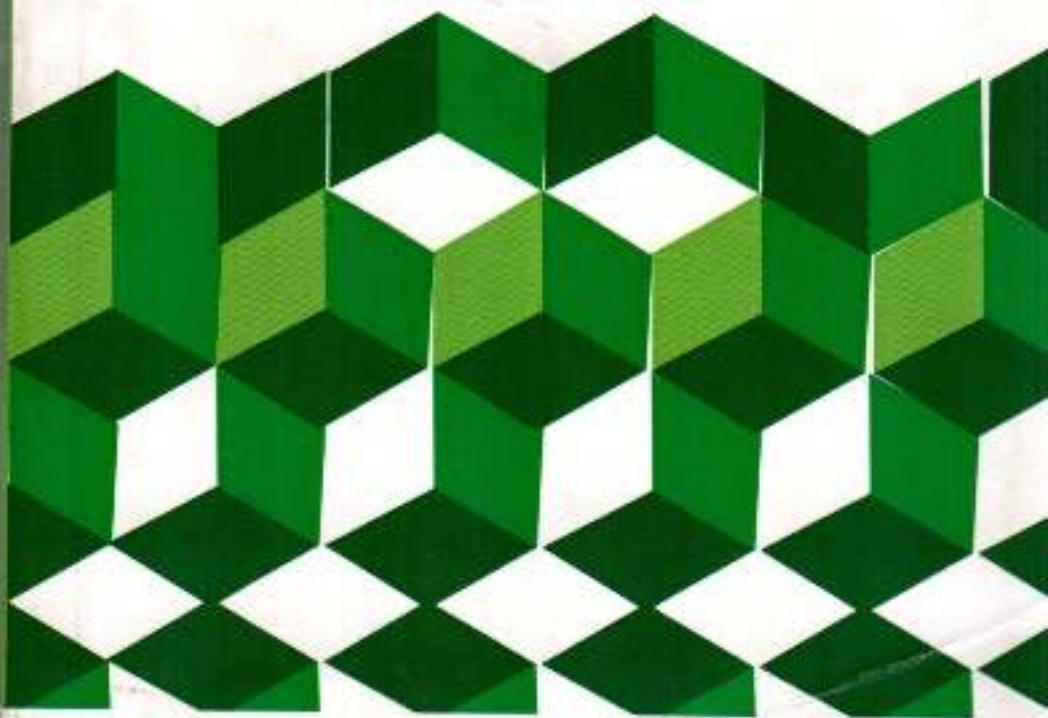




National Human Rights Commission

State of Human Rights Report

2015



**National Human Rights
Commission**

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State of Human Rights Report 2015

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Foreword

The State of Human Rights in Nigeria 2015 Report, produced by the National Human Rights Commission (Commission), is the 5th in the series of this comprehensive publication since its maiden issue in 2006. Every year that the report is published certain aspects are improved on from prior years. In the 2015 report the Commission refined the streamlined format developed in the 2011-2012 report in order to place more emphasis on the Commission's recommendations on how to improve the protection of human rights and thematic areas of concern. In so doing, this report is far more than a record of what occurred during the year under review, but also a proscriptive document providing a torchlight on the way forward.

For the first time, the 2015 edition additionally contains a comprehensive table detailing the number of complaints received by the Commission desegregated by type of complaint and month. The table also indicates whether the complaint was determined to be admissible, and whether the complaint has been resolved. This table is a significant innovation on prior years reports, as it gives a clear overview of the prevalence of case types, which we hope will help highlight the types of rights violations that need more focus in subsequent years. In future editions of this report, we intent to further desegregate this data by geopolitical region in order to create broader understanding of different prevalence of rights violations across the country.

This report continues the emphasis of earlier reports on violations of economic, social, and cultural rights (ESCR), by expanding existing chapters and adding a new chapter on labor rights. Our hope is that our sustained focus on ESCR will further enlighten the Nigerian human rights community and general public as to the enormity of the fundamental rights violations suffered by poor individuals and communities on a regular basis.

With the launch of the **Sustainable Development Goals** in 2015, we celebrate the critical inclusion of justice in SDG 16. This goal calls on all countries to promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels. The Commission pledges to work with any interested partners to ensure that Nigeria accomplishes SDG 16 as a key plank of our work going forward.

As this report makes clear, human rights violations committed by State and non-state actors remain pervasive in Nigeria. Our hope is that this report will bring greater light to these violations, and make clear recommendations on next steps that must be taken. I look forward to the day that Nigeria is celebrated for its exemplary protection of human rights.

Thank you,

Professor Bem Angwe

Executive Secretary

National Human Rights Commission

Acknowledgements

The National Human Rights Commission (Commission) acknowledges the many contributions its staff has made in drafting, reviewing, and editing this report. Tony Ojukwu Esq., Director of Human Rights Violations Monitoring Department, led the development of this report for the Commission and Andrew Maki, Co-Director of Justice & Empowerment Initiatives (JEI), compiled and edited this report. We also acknowledge those involved in the critique and validation of this report.

Finally, the Commission recognizes the enormous efforts of the Nigerian human rights community that continues to struggle—at times at great personal risk, and against countervailing entrenched interests in favor of impunity of State actors for human rights violations—for accountability and justice for all. It is only through our collective and sustained efforts that Nigeria may become a State where human rights are regularly respected, protected, promoted, and enforced.

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Executive Summary

The State of Human Rights in Nigeria 2015 Report is a compilation of complaints received by the Commission and incidents of human rights violations culled from news media and other sources organized according to the human right(s) that was violated or the thematic issue at stake. The Report additionally highlights developments in the promotion and protection of specific human rights, and makes clear recommendations to specific branches of the government and security forces, among others, to address the violations identified. The intent is for this document to serve as reference material for anyone interested in understanding the situation of human rights protection in Nigeria in 2015 and steps that must be taken to curb further violations.

The Report is divided into three parts. The first part focuses on violations of civil and political rights (CPR), such as the rights to life, dignity, liberty, and freedom of expression and the press. The second part highlights violations of economic, social and cultural rights (ESCR), such as the right to health, adequate housing, food, and work or labour. The last part of this report canvasses thematic issues that cut across several rights that the Commission deems sufficiently important to be addressed in chapters of their own. Such chapters span issues of access to justice, corruption, environment and the Niger Delta, sexual and gender-based violence, and others.

Each chapter within the first and second part of this report is focused on an individual right or related group of rights, begins with an introduction of the human right(s) to be assessed, and explains the legal framework for protection of the right in international and domestic law, as well as human rights norms and standards. This legal framework forms the benchmark against which compliance of the government can be measured. Subsequently, each chapter sets out Nigeria's progress towards realization of the right(s) at issue in general terms, highlighting any significant legislative or policy changes, as well as any relevant major government initiatives undertaken during the reporting period. Next each chapter lays out the basic facts of complaints submitted to the Commission, and cases culled from the news media relevant to the specific right(s) being addressed. Lastly, each chapter concludes with commitments by the Commission to undertake certain actions, as well as specific

recommendations to various branches of the government and security forces, among others to ensure greater protection and promotion of the right(s) being considered.

Each chapter within the third part of this report takes a slightly different form, specifically tailored to each thematic issue. Where possible, each chapter also concludes with commitments by the Commission to undertake certain actions, as well as recommendations on how to better address the issues under consideration.

Ultimately, like prior editions of this report, the State of Human Rights in Nigeria 2015 Report is aimed at holding perpetrators (both government and non-state actors) accountable for human rights violations committed during the period under review. It is hoped that this report will highlight areas of human rights violation in need of greater attention and scrutiny generally, and can point towards actions and interventions that should be taken.

Table of Human Rights Instruments

The below table identifies the principle international and regional human rights instruments that are relevant to Nigeria, as well as their status where applicable.

International instruments:

Universal Declaration of Human Rights (UDHR)

International Covenant on Economic, Social and Cultural Rights (ICESCR)

Status:

accession in 1993, no domestication

International Covenant on Civil and Political Rights (ICCPR)

Status: accession in 1993, no domestication

Convention on the Elimination of All Forms of Racial Discrimination (CERD)

Status: accession 1967, no domestication

Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

Status: ratification 1985, no domestication

Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)

Status: ratification 2001, no domestication

Convention on the Rights of the Child (CRC)

Status: ratification 1991, partial domestication

Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

Status: accession 2009, no domestication

Convention on the Rights of Persons with Disabilities (CRPD)

Status: ratification 2010, no domestication

Convention for the Protection of All Persons from Enforced Disappearance

Status: accession 2009, no domestication

Regional instruments:

African Charter on Human and Peoples' Rights

(African Charter)

Status: ratified 1983, domesticated

African Charter on the Rights and Welfare of the Child

Status: ratified 2001, partial domestication

Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa

Status: ratified 2004, no domestication

Tabulation of Cases Received by the Commission in 2015

Thematic Area of Complaint	Specific Type of Complaint	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total	Admis.	Inadmis.	Concl.	Ongoing
Women & Gender Rights	Abandonment	4				1		32	4	1	5		7	59	54		5	49
	Sexual Violence					2			1					3	3			3
	Domestic Violence	10	6	18	15	7	17	30	21	19	37	24	10	216	215		4	212
	Reproductive Rights																	
	Harmful Cultural Practices						1							1	1			1
	Gender-based Discrimination			1										1	1			1
	Trafficking of Women																	
	Inheritance			3				5	1			2	4	15	15			15
	Forced Marriage			2				1				1		4	4			4
	Denial of Access to Children	1		7	1		1	4	1	1			4	20	20			20
	SUB-TOTAL	15	8	31	15	10	19	72	28	21	42	27	29	223	314		9	710

Thematic Area of Complaint	Specific Type of Complaint	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total	Admis.	Inadmis.	Concl.	Ongoing
Rights of the Child	Right to Education																	
	Right to survival and development					14	37		39					90	90			90
	Child Labour - Commercial & Formal Sect.																	
	Child Marriage																	
	Child		1															
	Trafficking													1	1			1
	Sexual Abuse		4	5	1		2	1	1	4		1		19	17	2		17
	Child	13		44	43		2		5	61	14	47	18	247	241	6	8	233
	Abandonment	69	4		25	26	42	38	17		3	7		228	228		10	218
	Child Custody																	
	Other Child Abuse		55	49	7	5	1	4	37	48	17	6	8	238	238			238
	SUB-TOTAL	82	64	98	76	44	84	41	89	114	34	61	26	823	815	8	18	797

Thematic Area of Complaint	Specific Type of Complaint	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total	Admits	Inadmits	Contd	Ongoing
Civil and Political Rights	Unlawful Arrest and Detention	10	10	39	15	2	16	9	16	30	10	48	1	233	233			233
	Cruel, Inhuman and Degrading Treatment	8	9	21	16	5	18	7	10	10	16	15	7	140	140		2	138
	Torture					2	2		8		5	5	4	27	27			27
	Extra-Judicial Killing	2	10	18	22	32	18	10	2	14	2	28	11	169	160	9		160
	Access to Justice	2	2	5	1	2	5	4	9	6	11	2		59	50		1	49
	Appeal for Pardon																	
	Perpetrator of Mercy																	
	Enforced Disappearance								2	4		2	1	0	9			9
	Participation in Political Affairs													1	1	1		
	Freedom of Religion										1	1	2	4	4			
	Thought and Conscience																	
	Freedom of Peaceful Assembly & Association											3	1	4	4			
	Threat to Life	27	17	26	548	31	67	25	30	35	22	23	25	576	876		2	874
	Unfair Hearing				1	1	2		2	1	1		2	10	9	1		8
	Disobedience of Court Order			3	2	10			1	7	25	7	3	52	55	4		66
	Delay in Hearing of Case														1			1
SUB-TOTAL		48	48	113	805	85	126	54	61	97	97	138	750	1586	1572	15	8	1557

Thematic Area of Complaint	Specific Type of Complaint	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total	Admis.	Inadmis.	Contd.	Ongoing
Economic Social & Cultural Rights	Land and Tenured Properties	1		7	7	10	7	5	23	20	3	14	14	111	107	4		103
	Right to Education						2	4	1	1	2	3		13	13			13
	Right to Health								1	1	1	2		5	5			5
	Right to Food																	
	Right to Shelter	1				2	2	1	3	1			3	13	13			
	Right to Privacy & Family Life					3	5							8	8			13
	Labour Right				4	4	53	9	149	2	15	9	21	352	340	12		8
	Wrongful Termination & Dismissal from Employment	3	4	72	25	6	41	1302	24	138	18	15	198	1934	1928	6		328
	Non-Payment of Benefits or Entitlement	7	15	13	12	1758	6	300000	20	25	7	18	50	301938	301932	6		1918
	SUB-TOTAL	11	20	94	48	1832	72	301560	74	201	40	128	294	303514	303344	30		1825
	Ethnic Discrimination																	4313
	Religious Discrimination																	
	Medical Condition																	
	Disability																	
	Others																	
	SUB-TOTAL	1	0	0	0	0	0	0	1	1			1	1	1		1	2
Discrimination																		

Thematic Area of Complaint	Specific Type of Complaint	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total	Admiss.	Inadmiss.	Concl.	Ongoing
Thematic Areas of Complaint	Human Rights	1										4		5	5			5
	Ethnic, Religious, Communal	20										1		30				
	Crisis																	
	Protection of Internally Displaced Persons (IDPs)																	
Other Thematic Areas	Information at Mothers						1762	94	47	421	758	815	50	3140	4140	27		3113
	Others	18	92	91	193	41	1782	94	47	421	758	816	59	2769	4175	26		4176
	SUB-TOTAL	48	92	91	193	41	1782	94	47	421	758	816	59	2769	4175	26		
	TOTAL																	
Grand Total		269	333	429	388	2683	2634	281821	326	850	273	273	534	369315	531232	81	33	53487

PART 1:

Civil and Political Rights

Civil and political rights (CPR) form an integral part of the fundamental rights afforded to all persons. Numerous civil and political rights are afforded protections under the 1999 Constitution, and additionally under international human rights instruments to which Nigeria is a party.

Chapter 4 of the 1999 Constitution protects the following civil and political rights:

- Right to life (section 33)
- Right to dignity of human persons (section 34)
- Right to personal liberty (section 35)
- Right to fair hearing (section 36)
- Right to private and family life (section 37)
- Right to freedom of thought, conscience and religion (section 38)
- Right to freedom of expression and the press (section 39)
- Right to peaceful assembly and association (section 40)
- Right to freedom of movement (section 41)
- Right to freedom from discrimination (section 42)
- Right to acquire and own immovable property (section 43)

These rights are generally non-derogable, however in variance from generally accepted human rights norms and standards, Section 45 of the 1999 Constitution provides allowances for derogation of these rights during narrowly prescribed circumstances. Any individual whose above civil and political rights are violated can apply to the High Court for remedy (see Section 46 of the 1999

Constitution).

At the international level, civil and political rights are protected by numerous instruments, including the UN Declaration of Human Rights and the International Covenant on Civil and Political Rights.

The 2015 report does not separately address each of the above-identified civil and political rights. Rather, based on prevalence and severity, this document includes discussion of:

- Right to Life (Extra-Judicial Killings and Summary Executions)
- Right to Dignity of the Human Person (Freedom from Torture, Cruel, Inhuman and Degrading Treatment or Punishment)
- Right to Freedom of Expression and the Press
- Freedom of Thought, Conscience and Religion
- Right to Liberty and Freedom of Movement

Additionally, the chapters on right to life and right to dignity do not address all aspects of both rights, but rather a subset of violations of those rights particularly prevalent in Nigeria, namely extra-judicial killings and summary executions (in the chapter on the right to life) and freedom from torture and CIDT (in the chapter on right to dignity of the human person).

CHAPTER 1: Right to Life

(Extra-Judicial Killings and Summary Executions)

Introduction

The right to life is the most elemental of all human rights. Violations of the right to life must, under all circumstances, be thoroughly investigated and prosecuted, such that there is accountability for the perpetrator and remedy for the victims and their families. Unfortunately, during the period under review, countless individuals were subjected to extra-judicial killings by both State and non-state actors.

The appropriate authorities are yet to open credible investigations into allegations of extra-judicial killings and summary executions carried out by security forces in response to the insurgency in the northeast. Although death sentences continued to be imposed by courts, no executions were reported during the year under review. In July 2015 the Inspector General of Police announced that the Nigerian Police Force would undertake a review of Force Order 237, which allows police officers to shoot suspects and detainees who attempt to avoid arrest or escape, whether or not they pose a threat to life. By the end of the year, on 12-14, December 2015, the Nigerian Army had a clash with the Islamic Movement in Nigeria resulting in the death of several persons. There are conflicting figures by the IMN leadership, the press and the various inquiries set up on the matter. According to subsequent evidence available to the Panel of Inquiry set up by the Kaduna state government on the matter, about 348 persons were buried in mass graves. Whereas the findings of the various inquiries set up by the authorities were not yet concluded by the end of 2015, it will be curious to know how cases of such gross violation of the right to

life will be treated in consideration of the provisions of section 33 of the Constitution of the Federal Republic of Nigeria 1999, as amended. On the 18th Dec, 2015, the National Human Rights Commission set up a panel of Inquiry to investigate the clash between the Nigerian Army and the Islamic Movement in Nigeria. The Report of the Panel will be captured in the 2016 edition of this report after the Panel has concluded its work.

Legal framework in Nigeria

The right to life is universal, and has few exceptions. This fundamental right is protected under Chapter 4 of the 1999 Constitution in Section 33, which states:

- (1) Every person has a right to life, and no one shall be deprived intentionally of his life, save in execution of the sentence of a court in respect of a criminal offence of which he has been found guilty in Nigeria.

However, subsection 2 of Section 33 above provides as follows:

- (2) A person shall not be regarded as having been deprived of his life in contravention of this section, if he dies as a result of the use, to such extent and in such circumstances as are permitted by law, of such force as is reasonably necessary -
 - (a) For the defence of any person from unlawful violence or for the defence of property;
 - (b) In order to effect a lawful arrest or to prevent the escape of a person lawfully detained; or
 - (c) For the purpose of suppressing a riot, insurrection or mutiny.

The right to life is protected in numerous international human rights treaties, several of which Nigeria is a state party. For example, Article 6(1) of the ICCPR states that "[e]very human being has the inherent right to life," and furthermore that "[t]his right shall be protected by law. No one shall be arbitrarily deprived of

his life.” The effect of subsection 2 above can be argued to have watered down the force of subsection 1 above and thereby creating opportunities to short-circuit subsection 1 of section 33 above. For example, this has been the excuse for Police Force Order 237 above. Such detraction from section 33 of the CFRN portends imminent danger for the promotion and protection of the right to life.

An extrajudicial execution is the unlawful and deliberate killing of an individual carried out by order of the government, with its complicity or acquiescence. Extrajudicial killings constitute clear violations of the right to life as guaranteed by the Constitution, the ICCPR, and the African Charter.

Federal and state criminal laws permit state sanctioned killing through the imposition of the death penalty. State-level legislation varies, however some states have significantly expanded the use of the death penalty by extending its application to non-homicide crimes, and by making it a mandatory sentence in certain circumstances. For example, in September 2015, the Governor of Cross River State signed into law a bill making the death penalty mandatory for kidnapping. Anambra and Imo states also have similar laws imposing death penalty on kidnapping. However, even though many persons were sentenced to death during the year under review, there were no death sentences carried out.

Complaints received by the Commission

In the period under review (2015), the Commission received several complaints of violations of the right to life in Nigeria. These include:

1. [insert complaint number]

On _____ the Commission received a complaint from the Crisis Containment Foundation alleging that personnel of the state security services, Akwa Ibom Command were involved in extra-judicial killing of innocent persons.

The Commission promptly wrote the State Director of DSS, and forwarded the case to the Akwa Ibom office for investigation. The DSS responded that the matter was the subject of a court case before the Federal High Court, which had been struck out for want of evidence.

2. C/2015/170/KD

On 24 November 2015 the Centre for Fundamental Rights Protection Initiative submitted a complaint to the Commission on behalf of Hajiya Aisha and Alh. Isaya from Yadi, Kidandan, Giwa Local Government, Kaduna State alleging that on 7 November 2015 Nigerian Army Soldiers and vigilante from Damari and Kidandan stormed the house of Hajiya Aisha alleging that she had arms and ammunition hidden in their home. The complainant alleged that Ms. Aisha and her husband and children were beaten and tortured by the Nigerian Army and the vigilante, and their house, grains, and property, including what they were wearing, were burnt. The complainant further alleged that from 7 November 2015 to 15 November 2015, Ms. Aisha and her husband were detained and tied up, and that on 15 November 2015, Hajiya Aisha and her husband were taken to a bush towards Saulawa and her husband was shot dead by the Nigerian Army and vigilante.

Other cases reported / documented

In the period under review (2015), there were some reports in the media about incidents of violations of the right to life in Nigeria. These include:

1. On 4 January 2015, the Premium Times newspaper reported that the UN

Special Rapporteur on Extrajudicial, Arbitrary or Summary Executions, Christof Heyns, has urged the Nigerian government not to carry out the death sentences that were imposed on 54 Nigerian soldiers for what the government claimed was 'disobeying a direct order' from a commanding officer during the counter insurgency operations.

2. On 19 January 2015, the Daily Champion and Daily Trust (p. 3) newspapers both reported that the Minister of Foreign Affairs, Aminu Wali, yesterday in Abuja summoned the Indonesian Ambassador to register Nigeria's protest over the execution, by firing squad, of two Nigerians. A statement issued by the Ministry's Director of Public Communication, Ogbole Amedu-Ode, identified the executed Nigerians as Solomon Okafor (alias Namaonadanils) and Daniels Enemu (alias Diarrassoube Mamadou). It said the Nigerians were executed for drug related offences at the Island of Nusakambungu in Cilacap, Central Java Province, in spite of appeals by the Federal Government.
3. On 3 February 2015 the Daily Trust (p. 4) reported that a boy was allegedly shot dead by security forces after the motorcade of Kaduna State Governor, Mukhtar Ramalan Yero, was attacked by hoodlums on 2 February 2015. The Governor was returning from Birnin Gwari on account of his re-election campaign when he was attacked in Bakin Ruwa.
4. On 9 February 2015 the Daily Trust (p. 53) reported that the Minister of the NPC, Dr. Abubakar Suleiman called on security agencies to probe the killing of Asfa Saadudeen a PDP supporter in Kwara State. The date of the incident was not expressly stated.
5. On 10 February 2015, the Nigerian Tribune (p. 10) reported that a middle-aged woman, Mrs. Ayese Balogun, was reportedly raped and killed by Fulani herdsmen

on her farm in Asa, Yewa North Local Government Area of Ogun State. The Commission urges the case to be referred to the Divisional Police Command of Asa, Yewa North Local Government Area of Ogun state for investigation.

6. On 11 February 2015, the Nigerian Tribune (p. 10) reported that a Nigerian Police Officer (name withheld) with the Kano State Police Command allegedly shot dead a 10 year-old at Kwanimani, in Bichi Local Government Area of the State. The officer also allegedly shot a woman on her cheek and another in her stomach. The Commission urges that this case be brought to attention of Commissioner of Police of Kano State for investigation and prosecution.
7. On 11 February 2015, the Daily Trust (p. 4) reported that on 10 February 2015 villagers in five Tiv speaking communities of Logo LGA of Benue State said they lost 35 people in an attack against them by herdsmen. Governor Gabriel Suswam visited the affected communities that were deserted following the massive destruction of houses, schools and worship centres by the invaders.
8. On 11 February 2015, the Daily Trust (p. 4) reported that at least three people were killed on 10 February 2015 in an attack on Atufa Village, in Ankwa District of Kachia LGA of Kaduna State, by unidentified persons.
9. On 12 February 2015 the Daily Trust (p. 4) reported that a pastor of the Assemblies of God Church in Mkpiani area of Yakurr LGA in Cross River State previously, declared missing alongside two others, had been found by the Nigerian Police Force beheaded. The Commission urges the Nigerian Police Force to carry out a thorough investigation of the incident.
10. On 23 February 2015, the Daily Trust (p. 9) reported that the Deputy Paramount Ruler of Ikeinghenbiri Ijaw LGA of Bayelsa State, Chief Collins Adikoko was

abducted by gunmen on 21 February 2015. The Commission directs the Monitoring Department to monitor the police investigation into the incident.

11. On 23 February 2015, the Daily Trust (p. 47) reported that on 19 February 2015 tragedy struck at Yangwangwam area around IBB Market in Soleja, Niger State after a refuse collector allegedly stabbed a man to death for stopping him from dumping refuse close to his workshop. The Commission urges the Nigerian Police Force to carry out a thorough investigation of the incident and ensure that the culprit is arrested and prosecuted.
12. On 23 February 2015, the Punch newspaper (p. 25) reported a woman simply identified as Onyinyechi, allegedly pushed her husband, George, from a storey building, leading to his death. The incident occurred on 14 February 2015 at Ade Fowope Street, Etegbin, in Offo Awori Local Council Development Area of Lagos State. The Commission directs the Monitoring Department to monitor the outcome of the police investigation.
13. On 23 February 2015, the Punch newspaper (p. 4) reported that a 'perusal steward' to Cross-River State Governor, identified as Friday Sebastian, was allegedly killed on 20 February 2015. The incident occurred in his residence by yet to be identified persons in Eight Miles Area of Calabar. The Commission urges Nigerian Police Force to carry out a thorough investigation of the incident and ensure that the culprit is arrested and prosecuted.
14. On 23 February 2015, the Punch newspaper reported that an Indian national Mr. Srivastava Kumar died in a hospital after he was attacked by suspected robbers in the Lekki Ajah area of Lagos. The Commission urges the Divisional Police Command of Lekki-Ajah area to investigate and ensure that culprits are arrested and prosecuted.

15. On 24 February 2015, the Daily Trust newspaper (p. 8) reported that the ward head of Gimi in Runka, Safana Local Government Area of Katsina State, Hassan Wurgal, was killed on 22 February 2015 by yet to be identified assailants. The Commission urges the police to ensure that the perpetrators are identified, arrested, and prosecuted.
16. On 24 February 2015, the Daily Trust newspaper (p. 10) reported that a 78-year old man, Mr. Cornelius Iheanacho of Umueye-Irete autonomous community in Owerri-West Local Government Area of Imo State, was found dead on 22 February 2015 in a hotel room. The Commission urges the Nigerian Police Force to investigate probable cause of death and instructs the Monitoring Department to monitor the outcome of the investigation.
17. On 25 February 2015, the Nigerian Tribune newspaper (p. 5) reported that an explosion occurred at Tashan-Azare, along Potiskum-Kano Road, opposite Alamin Restaurant, killing 20 people, with several others injured.
18. On 25 February 2015, the Punch newspaper reported that the Family of Emmanuel Ezekiel, a 13 year old who was allegedly set ablaze by a bar manager, Bidemi Shittu, and died five days after the incident, has petition the Ogun State Police Command. The Commission urges the Nigerian Police Force to investigate the matter and ensure that the culprit is prosecuted.
19. On 26 February 2015, the Daily Trust newspaper (p. 4) reported that five persons were feared killed on 25 February 2015 at Oshodi, Lagos, in a clash between factional members of the National Union of Road Transport Workers (NURTW) over who should control a bus park. The Commission instructs the Monitoring Department to monitor the outcome of police investigation into the

20. On 26 February 2015, the Daily Trust newspaper (p. 4) reported that the National Union of Road Transport Workers (NURTW) in Kano said that 37 persons were killed in a suicide explosion at the Kano motor park on 24 February 2015.
21. On 26 February 2015, the Daily Trust newspaper (p. 6) reported that on 23 February 2015, Boko Haram insurgents kidnapped Bijida Yakubu the Vice-Chairman of Hong Local Government Council in Adamawa State. It was gathered that the insurgents overpowered and killed three vigilante members.
22. On 26 February 2015, the Daily Trust newspaper (p. 51) reported that on 20 February 2015 a man named Garba allegedly stabbed his elder brother's wife to death after accusing her of witchcraft in Wuye Village, FCT Abuja. The Commission urges the Nigerian Police Force to investigate and ensure that culprit is prosecuted.
23. On 26 February 2015, the Punch newspaper (p.4) reported that the family of 22-year old Angela Abah, who was allegedly shot dead by Customs Officers on 23 February 2015 in the Sango area of Ogun State, have asked the Nigeria Customs Service to fish out the killers of their daughter and bring them to book. The Commission urges the Nigerian Police Force to investigate the matter and ensure that culprit is tried and prosecuted.
24. On 27 February 2015, the Daily Trust newspaper (p. 4) reported that 35 people were killed, and many others were injured, in bomb blasts in Biu, Borno State and Jos, Plateau State on 26 February 2015.
25. On 27 February 2015, the Daily Trust newspaper (p. 12) reported that a medical

doctor, Samuel Okpara, who was kidnapped in Port Harcourt, Rivers State, had died. The Commission urges the Nigerian Police Force to investigate and ensure that the kidnappers are arrested and prosecuted, and instructs the Monitoring Department to monitor the outcome of the case.

26. On 28 February 2015, the Punch newspaper (p. 8) reported that on 28 February 2015, Christian Eza, a former security detail to Delta State Governor, Mr. Emmanuel Uduaghan, was allegedly killed by Police Corporal Bala Ibrahim during a patrol in Bauchi.
27. On 13 February 2015, the Daily Trust newspaper (p. 4) reported that a man who was suspected of carrying Improvised Explosive Device (IED) was killed and set ablaze by a mob in Herwagana Area of Gombe metropolis on 12 February 2015.
28. On 3 June 2015, the Guardian newspaper reported that Amnesty International issued a 133 page report based on hundreds of interviews and leaked documents accusing the Nigerian Army of countless acts of torture and over 8,000 deaths in its campaign against Boko Haram in the northeast. In the worst incident, which took place on 14 March 2014, the military killed more than 640 detainees who had fled Giwa barracks after a Boko Haram attack. AI called for top officers of the Nigerian Army to face a war crimes inquiry.
29. On 8 June 2015, the Guardian newspaper reported that the Nigerian Army accused Amnesty International of having a "hidden agenda" for exposing the mass human rights violations and extrajudicial killings perpetrated by the military.
30. On 1 July 2015, Channels Television reported the extrajudicial killing of Oghara Vigilante Chairman, Mr. Benson Ogedegbe, by the 19th Battalion of the Nigerian Army, in Warri North LGA.

31. On 13 July 2015, the PM News reported that the Nigerian Police Force was fined N100 million over the death of Patricia Onyeabo, a detainee held in custody of the police and denied adequate medical care. This award was issued by Judge Mohammed Idris of the Federal High Court sitting in Lagos, who – in his judgment – reaffirmed that the “right to life” must be respected, especially in places of detention.

32. On 6 August 2015, the Premium Times newspaper reported that the Ogun State Commissioner of Police, Abdulmajid Ali, has ordered police officers in the state to “shoot-at-sight” suspected cultists.

The Commission is gravely concerned with the CoP’s order and the potential for rampant abuses to the fundamental right to life. Shooting suspected cultists without prosecuting them through the normal criminal justice system is the textbook definition of ‘extra-judicial killing.’

33. On 3 September 2015, the Human Rights Writers Association of Nigeria (HURIWA) condemned the extrajudicial killing of 3 peaceful pro-Biafra protesters in Onitsha, Anambra State, by members of the Nigerian Police Force.

34. On 18 September 2015, The Nigerian Voice newspaper reported on the extrajudicial killing of Benson Obodeh by Nigerian Police Force corporals attached to SARS in Edo State. The family of the victim accused the Police of obstructing the investigation into the killing.

35. On 20 September 2015, the Vanguard newspaper reported that the Force Criminal Investigation Division of the NPF arrested and detained Assistant Superintendent of Police (ASP) Mohammed Yusuf and six other police officers

over extrajudicial killings that allegedly occurred in separate incidents in Abuja and Benin.

36. On 30 September 2015, the National Daily newspaper reported that the Odu Ochele community in Dekina LGA of Kogi State petitioned the Inspector General of Police over the extrajudicial killing of Farouk Isiaka by the police on 2 September 2015.
37. On 11 November 2015, the Premium Times reported that the FCT High Court hearing the "Apo C case," in which six Igbo traders were extra-judicially killed by the Nigerian Police Force in Abuja in 2005, will be adjourned to 1-2 December for further presentation of evidence.
38. On 14 November 2015, the Daily Post reported that the International Criminal Court accused the Nigerian Military of committing war crimes in its fight against Boko Haram. This charge was contained in a Preliminary Examination Report issued by the ICC's Office of the Prosecutor.
39. On 2 December 2015, the ECOWAS Community Court of Justice issued a ruling in the case of the forced disappearance of 5 persons taken into custody by the Nigerian Police force in Benin, Edo State (Case No. ECW/CCJ/APP/10/12), ordering an independent investigation into the purported extrajudicial killings by the Police and a public apology to the families of the deceased.
40. On 6 December 2015, the Breaking Times reported that the Indigenous People of Biafra filed a suit against the Federal Government in court over the extrajudicial killings of 9 pro-Biafra protestors and injuring to 18 others during protests that took place on 20 October 2015 and 2 December 2015 in Anambra, Imo, Ebony Bayelsa, Rivers, and Delta states.

41. On 14 December 2015, the Premium Times newspaper reported that the Nigerian Army is alleged to have massacred over 300 civilians who were members of the Islamic Movement of Nigeria, at their headquarters in Zaria. The leader of the group, Ibrahim El-Zakzaky was captured during the operation.
42. On 16 December 2015, Al Jazeera reported that the Nigerian Police force killed at least 3 Shia Muslim and wounded 10 others after opening fire on protestors in Kaduna.
43. On 17 December 2015, the Socio-Economic Rights Accountability Project sent an urgent appeal to Christof Heyns, UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, requesting an investigation into the attack and resultant extrajudicial killings committed by the Nigerian Army against the Shia Muslims in Zaria, Kaduna State.
44. On 18 December 2015, the Premium Times newspaper reported that national and international human rights groups have called for an immediate investigation into the extra-judicial killings of hundreds of members of the Islamic Movement of Nigeria in Zaria.
45. On 22 December 2015, Human Rights Watch accused the Nigerian Army of extrajudicial killing of hundreds of Shia Muslim members of the Islamic Movement of Nigeria from 12 to 14 December 2015.

Additionally, note that several other human rights organizations have reported numerous instances of violations of the right to life in Nigeria during the period under review.

Recommendations

The Commission is gravely concerned with the frequency of violations of the right to life in Nigeria. As a consequence, the Commission makes the following recommendations to relevant parties:

To the President and State Governors:

- Declare a moratorium on all executions as provided by the UN General Assembly resolution 62/149 and recommended by the National Study Group on Death Penalty and Presidential Committee on Reform of the Administration of Justice
-
- Commute all death sentences to terms of life imprisonment
- Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR)
-
- Implement the recommendations of the National Study Group on Death Penalty and the findings of the Presidential Committee on Reform of the Administration of Justice

To the National Assembly and State Houses of Assembly:

- Immediately comply with the Commission's decision in case COMPLAINT NO. C/2013/7908/HQ ("Apo Killings case")
- Review existing laws to ensure that no law permits more grounds for use of lethal force than those allowed by international human rights law and standards, particularly to ensure that they are in line with the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, and the UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions. This includes Section 33(2)(b) of the 1999 Constitution, and Police Force Order 237, among others.
- Revise criminal laws to prohibit the use of the death penalty, or at least limit its application to the most serious crimes
-
- Remove all provisions in criminal legislation that provide for mandatory death sentences
-
- Remove all provisions within criminal laws which provide for the death penalty for people under the age of 18 at the time of their alleged crime

To the Nigerian Police Force, Army, and other Security Forces:

- The practice of shooting suspects on sight should be stopped. Under no circumstance can such practice be justified under the law.
- Existing mechanisms for addressing the recurring cases of extra-judicial killings and summary executions should re-evaluated, for they have largely failed to arrest the frequency of extrajudicial killings in Nigeria.
- All officers found to have been involved in extrajudicial killings should be promptly prosecuted with the full weight of the law. Mere expulsion from the security forces or professional reprimand is wholly inadequate and a does not, under any circumstance, constitute compliance of the government with its obligations to respect, protect, and fulfil the rights of all individuals to be free from violation of their right to life.
- Human rights desks located at NPF stations should be fundamentally overhauled to ensure that NPF officers staffing such desks have demonstrated respect for, and understanding of, human rights standards, and protection. This includes expertise in the basic skills of investigation of extrajudicial killings.
- The NPF and other security forces should review their rules of engagement, particularly around the use of force in dealing with detainees and peaceful public protests.

CHAPTER 2:

Right to Dignity of the Human Person (Freedom from Torture, Cruel, Inhuman and Degrading Treatment or Punishment)

Introduction

The right to dignity of the human person prohibits torture, slavery, and forced labour. This chapter focuses on the freedom from torture, cruel, inhuman and degrading treatment or punishment. The prohibition of torture is absolute. Although the government has taken some steps towards eradicating the use of torture, including the establishment of a National Committee Against Torture, cases of torture and cruel, inhuman and degrading treatment or punishment (CIDT) remain pervasive – particularly as carried out by the Nigerian Police Force and Army.

Certain police divisions, such as the Special Anti-Robbery Squad (SARS) and State Criminal Investigation Divisions (State CID), among others, routinely use torture as a tool of interrogation. Despite significant pressure by civil society organizations to pass the Anti-Torture Bill, it is still pending before the National Assembly. Moreover, the National Committee Against Torture has not been provided adequate institutional support, funding, or legal mandate to serve as an effective complaints mechanism. Neither the National Committee Against Torture nor any other independent body in Nigeria, can freely enter places of detention to carry out investigations into allegations of torture.

Legal framework in Nigeria

The right to dignity of the human person protects all individuals against torture, cruel, inhuman and degrading treatment or punishment (CIDT). This fundamental right is protected in Nigeria under Chapter 4, Section 34 of the 1999 Constitution, which states:

- (1) Every individual is entitled to respect for the dignity of his person, and accordingly -

- (a) no person shall be subject to torture or to inhuman or degrading treatment;
- (b) no person shall be held in slavery or servitude; and
- (c) no person shall be required to perform forced or compulsory labour.

The right to freedom from torture and CIDT is also protected by numerous international human rights instruments, many of which have been ratified by Nigeria. The prohibition of torture and CIDT also forms part of customary international law and is therefore binding all States. The prohibition of torture is absolute. No derogation can be justified. A State is not permitted to temporarily limit the prohibition on torture under any circumstance whatsoever, whether in a state of war, internal political instability or any other public emergency. Furthermore, the prohibition of torture is also recognized as an absolute norm of international law. In other words, it overrides any inconsistent provision in any other law.

Considering the particular importance placed on the prohibition of torture, the traditional obligations of States to respect, protect, and fulfill human rights is complemented by a further obligation to prevent torture and other forms of ill-treatment.

Torture is defined in Article 1 of the UN Convention Against Torture, Cruel, Inhuman and Degrading Treatment or Punishment (UNCAT) as:

"any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity"

States are required to take positive measures to prevent torture, such as the establishment of a National Preventive Mechanism Against Torture. Pursuant to this, the Federal Government of Nigeria established the National Committee Against Torture, located in the Federal Ministry of Justice, in September 2009.

The Committee is mandated to visit places of detention in Nigeria and investigate any complaints of torture therein. In addition, it is also mandated to carry out educational or enlightenment programs for law enforcement agencies and the public at large. Unfortunately, to date, the National Committee Against Torture has largely failed to effectively carry out any of these duties and is widely considered a moribund body.

Article 7 of the International Covenant on Civil and Political Rights (ICCPR) provides that no person "shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment." In addition, article 10 states: "All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person." The Covenant provides that anyone claiming that their rights have been violated shall have an effective legal remedy. Further, no derogation is allowed regarding the right not to be subjected to torture and other forms of ill-treatment.

A number of other international human rights treaties contain similar prohibitions of torture and other ill-treatment. The Convention on the Rights of the Child (CRC) contains a specific provision in relation to torture and ill treatment of children (article 37). The Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (article 10) and the Convention on the Rights of Persons with Disabilities (article 15) contain similar provisions against torture. Although there is no specific provision on torture included in the Convention on the Elimination of All Forms of Discrimination against Women, the relevant United Nations treaty body has adopted a general recommendation on violence against women that deals with torture (General Recommendation 19, 1992).

The right to seek asylum in another country is another of the fundamental protections for anyone who faces the danger of persecution by torture. There is a total prohibition on any government returning a person to a country where they would be in danger of serious human rights violations of torture in particular. This is the principle of non-refoulement, which is specifically mentioned in Article 3 of the UNCAT.

The Geneva Conventions, which apply in times of armed conflict, also contain

a clear and unambiguous prohibition of torture in their Common Article 3. The Rome Statute of the International Criminal Court also explicitly identifies torture as a crime against humanity that falls under the jurisdiction of the Court. Article 7(2)(e) of the Rome Statute defines torture as "the intentional infliction of severe pain or suffering, whether physical or mental, upon a person in custody or under the control of the accused; except that torture shall not include pain or suffering arising only from, inherent in or incidental to, lawful sanctions." This definition is broader than that in the Convention Against Torture, as it includes acts committed by both State and non-State actors and does not require "purpose" as an objective of the torture.

Equally, the African Charter, adopted by the Organization of African Unity in 1981, states: "Every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of his legal status. All forms of exploitation and degradation of man, particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment shall be prohibited."

The primary responsibility to prevent torture resides with the State, which has a clear duty to take all measures to prevent torture and other forms of ill-treatment. The Commission, which was established for the promotion and protection of human rights in Nigeria, therefore plays a key role on ensuring that the State upholds this obligation.

Based on its ratification of international instruments, Nigeria is under obligation to:

- Take effective legislative, administrative, judicial or other measures to prevent acts of torture within its jurisdiction;
- Ensure that attempts to commit torture, complicity or participation in torture, and all acts of torture are prohibited under its laws;
- Ensure that law enforcement officers and any other personnel involved in keeping custody of persons are enlightened on the dangers or otherwise of torture;
- Ensure that victims of torture obtain redress and have an enforceable right to fair and adequate compensation, including the means for as full a rehabilitation as possible;
- In the event of the death of the victim as a result of an act of torture, his/her

dependants shall be entitled to compensation.

In terms of legislative measures, apart from relevant provisions of the Penal Code and the Criminal Code, Section 34(1)(a) of the 1999 Constitution provides that "[e]very individual is entitled to respect for the dignity of his person, and accordingly no person shall be subjected to torture or to inhuman or degrading treatment."

Though the Federal Government of Nigeria has established a National Committee Against Torture following the ratification of the Optional Protocol to the UN Convention Against Torture on 27 July 2009, it has not recognized the competence of the Committee Against Torture to receive and consider communications in which a State Party can claim that another State Party is not fulfilling its obligations under the Convention. Nigeria has also not recognized the competence of the Committee to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of violations by a State Party. Thus, in respect of both inter-State and non-State communications, the Committee has no competence over Nigeria.

Torture and CIDT remains prevalent in Nigeria, especially in the realm of law enforcement and in the specific contexts of the treatment of prisoners and other persons in detention, and in the context of the insurgency in the northeast. As earlier stated, Nigeria has ratified the UNCAT and its Optional Protocol and considerable efforts have been made to criminalize torture, although the Anti-Torture Bill has been stuck in the National Assembly for several years.

Complaints received by the Commission

In the period under review (2015), the Commission received several complaints of violations of the right to dignity in Nigeria. These include:

1. C/2015/20/B

On 3rd June 2015, the Commission received a complaint from Lucky Erharuyi alleging that on 31 May 2015 at around 4am four officers of the Nigerian Police Force jumped their fence and entered their compound and started beating his senior brother, named who was a psychiatric patient,

and who just returned from hospital. The NPF officers wounded him, and then started asking for Julius Erharuyi, the person whom they were actually seeking to arrest. They promptly arrested Julius Erharuyi and took him to Police Station in Edo State. The Commission investigated the above complaint and determined that the allegations were not true, and therefore no human rights violations occurred.

2. C/2015/011/KD

On 2 February 2015 the Commission received a complaint alleging that one Ummi Salma Salisu of Fili Waya Rigasa was forced to marry one Salisu whom she did not love. The complainant also alleged that the alleged violator beats and tortures her. She further alleged that her father also beats her whenever she returns home after being beaten by her husband.

3. C/2015/165/KD

On 16 November 2015, Blessing Amama stated that due to a misunderstanding with her boss, she was arrested, detained and tortured at Barnawa Police Station from 2-3 November 2015. According to Ms. Amama, the policeman is a friend of her boss. The police have continued to ask Ms Amama to report to the police station, but have refused to charge the matter to court.

4. C/2015/91/KD

On 13 August 2015, Musa Tijani Ahmed and Co. filed a complaint with the Commission against on behalf of its client AlhajiJibrin Hassan. The complaint alleged that Mr. Hassan sold a piece of land to one Colonel AyubaSalihu Abubukar who made a search on the land before purchasing and developing it. Subsequently, the Kaduna government marked the structure on the land for demolition. Col. Abubukar then threatened to kill Mr. Hassan for selling the piece of land to him.

5. C/2015/012/KD

On 11 February 2015, the Commission received a complaint from Abdulrahman Mustapha alleging that her husband Abdullahi Bala threatened to kill his cousin, Hassana Sale. Mrs. Mustapha alleged that her

husband beat her and inflicted razor cuts on her face and body, causing her to be hospitalised.

6. C/2015/171/KD

On 24 November 2015 the Centre for Fundamental Rights Protection Initiative filed a complaint with the Commission on behalf of Sa'idu Ibrahim, Alhaji Umaru Danbaki and Musa Danbaki of Yadi, Birni Gwari Local Government Area of Kaduna State, alleging that Muhammadu Dap aka Daf was abducted near a grinding shop at Birni Gwari Local Government by Lado Danbanga and UmaruKago members of Sabon Layi and Anguwan Fari Birnin Gwari Vigilante and for over two months held in detention.

7. C/2015/174/KD

On 25 November 2015 the Commission received a complaint from Ibrahim Tanko, alleging that he was arrested by Police of the State C.I.D. Kaduna and was detained, beaten and tortured causing him to be admitted in the hospital. He further alleged that the Police brought the I.C.P.C. Kaduna into the matter and they collected his vehicle and since then have refused to release his vehicle.

8. C/2015/40/KD

Mr. Mogeru Jafaru complained to the Commission that the DPO of Rigachuku Police Headquarters refused to release the corps of his late brother Samaila in order to be buried in accordance to Islamic law. The complainant alleged that the deceased was assassinated and his corps deposited at the Rigachukun Police Station by Abdul Haladu, who killed Samaila.

9. C/2015/59/KD

The Commission received a complaint from Mr. Ahmed Abubakar on 11 June 2015 in which he alleged that his business partner Ms. Hajiya M. ordered Nigerian Army Soldiers to beat him on 1 June 2015 at her house, because he had defaulted in repaying a loan owed to her. Mr. Abubakar alleged that the Nigerian Army Soldiers fractured his hand as a result of the beating.

10. C/2015/103/KD

On 3 September 2015 the Commission received a complaint from Hassan Umar Sandain in which he alleged that he was arrested and beaten Nigerian Police Officers over allegations that he had breached a contract on the sale of grains.

11. C/2015/162/KD

The Commission received a complaint from Mr. Abdussalam Z Ibrahim on 13 November 2015, stating that his brother, Mr. Abdulrazaq who works with Najj Farm, was detained at the Maigana Divisional Police Headquarters on request by his boss on 10 November 2015. Mr. Abdussalam alleged that the Police have detained his brother ever since, without charging him to court and refusing to release him on bail.

12. C/2015/13/KD

On 15 September 2015, Mr. Silas reported to the Commission that his brother Mike was arrested and detained by the Nigerian Army the same day. Mr. Silas alleged that his brother was arrested because he owes a military officer's wife N80,000.

13. C/2015/007/KD

On 22nd January 2015, Nkiruka Omeje petitioned the Commission stating that her sister, Odoh Uzoamaka was arrested in Anambra State by Nigerian Police Officers from Kaduna State Command and transported to Kaduna where she has been held in detention by SARS ever since. This arrest was based on allegations by Ms. Uzoamaka's ex-husband that she had stolen 62 phones and N1.6 million from him. The complainant stated that her sister had been in detention for over 48 hours with her two year old son. She claimed that Ms. Uzoamaka had been granted bail but had no one to stand as a surety.

14. C/2015/66/KD

On 22 January 2015, Teddy Oporum petitioned the Commission stating that on 11 May 2014 he received a call that his brother had been arrested by the officers of Nigerian Police Force. When he arrived at the scene, he asked why his brother was arrested and one police officer pushed him into

the gutter and hit him with the gun.

15. C/2015/81/KD

On 13 July 2015, John Idoko petitioned the Commission stating that on 2 July 2015, his nephew John Unegwu left home and was detained at a mortuary by Nigerian Army Colonel Ekpo for three days.

16. C/2015/97/KD

On 31 August 2015 Mr. Salisu petitioned the Commission alleging that his brother Ibrahim Salisu was arrested and detained with four others by officers of the Nigerian Police Force at Tudun Wada, Kaduna State, and then moved to an undisclosed location.

17. C/2015/124/KD

On 30 September 2015, Abubakar M. Kabir petitioned the Commission on stating that on 5 September 2015, officers of the Nigerian Police Force, Agwan Sanusi Division, arrested Mr. Umar Mohammed Kabir for cutting the hand of Abba Haruna in self-defense, when he was attacked. While in detention at the Agwan Sanusi Division Police Station Mr. Kabir was tortured by the police to the extent of fracturing his legs. As a result, he is presently in the hospital and unable to walk.

18. C/2015/151/KD

On 2nd November 2015, the Commission received a complaint from Haruna Ismail alleging that due to a misunderstanding with his brother Sgt. Abdullahi, he was arrested by a group of Nigerian Army Soldiers who took him to the Kaduna NAF base and tortured him into confessing to be a member of Boko Haram.

19. NHRC/NGSO/2015/014

On 18 May 2015 Mr. Mohammed S. Mohammed petitioned the Commission alleging that Mallam Abubakar Shemu, who claims to be a "witch doctor", maintains a detention facility where "witches" and "wizards" are detained for the purpose of casting out devils and other super natural forces that have possessed their victims. Mr. Mohammed alleged that Mr. Shemu subjects his victims to cruel, inhuman, and degrading treatment for up to 6 months.

The Commission spoke to Mr. Shemu, who denied the allegations against him, and asked the Nigerian Police Force to conduct subsequent follow-up.

20. NHRC/NGSO/2015/003

On 19 August 2015, Mrs. Bashiru Abubakar alleged that her husband, Mal. Bashiru was arrested and detained by Department of State Service (DSS) at State Headquarters in Minna. According to the complainant, Mal. Bashiru has been held in detention since 17 July 2014, and she has been refused access to see him.

21. NHRC/NGSO/2015/021

On 17th July 2015, the Commission received a complaint alleging arrest in lieu. The complainant, Mallam Danjuma Abdullahi Manga, was arrested on 14 July 2015 by the Nigeria Police Force, Niger State Command, who claimed to be investigating an alleged case of conspiracy and murder. The Police officers actually wanted to arrest Mallam Manga's son, and therefore after holding Mallam Manga in detention for 24 hours, released him on threat that if he didn't bring his son to the police within two weeks, he would be re-detained.

22. NHRC/NGSO/2015/046

On 8th July 2015, the Commission received a complaint from Mallam Attahiru that four young boys between the ages of 16 and 17 were arrested after a disagreement between them and detained at the Tudun Wada Police Station, Niger State.

After receiving this complaint, the Commission visited the Tudun Wada Police Station where we informed the police officers that the Niger State Child Rights Law prohibits keeping of a person under the age of 18 years in police custody. The children were reprimanded and subsequently released.

23. NHRC/NGSO/2015/019

On 7 July 2015, the Commission received a complaint from Mr. Danasabe Mohammed Paiko who alleged that he was unlawfully arrested and detained by men attached to the Nigeria Police Force Zone 7 Headquarters in Abuja.

In 2014 Mr. Paiko purchased a car from a dealer. Inspector Inspector Rabiul Mohammed from Kaduna State Police arrived and said that the car was sold to the complainant in fraudulent circumstances, and consequently seized the car, and didn't pursue the dealer. Dissatisfied with the conduct of the police in handling the investigation, Mr. Paiko lodged several complaints against Inspector Rabiul Mohammed. He was eventually handcuffed and chained on the orders of the AIG for 'challenging the police.'

24. On 4 May 2015, the Commission received a complainant from _____ that Deputy Superintendent of Police Julian Igudu (O.C. Anti Robbery), of Nigerian Police Force Headquarters, Ikot Akpan Abia, Uyo, Akwa Ibom State, has persistently harassing him and his wife. Alleged incidents include extorting money, unlawful arrests, frivolous prosecution, and threats against their family.

Other cases reported / documented

In the period under review (2015), there were some reports in the media on incidents of violations of the right to dignity in Nigeria. These include:

1. On 12 January 2015, the Daily Trust newspaper (p.6) reported that the Cleric of the Jamaatu Izalati Bida Walqatis Sunna (JIBWIS), Kaduna State Chapter, was abducted by policemen in his home in Saminaka, Lere Local Government Area, Kaduna State, on 11 January 2015 at about 11pm. The abductors were allegedly part of Operation Yaki (a Kaduna State combined police-military security outfit). There was no explained or justifiable reason for the Cleric's abduction, and his whereabouts remain unknown.
2. On 20 January 2015, the Nigerian Tribune newspaper (p. 22) reported that Mr. Joshua Dauda nearly met his untimely death when a Nigerian Army soldier attacked him at Maraba, a suburb of Abuja. Mr. Joshua Dauda had intervened to try to stop the soldier from beating one of his workers. Mr. Dauda, who hails from Kaduna State, is a worker with a construction firm, CGC Nigeria Ltd. When Abuja Xtra visited him at the hospital where he was admitted following the injuries sustained during the brutality, Dauda

condition was critical but he was able to speak.

3. On 20 January 2015, the Nigerian Tribune newspaper (p.52) reported an unnamed person was beaten to a pulp by two members of the ruling political party in Lagos State for defacing the campaign posters of their party's governorship candidate. The incident occurred in Agbelakale community in Agbado-OkeOdo Local Council Development Area of Lagos State.
4. On 4 February 2015, the Nigerian Tribune newspaper (p. 22) reported that a legal face-off is brewing between men of the bench and operatives of the Department of State Security Service (DSS) over the alleged inhuman treatment meted on a lawyer, Mr. Joseph Ogedengbe, on 29 January 2015. The lawyer was allegedly tortured and chained to a burglary proof railing by operatives of the DSS and some soldiers over an undisclosed offence.
5. On 5 February 2015, the Nigerian Tribune (p. 44) reported that on 4 February 2015, the Nasarawa State command of the Nigeria Security and Civil Defence Corps (NSCDC) arrested and paraded five suspects for allegedly raping a 14 year old girl.
6. On 9 February 2015, the Daily Trust newspaper (p. 16) reported that no fewer than 25 Nigerians were among over 150 people that were illegally arrested and detained by the Malaysian Immigration Department in its renewed efforts to rid the country of illegal immigrants and criminals.
7. On 11 February 2015, the Nigerian Tribune newspaper (p. 11) reported that the Lagos State Directorate of Public Prosecution would on 16 February 2015, charge 10 suspects in connection with the torture of three women at Oba Morufu International Market, Ejigbo, on 11 February 2013. The victims, Nike Salami, Juliana and Joke Agomo, were allegedly tortured by the suspects for stealing pepper in the market. They were beaten, striped and had pepper rubbed on their bodies by the suspects, who are members of the Odua People's Congress (OPC). The suspects also allegedly inserted sticks and obnoxious substances into the women's vagina while the incident was recorded with a mobile phone.
8. On 24 February 2015, the Daily Trust newspaper (p. 4) reported that two people that were chained and hidden for over ten years by a sect leader

named Usman for allegedly violating the sect's doctrine.

9. On 8 May 2015, the PM News reported that the Network on Police Reform in Nigeria (NOPRIN), a coalition of civil rights groups in Nigeria, has called on the Inspector General of Police to investigate the whereabouts of Afram Nriezadi who has been held in custody by the Special Anti-Robbery Squad in Ikeja, Lagos, since 17 January 2015.
10. On 8 May 2015, Amnesty International reported that torture survivor Moses Akatugba has been released after a year-long advocacy campaign to overturn his wrongful conviction and subsequent ill-treatment.
11. On 3 June 2015 Amnesty International published a report 'Stars on Their Shoulders, Blood on Their Hands' detailing over 8,000 cases of murder, starvation, suffocation and torture to death perpetrated by the Nigerian Military since 2011. The report calls for an investigation into the individual and command responsibilities of soldiers, and mid-level and senior-level military commanders in the Nigerian Army.
12. On 4 June 2015, the Vanguard newspaper reported that Buhari received Amnesty International's report detailing cases of torture perpetrated by the Nigerian Army, entitled "Nigeria: Stories of Horror in their Own Words", and that all allegations would be duly looked into.
13. On 4 June 2015, the Guardian newspaper reported the case of a 70 year-old man named Gbenga Omolo who was allegedly died after being tortured for hours by the Special Anti-Robbery Squad in Ondo State.
14. On 3 July 2015, the Vanguard newspaper reported that case of Justin Nwankwo who was tortured by the Nigerian Police Force at the Akwuzu Special Anti-Robbery Squad, in Onitsha, Anambra State. Mr. Nwankwo detailed the torture chambers and techniques used by the Police officers at SARS, as they tried to extract false confessions from subjects – including hanging them upside down, and using other stress positions.
15. On 1 August 2015, the Vanguard newspaper reported that David Orode was arrested in May by the Nigerian Police Force and then dumped in the morgue in July with evidence on his body that he was killed by torture.
16. On 10 August 2015, Channels TV reported that the Commission summoned the Nigerian Army, Police, and management of Madonna

University to appear within 72 hours and account for the torture carried out against civilians as depicted in photographs published in the news media.

17. On 20 August 2015, the Vanguard newspaper reported that the Nigerian Army identified the soldiers who tortured a civilian in Mararaba, Nasarawa State on 8 August 2015.

The identification of the Nigerian Army soldiers responsible for this gross violation was revealed before the Commission, after the Commission demanded a prompt investigation into the case.

18. On 11 September 2015, the Vanguard news reported that Pa Olomo was allegedly tortured to death by officers of the Nigerian Police Force, and Oluwatobi Badmus was allegedly locked inside of a room with locked windows and tear gassed by officers of the Nigerian Police Force. Both incidents occurred in Ondo State.

19. On 21 October 2015, Sahara Reporters reported that 'Civilian JTF' members were caught on video torturing two suspected Boko Haram members in Maiduguri, Borno State.

The Commission expresses grave concern over abuses committed by 'Civilian JTF' especially where the Nigerian Army either tacitly or explicitly approves of such gross human rights violations.

20. On 5 November 2015, the News of Nigeria newspaper reported that 9 officers were dismissed from the Nigerian Police Force due to the alleged abduction and torture of about 30 persons in FESTAC Town. The Police Officers were attached to the Anti-Robbery Section of the State Criminal Investigation Division, Yaba.

Additionally, note that several other human rights organizations have reported numerous instances of violations of the right to dignity in Nigeria during the period under review.

Recommendations

The Commission is gravely concerned with violations of the right to dignity in Nigeria – particularly the use of torture and CIDT.

The Commission therefore undertakes to:

- Work closely with the National Committee Against Torture and other interested parties to bring greater resources and capacity to the fight to eliminate all practices of torture and CIDT in Nigeria.
- Conduct regular, unannounced visits to places of detention, especially the detention cells of the Nigerian Army, and certain Nigerian Police Force Divisions, such as the Special Anti-Robbery Squad, and State/Federal Criminal Investigation Division.
- Create awareness and understanding at all levels of the relevant authorities (including the Nigerian Army, and the Nigerian Police Force) of the Commission's power to conduct unannounced visits to places of detention aimed at encouraging relevant authorities to maintain places and practices of detention in line with international human rights standards at all times.

The Commission additionally makes the following recommendations:

To the Federal Government:

- Criminalize torture within domestic legislation, in line with the definition contained within the UN Convention against Torture and the International Covenant on Civil and Political Rights.
- Implement the Optional Protocol to the UN Convention against Torture, and establish an independent body to conduct unrestricted visits to all places of detention to monitor the conditions of detention and treatment of detainees.
- Immediately deposit a declaration pursuant to Article 21 of the UNCAT stating that Nigeria recognizes the competence of the Committee Against Torture to receive and consider communications against Nigeria.
- Immediately deposit a declaration pursuant to article 22 of the UNCAT recognizing the competence of the Committee Against Torture to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of violations by a State Party of the

provisions of the Convention.

- Ensure rehabilitation of all victims of torture and ill-treatment
- Investigate conditions in all detention facilities, including the behaviour of police and prison wardens working in them, to ensure that basic living conditions are met (incl. food, water, and medical assistance), and proactively develop solutions to tackling overcrowding of prisons
- Conduct an open review of the work and operating procedures of the National Committee Against Torture to enable the body to fulfil its obligations to monitor places of detention and investigate all allegations of torture and CIDT conducted by State actors and others.
- Consider domiciling the OP-CAT National Preventive Mechanism in the National Human Rights Commission by merging the National Committee Against Torture with the National Human Rights Commission in order to reduce duplication of roles and functions, in particular with regard to monitoring places of detention and handling cases of torture and CIDT.
- Make public all annual reports and outcomes of investigations undertaken by the National Committee Against Torture to date.
- Invite the UN Special Rapporteur on Torture to conduct an official visit to Nigeria to investigate Nigeria's compliance with the CAT and the OP-CAT.
- Ensure independent operation of the National Human Rights Commission and the National Committee Against Torture by allowing unhindered access to all detention facilities

To the Nigerian Army, Police Force, and other security services:

- Include in all training programs a module on the absolute prohibition on torture and CIDT
- Publicly condemn acts of torture carried out by members of the Nigerian

Army, Police Force, and other security services, and promptly release all officers involved in such acts for investigation and prosecution by appropriate authorities including the National Human Rights Commission and/or National Committee Against Torture

- Post clear directives in all places of interrogation that torture is prohibited as a means to elicit information or confessions from detainees, including specific examples of forms of torture known to be common in Nigeria so as to avoid any doubt about what does and does not constitute torture
- Put measures in place for the realization of the provisions of the Administration of Criminal Justice Act 2015 with regard to video recording of all interrogations of suspects

CHAPTER 3:

Right to Freedom of Expression and the Press

Introduction

The right to freedom of expression and the press is fundamental to an open and democratic society. Without open and free expression and freedom of the press, opinions and ideas can't be freely debated, and the government and other actors can't be publicly scrutinized. Given Nigeria's recent history of military rule in which violations of freedom of expression and the press were commonplace, the Commission is particularly concerned when instances of violation of this right occur.

The Commission believes it is of critical importance to recognize that because there is horizontal application of human rights in Nigeria, all violations of the rights – whether perpetrated by State actors or private individuals – can be attributed to the State. Horizontal application is particularly relevant to the right to freedom of expression and the press in so far as the Nigerian security forces have both an obligation not to directly violate the rights of individuals, but also a positive obligation to ensure that the rights of individuals to freedom of expression and the press are not violated by other private individuals.

In 2015, security forces were the most frequent perpetrators of violations perpetrated against the press. According to the Committee to Protect Journalist's 'Global Impunity Index', Nigeria ranks as the 13th worst country in the world for impunity for attacks on journalists. With the signing of the Cybercrime Act into law in May 2015, we have already seen a further increase in harassment and charges pressed against digital journalists. Also in 2015, the National Assembly considered a bill to "Prohibit Frivolous Petitions and Other Matters Connected Therewith" that explicitly seeks to limit freedom of speech that is critical of the government or otherwise deemed to be "abusive." Passage of this bill into law would undeniably constitute a massive violation of the right to freedom of expression of all Nigerians.

The most prominent individual cases of violations of the right to freedom of

expression and the press were related to reporters critically examining military's performance in combating Boko Haram, and political scandal (particular corruption). In June several newspapers reported that security forces seized and destroyed print issues over objection to the content of the news articles contained therein.

Legal framework in Nigeria

The objective of protecting and promoting the right to freedom of expression and the press is stated within the Directive Principles articulated in Section of Chapter 2 of the 1999 Constitution, reading:

22. The press, radio, television and other agencies of the mass media shall at all times be free to uphold the fundamental objectives contained in this Chapter and uphold the responsibility and accountability of the Government to the people.

The right to freedom of expression and the press is made justiciable and thereby binding and enforceable in Nigeria by its inclusion Chapter 4, Section 39 of the 1999 Constitution, where it is stated:

- 39(1) Every person shall be entitled to freedom of expression, including freedom to hold opinions and to receive and impart ideas and information without interference.

Note however that in the 12 states in Northern Nigeria where Sharia courts operate, protections of free expression and speech, particularly of the press, are curtailed. Furthermore, throughout the country cases of criminal defamation have become more common against journalists.

Additionally, the right to freedom of expression and the press is protected by numerous international human rights instruments signed by Nigeria, including Article 19 of the ICCPR and Article 9 of the African Charter.

Complaints received by the Commission

In the period under review (2015), the Commission received no complaints of violations of the right to freedom of expression and the press in Nigeria. However, numerous human rights organizations published reports citing specific cases and general crackdown on the free press in Nigeria, including Freedom House and the Committee to Protect Journalists.

Other cases reported / documented

In the period under review (2015), there were several reports in the media on incidents of violations of the right to freedom of expression and the press in Nigeria. These include:

1. On 5 February 2015, the Daily Trust newspaper (p. 5) reported that Peter Nkanga, West Africa Representative of the Committee for the Protection of Journalists, said that it is essential for the Nigerian government to allow foreign journalist access to the country to cover the February 2015 general elections. The legitimacy of Nigeria's election depends in no small part on whether the international press is allowed to cover it.
2. On 3 February 2015, the Nigerian Tribune newspaper (p. 11) reported that on 2 February 2015 four gunmen abducted a major newspaper agent Mrs. Funmilayo Ajayi in Ijebu-Ode, Ogun State and whisked her away to unknown destination. The police should immediately investigate and ensure that the victim is rescued and perpetrators identified and prosecuted.
3. On 30 May 2015, Sahara Reporters reported that thugs attacked Hir Joseph, the Nasarawa State correspondent of the Daily Trust, at the inauguration of Governor Al Makura. Previously Mr. Joseph has written critical articles about Al Makura, saying that he shouldn't be sworn in as governor.
4. On 1 June 2015, the Committee to Protect Journalists reported that officers of the Nigerian Police Force attacked Muhammad Atta-Kafin-Dangi, lead broadcaster for Radio Nigeria, after he covered a protest by okada drivers in Gwagwalada, Abuja. The police accuses Mr. Atta-Kafin-

Dangi of covering the protest without their permission.

5. On 2 June 2015, the Daily Post reported that Victor Akinkuolie, a correspondence for the state-owned newspaper The Hope, was beaten until he was comatose by officers of the Nigerian Police Force. Mr. Akinkuolie had previously written articles exposing police intimidation.
6. On 3 June 2015, the Punch reported that one of its correspondents, Kamarudeen Ogundele, was beaten by supporters of Ekiti State governor, Ayodele Fayose. Mr. Ogundele was reporting on the attempt of APC lawmakers to gain entry to the House of Assembly to attempt to impeach Fayose.
7. On 29 June 2015, the Vanguard News reported that hoodlums suspected to be smugglers beat Yomi Olomofe, a journalist and Executive Director of Prime Magazine, to a coma over reporting their activities in the Seme-Badagry area.
8. On 15 July 2015, the Committee to Protect Journalists reported that Adeola Akinremi a features editor of This Day newspaper had received death threats from a suspected member of Boko Haram in response to an article that he authored which asserted that Boko Haram didn't deserve amnesty.
9. On 13 August 2015, The Guardian newspaper reported that the Nigerian Police Force barred journalists from entering the National Assembly Election Petition Tribunal venue at Roseline Omotoso Court House, Ikeja, Lagos. The tribunal was sitting to deliberate on the election results of the Majority Leader of the House of Representatives, Femi Gbajabiamila, who was being challenged by a candidate from the PDP.
10. On 30 August 2015, the Vanguard News reported that gunmen kidnapped Donu Kogbara, one of the Vanguard's journalists working in Rivers State who writes a weekly column on politics.
11. On 30 October 2015, the Committee to Protect Journalists reported that Nasir Salisu Zango, a radio journalist with Freedom Radio and Deutsche Welle, was threatened by 3 men after he reported on the alleged rape of

students at a boys school in Kano. The 3 men who threatened Mr. Zango alleged to be officers of the Nigerian Police Force. Mr. Zango had reported that school authorities were trying to cover up the incident, and preventing several other boys from seeking medical attention outside the school.

12. On 12 November 2015, Sahara Reporters reported that Mr. Emmanuel Elebeke, Vanguard Newspaper reporter, was brutally beaten by Nigerian Prison Service guards from Kuje Prison. The attack took place outside the premises of the FCT High Court in the Maitama District of Abuja. The incident began when the prison guards demanded the journalist's camera and questioned his right to take photographs despite the fact that the photos he took were taken outside of court, and therefore entirely legal.

Recommendations

Given its fundamental importance to democracy, the Commission strongly condemns all violations of the right to freedom of expression and the press.

The Commission therefore undertakes to:

- Broadly educate and disseminate information about the right to freedom of expression and the press in effort to build greater awareness and ensure its protection and promotion
- Analyse any and all legislation being considered by the National Assembly or State Houses of Assembly that may restrict or otherwise affect the fundamental right to freedom of expression and the press, and make recommendations to the relevant legislatures where bills, if passed into law, would infringe on human rights protections
- Assist complainants to enforce their right to access information under the Freedom of Information Act 2011 in collaboration with the Office of the Honourable Attorney General of the Federation and Minister of Justice
- Promptly investigate all complaints threats or mistreatment of journalists and other media professionals

The Commission makes the following recommendations:

To the Federal Government and State Governments:

- All requests for information under the Freedom of Information Act (FOIA) should be complied with immediately on receipt of such requests. To this end, both the Federal Government and State Governments should undertake to build the awareness and capacity of key persons within relevant ministries, agencies, and institutions to be able to respond to FOIA requests without delay
- Government bodies should affirmatively make public all non-confidential documents about their work on a platform that is accessible to all, in order to enable public scrutiny and broader public participation in public affairs. In this regard, every agency of government should endeavour to publish a comprehensive annual report of its activities containing all such non-confidential information.
- Ensure the independence of the Nigerian Communications Commission charged with regulating telecommunications

To the Nigerian Police Force and other State security agencies:

- Put measures in place to ensure the prompt investigation, without bias or discrimination, of all complaints of threats or mistreatment of journalists and other media professionals
- Publicly state that in line with the right to privacy under the 1999 CFRN, all searches of media houses, and the personal effects of journalists, should only be carried out with explicit orders of a court of competent jurisdiction. Any search without such preceding grant of authority is illegal and constitutes a violation of the right to freedom of expression and the press for which perpetrators must be held accountable.

CHAPTER 4:

Freedom of Thought, Conscience and Religion

Introduction

The right to freedom of thought, conscience and religion includes the freedom to change one's religion or belief, and the freedom, either alone or in community with others and in public or private, to manifest one's religion or belief in teaching, practice, worship and observance. In a country split almost evenly between Muslims and Christians, where the Constitution prohibits the either the Federal or State governments from establishing an official state religion, the freedom of religion is of elevated importance.

During 2015 there were numerous cases of violation of freedom of thought, conscience, and religion perpetrated against individuals and groups. Violations were most widespread in the Northeast where the military and security forces have been largely unable to halt attacks by Boko Haram on non-Muslims (as well as other Muslims) in the region. More broadly, across the Northern states where Sharia law is in force non-Muslim residents reported violations of their rights, while in the south Muslims reported discrimination and mass arrest.

Legal framework in Nigeria

The right to freedom of thought, conscience and religion is fundamental to an open and democratic society. In Nigeria this right is protected in Chapter 4, Section 38(1) of the 1999 Constitution, stating:

38(1) Every person shall be entitled to freedom of thought, conscience and religion, including freedom to change his religion or belief, and freedom (either alone or in community with others, and in public or in private) to manifest and propagate his religion or belief in worship, teaching, practice and observance.

Additionally, the right to freedom of thought, conscience and religion is protected by numerous international human rights instruments that have been

signed by Nigeria, including Article 18 of the ICCPR and Article 8 of the African Charter.

In 12 northern states Sharia Courts hear civil and criminal cases alongside Magistrate Courts and State and Federal High Courts, and issue rulings in line with the religious teachings of the Quran. Generally, to have your case heard before a Sharia Court, both parties must agree to the venue, however certain states (e.g. Zamfara State) require that Sharia Courts hear all criminal cases involving Muslims.

Complaints received by the Commission

In the period under review (2015), the Commission received one complaint of violation of the right to freedom of thought, conscience and religion in Nigeria.

1. C/2015/137/KD

On 21 October 2015 the Commission received a complaint from Mrs. Salamat Jibril, who alleged that her husband's family members have been discriminating against her based on ethnic and religious differences. This discrimination has manifested in frequent assaults and one instance where her sister-in-law attacked her son and threatened him with a knife, and also assaulted her maid.

Other cases reported / documented

In the period under review (2015), the Commission found only a few reports in the media of incidents of violations of the right to freedom of thought, conscience and religion in Nigeria.

1. On 28 January 2015, the BBC News reported that Nigeria faces a test of religious tolerance in the upcoming presidential election, with the two main candidates coming from different religious traditions. President Jonathan a Christian, and former General Buhari a Muslim. The article points out that politics and religion are often intermingled in Nigeria, however both candidates have made commitments to upholding secular governance if elected.

2. On 3 February 2015, the Nigerian Tribune newspaper (p. 43) reported that the Al-Mu'minaat (Believing Women) are concerned about the discrimination, intimidation, and harassment of Muslim women in the country for wearing the hijab (head cover).

The Commission urges the Federal Ministry of Women Affairs to monitor such discrimination closely to prevent any violations of the right to freedom of religion.

3. On 13 April 2015, the Telegraph reported that Nigeria is one of the most religious countries in the world as measured by the per cent of the population that identifies as being religious – 83%.
4. On 15 April 2015, Fox News reported that Boko Haram linked to ISIS are consistent with the group increasingly adopting a "religious cleansing strategy," said religious freedom advocates.
5. On 6 May 2016, World Religion News reported that the United States Commission on International Freedom's annual report cited Nigeria as having one of the largest populations of internally displaced persons due to religious conflicts.
6. On 25 November 2015, the Premium Times reported that Muslim Rights Concern, a human rights group, has rejected the ban of the use of the hijab in the National Youth Service Corps camps. They asserted that the director general of the NYSC, who announced the ban, has perpetrated hate speech against Muslims and is encouraging Islamophobia.
7. On 16 December 2015, Sahara Reporters reported that the Nigerian military faces increasing condemnation by human rights organizations and foreign countries for massacring Shiite Muslims in Zaria a week earlier. The Commission reported that it would initiate a panel of inquiry into the massacre.
8. On 26 December 2015, the Daily Post reported a call from some residents of Zaria on the Federal Government to officially ban the Shiite Muslim sect

led by El-Zakzaky in Nigeria. Those agitating for the group to be banned alleged that the group was running a parallel government.

Note however that several other human rights organizations have reported instances of violations of the right to freedom of religion in Nigeria during the period under review.

Recommendations

Given the lack of reporting of cases of violation of the right to freedom of thought, conscience and religion during the period under review, the Commission concludes that there is a lack of understanding of this right in Nigeria.

The Commission therefore undertakes to:

- Broadly educate and disseminate information about this right in an effort to build greater awareness and ensure its protection and promotion, including by engaging religious and customary leaders to ensure peaceful coexistence between people and religions

The Commission makes the following recommendations:

To the Federal Government and State Governments:

- Protect and promote the right of Nigerians to practice their religious faith or beliefs, including by enhancing the dialogue between different faith communities to address interreligious tensions – particularly those in the middle-belt states – and to combat all forms of extremism

See e.g. Human Rights Watch 2015 "World Report on Human Rights: Nigeria," and US State Department's "International Religious Freedom Report" at <http://www.state.gov/documents/organization/256269.pdf>

Adopted from UN Human Rights Council, "Report of the Working Group on the Universal Periodic Review: Nigeria" A/HRC/25/6, Conclusions and Recommendations, available here: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G13/190/10/PDF/G1319010.pdf?OpenElement>

State of Human Rights Report 2015

- Protect the rights of ethnic and other minorities, including so-called "settlers", in particular their rights to citizenship and indigenous rights, and ensure their equal and non-discriminatory treatment
- Promote tolerance and understanding between religions by publicly condemning any instance of intolerance and ensuring that perpetrators of hate speech or violence that is motivated by religious intolerance are prosecuted
- Ensure that all activities of the government promote respect for all religions, and do not elevate one set of religious beliefs above another

Adopted from UN Human Rights Council, "Report of the Working Group on the Universal Periodic Review: Nigeria" A/HRC/25/6, Conclusions and Recommendations, available here: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G13/190/10/PDF/G1319010.pdf?OpenElement>

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CHAPTER 5:

Right to Liberty and Freedom of Movement

The rights to personal liberty and freedom of movement protect all persons' rights to move about Nigeria freely and not be subjected to arbitrary arrest or detention. Prolonged detention by police or Army, as well as prolonged pre-trial detention – both of which are common in Nigeria – constitute clear violations of the fundamental right to liberty. Internal "deportations" of persons from one state back to their "state of origin," most often perpetrated against poor and homeless individuals, and government policies that seek to favour persons identified as "indigenes," also constitute a clear violation of the right to freedom of movement. Indiscriminate road blocks set up by the Nigerian Police Force, Army, Customs and other security forces are also of significant concern and in many cases constitute an unlawful restriction on the right to freedom of movement. Restrictions on freedom of movement for any purpose, such as elections or environmental sanitation, must be curtailed as they constitute a direct infringement on this right.

Legal framework in Nigeria

The right to liberty and freedom of movement are fundamental rights protected under Chapter 4 of the Constitution, as well as numerous international human rights treaties to which Nigeria is a party. The right to personal liberty is protected by Chapter 4, Section 35 of the 1999 Constitution, stating:

35. (1) Every person shall be entitled to his personal liberty and no person shall be deprived of such liberty save in the following cases and in accordance with a procedure permitted by law

The right to freedom of movement is protected by Chapter 4, Section 41 of the 1999 Constitution, stating:

41. (1) Every citizen of Nigeria is entitled to move freely throughout Nigeria and to reside in any part thereof, and no citizen of Nigeria shall be expelled from Nigeria or refused entry thereby or exit therefrom.

Additionally, the rights to personal liberty and freedom of movement are protected by international human rights instruments that have been signed by Nigeria, including Articles 9 and 12 of the ICCPR and Articles 6 and 12 of the African Charter.

Complaints received by the Commission

In the period under review (2015), the Commission received several complaints of violations of the right to liberty and freedom of movement in Nigeria.

1. C/2015/06/B

On 31st March 2015, the Commission received a complaint from Enera Philip who alleged that officers of the Nigerian Police Force, Area Command, Benin City arrested him when he was coming back from church with three others in public transport. The NPF officers alleged that one of the other passengers was a criminal. The NPF demanded a certain amount of money to release Enera Philip and the three others; however they were unable to pay the requested sum.

The Commission made inquiries into this matter, and subsequently the complainant and the others were granted bail without payment of money to the NPF.

2. C/2015/044/B

On 29th October 2015, the Commission received a complaint from Aliyu I. Yusuf who alleged that Mr. Lawal Shaibu was detained by the Nigerian Police Force at State Criminal Investigation Department (State CID) since 18 September 2015 without the being charged to court, or informed of the offense alleged against him.

The Commission made inquiries into this matter and determined that a case based on the violation of Mr. Shaibu's fundamental right to liberty is now pending in court.

3. C/2014/038/B

On 2nd October 2015, the Commission received a complaint from Mr. Philip Osarewen alleging that officers of the Nigerian Police Force threatened, assaulted, and made false allegations against him. He further explained that on 2 October 2015, NPF officers from the State CID, Benin arrested two of his cousins and detained them unlawfully without fair hearing. Upon receiving this complaint, the Commission intervened and all three wrongfully detained individuals were released on bail.

4. C/2015/49/B

On 23rd November 2015, the Commission received a complaint on behalf of Engr. Samuel Fatai Oladele alleging that on 31 October 2015, he was on his way to Abuja from Akure in company of friends and was physically rough handled and embarrassed by officers of the Nigerian Police Force at a check point. The NPF officers were attached to the Ibilo Divisional Police Station, Edo State.

This case remains under investigation by the Commission.

5. C/2015/141/KD

On 26 October 2015, the Centre for Fundamental Rights Protective Initiative petitioned the Commission that two men and their 30 cows were arrested on 18 October 2015 at their family house by officers of the Nigeria Police and detained them at the State C.I.D. Kaduna. The arrest was allegedly based on a false allegation by Usman Ibrahim Baba (alias B.A.) that the cattle were stolen. The father of the two men allegedly died of cardiac arrest as a result of the news of the arrest. The two men and their 30 cows remain in detention.

Other cases reported / documented

In the period under review (2015), the Commission found only a few reports in the media of incidents of violations of the right liberty and freedom of movement in Nigeria.

1. On 4 February 2015, the *Daily Trust* newspaper (p. 8) reported that the

Joint Military Task Force code named Operations Restore Hope, has confirmed the abduction of four oil workers by suspected pirates in Ogbinbirir community in Southern Ijaw Local Government Area of Bayelsa State.

2. On 23 February 2015, the *Daily Trust* newspaper (p. 48) reported that persons dressed in Nigerian Army Uniform attacked motorists and dispossessed traders of their money near Kwaku village in Kuje Area Council.
3. On 16 March 2015, the *Premium Times* reported that a Federal High Court in Lagos ruled that the restriction of movement during the monthly environmental sanitation exercise in Lagos State is unlawful and a violation of the right to liberty and freedom of movement. The court cited Section 35 and 41 of the Constitution and Article XII of the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act, Laws of the Federation of Nigeria, 2004 as a basis for its ruling.
4. On 12 May 2015, the *Premium Times* reported that the Socio-Economic Rights Accountability Project has filed suit against the Nigerian government on behalf of the suffering of persons living in internally displaced persons (IDP) camps across the country. The case was filed before the ECOWAS Community Court of Justice, and argues, among other rights violations, that the management of IDP camps constitutes a violation of the IDP's freedom of movement as guaranteed by the Constitution.
5. On 14 August 2015, the UNHCR reported that attacks on refugee camps in neighbouring countries by Boko Haram have led to governments increasing security patrols and other measures, which consequently limit the freedom of movement of Nigerian asylum-seekers and others resident in the camps.
6. On 21 October 2015, *This Day* newspaper reported that Pro-Biafra protests commenced in Port Harcourt and Awka citing the unlawful arrest of Nnamdi Kanu, the director of Radio Biafra as one of their chief complaints.

The protestors cited their rights to freedoms of speech and freedom of movement to argue that the protest action was protected by the Constitution.

7. On 17 December 2015, *Channels TV* reported that the Kaduna State government banned all forms of procession and rallies on roads and public facilities by individuals or organizations. This announcement comes after the massive confrontation between the Nigerian Army and the Shiite Muslims in the state, during which it is believed the Nigerian Army massacred countless innocent civilians. Governor El-Rufai said that public processions will only be allowed with prior permission from the Nigerian Police Force, imposing a clear restriction on the constitutionally guaranteed right to freedom of movement of all Nigerians.

Note however that several other human rights organizations have reported instances of violations of the right to liberty and freedom of movement in Nigeria during the period under review.

Recommendations

Given the lack of reporting of cases of violation of the right to liberty and freedom of movement during the period under review, the Commission concludes that there is a lack of understanding of this right in Nigeria.

The Commission therefore undertakes to:

- Broadly educate and disseminate information about these rights in an effort to build greater awareness and ensure their protection and promotion

- Regularly publish reports on the population of persons held in pre-trial detention in Nigeria, particularly noting the overall number of detainees, their locations (to highlight states this problem is most severe), and their background (to highlight the disproportionate prevalence of the poor held in pre-trial detention)

The Commission also makes the following recommendations:

To the Federal and State governments:

- Ensure that all detainees who are kept in pre-trial detention are brought before a judge within the time frame provided by the Constitution
- Immediately end practice of forced expulsion or relocation of persons deemed to be "non-indigene" and adequately compensate all persons subjected to prior forced expulsions and relocations, particularly disabled persons and ethnic or religious minorities
- Urge the Federal and State Ministries of Justice to prioritize developing strategies to reduce the massive population of persons held in pre-trial detention

PART 2:

Economic, Social, and Cultural Rights

While observing that up to date economic, social and cultural (ESC) rights are generally given less prominence in Nigeria than civil and political rights, the Commission urges a shift towards greater recognition of ESC rights and attention to holding Nigeria accountable to respect, protect, promote and fulfill these rights.

Indeed, the Commission notes that many areas of very serious concern to Nigerians – inter-communal violence, other violent conflicts, even terrorism – have their roots in social and economic grievances relating to poverty, resource scarcity, resource control and management, corruption, environmental degradation, etc. For this reason, the Commission recognizes that advancement of social and economic rights will in turn lead to greater respect for and protection of civil and political rights.

Moreover, the Commission recognizes that violations of civil and political rights all too often have long-term implications for social and economic rights. For instance, inter-communal violence and conflict can push victims further into poverty by destroying livelihoods and basic necessities of life. Acts of terrorism can cause not only loss of life but have long-term implications for the rights to education, health, and food, among others. Arbitrary arrests, prolonged pretrial detention, and everyday corruption disproportionately affect the poor and impede progress out of poverty.

To reorient human rights policies and practices in Nigeria with a view to ending this vicious cycle, this section gives detailed attention to specific ESC rights – right to health, right to education, right to adequate shelter/housing, right to food, right to environment, and labour rights. This is despite the fact that the Commission does not receive numerous complaints relating to ESC rights due, in part, to a low level of citizen awareness. The Commission also notes that certain thematic chapters are fundamentally inter-related with ESC rights – corruption, inter-communal conflict, etc.

Rights

Legal framework for ESC rights

Most ESC rights were first recognized internationally in the Universal Declaration of Human Rights. Subsequently, the International Covenant on Economic, Social and Cultural Rights (ICESCR) became the first legally binding international treaty to systematically recognize this class of rights and, specifically, the following:

- The right to work, i.e. to gain a living by work freely chosen and accepted;
- The right to just and favourable conditions of work, i.e. with regards to remuneration, safe and healthy working conditions, equal opportunity for advancement, and rest, leisure and reasonable limitation of working hours;
- The right to form and join labour unions;
- The right to social security and social insurance;
- The state's obligation to provide protection and assistance to the family and to recognize only marriages entered into with consent of the intending spouses;
- The right to an adequate standard of living, e.g. adequate food, clothing and housing, and the state's obligation to ensure the right to be free from hunger;
- The right to the highest attainable standards of physical and mental health;
- The right to education;
- The state's obligation to ensure compulsory free primary education for all; and
- Certain cultural rights.

In addition to the above individual rights, the ICESCR also recognizes two essentially inter-related peoples' rights: a people's right to self-determination; and a people's right to freely dispose of their natural wealth and resources.

The African Charter on Human and Peoples' Rights recognizes many of the same ESC rights and peoples' rights, as well as expanding recognition to new rights, i.e. rights to development and environment. The rights worth noting in particular are:

- The right to property, limiting the state's power of compulsory acquisition;
- The right to work under equitable and satisfactory conditions;
- The right to enjoy the best attainable state of physical and mental health;
- The right to education;
- The right to take part in the cultural life of one's community and the state's obligation to promote and protect a community's traditional values;
- The state's obligations to protect the family and the rights of women, the child, the aged, and persons with disabilities;
- The peoples' right to freely dispose of their wealth and natural resources;
- The peoples' right to economic, social and cultural development; and
- The peoples' right to a generally satisfactory environment.

In addition to the above, decisions of the African Commission on Human and Peoples' Rights (African Commission) have recognized other ESC rights – namely the right to shelter/housing and the right to food – as implicit in the African Charter. Similarly, the UN Committee on Economic, Social and Cultural Rights (CESCR) has further developed the contents of many ESC rights through its general comments.

Nigeria has signed and ratified both the ICESCR and the African Charter, making these instruments internationally binding. Nigeria has also domesticated the African Charter, making many ESC rights provisions domestically binding, even though it has yet to fully domesticate the ICESCR. To demonstrate full participation in the UN human rights system, the Commission urges Nigeria to fully domesticate the ICESCR – for example by amending the 1999 Constitution to include all ESC rights in Chapter IV. The Commission additionally urges Nigeria to sign and ratify the Option Protocol to the ICESCR, giving Nigerian citizens the opportunity to lodge complaints regarding the violation of ESC rights before the UN Committee – and thereby ensuring access to justice through alternative means.

Further, the Commission notes with concern the frequent misconception among Nigerian citizens, courts, and government actors that ESC rights are non-justiciable. It is true that the 1999 Constitution of the Federal Republic of Nigeria only mentions economic and social concerns in Chapter II (directive principles) rather than in Chapter IV (fundamental rights), meaning that the principles articulated in Chapter II are not themselves justiciable. However,

these principles – along with Nigeria's voluntary ratification of instruments such as the ICESCR – lend support for the ESC rights that are separately guaranteed under Nigerian law, e.g. in the African Charter (as domesticated). Indeed, Nigerian courts have recognized and granted relief for violations of ESC rights found in the African Charter and the ICESCR.

As a state party to the ICESCR and the African Charter, Nigeria has the duty to respect, protect, promote, and fulfill ESC rights. The ICESCR focuses on the duty of state parties to use maximum available resources to progressively achieve full realization of ESC rights. Under the African Charter, however, the fulfillment of rights is absolute and immediate, i.e. not dependent on "available resources" nor subject to "progressive realization." According to the African Commission:

All rights, both civil and political rights and social and economic, generate at least four levels of duties for a State that undertakes to adhere to a rights regime, namely the duty to respect, protect, promote, and fulfill these rights. These obligations universally apply to all rights and entail a combination of negative and positive duties. (emphasis added)

In any event, it should also be noted that notions of "available resources" do not enable state parties to endlessly delay fulfillment or hide behind corruption or mismanagement to justify failure to make sufficient resources available to fulfill ESC rights. Indeed, as elaborated in the Limburg Principles, states parties have "minimum core obligations" for each ESC right that attach immediately irrespective of the level of economic development.

Another duty on states parties to these instruments is the obligation to guarantee ESC rights without discrimination, particularly across genders, and to put in place particular measures to ensure equal enjoyment of ESC rights by traditionally marginalized or vulnerable groups. Beyond the ICESCR and the African Charter, other instruments to which Nigeria is party underscore the importance of ESC rights protection to such groups. For instance, the Protocol to the African Commission on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) enshrines women's right to adequate housing, right to food security, right to education, labour rights, and

economic and social welfare rights, among others.

General recommendations on ESC rights

The Commission therefore undertakes to:

- Launch various public education activities aimed at raising awareness across Nigeria about ESC rights and the types of ESC rights-related complaints that can come before the Commission
- Hold thematic public inquiries on issues relating to ESC rights
- Develop materials to train and assist Nigerian civil society organizations in specialized techniques for monitoring and documenting ESC rights violations.

The Commission further makes the following recommendations:

- To the Presidency and the National Assembly:
- Amend the 1999 Constitution of the Federal Republic of Nigeria to incorporate all ESC rights into Chapter IV or otherwise domesticate the ICESCR
- Sign and ratify the Optional Protocol to the ICESCR
- Adopt and implement federal policies aimed at fulfilling ESC rights
- Provide additional safeguards against the violations of ESC rights of marginalized and vulnerable groups through appropriate legislation, policy, and programs to ensure that these groups have equal and fair access to the enjoyment of those rights

To State Government and Houses of Assembly:

- Enact state legislation recognizing and protecting ESC rights
- Adopt and implement state policies aimed at fulfilling ESC rights
- Review and revise policies that violate the ESC rights of marginalized and vulnerable groups to ensure government compliance with international human rights law

See, e.g., Ahenevule v. Imperial Medical Center & Anor., Suit No. ID/1827/2009 (27 Sept. 2012).

F. Woon, International Human Rights Law in Africa, p. 217; *The Social and Economic Rights Action Center and Center for Economic and Social Rights v. Nigeria*, ACHPR Comm. No. 155/95, 67 (2001), para. 43. See e.g., *The Registered Trustees of Social and Economic Rights Advocacy Project v. The Federal Republic of Nigeria & Anor.*, ECOWAS Judgment No. ECW/CCJ/JUD/07/10, ECOSOC, Comm. on Human Rights, 73 Limburg Principles on the Implementation of the International Covenant on Economic, Social and Cultural Rights, U.N. Doc. E/CN.4/1987/17.

CHAPTER 6: Right to Health

Introduction

The right to health contains freedoms (i.e. freedom from discrimination and involuntary treatments) and entitlements (i.e. access to timely, acceptable, and affordable care of appropriate quality). It is an inclusive right, extending to timely and appropriate health care, and to the underlying determinants of health, such as access to safe and potable water and adequate sanitation, healthy occupational and environmental conditions, and access to health-related information, including sexual and reproductive health.

Access to healthcare services remains the most significant challenge facing Nigerians in the area of right to health. The most significant barriers to access include cost of available services, and in some cases distance from available services. The National Health Act enacted in 2014 is intended to help close the access to health gap, ensuring a minimum care package of services to all Nigerians – however, it remains too early to assess its impact. Still a mere 3% of Nigerians are covered by the National Health Insurance Scheme. The most notable success in 2015, was marking 12 months without any recorded cases of polio for the first time in Nigeria. Other indicators, such as rates of maternal mortality and HIV/AIDS prevalence have declined moderately.

Generally, however, healthcare is not perceived as a right in Nigeria. Medical services, even in cases of emergency, at both public and private health facilities are routinely refused when a patient is unable to pay for the services upfront, or first go source for all of the necessary supplies for medical care to be rendered. Services that are stipulated to be “free” under Federal and State laws and policies are rarely free – this includes care for children under 5, pregnant women, persons over 65, indigent, disabled and others. For all of these reasons, even though there has been notable progress, particularly in the realm of new laws and policies, realities on the ground have not substantially changed.

Legal framework in Nigeria

The right to health is protected in numerous international human rights treaties and agreements, including the Universal Declaration of Human Rights, and the International Covenant on Economic, Social and Cultural Rights. Article 25 of the Universal Declaration of Human Rights (UDHR) provides that "everyone has the right to a standard of living adequate for the health and wellbeing of himself and his family..." Article 12 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) further elaborates that the right to health is the "right of everyone to the enjoyment of the highest attainable standard of health" (see also Preamble to the Constitution of the World Health Organization). However, there are nonetheless core minimum standards, certain entitlements that are so basic and fundamental that they are required in all circumstances (see UN CESCR General Comment No. 14). Article 12 of ICESCR specifically calls for:

"provision for the reductions of...infant mortality and for the health development of the child; the improvement of all aspects of environmental and industrial hygiene; the prevention, treatment and control of epidemic, endemic, occupational, and other diseases and the creation of conditions which ensure the availability of medical service and medical attention in the event of sickness."

Other human rights instruments that provide for the right to health include the African Charter on Human and Peoples' Rights (ACHPR), CEDAW, CERD, CRC, ICCPR, and the ILO.

The right to health is also protected under the Constitution of the Federal Republic of Nigeria 1999. Section (3)(d) of the directive principles of Chapter 4 of the Constitution asserts that "the State shall direct its policy towards ensuring that there are adequate medical and health facilities for all persons." Directive principles are expressions of intent, and do not create rights that are enforceable before a court of law. This is one of the primary legal obstacles to the realization of the right to health in Nigeria.

Progress toward realization of the right to health in Nigeria

In 2015 the government continued to make significant efforts to improve the health of all Nigerians, in line with the UN Millennium Development Goals. Below are indicators from various health sectors:

• **Maternal and child mortality:** In 2015 the maternal mortality ratio in Nigeria was 814 deaths per 100,000 live births (according to WHO).

UNICEF, World Bank, and UN Population Division). This ratio is lower than 5 years earlier, in 2010, when the ratio was 867 deaths per 100,000 live births. However, according to UNICEF, currently less than 20% of health facilities in Nigeria provide obstetric care and only 35% of deliveries are attended to by skilled birth attendants – two factors that undoubtedly contribute to the continued high incidence of maternal mortality in the country.

Polio: In September 2015 the World Health Organization removed Nigeria from the Polio Endemic List, marking the first time that Nigeria halted the transmission of wild poliovirus. The last reported case of wild poliovirus was recorded on 24 July 2014, meaning that over 12 consecutive months there were no reported cases. This marks a dramatic improvement, since as recently as 2012, Nigeria accounted for more than half of all polio cases worldwide.

HIV/AIDS: As of 2015, Nigeria still has the second highest HIV/AIDS burden in the world, with an estimated 3,500,000 people living with HIV and AIDS (according to United Nations AIDS estimates). However, over the last decade there has been significant progress in halting the spread of the epidemic and ensuring widespread availability of ARVs. Moreover, recently signed into law HIV/AIDS (Anti-Discrimination) Act (2014), is expected to bolster efforts to eliminate all forms of discrimination against persons living with HIV/AIDS, and create a supportive environment for managing HIV in the workplace and at home.

Health insurance: The National Health Insurance Scheme became operational in 2005 with the aim of providing easy access to healthcare for all Nigerians at an affordable cost through various prepayment systems. As of 2015, however, coverage remains limited. In 2014 an estimated 5 million persons were enrolled in the NHIS, amounting to about 3% of the total population. The NHIS mainly covers persons employed by the federal government. In 2014 the National Assembly passed the National Health Act which guarantees all Nigerians access to a minimum package of basic healthcare services, including the provision of free medical care for children under five years of age, pregnant women, the elderly and people with disabilities.

Complaints received by the Commission

In the period under review (2015), the Commission received one new complaint of violation of the right to health in Nigeria. The case is described below:

1. On 18 May 2015, the Commission received a complaint from Mr. Asemewatan Joseph and his wife Ms. Esa Asemewatan regarding alleged medical malpractice in maternal healthcare. Ms. Asemewatan was registered with Narrow Way Hospital for her ante-natal care, and attended all of her appointments with her doctor, took all her medications as prescribed and did all the scan as recommended. However, on 14 July, she was rushed to the hospital with serious labour pains. On that day, the nurse in charge of her checked her cervix, ruptured her water and induced her manually, and then abruptly the nurse claimed it was passed her closing time and she left. The nurse that took over from the first nurse, neglected Ms. Asemewatan. At about 11pm, after she had lost a lot of blood from labour, the baby came out but was stuck in the birth canal. The complainants were then referred to the University of Benin Teaching Hospital after the doctor on duty informed them that the Narrow Way Hospital could not handle their case. At UBTH, Ms. Asemewatan was operated upon, and was delivered of a baby girl.

Months later, they noticed that the child had a deformity which affected the brain, which they referred to as cerebral palsy. The complainants alleged that this deformity has affected them financially and emotionally, and that it is due to the negligence exhibited by the Narrow Way Hospital.

The Commission has referred this case to a pro-bono lawyer to assist the complainants in obtaining remedy through a civil action against the erring hospital in court.

Other cases reported / documented

In the period under review (2015), there were some reports in the media on incidents of violations of the right to health in Nigeria. These include:

1. On 14 January 2015, *Daily Champion* newspaper (p. 28) reported that the

Joint Health Sector Union (JOHESU) has vowed to sustain its strike in Katsina State despite threat by the State Government to withhold salary of members. The union comprises nurses and midwives, health technicians and other related health related workers.

2. On 20 January 2015, the *Daily Trust* newspaper (p. 32) reported that the Kwara health system continues to suffer reduction in capacity to provide services as workers continue strike. The health workers had previously declared an indefinite strike, demanding increase of Consolidated Health Institutions Salary Scheme (CONHESS) from 50% to 100% and provision of infrastructure in the state-owned health facilities.
3. On 28 January 2015, *Channels TV* reported that Nigerians with disabilities have requested that INEC ensure that adequate provision is made to ensure that disabled persons are able to effectively participate in the upcoming presidential election.
4. On 2 February 2015, the *Nigerian Tribune* newspaper (p. 2) reported that the Minister of Health, Dr. Khaliru Alhassan and the Labour Minister, Kabiru Turaki, have appealed to striking health workers, under the aegis of the Joint Health Sector Union (JOHESU) to immediately call off the current strike action in the interest of the public, assuring them that the Federal Government will expediently look into their demands.
5. On 3 February 2015, the *Daily Champion* newspaper (p. 2) reported that on 2 February 2015 the Supervising Minister of Health, Dr. Khaliru Alhassan, advised Nigerians not to panic over the outbreak of avian influenza, saying the situation was under control.
6. On 3 February 2015, the *Daily Champion* newspaper (p. 21) reported that on 30 January 2015 the Chief Medical Director, University of Uyo Teaching Hospital, Prof. Etete Peters appealed to striking health worker under the Joint Health Sector Unions (JOHESU) and Assembly of Health Professionals Association (AHPA) to heed the Federal Government call and return to work for the sake of the patients. The appeal came even as the three months old industrial action by the workers across the country has hampered hospital's effort to run full-scale health services.

The Commission urges the Ministry of Health to take prompt action in cases

of strikes of health workers due to the impact that understaffed and closed health facilities can have on the right to health of all Nigerians.

7. On 3 February 2015, the *Nigerian Tribune* newspaper (p. 11) reported that on 2 February 2015 four gunmen abducted a major newspaper agent Mrs. Funmilayo Ajayi in Ijebu-Ode, Ogun State and whisked her away to unknown destination.
8. On 3 February 2015, the *Daily Trust* newspaper (p. 11) reported that on 2 February 2015 the Joint Health Sector Unions called off their strike that was started in November to push for implementation of prior agreements reached with government. The suspension came after JOHESU met with President Goodluck Jonathan who assured that their demands would be addressed.
9. On 4 February 2015, the *Nigerian Tribune* newspaper (p. 8) reported that on 3 February 2015 the Chairman of the Nigerian Medical Association (NMA) in Oyo State, Dr. Muideen Olatunji, said that the outbreak of avian flu in the state was contained.
10. On 11 February 2015, the *Nigerian Tribune* newspaper (p.32) reported that Kafin-Hausa, and Malammadori Local Government Area of Jigawa State, said that they immunized 130,356 children against polio in their January 'roads campaign.'
11. On 25 February 2015, the *Nigerian Tribune*(p. 32) reported that on the 25th of February, 2015 the Plateau State Government announced it would recruit 20,000 personnel for the distribution of 2.2 million treated mosquito nets in the 17 local government areas of the state.
12. On 7 March 2015, *Leadership* newspaper reported an alarming trend of maternal mortality in Nigeria, where incidence is nearly the highest in the world.
13. On 14 May 2015, the *Daily Trust* newspaper reported that at least 28 children all aged less than five, have died in an outbreak of lead poisoning in Rafi Local Government Area of Niger State. It stated that all the dead and those affected had lead concentrations nearly 22 times higher than accepted safety limits established by the World Health Organisation (WHO).

The Commission referred this case to the Federal Ministry of Health, only to learn that they had already sent a team to the location of the outbreak to commence remediation efforts.

14. On 1 October 2015, the *Guardian* newspaper reported that a recent study found disabled women and girls at a higher risk of sexual and gender-based violence. The study also found that many families don't send their disabled children to school.
15. On 25 September 2015, the World Health Organization announced that polio is no longer endemic in Nigeria – the first time that Nigeria has interrupted the transmission of wild poliovirus. As recently as 2012, Nigeria accounted for more than half of all polio cases worldwide.
16. On 30 November 2015, the *Vanguard* reported that stigmatization and discrimination against persons living with HIV/AIDS is killing Nigerians faster than HIV infection is. A spokesperson for the Network of People Living with HIV/AIDS in Nigeria (NEPHWAN) further asserted that only 500,000 Nigerians are receiving antiretroviral treatment in Nigeria, out of the millions of people living with HIV/AIDS.
17. On 2 December 2015, the *Daily Post* reported that the Federal Minister for Health said 3.4 million Nigerians are living with HIV or AIDS out of a global population of 36.9 million persons living with HIV or AIDS. At present, only about 800,000 persons living with HIV or AIDS in Nigeria have access to antiretroviral drugs, according to the Minister.

Recommendations

The Commission therefore undertakes to:

- Commence a campaign to publicise and raise awareness of the fundamental right to health and its components
- Monitor mental health facilities and 'rehabilitation' centres to evaluate whether patients' rights to health are being respected

The Commission further makes the following recommendations:

To the Federal Government and State Governments:

Provide adequate funding for primary and secondary healthcare facilities and provision of minimum care package including immunizations, and maternal and new-born care

Ensure immunizations are provided free of charge

Ensure access to healthcare services for poor and marginalized populations by removing cost, language, and distance barriers

Identify and remove administrative, physical, and any other barriers that impede access to birth registration

Establish a Commission of Inquiry to investigate all state "rehabilitation" facilities and mental health facilities to determine whether patients are receiving adequate care

To the Nigerian Prison Service:

Recognizing the vulnerability of persons in detention and the government's responsibility for persons in their custody, the Commission urges all prison officials to be vigilant in ensuring that all inmates receive necessary vaccinations consistent with their obligation to protect and fulfil inmates' right to health

Adopted from UN Human Rights Council, "Report of the Working Group on the Universal Periodic Review, Nigeria" A/HRC/25/6, Conclusions and Recommendations, available here: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G13/190/10/PDF/G1319010.pdf?OpenElement>

CHAPTER 7:

Right to Adequate Housing or Shelter

Introduction

The right to adequate housing or shelter is the right to obtain and sustain a safe and secure home and community in which to live in peace and dignity. For housing to be adequate, it must, at a minimum, meet the following criteria: security of tenure, availability of services, affordability, habitability, and accessibility (see below legal framework for further elaboration).

In Nigeria's urban centres millions of poor live in informal settlements and slums. These settlements are typically characterized by insecurity of tenure and poor or non-existent government services, such as drainage, waste disposal, roads, electricity, and water. In the name of "beautification," "modernization," or otherwise, State governments often demolish these communities without providing any notice or complying with any basic due process as required by law, constituting a forced eviction, in gross violation of the right to adequate housing. Unfortunately during the reporting period, the Commission observed no decrease in the number of forced evictions carried out by government actors across the country.

The legal and regulatory framework for acquiring and registering an interest in land, and obtaining a building permit and approval, remain entirely inaccessible to the majority of Nigerians. As a direct result, Nigeria continues to suffer from a massive housing deficit, presently estimated to be at least 17 million units (UN Habitat). Unfortunately, Federal and State governments have generally made few, if any, genuine efforts to ensure that housing developers are building affordable housing. So called "affordable housing" or "social housing" schemes (e.g. Lagos Home Ownership Mortgage Scheme) are unaffordable to the majority of Nigerians, to say nothing of the poor for whom they are, at least rhetorically, intended.

Legal framework in Nigeria

Section 16 (2)(d) of the 1999 Constitution of the Federal Republic of Nigeria

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provides that the State "shall direct its policy toward... ensuring that sufficient and adequate shelter... are provided for the citizens" (emphasis added). Section 16 falls within Chapter 2 of the Constitution which contains 'direct principles of state policy,' the right is not justiciable under the Constitution. However, the right to housing and adequate shelter is justiciable under the African Charter on Human and Peoples' Rights (Ratification and Enforcement Act 1990). In *SERAC & ESCR v. Nigeria*, Communication 155/96, the African Commission found that the combined effect of Articles 14 (right to property) (right to family life), and 18 (right to health) of the African Charter on Human and Peoples' Rights, read together, establishes the right to adequate housing.

The right to adequate housing is also explicitly set out in the Universal Declaration on Human Rights (UDHR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), as well as various international or regional human rights instruments that Nigeria has signed or to which Nigeria is party.

The UN Committee on Economic, Social and Cultural Rights has understood that the right to adequate housing should not be interpreted narrowly to mean four walls and a roof over one's head, rather it should be seen as the right to live somewhere in security, peace and dignity. This means that the right to adequate housing guarantees the right to live in security, peace and dignity.

The right to adequate housing has several key elements (from UN OHCHR *Right to Adequate Housing Toolkit*):

- **Legal security of tenure:** Regardless of the type of tenure, all persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats;
- **Affordability:** Personal or household financial costs associated with housing should not threaten or compromise the attainment and satisfaction of other basic needs (for example, food, education, access to health care);
- **Habitability:** Adequate housing should provide for elements such as adequate space, protection from cold, damp, heat, rain, wind or

threats to health, structural hazards, and disease vectors;

Availability of services, materials, facilities and infrastructure: Housing is not adequate if its occupants do not have safe drinking water, adequate sanitation, energy for cooking, heating and lighting, sanitation and washing facilities, means of food storage, refuse disposal, etc.;

Accessibility: Housing is not adequate if the specific needs of disadvantaged and marginalized groups are not taken into account (such as the poor, people facing discrimination; persons with disabilities, victims of natural disasters);

Location: Adequate housing must allow access to employment options, health-care services, schools, child-care centres and other social facilities and should not be built on polluted sites nor in immediate proximity to pollution sources;

Cultural adequacy: Adequate housing should respect and take into account the expression of cultural identity and ways of life.

The government has both negative and positive obligations vis-à-vis the right to adequate housing. This means the State is obligated first to respect the right to adequate housing, for instance refraining from carrying out forced evictions. The State must also take steps to progressively realize the right to adequate housing, for instance by improving sanitation infrastructure to residential areas, regulating or subsidizing the market to ensure availability of adequate, low-cost housing for the poor, and putting in place laws, policies, and administrative structures that allow all persons to enjoy security of tenure, irrespective of tenure status, indigene-ship, or income level.

Progress toward the realization of the right to adequate housing or shelter in Nigeria

In Nigeria, many people live in poor quality housing and in unsanitary environments. The problem of inadequate housing in cities has been compounded by the rapid rates of urbanization due to economic growth outpacing urban planning. Indeed, UN Habitat estimates 67% of Nigeria's urban populations live in slum conditions. Widespread insecurity of tenure – most pronounced in urban areas – is one of the gravest threats to the realization of the right to adequate housing, allowing all-too-frequent forced evictions.

Housing difficulties are more serious for low-income groups in urban areas, to inflated real estate values, speculation in the housing market, influx of migrants, and lack of adequate planning and infrastructure development. Causes of the housing problem include: high rent in the formal housing market, inadequate mortgage finance, and inaccessibility to mortgage loans. These problems have resulted in overcrowding, poor and inadequate social amenities, unsatisfactory and unwholesome environmental conditions, urban squalor, the absence of open space, the over development of land area leading to the overcrowding of buildings, inaccessibility within residential areas, high cost of building materials and high cost of rent has further exacerbated the difficulties in obtaining housing.

Environmental degradation and global climate change also have negative effects on housing as many of the victims are rendered homeless through natural disasters, thereby increasing the number of internally displaced persons in the country. Rising sea level due to climate change has already impacted coastal communities and caused flooding in residential areas. Coastal cities, such as Lagos, will likely be most impacted by rising sea levels which will likely affect the homes of millions of Nigerians.

Complaints received by the Commission

In the period under review (2015), the Commission received numerous complaints of violation of the right to adequate housing in Nigeria. They include:

1. NHRC/NGSO/2015/035

On 29th November 2015, the Commission received a complaint from Suleiman Adamu Tanko (Rtd) regarding planned demolition of an old Army Engineer Barrack, Suleja, Niger State by the Niger State Urban Development Board (NSUDB). According to the complaint, the occupants received a notice of demolition, however asserted that they have a legal right to reside in the barracks on account of permission granted by the Nigerian Army. The NSUDB maintains that the Army Engineer Barrack is owned by the Niger State Government through the Niger State Development Company Limited (NSDC).

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After receiving the complaint, the Commission approached NSUDB and also followed up with a letter by way of an appeal to stay action on the planned demolition pending the outcome of our investigation and consultation with relevant authorities. Through contact with the legal adviser of NSUDB, we submitted a letter on 30 September 2015 to the office of the Executive Secretary and also called on the attention of the Director, "P. & I." on 20 October 2015 NSUDB replied by way of a letter urging the Commission to expedite action on the investigation. On 22 October 2015 the Commission subsequently sent a follow-up letter to the Executive Secretary, and called on the attention of Director, P. & I. The Commission still awaits a response from NSUDB.

2. C/2015/178/KD

On 30 November 2015, the Commission received a complaint from Maryam Haruna, Ruth M. Ayis and Victoria W. Bako claiming that they are retired staff of the Ministry of Education still residing in the Government Quarters and up till date their gratuities have not been paid. They asserted that such gratuities would enable them leave the Government Quarters and obtain alternative accommodation, which they claimed has been the practice in the Ministry. On 26 November 2015 a truck loaded with Nigerian Police Force officers with guns came to their quarters and threatened them to vacate the Government Quarters without any notice.

3. C/2015/179/KD

On 30 November 2015, Members of the Association of Nassarawa Kofar Doka Development Association, Kofar Doka, Zaria, petitioned the Commission alleging that the Kaduna State Urban Planning and Development Authority (KASUPDA), acting on the orders of the Executive Governor of the State Mallam Nasiru El-Rufai, ordered that their houses be marked for demolition. They further claimed that all efforts to engage the Governor in dialogue or give them fair hearing has proven abortive. The complainants met with the Secretary to the State Government on 11 August 2015 who asked them to bring proof of ownership.

4. C/2015/166/KD

On 16 November 2015 Lekan Oyerinde and Associates petitioned the Commission stating that a property matter was adjudicated by the High Court of

Kaduna State in favor of his clients, but that after executing a writ of possession against NDA, members of the Nigerian Army came to the property and forcefully evicted the owners.

5. C/2015/87/KD

On 4 August 2015 the Commission received a complaint from Mr. Danjuma Ibrahim alleging that his landlord's son has locked his house without notice, without any formal legal process and has refused Mr. Ibrahim and his family entrance into their home causing them to squat with family members and friends.

6. C/2015/97/KD

On 4th August 2015 the Commission received a complaint from the village head of Sabon Gari, Kaduna on behalf of his community stating that their tenant Idris Jaji (formerly called NASI) of the Nigerian Army has attempted to forcibly dispossess the community of their land and landed properties.

Other cases reported / documented

In the period under review (2015), there were some reports in the media about incidents of violations of the right to adequate housing or shelter in Nigeria. These include:

1. On 16 May 2015, the Daily Post reported that the Ogun and Lagos state governments commenced demolishing homes of approximately 60,000 occupants in Akute, Baale Akin-Osin, and Oke-Akoko communities.
2. On 15 June 2015, Information Nigeria reported that Taraba state demolished structures within Jalingo metropolis to restore the city to its original master plan. Owners of the structures reportedly received compensation or relocation.
3. On 18 June 2015, Premium Times newspaper reported that the Abia State governor issued notices to residents of Aba that his government would demolish all structures that didn't have proper building permits. No alternative housing provided.

4. On 10 July 2015, the Daily Post reported that the Benue government demolished 115 structures and marked another 193 for demolition. No alternative housing provided.
5. On 7 August 2015, Channels TV reported that the Kaduna State government has demolished 93 private houses after serving the residents with a 3 week notice of the impending demolition. No alternative housing provided.
6. On 18 August 2015, Vanguard News reported that sex workers in Anambra State protested over the demolition of their homes with inadequate notice rendering them homeless. The Anambra State Urban Development Board alleged that the brothels were used by kidnappers, and therefore had to be demolished. No alternative housing provided.
7. On 19 August 2015, Premium Times newspaper reported that the Kano State Urban Planning and Development Authority has concluded plans to demolish 100 "illegal" structures and ban street hawkers from roadsides in order to beautify the city. No alternative housing provided.
8. On 21 August 2015, the Premium Times reported that a Kaduna High Court issued an injunction against the Kaduna State Government to prevent them from carrying out a demolition of homes and properties along Constitution Road in Kaduna metropolis. Governor El Rufai warned his state agencies against "blanket marking" of structures for demolition.
9. On 18, 19, and 20 September 2015, Justice & Empowerment Initiatives, a Nigerian human rights NGO documented the forced eviction of approximately 10,000 residents living in Badia East and Badia West. The eviction was widely condemned as illegal and a gross violation of human rights by local and international human rights organizations, including the UN Special Rapporteur on Adequate Shelter and Amnesty International. To date there has been no remedy for the affected persons despite legal action and countless meetings with the

10. On 29 September 2015, the Premium Times reported that residents of Badia East were rendered homeless by the demolition exercise carried out by the Lagos State Government. No compensation or alternative accommodation was offered to any of the evictees.
11. On 23 October 2015, PM News reported that the Rivers State Government would begin demolishing structures located along creeks in order to improve the flow of water and drainages.
12. On 24 December 2015, PM News reported that the Nigerian Army began demolishing buildings belonging to the Shiite Muslim "Islamic Movement" in Kaduna state. The group protested the demolitions of their religious structures.

Recommendations

The Commission therefore undertakes to:

- Publicly condemn all forced evictions and land grabs, including the September 2015 forced eviction of approximately 10,000 residents living in Badia East and West in Lagos
- Immediately conclude Panel of Inquiry into Forced Evictions which commenced work in 2013 and adjudicate all cases pending before it
- Engage government and donor agencies to raise necessary funds to facilitate conclusion of work of Panel of Inquiry on Forced Evictions
- Work with any interested state or federal legislators or policy-makers to develop policies and legislation that adequately prevent forced evictions in line with international human rights law and standards

The Commission additionally makes the following recommendations:

To the Federal Government and State Governments:
Immediately stop carrying out all forced evictions and mass evictions

Provide remedy, including compensation and alternative accommodation to all individuals affected by past forced evictions in line with domestic and international human rights obligations

Work with communities targeted for urban upgrading or other development projects (e.g. infrastructure) to develop community-led regeneration plans

Adopt legal and procedural safeguards to ensure that all evictions comply with international human rights standards, including by introducing legislation in the State Houses of Assembly setting out safeguards that must be followed to prevent forced evictions (based on the UN Basic Principles and Guidelines on Development-based Evictions and Displacement)

Prioritize the most disadvantaged groups in any housing policies and programmes, including tenants

Develop land titling policies to create pathways for formalization of tenure for informal settlements

Create policy framework that requires mortgage banks to reserve a percentage of housing finance that is accessible to the poor (including favorable pro-poor conditionalities)

To multi-lateral development banks, including the World Bank and the African Development Bank

Include clauses in all loan agreements with the government that effect penalties if Environmental and Social Safeguards are violated

Require direct participation of project beneficiaries and civil society organizations in all loans for development projects aiming to upgrade infrastructure (e.g. roads, public water supply, drainages) or housing

Right to Adequate Food

Introduction

"The right to adequate food is realized when every man, woman and child, alone or in community with others, have the physical and economic access at all times to adequate food or means for its procurement." (General Comment 12, CESCR) The right to adequate food is of particular relevance to certain populations for whom access to suitable and adequate food is limited or constrained in some way. In Nigeria, the region with the most acute food insecurity is the northeast where a number of factors including the Boko Haram insurgency and desertification have created a humanitarian crisis. More generally, populations facing food insecurity include the rural and urban poor, internally displaced persons, as well as persons in custody of the state – whether in detention, a public medical facility, or a public educational institution.

With fertile lands for growing crops and significant natural resources, no one in Nigeria should go hungry. Indeed, in this context, violations of the right to food – hunger and malnutrition – are particularly concerning to the Commission. By highlighting the right to food for the second time in the Commission's annual State of Human Rights report, we seek to elevate the importance of this right in our discourse in hopes that violations of the right to food will become few and far between in the coming years. However, we know well that this will only be possible with concerted efforts by the government to take steps to ensure food security for all Nigerians.

Legal Framework in Nigeria

At the national level, section 16 (2)(d) of the 1999 Constitution of the Federal Republic of Nigeria, provides that the State "shall direct its policy toward...ensuring that suitable and adequate food... are provided for the citizens" (emphasis added). Section 16 falls within Chapter 2 of the Constitution which contains 'directive principles of state policy,' the right to

adequate food is not justiciable under the Constitution. However, the right to adequate food is justiciable under the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act 1990. In SERAC & ESCR v. Nigeria, Communication 155/96, the African Commission interpreted the right to food as being implicitly protected under the African Charter on Human and Peoples' Rights through the right to life, the right to health, and the right to economic, social and cultural development. The Commission reasoned:

"The right to food is inseparably linked to the dignity of human beings and is therefore essential for the enjoyment and fulfillment of such other rights as health, education, work and political participation. The African Charter and international law require and bind Nigeria to protect and improve existing food sources and to ensure access to adequate food for all citizens. Without touching on the duty to improve food production and to guarantee access, the minimum core of the right to food requires that the Nigerian Government should not destroy or contaminate food sources. It should not allow private parties to destroy or contaminate food sources, and prevent peoples' efforts to feed themselves."

The right to food is also recognized in various international and regional human rights instruments. The International Covenant on Economic, Social and Cultural Rights (ICESCR), to which Nigeria is party, guarantees the right to adequate food in Article 11. This same article recalls the fundamental "right to be free from hunger" and obligates states parties to take necessary measures to ensure this right. In other words, ensuring the right to be free from hunger is a minimum core obligation on states parties.

Further, the Universal Declaration of Human Rights proclaims that, "everyone has the right to a standard of living adequate for the health and well-being of himself and his family including food." Similarly, Universal Declaration on Eradication of Hunger and Malnutrition provides that "every man, woman and child has an inalienable right to be free from hunger." Other non-legally binding human rights instruments, including recommendations, guidelines, resolutions or declarations, also make provisions for the right to food and serve as guidance for the implementation of the right to food.

The right to food means the right to have continuous access to the resources that will enable one to produce, or earn a living and purchase, food - not only to prevent hunger, but also to ensure health and wellbeing. The right to adequate food is said to be realized when every man, woman and child, alone or in a community with others, has the physical and economic access at all times to adequate food or means for its procurement.

In 1999, the UN Committee on Economic, Social and Cultural Rights described the right to food as having access by all to "food in a quantity and quality sufficient to satisfy the dietary needs of individuals, free from adverse substances, and acceptable within a given culture; in ways that are sustainable and that do not interfere with the enjoyment of other human rights."

It is important to emphasize certain elements of the right to food that must be met before the right is realized: availability, sustainability, accessibility, affordability, and adequacy.

- Availability refers to the fact that there must be enough food to feed the entire population.
- Sustainability means that food must be available at all times to feed not only the present but future generations.
- Accessibility requires that economic and physical access to food is guaranteed. Economic access means that food must be affordable, in other words it must be within the reach of people of all income levels at all times, while physical accessibility means that food should be accessible to all people, including the vulnerable, such as children, the sick, persons with disabilities, or elderly.
- Affordability means that the cost of staple foods must be within the financial means of all people, including most importantly, the poor.
- Adequacy means that the food must satisfy dietary needs required by an individual.

Progress toward realization of the right to food in Nigeria:

Obstacles that remain to elimination of extreme hunger include: access to land for agriculture (crops and animal husbandry), discriminatory land practices (e.g. lack of tenure security for women, non-indigenes, and the urban poor), access to appropriate finance for agricultural activities, high cost of certain agricultural inputs (despite government subsidy/credit programs), lack of coordination between federal and state agriculture policies/programs, high levels of corruption, security challenges in major food-producing areas (especially in the Northeastern part of Nigeria), and water scarcity due to climate change in certain areas, among others.

Food remains prohibitively expensive in Nigeria, and absorbs one of the highest portions of the average family's monthly income. This is ever more so with the declining value of the Naira which has increased the costs of staple foods. The Federal government has made some efforts, however, to boost local agriculture through policy changes to import/export tariffs and otherwise.

Other cases reported / documented

In the period under review (2015), the Commission received no complaints regarding the right to food. However, the Commission did monitor the media for incidents of violations of the right to food in Nigeria, including:

1. On 4 February 2015, the Daily Trust newspaper (p.12) reported that about 70,000 children have been treated of malnutrition in Katsina State in the last five years. Communication and Advocacy Officer of Save the Children Group in the State, Suzan Akila, disclosed this during a visit to media houses.
2. On 18 August 2015, International Business Times reported that Nigeria is home to about 1.7 million "severely acutely malnourished children" under the age of 5 – constituting 10% of the total number of such children worldwide. Nearly 1000 Nigerian children die of malnutrition every day, making an average 361,000 deaths every year.
3. On 15 November 2015, Channels TV reported that the contractor that provides food to prisoners across Nigeria had not received payment from the government in 2015, which has forced them to scale back their food provision.

Recommendations

Due to the low number of reported cases despite the widely known challenges in the fulfillment of the right to food for many in Nigeria, the Commission undertakes to conduct broad sensitization around the right to food to increase public awareness that the Commission will accept complaints of violations of the right to food.

The Commission additionally makes the following recommendations:

To the Federal Government:

- Promote programs and policies that stop environmental degradation caused by the extractives industries and other pollutants, thereby protecting water and land necessary for food growth.
- Promote programs and policies that encourage more food growth and production in Nigeria, while helping to ensure that the costs of transporting and processing these products are reduced. This includes: ensuring access to safe and usable roads for the transportation of produce, constant electricity supply to prevent refrigerated and processed goods from going bad, and specialized training in agriculture and husbandry practices to ensure the most up-to-date and sophisticated methods are employed.
- Develop programs and policies to ensure that especially vulnerable populations, such as children and the aged, are provided food welfare.
- Ensure that persons in detention receive healthy and adequate meals

To State governments:

- Develop programs and policies to ensure that especially vulnerable populations, such as children and the aged, are provided food welfare.
- Protect small and local farmers by ensuring secure land tenure and fair and accurate compensation where farming land is acquired
- Prioritize women's land rights, including through inheritance and other

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Promote programs and policies that stop environmental degradation
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CHAPTER 9: Right to Education

Introduction

The right to education is comprised of both entitlements and freedoms including:

- Right to free and compulsory primary education
- Right to available and accessible secondary education (including technical and vocational education and training), made progressively free
- Right to equal access to higher education on the basis of capacity made progressively free
- Right to fundamental education for those who have not received completed primary education
- Right to quality education both in public and private schools
- Freedom of parents to choose schools for their children which are in conformity with their religious and moral convictions
- Freedom of individuals and bodies to establish and direct educational institutions in conformity with minimum standards established by the State Academic freedom of teachers and students.

With Nigeria's rapidly growing population and overstretched public services and infrastructure, there are huge gaps in the fulfilment of the right to education of all Nigerians. Additional pressures, including the Boko Haram insurgency in the northeast, the need for children to work to help support their families, among others, have forced large numbers of school-aged children out of school. Girls in particular face additional social and family pressures to drop out of school to marry, take care of other children, or otherwise. For others cost still remains a barrier, as the Federal and State governments have done little to ensure that basic education is free, despite laws and policies that mandate such to be the case, and therefore government schools regularly charge fees.

admission.

Legal framework in Nigeria

The right to education is protected under Section 18 of the 1999 Constitution as part of the Fundamental Objectives and Directive Principle of State Policy. Section 18 asserts:

Government shall direct its policy towards ensuring that there are equal and adequate educational opportunities at all levels.

Government shall promote science and technology.

Government shall strive to eradicate illiteracy; and to this end Government shall as and when practicable provide (a) free, compulsory and universal primary education; (b) free secondary education; (c) free university education; and (d) free adult literacy programme.

Although the government has committed itself to ensuring protection of the right to education – for example, subsection (3)(a) provides for free, compulsory and universal primary education – all of these provisions are limited by what is practicable for the government to do. Generally, this is understood to mean that the government will take steps to fulfil this right when practicable within its financial and material means.

To further protect the right to education; in 2004 the federal legislature enacted the Universal Basic Education Act (UBE), which established the creation of the Universal Basic Education Commission. The UBE Act provides for free, compulsory basic education up to junior secondary school level.

At the international level, Nigeria is a state party to several human rights instruments that protect the right to education. For example, Article 13(1) of the ICESCR states:

"The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms."

Similarly, Article 17(1) of the African Charter on Human and Peoples' Rights (ACHPR) protects the right to education, stating: "Every individual shall have the right to education."

Progress towards realization of the right to education in Nigeria

Despite the legal framework that exists to protect the right to education, in practice education in Nigeria remains available primarily to those with financial means to send their children to school. This is, in part, because of decades of poor or non-existent investment in public education infrastructure. Public schools are largely under-resourced and overenrolled. As a consequence, a large percentage of school-age children attend private schools or don't attend school at all. Furthermore, conflict in the Northeast and elsewhere that have displaced populations negatively impacting access to education for children.

Complaints received by the Commission

In the period under review (2015), the Commission received a few complaints of violations of the right to education in Nigeria.

1. C/2015/028/B

On 2nd of October, 2015 the Commission received a complaint from Agwa Okeh Doris who alleged that a young female student was granted admission into the University of Benin in 2010. However, when she had concluded her first degree programme in 2014, she was denied the final clearance that would have enabled her proceed to National Youth Service Corps.

2. C/2015/026/B

On 29th July 2015 the Commission received a complaint from Confidence Emeafu who is a final year student of mathematics department 2012/2013 session at the University of Benin. The complainant stated that he was not

graduated after registering all his approved courses by the Senate of University of Benin. The department investigated and found out that it was an error from the approved list of the Senate. The complainant further stated that when he enquired from his course adviser, who admitted that it was an error, he was asked for a bribe for it to be corrected.

Other cases reported / documented

In the period under review (2015), the Commission found few reports in the media of incidents of violations of the right to education in Nigeria.

1. On 16 January 2015, the Daily Trust newspaper (p. 10) reported that the Government of Cross River State imposed a mandatory fee (and is forcefully collecting) of between N400,000 and N600,000 from private school owners in the name of tax. This has led to protests by teachers and proprietors of private primary and secondary schools in Cross River State under the aegis of National Association of Proprietors of Private Schools (NAPPS). On 15 January 2015 affected teachers and proprietors marched through Calabar to protest what they called the heavy tax imposed on them by the state government.
2. On 5 February 2015, the Daily Trust newspaper (p.32) reported that on 1 February 2015 students of the University of Maiduguri (UNIMAID) were in panic as officers of the Nigerian military were trying to repel Boko Haram insurgents from gaining access into Maiduguri.
3. On 16 September 2015, the Premium Times reported that over 10.5 million Nigerian children are out of school. Action Aid attributed unqualified teachers, poor condition of school infrastructure as key obstacles that must be overcome.
4. On 2 December 2015, the International Business Times reported that thousands of school-aged children have been displaced by Boko Haram in the northeast. By deliberately destroying schools and universities,

Boko Haram has severely limited the Nigerian government's efforts to improve education in the region.

Note however that several other human rights organizations have reported instances of violations of the right to education in Nigeria during the period under review.

Recommendations

Without equal access to education, inequality will only be further entrenched in Nigerian society. In recognition of the fact that education is a threshold right fundamental to human development and critical to the progress of Nigeria at all levels, the Commission urges:

To the Federal and State governments to:

- Enforce the Universal Basic Education Act (2004) and other state laws which mandate access to free basic education by creating a readily accessible complaints/reporting mechanism and taking swift action to censure violators
- Make greater efforts to ensure accessibility of quality education to all individuals, particularly the poor, by creating curriculums and other education materials in minority languages
- Ensure children of minority groups have equal access to education and introduce curricula recognizing their right to use and receive education in their own language
- Enforce laws that provide for free access to education and skills acquisition to vulnerable populations, including inmates, persons living with disabilities

Adapted from UN Human Rights Council, "Report of the Working Group on the Universal Periodic Review: Nigeria" A/HRC/25/8, Conclusions and Recommendations, available here: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G13/190/10/PDF/G1319010.pdf?OpenElement>

CHAPTER 10: Labour Rights

Introduction

Within the human rights framework, labour rights generally include the right to work (i.e. to earn a living by work freely chosen and accepted), the right to just and favourable conditions of work (i.e. remuneration, safe and healthy work conditions, equal opportunities for advancement, rest, and reasonable limitations on working hours), and the right to form and join labour unions. Most labour or employment relationships contain additional protections set out in a contract, which may be written or oral, and which typically identifies the benefits and responsibilities of all relevant parties. Such contracts may only increase the protections of workers beyond that which are available within the human rights framework and under the Labour Act of 1973.

During 2015 most cases of labour rights violations fell within two different categories: a) unpaid pensions or other worker's benefits, and b) labour/professional unions organizing strikes as a collective bargaining tool. Additionally, with the downturn in the Nigerian economy as a result of the loss in petroleum revenues, many states throughout the country have massive backlogs in unpaid salaries of civil servants.

Legal framework in Nigeria

The Constitution treats employment law most directly within its section on directive principles found in Chapter II. Section 17(3) of the Constitution provides that the state should direct its policy towards ensuring that:

- All citizens, without discrimination on any group whatsoever, have the opportunity for securing adequate means of livelihood as well as adequate opportunity to secure suitable employment.
- Conditions of work are just and humane, and that there are adequate facilities for leisure and for social, religious and cultural life.
- The health, safety and welfare of all persons in employment are safeguarded and not endangered or abused.

- d. There are adequate medical and health facilities for all persons.
- e. There is equal pay for equal work without discrimination on account of sex, or any other ground whatsoever.

Although the above provisions of the Constitution are not themselves enforceable, substantially similar provisions appear in legislation that is enforceable. However, Nigerian courts have expressed reluctance to resort to the Constitution to regulate the express terms of employment contracts to impose terms not contained within the contract.

The Labour Act of 1973 is the most comprehensive federal legislation relating to employment in Nigeria. The Labour Act contains many provisions that provide for protections of employees' rights that are not otherwise recognised at common law.

Within the context of international human rights law, the International Labour Organisation (ILO) is the principal body charged with formulating rules and standards to govern labour relations. The ILO has adopted numerous conventions (189), protocols (5), and recommendations (202) that provide guidelines and safeguards for employees worldwide. To date Nigeria has ratified 39 ILO conventions (consisting of 8 of 8 Fundamental Conventions, 4 Governance Conventions (Priority), and 29 of 177 Technical Conventions). A comprehensive list of ILO conventions ratified by Nigeria, as well as information about the ILO's also has a complaints procedure and country reporting guidelines are available online here: <http://www.ilo.org/>

Employment-related rights can also be found in Universal Declaration of Human Rights (Article 23) and the International Covenant on Economic, Social, and Cultural Rights (Article 6). Although both instruments have been signed by Nigeria, the UDHR is not a source of enforceable obligations and the ICESCR is not fully domesticated.

Complaints received by the Commission

In the period under review (2015), the Commission received several complaints of violations of labour rights in Nigeria. These include:

1. C/2015/28/B

On 6 August 2015, Mr. Agbozuadu O. Onotorin submitted a complaint to the Commission alleging that after retiring from Federal Civil Service under the Ministry of Defence, Air Force Department, where he worked from November 1985 to April 2006, he has not been paid either gratuity or pension.

The Commission has forwarded this complaint to the Public Complaints Commission for necessary action.

2. C/2015/035/B

On 4th September 2015, the Commission received a complaint from Mr. Inegbedion A. who alleged that Dr. Adam Oshogbe invited his wife, Mrs. Glory Inegbedion, for an official assignment on Saturday and Sunday, and that he instructed her to come alone and see him in an apartment where he resides alone. Mr. Inegbedion objected to this on the basis that Ms. Inegbedion is married and has no official engagement in her employer's residence. Ms. Inegbedion's objection to the invitation resulted in her being fired.

The Commission's investigation of this case is still ongoing.

3. C/2015/015/B

On 27 April 2015, Commission received a complaint from Mr. David Ayeni on behalf of his brother Oluwasola Ayeni, an employee of the Benin Electricity Distribution Company. The complainant allege that on 14 April 2014, Mr. Oluwasola Ayeni was directed by his Service Unit Manager, Mr. Chris Osemakhian to rectify the shattered insulator of a transformer at Ode-Irele market substation, Ondo State. That on getting to the substation, the Manager called the Maintenance Engineer Okitipupa to grant the power outage, Mr. Ayeni also confirmed the power outage. Mr Ayeni then mounted the transformer to effect the repairs having put on the necessary gadgets, and was subjected to a severe electrocution. Mr. Ayeni was in coma for several days, and underwent many surgeries, including amputation of his left arm. Throughout his stay at the hospital the company failed to visit him. While still in the hospital, a query was issued to him, alleging that he went for an unofficial assignment and was guilty of misconduct and his salary was suspended. After Mr. Ayeni replied the query, his appointment was

terminated.

The Commission made inquiries into this matter and determined that the case is presently subject of litigation in court.

4. C/2015/024/B

On 21st July 2015, the Commission received a complaint from Mr. Christophe King, a staff member of the Nigerian Police Force. According to the complainant, in 2004, he was posted to the United Bank for Africa (UBA) Akpakpava Branch with three other NPF officers as security guards to the bank. While on duty he decided to use the toilet, after he had finished, he locked the door and gave the key to the bank security man. Some minutes later, he realized he had left his pistol in the toilet. But on going back to the toilet, he found that the pistol was no longer there. He reported the lost pistol immediately to the bank and later to Esigie Divisional Police Station and to the state headquarters.

Days later a Police Investigation Panel was set up regarding the matter. At the end of the investigation, the Panel recommended that Mr. King should be demoted to the rank of a sergeant, and transferred to Ugoneki Police Station. While Mr. King was on duty at Ugoneki Police Station he received a letter of suspension from the Inspector General of Police (AIG) Office, Zone 5. He was then asked to report at Ehor Police Office where his uniform was seized and he was asked to go. Since then he has received no correspondence from the NPF. The recommendations of the Panel were not followed.

The Commission referred this matter to the Commissioner of Police for investigation.

5. C/2015/02/B

On 9th February 2015, the Commission received a complaint from Frank Aghariagbonse who was employed by Prestco Plc as a security guard for over 6 years. The complaint states that on 20 November 2015 he experienced a sudden pain in his left leg, and immediately went to the company's doctor who gave him drugs and 3 days excuse from duty. When Mr. Aghariagbonse resumed for duty, he was given a summary dismissal letter for abandonment.

of duty.

The Commission has referred this case to the Public Complaints Commission.

6. C/2015/77/KD

On 8th July 2015, the Commission received a complaint from a staff member of FULGA International Model Secondary School. The complainant brought the complaint for himself and on behalf of others, all of whom suffered from non-payment of salary for work done.

7. C/2015/33/KD

On 23 April 2015, the Commission received a complaint from Raymond Osu Galadima of No.4 Tiper Garage Kaduna alleging that he registered and paid for his WAEC examination at Queeny International, AngwanPama, Kaduna and was not registered by the School Director, Mr. Samuel Waiya. He also claimed that he asked for a refund of his money but the director has refused to pay back his money.

8. C/2015/002/KD

On 8 January 2015, the Commission received a complainant from Stephen Fayemi, Esq. of Suite 9B Gidan Bamaiyi, Ahmadu Bello Way, Kaduna, on behalf of his client Rufus Ajimati. He claimed that his client worked with Powerhill Construction Company Ltd for about six years. According to the complaint he alleged that monies were deducted from his client's salary amounting to N539,925.00 for his pension contribution, which was never remitted. He also alleged that monies were over deducted from his salary to pay his taxes amounting to N12,887.50 of overage. He further alleged that the victim has never gone on leave since he was employed and clause 7 & 8 of the company's terms and condition of employment provides for additional compensation that the victim never received.

9. C/2015/142/KD

On 26 October 2015 the Commission received a complaint from Alhaji Ibrahim Aliyu stating that he was employed by Alhaji Abubakar Ibrahim Nig.

Ltd on 15 May 1982 as a tanker driver and voluntarily retired on 3 November 2014 due to lack of payment. According to the Ibrahim Aliyu, the company is owing him N128,000.

10. C/2015/152/KD

On 4 November 2015, the Commission received a complaint from Peter Ogbu who stated that he was working with Majoe Security Guard until someone claimed his phone went missing. He claimed to know nothing about the phone, but was nonetheless sacked. The company refused to pay his outstanding one month salary.

11. C/2015/35/KD

On 27 April 2015, the Commission received a complaint from A.T. Usman-Ibinola & Co. who alleged that her client worked in Neuro-Psychiatric Hospital Barnawa, Kaduna and left the services of the hospital on 11 July 2015. The complaint alleged that she was intimidated and harassed by the Medical Director, which ultimately forced her to leave, and also stopped the Cooperative from paying her four years savings on her departure.

12. C/2015/57/KD

On 11 June 2015, the Commission received a complaint from Eweh Anthony of No. 24 Ungwan Gimbia Sabon Tasha, Kaduna, alleging that he worked for one Madam Argos of No. 18 Isa Kaita Road, Kaduna, for the month of May 2015 in her furniture factory and she has refused to pay him.

13. C/2015/116/KD

On 21 September 2015, the Commission received a complaint from Mr. Dogari Gabriel claiming he worked with Halogen Security Company from September 2012 to August 2015, but that the company refused to pay him for his work during the month of August 2015.

14. C/2015/134/KD

On 15 October 2015, the Commission received a complaint from Mr. Michael Adejoh claiming that he worked for Chellco Industries Limited for 29 years and in the course of processing his pension contribution, he found out his pension contribution hasn't been remitted to his Pension Administrator. All

efforts to compel the company to pay the pension contribution or give an explanation as to why they have not, proved abortive.

15. C/2015/136/KD

On 15 October 2015, the Commission received a complainant from Nkwocha A. Nancy on behalf of all affected midwives, claiming that they were offered appointment by the National Primary Health Care Development Agency in 2012 and then posted to various local government areas. The complaint alleged that they were informed that the relevant State Government would pay them N20,000/month, while the Local Government would pay them N10,000/month. While the Local Government has regularly paid its portion, the State Government has not. The last payment from the State Government for midwives who were appointed in 2009, 2010 and 2011, was made in November 2013. She further claimed that the midwives wrote a petition to the Ministry of Justice who invited the Ministry of Health twice for a meeting but the Ministry of Health failed to the honour the invitation.

16. C/2015/151/KD

On 2 November 2015, the Commission received a complaint from Godwin P. Umaru claiming that his brother worked for the China Zhonghao Nigerian Limited and died on official assignment in Sokoto. He claimed that after the funeral the company requested for the necessary documents for onward processing to the insurance company for payment of the deceased benefits. He provided the company the death certificate from Usman DanFodio Hospital, Sokoto, but the Personnel Manager insisted that he collected a death certificate from Gwamma Awan Hospital, Kaduna. The Personnel Manager asserted that the insurance company refused to pay the deceased benefits based on "wrong death certificate and cause of death." Mr. Umaru further stated that he met the company and they told him that there is nothing they can do.

17. C/2015/163/KD

On 11 November 2015, the Commission received a complainant from John Stephen alleging that he laid tiles for Mr. Eze on three different sites in Kaduna for a total sum of N51,500. According to his complaint he claimed that

Mr. Eze only paid him the sum of N8,000 and that he keeps giving excuses anytime Mr. Eze asks for the balance.

18. C/2015/79/KD

On 13 July 2015, the commission received a complaint from M. Bulus stating that he had worked with Daltrade Nigeria Limited from 14 June 2010 to 6 February 2015, and has not been paid his benefits.

19. C/2015/115/KD

On 21 September 2015, the Commission received a complaint from Nuhu Gonto stating that he had worked with Outsourcing Services Limited from 18 December 18 2001 to 31 March 2012. He claimed 2 months gross pay from 2004 to 2012 and overtime of four hours daily from Monday to Friday from 2008 to 2012. He claims that since his employment was terminated he has not been paid any of these benefits

20. C/2015/176/KD

On 26 November 2015 the Commission received a complaint from Musa B. Hanwa stating that he had worked with British American Tobacco and has not been paid any of his benefits after leaving the company.

21. C/2015/77/KD

On 8th July 2015, the Commission received a complaint from Mrs. Fati Fagbemi who claimed that on 16 February, 2013 she was involved in a hit and run accident by an Indomie truck from Northern Noodles company. She was taken to St. Gerald's Hospital by officers of the Federal Road Safety Corp. After surgery, Mrs. Fagbemi went to the Personnel Manager of Northern Noodles, makers of Indomie to get compensation to offset her medical bills, but was told to bring proof of the accident from the FRSC. When she went to the FRSC Marabanrindo Command, she was informed that there was no record of the accident.

22. C/2015/42/KD

On 12 May 2015 the Commission received a complainant from Olalekan Isiakha Lasisi of the accounts department at the Neuro-Psychiatric

Hospital in Barnawa, Kaduna. He alleged in his complaint that the Medical Director Dr. Sheikh Lateef and a fellow co-worker Mr. Lucky Abumere have been intimidating, maltreating and harassing him.

23. C/2015/43/KD

On 12 May 2015 the Commission received a complaint from Adamu Ibrahim of A1 Jumare Road, Rigasa, Kaduna, who claimed he entered into an agreement with Kamilco Nig. Ltd on the 1st February, 2015 for driving a Keke Napep with certain terms and conditions. Mr. Ibrahim failed to pay the balance for the week, and the company therefore collected the key. He pleaded so that the keke be returned to him but the company turned down his request and was asked to leave or be dealt with.

24. C/2015/175/KD

On 25th November 2015 the Commission received a complaint from Shamsiya Usman who stated that she was knocked down by a Dangote trailer on 4 December 2014, while standing by the roadside at a trade fair complex. The trailer crushed and damaged both of her legs. She has not received any help from Dangote.

25. C/2015/040/B

On 9th July 2015 the Commission received a complaint from Oliver Odiase Obehi who alleged that he has been denied his right of residency and work permit in Europe. The matter has been referred to the headquarters for intervention at the Spanish Embassy in Abuja.

Other cases reported / documented

In the period under review (2015), there were some reports in the media on incidents of violations of labour rights in Nigeria. These include:

1. On 16 January 2015, the Daily Trust newspaper (p.15) reported that lawyers employed by the Federal Ministry of Justice have issued a 21-day strike notice to the Federal Government over grievances dating back more than 20 years. The purpose of the proposed strike was to press home the demand for "implementation of the circular on

harmonization issued by the Attorney-General of the Federation and Minister of Justice in 1994" which has now been implemented by states' Ministries of Justice but not the Federal Ministry of Justice. The consequence of this discrepancy in implementation is a huge disparity in salaries, allowances and emoluments.

2. On 20 January 2015, the Daily Trust newspaper (p. 8) reported that PHCN workers protest over entitlements. Some retired workers of the defunct Power Holding Company of Nigeria (PHCN) protested yesterday over non-payment of their entitlements and allowances.
3. On 20 January 2015, the Daily Trust newspaper (p. 10) reported that Bauchi State workers criticized the State Government over delayed payment of December salaries. The Nigerian Labour Congress (NLC) in collaboration with Trade Union Congress (TUC) and Joint Public Service Negotiating Council have appealed to the Bauchi state government to pay them their December 2014 salary.
4. On 20 January 2015, the Daily Trust newspaper (p. 14) reported that the Nigerian Bar Association (NBA) seeks to end the judiciary workers strike. The NBA in Borno State has called on relevant authorities to ensure speedy resolutions of the judiciary workers strike which has crippled court activities for about two weeks.
5. On 3 February 2015, the Nigerian Tribune newspaper (p. 46) reported that on 2 February 2015 law officers at the Federal Ministry of Justice shut out the Attorney General of the Federation (AGF) and Minister of Justice, Mr. Mohammed Bello Adoke while protesting the Federal Government's refusal to implement the circular on harmonized salary structure for law officers issued 20 years ago.
6. On 5 February 2015, the Nigerian Tribune newspaper (p. 44) reported that on 4 February 2015 the Colleges of Education Academic Staff Union (COEASU) and Academic Staff Union of Polytechnics (ASUP) issued seven-day ultimatum to Osun State Government to remit pension funds deducted from its staff's salary or face legal action.

7. On 10 February 2015, the Daily Champion newspaper (p. 7) reported that on 9 February 2015 the management of the Ado Ekiti Federal Polytechnic threatened to sack staff of the institution if they fail to call off the strike action embarked upon by the union.
8. On 10 February 2015, the Daily Champion newspaper (p. 30) reported that Nigerian Union of Petroleum and Natural Gas workers (NUPENG) have called on organized labor, under the aegis of the Nigerian Labour Congress (NLC) and Trade Union Congress (TUC) to defend the right to work.
9. On 13 February 2015, the Nigerian Tribune newspaper (p.11) reported that workers of Federal University, Oye-Ekiti in Ekiti State have gone on rampage to protest the sack of 10 of their colleagues by the management of the institution for alleged unruly behaviour. The protesting workers took to the streets on 12 February 2015 and closed down the institution, disrupting commercial activities in the town.
10. On 26 February 2015, the Daily Trust newspaper (p. 4) reported that on 25 February 2015 about 6,000 ex-staff of the defunct Nigerian Airways threatened to boycott the general elections if their pension arrears were not paid by the Federal Government.
11. On 27 February 2015, the Daily Trust newspaper (p. 8) reported that on 26 February 2015 staff of Taraba State owned newspaper, the Nigerian Sunrise, lamented the non-payment of their six months salaries.

The Commission directed the Monitoring Department to investigate the allegations.

12. On 26 May 2016, the Daily Post reported that government employees in Osun state will begin indefinite strike because of non-payment of salaries and entitlements to workers. To date, workers are owed outstanding 6-months of salaries.
13. On 19 July 2016, Premium Times reported that government employees in Ebonyi state will commence a general strike on 21 July that will last until unpaid salaries are paid.
14. On 20 July 2016, Premium Times reported that government employees in Ondo state threatened to commence an indefinite strike if the government doesn't act fast to pay outstanding salaries.
15. On 29 July 2016, Premium Times reported that Buhari decried the non-payment of teacher' salaries by states, highlighting the importance of education to the development of Nigeria.
16. On 6 August 2015, Premium Times reported that the Nigerian Labour Congress (NLC) demanded a review of the national minimum wage, currently pegged at N18,000. The NLC asserts that the minimum wage has not kept pace with the value of the dollar, and therefore purchasing power has decreased and the minimum wage has become less than a living wage.

Recommendations

The Commission therefore undertakes to:

- Publicly condemn violations of labour rights and advise the Federal and State governments how to protect and fulfil this right
- Undertake investigations of any cases of alleged workplace discrimination, unsafe working conditions, or forced or child labour

The Commission additionally makes the following recommendations:

To the Federal and State governments:

- Promote and protect the rights of migrant workers, including by promoting the Migrant Workers Convention
- Guarantee freedom of association and effective recognition of the right of collective bargaining for workers
- Ensure timely payment of all public sector employees in order to ensure the proper functioning of the government
- Protect and respect the rights of workers, whether within a union or not, to go on strike and convene peaceful public demonstrations to raise awareness and advocate for improvement of working conditions

To the Nigerian Police Force:

- Investigate all allegations of sexual harassment, violence, or discrimination in the workplace, and work with other relevant government bodies to ensure such practices immediately cease

PART 3: Other Thematic Issues of Concern to the Commission

In addition to its focus on specific rights violations, the Commission also monitored several thematic issues during the reporting period. The thematic issues generally cut across several interrelated rights, but together form a phenomenon or situation with significant implications for human rights protection in Nigeria. Several of the thematic issues addressed in this report were addressed in previous editions of this report, and therefore build on earlier cases and situations discussed. Like in Part 1 and 2 which largely focused on individual rights, Part 3 attempts to include discussions of the legal framework, cases arising during the reporting period, and offers some recommendations to key parties for how the thematic issue can be better addressed in the future.

In the 2015 Report we address the following thematic issues:

- Terrorism and Inter-Communal Violence
- Corruption
- Access to Justice & Independence of the Judiciary
- Sexual and Gender Based Violence
- The Rights of the Child
- Environment and the Niger Delta
- Human Trafficking

As with previous chapters, but perhaps even more so given the breadth of the thematic issues addressed within Part 3, each of the chapters in this section could easily be the exclusive subject of a much longer publication on its own. However, for the purposes of this report, we have attempted to address issues broadly and briefly in order to provide a general overview, rather than deeply. In this regard, we offer the discussions of thematic issues below as a jumping off point for further study and in-depth reporting.

Terrorism and Inter-Communal Violence

Introduction

In 2015 Nigeria ranked 3rd out of 162 countries worldwide according to the 2015 Global Terrorism Index. The only two countries where terrorism was more pervasive were Iraq and Afghanistan. This indicates a worsening of terrorism-related violence in Nigeria, relative to other countries, over the year prior (2014) when Nigeria was ranked 4th overall.

The pervasive presence of terrorism, most predominantly Boko Haram in the Northeast, is deeply concerning to the Commission. Furthermore, the fact that terrorism isn't somehow isolated or particularly unique underscores the abject failure of the government to ensure that its citizens enjoy peace, order, and a life free from fear, as promised under the 1999 Constitution.

Besides the terrorism perpetrated in the Northeast predominantly by Boko Haram and other extremist Islamic fundamentalist groups, during the year under review (2015), Nigeria saw numerous inter-communal conflicts and clashes particularly in the middle belt. These clashes have, in part, been driven by climate change that has caused increased desertification in the North, forcing Fulani pastoralists to migrate further south in search of greener pastures where they clashed with local farmers.

Terrorism and inter-communal clashes affect countless human rights, including rights to life, livelihood, property, and freedoms of religion and movement, among others. For this reason, this year the Commission again uses this special 'thematic' chapter to highlight cases of terrorism and inter-communal clashes, and again call on various governmental actors to take more steps to curb these incidents.

The method of operations of the Army and other security forces that are deployed to prevent terrorism and communal leaves a lot to be desired. Where security forces are believed to be biased and are distrusted by communities

where they are deployed, their work only becomes more difficult. Often the primary victims of terrorism and inter-communal clashes are innocent civilians who are either caught in the crossfire, or are displaced and forced to reside in IDP camps and elsewhere where access to basic amenities and social services may be limited. The nature of asymmetric warfare demands mainstreaming of human rights and civilian protection to make it more humane.

Nigeria has ratified 9 of the international legal instruments against terrorism and has enacted a number of criminal laws covering various aspects of counter-terrorism, including a Money Laundering Act in March 2011 and a Terrorism Prevention Act in February 2011.

During the reporting period the government took some steps to curb the spread of conflict and violence by strengthening security apparatus, international collaborations, intelligence and information, community policing, negotiations, dialogue, and in some cases, providing a grant of amnesty. Nonetheless, the manner in which the security forces have conducted themselves in the discharge of their duty to protect lives and property in conflict areas has often raised concerns.

Complaints received by the Commission

In the period under review (2015), the Commission received only 5 complaints of terrorism or inter-communal violence, despite the high incidence of cases reported in the new media. These complaints included:

1. On 12 July 2015, the Commission read in the Leadership newspaper that a violent clash occurred on 11 July 2015 over who becomes the Chief Imam of the central Mosque in Paikoro Local Government Area of Niger State, whereupon a curfew was imposed on the town. The Commission investigation in Paikoro LGA revealed that the root cause of the conflict is as a result of agitation that the indigenous Gbagyi tribes prefer their tribe as an Imam over the Hausa Imam. The Commission met the Vice Chairman, Paikoro LGA, where he confirmed the incidence and revealed that the State Government immediately constituted a committee with membership drawn from the Ministry for Religious Affairs as well as other stake holders.

The committee, he stated has taken steps to address the issue.

2. On 8 July 2015, the Commission read in the Leadership newspaper that there was a communal clash in Agaie LGA between Mazza and Tswachiko villages in Niger State over a piece of land which left 5 people dead and 11 others injured. The newspaper stated further that before the clash, the two warring villages have been in dispute over same piece of farmland for over four years. Our investigation confirmed the incident. Although the situation is under control, the disputing parties have gone to court over the disputed land. The Commission is still monitoring the situation.

3. NHRC/NGSO/2015/027

On 8 December 2015 the Commission received a complaint concerning youth protest in Izom community which borders Lambata community. The youths of Izom community were protesting against Niger State Government's directives which prohibited the people of Izom community from observing market day on 8 December 2015. The youths from Izom community, in the process of their protest, blocked the major road linking Niger State with Suleja and Abuja. Consequently, a detachment of policemen was brought to the scene of the incidence. Our investigation revealed that the law enforcement handled the matter within the confines of the law.

Other cases reported / documented

In the period under review (2015), there were countless reports in the media on incidents of terrorism and inter-communal conflict in Nigeria. These include:

1. On 12 January 2015, the Daily Trust newspaper (p. 3) reported that the Federal Government has proposed N5 billion as counterpart funding for special economic development initiative for the Northeast this year as a special intervention programme for the region to accelerate the zones economic development. This came up as a result of the damage caused by Boko haram in the region, which necessitated aggressive and urgent action.

2. On 12 January 2015, the Nigerian Tribune newspaper (p. 8) reported that the former Minister of Health Dr. Idi Hong called on the Federal government and other relevant stakeholders to come to the aid of his people, saying that Boko Haram insurgents, who annexed the town recently have destroyed about 50% infrastructure in his home town of Hong, Adamawa State.
3. On 12 January 2015, the Daily Trust newspaper (p. 3) reported that a female suicide bomber detonated bombs that killed 8 people at Potiskum GSM market in Yobe State on 11 January 2015.
4. On 12 January 2015, the Nigerian Tribune newspaper (p. 43) reported that a 10 year old female suicide bomber detonated an improvised explosive device (IED) at Yankaji market, Maiduguri, on 10 January 2015. The suicide bomber reportedly had told traders shortly before she detonated the bombs that they should expect more bomb blasts in the State ahead of the general elections. The girl was said to have told the traders who sell chickens that there were many female suicide bombers around, threatening that people will die, especially the Civilian Joint Task Force (CJTF).
5. On 12 January 2015, the Nigerian Tribune newspaper (p. 43) reported that the United States condemned the recent killing of innocent citizens by the Boko Haram sect in Northern part of Nigeria. The release made available to Nigerian Tribune said the attack shows no regard for human life and all those responsible for the recurring attacks must be held accountable.
6. On 13 January 2015, the Nigerian Tribune newspaper (p. 4) reported that the Defence Headquarters asserted that from available evidence the number of people who lost their lives during the attack on Baga Town, Borno State, is not more than 150, as against the 2000 speculated.
7. On 14 January 2015, the Daily Trust newspaper (p.8) reported that a suspected suicide bomber riding a motorcycle along Kasuwan Mata area of Gombe metropolis was killed yesterday. It was gathered that the bomber was riding a motorcycle around 6:30pm when the bomb he was carrying exploded killing him. Sources told daily trust that after the explosion a mob

burned his remains at the scene

8. On 14 January 2015, the Daily Trust newspaper (p.12) reported that armed rustlers on Monday raided Gidan Magaji, a hamlet under Akilibu in Kachia LGA of Kaduna state, killing one herder. They also stole about 32 cattle belonging to the deceased. Vigilante were said to have gone after the thieves but could not apprehend them. A source in Akilibu said Alhaji Kadi was shot dead by the rustlers before they stole his cattle and the thieves stormed the hamlet, shooting sporadically into the air to scare the residents.
9. On 14 January 2015, the Daily Champion newspaper (p. 3) reported that the survivors of an assault by Islamic militants that killed a large number of civilians in Nigeria have described days of relentless violence in which one witness said, some people were slaughtered "like insects" according to reports by the Associated Press (AP). The accounts were given by villagers who fled the carnage in and around Baga, a town in Borno State that lies in the north eastern corner of Nigeria near the border with Chad.
10. On 14 January 2015, the Nigerian Tribune newspaper (p.4) reported that Cameroon's army said it killed 143 Boko Haram fighters, with the Government saying it was the biggest defeat it had inflicted to date on the Islamist group. The government spokesman, Issa Bakary made the announcement earlier in the week in Yaounde. He said the insurgents were killed after they attacked the military camp in Kolofata, in the north of Cameroon.
11. On 14 January 2015, the Daily Trust newspaper (p.35) reported that 20,000 Nigerians have fled to Chad, Niger and Cameroon in the past two weeks after their towns and villages were attacked by Islamist sect Boko Haram.
12. On 14 January 2015, the Daily Champion newspaper (p.2) reported that Governor Mukhtar Yero of Kaduna state has condemned the recent attack on Ambe-Madaki village in the Sanga LGA of the state. Security surveillance has been intensified in the affected communities to ensure adequate security for the people; the governor said Government would be responsible

for the payment of medicals bills of all injured victims.

13. On 15 January 2015, the Nigerian Tribune newspaper (p.4) reported that 11 insurgents were killed in Biu town in Biu Local Government Area of Borno State when four trucks loaded with Boko Haram fighters with several others on motorcycles stormed Biu town.
14. On 15 January 2015, the Nigerian Tribune newspaper (p.4) reported that 5 persons were killed and 21 injured as suicide bomber targeted Gombe mosque.
15. On 15 January 2015, the Daily Trust newspaper (p.9) reported that about 42 suspected Boko Haram insurgents, including 15 Chadians were killed by soldiers while attempting to attack a military cantonment in Biu town in Borno State.
16. On 16 January 2015, the Daily Trust newspaper (p.5) reported that thousands of youth backed the military to deal a deadly blow to Boko Haram insurgents that tried to attack Biu, Borno State on 15 January 2015. This came as the news of the impending attack spread in town. "They vowed they won't panic and flee and allow the insurgents to come and kill and destroy the town as happened in other places."
17. On 16 January 2015, the Daily Trust newspaper (p.14) reported that the Central Bank of Nigeria (CBN) and National Emergency Management Agency (NEMA) yesterday condoled with people and government of Borno State over the loss of lives, social and economic devastation occasioned by the Boko Haram insurgency. The bank also donated relief materials to displaced persons.
18. On 19 January 2015, the Nigerian Tribune newspaper (p.4) reported that Boko Haram fighters from Nigeria on Sunday kidnapped at least 60 people in a new attack in northern Cameroon in which some people were killed, police said. The Islamist militants burst into two villages in the Tourou area, torched houses and left with around 60 people, most of whom were women and children.

19. On 19 January 2015, the Nigerian Tribune newspaper (p.4) reported that one soldier and civilian were on Sunday afternoon killed while another civilian was injured at Takanda-Giwa village on the Bauchi-Jos highway as some unknown gunmen attacked an army checkpoint in the area. The attack, Nigerian Tribune gathered, caused panic on the highway, as motorists coming from either Bauchi or Jos were forced to abandon their vehicles and ran for safety.
20. On 19 January 2015, the Nigerian Tribune newspaper (p.10) reported that a suicide bomber killed four people and wounded dozens on Sunday in an attack on a bus station in Potiskum, North eastern Nigeria.
21. On 19 January 2015, the Nigerian Tribune newspaper (p.2) reported that Governor Isa Yuguda of Bauchi State yesterday received 500 internally displaced persons (IDPs) from plateau, Kaduna, Adamawa and Yobe states, promising to employ certificate holders among them. Yuguda, who received the IDPs at the Government House Bauchi, disclosed that their number in the state had risen to more than two million.
22. On 19 January 2015, the Daily Trust newspaper (p.4) reported that a Suicide bomber killed 8 people and leaving 30 others injured.
23. On 19 January 2015, the Daily Trust newspaper (p.4) reported that Boko Haram attacked Dzagula village in Gombi Local Government Area in Adamawa State.
24. On 20 January 2015, the Daily Trust newspaper (p.27) reported that Cameroon's Army has freed 24 of some 80 hostages kidnapped during a cross-border attack by suspected Boko haram Islamist fighters based in neighbouring Nigeria, a defence ministers spokesman said on Monday. The kidnapping which occurred in the north of Cameroon on Sunday around the village of Mabass, was one of the largest abductions on Cameroonian soil. Many children were among the hostages.
25. On 20 January 2015, the Nigerian Tribune newspaper (p. 10) reported

that Colonel Didier Badjeck, Cameroon ministry of Defence spokesman, said on Monday, in Yaounde, that the army had freed 30 of the 80 hostages kidnapped during a cross-border attack by suspected Boko Haram Islamist fighters based in neighbouring Nigeria.

26. On 2 February 2015, the Nigerian Tribune newspaper (p.8) reported that scores of insurgents were killed in Maiduguri on 1 February 2015 when a combined efforts of Army, Special Anti-Robbery Squad (SARS) of the Nigerian police and volunteer youths popularly known as civilian JTF successfully repelled an attempt by the Boko Haram terrorists to invade Maiduguri, the Borno state capital.
27. On 2 February 2015, the Nigerian Tribune newspaper (p.8) reported that terrorists were effectively contained around Bama, Ngom, Alou, Delwa and Mafa on the 31st of Jan, 2015 during a mopping up operation by the military. In a statement by the Director, Defence Information, Major-General Chris Olukolade, the Nigerian Army said weapons, arms, and ammunition including two armoured vehicles and two artillery guns, as well as 17 Hilux vehicles had been recovered from them.
28. On 2 February 2015, the Nigerian Tribune newspaper (p.8) reported that a suicide bombers attack targeted at a political meeting killed seven people in Potiskum on 1 January 2015 just two weeks from the general election.
29. On 2 February 2015, the Nigerian Tribune newspaper reported that in line with its commitment to partner with stakeholders, the National Emergency Management Agency (NEMA), on 31 January 2015 delivered relief materials to the Internally Displaced Persons (IDPs) in Jalingo, which were distributed in collaboration with Christian Association of Nigeria (CAN), Taraba State chapter.
30. On 3 February 2015, the Daily Champion newspaper (p. 1) reported that the National Information Centre on the 2nd of Feb, 2015 said that the ongoing war against insurgency in the North East was yielding desired results as the military had so far recaptured 10 towns hitherto seized by Boko Haram in Adamawa alone.

31. On 3 February 2015, the Daily Champion newspaper (p.6) reported that two female suicide bombers were suspected of being behind a blast on 2 February 2015 outside a stadium in Gombe where President Goodluck Jonathan had addressed a political rally, officials and rescue workers said.
32. On 3 February 2015, the Daily Champion newspaper (p.21) reported that thousands of Nigerians who fled to Niger Republic after being displaced by the festering insurgency in the northeast states of Adamawa, Yobe and Borno have received long anticipated succour from Federal Government by way of relief materials. The government dispatched high-level official delegation with over 540 metric tons of assorted food items, household items, clothing material, mattresses, mosquito nets and blanket among others.
33. On 3 February 2015, the Daily Trust newspaper (p.4) reported that six persons were killed in a clash between rival groups at the venue of a political campaign rally in Ajeromi, Ifelodun LGA of Lagos state on 1 February 2015. Several others were injured in the clash while dangerous weapons used by hoodlums were recovered by the police.
34. On 3 February 2015, the Daily Trust newspaper (p.4) reported that a few hours after Soldiers and vigilante members defeated invading Boko Haram fighters along Damboa and Dikwa roads in Borno State on 1 February 2015, many others who attempted to enter the state capital through Baga town were killed at a village near the 7 Division headquarters.
35. On 3 February 2015, the Daily Trust newspaper (p.39) reported that on 30 January 2015 a gang of armed men raided a herder's hamlet of Lanto, in Chibiri ward of the Kuje Area Council in the FCT from where they kidnapped a married woman and an eight year-old boy. The Commission immediately referred this case to the Monitoring Department to follow up the investigation of the incident by the police.
36. On 4 February 2015, the Daily Trust newspaper (p.4) reported that

Chadian troops have arrived in Nigeria to join the battle against militant Islamist groups, Boko Haram. Director- General of National orientation Agency (NOA), said with the arrival of the Chadian troops to join the multinational task force, fighting is now focused on the north-eastern town of Gamboru, in Borno State.

37. On 4 February 2015, the Daily Trust newspaper (p.4) reported that the United nations Security Council has condemned the continued escalation of attacks perpetrated by Boko Haram terrorist, including the 1 February 2015 attack in Maiduguri, Nigeria.
38. On 5 February 2015, the Daily Trust newspaper (p.54) reported that Boko Haram fighters killed nearly 70 civilians and six soldiers in an onslaught on the Cameroon border town of Fotokoi on the 4th of Feb. 2015, a Cameroon security told AFP.
39. On 5 February 2015, the Daily Trust newspaper (p.6) reported that people living on the outskirts of Maiduguri were seen leaving their homes on 4 February 2015 over rumoured plans by Boko Haram militants to attack the city again.
40. On 5 February 2015, the Daily Trust newspaper (p.7) reported that Chad's army had killed more than 200 Boko Haram insurgents on the 3rd of Feb, 2015 in a battle in the North-eastern Nigerian towns of Gamboru and Ngala, which are near the border with Cameroon.
41. On 9 February 2015, the Daily Trust newspaper (p.7) reported that Internally Displaced Persons (IDPS), mostly from Damboa LGA of Borno State and Gujiba and Gulani LGAs of Yobe State on 7 February 2015 said that the government has asked them to vacate the camp. The IDPs were taking refuge at the Wuro Brijji camp in Gombe State, following Boko haram attacks on their towns and villages.
42. On 10 February 2015, the Nigerian Tribune newspaper (p.2) reported that on the night of 8 February, 2015 the Nigerian military resisted an attempt by the Islamic sect, Boko Haram, to capture Damboa, as men of

the military, in conjunction with local vigilantes, popularly called Civilian JTF, repelled their attacks killing not less than 82 insurgents.

43. On 10 February 2015, the Nigerian Tribune newspaper (p.2) reported that on 9 February 2015, members of the Islamic extremists, Boko Haram pushed their conflict further into neighbouring countries with attacks on Cameroon and Niger Republic, abducting more than 30 people including those aboard a packed bus.
44. On 10 February 2015, the Nigerian Tribune newspaper (p.2) reported that a report from Niamey, Capital of Niger Republic, on Monday 9th of Feb, 2015 said that the Boko Haram sect attacked a prison in the country overnight. The attack allegedly happened, hours before Niger's parliament was due to vote on joining a regional offensive against the militants.
45. On 11 February 2015, the Daily Trust newspaper (p.3) reported that Niger forces on 7th of Feb, 2015 killed over 300 Boko Haram members in Diffa town.
46. On 11 February 2015 the Nigerian Tribune newspaper (p.42) reported that the country home of Governor Gabriel Suswam has been devastated with the invasion of Fulani herdsmen, leading to the death of about 18 persons in the last few days.
47. On 11 February 2015, the Nigerian Tribune newspaper (p.43) reported that the Director-General of the National Emergency Management Agency (NEMA), Muhammad Sani-Sidi, has constituted a high-powered investigative panel to look into allegations of rape and child trafficking in some Internally Displaced Persons camps in the North-East.
48. On 11 February 2015, the Daily Trust newspaper (p.10) reported that displaced persons from Monguno Local Government of Area Borno State on the 10th of Feb, 2015 received 5 million naira lifeline from the state Commissioner for Justice, Barrister Kala Shehu and a member representing Monguno federal constituency at House of Representatives, Mohammed Tahir Monguno.

49. On 12 February 2015, the Daily Trust newspaper (p.4) reported that hundreds of Boko Haram insurgents were killed and several others captured alive by Chadian troops.
50. On 13 February 2015, the Nigerian Tribune newspaper (p.11) reported not less than 10 people were allegedly killed on 12 February 2015 at Biu central market in Biu LGA of Borno State, when a suspected female suicide bomber detonated a bomb in the middle of the market.
51. On 13 February 2015, the Nigerian Tribune newspaper (p.11) reported that the Federal Government restated on 12 February 2015 it would check the activities of Boko Haram insurgents in the Northeast and secure the area for the forthcoming general election. The Coordinator for the National Information Centre, Mr. Mike Omeri, gave the assurance while giving an update on the security situation in the Northeast.
52. On 23 February 2015, the Daily Trust newspaper (p.4) reported that a female suicide bomber on 22 February 2015 blew herself up and killed six other people at Kasuwar Jagwal (GSM market) in Potiskum, Yobe State.
53. On 23 February 2015, the Nigerian Tribune newspaper (p.5) reported that on 23 February, 2015, 11 people were allegedly killed and 66 others critically injured, as a female suicide bomber detonated an improvised explosives device at the GSM Market in Potiskum, Yobe State.
54. On 24 February 2015, the Daily Trust newspaper (p.8) reported that members of Boko Haram on the 22nd of February, 2015 attacked Ngeizarma town, Fune Local Government Area of Yobe State and burnt down a military camp and trailers loaded with grains.
55. On 26 February 2015, the Daily Trust newspaper (p.6) reported that Police in Kano have arrested an elderly woman named Hajiya Aisha Maijamaa for allegedly sponsoring 23 political thugs to organize political violence.
56. On 27 February 2015, the Punch newspaper (p.8) reported that on the 27

February 2015, 27 persons were allegedly killed in Jos when suicide bombers attacked, also leaving many injured persons.

57. On 28 February 2015, the Punch newspaper (p.48) reported that on 28 of February 2015, 18 persons were allegedly killed in a bomb blast that took place at Bauchi Road Motor Park in Jos.
58. On 26 May 2016, the Daily Mail reported that suspected Fulani herdsmen killed 23 persons in a clash with local farmers in Benue state. The Fulani have accused the farmers of stealing their cattle, and the largely Christian farmers have accused the herdsmen of destroying their crops.
59. On 21 July 2015, International Business Times reported that US President Obama pledged support to the Nigerian government in its effort to combat Boko Haram. In June the US announced it would send military trainers to help the Nigerian military improve its intelligence gathering and logistics.
60. On 18 November 2015, USA Today newspaper reported that within the last 24 hours, multiple terrorist attacks in Nigeria had left at least 49 people dead. The attacks targeted busy markets in Kano and Yola. Although nobody immediately claimed responsibility for the attacks, they were linked to Boko Haram.
61. On 18 November 2015, the New York Times reported that Boko Haram has become the world's most deadly terrorist group, ahead of ISIS and other terrorist cells.
62. On 5 December 2015, the Council on Foreign Relations published an article linking ethnic and religious conflict in Nigeria with the effects of climate change. The article highlights how ecological changes are driving migration in pursuit of land more suitable for agriculture and grazing.

Recommendations

The Commission is extremely concerned with the frequency and scale of terrorism and inter-communal violence in Nigeria. Accordingly, the

Commission undertakes to:

- Use its powers to investigate instances of terrorism and inter-communal violence reported to it, and use its powers to ensure accountability for perpetrators and adequate remedy for victims.
- Commence a public sensitization campaign about rights of citizens and how to access the services and remedies available through the Commission
- Dialogue with states in the Middle Belt towards trying to find lasting solutions to the increasing clashes between pastoralist herders and farmers

Additionally, the Commission makes the following recommendations:

To the Federal and State governments:

- Use available resources to prioritize addressing the root causes of terrorism and inter-communal violence, including socio-economic disparities, underdevelopment (schools, health facilities, roads, and other services), and lack of rule of law
- Ensure that all instances of excessive use of force by the Army and other security forces are investigated and perpetrators are brought to justice

To the Nigerian Army, Police Force and other law enforcement agencies:

- Ensure that the use of force is necessary, justified, and proportionate in all circumstances
- Support community policing as part of localized solutions to inter-communal conflict
- Promptly prosecute all suspects of terrorism before a court of competent jurisdiction, and end the use of prolonged pre-trial detention under all circumstances

CHAPTER 12:

Corruption

Introduction

Corruption is "an abuse of entrusted power for private gain" (Transparency International). Corruption generally refers to dishonest or fraudulent conduct by people vested with authority and usually takes the form of bribery, gratification (e.g. giving/receiving gifts) or may be seen in the way and manner issues are handled and conducted within a system.

The opposite of corruption is good governance, or the practice of ensuring greater satisfaction of people of a society, through entrenching transparency, accountability, respect for human rights and the rule of law. The quality of governance that citizens enjoy is directly linked to the level of corruption, transparency, and accountability in the provision of public services.

Unfortunately corruption permeates the political, socio-economic, religious, institutional, and judicial life of Nigeria. If not curbed, corruption will further impoverish the country with its negative effects on the populace. Corruption thrives in a society where punishment for corrupt practices is inadequate or non-existent. Historically, very few officials have been punished for stealing massive amounts of money and resources from official budgets.

Nexus between corruption and human rights

Corruption deprives the state of its capacity to meet its obligations to respect, protect, and fulfill the human rights of its citizens. Corruption drains public resources thereby maintaining widespread poverty, exclusion and inequality, hunger, illiteracy, poor medical care, increased infant and maternal mortality, poor amenities, and insecurity. Corruption also often results in slow economic growth and underdevelopment, as well as poor infrastructure and services.

Background on fight against corruption in Nigeria

Conscious efforts directed at fighting corruption in Nigeria began during the 1970s. However, corruption proliferated during the 1980s and 1990s—leading then President Olusegun Obasanjo, in his inaugural speech in 1999, to state:

"the rules and regulations for doing official business were deliberately ignored, set aside or bypassed to facilitate corrupt practices, instead of progress and development, which we are entitled to, except those who govern us. We experienced in the last decade and half and particularly in the last but one regime, persistent deterioration in the weakening of all institutions."

However, in 2015 Transparency International reported that high levels of corruption continue to persist in Nigeria, indicating that the country has performed poorly in the Corruption Perception Index—ranking 136th out of the 168 countries surveyed. This marks only a very slight improvement from 2012 when it was ranked 138th.

International legal framework

To ensure that the fight against corruption is won, anti-corruption legislation must be put in place, and laws making certain forms of corruption illegal must be upheld. Nigeria is a party to several regional and international conventions and agreements that pertain to corruption. These include the UN Convention Against Corruption (UNCAC), the African Union Convention on Preventing and Combating Corruption, and the ECOWAS Protocol. Although Nigeria has signed and ratified the UNCAC and UNTOC treaties, it has yet to domesticate these instruments.

The UNCAC applies to the prevention, investigation, and prosecution of corruption and to the freezing, seizure, confiscation, and return of the proceeds of offences established in accordance with this convention. Article 5 (Preventive anti-corruption policies and practices) states that each State party shall, in accordance with the fundamental principles of its legal system, develop and implement or maintain effective, coordinated anti-corruption policies that promote the participation of society and reflect the principles of

the rule of law, proper management of public affairs and public property, integrity, transparency and accountability.

The African Union Convention on Preventing and Combating Corruption has mandatory requirements for declaration of assets by designated public officials and restrictions on immunity for public officials. Article 5 (2) calls for state parties to strengthen national control measures to ensure that the setting up and operation of foreign companies in the territory of the state party shall be subjected to the respect of the national legislation in force. Article 19 calls on State parties to collaborate with the countries of origin of multi-nationals to criminalize and punish the practice of secret commissions and other forms of corrupt practices during international trade transactions. It also encourages all countries to take legislative measures to prevent corrupt public officials from enjoying illegally acquired monies.

The ECOWAS Protocol on the fight against corruption requires that each state party create effective mechanisms for preventing, punishing and eradicating corruption, as well as boost the cooperation between states parties with a view to improving the efficiency of measure for combating corruption and promoting the harmonization and coordination of national laws and policies for combating corruption.

Nigerian legal context

Many of the provisions of the above international treaties have also been drafted into domestic laws, such as the Independent Corrupt Practices and Other Related Offences Commission (ICPC) Act, Economic and Financial Crimes Commission (EFCC) Act, Public Prosecution Act, and criminal laws (e.g. Criminal Code and Penal Code).

Nigeria has also established anti-graft agencies to combat corruption, such as:

- Office of the Auditor-General at the federal and state levels
- Economic and Financial Crimes Commission (EFCC)
- Independent Corrupt Practices and Other Related Offences Commission (ICPC)

- Nigerian Extractive Industries Transparency Initiative (NEITI)
- Code of Conduct Bureau (CCB) and Code of Conduct Tribunal (CCT)
- Fiscal Responsibility Commission
- Bureaus of Public Procurement (BPPs) at the federal and state levels

Progress towards eliminating corruption in Nigeria

Despite the legal framework, which prohibits corruption and establishes anti-corruption watchdogs, corruptions still remain pervasive at all levels of the government. The war against corruption was a key part of Buhari's election campaign and remains a priority of his government. Despite this, aside from a handful of investigations by the anti-corruption agencies, through the end of 2015, much work remains to be done. To effectively root out corruption in Nigeria, there is need for more synergy between the efforts of anti-corruption agencies, as well as stronger protections for whistle blowers and witnesses of corruption, and more effective court processes.

Complaints received by the Commission

In the period under review (2015), the Commission received only one case on corruption. However, the Commission does have a policy to refer any such cases to the appropriate authorities that have the mandate to prosecute crimes related to corruption (e.g. EFCC, ICPC, etc).

1. On 18th June 2015, the Commission received a complaint from residents of Akwa Ibom state who complained of arbitrary taxation authorized by Local Government Authorities of Akwa Ibom State contrary to the circular issued by the Nigerian Police Force, Akwa Ibom State Command, with reference number AZ: 5300/AIS/PPRD/VOL.4/16 as directed by the I.G.P. In particular they complained of alleged intimidation and harassment that they suffer from representative of Local Government Authorities who compel them to buy tickets and emblems randomly at prices ranging from N500.

Other cases reported / documented

In the period under review (2015), there were countless reports in the media

on incidents of flagrant corruption in Nigeria. Several of the most notable cases, included:

1. On 18 September 2015 the Code of Conduct Tribunal issued an arrest warrant against Bukola Saraki, the sitting Senate President for corruption related to false declaration of assets with the Code of Conduct Bureau while he was governor of Kwara state. The charges include, failing to declare some assets while in office as governor, acquiring assets beyond his legitimate earnings, and operating foreign bank accounts while being a public officer.
2. On 21 July 2015 the former Chairman of the Pension Reform Task Team, Abdulrasheed Maina, and 3 others were charged before a Federal High Court for 24 counts of corruption related to fraudulent biometric contracts through which he and the others allegedly stole over 2 Billion Naira of pension funds. Maina refused to appear for trial, and therefore on 2 November 2015 the EFCC declared him wanted.
3. On 9 November 2015 the former Chairman of the Economic and Financial Crimes Commission (EFCC), Ibrahim Lamorde, was removed from his post over allegations that he fraudulently diverted over 1 trillion Naira in proceeds recovered by the EFCC.
4. On 1 December 2015, National Security Advisor Sambo Dasuki was arrested by the State Security Service for allegedly stealing \$2 billion in connection to a probe into the spending of former president Jonathan's administration on arms meant for the military campaign against Boko Haram. Four others were also arrested for their part in the scandal and numerous Nigerian newspapers/media publishers were investigated for receiving 9 million Naira from the Office of the National Security Adviser.
5. On 14 December 2015 the former director general of the Nigerian Maritime Administration and Safety Agency (NIMASA), Patrick Sladeke Akpobolokemi was rearrested by the EFCC, prosecuting him and five other staff of the agency for allegedly stealing 2.6 Billion Naira from the agency.

Recommendations

The Commission makes the following recommendations:

To the Federal Government:

- Ensure all policies and activities aimed at stamping out corruption are not biased or selective in their application, and are devoid of political influence

To the National Assembly and State Houses of Assembly:

- Enact legislation that provides robust protections for whistle-blowers who report cases of corruption
- Enact state-level freedom of information laws to enable the public to freely request and receive public documents, particularly around procurement, contracts, and budgets

To the EFCC and the ICPC:

- Embrace their mandates to combat corruption by putting in place effective mechanisms to prevent corruption as well as pursuing more cases of high-level corruption
- Once convictions in cases of corruption are obtained, the Commission recommends that both institutions make concerted efforts to publicize the cases and findings to ensure that more Nigerians are aware of the consequences of corruption
- Account for all monies and other assets/properties recovered in a transparent and timely manner, and maintain a public register of such monies and assets recovered that is domiciled with an independent body such as the National Human Rights Commission
- Mainstream human rights into all aspects of their operations and work with a broad array of governmental and non-governmental stakeholders, including the National Human Rights Commission and civil society organizations

To the Nigerian Police Force:

Investigate all allegations of police corruption and punish perpetrators of corruption within the police force to the full extent of the law

Install cameras in all police stations and police operational vehicles to track activities and conduct of police officers while on official duty

Ensure that all Police Officers wear boldly engraved name tags on both their uniforms and vests so that they can be easily identified, even from a far distance

Crack down on police officers who extort money from individuals at road blocks, during mass arrests, and otherwise

CHAPTER 13:

Access to Justice & Independence of the Judiciary

Access to Justice

Introduction

The term access to justice means that people who are in need of help are able to find effective solutions available through existing justice systems, which are accessible, affordable and comprehensive and which dispense justice fairly and speedily and without discrimination. Without effective access to justice, there is no effective legal protection of human rights.

One important measure of access to justice is the access of poor and disadvantaged persons to fair, effective, and accountable mechanisms for the protection of rights and resolution of conflicts. This includes the ability to participate in law-making and law-implementing processes and institutions. It is also about empowering poor and disadvantaged groups including minorities, women, children, people living with HIV/AIDS, and people with disabilities among others, to seek remedies for injustice.

Strengthening the formal justice sector is critical to promoting access to justice but the formal justice sector alone cannot guarantee access to justice if the population is unaware of their rights, or unable to access justice institutions due to physical, financial, or other barriers. Indeed, most disputes are settled through non-formal mechanisms, and therefore out of court means of dispute resolution also play a critical role in access to justice.

Access to justice in Nigeria

The primary barrier to accessing the formal justice system in Nigeria is money. Hiring a lawyer and filing a case in court can be very costly. Additionally, pursuing justice has certain other opportunity costs, such as time spent away from income-generating activities, which most negatively impact the poor. Other significant obstacles include excessive delay in the administration of

justice (e.g. cases in court are very slow, typically requiring many years before resolution), and corruption (e.g. police refusing to investigate a case unless they are "mobilized" with money).

The Legal Aid Council of Nigeria (LAC) is the primary institution tasked with ensuring indigent Nigerians have access to justice. However, the LAC is massively underfunded and understaffed, and therefore are unable to fulfill their mandate.

The biggest legal reform that occurred in during the reporting period was the signing into law of the **Administration of Criminal Justice Act (2015)**. The ACJA establishes new rules of criminal procedure for cases tried in courts in the FCT and all other federal courts throughout the country. Generally, the ACJA aims to promote more efficient management of the criminal justice system. The ACJA includes provisions for conduct of arrest, issuance of warrants, investigation, trial, conviction, imprisonment, and plea bargain, among other improvements.

Complaints received by the Commission

In the period under review (2015), the Commission received several complaints relating to access to justice in Nigeria. These include:

1. C/2015/112/KD

On 14 September 2015, the Public Complaints Commission of Kaduna referred a complaint to the Commission that originated from the Kaduna State Tanker Drivers' Association. The complaint alleged that one of the Association's members, Ahmadu Shehu was detained at Rigasa Police Station in Kaduna unlawfully, and requested to pay the sum of N48,000 by the Judge of the Sharia Court Rigasa, without justification.

2. C/2015/001/KD

On 8th January 2015, Aisha Rabo petitioned the Commission stating that the Rigasa Sharia Court that decided on her case has refused to enforce its

judgment after four years. Ms. Rabo alleged that she approached the court registry on several occasions on the issue but no action has been taken to effect the judgment.

3. C/2015/38/KD

On 5th May 2015 Mr. Monday Gwaza petitioned the Commission stating that he was enlisted in the Nigerian Police Force on 1 June 2002, with Force No. 240347, and was dismissed on 27 July 2013. He stated that on 15 May 2013 he signed for a police pistol and after closing from duty, he took the pistol home hoping to return it the next day but there was robbery at his house and the pistol was stolen. After an Orderly Room Trial, Mr. Gwaza was detained for two months and dismissed. The complainant appealed to the Inspector General of Police who directed the Commissioner of Police to forward the proceedings to his office to enable him take action. However, the proceedings of the Orderly Room Trial cannot be found.

4. C/2015/16/B

On 13th May 2015, the Commission received a complaint from Mr. Bright Ekpsetubu alleging that his younger brother Gabriel Ekpsetubu has been unlawfully detained at Sapele Prison in Delta State for the past ten years and awaiting trial. He was first remanded to prison 2005 and has only been taken to court for a hearing on his case once since then (in 2007).

On receiving this complaint, the Commission investigated Gabriel Ekpsetubu's case which ultimately led to his re-arraignment.

Other cases reported / documented

In the period under review (2015), there were some reports in the media relating to access to justice in Nigeria. These include:

1. On 3 February 2015, the *Nigerian Tribune* reported (pg. 10) that some 48 hour after judiciary workers in Rivers State called off their eight month old strike, three High Court premises in the state went up in flames on 2

February 2015 as they were bombed by yet to be identified persons. The affected courts were in Degema, Isiokpo, and Port Harcourt. However, no life was lost.

2. On 5 February 2015, the *Nigerian Tribune* reported (pg. 55) that the Rivers State government has alleged that five state High Courts were attacked by unknown persons in a multiple incidents that occurred on 2 February 2015 and not three as reported. The Chief Registrar of the state High Court, Leonard Adoki, disclosed in an official report on the dynamite explosions, listing the courts as those in Port Harcourt, Degema, Isiokpo, Omoku and Ahoadia. The Commission's Monitoring Department should monitor the outcome of the police investigation into the incidents.

Independence of the Judiciary

Introduction

Closely related to access to justice is the independence of the judiciary. The right to a competent, independent, and impartial tribunal is articulated in the Universal Declaration of Human Rights (Article 10) and the International Covenant on Civil and Political Rights (Article 14), as well as in regional treaties and conventions including the African Charter on Human and Peoples Rights (Article 7).

The UN Basic Principles on the Independence of the Judiciary set out the elements of the independence of the judiciary. As a basic premise, the independence of the judiciary must be guaranteed by the State and enshrined in the Constitution or in the law of the country. The judiciary must decide matters impartially on the basis of facts and the application of law, without any restrictions, improper influence, inducement, pressure, threats, or interference. The courts themselves shall decide whether they have jurisdiction to hear a matter. There must be no unwarranted interference with the judicial process, including the assignment of judges, by the other branches of government (legislative and executive).

Judicial independence has many components, including:

- Impartiality: judges make decisions based upon a dispassionate application of law to the facts rather than bias in favour of one party
- Political insularity: judges are not subject to removal from office or threats for reaching decisions that are unpopular with government officials or anyone else
- Institutional autonomy: the judiciary is largely self-governing, is not subject to political cuts to its budget, and is free from administrative interference
- Legal authority: the judiciary possesses genuine powers to determine questions of law and fact in all cases, including those involving the executive branch
- Legitimacy: the judicial branch is recognized by the Constitution, other political branches and civil society as a separate entity with the legitimate purpose of upholding the rule of law
- Probity: the judge is immune to bribes, favours, and other forms of influence that might affect impartiality

Judicial independence is a necessary condition for the judiciary to exercise effective control over the abuse of political power and ensure access to justice for the poor.

Judicial independence in Nigeria

The 1999 Constitution provides for separation of powers between the different arms of government, even though the executive still wields a lot of power in the area of judicial appointments and remuneration of judicial officers. The largest factor that threatens the independence of the judiciary in Nigeria is corruption – this includes not only judges being susceptible to bribes and bias, but also others within the judicial system, such as the DPP, the registrar, the court clerk, and bailiffs among others.

Recommendations:

The Commission undertakes to:

- Carry out public education and awareness-raising campaigns about the rights of indigent persons to free legal council
- Work with the Legal Aid Council and other free legal aid providers (e.g. Lagos State Office of the Public Defender) to ensure access to legal services for indigent individuals

The Commission makes the following recommendations:

To the Federal Government:

Institutionalize and encourage the use of alternative dispute resolution mechanisms in order to reduce the backlog of cases currently pending before the courts and the massive population of pre-trial detainees

Provide adequate financial resources to the Legal Aid Council and the Office of the Public Defender for the appointment of more lawyers to enable them to effectively carry out their work

Ensure the financial autonomy of the judiciary as to prevent any form of influence or corruption

Establish more courts and appoint more judges to enable more expeditious and proximate adjudication of cases

Establish automated case filing and management systems, as well as electronic payment of all fees for filing and serving court processes in order to eliminate corruption and bias of court officials

To State governments:

Establish free legal aid clinics to provide legal advice and services to indigent individuals

- Urgently undertake reforms to reduce the long periods of pre-trial detention

To the Nigerian Police Force:

- Conduct timely and diligent investigation of cases before arrests are carried out so as to limit prolonged pre-trial detention
- Do not detain suspects beyond the requisite 24 or 48 hours, depending on proximity to the nearest court, as stipulated by the 1999 Constitution
- Ensure that no statements from suspects are obtained under duress

To the Nigerian Bar Association:

- Promote the use of public interest litigation by advocacy groups and others to challenge the legality of discriminatory government measures
- Support and create paralegal schemes offering legal assistance, advice, and alternative dispute resolution services at the grass roots
- Encourage all members of the NBA to handle public interest cases on a pro-bono basis

CHAPTER 14:

Sexual and Gender Based Violence

Introduction

In Nigeria, the rate at which women and children are subjected to sexual exploitation, rape, assault and other forms of violence is growing. While Nigeria has acceded to the United Nations 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 – both of which include guarantees of freedom from sexual violence, domestic violence and other forms of gender-based discrimination – neither have been fully domesticated. During the reporting period, however, President Jonathan signed into law the Violence Against Persons (VAP) Act, which seeks to eliminate all forms of violence in public and private life. The signing into law of VAP Act 2015 is the culmination of 14 years of advocacy by the Legislative Advocacy Coalition on Violence Against Women, among others. It only partially domesticates CEDAW, and only applies in the FCT. For the VAP Act 2015 to apply to other states, it must be passed by state-level legislatures.

Section 357 of the Nigerian Criminal Code Act (applicable in the Southern states) defines rape as "unlawful carnal knowledge of a woman or girl, without her consent." Lack of consent can be found where it was obtained through threat, intimidation, or fraud and the person can be charged with life imprisonment. For a married woman, this can only occur where a person not her husband is "personating him." Section 216 allows that a boy under 14 can be assaulted in a way that is non-consensual, while 218 provides that any "unlawful carnal knowledge of a girl under the age of 13" is guilty of a felony and may be imprisoned for life, while person who has "unlawful carnal knowledge" of a girl between 13-16 is guilty of a misdemeanor and is liable for 2 years imprisonment. Rape under the age of 16 is termed 'defilement'. The Nigerian Penal Code Act (applicable in the Northern states) is very similar to the Nigerian Criminal Code, though it expressly states that a husband cannot rape his wife "if she has attained to puberty". However, despite what the law says,

- Urgently undertake reforms to reduce the long periods of pre-trial detention

To the Nigerian Police Force:

- Conduct timely and diligent investigation of cases before arrests are carried out so as to limit prolonged pre-trial detention
- Do not detain suspects beyond the requisite 24 or 48 hours, depending on proximity to the nearest court, as stipulated by the 1999 Constitution
- Ensure that no statements from suspects are obtained under duress

To the Nigerian Bar Association:

- Promote the use of public interest litigation by advocacy groups and others to challenge the legality of discriminatory government measures
- Support and create paralegal schemes offering legal assistance, advice, and alternative dispute resolution services at the grass roots
- Encourage all members of the NBA to handle public interest cases on a pro-bono basis

most accused persons are never brought to justice. There are only a few domestic laws that expressly address intimate partner violence (e.g. Lagos State Protection Against Domestic Violence Law, 2007), though both the Criminal Code and Penal Code criminalize assault and battery.

In most cases sexual and gender based offences are treated as a 'domestic issue' and as such treated with laxity by law enforcement agencies. This is further compounded by shoddy investigation by the Police, gender discrimination, and insensitivity to the plight of victims. Add this to the already acute fear of stigmatization, cultural barriers and lack of institutional support for survivors, and it is no surprise that sexual violence is rarely reported.

Complaints received by the NHRC

The National Human Rights Commission received many complaints relating to sexual and gender based violence during this reporting period – predominately related to domestic violence and/or sexual violence. A vast majority of those subject to sexual violence were children (see next chapter for more general discussion of the rights of the child). These cases are incredibly difficult to address where government authorities do not enforce the law or investigation requirements, complainants often drop or stop responding to the investigation by the Commission, and respondents often disappear. The nature of these cases has also meant that the Commission has often decided to mediate and seek a memorandum of understanding rather than pursue greater police involvement into the criminal nature of some of the violence.

1. C/2015/18/KD

On 18th February 2015 the Commission received a complaint from Cecilia Tambaya of the State Ministry of Women Affairs stating that she was informed of a rape, committed by Mr. Dauda Yakubu, aged 54years, of a minor named Goodness Samaila Umar son, aged 13years, in Angwan Tanko, Kasuwan Magani, Kajuru LGA, Kaduna. According to the complainant, the matter has already been reported to the police and she has spoken with the eye-witness.

2. C/2015/54/AKS

On 26th August, 2015, the Commission received a complaint from the elder brother to Ofonime Saturday. He alleged that Ms. Saturday was lured by Mr.

Sunday Etuk-udo (an elderly man in his sixties) on several occasions, who had unlawful carnal knowledge of her and gave the victim gifts in cash severally. The complainant alleged that the alleged violator threatened the victim if she told anyone.

1. C/2015/38/AKS

On 16th April, 2015, the Commission received a complaint from Anietie Okon Ekaette, who is married to X customarily, who she alleged threatened her life severally and asked her to abort a six month old pregnancy, offering the sum of hundred thousand naira and endangering her life.

4. C/2015/45/AKS

On 8th August, 2015, the Commission received a complaint from Obianuju Ikejindu, who married Mr. Ignatius Ikejindu in October 2001. Together they had two kids, Obinna Ikejindu and Chinaza Ikejindu. Ms. Ikejindu alleged that she was assaulted and battered on several occasions by the alleged violator while she was pregnant.

5. C/2015/101/AKS

On 30th October 2015, the Commission received a complaint from X who was assaulted by Y. X alleged that she had to leave the house to save her life and she left with the kids. However, before she could, Y abducted their children, and has not allowed X to access to her children since then.

6. C/2015/22/AKS

On 8th August, 2015, the Commission received a complaint from X who alleged that because she is a female child her Uncle's son (Idongesit Edet Udo) sold her father's property.

7. C/2015/41/AKS

On 19th June, 2015, the Commission received a complaint from X, a widow of Mr. Enefiok Joseph Jeremiah, whom she was legally married in 2006. Together they had three female children. In 2011, Mr. Jeremiah passed away and her in-laws, drove her away from her husband's house and denied her access other property (10 rooms) belonging to her late husband.

8. C/2015/46/AKS

On 4th August, 2015, the Commission received a complaint from Maureen Francis Nkang who alleged that upon the death of her parents, Stanley Francis Nkang, her only brother assumed ownership of their late parents estate. Ms. Nkang was prevented from inheriting any property on the grounds that she is female, and hence has no right to inheritance. The complainant further alleged, that this action has thrown her and her sisters out of school because of lack of fund for school fees.

9. NGSO/2015/021

On 31st August 2015, the Commission received a complaint from 18 year-old Saidu Victoria Salamatu from Nasarawa State. She alleged that there is plot and attempt to forcefully give her out to marriage against her wish, and denying her the opportunity to pursue her education.

10. C/2015/029/B

On 10th August, 2015, the Commission received a complaint from X who alleged that she had been married to Y since 12th April 2009, and together with her husband had two children. X further alleged that Y constantly beat her, and refused to give her money for feeding, and forcefully took custody of children.

On receipt of this complaint, the Commission intervened and the matter has been resolved.

11. C/2015/017/B

On 18th May, 2015, the Commission received a complaint from X who alleged that she was married to the Y since 2004, and together with her husband had two children. X further alleged constant beating during pregnancy and Y's refusal to give her money for feeding and children's school fees.

On receipt of this complaint, the Commission intervened and the matter has been resolved.

12. C/2015/01/B

On 2nd February, 2015, the Commission received a complaint from X who

alleged that Y abandoned her and their two children, namely Victory Osasenaga Osahon (7 years old) and Williams Ewinosa Osahon (4 years old). Furthermore, Y refused to bring money for the children's school fees and upkeep.

The Commission intervened in this case and the husband now makes payments towards the upkeep of the children and their educational pursuits.

13. C/2015/032/B

On 27th August 2015, the Commission received a complaint from X who alleged that on 15 August 2015 at 7:30pm Ms. Nasiru Zauretu, who is a 10 year-old girl, was sent by her mother's friend to go meet her husband (Y, the alleged violator) in his store and collect a handset from him. When she got to the store and inquired about the handset, Y asked Ms. Zauretu to go into the corner of the store to collect it. As soon as she bent down to take the phone the alleged violator grabbed her from behind. He forcefully inserted his penis into her vagina. Blood gushed out of her vagina as a result. When Y was done having sex with her, he threatened her that she dared not tell any person that he forcefully had sex with her. On her way home she fainted with blood flowing profusely from her vagina and she was rushed to J-M-J Hospital at Auchi. She could not talk for two days thereafter. She was treated at the hospital for five days and was discharged.

On receipt of this complaint, the Commission immediately referred the case to the State C.I.D. for immediate action. The alleged violator has been arraigned at the Magistrates' Court at Agbede in Etsako West Local Government Area of Edo State. The Edo office of the Commission appears in court on each adjourned date to 'watch brief' for the prosecution. Note however that rape cases should be prosecuted at the High Court, and not the Magistrates Court, due to the severity of the crime.

14. C/2015/037/B

On 23 September 2015, the Commission received a complaint from Mrs. Geraldine Ikhuoria. According to the complainant, her husband, Mr. Shedrack Ikhuoria constantly beats her, and verbally abuses her. She claimed her

not working, and is therefore dependent on Mr. Johnny for almost everything. Mr. Johnny withholds money as a way to punish her, and starve them of food and other basic things. Now Mr. Johnny wants to abandon her and the twins.

The Commission intervened in this case and it has been successfully resolved. A memorandum of understanding between the parties has been drawn up in which Mr. Johnny commits to stop abusing the complainant, and to provide maintenance for her and their children.

18. C/2015/036/B

On 14 September 2015, the Commission received a complaint from Eki Ogbomo who reported that the father of her child, Mr. Chikodi had abandoned her and child since she put to bed in March 2013 through a Caesarean surgery. Mr. Chikodi refused to accept the paternity of the child.

The Commission is presently working with the parties to resolve this matter.

19. C/2015/14/B

On 22nd April, 2015, the Commission received a complaint from X who alleged that she was married to Y since 2011 under the Matrimonial Causes Act as applicable in Delta State and that together they had two children, namely Etekume Princess (3yrs) and Etekume Chidinma (24 months). X alleged that since her marriage to Y, he subjected her to a life of slavery. He forced her to do all house chores even during her pregnancy and immediately after delivery. Y beats her if she refuses sex on grounds of ill-health. Furthermore, Y is sexually assaulting the children.

20. C/2015/18/B

On 27 May 2015, the Commission received a complaint from Mrs. Felicia Isokopunwu who alleged that her husband, Mr. Vincent Ekunwe had abandoned her and child. She claimed that for some time he had refused to pay the child's school fees.

The Commission is actively trying to resolve this matter.

21. C/2015/30/B

On 18 August 2015, the Commission received a complaint from Mrs. Tina Omorefe who reported that her husband Mr. Friday Omorefe had abandoned her and their children. She claimed that for some time he had refused to give them money for feeding.

The Commission intervened and resolved this matter.

22. C/2015/09/B

On 31 March 2015, the Commission received a complaint from Mrs. Itohan Omorogieva. She alleged that she was accused of having a hand in her husband's death by the deceased family due to her alleged infidelity. In order to ascertain the truth of the matter, the deceased family invoked the dead man's spirit, who, according to them, attested that it was his wife who killed him due to her reckless life style. The traditional consultations were carried out by the twin bother of the deceased, named Osaruwense. Mrs. Omorogieva denied the accusations and stated that her husband died of HIV/AIDS and that it was her late husband who infected her with HIV, because he did not disclose it to her. She alleged that was only informed by the doctor who was administering drugs on him.

Mrs. Omorogieva was then made to undergo some ridiculous rites such as drinking the water that was used in bathing her husband's corpse and eating a piece of kola placed on the corpse's forehead. She was also locked out of her husband's house and palm leaves were tied round the building.

23. C/2015/042/B

On 26 October 2015, the Commission received a complaint from Emmanuel Onwubiko, whose sister, Mrs Stella Nwafor, who has been harassed and maltreated by her husband Mr. Tony Nwafor. Mr. Nwafor prevented her from doing any trade, and regularly assaulted her.

The Commission intervened in this matter and it has been successfully resolved.

24. C/2015/011/B

On 14th April, 2015, the Commission received a complaint from Haija Kadeija Agbokina who alleged that Dr. G. E. Agbokina, a brother to the complainant's husband, late Mr. Jubril .I. Agbokina, has not complied with the resolutions at the family meeting of 17 August 2013, as regards the distribution of her late husband's estate on behalf of her children who are minors (under 12 years).

25. C/2015/30/KD

On 14 April 2015, the Commission received a complaint from Grace Bernard who alleged that since she got married to Ifeanyichukwu Okeke in September 2013, he has been beating her. She stated that on 9 April 2015 he beat her up causing a black eye, and took away her one year old son. According to the complainant, Mr. Okeke threatened that she will never set her eyes on her child again.

26. C/2015/133/KD

On 14 October 2015, the Commission received a complaint from Mrs Lucia Ogbuwho who stated that she got married to Alamu Daudain 2010 and together with her husband had two children. According to Ms. Ogbuwho, her husband is maltreating her, and does not give them money for food for her and the children. Subsequently, Mr. Daudain threw the complainant out of the house.

27. C/2015/34/KD

On 27 April 2015, the Commission received a complaint from Police Constable Emmanuel Adikpe alleging that Dominic Audu, his brother-in-law, continues to beat up his sister, Mrs. Ene Dominic. According to the complainant, Mr. Audu beats his sister at the slightest provocation and has done so repeatedly, injuring her eye in the process. One day Mr. Audu got angry and beat up his wife because she didn't pick his calls while in the market. He alleged that Mr. Audu threw her against a glass room divider and she sustained serious injuries on her face. The complainant further alleged that even after he arrested Mr. Audu on one occasion, he still continues this barbaric act.

28. C/2015/104/KD

On 4 September 2015, the Commission received a complaint from Mrs. Abigail Oluwekere who claimed she has been married to her husband for five years

and since they got married her husband beats and batters her regularly. On 29 and 30 August he threatened to kill her with a knife.

29. C/2015/120/KD

On 22 September 2015, the Commission received a complaint from CPL Theresa Stephen who reported that since she got married to CPL James Chindo, he has been beating her.

30. C/2015/130/KD

On 12 October 2015, the Commission received a complaint from Nwa Amaka claiming that she had a child out of wedlock for her boyfriend, Yaya Ibrahim, and he beats her all the time.

31. C/2014/167/KD

On 27 November 2015, the Commission received a complaint from Omowunmi Arokoyo who claimed that her husband beats her regularly. She alleged that on 22 November 2015 her husband beat her up and promised to kill her. She claims she reported the incident to the Gonigora Police Station, Kaduna, but that the police have not taken action.

32. C/2015/09/KD

On 2 February 2015, the Commission received a complaint from Rukayya Abdufatahi who alleged that her husband regularly beats her and inflicts injuries on her. She also alleged that he threatens her occasionally for not transferring ownership of her house to him.

33. C/2015/22/KD

On 16 March, 2015, the Commission received a complaint from Ms. Ann James alleging that her husband is maltreating her.

34. C/2015/37/KD

On 4th May 2015, the Commission received a complaint from Safiya Jafaru who reported that on 4 May 2015 her son-in-law Shuaibu Sani insults her whenever and maltreats his wife (her daughter).

35. C/2015/52/KD

On 1 June 2015, the Commission received a complaint from Mrs. Odeh Stella Felix who reported that her husband beats her regularly. She also alleged that he threatened to kill her if she doesn't give him her car.

36. C/2015/156/KD

On 10th November 2015, the Commission received a complaint from Mallam Muhammad that his daughter Salamatu has been molested repeatedly by her husband, and that she sustained a fracture of her hand in a recent incident.

37. C/2015/004/KD

On 13th January 2015, the Commission received a complaint from Anna Odeh had who had a relationship with Mr Alaba in 2010 in Kakuri, Kaduna and became pregnant 9 months later. Alaba asked Ms. Odeh had to terminate the pregnancy, but she refused. As a result, the Mr. Alaba abandoned the complainant with the foetus. She later gave birth to twins, Manasseh and Mercy through caesarean section.

According to the Complainant, the Mr. Alaba planned to marry another woman at United Anglican Church, Kakuri. When Ms. Odeh had found out and reported him to the Pastor, the Pastor intervened and it was agreed that Mr. Alaba should pay the sum of N207,000 as compensation for expenses incurred by Ms. Odeh had from pregnancy to delivery paid N10,000 monthly and fulfilled his parental responsibilities. The alleged violator attested to this agreement by writing an undertaking signed and thumb-printed by him. Three years into the agreement, Mr. Alaba has neither fulfilled the promises nor given any form of assistance to the complainant, and has since disappeared from town.

38. C/2015/008/KD

On 2nd February 2015, the Commission received a complaint from Silas Moses Kajay alleging that Nuhu Nyam impregnated his sister Mercy Paul. Ms. Paul sent away from their family home by her parents, and she went to Nuhu Nyam, who accepted responsibility for her upkeep. However, his parents denied their son's responsibility, maltreated her, and ultimately forced Ms. Paul to go back to her parent's house, where she consequently gave birth to a son. The

complainant further alleged that when the family saw that it was a son, they came to take him away by force and has denied the victim and her family access to the child. The complainant also alleged that on 21 January 2015 Nuhu Nyam came to the victim's family house, and beat Ms. Paul to the point that she was hospitalized. Nuhu Nyam was arrested by the Jangidi Police. However Nuhu Nyam's father, who is a serving officer with the Nigerian Police Force called the station and subsequently Nuhu Nyam was released. He continues to threaten Ms. Paul.

39. C/20015/118/KD

On 21 September 2015, the Commission received a complaint from Hussaina Magaji who stated that she was married to her husband for 12 years and together they had two boys and two girls. According to her, after the death of her husband, she left all the children with her mother in-law, who started maltreating the children. Ms. Magaji also alleged that the mother in-law said she would kill the children and inherit what their father left for them.

C/2015/23/KD

In March 2015, the Commission received a complaint from Grace Patrick who got pregnant from Oluremi Jonnah at the age of 16 and was abandoned by her parents. As a result she lived with Mr. Jonnah and had 5 children out of wedlock. She alleges that since she has lived with him she has been subjected to domestic violence. She claimed that Mr. Jonnah beats and throws them out of the house to sleep outside. She also alleges that he has sex with under aged girls in the neighbourhood and in the presence of the children. She stated that she continues to harass her.

33. C/2015/118/KD

On 16th May 2015, James alleged

34.

C/2015/118/KD
On 4th May 2015, Ms. Paul reported that on 4th May 2015, Nuhu Nyam denied their relationship and maltreats his wife. He also denied their relationship to a son. The

On 4th May 2015, Mrs. Shaiya received a complaint from Mrs. Shaiya who is married to Shehu Mohammed on 10th May 2015. She also reported that Shehu Mohammed has beaten her severely. She also reported that Shehu Mohammed has had a miscarriage, which put her life

complainant further alleged that when the family saw that it was a son, they came to take him away by force and has denied the victim and her family access to the child. The complainant also alleged that on 21 January 2015 Nuhu Nyam came to the victim's family house, and beat Ms. Paul to the point that she was hospitalized. Nuhu Nyam was arrested by the Jangidi Police. However Nuhu Nyam's father, who is a serving officer with the Nigerian Police Force called the station and subsequently Nuhu Nyam was released. He continues to threaten Ms. Paul.

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40. C/2015/23/KD

On 20th March 2015, the Commission received a complaint from Grace Patricia stating that she got pregnant from Oluremi Jonnah at the age of 16 and was sent away by her parents. As a result she lived with Mr. Jonnah and had children with him out of wedlock. She alleges that since she has lived with him she has been subjected to domestic violence. She claimed that Mr. Jonnah often beats the children and throws them out of the house to sleep outside. She further alleged that he sleeps with under aged girls in the neighbourhood and smokes illegal substances in the presence of the children. She stated that she has now left the house but he continues to harass her.

41. C/2015/24/KD

On 24th March, 2015, the Commission received a complaint from Mrs. Shai Saleem Lamir alleging that since she married Shehu Mohammed on 24 January 2014 he has assaulted and threatened her severally. She also claimed that the last assault on her occasioned a miscarriage, which put her life at risk.

42. C/2015/61/KD

On 15th June 2015, the Commission received a complaint from Hannatu Baba who married Mr. Emmanuel Agadi and together had a daughter. She alleged that Mr. Agadi physically beat her, abandoned her, and refuses her access to her daughter.

43. C/2015/63/KD

On 18th June 2015, the Commission received a complaint from Ruth Salihu Solomon stating that she married Solomon Salihu on 22 November, 2014, and since then he regularly beats and insults her.

44. C/2015/68/KD

On 25th August 2015, the Commission received a complaint from Grace Udeh alleging that her husband, Johnson Akogwu, threatened her and drove her out of her matrimonial home. She also alleged that he is planning to send the children to live in the village with his mother even when both parents reside and work in Kaduna.

45. C/2015/95/KD

On 24 August 2015, the Commission received a complaint from Comfort Ikuje stating that since she married X, he has constantly assaulted her and accused her of infidelity. She stated that to prove her innocence, she submitted herself to take an oath called "aleku" at her husband's village for him to take her back.

46. C/2015/100/KD

On 1 September 2015, the Commission received a complaint from Felicia Moses stating that for 26 years of her marriage she has faced domestic violence and her husband has denied her and her children of basic family care. She also alleged that now that he is retired he plans to sell their house and has informed them all to find accommodation elsewhere.

47. C/2015/144/KD

On 26 October 2015, the Commission received a complaint from Blessing Ugah stating that her husband has repeatedly violently abused her, and does not live up to his family responsibilities. She claims that she is the one that pays for

clothing, feeding, and house rent.

48. NHRC/NGSO/2015/025

On 5 August 2015, the Commission received a complaint from Miss Comfort Jacob who alleged that Mr. Luka Daniel, her partner, beats her regularly, even while she was pregnant with their baby.

The Commission summoned Mr. Daniel to our office whereupon he admitted his wrongdoing and apologised to the complainant and promised not to repeat same. Since the matter was already with the police before they came to us, we advised them to report at the police station and make an undertaking to live in peace.

49. C/2015/07/AKS

On 2nd February 2015, the Commission received a complaint from Ekubiat Okon Edo who alleged that she was in a relationship with Samuel Edet, with whom she had three children. However, at one point Mr. Edet threw her out of their family home, and has refused to pay any form of maintenance. Accordingly, their children are out of school, and even feeding has become a problem.

50. C/2014/95/AKS

On 8th August, 2015, the Commission received a complaint from X who alleged that her husband, Mr. Ekerete Sunday Umoh, is fond of maltreating, humiliating and beating her at the slightest provocation. The complainant explained that even when her husband was warned by relatives to desist from such acts, he has continued.

51. C/2015/12/AKS

On 6th February, 2015, the Commission received a complaint from Ima Jonah Udo who stated that she married Chief Jonah Udo, who is now late, and with whom she had four female children. She alleged that before she got married to her late husband, he already had male children from another woman. Ms. Udo further alleged that after the death of her husband, one of her step sons named Jonah Udo constantly beat her and her daughters. The complainant alleged

that Jdnah Udo even intimidates her to leave his late father's compound.

52. C/2015/47/AKS

On 15th August 2015, the Commission received a complaint from Mrs. Emem Edmond Udofia who alleged that she got married to Mr. Edmond Udofia and together they had five children. The complainant alleged that they were living in peace till 2005 when Mr. Udofia started beating and threatening her with a machete. She also alleged that as a result of the misunderstanding between her and her husband, her brother-in-laws now seized the opportunity to beat her and maltreat her.

53. C/2015/69/AKS

On 6th June 2015, the Commission received a complaint from Mrs. Efen J. Eseneyen against her husband Mr. James Eseneyen. The complainant alleged that her husband has been beating her on a daily basis. Mrs. Efen claimed she has been brutalized and dehumanized by her husband. She further alleged that she and the children had been abandoned without food or shelter, and she and the children have resorted to staying in the church and sometimes in her office.

54. C/2015/05/AKS

On 10th October 2015, the Commission received a complaint from X who is legally married to Y. According to X, since the inception of her marriage, there have been constant threats to her life and attempts to throw her out of the house. The complainant further alleged that their three children have been abandoned by Y.

55. C/2015/102/AKS

On 10th October 2015, the Commission received a complaint from X who alleged that her husband had inherited 2 rooms in the family compound and a piece of land from her father-in-law. She alleged that upon the death of her husband, her in-laws denied her access to the two rooms and threatened to take the uncompleted property her husband had erected on his land, and kill her. She claimed to have reported to their village head and that he instructed her in-laws to stop trespassing on her property.

56. C/2015/17/AKS

On 5th March 2015, the Commission received a complaint from Mrs. Mfon Idara Ideh who alleges that her husband Mr. Kingsley Etim Ebita beats and abuses her and abandoned his parental responsibilities. She claims that Mr. Ebita has refused to take care of his children, since she packed and ran out of his house due to the unbearable nature of the abuse.

57. C/2015/64/AKS

On 28th July 2015, the Commission received a complaint from Mrs. Atim Udo Patrick who got married to Mr. Effiong Bassey Etim in 2014. Mrs. Patrick claimed that Mr. Etim refused to pay her hospital bills when she had their baby girl. She also claims that Mr. Etim has refused to provide for the baby's needs, and instead he left his responsibilities to her parents. The complainant further alleged that Mr. Etim has threatened to take custody of the child that is just 3 months-old through any means he can.

58. C/2015/06/AKS

On 9th September 2015, the Commission received a complaint from Esther Nsima who alleged that Nsima Udom has neglected his responsibilities to his children and family in terms of child welfare, school fees and health care.

59. C/2015/43/AKS

On 9th July, 2015, the Commission received a complaint from Joyce Friday Jacob who alleged that she got married to Thomas Sunday Udoh on December 2009 and together had 2 boys. At one point Mr. Udoh abandoned the children to her without feeding money, and began staying out late at night. Subsequently he packed her things and threw them outside.

60. C/2015/60/AKS

On 14th September, 2015, the Commission received a complaint from X who alleged that she got married to Obong Daniel Etim from Oboyo Ikot Itah in Nsit Ibom L. G. A and together had two children. On 20 July 2015 Mr. Etim drove her and their two children out of their home.

61. C/2015/105/AKS

On 9th November 2015, the Commission received a complaint from X who

alleged that she is married Marshal Ekanem Danison and together had a son. After five months of their marriage, Mr. Danison began threatening and physically battering her, degrading and dehumanization her personality. He additionally threatened to take their two year-old son from her, and send her out of their matrimonial home.

62. C/2015/101/AKS

On 30th October 2015, the Commission received a complaint from Mrs. Eno Sunday Wilson who alleged that she got married to Chief Sunday Wilson Akpan in 1987 and together had five children. Mrs. Wilson alleged that they lived in peace until 1997 when her husband started abandoned all responsibility to raise the children.

[C/2015/119/AKS

On 3rd December 2015, the Commission received a complaint from Uduak Okon John who asserts that she was forced into marriage with Aniekan Sunday, an officer with the Nigerian Police Force, by her family while she was still in secondary school. Immediately after giving birth to a baby girl, Mr. Sunday became violent and verbally abusive.

Recommendations

Based on the volume of cases of sexual and gender-based violence received by the Commission during the reporting period (2015), the Commission undertakes to raise awareness of members of Nigerian Police Force and the general public across the country on what constitutes sexual and gender-based violence. Furthermore, the Commission undertakes the following commitments:

- Engage with the office of the Inspector General of Police to ensure that all members of the Nigerian Police Force receive training on sexual and gender-based violence and how to appropriately respond to cases when they are reported to the police
- Immediately investigate all cases of sexual and gender-based violence that are reported to the Commission, and where necessary, with the

consent of the complainant, engage the services of the Legal Aid Council to pursue accountability

The Commission makes the following recommendations:

To the Federal Government and State Governments:

- Review existing laws on sexual and gender based violence to broaden the definition of rape to include acts that do not involve penetration.
- Review existing laws on sexual and gender based violence to remove the term 'unlawful carnal knowledge' of a girl below the age of 13 to state 'any sexual acts', where the law presupposes that a child below the age of 13 does not have the capacity to consent.
- Revise laws that openly discriminate against LGBTI persons, including the Same-Sex Marriage (Prohibition) Act, the Lagos State Same Sex Marriage (Prohibition) Law, and others, and establish policies and procedure that protect the human rights and security of LGBTI persons, their families and associates
- Fully implement National Action Plan on UN Security Council resolution 1325 to meaningfully involve women in efforts to combat gender-based violence and discrimination (Recommendation from Nigeria's 2013 UPR review by the UN Human Rights Council)
- Review existing laws on sexual and gender based violence to broaden the definition of defilement to include a gender-neutral definition of who can be the victim of such a crime.
- Ensure that police are adequately trained in how to engage with and treat the survivor of sexual or gender based violence. This includes:
 - o Requirements around minimum investigation into allegations

- o Knowledge of immediately necessary investigation and reporting requirements for different types of assaults (i.e. rape kits, medical evidence, photographic evidence of assault, etc.)
- o Training and requirements on how to engage with and interact with survivors of sexual or gender based violence
- Engage in awareness raising campaigns about the harmful nature of sexual and gender based violence, provide resources to survivors, and create strict zero-tolerance policies for how to address such behaviour.
- Introduce laws against female genital mutilation (FGM) in all states (Recommendation from Nigeria's 2013 UPR review by the UN Human Rights Council)

UN Human Rights Council, "Report of the Working Group on the Universal Periodic Review: Nigeria" A/HRC/25/6, Conclusions and Recommendations, available here: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G13/190/10/PDF/G1319010.pdf?OpenElement>

CHAPTER 15:

The Rights of the Child

Introduction

Children occupy a very unique position in the society because they are often seen as the most vulnerable to abuses and the least able to defend themselves. As children, they are subject to special vulnerabilities when it comes to labour exploitation, family issues, sexual and gender based violence, access to health care and due process where they often suffer both from violations of their own rights as well as from the violations of the rights of their primary care-taker. Further, the primary duty bearer for guaranteeing their rights is their guardian, with the state tasked to intervene where the guardian proves unable or unwilling to do so and also to provide for secondary positive rights such as access to education. Special protections are set out in both national and international laws protecting the rights of children and setting out the obligations parents owe to their children.

The United Nations Convention on the Rights of the Child (CRC), which built on limited protections set out under the Universal Declaration of Human Rights, the International Covenant on Social and Political Rights and the Convention on the Elimination of all forms of Discrimination Against Women, entered into force in September 1990. The CRC explicitly establishes that all individuals below the age of 18 are considered children, who, due to that status should be afforded, among others, the right to freedom from discrimination (Art. 2(1)), to nationality (Art. 7(1)), to not be unnecessarily separated from parents (Art. 9), freedom of thought, conscious, and religion (Art. 14), and freedom from abuse and neglect (Art. 19). Other International Conventions also guarantee freedom from work exploitation, freedom from sexual abuse, and the right to education.

Two unique features of the CRC are that the "rights and duties" of the child's guardians are considered when determining the rights and duties of the child, and the convention establishes that the 'best interests of the child' should be the primary concern of the state when making decisions that concern the rights

and welfare of the child. These two features play a significant role in national and international legislation, policy, and principles when determining how to afford children basic human rights protections.

Progress towards protection of rights of the child in Nigeria

The Commission, as well as various Ministries of Women Affairs and Civil Society Organizations (CSOs) have been in the forefront of initiatives aimed at promoting and protecting the rights of this most vulnerable segment of the society. Nigeria ratified the CRC in 1991, and is also party to the African Charter on the Rights and Welfare of the Child (ACRWC), and in 2003 the Federal legislature passed the Child Rights Act, which partially domesticates the CRC into Nigerian law. However, since the 1999 Constitution gives the states the exclusive jurisdiction to make laws governing children, the Child Rights Act needs to be passed into State law to be enforceable outside of the FCT. To date, 23 states have passed child rights laws that entirely or significantly contain the same provisions of the Child Rights Act.

Complaints received by the Commission

During the reporting period (2015), the Commission received numerous complaints entailing physical abuse, sexual abuse, and separation and custody disputes. Cases received by the Commission included:

1. C/2015/116/KD

On 7th December 2015, the Commission received a complaint that X mistreats and physically abuses his sons in the name of chastising them. The physical abuse became so severe that the sons ran away from their father's house to live with their mother who is separated from their father.

2. C/2015/183/KD

On 7 December 2015, the Commission received a complaint from Ma. Ayobami Olarinaye alleging that her neighbour beats and uses razor blades to punish her own child. According to Ms. Olarinaye, when anyone intervenes, the neighbour will take her little girl to the toilet and continue beating her there.

3. C/2015/109/KD

On 9th September 2015, the Commission received a complaint from Tijani Badamasi, an elder in Angwa Muazu, who claimed that he met Abubakar Sadik, a 10 year-old boy with an injury on his hand wandering around the street at 6:00am on 3 September 2015. The boy told him that he had sustained the injury when his father had driven him out of the house to beg. He stated that during the encounter some people gathered among which one of them knew the boy and had kept the boy in his house for four months until his father came to the house and forcefully took him.

4. C/2015/26/KD

On 2 April 2015, the Commission received a complaint from Grace Isaac of Block 9, Room 77 Police Training School Barracks, along Constitution Road, Kaduna who claimed that in May 2015 she separated from her husband, and he will no longer allow her to see two of her children who still live at his house.

5. C/2015/110/KD

On 4 September 2015, the Commission received a complaint from Ladi Men who stated that she was married to Mohammed Musa, and that together they had a child. After Mr. Musa passed away, his family took their 7 year-old child for the holidays, and have since then refused to return the child to her.

6. C/2015/71/KD

On 1 July 2015, the Commission received a complaint from Mr. Musa Yakubu of No. 23 Government College Quarters alleging that 11-year-old Favour Thomas disappeared on 19 June 2015. The case was reported to the Kurmin Mashi Police Station. Mr. Yakubu claimed that the investigation was carried out at the victim's school where one of her classmates named Hafsat revealed that the victim was taken to Sultan Bello Mosque, Kaduna and converted to Islam. Mr. Yakubu further claimed that the case was later transferred to Metro Police Station Panteka and then to Gidan Gayu Police Station, where the D.P.O invited Mallam Abdullahi, the institute's administrator and asked him to release the victim to her family because she was a minor. According to the complainant, Mallam Abdullahi said he would only release the girl if they write an undertaking that the victim will continue to practice Islam. The D.P.O

however refused and asked the family to go and settle the matter with the institution.

7. C/2015/39/KD

On 11 March 2015, the Commission received a complaint from Khadija Mohammed Aminu alleging that her husband does not contribute to the care/welfare of their children, she also alleged that his fourth wife threatens to kill her.

8. C/2015/85/KD

On 3 August 2015 the Commission received a complaint from Hauwa Mohammed claiming that her husband divorced her, and refused her access to 8 of their 9 children who still live with him. Furthermore, the complainant alleged that her husband has been neglecting the children and not taking care of their basic needs, and not allowing them to attend school.

9. C/2015/122/KD

On 28 September 2015 the Commission received a complaint from Mrs. Afiniki S. Dangaji alleging that her former neighbour, Mr. Jocab Odigbo has been maltreating and beating his sister Chikaso Odigbo who is 7-years old. Mrs. Dangaji claimed the girl ran away from her brother's house when the ill treatment became unbearable. On the way to her house, the girl met policemen who brought her down to her house looking tattered, hungry and unkempt.

10. C/2015/005/KD

On 16 January 2015 the Commission received a complaint from Hindatu Abdullahi who stated that she is a divorcee with 2 children. She alleged that she had agreed to give her children to her husband if he would place them in school. After some time she discovered that he had not placed them in school and they are now selling in the market.

11. C/2015/161/KD

On 11 November 2015 the Commission received a complaint from Daliya Ahmad alleging that her father has refused to take care of her social and

medical needs. She claimed that she has been diagnosed with a kind of cancer like ailment and needs constant medical care and further claims that all steps to get her father to help with her needs has proved abortive.

12. C/2015/21/KD

On 11 March 2015, the Commission received a complaint from the Awareness Initiative stating that one Maman Ejeoma is subjecting a minor to child labour. They also alleged that the child is from an unknown origin.

13. C/2015/003/KD

On 12th January 2015, the Commission received a complaint from Aisha Abdullahi stating that she was married to Ibrahim Maisusaye in 2007 for only ten days before the marriage failed. A few days later, she found out she was pregnant. After she delivered a baby boy named Abdullahi Ibrahim, Mr. Maisusaye threatened to forcefully take the child away from her. Mr. Maisusaye relied on a previous Sharia court ruling in Ungwar Shanu town that children should remain in the custody of the mother until they turn eight. However, contrary to the Sharia court ruling, Ms. Abdullahi stated that the maiungwa (village head) had ruled that the child should remain with the mother until he becomes an adult.

14. C/2015/10/KD

On 2nd February 2015, the Commission received a complaint from Gloria Adamu who claimed that she married Ibrahim Adamu in a court wedding in Jos, Plateau State sometime in the year 2011. From this marriage they had a baby boy named Adamu. After few years, Ibrahim told Gloria that different churches and pastors have prophesied she is not his God-ordained wife and that he should return to his first wife whom he had separated with due to childlessness and irreconcilable differences. The complaint further stated that Ibrahim asked Gloria to pack out of his house without giving her any divorce notice. When she insisted on staying, he locked her up for hours until security men came to her rescue. Gloria further alleged lack of parental care for the baby.

15. C/2015/17/KD

On 5th March 2015, the Commission received a complaint from Adama Tijjani, a corporal with the Nigerian Police, Divisional Headquarters Gombe. The

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complaint alleged that Ms. Tijani married A.S.P Matthew Habu in 2008 and together they had two children, a son now aged 6 and a daughter now aged 4. Ms. Tijani claimed that they had marital issues, and her husband took their children away from her and handed them over to his girlfriend in Kaduna State.

16. C/2015/28/KD

On 9th April 2015, the Commission received a complaint from Paulina Obeyastating that she got married to Benjamin Obeya in November 2009 and had two children with him. Mr. Obeya then abandoned her and the children over allegation of being an 'ogbanje' for another woman. According to the complainant, Mr. Obeya has not been maintaining the children.

17. C/2015/56/KD

On 5th June 2015, the Commission received a complaint from Patricia P. Maichiki alleging that since she got married to her husband she has been bearing the responsibility of her matrimonial home. She alleged further that after she gave birth, her husband denied that the child was his and when he found out she had plans of seeking a transfer and moving back to her parent's house, he came to her house and forcefully took her 10 month old baby to his uncle in the village.

18. C/2015/75b/KD

On 7th July 2015, the Commission received a complaint from Maryam Alhassan alleging that her ex-husband came from Abuja to Zaria and picked their son Nura, a 13year-old boy, from his school and took him back to Abuja without her knowledge. She alleged that the child does not receive good training while in his father's custody and is left alone to fend for himself in the neighborhood.

19. C/2015/80/KD

On 13 July 2015, the Commission received a complaint from Habiba Ibrahim stating that she was married to Habibu Ibrahim, but was divorced by the Sharia Court Magajigari and was given custody of their nine year old daughter Fatima. She also claimed that Mr. Ibrahim came and took Fatima away from her parent's house; however he failed to cater for her education and welfare and this led her to take her daughter back.

20. C/2015/86/KD

On 3 August 2015, the Commission received a complaint from Hafsat Bashir claiming that she married Alhaji Nasir Shuaib on 31 August 2012, and on 15 September 2012 he asked her to go back to her parent's house. She stated that on 20 September 2012 he divorced her and six weeks later, she discovered that she was pregnant. When she called her husband to inform him, he denied it. On 4 June 2013 she gave birth to a baby girl. Her husband's family came to accept the baby as theirs, but her husband still denied paternity of the child.

21. C/2015/105/KD

On 1 August 2015, the Commission received a complaint from Mary Udebhulu stating that her daughter Doris Udebhulu gave birth to a child in 2005 which was then taken away from her. She alleges that after the delivery her daughter went out to source for funds to pay the hospital bill and when she returned she was told by the nurse and social welfare officer that the baby was dead. The nurse refused to show them the grave and threatened to call the Police which caused them to leave. Mary Udebhulu reported the matter to the Nigerian Police Force after she found out what happened. However, the Police have not been able to find the child.

22. C/2015/117/KD

On 21 September 2015, the Commission received a complaint from Bernice Zigwalon stating that she has been separated from her husband since February 2015, who took their 2 year old son with him. Ms. Zigwalon is seeking custody of her child.

23. C/2015/135/KD

On 15 October 2015, the Commission received a complaint from Martha Dauda stating that after the death of her husband, late Dauda Tanko in a motor accident at Obinze, Imo State, her in-laws began to maltreat her and tried to collect the money given to her by the Nigerian Army. She also claimed that when she arrived in Kaduna, the atmosphere at her in-laws house was not conducive and quite unfriendly, so she decided to leave to her parent's house but she was not allowed to leave with her children.

24. [insert complaint number]

On 23 July 2015, the Commission received a complaint from Mr. Felix Nwajoku who alleged that his wife, Rose Joel, left her matrimonial home with their 2 year-old daughter and has since denied him access to his daughter.

The Commission has convened several meetings with the parties and is consulting with both parties with a view to resolving the matter.

25. NHRC/NGSO/2015/037

On 7 October 2015, the Commission received a complaint from Mrs. Talatu Vincent who alleged that her husband, Police Officer, Godwin Usman abandoned her and daughter after he was transferred to Ibadan.

The Commission is using Mr. Usman's Police Force Number and telephone number to try to ascertain more details about his posting.

On 30 July 2015, the Commission received a complaint from Juliet Paul Peter alleging that her husband, Mr. Paul Alfred Peter often beats her and abandoned his responsibility of taking care of their children.

Upon receipt of the complaint, the Commission travelled to Suleja Local Government Area, Niger State for an investigation. The address provided could not be traced but we succeeded in contacting the victim on phone. Although she was not at home, she stated that the matter has been resolved amicably. We however, urged to her to contact the nearest police station in the event of a violence attack on her person and alert us immediately.

27. NHRC/NGSO/2015/002

On 21 January 2015, the Commission received a complaint from Mr. Daniel Luka alleging that Mallam Hannatu Attahiru, who was married to his sister, Hannatu, abandoned her and their child for five months without any care for the family.

28. NHRC/NGSO/2015/028

On 3rd September 2015, the Commission received a complaint from Hajanatu

Wanchiko that Muhammadu B. Wanchiku never lives up to his responsibilities as a father. Together they have 2 children; the first being Fatima (3 years old) and the second being Adama (eight months old). As at the time this complaint was filed, Mr. Wanchiku asked his wife to move back to her father's house when she was pregnant with their second child, only to show up later and take away Fatima to a location that Ms. Wanchiko does not know about. All attempts to make him disclose the whereabouts of Fatima have proved futile.

29. C/2014/90/AKS

On 19th September 2015, the Commission received a complaint from Mercy Saviour Pius who is married to Inspector Akikere Gabriel Tom, and together they have two children with a third child on the way. Mercy alleges that her husband wanted to abort the third pregnancy, but she refused. Because of that her husband stopped providing for the family.

30. C/2015/38/AKS

On 9th June 2015, the Commission received a complaint from Ini-obong Sunday Akpan who alleged that their mother was married to Mr. Sunday Akpan Udo, and together they had two children. Subsequently their parents divorced each other, and their father remarried. He further alleged that problems started when their father and his new wife could not bother about their welfare. He also alleged that their father even sent them out of the house, rendering them homeless.

31. C/2015/26/AKS

On 11 May 2015, the Commission received a complaint from Ms. Victoria Udo Ekuere alleging that Mr. John Elijah refused taking care of the son that they had together. This included refusing to pay his school fees and other needs like feeding, clothing, etc.

32. C/2015/040/AKS

On 15 June 2015, the Commission received a complaint from Ms. Ekemini Monday Isaac alleging that Mr. Udemé Bassey Umoh, the father of her child and the owner of her three months pregnancy, left her and the baby without any money to cater for their needs. Accordingly, the boy has not been to school.

On 27 August 2015, the Commission received a complaint from Ms. Andalene Nnamuka against Mr. Elijah Inyang (the father to her two kids). The complainant alleged that Mr. Elijah has neglected his responsibilities as a father to his two daughters after forcefully ejecting the children and their mother out of the house two years earlier.

On 26th June 2015, the Commission received a complaint from Rejoice Okpara who had been married to Flying Officer Cephas Sunday Okpara, and their union produced two kids, Della and Dominion. Ms. Okpara alleged that Ms. Okpara is in the habit of leaving the house at any slight provocation and threatens her often. She alleged that because of the last threat, she left the house and Mr. Okpara has refused to pay the school fees of the kids and has refused to provide upkeep.

On 27th January 2015, the Commission received a complaint from Nancy John Dick who alleged to have been married to X for 18 years. They agreed to have had two children together, a boy and a girl. The complainant further alleged that she and her husband have had misunderstandings of late and in the cause of this misunderstandings which have recently degenerated, their daughter has always taken sides with her and this has resulted in his refusing to pay their daughter's school fees and he has also stopped giving her pocket money.

On 14th October 2015, the Commission received a complaint from Ms. Ukpung Ekemini Ifiofok alleging that her husband with whom she has been married to for 10 years and have three kids of 2, 6 and 9 years old together does not provide adequately for the welfare and upkeep of the family. She further claimed that her husband is unfaithful to her and that he beats her up whenever she inquires about his infidelity. She also claimed to feel unsafe around him because of

these incessant assaults.

37. C/2015/65/AKS

On 15th September 2015, the Commission received a complaint from Ms. Timothy Comfort who claimed that she has a baby girl with Mr. Uwana Effiong Ubom whom she gave birth to on the 19 June 2013. She alleged that since that time she has been the only one taking care of the child. Ms. Timothy, who is cohabiting with Mr. Effiong asserted that he promised to marry her and due to that she got pregnant and had a baby girl with him. However, Mr. Effiong failed in his promise to marry her and abandoned her with the child.

38. C/2015/97/AKS

On 14th October 2015, the Commission received a complaint from Mrs. Happiness Effanga who alleged that she and Mr. Effanga Solomon married in 2002, and subsequently had three children. Mrs. Effanga further alleges that her husband sent her and the children out of their matrimonial home in 2008. She stated that her husband occasionally gives her money for the children's upkeep but it is not always enough.

39. C/2015/88/AKS

On 5th October 2015, the Commission received a complaint from Mandu John Edet who alleged that she was in a relationship with John Effiong which yielded two children. Ms. Edet alleged that the father of her children drove her out from his house in 2010, and that since then seeing or visiting her children had been a very difficult task to her.

40. C/2015/58/AKS

On 27th August 2015, the Commission received a complaint from Abigal Okon who alleged that she is in a relationship with Samuel Edem which has produced two children. The complainant further alleged that Mr. Edem denied being the father of the second baby, and refused to take care or bear the financial responsibility.

41. C/2015/110/AKS

On 8th October 2015, the Commission received a complaint from Abasiama

Ekpekpe who has four children with Mfon Edet Okon. Though not legally married, they have been together for about 9 years before separation due to Mr. Okon's battering and threat to the life of Ms. Ekpekpe. Since their separation in 2013 till date Mr. Okon has refused to cater for his children, leaving the burden on Ms. Ekpekpe

42. C/2015/84/AKS

On 30th September 2015, the Commission received a complaint from Yvonne Eric who alleged that she was in a relationship with Mr. Felix Ibok, which produced a son. Mr. Felix has since then refused to take care of their child, except the school fees.

43. C/2015/114/AKS

On 18th November 2015, the Commission received a complaint from Nseobong Samuel Etuk who alleged that she got pregnant for Idongesit Patrick, and that Mr. Patrick denied the paternity of the child and pressured her to opt for abortion. Ms. Etuk refused to have an abortion.

44. C/2015/100/AKS

On 27th October 2015, the Commission received a complaint from Esther Sunday Bassey who alleged that she got pregnant for Barr. Mbomekpo Akpabio with whom she already had a baby girl who is 5 years old. Mr. Akpabio has a habit of battering Ms. Bassey which forced her to pack out of the house. However, Mr. Akpabio still goes to her office to harass her with a death threats, and no longer pays for the child's upkeep or school fees.

45. C/2015/117/AKS

On 19th November 2015, the Commission received a complaint from Mrs. Blessing Anaza who alleged that she was in a relationship with Monday Daniel with whom she had 2 children. Mr. Daniel habitually battered Mrs. Anaza thereby forcing her to pack out of the house. Mr. Daniel took the children to his parents in the village and denied the complainant access to the children.

Recommendations

Given the numerous complaints the Commission received during the reporting period of violations of the rights of children, the Commission will dedicate extra

attention in the coming year to raising awareness about this right and pushing for accountability for perpetrators of violations of this right.

Additionally, the Commission undertakes to:

- Promptly condemn all cases of child marriage and forced marriage as violations of the rights of the child
- Review all pending legislation before the National Assembly and State Houses of Assembly to ensure that they contain adequate protections for the rights of children, where relevant
- Investigate all cases of child trafficking reported and work with relevant state authorities to develop holistic responses where child trafficking is prevalent

Additionally, the Commission therefore makes the following recommendations:

To the Federal Government:

- Implement and enforce the Child Rights Act of 2003 in the FTC
- Amend the Children and Young Persons Act (and all state laws implementing the CYPA) to conform to international standards governing juvenile justice issues
- Ensure full implementation of the Universal Basic Education Act 2004 and ensure that primary and junior secondary education is free for all children
- Adopt a national policy on children with disabilities and ensure access to education as well as health services and skills acquisition for all children with disabilities
- Take further measures to implement the 2010 recommendations by the UN Committee on the Rights of the Child, especially related to the

domestication of the CRC; the right of the child to education, nutrition and health, and protecting girls from early marriage

- Adopt legislative and practical measures to combat accusations against children for witchcraft by, inter alia, criminalizing the witchcraft accusations, providing protection to children; and by awareness-raising, including in cooperation with civil society

To State governments:

- Pass the Child Rights Act of 2003 into state law and implement and enforce existing child rights laws
- Provide adequate resources and facilities for the provision of birth certificates and registration of all children at birth
- Form and implement strategic policies to address child mortality due to preventable diseases, including but not limited to providing free vaccinations to all children under the age of 5 years, clean drinking water to all families with children under the age of 5 years, and free health care to all children under the age of 5 years
- Take immediate action to end homelessness of children
- Enforce the Universal Basic Education Act of 2004 by cracking down on government schools that charge fees for admission thereby excluding children from access to basic education guaranteed under the law
- Invest more in public schools to ensure adequate facilities, including toilets, classrooms, desks, materials, and teachers, particularly in locations where average incomes of a certain locality are below the median

Adopted from UN Human Rights Council, "Report of the Working Group on the Universal Periodic Review: Nigeria" A/HRC/25/6, Conclusions and Recommendations, available here: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G13/190/10/PDF/G1319010.pdf?OpenElement> Adopted from UN Human Rights Council, "Report of the Working Group on the Universal Periodic Review: Nigeria" A/HRC/25/6, Conclusions and Recommendations, available here: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G13/190/10/PDF/G1319010.pdf?OpenElement> Adopted from UN Human Rights Council, "Report of the Working Group on the Universal Periodic Review: Nigeria" A/HRC/25/6, Conclusions and Recommendations, available here: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G13/190/10/PDF/G1319010.pdf?OpenElement>

CHAPTER 16: Environment and the Niger Delta

Introduction

The right to a safe, clean, healthy, and sustainable environment is central to the full enjoyment of numerous other human rights, including the rights to life, health, food, water, and sanitation. This is nowhere more evident than in the Niger Delta, a region that has for decades been plagued by oil spills that have devastated the environment and consequently had countless negative impacts on inhabitants of the Niger Delta.

Since the late 1950's, the majority of the oil and gas produced by Nigeria has been extracted from 9 oil-rich states that comprise the Niger Delta. This area has also been subject to repeated and severe oil spills both at sea and inland, and experts estimate that at little as 10% of oil spills in the Niger Delta have been adequately addressed. The Niger Delta is the largest wetland area on the African continent, and one of the most diverse ecosystems on the planet. Local populations depend on the environment and ecosystem for the majority of the employment, sustenance and social needs. These oil spills and the failure to effectively remedy and remediate them are violations of the right to health, life, livelihood, property, and association, among others.

The National Oil Spills and Detection and Response Agency (NOSDRA), the Department of Petroleum Resources, and the Environmental Protection Agencies at the State and National level are tasked with implementing and enforcing a series of laws and policies that govern oil extraction, the most notable being the Oil Pipelines Act, the Petroleum Act, the Environmental Impact Assessment Act and the National Oil Spill Contingency Plan (NOSCP). These agencies and laws are charged with ensuring that oil and gas extraction are lawfully conducted and that any spills are quickly and efficiently addressed.

However, the multiple reports released during this reporting period have alleged that clean-up, when done, is inadequately conducted and that oil affected communities are rarely, if ever, fairly provided remedy. Further, these

reports indicate that the negative health consequences of these oil spills and on-going gas flaring have drastically reduced the life-span and level of health of individuals living in the Niger Delta, have destroyed farmlands, fisheries and mangroves, and has polluted the water and air.

Complaints received by the Commission

1. C/2015/113/AKS

On 29th October 2015, the Commission received a complaint from Ette Ita Land Owners Council alleging that they are the authentic owner of the land used by the Akwa Ibom State for construction of Ibom Airport. They further alleged that Gitto Construction company has refused to recognize them as the original and authentic owners, and instead has chosen to work with a fake group formed by Hon. Otuekong Raphael Bassey from Nsit Atai L. G. A. called National Land Owners Council. The complaint further alleged that Gitto Construction Company has been burning bitumen carelessly in the airport site and polluting the air and nearby environment which is negatively affecting the host community.

2. On 5th August 2015, the Commission undertook field visits to solid mineral mining sites along Paiko Road and Kataregi Village along Bida Local Government Road, in Niger State. During the field visits it was noted that solid mineral mining can have negative social, health, and environmental impacts. At small-scale and artisanal mining sites in the locations visited, the Commission discovered that mining waste products are being washed into nearby streams, and most of the workers don't wear protective clothing.

Other cases reported / documented

In the period under review (2015), there were several reports in the media on the right to a healthy environment and the Niger Delta. These include:

1. On 7 January 2015, the Guardian newspaper reported that Shell Oil agreed to a settlement with the Bodo community of Ogoniland, for a sum of 55 million British Pounds as a result of two oil spills affecting the

community and surrounding creeks in 2008 and 2009. The precedent-setting case was litigated by Leigh Day before a UK court on behalf of 15,600 farmers and fishermen.

2. On 9 February 2015, the Nigerian Tribune newspaper (p. 51) reported that Environmental Rights Action/ Friends of the Earth Nigeria (ERA/FOEN) have criticized Nigerian Agip Oil Company (NAOC) for its poor response to a reported oil spill incident at a NAOC oil field in Bayelsa State. According to the article, ERA/FOEN lamented that the oil firm had done nothing to stop the discharge of crude oil and gas into the environment, causing pollution and affecting farmlands.

The Commission instructs this case to be directed to the Federal Ministry of Environment for further action and remediation.

3. On 10 February 2015, the Nigerian Tribune newspaper (p. 10) reported that the Bayelsa State Commissioner for Environment, Mr. Iniruo Wills, has lamented the high level of oil and gas pollution in the State, as part of the most oil and gas polluted region in the entire world.

The Commission instructs this case to be directed to the Federal Ministry of Environment for further action and remediation.

4. On 11 February 2015, the Daily Trust newspaper (p. 35) reported that the Kalaba Community in Yenagoa Local Government Area of Bayelsa State has raised alarm over the devastation of the area by oil spill from a Nigeria Agip Oil Company, NAOC facility. It was gathered that the spill was noticed two weeks prior, and was promptly reported to the management of Agip, but the company was yet to stop the spill.

The Commission instructs this case to be directed to the Federal Ministry of Environment for further investigation, as well as to the Ministry of Petroleum Resources and the NSCDC.

5. On 10 February 2015, the Nigerian Tribune newspaper (p. 2) reported that on 9 February 2015 the surveillance at the sea in the Niger Delta

area was upped with the seizure of heavy arms and ammunition from sea pirates by the special squad of the Joint Task Force codenamed Operation Polo Shield. The sea pirates were said to have initially attacked the JTF on January 8 2015.

6. On 19 March 2016, Amnesty International reported that hundreds of oil spills continue to blight the Niger Delta. According to AI, Royal Dutch Shell and Italian multinational oil company ENI have admitted to more than 550 oil spills in the Niger Delta within the last year alone.
7. On 26 July 2015, Premium Times reported that fishermen in the Niger Delta urged the Federal government to enforce its own laws and regulations and punish oil companies that default in their responsibilities to remedy the environment and compensate affected communities when oil spills occur.
8. On 3 November 2015, the Vanguard newspaper reported that the Nigerian National Petroleum Corporation argued that only a strong policy and regulatory framework will be able to curb gas flaring in Nigeria.

Recommendations

Given that a healthy environment is essential to the realization of many other rights, the Commission strongly condemns all violations of the right to a healthy environment, and commits to work to raise greater awareness of this right.

The Commission makes the following recommendations:
To the Federal Government and State Governments:

- Implement the recommendations of United Nations Environmental Programme report on oil spills and environmental degradation in Ogoniland

- Immediately commence a clean-up of all oil spills in the Niger Delta in

line with international best practices and subject to independent verification

Establish a Commission of Inquiry to investigate oil and solid mineral extraction companies' compliance with domestic environmental legislation and regulations

Amend laws on compensation to ensure that all awards of compensation and damages for environmental degradation caused by companies or the state are in line with international best practice and adequately takes into consideration long-term impacts, and health issues, among others

Take measures to resolve disputes arising between extractive industry companies and host communities and where necessary make recommendations on compensation and other forms of remedy as appropriate

Adequately fund NOSDRA to ensure its independence in mediating oil-spill related disputes and in conducting Joint Investigative Visits (JIVs)

Immediately pass and implement legislation that makes gas flaring illegal

Immediately take steps to reduce carbon emissions and put in place plans to mitigate the impacts of climate change on livelihoods across Nigeria

Amend the Environmental Protection Agency's establishing law to give it authority over environmental degradation resulting from oil and solid mineral extraction

CHAPTER 17:

Elections And Political Participation

Elections and political participation are fundamental elements of democratic governance. Unfortunately, the Nigerian experience with democratic governance has been far from perfect – mottled by decades of military rule and endemic corruption that cuts to the core of the Nigerian State.

However, as clear evidence that Nigeria has made significant progress, the March 2015 presidential election, which saw the first ever handover between political parties since the return to democracy, was hailed by most observers as being free and fair. Outgoing President Jonathan accepted the outcome of the election shortly after the results were in, without initiating a legal challenge or instigating backlash by his followers. In the aftermath of the election, there was minimal, if any, rioting and displacement as was characteristic of the April 2011 election where more than 800 persons were killed and 60,000 displaced.

Despite this notable success, in the lead-up to the election, and in some state-level gubernatorial elections, there were recorded incidents of violence, intimidation, and allegations of election rigging. This was particularly pronounced in a few states – Rivers State being the most severe – but not widespread.

Complaints received by the Commission

In the period under review (2015), the Commission received no complaints of election-related violations in Nigeria.

Other cases reported / documented

In the period under review (2015), there were numerous reports in the media on incidents of violations of free and fair election in Nigeria. These include:

1. On 12 January 2015, the Daily Trust newspaper (p.3) reported that hundreds of internally displaced persons (IDPs) have come out to receive their permanent voters card (PVC) at various camps in

Maiduguri the Borno State Capital. This came on the backdrop of earlier fears that millions of people displaced from their communities by Boko Haram in about 20 Local Government areas of the State will be disenfranchised by INEC in this year's general elections.

2. On 2 February 2015, the Nigerian Tribune newspaper (p.7) reported that on 1 January 2015 the Independent National Electoral Commission (INEC) extended the deadline for collection of permanent voters cards (PVCs) until 8 February 2015. However, while 26 million PVCs were yet to be collected, the percentage of collected PVCs is now 62.15%.
3. On 2 February 2015, the Nigerian Tribune newspaper (p.42) reported that the Niger State Governor, Dr. Babangida Aliyu, called on the electorates in the state to report any problem relating to the collection of permanent voters cards (PVCs) to the state government.
4. On 3 February 2015, the Daily Champion newspaper (p.28) reported that the All Progressives Congress (APC) accused the Peoples Democratic Party (PDP) of removing their campaign posters on the highways, saying that the act is unfortunate and barbaric. This case should be referred to the Independent National Electoral Commission (INEC) and security agencies for action.
5. On 3 February 2015, the Daily Trust newspaper (p.1) reported that on 2 February 2015 a motley crowd of about 100 youths mainly from Abuja suburb gathered at the Independent National Electoral Commission (INEC) Headquarters calling for the postponement of the general election scheduled for 14 February 2015 citing difficulty in the distribution of permanent voter's cards (PVCs).
6. On 3 February 2015, the Daily Trust newspaper (p.6) reported that on 2 February 2015 a Federal High Court in Abuja was asked to stop the 14 February 2015 general elections. The plaintiffs in the suit, Asogo Torkuma Venatius, Ofa Solomon Oluwasanmi, Sunday Attah, and Philip Agbese, are asking the court to postpone the elections until all eligible voters have collected their permanent voter's card.
7. On 3 February 2015, the Daily Trust newspaper (p.7) reported that on 2 February 2015 the International Criminal Court (ICC) warned

Nigerian leaders against whipping up violence around the 14 February 2015 presidential poll. The election is expected to be the most closely contested since the military rule in 1999.

8. On 3 February 2015, the Daily Trust newspaper (p.11) reported that Max Ozoaka, a lawyer, filed a suit before an Abuja Federal High Court seeking to disqualify the All Progressives Congress (APC) presidential candidate, Muhammadu Buhari for failing to fulfil the requirements contained in Form CF 001 of the Independent National Electoral Commission (INEC).
9. On 3 February 2015, the Daily Trust newspaper (p.21) reported that on 1 February 2015, 9 houses belonging to the All Progressives Congress (APC) members and a campaign vehicle belonging to the Peoples Democratic Party (PDP) were burnt down at Giwa village in Birnin-Kudu local government area of Jigawa State when PDP youth on the campaign train of Ali Tukur Gantsa and APC youth clashed in the village.
10. On 4 February 2015, the Daily Trust newspaper (p.10) reported that 8 supporters of the All Progressives Congress (APC) in Kaduna State were feared dead, following the outbreak of violent clash with supporters of the Peoples Democratic Party (PDP) in Kaduna.
11. On 4 February 2015, the Daily Trust newspaper (p.4) reported that on 3 February 2015 soldiers on stop and search operations intercepted a vehicle carrying ballot papers at a checkpoint near Abaji on the Abuja-Lokoja expressway. The Commission's monitoring department should monitor further developments regarding this incident.
12. On 4 February 2015, the Daily Trust newspaper (p.4) reported that the pro-democracy and human right group, Civil Liberties Organizations, says it is compiling a list of individuals making inflammatory statements ahead of the forthcoming general elections, adding that such people would be tried at the International Court of Justice in the Hague in case violence breaks out after elections.
13. On 4 February 2015, the Daily Trust newspaper (p.8) reported that the Independent Electoral Commission (INEC) said it had distributed

799,313 permanent Voters Cards in Kogi State.

14. On 4 February 2015, the Daily Trust newspaper (p.12) reported that on the 3 February 2015 four persons were killed in two political clashes involving supporters of people's Democratic Party, Social Democratic Party and All Progressive Party in Bali LGA of Taraba State.
15. On 4 February 2015, the Daily Trust newspaper (p.16) reported that on 3 February 2015 the convoy of All Progressives Grand Alliance (APGA) governorship candidate in Nasarawa State, Labaran Maku, was attacked by violent thugs who barricaded a major road through Kwandere, an outskirt of Lafia, to stop the campaign train.
16. On 4 February 2015, the Daily Trust newspaper (p.32) reported that residents of Sauka Mapanyi in Gaube ward of Kuje Area Council of the Federal Capital territory are worried over incessant robbery attacks by unknown armed men, who disposes them of their valuables while returning home from markets. The Commission determined that security agencies within the area should be alerted of the development.
17. On 5 February 2015, the Daily Trust newspaper (p.54) reported that on 4 February 2015 hundreds of protesters stormed the headquarters of the Independent National Electoral Commission (INEC), in Abuja and demanded the postponement of the forthcoming general election by two months.
18. On 5 February 2015, the Daily Trust newspaper (p.4) reported that the All Progressives Congress campaign rally in Kwara State turned bloody on the 4th of Feb, 2015 when suspected political thugs shot and wounded party supporters in Isapa, Ekiti LGA of the state.
19. On 9 February 2015, the Daily Trust newspaper (p.12) reported that on 7 February 2015 the Kogi State coordinator of the GMB Presidential campaign organization allegedly accused the PDP of using thugs to intimidate its members and supporters during a press conference in Lokoja the Kogi State Capital.
20. On 9 February 2015, the Daily Trust newspaper (p.48) reported that over the prior weekend members of the GMB volunteers, a frontline

voluntary organization made up of professionals, ethnic and religious groups criticized the hate adverts sponsored in the media against the All progressive congress presidential candidate, retired General Muhammadu Buhari. The Commission directs this incident to the police and APCON.

21. On 9 February 2015, the Nigerian Tribune newspaper (p. 45) reported that the Labour Party governorship candidate in Oyo State, Chief Adebayo Alao-Akala, decried the illegal arrest of members of his party by the Nigerian Police Force. The members were allegedly arrested on 8 February 2015.
22. On 10 February 2015, the Daily Champion newspaper (p.3) reported that the Prosecutor of the International Criminal Court (ICC), Ms. Fatou Bensouda gave a press release on 2 February 2015 to prosecute any individual or group of persons who engaged in violence before and during the forthcoming general elections in Nigeria.
23. On 10 February 2015, the Nigerian Tribune newspaper (p.4) reported that on 9 February 2015 the Presidential candidate of the APC, GMB through his legal team led by Chief Wole Olanipekun (SAN) challenged a case instituted in court against his eligibility to contest, the 2015 presidential election.
24. On 10 February 2015, the Nigerian Tribune newspaper (p.47) reported that the campaign team of the PDP candidate in Oyo State, Senator Teslim Folarin has condemned the attacks on the campaign train of its candidate at Ojude Oba in Igboho by suspected thugs on the 9th of Feb, 2015. The Commission directs this incident to the State Independent and National Electoral commission (INEC) for proper investigation.
25. On 10 February 2015, the Daily Trust newspaper (p.20) reported that the PDP in Benue State has accused the opposition All Progressive Congress of using over 200 thugs to disrupt its rallies in Guma and Vandekiya LGA's and shooting three of its members. The incident allegedly took place on 5 February 2015. The Commission directs this incident to the attention of the Benue State National Independent Electoral Commission (INEC).

26. On 11 February 2015, the Daily Trust newspaper (p.8) reported that on 10 February 2015 thugs suspected to be loyal to the All Progressives Congress (APC) in Imo State attacked protesting widows in Owerri. The thugs mostly youths allegedly stormed the popular Garden Park by Wetheral junction, where the widows gathered and started beating them.
27. On 11 February 2015, the Daily Trust newspaper (p.19) reported that the All Progressives Congress (APC) has raised an alarm that some people suspected to be agents of the Peoples Democratic Party (PDP) have resorted to underhand tactics, including the purchase of permanent voters' cards (PVCs) as well as intimidating some voters to seize their PVCs in the wake of elections postponement. The Commission directs this incident to the Independent National Electoral Commission for investigation and appropriate action.
28. On 23 February 2015, the Daily Trust newspaper (p.9) reported that gunmen on 2 February 2015 abducted Mr. Fred Ndiagbara the Rivers State Government House Master of Ceremony, at an APC ward rally in Khana 1 LGA of Rivers State. The Commission directs the Monitoring Department to follow this case and the outcome of the police investigation into the incident.
29. On 23 February 2015, the Punch newspaper (p.8) reported that a suspected political thug allegedly attacked the convoy of Borno State Governor, Alhaji Kashim Shettima on Sunday, 22nd of February, 2015 in Maiduguri. The thugs were alleged to have been sponsored by the former governor Sen. Ali Modu Sheriff. The Commission directs the Police to investigate the incident and bring the perpetrators to justice.
30. On 23 February 2015, the Nigerian Tribune newspaper (p.12) reported that on 22 February 2015 the PDP Publicity Secretary in Edo State Mr. Chris Nehikhare refuted an allegation by the Edo State government that it is planning to fuel political tension in the state prior to the general election.
31. On 25 February 2015, the Daily Trust newspaper (p.6) reported that on 24 February 2015 four persons were allegedly killed in a clash between political thugs suspected to be members of the rival PDP and

APC in Warawa LGA Kano State.

32. On 25 February 2015, the Daily Trust newspaper (p.8) reported that on 23 February 2015 a group of irate youths attacked the campaign convoy of the state governorship candidate of All Progressives Congress (APC), Simon Lalong in the Berom-dominated community of Jos South Local Government Area of Plateau State.
33. On 25 February 2015, the Punch newspaper (p.12) reported that former Niger Delta militant, Chief Ateke Tom, has placed a ban on political rallies in Okrika, River State, saying that he would not tolerate any political campaign in the area. The Commission urges the police to investigate the matter.
34. On 31 March 2015, the BBC reported that the APC's Muhammadu Buhari won the presidential election, marking the first transition between political parties since the return to democracy.
35. On 29 May 2015, the Guardian newspaper reported that Nigeria's elections were largely "free and fair" and UN Secretary General Ban Ki Moon called the election an inspiration for nascent democracies around the world.

Recommendations

Given its fundamental importance to democracy, the Commission strongly condemns all instances of election-related violence or interference.

The Commission therefore undertakes to:

- Monitor the conduct of elections to ensure that they are free and fair
- Monitor the conduct of security agencies during elections
- Monitor political activities, including campaigns, to ensure absence of hate speech or incitement to violence
- Issue advisories and accountability directives to relevant stakeholders involved in the conduct of elections

The Commission makes the following recommendations:

To the Federal Government and State Governments:

- Support INEC to ensure that it retains its independence and continues to function as an effective elections umpire
- Ensure access to polling booths by persons with disabilities and other vulnerable populations
- Discourage militarization of elections, and caution the involvement of the Nigerian Army in any election-related activities

To the Nigerian Police force and other State security operatives:

- Ensure that all individuals can safely access polling booths to cast their ballots
- Provide adequate security and protection during periods of elections
- Restrain all officers of the Nigerian Police Force and other security agencies from any partisan activities or acts that could be perceived as partisan

Conclusion


As the preceding pages of this report have demonstrated, much work remains to be done to ensure the human rights of all Nigerians are respected, protected, and fulfilled. The period of under review – January 2015 through December 2015 – witnessed human rights violations perpetrated by a variety of State and non-State actors across the entire country. Accordingly, this report echoes the 2011-12 Report by concluding with further recognition of the enormity of the work that remains undone. The Commission invites fellow human rights advocates, government actors, and all others who believe that Nigerians deserve better, to join their efforts with those of the Commission to take any and all steps necessary to bring an end to government impunity for pervasive human rights violations in Nigeria.

The first step in tackling the human rights challenges in Nigeria is an open and honest dialogue about the current state of human rights. This 2015 Report seeks to push forward that conversation by highlighting specific cases and making concrete recommendations for how greater accountability for gross human rights violations can be achieved.

List of Abbreviations

FEI	Community-based organization
CID	Criminal Investigation Department
CPA	Criminal Procedure Act
CPC	Criminal Procedure Code
CTU	Counter Terrorism Unit
DPO	Divisional Police Officer
DPP	Director of Public Prosecution
DSS	Department of State Security
FCT	Federal Capital Territory (Abuja)
FCID	Force Criminal Investigation Department
IGP	Inspector-General of Police
IPO	Investigating Police Officer
JTF	Joint Task Force
LAC	Legal Aid Council
MOPOL	Mobil Police
NGO	non-governmental organization
NPF	Nigerian Police Force
PSC	Police Services Commission
SLIB	State Investigation and Intelligence Bureau
State CID	Criminal Investigation Department at the state
SARS	Special Anti-Robbery Squad
SOS	Swift Operation Squad
SSS	State Security Services (same as DSS)

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