guaranteed in the Universal Declaration of Human Rights.<sup>50</sup>

Global support for abolishing the death penalty is rising. By the end of 2018, 106 countries had abolished the death penalty in law for all crimes.<sup>51</sup> There are credible arguments for the abolition of the death penalty. There is no evidence that the death penalty is any more effective in reducing crime than life imprisonment. Death Penalty is often used within skewed justice systems - in cases where people are convicted in grossly unfair trials, on the basis of torture-tainted evidence and with inadequate

legal representation. Death penalty is the ultimate, irrevocable punishment and the risk of executing an innocent person can never be eliminated. The weight of the death penalty is disproportionately carried by those with less advantaged socio-economic backgrounds or belonging to a racial, ethnic or religious minority.<sup>52</sup>

#### RECOMMENDATIONS:

Amnesty International urges the government to:

- Establish an official moratorium on executions with a view to abolishing the death penalty;
- Commute all death sentences to terms of imprisonment;
- Abolish the death penalty for all crimes;
- Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

<sup>49</sup> Amnesty International *Global Report, Death Sentences and Executions 2018* (Index: ACT 50/9870/2019)

<sup>50</sup> Amnesty International, *Death Penalty*, <https://www.amnesty.org/en/what-we-do/death-penalty/> [Accessed 18 May 2019]

<sup>51</sup> Amnesty International, *Death penalty 2018: Dramatic fall in global executions*, <https://www.amnesty.org/en/latest/news/2019/04/death-penalty-dramatic-fall-in-global-execution/> [Accessed 18 May 2019]

<sup>52</sup> Amnesty International, *Death Penalty*, <https://www.amnesty.org/en/what-we-do/death-penalty/> [Accessed 18 May 2019]

## 4. CONCLUSION

Despite Nigeria's overwhelming ratification of human rights treaties and commitments at international and regional level, Nigeria continues to face worsening human rights crisis across the country. The incoming administration of President Muhammadu Buhari can address the perennial human rights violations and abuses in Nigeria. The Nigerian government has clear national and international obligations to promote, protect, respect and fulfil human rights.

Amnesty International is calling on the Nigerian government to seize this opportunity to end decades of human rights violations and pervasive impunity including by making human rights central to its agenda and ensuring that human rights are not suppressed. The government must demonstrate its commitment to human rights by taking concrete actions on the proposed recommendations made as a matter of priority.

Amnesty International will continue to assess the human rights situation in Nigeria and to call for greater protection of everyone's human rights.



**AMNESTY INTERNATIONAL  
IS A GLOBAL MOVEMENT  
FOR HUMAN RIGHTS.  
WHEN INJUSTICE HAPPENS  
TO ONE PERSON, IT  
MATTERS TO US ALL.**

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