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Nigeria: Priorities for improving the human rights situation: Amnesty International's oral statement to the 25th session of the UN Human Rights Council (20 March 2014)

Human Rights Council adopts Universal Periodic Review outcome on Nigeria

Since the start of 2014 there has been a sharp increase in attacks by gunmen, suspected of being Boko Haram members, resulting in over 700 deaths in north-eastern Nigeria. The attacks have led to the closure of schools and caused hundreds of thousands to flee their homes.¹

In its response to Boko Haram, the government has also committed violations, including extrajudicial executions, deaths in custody, torture and enforced disappearances. In 2013 more than 1,000 people died in military detention centres as a result of extrajudicial executions, torture or other ill-treatment and thousands were unlawfully detained.

Amnesty International welcomes Nigeria's acceptance of recommendations to end and to provide accountability for these violations.² The government must ensure investigations, as a matter of priority, into all deaths in custody in north-eastern Nigeria,³ and must also act on its commitment to allow the National Human Rights Commission immediate access to all detention facilities.⁴

Since Nigeria's first review several state governments have forcibly evicted communities from their settlements, allegedly to make space for redevelopment projects. These communities are often among the most vulnerable in society and forced evictions not only violate their right to housing, but often lead to other deprivations: families being separated, children unable to attend school, and parents struggling to find work.

Amnesty International welcomes the government's acceptance of the recommendation to prevent forced evictions⁵ and urge the government to put in place legal protections and other safeguards against forced eviction, in accordance with the UN Basic Principles and Guidelines on Development-based Evictions and Displacement and other relevant international human rights standards. These safeguards should include adequate prior consultation and notice on evictions, adequate alternative accommodation, and compensation and effective remedies.⁶

¹ 'Sahel Operation: Nigeria Crisis', UN High Commission for Refugees, February 2014. Available from http://reliefweb.int/sites/reliefweb.int/files/resources/NigeriaSituationOverview-Regional_February_2014.pdf.

² A/HRC/25/6, paras 135.48, 135.50, 135.68 – 75, 135.121, 135.170 - 172 (Germany, Moldova, Sweden, Switzerland, UK, USA, Canada, Hungary, Czech Republic, Australia, France, Portugal, Republic of Korea).

³ 'Nigeria: Authorities must investigate deaths of Boko Haram suspects in military custody', Amnesty International, 15 October 2013, AFR 44/025/2013.

⁴ A/HRC/25/6, para 135.34 (Belgium). On ending abuses in detention, see also paras 135.106 – 112 (Germany, Austria, Czech Republic, France, Holy See, Palestine, United Kingdom).

⁵ A/HRC/25/6, para 135.130 (Ecuador).

⁶ A/HRC/25/6, para 137.32 (France).

On 6 January 2014, Nigeria signed into law the Same Sex Marriage (Prohibition) Act. The new law criminalizes same sex relationships, socializing in the LGBTI community and the activities of many human rights and civil society organizations. It is discriminatory and violates the rights to freedom of expression, association, and peaceful assembly. Moreover, the law could be used to harass, coerce or blackmail people by law enforcement officers or members of the public. Amnesty International calls on the government to repeal the law and to ensure that all Nigerians enjoy the human rights guaranteed by the Constitution.⁷

Amnesty International is gravely concerned by the execution of four death row prisoners on 24 June 2013, the first executions since 2006. Recent legislative changes increasing the number of offences which are punishable by death suggest that several states wrongly perceive the death penalty to deter crime. Amnesty International calls on the government to remove provisions in legislation requiring the mandatory imposition of the death penalty and to respect legal safeguards around the use of the death penalty. Nigeria should establish a moratorium on executions, with a view to abolition of the death penalty.⁸

Background

The UN Human Rights Council adopted the outcome of the Universal Periodic Review (UPR) of Nigeria on 20 March 2014 during its 25th session. Prior to the adoption of the review outcome, Amnesty International delivered the oral statement above.

At Nigeria's Universal Periodic Review in October 2013, UN Member States made a total of 219 recommendations to Nigeria. At the Review, among other issues, Nigeria accepted important recommendations on the following:

- Ratifying and domesticating international human rights treaties;
- Strengthening the National Human Rights Commission and working with UN human rights bodies;
- Ending human rights violations by security services by investigating violations, holding those responsible accountable, and providing human rights training, among other measures. Recommendations focussed on extrajudicial executions and torture;
- Ending violations in detention through adequate independent monitoring, improving conditions in detention centres and training staff;
- Promoting gender equality, protecting the rights of children and taking measures to end female genital mutilation;
- Increasing access to quality health and education services;
- Promoting freedom of religion and improving relations between religious communities;

Nigeria rejected all recommendations relating to non-discrimination on the basis of sexual orientation and gender identity.

Nigeria decided to take the remaining recommendations under consideration. At the Human Rights Council, Nigeria decided to adopt or reject these remaining recommendations. Nigeria decided to accept recommendations calling for:

- restrictions on the lethal use of force by security forces;
- an end to forced evictions and compensation and relocation for affected people;
- a change to the law on oil industries to protect the rights of affected communities; and
- the government to ensure that the death penalty is not imposed on people under 18.

Nigeria rejected all other recommendations. Over 20 of these recommendations called for a moratorium on executions, with a view to abolition of the death penalty.

⁷ Nigeria rejected all 10 recommendations relating to discrimination on the grounds of sexual orientation or gender identity: A/HRC/25/6, paras 138.1 - 10 (Austria, Czech Republic, United States of America, Sweden, Canada, Australia, Argentina, France, Uruguay).

⁸ A/HRC/25/6, paras 137.1 - 5, 137.10 - 25, 137.28 - 30 (Australia, Germany, Estonia, Montenegro, Brazil, Togo, Paraguay, Rwanda, Holy See, Portugal, Austria, Norway, Slovenia, Czech Republic, Ecuador, Switzerland, Turkey, Spain, France Italy Uruguay, Poland, Slovakia)

Amnesty International had earlier submitted information on the situation of human rights in Nigeria: <http://www.amnesty.org/en/library/asset/AFR44/003/2013/en/476424b7-d772-44ec-aba3-35697fe00731/afr440032013en.pdf>

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